



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Dé Máirt, 7 Meitheamh 2011.*

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# DÁIL ÉIREANN

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*Dé Máirt, 7 Meitheamh 2011.*  
*Tuesday, 7 June 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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## Ceisteanna — Questions

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### Departmental Expenditure

1. **Deputy Micheál Martin** asked the Taoiseach if he will identify any red line issues in his Department in terms of the forthcoming spending review. [12834/11]

**The Taoiseach:** In general terms, the Department of the Taoiseach is not involved in the delivery of major schemes and programmes. The spending review will involve a detailed and comprehensive evaluation of all aspects of the expenditure of the Department. The main focus of the review will be on general administration. There will be an examination of whether there is scope for further savings and efficiencies in addition to those already identified in the Department's action plan for implementing the Croke Park agreement.

**Deputy Micheál Martin:** The Taoiseach will be aware that previously he promised to find significant savings in the Department of the Taoiseach immediately. When I asked a question on this matter on a previous occasion, the Taoiseach was not in a position to point to a single area in which a significant cost saving had been implemented. He accepted at the time that the transfer of a section of the Department of the Taoiseach to a new Department would not constitute such a saving, in his opinion. Since then, has the Taoiseach identified any areas in which savings can be made? What is his opinion of the important expenditures within his Department that might potentially be open to efficiencies or savings? Surely he does not need a comprehensive spending review to identify where savings can be made at this stage.

**The Taoiseach:** The Deputy is aware of the changes that have happened in the Department of the Taoiseach. He is aware that the most significant element of the Vote relates to administration. The Forum on Europe and other bodies have been closed. The Newfoundland arrangement has been subsumed back into another Department. The National Economic and Social Development Office, which includes the National Economic and Social Council and two other bodies that are now out of commission, is the only agency of that type for which the Department of the Taoiseach is still responsible.

The answer to the Deputy's question, therefore, is that the Department of the Taoiseach is dealing with its administrative Vote. It will continue to reduce its numbers while maintaining

[The Taoiseach.]

high quality services. By the end of 2014, its number of staff will decrease by a further 2% below the employment control framework target set by the Department of Finance. The Deputy is aware that 55 staff have been redeployed since January 2008. A further five support staff will be redeployed shortly. The Department will continue to facilitate the reallocation of staff to those areas of greatest need, in accordance with the system of redeployment set out in the agreement.

The total budget of the Department of the Taoiseach was reduced by 31% between 2008 and 2010. There was a reduction of 11% in the administration budget during that time. The 2011 administration budget Estimate has been reduced by 15% by comparison with the Revised Estimate for 2010. Further savings will be achieved over the period of the plan through continued efficiencies in procurement practices, greater use of technology and shared services, energy efficiency programmes, the use of central framework agreements and close monitoring of all expenditure. The Department of the Taoiseach incurs its operating expenditure across a range of goods and services, including travel services, staff training and development, State functions, telecommunications, office equipment, premises expenses, information technology, library costs, consultancy, printing and other incidental costs. An average of €3 million is spent on such matters each year.

**Deputy Micheál Martin:** I am well aware of the ongoing run-of-the-mill expenditure that has been incurred by the Department of the Taoiseach. Contrary to commitments given a number of months ago that there would be a radical downsizing and changing of the Taoiseach's office, and a very significant reduction in expenditures, the Taoiseach seems to be saying that is not the case and that while he intends to achieve some efficiency savings, there are no fundamental change in terms of how the Taoiseach's office will operate.

**The Taoiseach:** Deputy Martin has a further question down, if he wishes to take it now——

**Deputy Micheál Martin:** Take it later.

**The Taoiseach:** ——dealing with the downsizing of the Department of the Taoiseach by 50%. Deputy Martin is incorrect in that assertion in that the programme for Government does not state that. It refers specifically to a reduction in the size of the Taoiseach's Department to, effectively, a Cabinet office to oversee the implementation of the programme for Government. The Vote of the Taoiseach's Department deals with administration, the issues I mentioned earlier and the NESC which is still attached to the office of the Taoiseach. There are a number of other costs involved, including moneys still remaining in respect of the Moriarty tribunal and one or two other issues, that we can talk about if Deputy Martin wishes. The Vote of the Department now relates to the administrative cost. The Taoiseach's Department, no more than any other, will continue to monitor that to achieve efficiencies in respect of those items I mentioned in order to have it as lean, professional and efficient as one would expect.

### Commemorative Events

2. **Deputy Gerry Adams** asked the Taoiseach if he will seek from the British Government the return of any personal items or paper belonging to those who were court-martialled by the British army following the 1916 Rising. [13448/11]

3. **Deputy Gerry Adams** asked the Taoiseach if he will seek from the British Government all court-martial papers and other documentation held by it which relates to the execution of the 1916 leaders and all of those others who were tried. [13449/11]

4. **Deputy Gerry Adams** asked the Taoiseach if he will seek from the British Government all papers still in its possession relating to the British administration in Ireland prior to partition. [13450/11]

5. **Deputy Gerry Adams** asked the Taoiseach if he will press the British Government to release all Government and British military papers and Cabinet minutes relating to the decision to execute the 1916 leaders and including the execution of Roger Casement. [13451/11]

6. **Deputy Gerry Adams** asked the Taoiseach if he will instruct all Government Departments to examine their records and to release all materials relating to the Easter Rising and subsequent events including the 1918 election, the Irish War of Independence and the Irish Civil War. [13452/11]

**The Taoiseach:** I propose to take Questions Nos. 2 to 6, inclusive, together.

I appreciate the Deputy's interest in the commemorative programme to be brought forward in relation to the centenary anniversaries to arise in the coming years, bringing to mind the turbulent period that culminated in the establishment of the State.

The commemorative programme will address and reflect the political, cultural and social themes of the period to 1916, most especially the developments leading towards the Easter Rising. My Department will work with all other Departments in preparing a framework for commemorations. I envisage that this initiative will include an opportunity for all to make proposals and submissions and for a special consultation with parties in the Oireachtas on the draft programme. As the Deputy will be aware, I wrote recently seeking nominations from party leaders for this consultation. I am grateful for their responses and will now make arrangements to include representatives of Independent Deputies and Senators. I have nominated the Minister for Arts, Heritage and the Gaeltacht, Deputy Deenihan, to chair this special consultation process with the Oireachtas Members.

As Head of Government, I will continue to have a role in the direction and development of the commemorative arrangements. The comprehensive framework of commemoration that I envisage will contribute towards an enhanced understanding of the political, cultural, economic and social conditions in this most important period of Irish and world history.

Notwithstanding my role in directing the overall development of the commemorative programme, it would be inappropriate to displace the primary responsibility of particular Ministers for the various elements of the programme. Consistent with their assigned portfolios, each Minister will account for his or her contributions to the commemorative programme.

The passing of the generations facilitates original and further consideration of the principles and activities in the revolutionary period. To contribute to that assessment, the initiative will be sustained to prepare for public access to the service records of the personnel associated with the Rising and subsequent years of struggle. These records, the Military Service Pensions Archive, are the last remaining official archive of unpublished material relevant to the period. I believe that these first-hand personal accounts, reviewed and verified by contemporaries, will be of great assistance in reaching a clear understanding of the history of those years.

I would agree with the Deputy that the time is now right for all records pertaining to the period to be released. I am not aware of other undisclosed records held by Departments or institutions. If any should come to notice in the context of commemorative planning, I assure the Deputy that the disposition of any consideration will be towards publication. I will ensure that this commitment is communicated with regard to all records of relevance wherever they may be held.

[The Taoiseach.]

The principal interest with regard to records abroad has been to ensure that all material is accessible to students and researchers. Recognising that they reflect a shared heritage, I do not know that it would be feasible to seek the transfer or repatriation of all records in Britain relating to Ireland. I am aware the technologies for on-line searching and examination have greatly reduced the significance of the location of records. I believe it would be useful to identify the nature and location of any such records so that they might contribute to the study and understanding of our history.

**Deputy Mary Lou McDonald:** I thank the Taoiseach for his answer. It is clear that his commitment is to make available all records. That is as it should be. I realise the Taoiseach made this commitment previously and plans are underway for the all-party committee for the commemorative events leading to 2016. The issue of the personal effects and records held, as the Taoiseach put it, wherever they may be, is important, especially those in Britain. History not only in this country but elsewhere reflects that when control was being taken from them in different countries, the British authorities took vast amounts of information, documentary and otherwise. It would be a pity if we were to mark the centenary of the 1916 Rising without having made every possible effort to ensure the repatriation of any documents or personal effects of the leaders of that time. The Taoiseach has been cautious in how he has couched his response on that score. I call on him to raise the matter again with the British Prime Minister. It could be raised as a matter of goodwill. I am sure they will be aware of the historic times that are to be commemorated in the coming years.

I take the opportunity to raise again the issue of 16 Moore Street and the proposed national monument site which, I understand, the Taoiseach visited and which is in a bad state of repair. The Taoiseach is aware that the Save 16 Moore Street campaign has been vocal on the issue. All who know the city well are aware that this quarter is ripe for development, that it would make an ideal revolutionary quarter and that it could add another tourist hub to the capital city. Above all, it would be an appropriate marker or flagship event for the centenary celebration. However, for this to happen we need the commitment of Government in addition to Dublin City Council. Will the Taoiseach indicate today if he is prepared to make a commitment to such a project?

**The Taoiseach:** In respect of the Deputy's first question, perhaps she will inform me later if there are specific issues, documents, artefacts or whatever in which she and her party are interested and which are not in the public domain or which are not intended to be in the public domain. I would be pleased to follow that through.

For the information of the House, I have received correspondence from people whose parents or grandparents were involved during that period and who have made reference to documents, files or papers about which they have queried whether they are in the military archives. For the information of the Deputy, some 300,000 documents are in files in the military service pensions archive which relate to the Easter Rising, the War of Independence and the Civil War to 1 October 1924. This is what comprises the collection.

The purpose of the military service pensions archive project is to make all of these available to the public well in advance of the centenary of the 1916 Rising in 2016. To back up this, a team of four archivists has been put in place in Cathal Brugha Barracks in Rathmines. The work of processing the collection is under way under the direction of a steering committee, which comprises representatives of the Department of the Taoiseach, the Department of Defence, the Defence Forces and the National Archives. We can report progress on how the

archival analysis is progressing in order that it will be available. We plan to have those 300,000 files available to the public long before 2016.

I have visited No. 16 Moore Street and understand there is a planning process under way which I do not want to prejudice in any way. In 2007 the then Minister for the Environment, Heritage and Local Government, Dick Roche, placed a preservation order on the building under the National Monuments Act 1930, as amended, on the basis that the building's preservation is a matter of national importance by reason of the historical interest attached to it. Ministerial consent under section 14 of the 1930 Act will be required for all works affecting the area covered by the preservation order. I understand the planning approval that was granted by An Bord Pleanála for the redevelopment of the Carlton cinema site in central Dublin includes a provision relating to the conservation of the national monument at Moore Street.

I recognise the importance of this issue and took the trouble to visit the site long before the election was held. In my view, as a citizen and public representative, there is an opportunity here for a very worthwhile project. However, the current site is not very amendable to encouraging people to visit it. The exit from the side of the GPO into the laneways — the laneways of history, as I call them — to the site of the battery on top of the Rotunda, to the location of the eventual surrender, including the location of the death of The O'Rahilly, together with No. 16 Moore Street, should be considered an essential part of our history. While not wishing in any way to prejudice the planning application that is under way, it is an area in which I have an interest.

**Deputy Mary Lou McDonald:** I am aware that the Taoiseach has visited Moore Street and, as he put it, the laneways of history. One of the problems in terms of the protection for the building is that the approach that has been taken is very minimalist. We are all aware of that. Does the Taoiseach support extending the level of protection for the whole terrace? In order to develop it as a viable commemorative site and to house, for example, a museum dedicated to 1916 and all it stood for, the plan will have to be on a much grander scale and much better designed. As it stands, the Moore Street site is effectively in isolation, with the development of the Carlton site at the back of it, which is completely at odds with what would be best for the site in the interests of State tourism and the commemoration of our history. How much further does the Taoiseach wish to see that level of protection expanded? I am aware he is sympathetic to this issue, but can he be more specific?

**The Taoiseach:** I do not want to prejudice the planning application currently under consideration. There have been proposals for major historic presentations at the GPO site itself and that is a major plan. Those who exited the GPO in that time of insurrection had to break in through the walls of the houses on Moore Street to make their way to No. 16, from which they all exited. Some of the original brickwork is there, as well as some of the cobblestones and some of the archways into the backs of the houses. From the point of view of 20 or 50 years hence, there are possibilities, as exist in other places around the world, for people of all nationalities to come to a location where an insurrection took place at the beginning of the 20th century and which was the start of a difficult process by which this country achieved its independence. For a small state to do so in that historic period is quite significant.

The Deputy is asking me to go further. I cannot answer the question about the current position in so far as the Carlton site is concerned, although it is probably some distance away. In that mix of conversation and reality, clear potential exists although a planning process is in place that I do not wish to prejudice. As for the Minister for the Environment, Community and Local Government becoming involved in the preservation order that was issued for 16 Moore Street, I will take up that with them because it is an issue of general interest in any

[The Taoiseach.]

event. It should be associated with the general programme of various developments that have been mentioned for the GPO, which also is important.

**Deputy Micheál Martin:** First, I welcome the spirit of the Taoiseach's response to this series of questions and I believe he will acknowledge the previous Government opened up much archival material relating to this period. In the past, the argument had been that there may have been political difficulties or problems with releasing some of that material. However, Fianna Fáil's view, which I believe the Taoiseach will share, is that the State has no business in denying people full access to our founding history. I ask the Taoiseach to explore with the British Government its attitude and approach to some remaining records. At this point, I do not consider that Irish republicans could think any better or worse of the role of the British Government at that time either before or after independence. In essence, there is no contemporary political down-side to releasing this material and I ask the Taoiseach to take up this matter in order that future historians may have full access to all the archives and records both here and in Britain that pertain to the rising in the run-up to its centenary. The fundamental issue with the Irish archives is not the right of access but rather the ability to gain access in person to those archives. Consequently, in the run-up to the centenary there is a strong case for adopting as an objective the digitising of all material relating to the struggle for independence. I ask the Taoiseach to explore this possibility and to take the lead in ensuring this will be the case by the centenary itself.

Finally, with the Ceann Comhairle's indulgence, having walked to and gone through 16 Moore Street with the relatives and so on, someone in government with responsibility for this matter should meet Dublin City Council. What really strikes me is the absence of an overall plan emanating from the city council, which is the planning authority. As the Taoiseach is aware, councils develop local sectoral and area plans and this area begs for and demands an area development plan that is consistent with its history and heritage and that would reflect all that has taken place. Someone must take the initiative with Dublin City Council to get it to begin to develop proper planning processes to ensure the conservation of the history and heritage there in a manner that is accessible to the public and that does justice to what by any standard is a highly significant historic site and location. I repeat that what really strikes me is the absence of any sense of a plan that encapsulates the historic nature of the site.

**The Taoiseach:** I agree with Deputy Martin in this regard. Obviously the previous Government and the then Minister placed a preservation order on 16 Moore Street. I will also take up this matter with the British authorities in respect of whatever records may have been removed, transferred or whatever to British locations. I made the point to Deputy McDonald that the location no longer is that important if access now is available via digital or electronic means. It is fair to state that there has not been a sense of the real importance of this location to the extent that, as politicians, Members might have liked. However, in the context of the Deputy's comments, I also believe that as we approach 2016, this will become more prevalent and more realistic. Consequently, the suggestion to have Dublin City Council review its own programme and plan in this regard is a good one because Dublin obviously will take centre stage in all these commemorations. It is an issue with which city councillors, many of whom are new, would like to be involved to heighten the perception of the importance of this location.

For me, the question is whether there is a possibility of putting together the old and the new in a way that is new and realistic, that is forward-thinking but which does not lose the historic importance of what happened here and for all those involved. I say this without prejudice to the planning application.

**An Ceann Comhairle:** A final supplementary question from Deputy Wallace.

**Deputy Mick Wallace:** With regard to history, there is a good chance that the planning permission for the Carlton project will run out before the project is financially viable again. In the case of this happening, would the Government consider putting a preservation order on the area and thereby force a scaling back of the Carlton project, which was a little on the grotesque side in the first place?

**The Taoiseach:** I cannot prejudice the outcome of the planning application but in the context of my reply to Deputy McDonnell and Deputy Martin, this is an issue that would arise if what Deputy Wallace says comes to pass.

### Departmental Staff

7. **Deputy Micheál Martin** asked the Taoiseach if he will provide a progress report on the halving of the size of his Department as committed in the Programme for Government; and the steps he has taken regarding same. [13620/11]

**The Taoiseach:** The Deputy is correct in his assumption. The programme for Government is quite clear in regard to the reduction of the size of the Department of the Taoiseach:

We will reduce the size of the Department of An Taoiseach, transforming it into the equivalent of a Cabinet Office that oversees the delivery of a new Programme for Government.

At the end of January this year, 189 staff were employed in my Department and at the end of May, 166 were employed. Sections and posts in my Department which had been engaged in work that now comes within the responsibility of the Department of Public Expenditure and Reform have transferred to that Department. Arrangements are being made for the transfer of some support staff. The total number of staff involved is approximately 25. There will be further restructuring of my Department following the forthcoming appointment of a new second Secretary General post.

**Deputy Micheál Martin:** I refer to the new politics document of some months ago which contained fairly strong commitments to significantly reducing the size of the Department of the Taoiseach and also to increasing accountability. We are looking at downsizing and to a certain extent what we perceive to be a reduction of accountability of the Department of the Taoiseach. I dealt with this matter last week with regard to the establishment of the Cabinet sub-committees. The Fine Gael new politics document said that the Department of the Taoiseach would be converted into a Cabinet office——

**An Ceann Comhairle:** Sorry, Deputy, the question relates to the programme for Government.

**Deputy Micheál Martin:** Yes, and I am dealing with that.

**Deputy Jerry Buttimer:** That would be a first for the Deputy.

**Deputy Micheál Martin:** I see Deputy Buttimer is back.

**Deputy Jerry Buttimer:** I have not gone away.

**Deputy Micheál Martin:** His presence at my side during Question Time——

**An Ceann Comhairle:** I do not like interrupting a speaker but——



**Deputy Micheál Martin:** Is it the Taoiseach's intention to relocate responsibility for European affairs to the Department of Foreign Affairs and Trade, as indicated? He referred to the idea of turning the Taoiseach's Department into a Cabinet office to oversee the delivery of a new programme for Government. We do not see that transformation happening or the delivery of a new programme for Government. Has the Taoiseach any idea of what will be the final configuration of the Department of the Taoiseach when he has finished the various reforms he has articulated? Some would say the Taoiseach has taken a very extreme approach in the matter of answering and transferring questions from his office and such replies are central to the accountability of the Taoiseach's office. Last week, he refused to answer a question about his own personal approach to the European Commission, for example, and this question was transferred to the Tánaiste's office.

**An Ceann Comhairle:** Please explain your question, Deputy.

**Deputy Micheál Martin:** The issue is that the number of questions transferred from the Department of the Taoiseach is growing in volume. It is an extraordinary number covering all sorts of areas——

**An Ceann Comhairle:** The Deputy is straying a little bit now.

**Deputy Micheál Martin:** ——which would lead one to the view——

**Deputy Pat Rabbitte:** Deputy Martin should have been over there for the past 14 years.

**Deputy Micheál Martin:** ——that there a very few subjects left which one can ask about to the Department of the Taoiseach, given the reduced accountability and the transfer and displacement of a whole range of functions from the Department to elsewhere. What will be the final configuration of the Department?

**The Taoiseach:** The Deputy will recall that at the first Question Time in this Dáil I suggested that we might do away with one of the ordinary questions to the Taoiseach because such questions come up very often on a rota basis, as the Deputy is well aware. I was asking the same questions repeatedly for nine years when I was in opposition. Following this restructuring, the Department of the Taoiseach will oversee the implementation of the programme for Government. I chair the seven Cabinet committees which are intrinsically involved in all the important issues of Departments and which the Ministers attend and these are in addition to Cabinet meetings.

The Deputy's question concerned the provision of a progress report on the halving of the size of the Department, as committed to in the programme for Government. That referred to the Fine Gael document published before the election. Maybe whoever drafted the question for the Deputy got a bit excited. It is in the programme for Government.

**Deputy Micheál Martin:** Maybe we were giving your influence a bit too much weight.

**The Taoiseach:** The programme for Government is an agreement between Fine Gael and the Labour Party to bring about a situation whereby we rectify our public finances, sort out our banks and provide opportunities for people for the future in a country of which we can all be proud. It is a document, as Deputy McDonald is aware, of both parties and not one which belongs to a single party, something to which her question referred.

**Deputy Mary Lou McDonald:** The Taoiseach may not have made the commitment to halving his Department. I accept it is not in the programme for Government. However, he said he sees

the Department as becoming the strategic centre of Government, overseeing the delivery of the programme for Government. It is for the Office of the Taoiseach to bring coherence, clear communication, commonality of purpose and a oneness of will and action to matters. How does the Taoiseach think that is going, given that the events of recent weeks demonstrate that the left hand does not seem to know what the right hand is doing? Ministers openly contradict each other.

**An Ceann Comhairle:** I thought we had a supplementary question.

**Deputy Mary Lou McDonald:** I am curious to know how the Taoiseach intends to anchor this strategic centre. It seems to be far from centred, it seems to be all over the place. What does the Taoiseach propose to do to bring a sense of discipline, action and good communication to his team?

**Deputy Pat Rabbitte:** Take a leaf out of your own book.

**A Deputy:** You mind your team and we will mind ours.

**The Taoiseach:** I cannot comment on what commentators may say or whatever interpretation they put on words. We are not mixed up between personalities and shoes here, like the Deputy was in a recent comment she made in the House.

**Deputy Mary Lou McDonald:** The Labour Party benches knew all about shoes.

**The Taoiseach:** In any event, as far as I am concerned the essential job of the Taoiseach in this context is to see that the programme for Government is implemented as rationally, logically and smoothly as possible. Some Departments are very big and have enormous responsibilities.

*3 o'clock* Ministers are finding evidence on a daily basis of decisions which were announced with nothing to back them up, which sometimes does not make for pleasant reading. From that point of view, my job as the person who chairs Cabinet committees dealing with a range of issues from all Departments is to ensure that we implement the programme for Government.

There is no confusion about the target and objective in mind. Even within the Deputy's party there can be little see-saw activities in respect of words and their meaning. As far as the Government is concerned, we are very focused on the target and objective. We are not yet in Government for 100 days and a great deal has been achieved. There is a full programme lying ahead of us. The people concerned are now all at their desks making decisions and preparing memos for Government to decide on.

**Deputy Micheál Martin:** Which people?

### Northern Ireland Issues

8. **Deputy Micheál Martin** asked the Taoiseach if he will pursue the issue of the release of files held by the British Government following a failure to reach any agreement on this in his most recent meeting with Prime Minister David Cameron. [13624/11]

9. **Deputy Gerry Adams** asked the Taoiseach when he plans to visit the North. [14500/11]

10. **Deputy Gerry Adams** asked the Taoiseach if he has a strategic plan for making best use of the all-island structures and institutions of the Good Friday Agreement. [14502/11]

11. **Deputy Gerry Adams** asked the Taoiseach if he will bring together Irish government representatives on the various all-Ireland bodies and agencies to discuss future strategic goals; and the way to make best use of those bodies. [14503/11]

12. **Deputy Gerry Adams** asked the Taoiseach if he has raised the issue of the release of files relating to the Dublin and Monaghan bombing with the British Prime Minister; the response to same; and if he will continue to raise this matter. [14506/11]

13. **Deputy Micheál Martin** asked the Taoiseach his priorities ahead of the North-South Ministerial Council on 10 June 2011. [14523/11]

14. **Deputy Micheál Martin** asked the Taoiseach if he supports the efforts to achieve a 12.5% corporation tax rate in the North. [14534/11]

**The Taoiseach:** I propose to take Questions Nos. 8 to 14, inclusive, together.

The Dáil debate on 17 May on a motion on the Dublin-Monaghan bombings, which was agreed by all parties in the House, requests this Government to continue in its endeavour to seek a resolution to this issue. The Government is committed to doing so.

As the House will be aware, I raised this matter during my broad discussion with the British Prime Minister in April and again when I met with him on the occasion of the State visit of Queen Elizabeth II. We both acknowledge that there are a great number of sensitive issues relating to the past, including the Dublin and Monaghan bombings, that need to be sensitively considered, without getting into endless, open-ended inquiries. There are many other acts of violence from the past where victims on all sides would wish to have more information on what happened to their loved ones.

As the recent motion in the House acknowledged, we are approaching this task in the context of transformed relations on this island and between Ireland and Britain. While we still have difficult issues which require to be dealt with in a sensitive manner towards finding a resolution, we do so as equal partners, good neighbours and on the basis of mutual respect. In addition, I remind the House that there was a significant and lengthy inquiry by two very eminent judges, Mr. Justice Hamilton and Mr. Justice Barron, a thorough examination by an Oireachtas committee and a full commission of investigation conducted by Mr. Patrick MacEntee. The total cost of the Barron inquiries amounted to €3.5 million and the total cost of the MacEntee commission of investigation was €2.6 million.

As set out in the programme for Government, the Government is fully committed to the implementation of the Good Friday and St. Andrews agreements, which have brought about transformational change on this island. Under the St. Andrews Agreement it was agreed that the Northern Ireland Executive and Irish Government, under the auspices of the North-South Ministerial Council, would appoint a review group. The group was asked to examine the efficiency and value for money of existing North-South implementation bodies and examine the case for additional bodies and areas of co-operation within the North-South Ministerial Council where mutual benefit would be derived. We will be discussing the outcome of the review at this Friday's plenary meeting of the North-South Ministerial Council. At that meeting, I will take the opportunity to highlight the North-South aspects of the programme for Government and the Government's commitment to North-South and all-island economic co-operation. We will also have a broad ranging discussion on the economic challenges facing all parts of this island, including banking reform and the National Asset Management Agency.

In addition, there will be a full discussion of progress across a range of areas of North-South co-operation including progress on the A5-A8 roads, good progress on road safety, co-oper-

ation on innovation and the work of North-South bodies, particularly as it relates to fostering economic recovery across the island. The establishment of the North-South parliamentary forum and North-South consultative forum will also be on the agenda.

I intend to visit Northern Ireland in the near future although there are no specific plans in place at present. Regarding corporation tax issues, while this is a matter for the British Government and the Northern Ireland Executive, the Government is positively disposed towards any issue that will assist the all-island economy in any way possible.

**Deputy Micheál Martin:** I object to the questions being taken together in this manner as the issue addressed in Question No. 8 is separate from issues related to the North-South bodies and various meetings the Taoiseach is having. A wide range of issues have been lumped together in this group.

On the question as to whether the Taoiseach continues to pursue the release of files by the British Government on the Dublin-Monaghan bombings, on the most recent occasion the House discussed this issue the Taoiseach effectively threw his arms in the air and stated he could not do anything more on the matter. I suggest he can do a great deal. This issue is fast becoming a major test of the new British Government's goodwill towards peace and reconciliation. It is not one that can be left to lie or fester. If both Governments are willing to show complete openness, we can keep the high moral ground against those who murdered for nearly three decades and continue to hide the truth of their activities.

If the British Government refuses to hand over the relevant files, will the Taoiseach consider supporting the families of the victims of the bombings in taking a case in the British and European courts in pursuit of this issue? The failure and refusal to provide the files in question is a denial of their human right to justice. Does the Taoiseach have any plans or does he intend to take any initiative to move this issue from one of talk and comment to one of action, particularly if the British Government refuses to stop what essentially amounts to a cover-up on this very important issue, the largest atrocity that took place on this island? I propose to address the other questions later.

**The Taoiseach:** Deputy Martin is saying that what cost the taxpayer €6.1 million between the Barron inquiry and the MacEntee commission of investigation is a cover-up. There was a very significant, lengthy and detailed examination of these issues by Mr. Justice Hamilton and Mr. Justice Barron, a full and thorough inquiry by an Oireachtas committee and a full commission of investigation was conducted by Mr. Patrick MacEntee. All of these inquiries went into very considerable detail. As I have pointed out, the cost was €6.1 million. The Deputy has been down this road himself and can take it that, as Head of Government, I will continue to raise the issue with the British Government in respect of files that might be released. Obviously, closure is important to everybody concerned on all sides in these cases and, for my part, I will continue to make contact about that whenever I can.

**Deputy Micheál Martin:** The Oireachtas committee was unanimous in seeking the release of these files. The investment that has gone into this matter and the significant work that has been undertaken make the release of these files all the more important and imperative. The failure to release them is, crucially, undermining the work that has gone into this issue to date. We all recognise the extraordinary transformative impact that, for example, the management of the Bloody Sunday investigation had on relations on the island and particularly in Derry. A similar move in the right direction to release these files would have a similar impact on public opinion and attitudes generally on this outstanding issue.

**The Taoiseach:** I have just made the point in response to previous questions that I will be happy to talk to the British Government about records it may have, or which were transferred to it, or which were removed to locations in Britain in respect of the 1916 to Civil War period. I will continue to raise the question of releasing these files or whatever relevant material is there. I supported the Oireachtas committee's report in respect of the release of such documentation and I will continue to do so whenever I have the opportunity.

**Deputy Mary Lou McDonald:** On two occasions this House has called for the release of files on the Dublin and Monaghan bombings. Nobody in this House disputes the fact that there have been victims on all sides, and that all victims must have acknowledgement and truth. It is a given that this cannot be a selective process.

I am worried, however, when I hear the Taoiseach report on conversations with the British Prime Minister which rule out endless, long-running inquiries. As the Taoiseach and the British Government are aware, Sinn Féin's position is that a properly constituted truth-recovery process is needed. None of us should run from that, least of all the British authorities. Nonetheless, the Taoiseach should not run away from his responsibility to press the British authorities in a meaningful and urgent way to release these files, by going off at a tangent and having discussions about other, yet-to-be-established, long-running inquiries.

Some €6.1 million has been spent on this matter. The Taoiseach knows that those charged with making the investigation have clearly stated that the British authorities have wilfully obstructed the investigation. They have deliberately and consistently refused to release these files. Conversations about future investigations are important and necessary, but the immediate matter at hand is the release of these particular files. This is not a matter of cost because the €6.1 million has already been spent. I suggest therefore that the release of these files will be revenue neutral to the British authorities. The reason they will not release them is because they have taken a political decision not to do so. It is the job of this Administration, on behalf of this State's citizens, to force the position with the British authorities. Will the Taoiseach therefore reassure this House that he has been rather more assertive with the British Prime Minister than what I have heard from him today? Can he give us that assurance?

**The Taoiseach:** I can. I have already told Deputy Martin that I will continue to raise this matter at every opportunity I get. I noted the statement made by Deputy McDonald's party leader, Deputy Adams, today in respect of the Smithwick tribunal. This is an important statement because it clearly states that the Sinn Féin Party was in a position to influence volunteers who were previously members of the IRA in regard to meeting with the Smithwick tribunal. That is an important influence to recognise. While Deputy Adams has never admitted being a member of the IRA, in his capacity as a member of Sinn Féin he was in a position to influence former members of the IRA, known as volunteers, to consult with the Smithwick tribunal.

**Deputy Mary Lou McDonald:** What about the files?

**The Taoiseach:** I put it to the Deputy that if that is the case and that influence has clearly been proven, surely it would be in her party's interest to continue to encourage volunteers who are members of the IRA to produce the evidence about the death of Jean McConville, Jerry McCabe or others.

**Deputies:** Hear, hear.

**A Deputy:** The "Reeling in the Years" programme last night——

**The Taoiseach:** I will continue to raise the issue with the British Government. Can Deputy McDonald give me a commitment that she will continue to raise it with the volunteers who came forward to the Smithwick tribunal?

**Deputies:** Hear, hear.

**Deputy Mary Lou McDonald:** I can tell the Taoiseach that republicans will fully co-operate with an independent, international and properly established commission on truth and reconciliation; he need be in no doubt about that.

**An Ceann Comhairle:** That completes questions to the Taoiseach.

## Priority Questions

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### Fiscal Policy

21. **Deputy Michael McGrath** asked the Minister for Finance when it will be necessary to raise funds outside of the €85 billion EU and IMF loan agreement based on the projected Exchequer deficits; and the date of maturity of existing Government bonds which will need to be re-financed. [14409/11]

22. **Deputy Pearse Doherty** asked the Minister for Finance his view that the State, with support from the EU/IMF/ECB, has sufficient funding to meet all requirements until the end of 2013; if he will provide a detailed account of the funding requirements of the State for 2011, 2012 and 2013; the funds available to the State to meet those requirements for the same years; and if he will make a statement on the matter. [14498/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 21 and 22 together.

The joint EU-IMF programme of financial support for Ireland provides for a total financial package of €85 billion. Some €67.5 billion comes from the European funding facilities — that is the European financial stability mechanism, EFSM and the European financial Stability Facility, EFSF — bilateral loans from the UK Sweden and Denmark and the International Monetary Fund's extended loan facility, EFF. The remaining €17.5 billion comes from the State's own resources, namely the National Pensions Reserve Fund and other domestic cash balances.

Some €35 billion of the total €85 billion financial support package was originally set aside for the banking sector with the remaining €50 billion available for the purposes of financing the State. The recent banking stress tests carried out by the Central Bank identified an additional €24 billion in respect of 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 burden sharing with subordinate bondholders, will mean that up to €5 billion of this €24 billion will not have to be provided for by the State.

The budgetary forecasts contained in the recently published Stability Programme Update prudently assume that an additional €20 billion in State support to the banking sector will be required. On that basis, therefore, some €15 billion of the funding originally earmarked for the banking sector is now available for use for sovereign purposes, bringing the potential total available under the programme for sovereign purposes to €65 billion.

[Deputy Michael Noonan.]

Based on the forecasts recently produced in the Stability Programme Update, the combined Exchequer deficits for the years 2011 to 2013 are estimated at €48.5 billion. Maturing Government debt, both long-term and short-term, over the same period amounts to some €27 billion, including an assumption for some short-term debt funding. In terms of our funding requirements for the individual years, factoring in Exchequer deficits and maturing debt, the State will require approximately €30 billion, €23 billion and €22.5 billion in each of the years 2011, 2012 and 2013.

It is the stated intention of the National Treasury Management Agency to return to sovereign debt markets as soon as market conditions permit. The steps necessary to enable such a return include resolution of the banking sector issues and continued progress in the reduction of the budget deficit in line with the targets agreed in the EU-IMF programme of financial support, together with the implementation of policies that will see us return to sustainable economic growth. A key development in that regard has been the publication of bank stress tests results on 31 March 2011 and the associated recapitalisation exercise which have been well received by investors and rating agencies alike.

The NTMA is in constant contact with market participants and will advise me when it feels that the time is right to re-enter the markets. I should say that, based on conservative projections of our funding needs and taking account of funding possibilities, there is no urgency about a return to the markets. Indeed, the purpose of a programme such as the EU-IMF programme for Ireland is to provide the space necessary for economic and financial adjustment to take place. Based on current projections and assuming no market access, the State has access to sufficient funds for its needs into the second half of 2013.

**Deputy Michael McGrath:** I thank the Minister for his response. In an effort to deal with the fallout following last week's comments by the Minister, Deputy Varadkar, concerning Ireland possibly requiring a second bailout, we were reassured by the Minister for Finance, the Taoiseach and other Ministers that Ireland was fully funded to the end of 2013 and into the beginning of 2014 under all circumstances. However, in a reply to the Dáil last week repeated today, the Minister stated that we were funded into the second half of 2013, which could be interpreted as meaning July 2013. It is important that we be clear and precise in our language regarding such a vital issue.

Last month's European Commission update report on the bailout showed that Ireland would require €3.4 billion from the markets in 2012 and €14 billion from the markets to get to the end of 2013. The IMF believes we will need to raise €19.3 billion from the markets and small savers by the end of 2013. Even private sector analysts such as Glas Securities believe we will need to raise €11.3 billion in 2013 alone. As the Minister knows, a bond worth approximately €12 billion will mature and need to be refinanced in the middle of January 2014.

**An Leas-Cheann Comhairle:** A question please, Deputy.

**Deputy Michael McGrath:** Based on this evidence, is it not clear that we are not fully funded under all circumstances into the beginning of 2014? We all share the Minister's wish that Ireland would return to the markets next year. However, if this does not prove possible, is it not the case that we are not fully funded through the calendar year of 2013 and into the following year?

**Deputy Michael Noonan:** I am giving the Deputy the most prudent assessment of what we are facing in terms of what must be repaid and what is available to us. I could give him a more benign estimate of the figures and say we could carry through to the end of 2013, but I want

to be prudent and tell him the worst case scenario. There is no question of the sovereign side requiring additional funding in 2011 or 2012. The funding will carry us into the second half of 2013. This is based on a prudent assessment of the figures. As the Deputy knows, there are variables that could be inputted two and a half years hence.

It is also worth repeating for the benefit of those who are interested in and like debating these issues that the recapitalisation of the banks is a one-off sum that must be paid against the rigorous stress tests. It is not a recurring sum whereas looking after the deficit is. As we make fiscal adjustments, the latter will decline. When we factor in all of these elements, we are not in a difficult fiscal position. The programme was intended to run a certain distance and to provide us with funds for recapitalising the banks and dealing with the day-to-day costs of running the country until the economy was restored to a growth path. As the Deputy knows, that is under way.

**Deputy Michael McGrath:** I agree with the Minister about the requirement for prudence and that we should plan on the basis of returning to the markets late next year, but we must prepare for a worse scenario. The Minister anticipates that we have enough funding to carry us into the second half of 2013 based on prudent assumptions but we will not allow the State to run towards the bottom of the cash buffers. In such circumstances, funding will be required earlier, in all likelihood in the first half of 2013. Assuming there is no market access — we hope there will be — and basing our figures on prudent assumptions, does the Minister agree that Ireland will need an alternative source of funding in the first half of 2013?

**Deputy Michael Noonan:** Theoretically the Deputy may turn out to be correct but his comments are speculative. The programme only commenced in December 2010 and we are now at the start of June 2011. We are approximately six months into the programme under two Governments. The programme under the current Government is three months old and gives us sufficient money to carry us forward for the next two years at a minimum. Much will happen in that time. Consider what is occurring in Europe. In terms of the attempts to retrofit the instruments of policy to address a currency zone in crisis, there are developments every month. As regards the Greek crisis, there will have been further developments by 20 June and further instruments of policy will be developed.

Our job is to work the programme, keep to the targets, get the economy growing again and return people to work. External issues over which we have no control might be interesting for debating purposes but they butter no parsnips.

**An Leas-Cheann Comhairle:** I call Deputy Doherty.

**Deputy Pearse Doherty:** I am not indicating. Are these questions linked?

**An Leas-Cheann Comhairle:** I understand they are being taken together.

**Deputy Pearse Doherty:** They are similar. We will forget that the Taoiseach stated we were funded through to the end of 2013. We will forget that the Minister for Enterprise, Jobs and Innovation, Deputy Bruton, stated we were funded for all eventualities through to the end of 2013. We will park those comments to one side, as they clearly did not know the figures. The Minister, Deputy Noonan, stated that we were funded through to the second half of 2013 based on the figures he presented. Perhaps I caught them wrong, but he indicated that the amount of the Exchequer deficit plus the maturing debt up to the end of 2013 will be €75.5 billion. The amount of money available to the State will be €65 billion if we are allowed to use some of the bank recapitalisation money for sovereign purposes. This would leave a deficit in 2013 of €10.5 billion.



[Deputy Pearse Doherty.]

In 2013, the deficit plus the maturing debt will be €20 billion, there or thereabouts. We will not have enough to get us through to the second half of 2013. We know what is fixed. The income from the EU-IMF programme and the maturing debt are fixed. The optimistic projections of the Department of Finance, the Government and the programme in terms of economic growth were based on an unemployment rate of just over 400,000, but the actual figure is approximately 40,000 in excess of that.

**An Leas-Cheann Comhairle:** Could we have a question Deputy, please?

**Deputy Pearse Doherty:** Will the Minister clarify? Based on the figures he presented, are we funded up to and after July 2013? If so, when will the Government need to return to the markets? If we are funded up to 1 July, we will not return to the markets at the end of June. If we are to be prudent and get enough money to pay the State's bills for 2013 and 2014, when will we need to re-enter the markets?

**Deputy Michael Noonan:** I have provided in great detail the elements comprising the totals. The Deputy can run the numbers himself. In reply to Deputy Michael McGrath, I stated I was giving the most prudent assessment of where we will be by the middle of 2013. I could outline a more benign scenario. For example, we have suggested €20 billion for bank recapitalisation but the actual amount may be less, given the variables. On the growth side, all forecasting agencies agree we will return to significant growth next year. While the OECD predicted no growth in 2011, it predicted growth of 2.3% in 2012. All the agencies predict growth of between 2% and 3% in 2012 and most predict growth of between 3% and 4% in 2014-2015.

In regard to when we will return to the markets, it remains the policy of the National Treasury Management Agency, NTMA, to test the market in the third or final quarter of next year. However, it is not intended, and never was, that we would be fully funded in 2012 without help from the outside agencies. Deputy Michael McGrath will be aware that that is what is provided for in the programme negotiated by the previous Government. While we face many difficulties in this country at present there is reason to be optimistic. There is much change in Europe and two years is a long time. We will see how things work out. All we can do is work at it every day.

**Deputy Pearse Doherty:** The Minister is pushing it to the limit. In two years time, the tap will be turned off. We will have to return to the markets before that happens. The Minister for Transport, Tourism and Sport, Deputy Varadkar, is probably correct that we are possibly heading in the direction of a second bail out. I have consistently said this on the floor of this House. I have also asked the Minister for Finance, Deputy Noonan, what is plan B? What is the appropriate rate on ten year bonds that we would have to achieve to enable us return to the markets to obtain the amount of money required to run this State in 2013? The Minister is well aware that this morning the rate on ten year Irish bonds was 10.7%. When the Minister took office it was approximately 9.3%. The rate continues to rise for external and domestic reasons.

What rate would we have to achieve on ten year bonds to enable us re-enter the market, which if not achieved will result in our being technically shut out and requiring bail out number two, which I believe is on the cards?

**Deputy Michael Noonan:** The Irish bond rate is a little academic when the State or banks are not in the market. This is as much a reflection of what is happening in other European countries as in Ireland. The rate quoted by the Deputy is more a reflection of what happened in Portugal and what is not happening in Greece. I will give the Deputy my most honest answer. It will be worth our going back into the markets, even for €1 billion or €2 billion, if the bond

yield falls below the rate being charged on the bail out package. The NTMA intends to put its toe in the market in the third quarter of 2012. We are 15 months away from that yet.

The markets predicted the last 30 recessions. They were correct on six occasions. The bond and stock markets are a little like sheep in that they all move in the same direction. The sheep-like behaviour has been accentuated with the movement of trading onto computers which, when a particular margin is reached, give a buy or sell instruction. I would use other evidence as well as the price being quoted on the bond market, in which we are not currently involved. I hope the Deputy is not right. The longer one is a Member of the Dáil the more influential one becomes and the more one's credibility increases. Deputies McGrath and Doherty have credibility. In regard to a second bail out, if credible people keep saying it, it becomes a self fulfilling prophecy. What one says will be carried internationally.

The best approach is to put out the facts and to then let the commentators, external markets and bankers judge them. I do not believe there is much point in trying to talk up or talk down the situation. We should put out all the relevant facts and then let people make up their minds. When Ireland puts out all the relevant facts it is in way better position than is Greece or Portugal. There is no comparison in terms of how our economy is structured. The Deputies should remember that we are running balance of payments surpluses this year.

### **Tax Code**

23. **Deputy Seamus Healy** asked the Minister for Finance in view of the recovery in net financial asset values by €27.3 billion in 2009 (details supplied), if he will propose that the net financial assets of households with net financial assets above €2.3 million having incomes above €100,000 per annum be taxed in budget 2012 to avoid further impositions on low and middle income households and reductions in public services; and if he will supply the actual figures for year 2010 and the estimated figures for the year 2011. [14408/11]

**Deputy Michael Noonan:** The Deputy appears to be suggesting the imposition of a type of wealth tax. Asset values increase and decrease over time. In the context of current economic circumstances, they have declined considerably in many cases, notwithstanding the recovery in the value of net financial assets referred to by the Deputy. If the value of an asset or of an individual's wealth is measured at a particular time there is no guarantee that the asset value or the individual's wealth will remain at that level or increase thereafter. When taken with variations in income levels it would make a tax of this nature very unpredictable.

Capital Gains Tax, CGT and Capital Acquisitions Tax, CAT are, in effect, taxes on wealth. They are levied on an individual or company when they dispose of an asset, CGT, or acquire an asset through gift or inheritance, CAT. The rate of these taxes has been increased by a quarter in recent years, from 20% to 25%. Also, the tax-free thresholds for CAT have been reduced to take account of the fall in asset values over the last number of years. The current CAT tax-free thresholds are 39% below their peak levels in early 2009. Although an individual's assets and liabilities are declared in a limited number of specific circumstances, for example, following a death, the Revenue Commissioners have informed me that they are not in a position to link an individual's income to his-her financial assets. It would, therefore, be difficult to gauge the likely return from a tax along the lines suggested. This is an important consideration, if the Deputy's proposed tax was to be regarded as an alternative to other more predictable revenue sources. For example, the tax measures outlined in the Memorandum of Understanding with the EU-ECB-IMF have a combined projected yield of €1.2 billion for 2012. It is highly unlikely that a tax along the lines suggested by the Deputy would yield anything like this amount.

[Deputy Michael Noonan.]

While I do not propose at this time to introduce such a tax, all taxes and potential taxation measures are constantly reviewed in the context of the budget and finance Bill. I am informed by the CSO that the figures for the financial assets of households for the year 2010 will not be available until October next and it is not their practice to produce forecasts for the net financial assets of households.

**Deputy Seamus Healy:** The net financial assets of wealthy people increased by 27.3% between 2008 and 2009 and are likely to increase again in 2010 and 2011. These are personal rather than business, commercial, building or housing assets and are net. I believe people with such assets who are on significant incomes should pay their fair share of taxation. They are not doing so now. I believe it is time super rich Irish people who have these assets should make a considerable contribution given our current situation.

Will the Minister consider following the example of several states in the US and of France, Norway, Spain and Switzerland in imposing an assets tax such as this?

**An Leas-Cheann Comhairle:** I remind Members that there is only six minutes allowed per question.

**Deputy Michael Noonan:** An asset tax is in effect a wealth tax. We currently have in place two wealth taxes. Normally, wealthy people are taxed when they gift some of their assets to their children or when they die and their children inherit their assets. There are two forms of tax, which run at 25%, which is considerable. Naturally, we will consider every tax coming up to budget time. So many taxes are currently being suggested and mooted. I am not suggesting the Government is considering an asset tax. The Deputy referred to the wealth tax in France, which is at 1.5%. On a *pro rata* basis, that kind of tax in Ireland would have a yield of €400 to €500 million per annum. However, if one is talking about it as a substitute for other taxes, one would lose more in the take on, say, income tax than one would gain on this new form of asset tax. We also have the situation of those with assets in Ireland being domiciled elsewhere, so I am not sure what the actual yield would be.

**Deputy Seamus Healy:** The Minister referred to those domiciled elsewhere. Surely it is time Irish taxation should be on the basis of citizenship, as it is in the United States, which is where United States citizens in Ireland are paying tax. The Minister's former colleague and former Minister, Mr. Richie Ryan, introduced an asset tax in this country. Does the Minister not believe very wealthy people should show a bit of patriotism in the situation in which we now find ourselves?

**Deputy Michael Noonan:** As I said, while we will consider all options, an asset tax is not one we are considering at present. Many other taxes are mooted in the memorandum of understanding, certainly enough to keep us going between now and budget time.

### EU-IMF Agreement

24. **Deputy Michael McGrath** asked the Minister for Finance when he expects to secure a reduction in the interest rate on the European element of the loan facility in the EU and IMF agreement; the progress that has been made to date and the obstacles that will prevent achieving the reduction. [14410/11]

**Deputy Michael Noonan:** The Heads of State or Government of the euro area decided on 11 March last that the "pricing of the EFSF loans should be lowered to better take into account debt sustainability of the recipient countries, while remaining above the funding costs of the

facility, with an adequate mark up for risk, and in line with IMF pricing principles” — that is the text of the communique following the meeting. While the rates are, in my opinion, still very high, they have been reduced somewhat for Greece and Portugal. However, the reduction has not yet been applied to Ireland’s EU loans. This is because some countries are seeking further concessions from Ireland on corporation tax as a *quid pro quo*. This was, and remains, the principal obstacle to achieving a reduced interest rate. We have made it clear that this condition is unacceptable.

Since then, the issue of a reduction in the interest rate for Ireland’s EU loans has been pursued vigorously by me, by my Department and by other Ministers at European level. I have raised the issue at EU Finance Ministers meetings, most recently at the meeting in May. I have also taken the opportunity to raise it at a recent meeting with the French Finance Minister, Mme Christine Lagarde. I took this opportunity to impress upon Mme Lagarde the importance of the current corporation tax arrangements to the competitiveness and future economic growth of Ireland. In doing so, I stressed the importance of safeguarding the factors that will facilitate the resumption of growth in Ireland.

We also point out in our contacts on this issue that Ireland is living up to its end of the bargain by delivering on all the conditions and targets in the EU-IMF programme by the required deadlines. We have also made clear to our European partners that our success will be their success. To this end, we continue to believe that a swift decision to grant us an interest rate reduction that has been agreed in principle, and from which Greece and Portugal are benefiting already, is in Ireland’s and the wider European interest. While, for a variety of reasons, agreement of the interest rate reduction has not been secured, I believe our efforts to date are bringing a better understanding of our position, which is essential to bring about a positive result.

**Deputy Michael McGrath:** I thank the Minister for his reply. It seems Ireland is being treated very unfairly on this issue. As the Minister acknowledged, the other two countries, Greece and Portugal, are benefiting from a lower interest rate. It is now three months since the Heads of Government at eurogroup level decided in principle there would be an interest rate reduction yet it has not been applied to Ireland.

According to media reports last weekend, approximately €23 billion of our facility has now been drawn down, which would represent over a third of the overall facility and is being levied at the higher interest rate. The Minister previously acknowledged that a 1% interest rate reduction on the European sources of funding under the facility would represent a saving of approximately €450 million a year, which would be very significant. By any objective measure, the elements of the EU-IMF agreement that have been renegotiated to date are very modest and have not resulted in a direct cash saving for the Exchequer. This is one change which would result in a saving and the sooner it happens, the better.

The one element not dealt with in the Minister’s reply was when we might expect an outcome to these negotiations. Is the problem still with the French insistence on the corporation tax issue? Is progress being made? When does the Minister expect this to come to a head, one way or another?

**Deputy Michael Noonan:** The Deputy is familiar with the situation. The European Commission has stated publicly that it is in favour of the reduction in the interest rate applying to Ireland, the IMF has stated publicly, through its acting director, Mr. John Lipsky, that the reduction should apply to Ireland and the OECD has stated that the reduction should apply to Ireland. However, the decision is made at the meeting of 27 member states and there must

[Deputy Michael Noonan.]

be unanimity. At present, France has been very vocal in opposing the reduction and Germany is also opposed to the reduction, although it is less vocal.

The French position is that because there is a recommendation to reduce the interest rate in Ireland, a *quid pro quo* must be given by Ireland — in other words, an additional condition must be added to the memorandum of understanding. The condition the French are seeking is an increase in the 12.5% corporation tax rate for Ireland, which we are refusing point blank. We are also refusing to make any variation on the tax base, although we are prepared to participate with all our other colleagues in the discussion on the paper being produced by the Commission on the CCCTB. We have no problem with a full discussion and we will discuss any issue.

The value of the reduction is being exaggerated and, in my view, too much is being made of this. The Deputy knows how it works with the different funds in that there is eventually a blend of interest rates. The Portuguese got 60 basis points. If Ireland were to get the same as Portugal, it would mean €148 million a year, and if we got what Greece is supposed to have got but may not retain next month, the figure would be just over €200 million. There is no way whatsoever that I will negotiate with anyone in the French Government to concede anything on the Irish corporation tax rate for that amount of money.

The last Government committed to a fiscal adjustment of €6 billion in 2011 — targets we are working to meet — and the commitment for 2012 is €3.6 billion, giving a total of almost €10 billion. Does anybody think we will give away the heart and soul of our industrial strategy for €150 million? This is not real. To those who are opposing us and trying to force us to change our corporation tax rate, I tell them once more today that they have no negotiating position because the amounts of money are so small in regard to the adjustments we are being required to make that we will not concede.

We will be reasonable. If they suggest something we can agree with elsewhere in the programme, we will talk to them. If, for example, they want harder fiscal rules going forward, I am in favour of those anyway and would be prepared to negotiate them. I am prepared to be *communitaire* and to be European — that is kind of tradition I come from and it is what I believe in. However, I will not be waltzed around by any member state, especially when the gain is so small in contrast to the potential industrial promotion.

As a final point, I note that what is going best in Ireland at present is export-led growth, which is where GDP is growing. It is what is giving us a balance of payments surplus and where the jobs are being created, particularly jobs for bright young people. Does anybody think we will give this away for the sake of a small reduction in interest rates? It is not on.

**Deputy Michael McGrath:** I welcome the commitment of the Minister and the Government not to trade our corporation tax sovereignty for a reduction in the interest rate. However, a reduction in the interest rate was held up during the election campaign as a prize worth pursuing and one which was deliverable. A 1% reduction on all the EU sources would mean €450 million a year, which is not insignificant and might help to soften the austerity measures being applied. When is the next opportunity to pursue this, is it firmly on the agenda and when does the Minister hope to have an outcome?

**Deputy Michael Noonan:** I do not believe the Deputy's figures are correct. The concession, or arrangement, is that the reductions for Greece and Portugal did not apply to money already drawn down — only to that going forward. Therefore, the Deputy's figures are much greater than that for the actual available reductions.

This matter is always on the agenda. We have negotiated a position in which we have the support of the IMF, the European Commission, the OECD and, I believe, 25 of the 27 member states. We will continue to push for it because we were promised it and should get it. However, although we are not prepared to give any concession on corporation tax — either on the rate or the base — in exchange for it because it is too important to us, we are prepared to consider suggestions elsewhere in the programme.

### **Tax Reliefs**

25. **Deputy Pearse Doherty** asked the Minister for Finance the reason he was unable to provide the Commission on Taxation with costings for 42 of the 131 tax expenditures that were in place at the time of the Commission's research for its 2009 report; the number of these tax expenditures currently in operation; if he will provide an estimate of the cost to the State for 2008, 2009, 2010 and projected cost for 2011 from these 42 tax expenditures; and if he will make a statement on the matter. [14499/11]

**Deputy Michael Noonan:** The Deputy will be aware that the Office of the Revenue Commissioners is the main source of statistics and data on tax incentives and expenditure. However, Revenue's primary functions are the administration of the tax system and the collection of tax. The extraction of statistical information flows from those primary functions.

In Part 8 of its report the Commission on Taxation reviewed 115 tax expenditures that were in place at the time. Of these, costings were provided for 73 expenditures and it is accepted that Revenue were not in a position to provide tax cost estimates for 42 of the tax expenditures examined in the report. One key reason for this is that many of the tax reliefs in question relate to incomes which are tax exempt and not required to be returned to Revenue, for example, those of credit unions, sports bodies and charities. Others are constituent parts of larger tax reliefs where estimates of cost are only compiled by Revenue at aggregate level. In situations such as these the detail at sub-aggregate level is either not sought or provided in annual tax returns or is not separately captured on the computer system which generates the statistics. Another reason for the limited data is where new reliefs had been recently introduced and the relevant tax returns were not due until after the publication of the commission's report.

In recent years, the Department of Finance and the Office of the Revenue Commissioners have worked closely to identify mechanisms for enhancing the level of information captured in respect of tax reliefs, and significant progress has been made in that direction. However it is necessary to balance the need of the Exchequer for statistical information with the desire to minimise, as far as possible, the administrative burden placed on individual taxpayers and on the business community.

In addition the Revenue Commissioners have made major advances in data capture and in the e-filing of tax returns to create a supportive environment for acquiring tax-based statistical data. The development of e-filing was the specific recommendation of the Commission on Taxation in respect of securing additional data relating to tax expenditures.

As regards these 42 tax expenditures I can now provide additional information in respect of nine. Five have been abolished including long-term care policies, BIK exemption for employer-provided art objects in a heritage building or garden, accelerated capital allowances for farm buildings for the control of pollution, payments made to National Co-operative Farm Relief Services Limited and payments made to its members, and investment allowances in respect of mining exploration expenditure and plant and machinery.

There are four further measures which Revenue has been able to provide cost estimates for, namely, stamp duty exemption for single farm payment entitlements, estimated at €2,845;

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palliative care units, for which no claims were allowable as the scheme was not commenced; relief for investment in renewable energy generation, namely, €100,000; and the mid-Shannon corridor tourism infrastructure investment scheme, namely, €700,000.

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

In most instances cost estimates are for 2008 because this is the latest year for which the necessary detailed information is available. An exception to this is the stamp duty exemption for single farm payment entitlements where the availability of an estimate for 2010 is associated with the effective launch of the e-stamping system in that year.

It is likely that some additional tax reliefs will be capable of being costed for the first time for the tax year 2009. The work of assembling the necessary detailed data to underpin the updating of the costs of all tax allowances, reliefs and credits for the 2009 tax year is at an early stage and is ongoing. It will be some time yet before it is completed.

**Deputy Pearse Doherty:** According to his reply, to date the Minister for Finance cannot outline to the House the cost of 33 tax reliefs, namely, almost one in every three tax reliefs that exist in this State. Some of the information was truncated but I presume that is what is stated therein.

I refer to the report in 2009 of the Commission on Taxation. Of the 42 reliefs, five were abolished, the Minister can provide additional information on four but cannot do so for the remaining 33. A number of them apply in areas such as health, enterprise and employment. When we come to deal with Committee Stage of the Finance (No. 2) Bill how will we be able to make accurate decisions in this regard if we do not have information as to how much these tax reliefs will cost? Does the Minister plan within his Department to have information prior to the 2012 budget on all the other 33 tax reliefs available? Will he publish the costs and benefits that apply to each of those tax reliefs prior to the budget?

**Deputy Michael Noonan:** At a level of principle there is merit in the Deputy's point. However, the primary purpose of the Revenue Commissioners is to collect tax. It is obviously very useful if they supply us with data so that when the Government makes decisions on the incidence of taxation it knows where to direct it. However, the Revenue has information on all principal tax reliefs and those for which it does not are minor in nature. I reiterate there are 33 remaining tax expenditures, or, as the Deputy terms them, tax reliefs, for which the costing data is not available. However, the bulk of these are small in nature and targeted at particular deserving sectors that continue to need support from the Exchequer. A number of tax expenditure measures support Irish sport, for example, and there are income tax exemptions and capital gains tax exemptions for sport bodies. Others support Irish charities, such as capital acquisition tax exemptions from gifts taken by charities, in addition to income tax exemptions. A significant number of the measures support the farming sector, for example, capital allowances on the purchase of milk quotas and capital gains tax relief for the disposal of a farm on retirement. Others include measures to support the unemployed, such as the income tax exemption for termination payments related to death or injury, and benefits in kind exemption for retaining a part of a redundancy package.

The information on big yield or big cost tax reliefs is available to me, as Minister for Finance. If I wish to change the reliefs in the budget I have that information. I am advised by Revenue that those reliefs for which it does not have information are small in nature and limited in cost or yield. The reason Revenue does not have such information is probably threefold. In the first place, Revenue does not wish to add additional bureaucracy to compliant taxpayers in order

to gain a great deal of information that is of little value. More important, it must measure the cost of obtaining information and the manpower required to so do against the potential yield or cost to accrue from any such benefits.

I believe the situation is in order even though the Deputy has a case to criticise at a level of principle. I will make further inquiries.

**An Leas-Cheann Comhairle:** I ask Deputy Doherty to be very brief because there are other questions.

**Deputy Pearse Doherty:** I do not argue the merits of tax reliefs and expenditures among the 33 quoted. Does the Minister believe it is good practice that, as Minister for Finance, he does not know the costs of almost one third of all tax reliefs in the State? How can he, as Minister, make any decision on any of those reliefs or how can we, as Opposition, make proposals in their regard if we do not have a clue about how much tax is foregone to the State? The Minister is making guesses as to why we do not have the figures. Does he intend to have them? Is it not good practice for us to have the cost, or at least the estimated cost, of all tax reliefs? We do not have any figures for one third of them.

**Deputy Michael Noonan:** It is acceptable, provided Revenue can assure me that the cost of the tax reliefs is nugatory and that if they were abolished the yield would be insignificant. Revenue can do that. If it tells me a certain tax relief exists but does not amount to more than €50,000 there is no point in diverting resources from tax collection into an examination, purely in order to have statistics. One might lose more revenue than one would gain. However, if there is any serious tax relief to which the Deputy can draw my attention, concerning which he believes the cost is great and the abolition thereof would lead to a significant yield, I will ask Revenue to provide as detailed a costing as possible.

If the Deputy can bring any serious tax relief to my attention — if he thinks its cost is big and its abolition would lead to a significant yield — I will get the Revenue Commissioners to do as detailed a costing as possible on it.

**Deputy Pearse Doherty:** Why has the Government abolished five of them?

**Deputy Michael Noonan:** They were of very little consequence to those who benefitted from them or to the Exchequer. Tax keeps changing.

### Other Questions

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### Job Protection

26. **Deputy Joe O'Reilly** asked the Minister for Finance if he has satisfied himself that he can put adequate measures in place to ensure the maintenance of the jobs in Quinn Direct and the Quinn Group. [10026/11]

**Deputy Michael Noonan:** The Deputy should note that as Minister for Finance, I have had no direct dealings with Liberty Mutual in regard to this transaction, including the issue of the future of all existing job holders. However, I have been informed by the joint administrators that aside from the redundancies in Manchester, all 1,570 jobs in Quinn Insurance Limited have been protected for at least two years. When they gave me that commitment, they referred to “two years” because that was as far as they were prepared to make an estimate into the future. There was no suggestion that any of the jobs will be at risk after two years. I understand



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the jobs will be transferred to Liberty Mutual Direct Insurance Company Limited under the protection of employees rights on transfer of undertakings regulations. That will ensure the current terms and conditions are protected.

It is important to keep in mind that in assessing the bids for the business of Quinn Insurance Limited, the joint administrators were required to consider how best the interests of policy holders could be protected and how the company could be returned to a sound commercial footing. This was their primary responsibility, in line with the powers given to them under the Insurance (No. 2) Act 1983. While the retention and protection of employment was important, it was subject to the aforementioned responsibilities. In the circumstances, the proposed deal between Liberty Mutual and Anglo Irish Bank represents an excellent outcome from a jobs perspective because it provides a commitment to maintaining jobs for at least two years and achieves the primary objective of protecting policy holders. Liberty Mutual has not given an indication of what will happen to these jobs at the end of the two-year period, but I remain hopeful that they will be maintained. Quinn Insurance Limited has been purchased by a company with an impressive track record in the insurance industry. It is conscious of the importance of ensuring competition in the Irish insurance market and appreciates its role in providing employment and economic development in the Border region and further afield.

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

An agreement was reached between Anglo Irish Bank and the senior lenders to the Quinn Group whereby the €1.3 billion debt of the latter is being restructured. This will result in the removal of a long-running and significant uncertainty from these businesses, which are strong but were over-indebted. Their lending facilities were in breach of covenant for some time. As a result of the agreement, all or almost all manufacturing jobs will be retained. It is important to state clearly to the House that a viable future depends to a large degree on the willingness by everybody, particularly those engaged in recent negative events, to engage wholeheartedly with the new ownership arrangements and to begin to put their energies into growing the business and contributing to getting jobs back into the local economy on both sides of the Border. This is important. If this does not happen, over time there is likely to be a negative impact on the performance of the group and consequences for jobs. None of us in the House wants to see this.

**Deputy Caoimhghín Ó Caoláin:** Deputy O'Reilly's question asked whether the Minister is satisfied that he is in a position to put adequate measures in place. The Minister's reply indicated that there are no measures which he can put in place. He indicated that he is at a remove from the real engagement in this instance. Is that the case? Can he be more specific? In light of the assurances the Minister has received in the past, which he has in turn conveyed to the all-party cross-Border group — I am concerned to hear about the "commitment" that has been given in this case. I recall that on the last occasion on which we met, the Minister indicated that the Quinn Insurance proposals, which are an alternative to the Anglo-Liberty proposals, had been scrutinised properly by the National Treasury Management Agency. Since that meeting, however, I have received correspondence from the agency's senior legal adviser to the effect that the agency had no such role and carried out no such function. Its only responsibility was to assess the proposals that were referred to it by the joint administrators for consideration. Is it not the case, therefore, that the belief the Minister expressed on that occasion has been contradicted by the National Treasury Management Agency in the correspondence it sent me in my role as convener of the all-party group? I suggest the position we feared most — that the Quinn Insurance-based proposals would not be given the proper, fair and full consideration they deserved — has come to pass.

**Deputy Michael Noonan:** I am not aware of the letter to which the Deputy refers. I would be grateful if he should provide me with a copy of it.

**Deputy Caoimhghín Ó Caoláin:** I will.

**Deputy Michael Noonan:** I have explained my position. The Deputy understands it fully. I am not directly a party to the sale. The Deputy knows how it occurred. Having met the principals in Liberty, I am confident that the jobs are secure. According to the Liberty Group's business plan, the intention is to grow and expand the company and to increase, rather than reduce, the number of jobs. That is what I was told by the gentleman from Armagh who is the chief executive of Liberty at present. He gave me assurances in that regard. I thought he was a very credible person. I hope the jobs are secure.

I do not want to lambaste the Quinn Group. There is enough information on the public record to suggest that the group was impaired for a considerable time as a result of unwise investments in Anglo Irish Bank. I refer to the purchase of shares. I am confident that the best decision was made in the interests of the future of the company. It is in the interests of the State that the liability, in terms of the capital that will be required on an ongoing basis through the insurance fund, be reduced. The decision that was made is in the interests of employees. I understand fewer than 20 people will be made redundant in Manchester. Some 1,570 jobs in the Border counties are secure. That is a very good result. My information is that the employees are supporting that decision now. I suggest the Deputy should get behind it, rather than knocking it.

**Deputy Caoimhghín Ó Caoláin:** I would like to ask a brief supplementary question.

**An Leas-Cheann Comhairle:** The next question is in the Deputy's own name.

**Deputy Caoimhghín Ó Caoláin:** Is it not possible to add a brief supplementary?

**Deputy Mary Mitchell O'Connor:** Other people are interested in one of the questions that is coming up.

**An Leas-Cheann Comhairle:** We need to move on.

### **Government Borrowing**

27. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if he is preparing a plan B if it transpires that, due to unforeseen economic circumstances, he is unable to return to the bond markets in 2013. [14231/11]

30. **Deputy Gerry Adams** asked the Minister for Finance the level of funding which he believes he will need to source from the financial markets in order to fund the State in 2013. [14227/11]

**Deputy Michael Noonan:** I propose to answer Questions Nos. 27 and 30 together.

As the House is aware, the joint EU and IMF programme of financial support provides for a total financial package of €85 billion. Within this total amount, €67.5 billion comes from external sources and the remaining €17.5 billion comes from the State's own resources, namely the National Pensions Reserve Fund and other domestic cash sources. Some €35 billion of the total €85 billion financial support package was originally set aside for the banking sector, with the remaining €50 billion available for the purpose of financing the State. However, the recent stress tests carried out by the Central Bank indicated that the full €35 billion will not be required. As a result, the budgetary forecasts contained in the recently published stability

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programme update prudently assume that an additional €15 billion of the funding originally earmarked for the banking sector is now available for use for sovereign purposes, bringing the potential total available for sovereign purposes to €65 billion.

Based on the forecasts recently produced in the stability programme update, the combined Exchequer deficits for the years 2011-13 are estimated at €48.5 billion. Maturing long-term and short-term Government debt over the same period amounts to €27 billion, including an assumption for some short-term debt funding. Factoring in Exchequer deficits and maturing debt, it is estimated that the State's funding requirement in 2013 will be approximately €22.5 billion.

The purpose of the EU and IMF programme of external funding is to provide us with the time to restore our public finances and repair our banking system so that we can regain international confidence and re-enter funding markets. As we are barely half a year into our programme, it is very early in the process. We are meeting our targets, however, and as long as we continue to do so there is every chance that the programme will achieve its objectives.

The stated intention of the National Treasury Management Agency is to return to the sovereign markets as soon as the market conditions permit. The steps necessary to enable such a return include resolution of banking sector issues, continued progress in the reduction of the budget deficit in line with the targets agreed in the EU and IMF programme of financial support and the implementation of policies that will see us return to sustainable economic growth. A key development in that regard was the publication of the results of the bank stress tests on 31 March last. The stress test and the associated recapitalisation exercise were well received by investors and rating agencies. The National Treasury Management Agency is in constant contact with market participants. It will advise me when it feels that the time is right to re-enter the markets. Based on conservative projections of our funding needs and taking account of funding possibilities, there is no urgency about a return to the markets. Based on current projections and assuming no market access, the State has access to sufficient funds for its needs into the second half of 2013.

**Deputy Pearse Doherty:** Earlier the Minister told us the State will run out of money in 2013.

**Deputy Michael Noonan:** I did not.

**Deputy Pearse Doherty:** It is the same thing. We have enough money to run the State through to the second half of 2013.

**Deputy Michael Noonan:** It is not the same thing.

**Deputy Pearse Doherty:** After that, we have no money left.

The Minister also told us it would be worthwhile going back into the bond markets if we were able to achieve a rate similar to that we are getting from the EU-IMF package——

**Deputy Michael Noonan:** Below it.

**Deputy Pearse Doherty:** ——or below it. The question is, what happens in mid or early 2013 when we have to go back into the markets when we have no other choice. We can go back next year, but we will have no choice in 2013. What happens if the rate is above the rate that is being cut on the EU-IMF package? Is there any possibility that we would have to go and seek an extension of the bailout, as we already have it or through another mechanism or combination from the ECB, the EU or the IMF? If the bond rates do not fall below 5.8%, will that be our only option or is it, at least, a possibility?

The Minister spoke of credibility and Members on this side of the House have credibility. I am sure he would agree the Taoiseach also has credibility. Is it damaging for the State when the Taoiseach states clearly that the State has funding to meet all requirements until the end of 2013? Given the Minister has blown that argument completely and utterly out of the water, does the Taoiseach, in making such statements when the international markets can do the sums as they have calculators at their desks, discredit and undermine the position of the State when they see him bluffing at such a high level?

**Deputy Michael Noonan:** It is not the college debating society. Winning the argument does not get one anywhere. We are trying to take this country from the situation it is in, where it has lost sovereignty over its economic and financial affairs. We are trying to keep people at work. We are trying to keep the health services, education services and the criminal justice system intact. We want our people to continue to be paid, we want the kids to go to school and we want the ill to go to hospitals to be cured. It is not going to be easy. I am optimistic by nature. My job, as a member of the Government, is to take it forward day by day, week by week, month by month, so that we get ashore, we get out of the situation we are in and we get back to where we have economic growth again, where our debt is declining and is eventually wiped out, where our banks are recapitalised and where they are performing and lending the credit stream necessary to give us growth. That is what we are doing and we are working at it every day for the past three months, and we have made very considerable progress.

All I can do for Deputy Doherty is lay out the facts in front of him. If he wants to scare-monger and frighten the children, and talk about the bogeyman coming down the chimney in two years' time, he should go right ahead and do so. I prefer to try to encourage people to be a bit confident to get back to work, to all pull together in the interests of this country, have a sense of solidarity and, I believe, we will get there.

Deputy Doherty can give me all the arithmetical puzzles he likes, but what I will do is lay out the facts. We have the support of the IMF stating we will achieve the targets in the bailout package. The Commission states we will achieve the targets. Our colleagues in Europe openly state now, publicly and privately, that we are totally different from Greece and Portugal and that if we stick with it and if we get some growth in the economy, we will succeed.

There is a simple decision to be made. Deputy Doherty can put his strength at the end of the rope and pull with us or he can stay with the knockers and keep knocking, but what we are going to do we are going to do.

**Deputy Ray Butler:** The Minister is coming up with a solution.

**Deputy Mary Mitchell O'Connor:** On a point of order——

**An Leas-Cheann Comhairle:** At present, we are taking questions.

**Deputy Michael McGrath:** I agree with the Minister that it is about arguing based on the facts and it is also about having a clear and consistent message because we need to know where we stand. Based on what the Minister stated today which is contrary to what was stated last week, which was that we were funded through to the end of 2013 and into early 2014, which clearly is not the case, and based on any reasonable analysis of the facts, does the Minister accept we will need to know where we stand in the early part of 2013 on the funding of the day-to-day running of the State?

**Deputy Pearse Doherty:** Would the Minister be able to confirm that by the time we get to 2013 the State will still have cash reserves available that we will have the ability to draw upon if we so decide? Second, in the questioning from the other side of the House, they might make

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clear what they would do differently and where exactly they would source the money to fund the State between now and 2013.

**An Leas-Cheann Comhairle:** Has Deputy Mitchell O'Connor a question?

**Deputy Mary Mitchell O'Connor:** I want to make a point. We have been going through questions here — Questions Nos. 21 and 22. We went along to Question No. 27. We are repeating ourselves. We are hearing the same thing. Then we jumped to Question No. 30. I have colleagues sitting here dying to get in on Question No. 29.

**Deputy Pearse Doherty:** It is about consistency. If the Government was coming out with one message——

**An Leas-Cheann Comhairle:** A question now.

**Deputy Pearse Doherty:** ——then we would not have to ask these.

**Deputy Mary Mitchell O'Connor:** Ask a question.

**Deputy Pearse Doherty:** The question is, because we are all concerned about the tap being turned off and the Minister of State, Deputy Brian Hayes, argued there would be——

**Deputy Ray Butler:** A question.

**Deputy Pearse Doherty:** ——I am asking the question——

**An Leas-Cheann Comhairle:** Order please.

**Deputy Pearse Doherty:** ——burden-sharing with senior bondholders in Anglo Irish Bank——

**Deputy Richard Boyd Barrett:** The Minister did not answer that question.

**Deputy Pearse Doherty:** ——does the Minister believe, given the fact we are running out and there is a potential——

**Deputy Ray Butler:** Deputy Boyd Barrett should give us the solution.

**An Leas-Cheann Comhairle:** Let Deputy Doherty ask the question.

**Deputy Richard Boyd Barrett:** Tax Fine Gael's super-wealthy friends. That is the solution.

**An Leas-Cheann Comhairle:** Finish the question, please.

**Deputy Pearse Doherty:** I have argued in this House——

*(Interruptions).*

**Deputy Pearse Doherty:** ——that we impose burden sharing on senior bondholders. Just a number of days ago, €200 million was paid by the State to unguaranteed unsecured bondholders in Anglo Irish Bank. The Minister of State, Deputy Brian Hayes, has argued for senior burden sharing on those bondholders. We have the stress tests. Does the Minister not believe that we would reduce the liability of the State by imposing burden sharing on senior bondholders, at least on the unguaranteed unsecured ones in Anglo Irish Bank the likes of which €200 million was paid out to in the past number of days?

**Deputy Michael Noonan:** As I stated, I will put the facts before Deputy Doherty. The facts are now that we are running a balance of payments surplus, exports are at an all-time high, people are going back to work in the exporting manufacturing companies but, of course, there is not enough work there for everybody who requires it. The tourism industry is finding its feet again——

**Deputy Pearse Doherty:** That is not the question.

**Deputy Michael Noonan:** ——as a result of the reductions in VAT. We knew the visit of foreign dignitaries would give a great boost. I am saying to Deputy Doherty that he can keep knocking and keep talking it down as much as he likes, but we on this side of the House are going to try to rescue the country from the situation it was in when we came into Government and one may be with us or against us.

**Deputy Pearse Doherty:** Burden sharing in Anglo Irish Bank — “yes” or “no”.

**Deputy Ray Butler:** On a point of order——

**Deputy Pearse Doherty:** Ask the Minister of State beside the Minister which it is. Burden-sharing in Anglo Irish Bank — “yes” or “no”. Burden-sharing of unguaranteed bonds in Anglo Irish Bank — “yes” or “no”.

**An Leas-Cheann Comhairle:** There is not a point of order.

*(Interruptions).*

**Deputy Ray Butler:** A Deputy wanted to ask another question and has been sitting here for the past two hours, but could not do so as we have been listening to the same questioning all the time.

**An Leas-Cheann Comhairle:** That can be resubmitted. I ask Deputy Butler to resume his seat.

*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 Michael Healy-Rae — the cost of school books; (2) Deputy Pearse Doherty — the need to issue an apology to the families of the people killed in the Ballymanus mine disaster, County Donegal, in 1943; (3) Deputy Gerald Nash — the need to improve ambulance services in the Drogheda area; (4) Deputy Simon Harris — the need to develop an opt out system in relation to Guthrie cards; (5) Deputy Patrick O’Donovan — the need to approve an application for improvement works by Nicker national school, Pallasgreen, County Limerick; (6) Deputy Seán Kyne — the need for a review of the process of adding fluoride to the Irish water supply in light of the discontinuation of the practice in most European countries due to health and safety concerns; (7) Deputy Mattie McGrath — the Minister for Communications, Energy and Natural Resources’s future strategies regarding the delivery of post office services given the importance of these for access to social welfare payments; (8) Deputy Nicky McFadden — the matter of facilities in Baylin N.S. Athlone, and the need for an extension to be built to accommodate the requirements of students and staff; (9) Deputy Martin Ferris — the proposed pharmaceutical centre of excellence in Tralee; (10) Deputy Brian Walsh — the

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legal status and rights afforded in law to unmarried fathers; (11) Deputy Frank Feighan — the action taken in the last 12 months to stop illegal imports of diesel and petrol; (12) Deputy James Bannon — the need to review the by-law which has banned eel fishing here; (13) Deputy Caoimhghín Ó Caoláin — the need for the Minister for Finance and the Minister for Enterprise, Jobs and Innovation to act with urgency in accordance with the commitments in the programme for Government and the jobs initiative to prevent the destruction of viable businesses by financial institutions whose refusal to extend credit and whose unnecessary and punitive actions against viable enterprises are leading to widespread unemployment, further economic decline and intolerable distress for individuals; and (14) Deputy Brendan Griffin — the loss of 5,000 potential jobs from Tralee, County Kerry to Northern Ireland.

The matters raised by Deputies Pearse Doherty, Brian Walsh, Gerald Nash and Simon Harris have been selected for discussion.

### Leaders' Questions

**Deputy Micheál Martin:** The Taoiseach will be aware of the unfolding tragedy where at least 22 people have died and approximately 2,100 people are very ill following the outbreak of new E. coli. This outbreak is being handled as badly as it possibly could be. In the first instance, we saw hasty judgments which had an extraordinarily damaging impact on Spain's food sector. Spanish farmers are paying a heavy cost for the initial confusion about the source of the E. coli outbreak. Now, countries that are significant markets are banning the importation of fresh produce from throughout the European Union.

I am sure the Taoiseach will join me in expressing sympathy with the German people for this tragedy and I am certain he will share my view of the seriousness of the threat posed by the outbreak. Before the issue goes any further, I call on the Taoiseach to give clarity on how we as a country are handling the issue. I presume that normal practice was followed and that an inter-agency taskforce was established when the scale of this problem became apparent and emerged last week. Such an approach is critical to ensure the public health, horticultural and economic threats are assessed and mitigated as soon as possible. Will the Taoiseach indicate when the task force was established and outline its work? Will the Taoiseach outline what specific measures are on the way to protect public health and to ensure Irish farmers are not vulnerable to the same fate as Spanish farmers due to hasty and ill-conceived judgments? What has been done to assure markets abroad that Irish food is safe and exempt from any further bans or controls?

**The Taoiseach:** I share the Deputy's sentiments in respect of the loss of life and the 22 families that have lost loved ones because of this outbreak of E. coli. It is a matter of great concern to consumers and producers throughout the European Union. The most recent indications are that approximately 2,000 have taken ill because of the outbreak of the infection. Let me assure the Deputy that the authorities here are monitoring the situation closely. There are no indications that any imported product to Ireland has been in any way affected here. No case of any illness in this country has been reported to date. This is not to be complacent about it in any way. The Food Safety Authority of Ireland remains vigilant and in constant contact with the European Commission and other food safety authorities in all member states. The Food Safety Authority of Ireland is posting regular, daily updates on the outbreak and on progress being made here on its website for consumers. One can also find advice in respect of E. coli prevention and proper and safe food handling practices.

As the Deputy is aware, this morning there was an emergency meeting of Ministers for agriculture in Luxembourg. The Minister for Agriculture, Fisheries and Food, Deputy Coveney,

was in attendance. The Department of Agriculture, Fisheries and Food is also liaising with the Irish retailers and suppliers to monitor the impact here on domestic trade. I expect we can have an opportunity to have statements in respect of the Minister coming back and reporting on the outcome of the meeting in Luxembourg.

**Deputy Micheál Martin:** The Taoiseach did not answer the question on whether an inter-agency taskforce had been established. This is the correct approach to adopt given the serious nature of the issue and given that the outbreak impacts on public health fundamentally and on economics, especially in terms of horticulture, agriculture and the general food industry. This is a serious issue in terms of public health. One need only consider the extraordinary impact it has had on the German health system, including the acute system and the public health threat that it presents. I do not get a sense from the Taoiseach's response that a national inter-agency taskforce has been established and I would find it incredible if it has not. I call on the Taoiseach to confirm whether it has and whether the Minister for Health has been involved with European health Ministers in co-ordinated meetings and emergency meetings. Such meetings are merited given the enormity and the potential for further difficulties and challenges that may arise from this outbreak and given what is taking place across the water in Great Britain and elsewhere.

**The Taoiseach:** The authorities here are monitoring the situation closely. The Minister for Agriculture, Fisheries and Food is in attendance at the emergency meeting. The Food Safety Authority of Ireland is in constant contact with the Commission and food safety authorities in all member states. The information on prevention of E. coli and updates in respect of this outbreak is constantly updated. No formal inter-agency taskforce has been set up. This may become necessary, depending on the outcome of the emergency meeting in Luxembourg this morning.

The Deputy is aware that Dr. Eleanor McNamara, who is the director of the HSE's public health laboratory and a senior microbiologist, stated that because all cases discovered so far related to travel to Germany, it was inevitable that some cases might eventually be seen in Ireland. The Minister for Agriculture, Fisheries and Food will have a full, up-to-date position on the latest information following his return from Luxembourg this evening. Perhaps it may be necessary to upgrade this to inter-agency taskforce status but the House should have an opportunity to hear a statement from the Minister on the outcome of the meeting today.

**Deputy Micheál Martin:** Will the Taoiseach agree to establish such an agency?

**The Taoiseach:** It may be necessary to do so. All the agencies are interlinked, they are in constant contact and they are being vigilant about this. There is no complacency in so far as Government is concerned.

**Deputy Mary Lou McDonald:** I wish to raise the damning criticism of the State's failure to protect women who were detained and abused in the Magdalene laundries. This criticism is contained in the United Nations Committee Against Torture report on Ireland. As many as 30,000 women passed through these laundries in the period from 1922 to 1996. The women were held as prisoners and forced to work without pay. They were abused and many of them had their children taken from them. Some became so institutionalised that they could never leave or function outside of the institution. The State was complicit in all of this, chose to look the other way and failed these women. The UN committee recommends that the State should institute a "prompt, independent and thorough investigation". It further states that in appropriate cases prosecutions and punishment of the perpetrators should happen and that all victims should obtain redress and have an enforceable right to compensation. Given the scale of the failure of the State in respect of these women, what does the Taoiseach propose to do? When



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will the Taoiseach act on the recommendations of the UN? When will these women get the recognition, the apology and the compensation they deserve?

**The Taoiseach:** I am sure the Deputy empathises, as I do, in respect of the difficulties, the emotional trauma and the personal difficulties of many of the people involved in the Magdalene laundries and what they went through. The Deputy is also aware that this goes back to before the turn of the last century. The United Nations Committee Against Torture, UNCAT, issued its concluding observations yesterday, 6 June, following Ireland's first examination in Geneva under Article 19 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The committee's concluding observations covered a range of issues from prisoner conditions to the total prohibition of corporal punishment, the Magdalene laundries, the follow up to the Ryan report and the processing of applications for refugee status. In its statement the committee acknowledged this country's commitment to engage with it in a constructive manner. The committee commended Ireland on the detailed written replies supplied by the Irish delegation during the formal hearing examination and on the significant progress made by the authorities in recent years in areas such as the prevention of domestic violence and human trafficking.

The Minister for Justice and Equality has received the report. He is preparing a memorandum for Government arising from the findings of the report. A good deal of work has been done by the Minister for Justice and Equality in this regard already. The Minister for Justice and Equality is in consultation with the Office of the Attorney General. A draft submission is being prepared and will be brought to Government shortly. The Government will make its decision and report to the House.

**Deputy Mary Lou McDonald:** The State's contention in respect of these women is that they were in the laundries voluntarily and that the State has no liability or responsibility on the basis that these were private institutions. The State has not acquitted itself well, whatever the recommendation from the UN. The State has failed these women. This is not a new issue; the matter of the women in the Magdalene laundries has been around for quite some time. We all know how grievously wronged these women have been. We are all aware of the grave social taboo they and their families have carried because of their incarceration in these institutions and their treatment there. The Minister for Justice and Equality may well be preparing a memorandum. However, as I understood, the Minister, Deputy Shatter, had given a commitment that this matter would be brought before the House before 7 June.

**An Ceann Comhairle:** Does the Deputy have a supplementary question?

**Deputy Mary Lou McDonald:** I seek a more concrete commitment from the Taoiseach. The women await an apology; the women await acknowledgment; and the women and their families await the lifting of the awful and degrading taboo they have carried with them. They also await a measure of compensation. The State excluded these women from previous redress mechanisms. Now is the moment for the apology, the acknowledgement and the compensation so richly due to these women. Is the Taoiseach prepared now to stand and acknowledge and apologise to these women?

**The Taoiseach:** I do not speak for UNCAT and I did not determine 6 June as the date on which it would publish its report. From the import of the Deputy's question she wanted the Minister for Justice and Equality to respond with a Government decision between yesterday and this morning. The Minister, on behalf of the Government and the House, is entitled to

consider the detail of the UNCAT report and to continue the work he is already doing in conjunction with the Office of the Attorney General on this matter.

It is clear that some of the women in the Magdalene laundries were sent there on remand arising from court decisions. Some were sent there for other reasons and some who left the laundries returned voluntarily. It is not true to say these were State-run institutions in the sense Deputy McDonald implies. Taking into account the difficulties experienced by the women for a variety of circumstances, we at least owe it to them, after more than 100 years, to look at the implications of this report, at the recommendations of the Human Rights Commission and at the work being done by the Minister for Justice and Equality and the Attorney General. Deputy McDonald should let the Government make its decision in respect of these matters and come back to the House so that everyone, including the Deputy, can express their views on it.

**Deputy Mary Lou McDonald:** When does the Taoiseach expect that to happen?

**The Taoiseach:** The Minister for Justice and Equality intends to bring the memorandum to the Government as soon as possible. By that I mean inside a very short time.

**Deputy Joe Higgins:** Is the Taoiseach satisfied that with his Government only three months in office, Ministers are displaying an arrogance not normally seen until a second term? Is he in agreement, for example, with the gratuitous insult by the Minister for Education and Skills to parents whose children are forced to attend dilapidated schools starved of investment for decades? Incredibly, he blames them, saying yesterday in the *Daily Mail* of one such school:

What the hell is the community doing? The school is probably surrounded by wonderful houses with two or three cars parked outside every door and yet parents living in these houses are content to let their children go to a school like that.

What planet is the Minister living on? He is apparently blind to the fact that, tragically, many of those parents are probably living with crippling mortgages and negative equity and that many have lost their jobs. Not to mind the fact that parents are constantly fund-raising to make up for a lack of State funding.

Is the Taoiseach satisfied that members of his Government speak like this about hard-pressed taxpayers while the Government continues to throw tens of billions of the same taxpayers' money to bail out the rotten debts of speculators and bankers? Is he satisfied that another Minister, the Minister for Enterprise, Jobs and Innovation, who is, to boot, a gentleman farmer in Meath of the pastures——

**An Ceann Comhairle:** The Deputy may raise one issue under Leaders' Questions. He has already asked about schools.

**Deputy Joe Higgins:** The issue is the arrogance of Government and of Government policy.

**An Ceann Comhairle:** That is a very broad issue.

**Deputy Joe Higgins:** The Minister stated on Sunday that he will persist with his attempts to impoverish already poor workers through employment regulation orders.

**An Ceann Comhairle:** The Deputy could go through 15 Departments at this rate. Does he have a question?

*(Interruptions).*

**Deputy Paul Kehoe:** Is Deputy Higgins reading the Irish newspapers now instead of the EU Journal?

**Deputy Joe Higgins:** I am sorry that the Ceann Comhairle seeks to undermine the import of my question.

**An Ceann Comhairle:** I do not mean to undermine the Deputy at all.

**Deputy Joe Higgins:** Well, you did, a Cheann Comhairle, because you gave consolation to the Government backbenchers who do not have much else to crow about.

**An Ceann Comhairle:** My job is to adhere to Standing Orders; that is all I do. It is Leaders' Questions.

**A Deputy:** What was the question?

**Deputy Brian Hayes:** Cuir an cheist.

**Deputy Joe Higgins:** Standing Orders allow me to raise an issue——

**An Ceann Comhairle:** To raise one issue, correct.

**Deputy Joe Higgins:** ——of public importance. The issue I raised is Ministers' arrogance and the policies they are stating. I am asking the Taoiseach whether what the Minister for Education and Skills has said is now Government policy and whether it is decided, as the Minister for Enterprise, Jobs and Innovation has proposed, that the Government will cut the wages of the lowest workers — in order words, that it will continue to victimise the victims of bankers' greed while bailing out the financial criminals?

**Deputy Bernard J. Durkan:** That was three questions.

**The Taoiseach:** It is the same old story from Joe. The record is playing relentlessly. Arrogance is not a characteristic that is either genetically endowed or politically acquired by the members of this Government in the past 100 days. In respect of school buildings, the Minister, Deputy Quinn, lives in the land of reality and has been one of the few Ministers for Education to state the facts of life in respect of the situation in which the Department of Education and Skills finds itself and the economic circumstances with which it is challenged. I recently had the privilege of opening a small two-teacher school for which funding was provided by the previous Government. All of the facilities were in place at a cost of €1 million. When one considers that we could build 3,000 such schools each year for the next ten years for the amount that has gone into promissory notes for Anglo Irish Bank, one can understand the scale of the challenge facing the Minister, Deputy Quinn.

I do not accept at all Deputy Higgins's assertion of arrogance creeping into the actions of Ministers who are faced with an almighty mess to clean up and an almighty challenge in so doing. Nor do I accept his contention of arrogance on the part of the Minister for Enterprise, Jobs and Innovation, Deputy Bruton, who is setting about implementing the programme for Government. That programme recommends the reform of the joint labour committees, as is a requirement under the IMF-EU bailout deal. It is not a function of Government to set pay rates. It is a function of the Government to reform the JLCs as set out in the programme for Government and under the conditions of the IMF-EU bailout.

I remind the Deputy — and I did not hear him comment on it — that the Government has reversed the decision to cut the minimum wage which, as the Deputy knows, affects low paid

workers. That was separated from the issue of the necessity to reform JLCs. Far from the Deputy's assertion of arrogance creeping into governance by Ministers, the opposite is the case. They are dealing with reality. If Deputy Higgins wants to live in a fantasy world he can continue to do so.

**Deputy Joe Higgins:** I represent those who live in the real world.

*(Interruptions).*

**An Ceann Comhairle:** Deputy Higgins should be allowed to proceed.

**Deputy Emmet Stagg:** It is a very small world.

**Deputy Ray Butler:** The Deputy is insulting us.

**An Ceann Comhairle:** I have called Deputy Higgins to ask a supplementary question.

**Deputy Joe Higgins:** My difficulty is that some of the Deputies sitting behind the Taoiseach whose levels of oratory have not recommended me to find out their names keep interrupting me.

**An Ceann Comhairle:** The Deputy is losing time.

*(Interruptions).*

**Deputy Leo Varadkar:** That is arrogance. It is beneath Deputy Higgins to know their names.

**Deputy Joe Higgins:** It is somewhat distracting.

**An Ceann Comhairle:** Quiet, please.

*(Interruptions).*

**An Ceann Comhairle:** Quiet, please.

**Deputy Joe Higgins:** For the Taoiseach's information, the real world is one in which hard-pressed parents, under enormous distress as a result of the disastrous crisis arising from disastrous policies by the establishment in this State, are insulted by a Minister of the Government who asked what the hell are they doing. Will the Taoiseach apologise on behalf of the Government to those parents? The Minister was referring to a school in Carlow but it can be applied generally to those parents who to my certain knowledge are fund-raising weekly to make up for a lack of funding. Moreover, is the Taoiseach stating that the comments made by the Minister, Deputy Bruton, on Sunday last is Government policy and that he will cut the wages going to the poorest of the poor workers in this State, while relatively speaking, the Government will not touch the multimillionaires and billionaires in our midst?

**Deputy Simon Harris:** The Minister is doing his job.

**Deputy Finian McGrath:** The Taoiseach should answer that question.

**The Taoiseach:** The Deputy has very selective hearing if I may say so. He must have been either driving or running when listening to the "This Week" radio programme on Sunday because that is not what the Minister, Deputy Bruton, stated. He stated that in accordance with the programme for Government, it is necessary to consider the question of reform of the JLCs and the Minister is involved in discussions with the social partners on that very issue. As

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the Deputy is aware, it also is a requirement and condition of the IMF-EU-ECB bailout deal that there be reform of the JLCs. It is not about setting minimum pay rates but about reform of the JLCs.

**Deputy Joe Higgins:** It is about cutting the pay rates.

**A Deputy:** It is about saving jobs.

**The Taoiseach:** As for the Deputy's comments about the Minister, Deputy Quinn, he is dealing with the reality that for quite a number of years, huge sprawling developments took place in respect of residential houses, accommodation units, apartments and so on nationwide. In many cases, this was done with no conception that children eventually would inhabit many such houses——

**Deputy Joe Higgins:** The Government blames the parents.

**The Taoiseach:** ——with a consequential requirement for school buildings and sites. In common with other Members of the Government parties, I have spent endless hours dealing with community councils, boards of management and people who are distraught because in the so-called Celtic tiger years, small patches of ground rose to exorbitant and excessive amounts or were being deemed fit for school sites and so on. There was neither vision nor foresight in the greed that permeated many sections of the country. The people to whom the Deputy refers, with whom I and every Member on this side of the House are familiar, have been obliged to deal with the consequences and the Minister, Deputy Quinn, is dealing with this reality every day of the week.

**Deputy Joe Higgins:** Yes, and the Taoiseach blames the parents.

**Deputy Ray Butler:** We are all parents.

### **Requests to move Adjournment of Dáil under Standing Order 32**

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

**Deputy Martin Ferris:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: to discuss the fact that the pharmaceutical centre of excellence proposed by the GPCE company, to be based in Tralee with the potential to create a large number of much-needed jobs in the area——

**An Ceann Comhairle:** Can we have some order please? The Deputy is on his feet. The Deputy may now proceed.

**Deputy Martin Ferris:** I thank the Ceann Comhairle. The pharmaceutical centre of excellence proposed by the GPCE company, to be based in Tralee with the potential to create a large number of much-needed jobs in the area is in danger of locating elsewhere due to the manner in which State employment and investment agencies have dealt with the proposal, with the possibility that the group involved may decide to locate its operations in Derry, despite having chosen Tralee as its first option when the project was first proposed in 2010; and the need for the Minister for Enterprise, Jobs and Innovation to engage proactively with the company to ensure this opportunity is not lost.

**Deputy Michael Healy-Rae:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the lack of support from the Government and the IDA for the proposed Global Pharmaceutical Centre of Excellence, which had intended to locate and establish itself in this country but which unfortunately, because it is getting better concessions and assistance, now apparently will go to the North of Ireland; at a time when everything in our power should be done to set up jobs here and at this late stage I call on the Government and the IDA to wake up and try to keep the proposed jobs here, as the management of the company is bitterly disappointed with the lack of assistance it has been given in its efforts to place the jobs here, while in contrast, Invest Northern Ireland is doing everything it can to attract the jobs to the North.

**Deputy Catherine Murphy:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the proposed restorative justice and reparations scheme of Justice for Magdalenes for all survivors of the Magdalene laundries as the Irish Human Rights Commission recently published an assessment of this proposed scheme in which it recommended the State establish a statutory mechanism to investigate the matters advanced by Justice for Magdalenes, and, in appropriate cases, to grant redress where warranted, and as the time is ripe for the Government to finally apologise to the survivors of this institutional abuse and to seriously consider a lump sum compensation scheme.

**Deputy Peter Fitzpatrick:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: to discuss the huge loss to the Exchequer as a result of illegal fuel laundering and the difficulties being experienced by fuel traders in County Louth and elsewhere who are unable to compete against this illegal activity.

**Deputy Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the need for the Ministers for Finance and Enterprise, Jobs and Innovation to act with urgency in accordance with the commitments in the programme for Government and the jobs initiative to prevent the destruction of viable businesses by financial institutions whose refusal to extend credit and unnecessary and punitive actions against viable enterprises are leading to widespread unemployment, further economic decline and intolerable distress for individuals.

**Deputy Bernard J. Durkan:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the reluctance of certain persons to co-operate with the Director of Corporate Enforcement in matters relating to company law and banking procedures and where there are suggestions of failure to comply with statutory requirements in respect of proper fiduciary practice, good governance and the need for due diligence, the existence of possible misfeasance or malfeasance, the need to determine whether such reluctant witnesses can be encouraged to give evidence by way of subpoena or alternative, having particular regard to the magnitude of financial responsibility thrust upon the taxpayer arising from the foregoing and possible reckless trading with a view to ensuring that such practices do not and cannot continue with impunity.

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

### Order of Business

**The Taoiseach:** It is proposed to take No. 7, motion re ministerial rota for parliamentary questions; and No. 3, Social Welfare and Pensions Bill 2011 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. 7 shall be

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decided without debate and Private Members' business shall be No. 25, Spent Convictions Bill 2011 — Second Stage, and the proceedings on the Second Stage thereon shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 8 June 2011.

**An Ceann Comhairle:** There are two proposals to be put to the House today. Is the proposal for dealing with No. 7, motion re ministerial rota for parliamentary questions without debate agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to?

**Deputy Joe Higgins:** It is not agreed. I have a question for the Taoiseach in respect of the Social Welfare and Pensions Bill. The Government proposes to have a guillotine tomorrow evening on that extremely important Bill.

**An Ceann Comhairle:** Sorry, hold on a second. No we are——

**Deputy Joe Higgins:** Whether Members can agree to the Order of Business today depends on the answer the Taoiseach gives.

**An Ceann Comhairle:** No, we are dealing with the Private Members' business and that is not Private Members' business.

**Deputy Joe Higgins:** Yes, but these issues are related with regard to the ordering of the Dáil business for today and tomorrow.

**An Ceann Comhairle:** No, it is not. I am sorry.

**Deputy Joe Higgins:** This can be resolved quite simply——

**Deputy Michael McCarthy:** By reading Standing Orders.

**Deputy Joe Higgins:** ——because the Taoiseach might be able to enlighten Members.

**Deputy Jerry Buttimer:** The Deputy should go on a FÁS course.

**Deputy Joe Higgins:** Will the Taoiseach remove any proposed guillotine which was mentioned in the schedule published——

**Deputy Michael McCarthy:** This is out of order.

**Deputy Joe Higgins:** ——last week for tomorrow night for the Social welfare and Pensions Bill? Members need more time to discuss this.

**An Ceann Comhairle:** Sorry Deputy, that is out of order. Is the proposal for dealing with Private Members' business agreed to? Agreed.

**Deputy Joe Higgins:** Can I conclude with this matter?

**An Ceann Comhairle:** There is a rota system here in accordance with the size of the Opposition groupings. I call Deputy Micheál Martin.

**Deputy Micheál Martin:** Last Tuesday, the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, spoke to the media about legislation on political donations, an issue on which the Taoiseach has promised legislation and which is the subject of Fianna Fáil motion No. 26 on the Order Paper. The Minister made a series of claims for the Bill but did not publish it so we are not in a position to examine it in detail. If this Bill is to be

law before the presidential election it must be passed within six weeks at the latest. Given the Government has promised significant intervals between different stages of legislation in my view it is no longer possible to have the Bill passed in time for the start of the presidential election campaign. When the Taoiseach voted down our Private Members' Bill on political donations in April he gave a commitment that the reduced donations limit would be in operation before the presidential election. However, because of the ban on retrospective legislation, this is not possible. When will the House see the Bill? I ask the Taoiseach to outline the exact timetable for its passage.

**The Taoiseach:** This matter has been raised before in the House. I expect the Minister will publish his Bill inside a matter of weeks and that it will be processed through both Houses. It is a complex Bill, as the Deputy is aware. It has been brought forward expeditiously. I cannot give the Deputy an exact date but the pressure is on the Minister to produce the Bill as soon as possible and it will be before the House in a matter of weeks.

**Deputy Micheál Martin:** The Taoiseach could have had a Bill that was more comprehensive and substantive yet he voted it down and he is unable to give me any indication of when we will see——

**An Ceann Comhairle:** Deputy, we are dealing with history now.

**Deputy Pearse Doherty:** I note from the Order Paper that the House is to discuss the Social Welfare and Pensions Bill 2011 today, the primary purpose of which is to extend to 67 years the qualifying age for a State pension and to 68 years in 2028. I note also the legislation includes the restoration of the minimum wage. However, would the Taoiseach not agree this legislation should be included in a finance Bill as it is a financial matter? The reduction in the minimum wage was introduced by the previous Government in a Finance Bill. Will the Taoiseach agree to bring in specific stand-alone legislation, given there is almost unanimity in this House regarding the restoration of the minimum wage, bar the exception of Fianna Fáil Deputies? Will this be introduced as stand-alone legislation so we can all support this very worthwhile measure?

On promised legislation, on the day we begin to debate extending the qualifying age for a State pension to 68 years, the programme for Government stated that in future, no retired politician will receive a political pension until the national retirement age. The Taoiseach will be aware the Public Service Superannuation (Miscellaneous Provisions) Bill, introduced by Charlie McCreevy in 2004, brought in an exemption that those Deputies elected prior to 1 April 2004 would be able to receive a pension at the age of 50 years and earlier, so the Bill did not affect them. Do I take from the reading of the programme for Government that all existing Deputies prior to 2004 will not be able to get a pension until retirement age?

**An Ceann Comhairle:** The Deputy's latter question is out of order.

**Deputy Pearse Doherty:** When will that legislation be brought before the House?

**An Ceann Comhairle:** I ask the Deputy to deal with the issue that is in order.

**The Taoiseach:** What is in order is while the minimum wage deals with finances it is an industrial relations matter. The effective date for implementation is 1 July 2011 and it is being dealt with by the Minister for Social Protection.

**Deputy Pearse Doherty:** On the other question, when will we see legislation to give effect to politicians not getting a political pension——



**An Ceann Comhairle:** That is not on the Order of Business.

**Deputy Pearse Doherty:** It is promised legislation.

**An Ceann Comhairle:** Is it promised legislation?

**The Taoiseach:** I do not think legislation is promised.

**Deputy Pearse Doherty:** It is promised in the programme for Government.

**An Ceann Comhairle:** Matters in the programme for Government are not automatically entitled to be raised on the Order of Business, unless the legislation is actually promised either inside or outside the House.

**Deputy Pádraig Mac Lochlainn:** Why is that not promised legislation? It was promised in the programme for Government.

*(Interruptions).*

**An Ceann Comhairle:** The Deputy cannot ask questions on the programme for Government automatically.

**Deputy Pádraig Mac Lochlainn:** Why is that not promised legislation? This is another of the broken promises.

**An Ceann Comhairle:** It is a separate issue. The Deputy should table a parliamentary question and he will be given the answer. I call Deputy Joe Higgins.

**Deputy Pádraig Mac Lochlainn:** Is this one of the broken promises?

**An Ceann Comhairle:** We do not need the help of Deputy Mac Lochlainn, thank you very much. I have called Deputy Joe Higgins and I ask him to proceed.

**Deputy Pádraig Mac Lochlainn:** How can the programme for Government not be promised legislation?

**Deputy Joe Higgins:** With respect to the ordering of Dáil business, the Social Welfare and Pensions Bill contains very important and far-reaching measures, particularly the utterly reactionary proposal to extend the retirement age to 68; in other words, workers now will work until they drop to pay off the bankers. The schedule published last Thursday stated that the Bill would conclude, in other words, be guillotined, at 7 p.m. tomorrow. Will the Taoiseach give an assurance that if there are enough speakers — I anticipate there will be — he will extend that time until everybody is given a chance to speak? The Taoiseach made a promise he would not guillotine any Bill.

**The Taoiseach:** The Whips had discussions about this Bill already. There will be an order for winding up of the Social Welfare and Pensions Bill tomorrow and this is necessary in order to progress the Bill. It deals with the reversal of the cut in the minimum wage and I am quite sure Deputy Higgins does not wish to see people who have seen a reduction in their minimum wage rate be left with this situation for an indefinite period. For that reason it is important to move this Bill along. The Deputy will have his opportunity to speak on the Bill.

**Deputy Joe Higgins:** We were promised no guillotines. Is this another broken promise?

**The Taoiseach:** No, I am not promising that. It will be guillotined as we have to move it on.

**Deputy Joe Higgins:** It will be guillotined.

**An Ceann Comhairle:** Is Deputy Ellis's question on promised legislation?

*(Interruptions).*

**An Ceann Comhairle:** Do not mind the interruptions, Deputy Ellis, just keep going.

**Deputy Dessie Ellis:** If I could have a bit of ciúnas please. The programme for Government stated the Government would work to create a system of third-level funding which would not impact on access. Labour was represented by the now Minister, Deputy Ruairí Quinn——

**An Ceann Comhairle:** Sorry, Deputy.

**Deputy Dessie Ellis:** This is about the programme for Government.

**An Ceann Comhairle:** No, Deputy.

**Deputy Dessie Ellis:** The Minister, Deputy Quinn, signed a pledge during the election not to introduce third-level fees——

**An Ceann Comhairle:** The Deputy is out of order.

**Deputy Dessie Ellis:** ——and he claimed he would not row back on registration. I want to ask a question if the Ceann Comhairle will give me a chance.

**An Ceann Comhairle:** The Deputy is out of order. I ask him to resume his seat.

**Deputy Dessie Ellis:** The Ministers, Deputies Quinn and Burton, had signalled that college fees would not be on the way back and that the registration fee hike would go ahead.

**An Ceann Comhairle:** The Deputy should put down a question to the Minister and he will be given an answer.

**Deputy Dessie Ellis:** Can the Minister confirm that this is another U-turn——

**An Ceann Comhairle:** No, he cannot confirm. The Deputy will have to put down a parliamentary question to Deputy Quinn.

**Deputy Dessie Ellis:** That is all I am asking.

**An Ceann Comhairle:** The Taoiseach does not answer questions for everybody here.

**Deputy Richard Boyd Barrett:** On the Social Welfare and Pensions Bill I, too, ask the Taoiseach to reconsider seriously this guillotine. This is very important legislation with a series of complex but far-reaching measures affecting pay, social welfare and the retirement age. To have them all lumped in together in the first instance and then to ram them through while allowing for only two days of debate, is really the worst form of cute hoorist politics——

**Deputy Ciarán Lynch:** The Deputy has not been here long enough; there was fierce stuff going on before his time.

**An Ceann Comhairle:** The Deputy must resume his seat.

**Deputy Richard Boyd Barrett:** I appeal to the Taoiseach to reconsider his decision——

**An Ceann Comhairle:** The Deputy cannot appeal on the Order of Business.

**Deputy Richard Boyd Barrett:** I ask him to disentangle the minimum wage reversal from these other measures which are far-reaching and for the most part, adverse in terms of——

**Deputy Caoimhghín Ó Caoláin:** I ask the Taoiseach to confirm if the Minister has received the report of the review of the fair deal scheme promised for last Friday. Will the Minister afford the opportunity to the House to report on the findings of the review and his intent? Will the House have an opportunity to question the Minister on the intentions of the Government regarding the future of the fair deal scheme?

On another matter, last week it was indicated in the course of questions in the House that statements regarding the demise of the National Treatment Purchase Fund or of it being subsumed within the new special delivery unit, were greatly exaggerated. However, when we see what the Minister has said about the establishment of the special delivery unit, will we have——

**An Ceann Comhairle:** The Deputy knows he is straying out of order now.

**Deputy Caoimhghín Ó Caoláin:** ——a similar opportunity to be properly advised of the Minister's intentions regarding the special delivery unit——

**An Ceann Comhairle:** The Deputy could submit a parliamentary question.

**Deputy Caoimhghín Ó Caoláin:** ——and the future of the funding element of the National Treatment Purchase Fund and the relationship between the two.

**An Ceann Comhairle:** Deputies are complaining and feel aggrieved that they do not have enough time to debate the Social Welfare and Pensions Bill. If they keep on being out of order on the Order of Business there is less time available for debate. I am here to protect the rights of Deputies. I ask them to please deal with matters that are in order.

**The Taoiseach:** I am sure that Deputy Boyd Barrett is interested in meeting the people from his constituency who had their minimum wage cut and would like to be able to tell them he has spoken in their favour to have the cut reversed. The reason the Government will guillotine Second Stage of the Bill is to move on. As the Deputy is aware, he can continue to voice his concerns on Committee and Report Stages. He will have his chance to speak and vote.

In respect of the fair deal, I expect the Minister to conclude his analysis, report to the House and make a statement this week. I do not know whether we will get a chance to have a discussion with him here this week or next week but he has concluded his analysis and will make public his views as to how, in what circumstances and when the scheme may resume.

On the question of the National Treatment Purchase Fund, the comment I made last week stands. There will of course be an opportunity when the Minister gets the full detail of the special delivery unit to organise a debate on it.

**Deputy Barry Cowen:** The introduction of a series of local charges will be a complex measure for the Government and the House. They need to be in place next year. The Minister, Deputy Hogan, confirmed they will be in operation by 1 January. What legislation will be introduced and when will it happen?

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

**The Taoiseach:** The Minister is preparing a memorandum in respect of this. It is part of the condition of the IMF-EU deal and the Minister will report to the Government in due course

in respect of any legislation that might be necessary. Deputy Cowen and others will be advised of the situation.

**Deputy Seán Crowe:** The Taoiseach might be aware that with the good weather over the weekend there were a lot of parties held in houses throughout the State. Unfortunately, in some estates, the party goes on for one, two or three nights.

**An Ceann Comhairle:** Deputy, please. This is a new one on the Order of Business.

**Deputy Seán Crowe:** It is not a new one. It is party time. It also happens during the week. In regard to noise levels and noise pollution, there was a miscellaneous provisions Bill, a consultation Bill and so on. The reality is that some people have to live beside constant parties. There have been a number of attempts in the House over the years to try to deal with this matter but it is an ongoing problem and God love the people who have to live beside these constant parties.

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

**The Taoiseach:** It is a valid question in respect of noise pollution and it is no joke for people who have to put up with it in housing estates or apartment blocks where the walls are paper thin. I cannot give the Deputy a date for the introduction of legislation but it is a matter of genuine social concern of which I am well aware.

**Deputy Michael McGrath:** The Taoiseach promised the House would be allowed to consider legislation at drafting stage. When is it proposed to commence that procedure? Has he identified any legislation which would be addressed in that manner?

**The Taoiseach:** We want to make a raft of changes that would be implemented from September when the Dáil resumes. The intention is that the committees, which will be set up tomorrow, would be able to consider the heads of Bills as they are drafted and give a political response from Oireachtas committees. I hope that will be in operation from September. The committees will be formed tomorrow with all of the representatives of the parties and they can get on with their work.

### **Ministerial Rota for Parliamentary Questions: Motion**

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

That, notwithstanding anything in the Order of the Dáil of 9 March 2011, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Social Protection, shall be set down to Ministers in the following temporary sequence:

Minister for the Environment, Community and Local Government

Minister for Communications, Energy and Natural Resources

Minister for Arts, Heritage and the Gaeltacht

whereupon the sequence established by the Order of 9 March 2011, shall continue with Questions to the Minister for Justice and Equality.”

Question put and agreed to.

## Social Welfare and Pensions Bill 2011: Order for Second Stage

Bill entitled an Act to amend and extend the Social Welfare Acts and the Pensions Acts 1990 to 2010, to amend and modify other enactments and to provide for related matters.

**Minister for Social Protection (Deputy Joan Burton):** I move: “That Second Stage be taken now.”

Question put and agreed to.

### Social Welfare and Pensions Bill 2011: Second Stage

**Minister for Social Protection (Deputy Joan Burton):** I move: “That the Bill be now read a Second Time.”

Reforming the social welfare system so that expenditure in social welfare is targeted to those who are most in need and to those who have contributed to the system is one of the key challenges facing this country. Maintaining citizens and taxpayers confidence in the fairness and effectiveness of the system is vital. Social welfare is a social contract between the citizen and the State. People contribute to the social welfare system during their working lives. They are supported by the State when younger and in school and education. They are supported again when older and retired or throughout their working life if they have a specific disability or need.

For those who are unemployed, social welfare should be, in the popular phrase, “a hand-up, not simply a hand-out”. It is important that as a society we do not accept a situation where a young person in their teens or 20s drifts on to social welfare and a year becomes two years and then a decade or more. As Minister I want to emphasise the value of work and the value of opportunity. In every society being financially independent through employment is critically important for adults, particularly for young adults.

That is why, as Minister, I am today introducing a national internship scheme which offers qualifying people the opportunity to get valuable work experience for six to nine months and break the catch-22, where people who have found themselves surprisingly unemployed as a result of the financial crash and the collapse of the construction sector cannot get a job because they have no experience and cannot get experience because they cannot get a job. We have to reform the system so that work does indeed pay and that is why today’s Bill provides for the restoration of the minimum wage by €1 per hour from 1 July.

The purpose of the Social Welfare and Pensions Bill 2011 is to provide for changes to the social welfare code, to the Pensions Act and to a number of other enactments. The measures contained in this Bill can be grouped into four broad categories: changes to give effect to three of the measures announced in the jobs initiative; a phased increase in the State pension age to 68 years by 2028, in line with the national pensions framework; implementation of Article 17 of Directive 2003/41/EC on the Activities and Supervision of Institutions for Occupational Retirement Provision; and a number of other changes to the social welfare code and to the Comhairle Act 2000.

The Government places significant importance on building an environment for the creation and retention of sustainable jobs. Keeping people in work as well getting people into work through positive activation measures is essential. In last month’s jobs initiative we took the first steps towards enhancing the functioning of the labour market to better facilitate the return to work of those who are currently unemployed.

5 o'clock

This Bill gives effect to three of these measures. First, we are restoring the national minimum wage to its previous level of €8.65 an hour from 1 July. Second, we are halving the lower rate of employer's PRSI contribution from 8.5% to 4.25% from 2 July this year until the end of 2013.

Third, we are introducing a range of additional activation initiatives, including the introduction of a new national internship scheme from the beginning of July which will provide 5,000 work experience opportunities for jobseekers.

For people to stay in work there must be an incentive to do so in the form of adequate pay. Low-paid workers are most at risk of becoming unemployed and falling into poverty. The restoration of the national minimum wage is a pledge made by the Labour Party during our election campaign and one I am pleased to be able to honour. The Social Welfare and Pensions Bill provides for the necessary legislative changes to the National Minimum Wage Act so as to increase the minimum hourly rate by €1. This will increase the minimum wage from €7.65 to €8.65 an hour and constitutes a full reversal of the 2010 cut to the national minimum wage by the previous Government of Fianna Fáil and the Green Party.

Reducing the rate of the minimum wage was a cut that had the most impact on low paid workers, specifically women and young people. It imposed hardship on households at greatest risk of poverty who could least afford it. As a result of the reversal of the €1 per hour cut, workers on the minimum wage stand to gain more than €40 a week. This makes employment more attractive to people claiming jobseeker's allowance and provides a greater incentive to find work. Section 22 provides for this change which will come into effect from 1 July 2011.

The Government is conscious of the need to regain and enhance competitiveness within the economy if we are to be able to begin to create the levels of employment required to meet the challenges posed by our very high level of unemployment. With this aim in mind, we have indicated that any adverse effects on employment which may arise through the restoration of the national minimum wage to its previous level will be mitigated through targeted reductions in the level of PRSI contributions. As a consequence, the jobs initiative announced the halving of the lower 8.5% rate of employer PRSI contribution until the end of 2013 on jobs that pay up to €356 per week. This measure, which is in line with the commitment given in the programme for Government, is being provided for in section 3 and will take effect from the start of July. Section 23 also provides for a related halving of the national training fund levy to give a new lower employer PRSI contribution rate of 4.25%. It should also be noted that the employer PRSI exemption scheme will remain in place until the end of this year for businesses that take on workers under the scheme.

The programme for Government provides for the establishment of a new national employment and entitlements service under the management of my Department, with the objective of integrating into a single service the employment support services currently being provided by my Department and FÁS. The integration of employment services and related benefit payment services within the Department of Social Protection will provide a one-stop shop for people wishing to establish their benefit entitlements, seek employment and obtain advice about their training and work experience options. A key objective of the new service is to offer users a high level of personalised employment support and prioritise the provision of more intensive support for those most at risk of long-term unemployment. It will mean that the day a person signs on for a social welfare payment will be the day on which he or she starts on the road to find options and opportunities to return to work or enter training or education. This is critical to the reform of the system.

A number of pilot projects have begun to develop a case management approach to identify those most at risk of falling into long-term unemployment and provide appropriately tailored responses to their needs. These projects will be completed and evaluated in the coming months,

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after which approaches will be developed for their roll-out nationwide as part of the national employment and entitlements service.

To help break the cycle of jobseekers being unable to obtain a job without suitable experience or gain the necessary experience to obtain a job, the Government is introducing a new national internship scheme. The scheme, which will start in July, will provide up to 5,000 work experience places for jobseekers in the private, public, community and voluntary sectors. Internships will range from six to nine months and during this time participants will receive a top-up allowance of €50 per week in addition to their existing social welfare entitlement. The national internship scheme will apply to people entering the labour market after education or training and unemployed workers whose existing skills are no longer in demand.

Providing pathways to employment or re-employment is vital. The national internship scheme will help young people to get the essential first step on the employment ladder and allow them to build a relationship with prospective employers. From the perspective of employers, the scheme allows them an opportunity to train and develop potential employees at low cost and bring in new skills to enhance their workforce. To facilitate the introduction of the national internship scheme, the Social Welfare and Pensions Bill provides for a number of amendments to social welfare and employment legislation. It also extends to the existing stock of social welfare recipients the current requirements for new claimants to provide additional information that would be useful for profiling purposes to support people to return to work, education and training. It is planned to implement enhanced activation arrangements based on a profiling system developed in conjunction with the Economic and Social Research Institute, ESRI, which will facilitate early targeted interventions for those who need them most, resulting in better outcomes and potential programme savings.

I am introducing a number of amendments to both the State and occupational pension provisions in the Bill, the most significant of which is the phased increase in State pension age to 68 years. The challenges facing the Irish pension system are significant. The population share of those aged 65 years and over is expected to more than double by 2050, from 11% to 26%. Thankfully, people are living longer and healthier lives, with average life expectancy set to rise even further to 88 years for women and, for some unknown reason, only 83 years for men. In contrast, the share of the working age population is projected to decline gradually from 68% to 58%. There are currently six workers for every pensioner and this ratio is expected to decrease to less than 2:1 by mid-century. The task of financing increasing pension expenditure will, therefore, fall to a diminishing share of the population who are at work.

Spending on public pensions, that is, social welfare pensions and public service occupational pensions, is projected to increase from approximately 5.5% of GDP in 2008 to almost 15% by 2050. Growing numbers of people want to work or may need to work beyond State pension age. Increasing the State pension age is one of the ways in which we can sustain the pensions system, maintain the value of the State pension and support people to remain in the workforce. The approach I am legislating for today is for the gradual increase of State pension age to 68 years. This will begin in 2014 with the standardisation of State pension age at 66 years. State pension age will be increased to 67 years in 2021 and to 68 years in 2028. It is worth noting that, until the early 1970s, the qualifying age for the State pension was 70 years.

The standardisation of State pension age at 66 in 2014 and the abolition of State pension transition also removes the retirement condition associated with the State pension transition, which acts as an incentive to leave the workforce and has been widely criticised as a barrier to older people remaining in employment. There is no retirement condition attached to the contributory State pension, which is currently payable from age 66.

By gradually increasing the qualifying age for State pension, people will be further encouraged to remain in employment beyond 65 years of age. The numbers currently at work drop dramatically at 65 years of age. The Quarterly National Household Survey showed that 77.2% of people aged 45-54 years were at work. This drops to 64.3% for 55-64 year-olds and to just 8.7% for people aged 65 years or older.

For the future, arrangements are being examined which would enable people to postpone receipt of a State pension and receive an actuarially increased pension at a later date. In addition, changes are also being considered which would allow people with a shortfall in their PRSI contribution record at pension age to continue to make contributions beyond State pension age, if they continue in employment or self-employment.

The continued participation of older people in the labour market must be encouraged and facilitated to meet the challenge of an ageing society. Employees and employers need to be persuaded to change their attitudes to working longer. In the workplace, employers should try to retain older employees and create working conditions which make working longer both attractive and possible for the older worker. Where this is not possible and people leave paid employment before State pension age, they may be entitled to apply for another social welfare payment until they become eligible for a State pension. Opportunities for older people to participate in education, employment and other aspects of economic and social life must be maximised.

Article 17 of the IORPS directive is designed to ensure a level regulatory playing field between insurance companies and pension schemes, referred to in the directive as institutions for occupational retirement provision, which offer similar pension products. Insurance companies that offer pension products which underwrite death or disability benefits or which provide guaranteed benefits, are required under their regulatory framework to maintain additional solvency margins. Such additional solvency requirements do not currently apply to institutions for occupational retirement pension provision offering similar products. The purpose of Article 17 of the IORPS directive is to ensure that institutions for occupational retirement provision are required to meet the same additional solvency margins as insurance companies offering the same products.

Chapter 2 of Part 4 of the Bill makes the necessary amendments to the Pensions Act 1990 to implement Article 17 of the IORPS directive. However, it is expected that there will be few, if any, pension schemes in Ireland that function in the manner described in Article 17 of the directive.

The Bill contains a number of other changes to the Social Welfare Acts and to other enactments, some of which are simply clarifying existing legislative provisions. I would now like to outline the main changes involved. The occupational injury benefit scheme provides for a range of payments for people who are injured at work or who contract an occupational disease. Among the benefits available are pensions for the surviving dependants of a person who dies as a result of such an accident or disease, including pensions for surviving widows, widowers and civil partners, as well as for surviving dependent parents. However, with the development of the social welfare system over the years, the dependent parent's pension scheme has effectively become obsolete. There are now only three people receiving this pension, with no new applications having been received since 1987. In the circumstances, section 5 discontinues the dependent parent's pension scheme for new applicants. Existing recipients will continue to be paid for the duration of their claims.

Sections 6 and 7 provide for the necessary amendments for a phased increase in the State pension age up to 68 years by 2028, in line with the national pensions framework. This involves the discontinuance of the State pension transition, which is paid at 65 years subject to a retire-



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ment condition, from 1 January 2014. The State pension age will be increased from 66 years to 67 years from 1 January 2021 and it will be further increased to 68 years from 1 January 2028. The legislative changes being included in sections 6 and 7 also fulfil one of the commitments in the EU-IMF programme of financial support for Ireland that the previous Government agreed with the IMF.

Section 9 makes a number of amendments to the one-parent family payment to clarify the operation of the revised qualifying criteria for that payment following the change in the conditions to restrict the payment to families where the youngest child is under 14 years of age. The changes in section 9 ensure that payment of the one-parent family payment will continue up to 16 years where the domiciliary care allowance is being paid in respect of the youngest child. They also ensure that the general qualification criteria will apply to cases where one-parent family payment is retained for limited periods under transitional measures and in the case of recent bereavements.

Section 11 amends certain means assessment provisions as a consequence of the abolition of the income levy and the health contribution. In addition, the provisions of the family income supplement scheme, which is calculated by reference to the net income of the family, are being amended to include the universal social charge in the list of deductions when determining the net income of the family.

Section 14 clarifies the provisions relating to the allocation of personal public service numbers so as to allow parents and guardians to apply for PPS numbers for children under 18 years and to allow personal representatives to apply for PPS numbers on behalf of people who are unable to act, for example, because of a disability. Section 15 strengthens the provisions relating to the use of public services cards by providing for the cancellation and surrender of these cards where evidence becomes available that they are being misused. It will also be an offence to fail to surrender a public services card, without reasonable excuse, when requested to do so.

Section 16 makes a number of amendments to the social welfare code in order to facilitate the introduction of the national internship scheme. It extends to recipients of this new scheme provisions that deemed participants on the proposed skills development and internship programme, which was announced late last year, not to be employees for the purposes of labour legislation generally. Following advice from the Revenue Commissioners, the provisions deeming participants on the new internship scheme not to be employees will not apply in the case of the Tax Acts.

Section 20 extends the list of bodies that are authorised to use the personal public service number for the purposes of carrying out transactions with members of the public to include the Probate Office and the Sustainable Energy Authority of Ireland. Section 21 amends the Comhairle Act 2000 so as to apply to the Citizens Information Board the standard provisions disqualifying people who have been nominated for or elected to the Oireachtas, the European Parliament or to a local authority from membership of State boards and agencies. This section also applies these standard disqualifications to staff members of the Citizens Information Board. These changes will apply to the Citizens Information Board in the case of anyone who is nominated for or elected to the Oireachtas, the European Parliament or to a local authority on or after 1 July 2011.

Section 24 provides that section 7 of the Official Languages Act 2003 does not apply in regard to this Act. This will enable any necessary orders and regulations that need to be made under the Bill by early July, including the order to restore the national minimum wage to its

former level, to be made without having to wait for the Irish translation of the Act to be made available.

Tá mórchuid altanna sa Bhille seo agus deirtear liom nach mbeidh leagan Gaeilge ar fáil le roinnt seachtainí. Dá bhrí sin, tá sé beartaithe againn Alt 24 a chuir chun cinn chun a bheith cinnte de go n-éireoidh linn an íosphá náisiúnta a árdú ó thosach na míosa. Tá aistriúchán Gaeilge den Bhille á reachtáil faoi láthair agus beidh leagan Gaeilge den Acht ar fáil ar an idirlíon agus i gcló go gairid. Ní bheidh aon mhoill ar sin. The text of this Act will be made electronically available in each of the official languages as soon as practicable after its enactment and it will be published in hard copy in both languages as soon as possible.

Part 4 provides for the necessary amendments to the Pensions Act to implement Article 17 of the IORPS directive. The substantive elements of Article 17 of the directive are provided for in section 35. The existing provisions of the Pensions Act require defined benefit pension schemes to satisfy a funding standard by maintaining sufficient assets to enable them discharge their accrued liabilities in the event of the scheme winding up. Where schemes do not satisfy the funding standard, the sponsors or trustees must submit a funding proposal to the Pensions Board to restore full funding within three years. This period can be extended at the discretion of the Pensions Board.

Section 35 builds on this process to secure the additional reserves required to implement Article 17 of the IORPS directive by inserting a new Part into the Pensions Act which provides for the application of the provisions of this new Part to regulatory own funds schemes and to regulatory own funds trust retirement annuity contracts, subject to certain exceptions that are provided for under Article 5 of the IORPS directive; the preparation and submission to the Pensions Board of technical provision certificates by regulatory own funds trust retirement annuity contracts; a requirement for relevant schemes and trusts to hold additional reserves; and the amount of regulatory own funds required.

The other measures contained in Chapter 2 of Part 4 make consequential amendments to the provisions contained in the Pensions Act relating to regulatory own funds schemes and regulatory own funds trust retirement annuity contracts. These include, for example, the exemption of regulatory own funds schemes from the requirement to submit funding proposals or to restructure scheme benefits where a scheme fails to satisfy the funding standard under Part IV of the Pensions Act. The requirement to submit funding proposals and to restructure scheme benefits is set out in a new Part of the Pensions Act, which is being introduced by section 35.

In addition, Chapter 3 of Part 4 clarifies the responsibility of the Pensions Board in regard to the certification by the board of certain policies or contracts of assurance as being suitable for pension purposes. Sections 40 to 43 amend the Pensions Act to provide that such policies or contracts of assurance will now require to be certified by the Pensions Boards instead of getting the approval of the board.

I want to inform the House that I intend to table a number of amendments to the Bill on Committee Stage. The Minister for Finance announced in the jobs initiative that the extension of PRSI liability to income arising from share-based remuneration would only apply to the employee element of the contribution and not to the employer PRSI contribution. Details of the operation of this measure are being finalised with the Revenue Commissioners and I intend to bring forward any necessary amendments to the Social Welfare Acts by way of Committee Stage amendment, if the details are finalised within the timeframe for this Bill.

I will also bring forward two further Committee Stage amendments, first, to ensure that participants on the Tús programme cannot concurrently receive a jobseeker's payment and, second, to align the commencement dates for the halving of the lower rate of employer PRSI

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contribution set out in the tables to sections 3 and 23 with the commencement date of 2 July 2011.

I look forward to an informed debate on the Bill and to hearing the Deputies' views on the measures contained in it over the next two days. In regard to the national internship scheme, many employers have called for such a development to provide opportunities for people who are unemployed. This scheme presents an opportunity for everybody, whether in the private, public, voluntary or commercial sector, to give an opportunity to people who have qualified — be it a qualified apprentice, a graduate, a postgraduate or somebody who has done specific training perhaps to change his or her career orientation — to give them a foot on the ladder, to get vital job experience to enable them to present a CV to an employer. It is a system that has been used in many countries quite successfully.

I have done a huge amount of work with a wide range of groups and bodies to ensure that this will be valuable work experience for qualified people and to ensure in particular that people who have been unable to get any work experience in the current climate will be able to do this and that this will constitute the first step for them in getting a job. The experience in many other countries shows that if people do a good internship it is often a route to permanent employment, even with the company with which they have done their internship. This is an important step forward in terms of our attempts to give people, particularly those who have found themselves unexpectedly unemployed because of the current crash, an opportunity.

I commend the Bill to the House.

**Deputy Barry Cowen:** I wish to share ten minutes of my time with Deputy Browne.

**Acting Chairman (Deputy Robert Troy):** That is agreed.

**Deputy Barry Cowen:** As the Minister said, this Bill addresses various measures contained in the jobs initiative, the EU-IMF programme, the pensions area, as per the national pensions framework, and items pertaining and relating to civil partnership legislation. As the Bill covers predominately matters of a housekeeping nature, I support it, its contents and the measures within it to address those items. However, I would like to go further and speak about some of those items in respect of which we believe the Minister has not gone far enough and where more could have been done.

The Minister might take on board some of the proposals in the coming years to address various issues. For example, the jobs initiative does not go far enough. I do not believe it does exactly what it says on the tin. The restoration of the minimum wage in its own right is not vindication that the Government is championing the lower paid. The national internship scheme is a repeat of the scheme announced in the previous budget, only a slighter poorer relation of it. The other issue I wish to address is that of other social welfare rates, including child benefit, and I would like to get a response from the Minister on where she stands on these important issues in the context of statements that have been made both here and outside the House by other members of the Cabinet.

The jobs initiative was a far cry from the jobs budget promised by Fine Gael prior to the election. During that election campaign it promised to create 100,000 jobs by 2015. It has avoided setting targets and figures under the jobs initiative, putting meat on the bones of the proposals, but it was not afraid to tell the electorate about the huge aspirations it had in setting targets for job creation.

The jobs initiative is to be funded by a pension levy which is discriminatory, inequitable and proving to be socially divisive. The €1.9 billion attack on private pension funds will hit current

and future pensioners very hard. Many of the other measures within the initiatives simply involve the reallocation of funding from within departmental budgets. In total, additional capital expenditure will amount to €135 million. However, €106 million of this will come from reallocating existing resources.

The Government and the Minister should have recognised the value of schemes like housing aid for the elderly and housing adaptation grants in addition to the retrofitting proposals. As a local authority member of almost 20 years, I am like many others in that I recognise the value of these schemes and the fact that many of those who benefit from them never intended to benefit, that is, when they first entered their houses many years ago, they never believed such changes would ever be necessary. Where these schemes are concerned, local councils have been the lead authorities. Not only do the schemes benefit applicants in dire need, they also benefit the employment and job creation situations.

When I stated that I would support the Bill, particularly in light of the issues it addresses by virtue of the jobs initiative, civil partnerships and the national pensions framework, I did not omit the reversal in the cut to the minimum wage. The Government is trying to portray itself as the champion of the lower paid. This cannot be the case. On the one hand, the Government boasts about restoring the minimum wage and, on the other, introduces proposals via the Minister for Enterprise, Jobs and Innovation that could have an impact on up to 250,000 low-paid people working in the hotel, restaurant, retail and other sectors. These are the very sectors the Government sought to protect by restoring the minimum wage. I agree and accept this desire. The people have spoken where this issue is concerned and I will not be found wanting in my support of it, but I cannot support the Minister's proposals of recent weeks in respect of the lower paid. I have serious concerns about them. The changes to overtime and Sunday rates seem to go so much further than the recommendations of the independent Duffy Walsh report. The Minister's proposed changes would have serious consequences for the living standards of low-paid workers. The Duffy Walsh report concluded that lowering the basic joint labour committee, JLC, rates was unlikely to have a substantial effect on employment. Therefore, it cannot be said that the Minister's proposals would lead to greater employment in this sector.

If the Government is serious about its commitment to transparency and honesty with the people, it needs to publish its proposals in full and let the same people adjudicate on the potential effects. The Dáil should also be consulted on the Duffy Walsh report, but it seems the proposals will be presented as a done deal after what will be seen to have been much procrastinating and grandstanding by Government backbenchers who, despite being in their so-called honeymoon period, are already unnerved by these murmurs.

The Minister for Social Protection needs to clarify her stance on these proposals. Recently, she spoke on RTE about the need for reform. She stated that, if one reduced the incentive to work, more people would lean on social welfare. She refused to say whether there would be pay cuts despite the fact that the proposals set out by the Minister for Enterprise, Jobs and Innovation, Deputy Richard Bruton, clearly suggest wage adjustments. She spoke about doing an assessment of the proposals' impact. Is such an assessment by her Department's officials necessary? I am sure she is in touch with her constituents and reality. When I returned to my constituency last week and the previous week, I met people from these sectors at advice clinics and so forth or was contacted by them through all forms of communication. They know only too well the proposals' consequences. I take the Minister's word that she will ask her officials to carry out the assessment. When will she respond to the assessment in the House on the public's behalf? Will she make the findings available to the public or will she discuss them in the Red Rose Cafe with her Labour colleagues while those in the Blue Lagoon Restaurant await her deliberations, after which we might see a whole-of-Government decision that none of us on the Opposition benches will be allowed to discuss?

[Deputy Barry Cowen.]

The national internship scheme is similar to the one proposed in the last budget, albeit potentially with less favourable terms. In response to a parliamentary question submitted by Deputy Brendan Smith, the Minister for Education and Skills, Deputy Ruairí Quinn, admitted that the internship programme announced in the jobs initiative would replace the skills development and internship programme announced last December. These are not 5,000 additional places. They are just replacing the 5,000 already announced and budgeted for in December.

To make matters worse, the new scheme offers less than the original. Last December's scheme was significantly more generous in offering participants an up-skilling bonus of €100 alongside their social welfare entitlements compared with the €50 top-up now on offer. That the employer would pay half while the Government stuck to its commitment on the €50 top-up could have been proposed. As the Minister, Deputy Burton, stated, the people in question are greatly skilled and have much to add to the economy and to those who take them on under these schemes. In light of their value to employers, surely the latter could match the €50 that the State is proposing.

Now that the Bill is before the House, I have a question regarding what was described as a dark red line issue, that of child benefit. Is it even possible to have a red line issue anymore? In *The Irish Times* yesterday, Deputy Buttimer, the Minister's colleague, stated: "It is important that people calm down and recognise that we have a job to do in the national interest." That is the responsibility with which the Government has been charged by the electorate and it should be privileged to exercise that responsibility. The final sentence of Deputy Buttimer's quotation states: "There can be no red line issues." While in this regard he was speaking about JLCs, this could apply to any issue.

I wonder where we are with regard to child benefit. The Taoiseach and Minister previously stated €250 million in savings could be achieved without touching child benefit. The Minister has since said she will refer the matter to the Commission on Taxation and Social Welfare for deliberation. She has also said that social welfare and child benefit rates are matters that can only be discussed in the context of the forthcoming or following budget, which is a far cry from her saying prior to entering Government that these payments were hurting the poor and the weak and were red line issues for the Labour Party. Are they no longer red line issues now that the Labour Party is in Government?

It is time now to belt up, move on and make the tough decisions. It is time to stand up and be counted and to be honest with the public. If the Labour Party now wishes to tell the public it is in a different place to where it was prior to the election so be it, let it be straight and lay it on the line for the public. Let us not continue the charade that has been evident in the past number of weeks. The Government and Cabinet should be concise, clear and definite in terms of where it is going. If that flies in the face of the Government parties' stated position some months ago, so be it. The Government will have to suffer the consequences and move on. I do not wish to engage too much now on those issues as I will be able to ascertain from the Government, by way of parliamentary question, etc., where it stands and proposes to go.

I acknowledge that this Bill is as a result of the jobs initiative and the measures contained therein in regard to PRSI, the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and so on, which are to be welcomed. I acknowledge also that the Government is in this Bill honouring its commitment in regard to pensions. Fianna Fáil will not be opposing the Bill despite, as I stated earlier, our we having great difficulty with the background to its implementation, the manner in which certain decisions were arrived at and the portrayal of the jobs initiative as something we do not believe it to be. However, it is up to the Opposition to

be constructive and to offer the public a different side of the coin. Members of the Government will know much about that, having been in opposition for 14 years.

It would be helpful to me, Fianna Fáil, other Members of the Opposition and the public if the Government could, in so far as it can, take note of some of what I have said and respond accordingly. If it does so it will be doing its job. We will then take it from there.

**Deputy John Browne:** I thank Deputy Cowen for sharing time with me. I welcome the Bill which provides us with an opportunity to raise issues relating to social welfare and to comment on some of the issues put forward by the Minister in her speech.

I have been a Member of this House for a long time. I am always concerned when I hear the words “reform”, “rationalisation” or “amalgamation” in the context of schemes as they inevitably mean reductions in payments to people on social welfare. It is often said that social welfare rates in this country are reasonable and are better than they are in the UK or other parts of the EU. However, people on social welfare are only surviving on their current payments. When economists hear of a €20 billion spend by the Department of Social Protection, they rush to recommend reduced payments to people on social welfare. However, these same economists are usually on incomes of €150,000 to €200,000 per annum and are not caught in the poverty trap in which many people on social welfare in this country are caught.

I welcome the reversal of the €1 cut in the national minimum wage. It was perhaps a mistake to reduce it in the first instance. However, the previous Government was told by employers that it would result in the creation of a significant number of jobs. I doubt it has resulted in the creation of one job. I welcome that the Government is reversing the cut. I wonder, however, how it will fit with the proposal from the Minister for Enterprise, Jobs and Innovation, Deputy Richard Bruton to reduce wages in the retail, restaurant and hotel sectors and the proposed introduction by the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, of water charges and a site valuation property tax, all of which will result in severe hardship for many families throughout the country. Perhaps, when responding, the Minister will clarify if people in receipt of social welfare will be exempt from water charges and the property tax or if a special concession will be put in place for them? I would like the Minister to clarify if such proposal has been given consideration.

I understand that local partnerships throughout the country will administer the Tús scheme introduced by the former Minister for Community, Rural and Gaeltacht Affairs, Deputy Éamon Ó Cuív. A letter I received from the Wexford Local Development states that there will be 180 participants and nine supervisors on its Tús scheme, which is one supervisor per 20 participants and if replicated countrywide will result in 400 supervisors. All participants will be involved in work improving buildings such as community centres and sporting, caring, cultural facilities and will, therefore, be supervised within the organisations to which they have been allocated. Is it necessary to have these supervisors? It is important money allocated to this scheme is spent on providing places for participants rather than supervisors.

I welcome the internship programme. However, perhaps the Minister will clarify how it will operate. Will it be flexible and will it be open to chambers of commerce, town, county and urban councils wishing to promote their towns in the context of tourism and so on?

How does the Minister square the pitch with the fact it was intended to be €100 per person under the announcement made by the previous Government whereas it is now to be €50? If people take this up, will they pay some of the money as well or is it expected that the Department would pay the €50 and the organisations or groups that employ the people will not make any contribution? The Minister might clarify this when she replies.

[Deputy John Browne.]

When the Minister was on this side of the House, on several occasions she raised the issue of those who sign on for jobseekers' payments and who then get a few weeks work. When they try to get back on the jobseeker's scheme, they encounter great difficulty, which means many people will not take up a job lasting just three or six months. There is a need for a major examination of this issue to find how we might develop a more adaptable and flexible scheme as the current system is causing problems.

While I will not criticise the Minister as she has been in the job less than 100 days, the appeals system as it existed under the previous Government and as it still exists is a problem in that it takes anything from six to nine months to process an appeal, whether in regard to disability benefit, jobseekers' payments, invalidity pension, domiciliary care allowance or other payments. I do not know whether this is a result of the scarcity of appeals officers or for another reason but the delay in hearing appeals is an area of major concern. I find that an appeals officer will come to a county and hear perhaps three or four appeals in a whole day and then go back to Dublin. Moreover, there are many cancellations of appeals hearings, whether the problem is on the side of the client or the appeals officer. I get telephone calls regularly to tell me an appeal has been cancelled or has been put back for a week or two, or perhaps for two or three months until the appeals officer returns. This is causing problems and the issue needs to be clarified.

In the ten pages of the Minister's script, there is not one reference to job opportunities for people with disabilities. It is an area in which I have an interest as I have a daughter who uses a wheelchair. Many people with disabilities now go on to second level and even third level education. They are very well educated and in many cases do all kinds of courses, including FÁS courses and courses specifically for people with disabilities. Yet, at the end of all that, they find it very difficult to secure a job. Not enough is being done to encourage employers, and perhaps employers themselves are not doing enough, to employ those suffering from a disability.

The Minister might take a direct interest in the 3% target for the number of people with disabilities whom Government bodies are supposed to employ. To take the local authorities and Government bodies in my own county, the target is a bit of a sham. There is no way 3% of the workforce are people with disabilities and it is certainly an area that needs to be examined. Many of those with disabilities, whether they are in a wheelchair, use a walking stick or otherwise, are well educated and highly skilled, and they would make excellent, committed workers. We have been hiding behind the 3% target for a long time and we need to reconsider it.

The budget will take place later in the year. Many people are seeking an increase in free fuel payments as well as other increases. We must examine the whole area of social welfare and not just decide that payments should be reduced. We must seek to prioritise payments for old age pensioners, people with disabilities and those who may require extra payments. It is an area that needs careful consideration before the budget is introduced later in the year.

"Getting people back to work" was a slogan adopted by both the Labour Party and Fine Gael in its five point plan. It is not as easy as making a slogan to get people back to work. The job opportunities available at present are not plentiful. I know people are doing their best to create extra jobs and we are all trying to encourage employers to take on extra workers. In counties like my own in particular, which was very dependent on the building industry, there are huge numbers of young people who left school after their junior certificate or earlier because they could earn high wages in the building sector, and they now find themselves both unemployed and uneducated, with the result it is very difficult to get a job. We have FÁS and

will have Tús and the internship programmes, which I hope will play a part in getting people re-trained, re-skilled and, more importantly, get them back into the education system.

The previous Government tried to find a way to marry FÁS and the other training agencies, and I presume the current Government is thinking along the same lines. There is no need for a person under 30 to be drawing social welfare without being on a scheme. It is important that we get people onto schemes as quickly as possible and give them an opportunity to at least have a skill to get them back into the workforce.

**Deputy Aengus Ó Snodaigh:** Tá sé tábhachtach go bhfuil an deis againn, in ainneoin go mbeidh an deis srianta amárach, labhairt ar an ábhar seo. Is trua go bhfuil sé i gceist ag an Rialtas an t-am chun plé ceart a dhéanamh ar an Bhille seo a shrianadh, ní amháin ar an Chéim seo ach ar Céim an Choiste agus na Tuarascála chomh maith.

Gabhaim buíochas le hoifigigh na Roinne a thug an míniúchán dom ar an Bhille seo Dé hAoine toisc gur Bille casta é. Tá a lán forálacha ann agus thóg sé tamall dúinn dul i dtaithí leis go hiomlán toisc cé chomh tapaidh agus atá an Bille os ár gcomhair. Níor foilsíodh é ach ar an Déardaoin seo caite agus táimid á phlé inniu, i gcoinne an ghnáthchleachtais sa Dáil de laistigh de seachtain ón Bhille bheith foilsithe. Gabhaim buíochas leis na hoifigigh ón Roinn a bhí in ann roinnt de na gnéithe a shíl mé go raibh siad casta a mhíniú dom, rudaí teicniúla lena bhfuilimid ag déileáil agus atá loighiciúil chun fáil réidh leo toisc nár scrios muid iad nuair a bhí muid ag rith an Achta um Páirtnéireacht Shibhialta agus um Chearta agus Oibleagáidí agus roinnt rudaí atá tar éis titim as úsáid, mar shampla nach bhfuil ach tríúr duine ag fáil the dependent parents pension faoin am seo. Is ceart agus is cóir go ndéanfaimid déileáil le rudaí mar sin agus tarlaíonn sin go minic nuair atá athruithe suntasacha ag tarlú ó thaobh Roinne.

Mar sin féin, is oth liom a rá go bhfuil mé chun moladh do mo pháirtí cur i gcoinne an Bhille de thairbhe go bhfuil rudaí ann nach n-aontaím leo agus nár aontaigh mé leo nuair a tháinig siad os comhair na Dála faoi réimse Fhianna Fáil agus na nGlasach. Dá réir sin, cuirfidh mé ina choinne, agus míneoidh mé sin níos déanaí.

Ceann de na príomhrudaí a chuir bac liom a bheith sa Bhille ná alt 24, go bhfuil an Rialtas ag iarraidh Acht dá chuid féin a chur ar leataobh. Tá sé tábhachtach cur ina choinne seo agus beidh mé ag moladh ar Chéim an Choiste go scriosfar seo ón Bhille ach go háirithe. Ní fiú tráithnín Acht a rith sa Dáil má tá sé le cur ar leataobh díreach nuair is mian le Rialtas sin a dhéanamh. Níl an leithscéal a úsáideadh — nach bhfuil sé ar chumas iad siúd atá ag aistriú Billí in ann an Bille seo a aistriú tapaidh go leor — maith go leor. Sílim féin go bhfuil sé ach bheadh sé i bhfad níos éasca d'aistritheoirí, mar a dúirt mé blianta ó shin, agus a dúirt mé arís agus arís eile, dá mbeadh téacs de Bhíllí as Gaeilge sa chéad dul síos maraon leis an Bhéarla. Bheadh sé i bhfad Éireann níos tapúla ansin dóibh leasú a dhéanamh agus dá mbeadh sin déanta sa chás seo nó i gcás Billí éigeandálacha eile, bheidís in ann é a chasadh timpeall san am ar ghá dá mbeimis ag iarraidh clóí le hamchlár éigin roghnaithe ag an IMF nó pé duine a bheadh ag gabháil leis na coinníollacha ón IMF a chomhlíonadh.

Casfaidh mé ar an chuid eile de na forálacha sa Bhille agus déanfaidh mé an argóint sin maidir le halt 24 nuair a bheimid ar Céim an Choiste. The contents and purpose of this Bill have been flagged by the Government to the Oireachtas and the wider public for some time. The Bill was to have had two purposes — to reduce an employer's PRSI contribution on low wages and to raise the pension age to 68. In the eleventh hour the Government cynically and inappropriately dropped the restoration of the minimum wage into the Bill, a measure that should have applied to a stand-alone Bill or, at minimum, to an amendment to a Finance Bill. The decision to include it in the Social Welfare and Pensions Bill is contemptuous in that it seeks to cover up an attack on older people. It is a fig leaf to cover a cut of 16% in pension entitlements. That was the intention in this Bill and it was flagged by Fianna Fáil in particular.



[Deputy Aengus Ó Snodaigh.]

In this instance, the Labour Party leadership is cynically using the minimum wage to bully its own Deputies into supporting the single biggest cut to pensions ever contemplated.

The Bill before the House was supposed to have been about social welfare and pensions, not about the minimum wage. I examined it to make sure; it is a Social Welfare and Pensions Bill, with no mention of the minimum wage. Its definition is: "Bill entitled an Act to amend and extend the Social Welfare Acts and the Pensions Acts 1990 to 2010, to amend and modify other enactments and to provide for related matters." The minimum wage must be merely another related matter. In fact, however, the changes to it were introduced in a Finance Bill and they should be restored in a similar Bill. My colleague, Deputy Pearse Doherty, has tabled an amendment to the Finance (No. 2) Bill which would restore the minimum wage more quickly than this Bill can and that measure would be more understandable in a more appropriate Bill.

There is near unanimity in the House on this issue, except, to date, on the part of Fianna Fáil. However, the Deputy who spoke before me indicated he would not oppose the restoration of the minimum wage, which is a welcome sign. The drafting has been done. If the Government were more honest in its approach on this issue, I am confident the measure could be passed within a matter of hours and do not believe there would be any opposition. However, it is playing games. The more quickly the measure can be passed the better, because the current system is costing the lowest paid people in our country money, €40 per week in many cases. Since the reduction was applied, it has meant the equivalent of almost €800 lost to the lowest paid in this State, with 50,000 workers affected.

The minimum wage should be restored immediately. It was fundamentally wrong to cut it in the first place and we should not be forced to exchange its restoration for far-reaching cuts to the State pension entitlements. Future generations of older people are being offered to the EU-IMF by this Government as a down payment for its bank bailout. It would be much easier, and more appropriate, for the Government to add the restoration of the minimum wage as a one-line amendment to the Finance (No. 2) Bill, currently before the Dáil. Instead it is holding back, inserting the measure in an artificial manner into a pensions Bill. I shall return to that if I have enough time.

This Bill will put in train a framework to raise the age for all State pensions, initially to 66, then to 67 and finally to 68. We shall see whether over the term of this Government the age may be further extended. This proposal to raise the pension age will most adversely affect those on low incomes who do not have the option of an occupational or private pension, or of savings. These older people, who are often in the most physically demanding jobs, will have no choice but to continue working until the later age regardless of the impact on their health. In addition, forcing older people to remain in employment means there will be fewer jobs for young people or for those now being forced to emigrate. The latest CSO figures put unemployment at a yearly high. Emigration figures continue to grow. It is absolute madness even to talk about forcing another swathe of people on to the dole or to emigrate. This Bill will abolish the State pension transition in 2014. When I asked what is being done to support all those whose employment contracts will cease at the age of 55 or 65, the Minister's response was that they can join everybody else on the dole queue. Unemployment for those aged 60 and older rocketed from 2.5% in 2005 to 9% in 2010 and raising the pension age will simply add to this figure.

Those aged 50 who are laid off today could face 18 years on the dole. There is nothing either in this Bill or in the jobs initiative to indicate where jobs will originate for that age category. Such jobs need to be meaningful, not merely the packing of shelves. Age discrimination occurs. We need to see what steps the Government will take to ensure there are opportunities for people aged 50, 55 and 60 who are laid off and end up in the dole queues and that they are not seen as ending up on the waste heap, to finish their employment days on the dole waiting

for their pension. I do not see any particular targeted activation measures for those people. So far, most initiatives, of which there are not many for those on the dole queues, are targeted at young people. This is vital too but there must be measures across the board, especially given the enormous growth in numbers of those who find themselves unemployed at a later age. It would be a good move were that to happen because there is a significant wealth of knowledge, experience and expertise not being tapped at present which needs to be tapped and encouraged, although not to the detriment of young people coming to the jobs market. It needs to be encouraged, although not to the detriment of young people who are entering the jobs market. There needs to be a two-pronged approach to jobs activation. There should not be a single approach.

The Minister's defence of the decision to raise the pension age relies on economic theories that are only of relevance to times of strong economic and employment growth. When I tabled a parliamentary question on the matter, I put it to the Minister that the logical outcome of forcing one category of people to remain in employment would be a curtailment in the number of jobs available for young and not so young jobseekers. If the working years are extended and the pension age is moved further away, the availability of jobs will be curtailed. If people in public sector jobs continue to work until they are 65, 66, 67 or 68 years of age, such jobs will not become available. Not many public sector jobs are being offered at present as a result of the recruitment embargo. I hope the time will come when the embargo is no longer in place. The same thing applies to private and semi-State companies. The Minister responded to my parliamentary question by citing the lump of labour fallacy and claiming there is no correlation between the two employment rates. The theory she referred to is of no relevance to an economy that is in recession. It is relevant at times of low unemployment and huge prosperity. I do not know whether the Minister will re-examine the lump of labour fallacy, which she quoted in response to my question. She should reconsider who the economic illiterate is on this question.

The Minister has told me categorically that by 2050, the ratio of workers to pensioners will be approximately 2:1. When we make such predictions so far in advance, we need to state honestly that they are not an exact science. It is simply not possible to predict what the ratio of pensioners to workers, and consequently the level of State pension affordability, will be 40 or 50 years from now. Far too many volatile factors, including employment levels, migration levels, birth trends and economic growth, have to be considered when making any such prediction. As we have seen to our cost over the last decade, all of the factors in question are fluid. Having said that, it is important to be prudent. Nobody is suggesting we should spend unwisely. My party has demonstrated that the State pension would be affordable for many years into the future, from the current ages, if the Government were willing to target Ireland's wealth in a fair and progressive manner. Some €1 billion could be saved each year if the tax reliefs on private pension contributions were standardised. If the cap on earnings from pension contributions were lowered to €75,000, some €100 million per annum could be saved. If it were lowered further, as some people have suggested, a bit more could be raised. We have suggested a cap of €75,000. In the absence of reform on both of these issues, we should not be talking about making a single older person work a day longer.

Since Fianna Fáil first proposed an increase in the pension age in 2010, a range of organisations and voices have expressed concern and, in some cases, outright opposition. Some of them have been careful in their comments on the proposal and others have highlighted their total opposition to it. Age Action Ireland has expressed its concern that the increase in the pension age will introduce a poverty trap at the age of 65. It has highlighted its concerns in some of its publications. It is proposed that the age at which one qualifies for the State pension will increase from 66 to 67 in 2021 and to 68 in 2028. Age Action Ireland believes this combined approach has the potential to create a poverty trap for older workers, especially those working

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in the private sector with contracts to work until they are 65. That issue needs to be addressed, but that is not happening here. The contracts in question, which were designed with the State transition pension in mind, provide protection to workers until they qualify for the State pension. We also need to address that issue in this Bill. Other people will also be affected by the transitional arrangements.

According to the Age Action Ireland briefing, if this Bill is passed in its current form, many older workers will be forced out of full-time employment at 65 and will have to sign on the dole for 12 months. That would cost the State money. The Government is setting these measures in stone to satisfy a commitment made under the EU and IMF programme of financial support for Ireland. It must start planning to prevent as many older workers as possible from being caught in this new poverty trap. It is in the Government's own financial interests to do so. This proposal will cause hardship to individual workers and families. From 2014, workers whose contracts end on their 65th birthdays will not be allowed to claim the State pension until they are 66. That age will increase to 67 or 68 at a later stage. They will be left with no option but to sign on the dole. That is the blunt message transmitted by Age Action Ireland when this issue was raised with senior Government officials. At current prices — this is the key issue — the Government will save just over €40 a week, which is the difference between the unemployment payment and the contributory pension. It is not the case that a huge saving will accrue from this proposal, particularly in so far as it relates to those who are under contract until they are 65. Other countries that have sought to change the pension age have provided for much longer lead-in times to ensure people do not end up in poverty traps of this nature and to assist those who are stuck in contracts that require them to retire at the age of 65. The publication of this Bill suggests that the Minister intends to persist with it. I urge her to examine the specific cut-off dates that have been proposed.

Another group, Older and Bolder, has highlighted the dangers of the extremely short lead-in time. It has emphasised that a different lead-in time has been proposed in England and elsewhere. The proposed timeframe will not allow older people in physically demanding jobs to retrain, to take steps to secure more manageable work or to seek a change in the dates that have been suggested. The Minister's party colleague, the Minister of State, Deputy Shortall, was very vocal on this issue when she was the Labour Party's spokesperson on social welfare in opposition. She said the proposal to "raise the State Pension Age to 66 yrs in 2014 should be abandoned". It will be interesting to see whether she stands by that comment when the House votes on this legislation. I doubt it very much. She continued:

The move is particularly crude on those who have worked for nearly 50 years and have paid almost 50 years of social insurance. In such cases they have already met the qualifying conditions for the State pension and will, in effect, be making worthless contributions in their remaining years in the workforce.

I would love to hear what the Minister of State, Deputy Shortall, has to say about those comments at this stage. To what extent has she changed her mind since she stepped into the shoes of Government? Wealthier older people will continue to have options. Many of them will be able to fall back on private pension arrangements and savings until their State pensions kick in. As usual, those on low incomes and those who have been in and out of the workforce will be hardest hit by these proposals.

The trade unions have been relatively quiet on this issue since the new Government indicated that it intended to retain Fianna Fáil's policy in this area. When these proposals were first made, the president of SIPTU, Jack O'Connor, described them as "an assault on the State old age pension provision". The Irish Senior Citizens Parliament is opposed to the mandatory

raising of the pension age. They insist that any increase should be voluntary and my party agrees wholeheartedly with that proposal. I believe that this is being covered up by the inclusion of the minimum wage in this Bill and that Members will try to focus on that to avoid having to explain away to their constituents how the Government is undercutting the entitlements to pensions by 16%.

The employers' PRSI changes in this Bill are also interesting. The Bill proposes to half the employers' rate of PRSI on jobs that pay up to €356 per week. I doubt this change will create many new jobs. Instead it will likely precipitate extensive wage cuts because employers will be strongly incentivised to bring down wages that are currently at or around the €400 mark to €356 because of the savings they can make. The wage cuts that will inevitably ensue will have a serious and negative impact on Exchequer finances because revenues raised from employers' PRSI contributions and the taxes from the employees will be reduced and the State will also end up spending more on in-work benefits such as the family income supplement if, as I believe, there is a reduction in the numbers who will be on the €356 per week cut-off figure.

There are presently 90,000 workers living in relative poverty. It is madness to risk adding substantially more people to that number. Some €356 per week is well below the poverty line for many family sizes and the current employers' PRSI rate is not the reason that there are so few jobs. The collapse in domestic consumer power is a far greater culprit and by incentivising lower wages, this Bill will compound that collapse and, in turn, add to the current jobs crisis. High energy and rent costs are two more significant factors preventing employers from creating jobs and to date the Government has not moved substantially on those matters. There has been no move to date, despite repeated calls by myself and others, to abolish forthwith the upward only rent reviews, and also on the issue of subcontractors who have been suffering continually by the overall contractor walking away from them and abandoning their bills, and subcontractors themselves abandoning others below them. Despite a promise, that latter issue has not been addressed to date. If more time had been put into addressing those two issues then the Government would have substantially more jobs in the economy or at least would see employers being able to hold on to some of the employees that they are having to let go because of the austerity measures and the collapse of the purchasing power of consumers.

At a minimum, we need to prevent the dumping and re-hiring of staff at a lower level, especially those on contracts, to ensure that employers are not availing of the halving of the employers' PRSI rate on jobs. I intend to table an amendment on Committee Stage limiting the new lower rate of employers' PRSI to jobs that are evidenced as being new because that is key. A streamlined panel, including representatives from trade unions and employers, could sign off on posts which can be demonstrably shown to be new to which the new rate could apply. I am not looking to set up a quango. It could be done quite easily and quickly.

I also intend to push for the introduction of a requirement for a review after the first year identifying the number of new jobs that have been created and a sunset clause if that threshold of new jobs has not been reached. The review would also consider the number of complaints made, for instance, by persons who claim that they were let go and somebody new had been taken on at the lower rate of €356 or where they were basically forced to reapply for their exact same job. That is illegal under labour law, but it is something that is happening. We need to ensure that whatever measures we take here do not add to what has been happening in the employment area.

There are other points in this legislation which need to be looked at. One I would also oppose is section 9, which makes a number of amendments. I am opposed not to the amendments themselves *per se* but to the changes which were made to the one-parent family payment last year by the Fianna Fáil Government. I will clarify my opposition to it on Committee Stage,

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where I will try to reverse what was intended there because it is detrimental that the proper activation measures are not in place to give effect to what might in another era by quite a progressive change to ensure that there were jobs available for everybody. This is a crude measure to force people back to work even though there is no work for them.

Section 15 strengthens the provisions relating to the use of public services cards by providing for the cancellation and surrender of these cards where evidence becomes available that the card is being used illegally. I do not have a major difficulty with the card itself but before we start strengthening the provisions we need to know how long it will be before we see the cards in full use. Has it gone to tender? What is the cost of it? We need the answers to such questions. I urge the Minister to bring those figures with her to the Committee Stage debate if at all possible.

Section 16 relates to the national internship scheme. I hope that this scheme and the Tús scheme do not become free jobs for employers to use to employ somebody for a year to do work that would otherwise have to be filled by somebody in paid employment. Neither scheme involves any additionality for those who are coming off the unemployment register other than that they are in employment and there is no cost to the employer who gets free labour for quite a number of months or, in some cases, a full year.

The final area I would ask the Minister to look at is the issue of the PPSN. The Bill extends the list of bodies specified that can use the number. I urge the Minister to look at using the Bill to extend their use to the local authority franchise sections. If we then change the law in terms of who is eligible to vote, the local authorities would already have been authorised by this and it might only take a small change to allow us have the electoral register based on PPSN rather than on the current way of having to register continually.

**Acting Chairman (Deputy Robert Troy):** I understand Deputy Mattie McGrath of the Technical Group is sharing time.

**Deputy Mattie McGrath:** I intend to share my time with Deputies Richard Boyd-Barrett, John Halligan, Finian McGrath and Healy.

**Acting Chairman (Deputy Robert Troy):** Is that agreed? Agreed.

**Deputy Mattie McGrath:** I, too, am delighted to be able to speak here this evening on Second Stage of the Social Welfare and Pensions Bill. Like many others, I am obviously disappointed that the Bill is being guillotined. As mentioned today, it is being rushed through under the auspices of or the time lines laid down by the EU-IMF agreement. However, that is becoming a catchphrase for many issues and I am disappointed. I realise there are strict terms to it but it is a matter of departmental officials reporting and of the Minister's accountability.

I welcome the jobs initiative. We have been a long time waiting for it and high expectations were created. I welcome it, although it is limited. I encourage everyone involved to grasp it and run with it and to try to get some stimulus into our economy because the economic situation is so bad. It is limited to the tourism area but given the two recent visits and the publicity obtained therein, it is a good time for those in the tourist industry to play their part. I believe this is happening.

I welcome the restoration of the minimum wage. I voted against the cut in the minimum wage. At the time I was a supporting member of Government but I voted against the Government. It was a retrograde and foolish step. Any employer — I am one myself — is aware that the minimum wage is there for good reason. The majority of employers pay their employees well in excess of the minimum wage and rightly so. This is proven in the figures. Employers

will pay for people. A relationship is built up between an employer and employee and employers are content to pay a reasonable reward for good employees who carry out their work diligently and who are interested in their work. This covers the vast majority of employees.

The reduction in PRSI for the employer is a welcome initiative because employees do not benefit much from the PRSI. They cannot see or do not understand the costs associated with employment which employers must pay. From the point of view of taxation, it is a relief for employers. Often, this is not accepted or understood by the employees.

It is a pity the minimum wage is included in the legislation and the matter was discussed today on the Order of Business and during Questions to the Taoiseach. Previously, this came under the Finance Act. Some clever semantics are being used to get this Bill through and guillotined, including something few Members would wish to vote against, that is, the restoration of the minimum wage. It is being clever politically to have the two tied in together. While there are some good points in this, there are also some bad points.

The national intern scheme is good and could benefit many graduates and people qualified in a broad range of areas or with diverse qualifications. It could also benefit community groups and employers. People have been critical of employers and rightly so. Some employers might try to use this as cheap labour but it has been monitored carefully and this cannot happen. I believe this scheme has the potential to be of great assistance to many organisations including State bodies and, more importantly, voluntary organisations. Local and national voluntary bodies could benefit immensely. Volunteers are busy as well and may not have the required professional qualifications much of the time. The intern scheme could be of great assistance in such cases. I welcome the scheme but I call for it to be closely monitored and I believe it will be. There is scope for straying and for the scheme to be used as a cheap labour support scheme which should not be allowed. I realise this was not the intention and I hope it does not happen.

I am altogether opposed to the pension age increase. I sat on the Joint Committee on Social and Family Affairs in the last Dáil. The Minister, Deputy Burton, is well aware of how vocal she was as a Deputy and a spokesperson in this area and she is aware of the number of times she took to task the two previous Ministers with responsibility for social welfare. She was strongly opposed to this measure.

I voted for the Minister, Deputy Burton, the Taoiseach and the Government and I wished them well. However, the public is bewildered by the fact that there has been a change of seating arrangements here but the same policies have been adopted with even more zeal and vigour than the last Government. That is a disappointing fact of life. I attended meetings of the Joint Committee on Social and Family Affairs, engaged with the Minister and agreed with several points.

The use of the IMF-EU agreement as a big stick is being overplayed. We are aware of how serious the situation is and we cannot blame everything on that.

**Deputy Richard Boyd Barrett:** The displays of cynicism and the U-turns by the Government only a few months into office are truly staggering to behold. The Social Welfare and Pensions Bill is simply the latest and most sophisticated of these displays of cynicism and political U-turning. It is unbelievable that the Bill has approximately 19 serious measures, some complex but all far-reaching with significant impacts for wide layers of our society, especially the less well off, and that the Government is trying to ram through these measures in two days and guillotine a proper debate on what is dense and complex legislation. This is to the point where even the normal facility afforded to Members, whereby they receive a digest of the different issues surrounding legislation, has not been afforded us. The library service has been unable to

[Deputy Richard Boyd Barrett.]

produce a digest such is the short timespan between publication of the Bill and the debate in the Dáil.

It is obvious in this regard that this is a deliberate attempt to ram through unpalatable legislation. This is first and foremost because the IMF and EU, our masters in Europe, are demanding that the country is sucked dry to pay back the bankers and bondholders who wrecked our economy. They demand that this goes through and, therefore, proper procedure and democratic debate is subverted to ram through the Bill and to ensure there is minimum debate on it. We have seen a display of cynicism by the Government in the way it has tried to create a smokescreen for that fact by throwing the measure of restoring the minimum wage into the Social Welfare and Pensions Bill where there is no proper place for such a welcome measure. It does not belong in this Bill. The Government is well aware of this and the wry grins and smirks from the Government front benches when the matter was being discussed on the Order of Business today was indicative of the conscious knowledge of the members of Government. They know this is an act of political cute hoorism to try to create a smokescreen for what is in fact an unpalatable attack on working people carried out under the diktat of the EU and the IMF.

Furthermore, this is a pathetic substitute for the failure of the Government to deliver on its pre-election big talk about jobs and getting the country working. None of this is being delivered. In fact, everything the Government is doing moves in the opposite direction. We have seen the attempt to try to present all of this in some sort of positive light by playing up the restoration of the minimum wage to cover up the other sins of the Government. All of this is being done but, meanwhile, the Government is planning an assault on the low-paid workers it claims to protect by restoring the minimum wage in terms of plans to dismantle wages and conditions for the lowest paid workers in the country.

In terms of the substantive elements of the Bill, the attack on the retirement age and the demand that people work longer is an outrage and scandal. Ordinary working people will be forced to stay in employment longer in order to pay back the bankers and bondholders who wrecked our economy. That is the bottom line. As Deputy Ó Snodaigh observed, low paid and manual workers will suffer most as a result. Those without private pension arrangements and who work in the most difficult jobs will be forced to continue working for one, two or three additional years beyond the current pension age by the time all of this is phased in.

This will have a detrimental effect in terms of providing jobs for younger people, which the Government claims it is seeking to do, because the more one forces people to continue working in order to qualify for the State pension, the fewer jobs there are available at the other end for young people entering the jobs market. The reduction in employers' PRSI in respect of the first €356 of workers' pay is essentially an attempt to pin down wages to the lowest level. This legislation is about working people being made to work longer and harder for less in order to pay back the bankers and bondholders. The Department is to be given the power to hound and harass people who are unemployed through no fault of their own and who seek to avail of social welfare entitlements in a situation in which there are no jobs for them. The Government should tax the wealthy and invest in real jobs programmes instead of attacking working people and harassing those who are dependent on social welfare through no fault of their own.

**Deputy John Halligan:** I am deeply disturbed and bitterly disappointed by some aspects of this Bill. I followed the Minister, Deputy Burton, very closely when she was in opposition and was always convinced she believed in justice and fair play and would fight for the less well-off in society against the horrendous attacks made on them by the previous Government. However,

this legislation does not bode well for the body politic, particularly for those who hoped for a change whereby the Minister would do what she said she would do.

Once again the influence of the EU and IMF is evident in this legislation in the insistence that its provisions are necessary in order to honour commitments made to them. Having said that, I have always said I would acknowledge where the Government has taken positive action. The restoration of the national minimum wage to its previous level is to be welcomed. It was a mean and calculating act of the last Government to reduce the minimum wage, representing an easy attack on those in society who are largely defenceless. Many people earning the minimum wage do not have the back-up of the large trade unions, the main political parties or of Catholic Church, which abandoned everybody during the debacle with the banks. It is down to a few of us on the left to stand up for the less well-off, and we do so every day of the week in the constituencies we represent.

My main concern regarding this measure is that the restoration of the minimum wage should not act as a new floor level for low income workers, thus increasing existing income inequality. The danger is that management will see it as a way of reducing trade union and other rates to the level of the minimum wage. Unfortunately, I have no doubt that an attempt will be made in this regard and that this issue will continue to be raised on the floor of the House in the coming years.

Under the provisions of the Bill social welfare claimants will be required to provide additional information and there will be tougher sanctions for illegal use of public service cards. Why is there this attitude that we must make it increasingly difficult for people to claim social welfare? This has always been the way with successive Governments. I regularly meet people who have worked for 30 or 40 years — the Waterford Glass workers among them — and who experience great difficulty in accessing welfare benefits. People who depend on social welfare are not in that situation by choice. Any person on social welfare will say categorically that they would prefer to have a job. We are talking about decent, ordinary human beings who have spent a lifetime working but are put through the wringer in order to claim their couple of hundred euro every week. It is disgusting and obnoxious. I seem to recall the Minister speaking about this issue some years ago in the Dáil when she was in opposition. Some people — not all, but certainly some — are being humiliated and treated with disdain when they apply for social welfare. Not only that but they must wait two or three months before they receive payment. It is horrendous treatment.

The proposal to increase the retirement age is another attack on the less well-off in society. We are told that we are all now living longer and healthier lives, but there is little evidence that there are sufficient jobs for everybody who wishes to keep working. This policy is not about choices but about cutting costs and making the poorest pay the highest price. The Minister must realise this if she thinks about how the measures in this Bill will play out in the coming years. Are we to ask people to work until they drop? Will we force people who have done a lifetime of toil on building sites, on farms or in factories, working eight hours a day, 40 hours a week, often engaged in shift work, to work until they are 67 or 68? That is completely unacceptable to most people, particularly the workers facing into it.

We must establish the right to a decent period of retirement for those who have worked hard and long. The first step in this regard is to reduce the health inequalities between rich and poor. We must create a fairer job market for older people. Failure to do so will force millions of older people, many of them relatively poor and with a lower life expectancy, to work for longer, while ensuring more young people are trapped for another year or two in an unemployment limbo. I ask the Minister to consider these proposals carefully. I agreed with much of what she said when she spoke on this side of the House about justice and fair play.



[Deputy John Halligan.]

She stood up in opposition for those who are less well off. Will she reconsider the measure to oblige people to work until they are 67 or 68? It is completely unacceptable.

**Deputy Finian McGrath:** I welcome the opportunity to contribute to this important debate. Ireland needs to comply with international human rights standards in terms of looking after social welfare recipients. We must ensure people are treated with respect and dignity. Hammering the poor, the elderly or the disabled should never be part of any economic strategy. Those who advocate it should be challenged forcefully because some of them are the same people whose right-wing ideology has caused the economic mess. Let them be told straight that it was not the sick, the disabled, the poor or senior citizens who caused the crisis and that they must not be blamed in this debate. Social welfare is the survival net for many families and a Government that cuts such welfare allowances, particularly in the current economic climate of mass unemployment, will lose the respect and support of the citizens. This should be a red line issue for the Labour Party and there should be no dithering in this regard.

Debate adjourned.

### **Private Members' Business**

#### **Spent Convictions Bill 2011: Second Stage**

**Deputy Dara Calleary:** I move: "That the Bill be now read a Second Time."

I am happy to introduce the Second Stage debate on the Spent Convictions Bill 2011. The Bill is aimed at addressing a significant gap in our present arrangements. It takes account of an insightful report in 2007 from the Law Reform Commission on spent convictions. It is a replica of the Bill prepared by former Deputy Barry Andrews in the last Dáil, which reached Second Stage in the last Dáil and I wish to acknowledge his significant input.

**An Leas-Cheann Comhairle:** Does the Deputy wish to share his time?

**Deputy Dara Calleary:** I am sharing time with Deputies Dooley and Browne.

In producing its proposals for reform, the Law Reform Commission undertook a wide-ranging examination of the issues involved in this area, including a review of spent conviction arrangements in other jurisdictions. At present, the only mechanism available in this jurisdiction for the non-disclosure of previous convictions is that provided in section 258 of the Children Act 2001. That section provides for non-disclosure after a period of three years has elapsed in the case of certain convictions for offences committed before turning 18. Offences triable by the Central Criminal Court are excluded. In addition, the section can be availed of only if the person has not been dealt with for an offence in the previous three years. This Bill provides Members, therefore, with the means to put in place a structured system for not disclosing convictions. It is not a charter to avoid the consequences of a crime and I have been careful to include exclusions in the Bill in order to avoid such an unintended consequence.

All Members will agree that in general, people should be allowed to move on with their lives after completing a term of imprisonment or the payment of a fine. In the eyes of many in society, this is equally as legitimate an aspiration as the pursuit of the crime and the paying for its consequences in the first place. Unfortunately, however, practical and vocational experience demonstrates that the possibility of securing employment is greatly reduced once a prospective employer becomes aware of the existence of a criminal record and in the absence of any general statutory non-disclosure arrangement, the prospective employee often is obliged, when asked,

to reveal the information recorded on Garda criminal records. The effect of the current position is that a person who was over 18 when an offence was committed must carry with him or her the consequences of even a minor offence long after the debt to society has been repaid. This Bill provides people who have a conviction for a minor offence the opportunity of not disclosing that conviction when seeking employment. It recognises that the most effective means of rehabilitation is through gainful employment.

Employment restores a person's self-esteem, enhances his or her status among family, friends and the wider community and, as has been shown many times, reduces considerably the likelihood of reoffending. Securing employment is a highly effective way of achieving the reintegration of convicted people into society. This Bill, however, also takes account of the wider interests of society and in particular the protection of vulnerable persons. It contains several limitations and exclusions in which disclosure will always be required, the most notable relating to employment in which there is access to children. This Bill does not seek to excuse crime in any way. If one does the crime, one will still do the time under this Bill's provisions. Moreover, it should not be seen as a sop and as a party, Fianna Fáil will continue to advocate, with I am sure the agreement of the House, that the full force of the law be applied to all those who are convicted of any offence.

I wish to cover some of the provisions of the Bill. The effect of a conviction being regarded as "spent" is set out in section 4. Where a conviction is "spent", the person will be treated as a person who has not committed, been charged with, prosecuted for, convicted of or sentenced for the offence in question. The Bill does not entail any deletion of criminal records held by the Garda Síochána. The record will continue to exist and the Bill will merely specify circumstances in which the details of that record are or are not to be disclosed. The Bill will apply only in cases in which a sentence of imprisonment not exceeding six months or a fine or other penalty has been imposed.

The Law Reform Commission report on spent convictions of 2007 gave detailed consideration to the sentence threshold and concluded, based on Irish sentencing policy and practice, that a six-month threshold was appropriate in our circumstances. The possibility of non-disclosure will arise only after seven years have passed without a further conviction when a sentence of imprisonment had been imposed or after five years in other cases. The Law Reform Commission's report also examined this issue carefully and recommended the periods now proposed. Moreover, it noted that a conviction-free period of ten years is required in New Zealand.

As I noted previously, this Bill is not a sop to crime and it sets out a number of exclusions in respect both of offences and certain employments. In the case of offences, convictions for sexual offences must always be disclosed. Similarly, convictions for offences reserved for trial by the Central Criminal Court must always be disclosed. These offences include rape and serious sexual assaults, as well as murder. As for excluded employments, the Bill provides it always should be necessary to declare convictions when seeking employment in specified areas of employment and section 5(2) of the Bill contains a wide-ranging list of such areas, which include employment in An Garda Síochána, the Civil Service and areas dealing with children. Apart from excluded employments, the Bill requires the disclosure of all convictions in certain other specified instances. For example, section 3 of the Bill outlines that a person convicted of fraud, deceit or an offence of dishonesty in respect of an insurance claim shall not be excused by the provisions of the Bill from admitting any such conviction on an insurance proposal or form. The Bill also outlines how previous convictions are to be disclosed at the sentencing stage in criminal proceedings. There are other circumstances in which disclosure may be required, including court proceedings relating to adoption and guardianship of children, as well as cases in which a court considers disclosure to be necessary to ensure justice is done.

[Deputy Dara Calleary.]

The Bill proposes that the entitlement not to disclose a conviction should be automatic once the conditions relating to excluded offences and employments, the sentence thresholds and the conviction-free period have been observed. The case for such an approach has been well argued by the Law Reform Commission and is reflected in the Bill. Automatic application of the arrangements is preferable to other approaches that are more demanding of time and resources. An application system and in particular one that would entail applications to a court, also would present a real risk of drawing attention all over again to a conviction the person had hoped was behind him or her, thereby defeating the purpose of the Bill. The automatic system now proposed avoids such shortcomings and such a system also could be considered in other legislation. The Bill does not provide for any sanction from non-compliance. In general, such a sanction lies in the consequences of being found out, which may, for example, result in the loss of employment.

I look forward to the Minister's response and to the debate in general over the next two evenings. Since the Bill's publication some weeks ago, a current difficulty faced by young people on foot of not having spent conviction arrangements in this jurisdiction has been brought to my attention by colleagues in the House and elsewhere. I refer to those who are applying for employment in other jurisdictions and in Australia in particular. Because of our inability in this jurisdiction to deal with spent convictions, those applying for employment in other jurisdictions, particularly in Australia, are forced to reveal in their visa applications the most minor of offences, thereby excluding them from employment in many jurisdictions. As a consequence of our current economic situation, many of them are forced to look abroad for work and because of our inability to deal with such a minor matter, that employment option is being closed off to them.

This Bill is not perfect by any means. I hope improvements will be recommended and suggestions made during the course of the debate tonight and tomorrow night so that when this Bill is brought to Committee Stage — which I hope will be sooner rather than later — we can deal with any weaknesses identified in the debate on a cross-party basis.

Given the commitment in the programme for Government and that the Minister, in response to a recent parliamentary question from Deputy John McGuinness, has indicated his proposal for a spent convictions Bill, it is unnecessary to divide the House at this stage as this Bill could be regarded as a priority for the incoming justice committee.

Deputy Andrews's Bill was side-tracked in the previous Dáil so it is incumbent on us in the early days of this Dáil to deal with this matter and to address it before the summer recess. I look forward to the debate and I am open to suggestions and recommendations on the Bill. I look forward to the Minister's response.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to the debate on this Bill and I congratulate my colleague, Deputy Calleary, for re-initiating the Bill and for the work he has undertaken to ensure it is being debated on the floor of the House so early in this term.

The issue under discussion was raised by the previous Government in 2007 and a Bill was initiated and published at that time. It was referred to Committee on 18 December 2008. However, it has sat there since that time. All sides of the House allowed such important legislation to remain static and this is to be regretted.

Dáil reform has been a subject of discussion inside and outside the House. The Chief Whip has indicated publically that we will do our business differently, with more sitting days and Friday sittings and longer Dáil sessions. However, if Bills such as this are left to one side, we will show that Dáil reform is not what it has been made out to be. I would prefer to see a work

programme being published by the Chief Whip rather than feeding this frenzy that there is a demand for more and longer sittings rather than addressing the substantive issue which is the programme of work of the House. The Chief Whip has outlined a reform of the committee structure which will involve fewer committees with different policy committees being condensed into one committee. This is a recipe for disaster and for even more Bills to be left aside which will ultimately lead to the next Dáil having to deal with Bills parked by this Dáil. I acknowledge this is not the Minister's intention and he has a reforming zeal. I hope the committee structure will have the capacity to deal with the legislation emanating from Departments. I urge the Minister to examine the proposed committee structure as it might not be adequate to meet the demands of this House.

My colleague, Deputy Calleary, has set out the details of the Bill. It provides that those who have committed minor offences will not be required to disclose those minor offences at a later stage, particularly in cases where people seek employment. We all know of instances in people's lives where they have found themselves on the wrong side of the law in a minor matter or perhaps in a more serious matter but which may be the only incident, the only black mark on an otherwise good character. It has been a source of much annoyance and frustration for many of those individuals and their families when this means they are not accepted in society or more particularly, they are prevented from taking up employment as a result of fear or prejudice in the mind of an employer. This is particularly of concern at this time of high unemployment and any little blemish on a person's record could be enough to make him or her unacceptable for employment.

I refer to the high number of examples of people who have had minor brushes with the law and find themselves excluded completely from then on. The cycle of unemployment must be broken. Statistics show that long term unemployment in a household can breed and propagate itself to the next generation. This Bill has the capacity to do something to repair that potential onward damage.

The Department of Justice and Equality has a tendency to be somewhat conservative in nature. However, in the past it has shown capacity to deal with similar issues. I refer to the programmes for restorative justice in Nenagh and Tullaght, administered by the probation and welfare service of the Department and in co-operation with local communities. This is a rehabilitation process for young offenders in which the individual offender is given the opportunity to face up to the harm he or she has caused and a chance to make good the damage. The victim is regarded as being at the centre of this process. I have seen the programme for restorative justice at work and I know it has been very helpful in assisting young people to get back on track by showing them the error of their ways and the impact of their offences on the community and on individuals and it has allowed for character development.

The Bill takes into consideration the impact on the wider community and the need for the protection of vulnerable persons in the context of the crimes of rape and murder in particular and other offences against children and minors and other vulnerable members of society. The protection of society and of vulnerable members of society must be juxtapositioned with the need for people to get on with their lives. As I said at the outset, it is vitally important that we give people an opportunity to get back into employment and ensure they have the capacity to live their own lives and manage their families in a way that one would want to see happen.

**Deputy John Browne:** I wish to share time with Deputy Fleming.

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

**Deputy John Browne:** I welcome the chance to say a few words on the Spent Convictions Bill 2011. As has been stated, a number of years ago the former Deputy Barry Andrews intro-

[Deputy John Browne.]

duced the Bill to the House and unfortunately the Government of the time did not proceed along the lines we expected. The Bill got lost or was put on the shelf somewhere along the way. It was introduced today by our spokesperson Deputy Calleary. It is a welcome Bill which gives us an opportunity to outline the reasons why we feel it should be given the priority it deserves.

All of us have come across cases where young people in their college days or during their exuberance at discos or on the street have a few jars and are fined or end up in court having been charged with a minor offence. They end up having the offence on their file for as long as it has to remain there. We have all heard of instances where people applied for jobs but once they disclose minor offences they find it very difficult to secure them.

All the Deputies on this side of the House have made cases for such people to employers and have asked them to take them on and give them a chance because it was only a minor offence, a number of years may have elapsed since the offence and the person had re-engaged with society and had no problems whatsoever. Many of the people concerned come from very decent families, but because they have a record they find it very difficult to secure a job.

I am aware of instances where people went to America or Australia. Recently a young man from my home town managed to pass through the US system in Dublin but when he arrived in JFK Airport he got no further. He was held by the police and his mother rang me to find out what was going on. I rang the airport and eventually got through to the people who were holding the young man. I was informed that he committed a felony back home. The young man could not understand why he had been arrested and would be deported back to Ireland. It turned out that he had been given the Probation Act for a minor row he was involved in during his college days in Waterford some ten or 12 years previously. He was sent back home but his girlfriend was allowed to remain in America. He will not be allowed back into the United States. It is more difficult to get into Australia for those who have committed minor offences.

This Bill provides a person with a conviction for a minor offence the opportunity of not disclosing the conviction when seeking employment. It also recognises, as Deputy Calleary said, that the most effective means of rehabilitation is through gainful employment. During the debate on the Social Welfare and Pensions Bill the Minister and all Deputies referred to the importance of getting back into the work environment and ethic and how it can restore people's self-esteem and enhance their status amongst family, friends and the wider community. It has been shown many times to reduce considerably the likelihood of people reoffending.

Securing employment is a very effective way of achieving the reintegration of convicted persons into society and as Deputies have said the Bill also takes into account the wider interests of society, especially the protection of honourable persons. Of course it is important to have limitations and exclusions and the most notable relates to employment where there is access to children. It is very important that Garda clearance would continue to be dealt with regardless of what Bill is passed.

The system of Garda clearance is very slow and is a major difficulty in this country. I and other Deputies have come across cases, in particular in the child care area where there are a lot of job opportunities, where it takes months to get Garda clearance. People are being denied the right to work in this area because of the slowness of the system. I argued with Fianna Fáil Ministers that it would be better to bring the system of Garda clearance back to each county or district division. A person might apply for Garda clearance in Tipperary, return to a garda at local level who has to do a report, which is only right, and he or she then has to send the report back to Tipperary. The report then has to be sent to the person involved. It would be

far easier if the person seeking clearance in Castlebar or Wexford could go to his or her local Garda station where the gardaí would know him or her and get the clearance more quickly. The Minister is aware of the situation as he comes from the legal profession. He knows it is important that we make Garda clearance certificates available as quickly as possible to enable people to enter the work environment.

This Bill addresses a significant gap in our current arrangements. We currently have no means of regarding a conviction as spent, apart from the limited regime for non-disclosure available to minors under section 258 of Children's Act 2001. Therefore, the Bill provides us with the means to put a structured system in place for not disclosing convictions. In general, people should be allowed to move on with their lives after completing their term of imprisonment or the payment of a fine. It is an important line in the Bill. Unfortunately, experience has demonstrated that the possibility of securing employment is greatly reduced once an employer becomes aware of the existence of a criminal record or in the absence of any general statutory non-disclosure.

The effect of the current situation is that a person who was over 18 years of age when an offence was committed must carry with him or her the consequences of even a minor offence long after the debt to society has been repaid. This situation offends our view of what is proportionate, fair and reasonable. It is important that we examine this Bill in a magnanimous way.

The previous Government did not take on board the views of Barry Andrews. There may have been drafting difficulties or whatever but the bones of the Bill from Barry Andrews's time and in its current form from Deputy Calleary is available for the Minister to take on board. I ask him to consider it as favourably as possible and accept that there is a need for it to be introduced.

I am sure the Minister, given that he comes from the legal profession, is aware of the points we are making. I am sure he is also aware of the need to change the legislation as quickly as possible. Therefore, I ask him to accept the Bill in the best interests of the people we are discussing. There is no other reason for us to debate it. Deputy Calleary spelled out very clearly the reasons for the Bill coming before the House and I ask the Minister to take them on board.

**Deputy Sean Fleming:** I welcome the opportunity to speak on the Spent Convictions Bill 2011. I am pleased that my party, in its new found role in Opposition, is producing constructive legislation.

Private Members' time is traditionally used to attack the Government on the basis of the most recent story in the national media or the latest protest outside the House. While it is important that the business of the House reflects the issues of the day and the views and difficulties of our citizens, a mature parliament such as the Oireachtas should have greater scope to debate Opposition legislation. It is pity Opposition parties must use the 90 minutes available to them on the Tuesday and Wednesday evening of every third week to introduce legislation. It would be preferable if the Government were to provide additional time to deal with legislation tabled by the Opposition. As part of proposals to reform the Dáil, time should be provided each week to allow Opposition parties to introduce Bills.

Private Members' time tends to become repetitive as it invariably features a motion condemning the Government and a Government amendment praising its role in a specific area. The Government of the day always wins when the House divides each Wednesday night. Private Members' time is, therefore, something of a charade because the outcome is a foregone conclusion. This detracts from the serious content of many of the debates held during Private Members' time.

[Deputy Sean Fleming.]

I understand the Minister is generally supportive of the principle behind the Bill, which is welcome. As an Opposition Deputy, the Minister introduced some legislation which received general support from the Government of the day. It is good to note that this positive approach continues. That is not to detract, however, from the adversarial nature of national parliaments. When a Government has such a large majority it is vital that the Opposition, even where its numbers are relatively small compared to previous Oppositions, is focused on the issues of the day. Nevertheless, members of the public are mature and do not want the politicians to squabble constantly over various issues. They see members of the Government adopting positions that are diametrically opposed to the views they expressed while in Opposition. If the same can be said of my party in opposition, it is only to a limited extent because we are careful to ensure our approach remains consistent with the approach we adopted while in government. It is important that the Opposition uses Private Members' time to express its views on the issues of the day. Under Dáil reform it should also have an opportunity to debate legislation on issues such as that addressed in the Bill before us.

Many people will ask what is a spent conviction. To express the purpose of the Bill in layman's terms it proposes that, where it is fair, reasonable and proportionate to do so, a person's previous convictions for minor offences would not have to be disclosed after a certain number of years had elapsed. It does not provide for the expunging of criminal records as these would continue to be held by the Garda Síochána. It would no longer be necessary, however, to wear one's criminal record on one's sleeve.

The legislation seeks to address this matter in the context of a person's employment record. Many people with minor convictions want to be able to move on with their lives. A number of caveats must apply in this regard. A person seeking to have a conviction spent must first pay his or her debt to society, whether by paying a fine, completing community service or serving a prison sentence, and demonstrate good behaviour for several years thereafter. The legislation provides definitive exclusions for sexual and other serious offences or offences that attracted a prison sentence of greater than six months because such offences are, by and large, serious in nature and should be publicly known.

I congratulate Deputy Calleary on working with the former Minister of State, Mr. Barry Andrews, on another, related topic which is not specifically addressed in the legislation, namely, the possibility of applying non-disclosure of certain convictions in the area of local authority housing. All applications for local authority housing include a question on the applicant's previous record. If the Oireachtas adopts a position that a person, subject to the caveats I have cited, should not be required to wear a criminal record on his or her sleeve when applying for a job, a similar provision should apply to those seeking local authority housing. If we want to rehabilitate offenders we must help them to find employment and accommodation. For this reason, non-disclosure should apply in both respects.

The absence of legislation on the issue of spent convictions has caused difficulties for people that are wholly disproportionate to the transgressions of the law for which they were originally convicted. The Minister has spoken on many occasions of the need to make greater use of community service orders. Many people would welcome such a move as it would enable them to see offenders such as vandals pay their debt to society.

All Deputies will have been lobbied about the time required to obtain Garda clearance when people seek to take up employment. Difficulties have arisen in the Garda vetting unit as a result of the public sector recruitment embargo. The Minister has indicated in reply to parliamentary questions that the caseload of the unit in Templemore has increased significantly. His written answers repeatedly refer to the fact that a significant number of staff at the unit are on

maternity leave and have not been replaced. I understand, however, that an additional ten staff members have moved to the unit.

I have written to the Minister directly on the issue of Garda clearance but his reply did not address the issue I raised. I refer specifically to circumstances in which one individual must obtain Garda clearance for a number of different activities. The Department has adopted the illogical position that clearance may be required for different purposes. If a person wishes to call to elderly people as part of a FÁS meals on wheels scheme, coach in a local GAA or soccer club and do voluntary work in a youth club or with the Boy Scouts, he or she must apply for clearance in respect of each of these activities. I am informed that the reason for requiring Garda clearance to work with elderly people as part of a FÁS scheme is different from the reason a person would require clearance to coach the local under 12 soccer team or work as a caretaker in a local community hall.

Under the current system, a person may be required to produce three or four Garda clearance certificates. This is unnecessary duplication, as the Department is fully aware. It takes a narrow perspective in focusing on the various organisations in which a person may wish to become involved rather than on the individual seeking Garda clearance. It is the individual who must be vetted. I ask the Minister to revisit this issue, which has come to prominence in the past year or two with the introduction of proper procedures for coaches, trainers and other volunteers who work with young people in sporting and voluntary bodies. The issue has only arisen in the past year or so because of the number of requirements concerning jobs in sporting and other voluntary bodies. The latter groups are rightly getting proper procedures in place for trainers and others who coach youngsters in a variety of activities. We welcome stronger measures to protect children, but they have led to a mushrooming of applications. We could deal with such applications better if we did not have some of the unnecessary duplication involved. I take the opportunity to make that point now that the Minister is in the House.

If people serve their time, pay their debts to society, are of good behaviour and do not re-offend, they should be allowed to move on with their lives. That is in everybody's interest. However, if people do not meet the aforementioned conditions they should not get any protection from the law.

The non-disclosure provision would arise after seven years have passed without further conviction when a sentence of imprisonment has been imposed, or after five years in other cases. We are not expunging the record, it is just an issue of non-disclosure. A number of excellent exclusions are listed in the Bill to ensure that the system is not abused. Overall, this proposal amounts to fair and balanced legislation.

**Minister for Justice and Equality (Deputy Alan Shatter):** I will share time with Deputies David Stanton and Simon Harris.

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

**Deputy Alan Shatter:** The Government will not oppose this Bill on Second Stage. I say this for the obvious reason that in Opposition, the Government parties supported the principle of this Bill on Second Stage in December 2008. We support the principle of the Bill now also and therefore, in those circumstances, it would be completely inappropriate to oppose it. In addition, I want to encourage Opposition Deputies to publish legislation during the lifetime of this Dáil. As Minister for Justice and Equality, I intend to deal with them entirely differently to the manner in which such legislation was dealt with during the 14 years when Fianna Fáil was in Government. In particular, during the past seven years that party was in Government it automatically opposed every Private Members' Bill ever published by the Opposition and refused to engage in any constructive discussions of such measures.



[Deputy Alan Shatter.]

That said, the Bill as published contains several shortcomings and omissions. It is curious that this Bill, which was originally published as a Private Members' Bill by the former Minister of State and Deputy, Barry Andrews, in 2007 — and was debated in 2008 — seemed to grind to a halt. In December 2008, the then Minister of State, former Deputy Barry Andrews, stated that it would be necessary to amend the Bill in several respects. In the course of that debate, he said he had already identified several matters requiring amendment. He went on to tell us that it might take a little while to finalise the Bill. That was in December 2008, but it is curious that 2009 and 2010 passed, yet the Bill was not seen again.

There are substantial difficulties with this Bill. Since taking office, I have been working on rectifying these problems because this measure should be enacted. I intend shortly to publish a new, improved criminal justice (spent convictions) Bill 2011. It will address issues the Bill before us has not addressed. I do not want to be difficult about this and I want to encourage Deputy Calleary and others to produce Bills. When they do so on issues the Government has not had an opportunity to address, and where an issue deserves to be dealt with, I will have no hesitation in taking on board such a Bill. I will take it to Committee Stage, if it is appropriate to do so. In the context of this Bill, however, it might have been better if Deputy Calleary had considered the development since 2007 when it was first published and had incorporated within the measure some of the many amendments required.

The Bill before us started life as part of the Law Reform Commission's "Report on Spent Convictions" in 2007. It was published as a Private Members' Bill in 2007 by the former Minister of State and Deputy, Barry Andrews, before being adopted as a Government Bill. It lapsed with the dissolution of the last Dáil in February this year. The 2007 Bill has been the subject of considerable debate and the considered contributions of a number of parties, including the Irish Human Rights Commission and the Irish Penal Reform Trust. Their contributions will ultimately be reflected in the Bill I intend to publish. As I have also said, former Deputy Barry Andrews acknowledged the Bill's shortcomings in 2008.

The failure to legislate on this issue has undoubtedly placed obstacles in the way of many ex-offenders who mended their ways and have been, or perceived themselves to be, prevented from accessing employment. Since taking office, I have been struck by the number of people who have written urging me to progress this legislation. These are people who were convicted of relatively minor offences many years ago and have had no contact with the criminal justice system since then. Some have moved on to good careers but, nevertheless, feel that their convictions are hanging over them like a Sword of Damocles. Others fear that if they try to move job, their past will play against them. These are not hardened criminals. In many cases they are people who, for whatever reason, at a particular time in their lives were convicted of relatively minor offences. They should not have to carry that burden with them for the rest of their days.

We are almost unique among European countries in having no provisions in our law in this area, where adults are concerned. Having said that, given where we are now, the priority must be to enact legislation in this area and to make sure that we get it right. What does getting it right mean in this context? All of us are agreed that certain principles should underpin this legislation. These can be summarised as follows:

1. that a person should, after a reasonable period, be able to move on and not have to declare the fact of a previous conviction for relatively minor offences, particularly when applying for employment;

2. that certain offences, such as sex offences, must always be disclosed, regardless of the length of sentence imposed or the subsequent conviction-free period; and

3. that certain sensitive employment — including those involving children and other vulnerable people, the administration of justice, and the security of the State — should be excluded from the ambit of the legislation.

The first principle goes to the heart of the rationale for legislating in this area. We must have a criminal justice system that prevents crime, detects crime, prosecutes offences, imposes penalties in the form of fines, imprisonment or community service, and provides mechanisms for other appropriate means of dealing with offenders. However, when a person pays his or her debt to society, it should not, in every case, follow them around for the rest of their lives. Rehabilitation into and participation in normal society must be an objective of our penal system and a spent-convictions regime has a role to play in this. Any such regime must balance the rehabilitative potential of such a regime with the interests of society in general. In so far as the absence of a spent-convictions regime militates against former offenders securing employment, it may increase the risk that they drift back into criminality.

Society can only benefit if offenders, having paid their debt to society, are reintegrated into their communities and do not re-offend. To the extent that a job assists in this, we should not put unnecessary obstacles in the way of offenders who disavow criminality and seek employment. However, this legitimate aspiration must be balanced against other societal concerns. Serious offences, particularly sexual offences or offences that attract long sentences, cannot be embraced by legislation designed to smooth the pathway to employment for offenders. No employer should be expected to operate in the dark and risk the reputation of his or her businesses, as a result of the introduction of legislation of this kind. Neither can it put vulnerable persons at risk.

The Bill before us recognises, as will the Government's Bill, that vulnerable persons cannot be put at risk and that extra safeguards are required where people with a criminal past wish to work directly or indirectly with vulnerable persons, be they adults or children. This includes working directly or indirectly with such persons.

Equally, the State has a direct interest as a major employer in this issue. From my Department and the various agencies involved in the administration of justice, to the Health Service Executive with its responsibility for children and other vulnerable persons, the State clearly has a major responsibility to ensure that those it employs in sensitive areas are suitable in every respect.

This brings me to the parallel but connected issue of vetting, which some Deputies have mentioned. The public should be assured that the proposals on spent convictions do not cut across the legitimate requirement that those who wish to work for the State in sensitive roles, or for the providers of care to young or other vulnerable persons, will still be subject to vetting. I intend that the Government Bill will explicitly provide that An Garda Síochána may disclose spent convictions where information is requested by an employer in respect of any excluded employment. This Bill does not provide for a wiping of the slate or the expunging of offences. The offences will remain on the record. Instead those who benefit from its provisions will not have to disclose the fact of a conviction. I believe that this strikes a fair balance that addresses the competing interests of the offender and of society.

As well as employing people, the State issues licences to people. These licences are valuable and permit people to carry on certain activities and businesses. Deputy Calleary's Bill makes no provision in regard to the granting of licences. This is a significant oversight that I intend to remedy in the Bill which will be published later this year. For example, it is my view that

[Deputy Alan Shatter.]

those applying for licences to operate taxis or to enter the private security business should have to disclose any past convictions. These self-disclosures are an integral part of the system, providing a first layer of accountability, backed up by Garda clearance, as required.

I would like to turn to the other principles that I listed earlier. Again, while we are broadly in agreement, there are a number of aspects of the Bill which I consider deficient. The Bill, which contains six sections, has the quality of brevity but lacks the level of specificity that such legislation requires. In essence, the approach in the Bill, is to exclude certain categories of sentences — “excluded sentences” as they are termed, and by default to include everything else. While I can agree that sentences imposed for sexual offences and those imposed in respect of offences reserved for trial by the Central Criminal Court should be excluded, and while I also tend towards the exclusion of prison sentences greater than six months, I am still considering whether the threshold should be extended further as recommended by the Human Rights Commission. In the same way, we need to make provision for suspended sentences, no mention of which is made in this Bill.

Having dealt briefly with the question of the sentences and other penalties to be covered by the legislation, there then arises the question of how long a person needs to be what is termed “conviction-free” before he or she can avail of the reliefs in the Bill. This Bill proposes a two-tier approach with custodial sentences of six months or less attracting a seven-year rehabilitation period, and non-custodial sentences attracting a five-year period. When the Bill was last debated in this Chamber, all sides were agreed that these periods needed to be looked at again, if the incentives in the Bill were to have any useful application. The Human Rights Commission also made this point.

The more nuanced approach that I will be proposing in regard to the range of sentences to which the Bill will apply should be mirrored in the rehabilitation periods that will have to be served. While I have not reached a definitive view on the matter yet, I am minded to have shorter rehabilitation periods for the range of sentences mentioned earlier. No doubt there will be many different views on this issue. My own view, which reflects that of the Human Rights Commission, is that a minimum five years rehabilitation period is too long.

For the avoidance of doubt, I want to reiterate that people convicted of sexual offences will not benefit from the provisions of this Bill, regardless as to the nature of their offence, the sentence they received, or the length of time since conviction. There will be no change in this regard, nor can there be, and the Government’s Bill will make this abundantly clear, without equivocation.

The Bill is fundamentally about people with convictions accessing employment. I pointed out earlier that, of necessity, certain employments must be excluded from the provisions of the Bill, and that people seeking employment in those areas will continue to be required to disclose past convictions. In the Bill, these are called “excluded employments”. The view was expressed when this Bill was debated in the House in 2008, and by the Human Rights Commission, that the list was excessive and in view of this I believe we need to reflect further on this issue. The formulation in this Bill would exclude most, if not all, of the civil and public service.

There are obviously areas of the public service that must by their nature be excluded. However, I want to see a provision that is flexible enough to exclude those civil and public service employments that warrant exclusion while avoiding a blanket exclusion. I say this because I am not sure that it is reasonable to say to a private sector employer that the State is in favour of a spent convictions regime where he or she is concerned but that there is no job of any nature in the civil or public service to which he or she should apply. This is completely illogical. It is relatively simple and easy to identify jobs in the public service to which a spent

convictions Bill can quite properly apply. As I mentioned, any prospective employee seeking employment that could bring him or her into contact directly or indirectly with children or vulnerable adults will still need to disclose his or her convictions.

On this issue of excluded employments requiring disclosure, I want to say that this should not mean that somebody convicted of an offence that would otherwise be spent should be debarred from that employment. Reasonable employers should consider if the conviction is relevant to the job on offer and where it is not they should not allow it to influence their decision. Prospective employers have a key role to play in the rehabilitation of offenders, including their integration into the workforce. A number of employers have played such a role in the past.

Deputy Calleary's Bill makes no mention of the number of convictions that can be spent. I believe that the limit should be two. This legislation cannot be to the benefit of the repeat offender with multiple convictions. This is not and cannot be a charter for re-offending. However, a particular issue may arise in regard to persons who, as young people, had a multiple series of convictions and who now in their adult years are clearly free of the criminal justice system and are responsible members of the community. This is an area to be factored into consideration. Within our children's law provisions, there are already provisions addressing issues relating to young people who offended during their minority. The example given by Deputy Browne particularly calls to mind the type of difficulty a young person with a conviction, perhaps incurred during his or her teenage years, may experience some ten or 15 years later unexpectedly in circumstances in which he or she is clearly a law-abiding citizen of this State and in which he or she should not be in any way impaired in travelling to the United States or elsewhere. There are a range of issues relevant to the consideration that needs to be factored into this measure and I hope these are all issues that will be adequately and comprehensively addressed in the new Bill that will be published.

This Bill is different to most other criminal law proposals directed at detection and prosecution of crime. It is approaching the criminal justice system from the other end, after the process has been completed, people have served their sentences and, in most cases, want to get on with their lives. It is for that reason the Government is not opposing the Bill. I reiterate we accept the principle of the Bill. Having said that, it is one thing to agree on the objectives of the Bill and its principles, but it is another to turn them into a legislative proposal that is clear, unambiguous and that achieves its objectives. The Spent Convictions Bill 2011 is what its predecessor Bill was — a good start. It is not, however, a Bill that could be put on the Statute Book without such significant amendment as to render it unrecognisable. It is for that reason the Government will be publishing its own criminal justice (spent convictions) Bill as soon as a small number of outstanding issues have been resolved. I am sure I will be able to rely on the co-operation of Members opposite at that time with the early enactment of what will be very important legislation.

In the context of issues raised in respect of vetting by two contributors, I was concerned, when on the other side of the House, at the delays that were being experienced in that respect. The vetting bureau in Thurles, which I visited some time ago, does an extraordinary job with great efficiency and by a flexitime system that ensures the maximum possible number of vetting applications are dealt with.

However, with the large number of organisations and employers which now use that facility, it is clear that it was seriously understaffed for a long period. Ten additional employees have been recruited to the vetting agency and I hope in the not too distant future to make an announcement with regard to additional assistance that will be made available to it. It is my objective to get to a point in this respect but it will take a little time before this occurs. I say

[Deputy Alan Shatter.]

that to Deputy Calleary who no doubt with great enthusiasm will table a Dáil question on this matter in a few weeks. It is my objective to get to a point where all vetting applications, except where there are exceptional circumstances, are dealt with within a period of three to four weeks and that we can fast-track applications where there is an immediate job available to an individual to facilitate him or her being dealt with more quickly where it is appropriate but it will take some months to bring about that position. It is regrettable that the previous Government did not provide the vetting bureau with the resources it requires.

Deputy Dooley referred to the delay in progressing this Bill as being a criticism of both sides of the House.

I do not want to be partisan, but taking such a comment seriously is difficult when Deputy Dooley's party was in government in 2007 when the then Deputy Barry Andrews published the legislation as a Private Members' Bill and when the same Deputy dealt with that Bill on Second Stage in December 2008 as a Minister of State at the Department of Justice, Equality and Law Reform. He obviously did not give his own Bill sufficient priority as a Minister of State to get it through the House. If there is any blame for the Bill's lack of progress through the House, it attaches to my predecessors.

I appreciate Deputy Calleary's good intentions in publishing the Bill and I support the principle of the Bill. I must look somewhat askance at Deputy Dooley's suggestion that, were more Oireachtas committees appointed by the Government, the Bill would travel more quickly. I am open to correction, but the total number of committees to be appointed by the Government is 13. My recollection is that, under the auspices of the last Government, there were 24 committees. Clearly, they did not add any great speed or haste to the enactment of this particular measure. I do not quite know how many additional committees Deputy Dooley believes we need, but it was a somewhat facile argument. That said, I appreciate Deputy Calleary's good intentions in tabling the measure and look forward to co-operating with him in our processing, hopefully with some speed, of the new Bill to be published in the not too distant future.

**Deputy Simon Harris:** I welcome the opportunity to speak on the reintroduction of the Bill by Deputy Calleary. I note the significant work done by his former colleague, Mr. Barry Andrews, during the latter's time as a Member of the House. I commend the Minister, Deputy Shatter, on the constructive manner of his engagement in this debate. I hope it is a sign of things to come. More than most, the Minister knows what it is like to be a Front Bench Opposition spokesperson and a Government backbencher desperately trying to get Governments to take various Bills seriously. That he as a member of the Cabinet is engaging in a constructive manner is a welcome development.

No discussion of the Bill can reasonably take place without an acknowledgement of the topical elephant in the room, that is, the condition of our prisons. When the Bill was first before the House in December 2008, my party colleague, Deputy Charles Flanagan, spoke on the Second Stage debate and expressed his concern that more than 4,000 people were incarcerated in our prisons. In just over two years, this number has escalated rapidly and, for the first time in the history of the State, more than 5,000 people are serving prison sentences. Our prisons are not equipped to cope with these numbers, a situation that is attracting embarrassing international attention. Yesterday, the UN Committee Against Torture expressed its concern at the level of overcrowding in our prisons and at the inhuman and degrading practice of slopping out. In this context, reform of our penal system is vital to prevent the undue incarceration of offenders whose relatively minor offences do not warrant prison sentences and to

address habitual criminality. Beyond this, we must also work to ensure those who are convicted and serve their time are not needlessly deterred when trying to return to gainful employment.

In terms of our criminal justice system, it is also important we redress a ridiculous imbalance in our country. Through the introduction of legislation on white collar crime, the Minister has set about this process. It is ridiculous that one can almost bankrupt a country and not face criminal charges whereas one can serve a prison sentence for not paying a television licence.

There must be a balance between the societal imperative to reintegrate former offenders into society and the need to protect our most vulnerable members. While I welcome the principles underpinning the Bill, a number of its provisions warrant further consideration and substantial amendments will be required to ensure it is fit for purpose and achieves what Deputy Calleary is aiming for.

The Bill is aimed at offenders whose convictions are for minor and non-violent offences. It is proposed that these convictions would be spent after a blanket period of rehabilitation during which time no further offences were committed. The practical effect of this would be that ex-offenders would no longer be legally required to disclose their convictions in certain situations, such as job interviews. This is a welcome measure. It is proposed that the rehabilitation period would be five years for a non-custodial sentence and seven years where a custodial sentence is imposed. These periods may be overly long, given the relatively minor offences covered by the Bill, which applies only where sentences of no more than six months imprisonment or a fine were imposed. The Irish Penal Reform Trust, IPRT, and the Irish Human Rights Commission, IHRC, have argued that the principle of proportionality should be taken into consideration in connection with the rehabilitation period, as occurs in sentencing. The Minister touched on this subject. I hope that, when published, the Government Bill will address the issue and take on board the suggestions of the IPRT and IHRC. I welcome the Minister's categorical assurance to the public that this legislation and the Government's Bill will in no way, shape or form go towards allowing sexual offences to be spent, for want of a better word.

The Minister mentioned that the ceiling of six months must also be examined. Similar legislation has been in place in the UK since 1974 and covers sentences of up to 30 months. This provision would significantly extend the scope of the scheme and achieve the Bill's purpose, namely, to promote the rehabilitation and reintegration of a much broader range of offenders while ensuring the provisions are limited to a certain minor offence. In terms of the ceiling, the Bill will achieve more in its attempt to address the issue of habitual criminals.

Legislating on spent convictions will make a significant difference to many people and merits further consideration. I welcome the Minister's engagement and thank Deputy Calleary for the constructive way in which he and his party have spent Private Members' time. I look forward to further constructive suggestions and to the Minister's Bill.

**Deputy David Stanton:** Like my colleagues, I congratulate the Deputy opposite on introducing a constructive suggestion rather than a so-called knocking motion, as we are used to. I recognise the fact that the Minister is not opposing the legislation. Debating legislation on Second Stage is interesting, but debating it on Committee Stage is even more interesting in that one goes into the nitty gritty and the detail.

While I commend the Deputy opposite on introducing the Bill, I am disappointed he has not done more homework on it. When an identical Bill was before the House in 2008, problems were highlighted, yet the Deputy opposite has made no effort to change this Bill. Since legislation is on the pink list, that is to say, the Government will publish a spent convictions Bill, it shows the importance we attribute to the issue.

[Deputy David Stanton.]

Under the current disclosure policy, details of all convictions or prosecutions or both, successful or not, pending or completed, in the State or elsewhere, and as the case may be, are disclosed to the authorised liaison person in the registered organisation. The Data Protection Commissioner has problems in this regard and pointed out in April 2010 that this requirement puts citizens in Ireland in an unfair position compared with citizens convicted of the same offences in other EU member states. As stated by Deputy Harris, the UK has had legislation on spent convictions since 1974.

I read about an interesting structure in place in Scotland, entitled Disclosure Scotland. There are three levels of disclosure — basic, standard and enhanced. The Scottish Government has set up an executive agency to deal with disclosures. When the Minister's Bill is on Committee Stage, it might be useful to examine what has been done in Scotland. An enhanced disclosure contains all conviction information whereas a basic disclosure only contains convictions considered unspent under the Rehabilitation of Offenders Act 1974, which the Deputy opposite is trying for with this Bill. A standard disclosure contains all conviction information, spent and unspent, including cautions.

Debating on Second Stage is fine, but when we get into the nitty gritty, we need to be able to consider practices in countries that are way ahead of us in this area if we are to determine the best practice to be incorporated in our legislation. Our people are at a disadvantage. The sword of Damocles should not hang over people's heads, punishing them for the rest of their lives because of, for example, minor offences they committed when they were young. Certain offences will be excluded from the Bill's provisions, including sexual offences. Interestingly, employers in Scotland have access to disclosure on-line, in respect of which there are safeguards. The Garda vetting bureau in Ireland also has similar safeguards in place. Much of this information is sensitive and we must ensure it is treated with confidentiality. We must also ensure the information provided is correct. I am aware of a case where information given in respect of a person was incorrect, causing many problems for the person concerned. We must ensure the information provided is correct and is treated with confidentiality.

I note that many organisations and groups have already commented on this issue, including the Data Protection Commissioner. The Law Reform Commission produced a report on this issue and, as already mentioned, the Irish Human Rights Commission has commented on it. The Irish Penal Reform Trust commented on it as far back as November 2008 and made six recommendations. I look forward to the publication of the Government Bill. It is important we discuss general points here. The bringing forward of this proposal during Private Members' time is a useful and positive exercise.

**Deputy Jonathan O'Brien:** I welcome the opportunity to discuss this important legislation. The issue of spent convictions has been long spoken about inside and outside this Chamber but has not been matched by the same level of action as conversation. I do not believe any one can question the urgent need to put in place legislation dealing with this issue given Ireland is the only remaining jurisdiction in the EU which does not have in place appropriate legislation to deal with the expunging of criminal convictions. Like many other Members from all sides of the political divide I have read many reports outlining the far-reaching consequences for those convicted of minor criminal offences, be it discrimination in obtaining a visa or clearance for work in the area of security, for a tax licence or accessing employment, education and training. The difficulties experienced by many ex-prisoners in obtaining insurance has resulted in further difficulties for them when applying for mortgages, thus denying them the basic right to own their own home.

The National Economic and Social Forum found in 2002 that only 52% of employers would employ an ex-offender. A similar survey carried out by the Small Firms Association in 2007 found that between 76% and 87% of firms would not employ an ex-offender. When one takes into consideration that the largest proportion of people sentenced in this State receive short-term prison sentences, fines or community based sanctions for non-violent offences, it is all the more shameful that we have not addressed this issue. When an individual is sentenced following a conviction he or she has the right to expect that the sentence imposed will not adversely affect him or her beyond the timeframe set down at sentence. A sentence is time limited as it defines the start and maximum end date. Effective post-release reintegration of offenders into their families and communities once a custodial sentence has been served is essential for prevention of further re-offending and, therefore, community safety. This is in everyone's best interests and is the fundamental reason a minor conviction should not hang over a person for the remainder of his or her life.

One of the primary objectives of any custodial sentence should be to rehabilitate so as to prevent future crime. If that is the case, then part of the emphasis must be on incentives to create crime free lifestyles by ensuring access to gainful employment, education and training for ex-prisoners. Unwarranted barriers and discrimination, whether in law or in policy, must be proactively removed. The extent of this discrimination should not be underestimated. Far from effectively protecting the public, these barriers serve to increase Ireland's already high rate of repeat offending.

Sinn Féin supports a spent convictions regime for non-disclosure of criminal records in order to facilitate post-release reintegration through the measures I outlined earlier. While this Bill attempts to do this, it falls short of what will adequately address the issue. In my opinion, it is conservative and does not actually address the core principle in regard to spent convictions. However, while the Bill falls short of what Sinn Féin would like to see enacted, we will be supporting the Bill as it at least starts the process, which is important. Our concerns in relation to the Bill as drafted can be adequately dealt with at future Stages. For this reason, we will not oppose its progression through the House.

Before outlining where we differ from the current proposal it is only fair for me to highlight the sections of the Bill with which we agree. We welcome the provisions contained in section 3(2)(b) and (c) which deal with offenders complying with any conditions set down at sentencing. We also welcome section 3(3)(b) which excludes those convicted of offences of a sexual nature from availing from the provisions contained in this Bill. However, we do not agree with the proposal contained in section 3(3)(c) which states that an excluded offence is deemed to be "a sentence for a term exceeding six months". That is too narrow and too restrictive. We should, as a starting point, be considering a period of at least 12 months. One might well ask why 12 months and not 18 months, two years or three years. The Criminal Justice (Community Service) (Amendment) (No. 2) Bill 2011 will make it obligatory on judges to consider community service orders as an alternative to custodial sentences, in respect of which a sentence of up to and including 12 months would normally apply. One of the provisions of that Bill is the setting of a time limit for community service orders, which have been extended from six to 12 months. It makes sense, therefore, to ensure all legislation currently before the House deals with custodial sentences in the same manner. If the limit is not extended to 12 months at a minimum we could have the ludicrous situation whereby a person sentenced to a community service order of between six and 12 months would not be able to have his or her conviction expunged. In other words, such person would always have to disclose he or she had been the subject of a community service order.

It can be argued that the 12 month time limit is not adequate. A recent review of the British Rehabilitation of Offenders Act 1974 found that the current time limit of 13 months is too



[Deputy Jonathan O'Brien.]

restrictive. I am aware the Irish Penal Reform Trust has recommended a 13 month time limit in relation to this legislation. It may be necessary to consider the introduction of legislation establishing an independent board to deal on a case by case basis with ex-offenders sentenced beyond the current limit set in this Bill. Sinn Féin also has concerns in regard to section 3(4)(a) and (b). Subsection (4)(a) states that a person who is convicted and has imposed on him or her a custodial sentence not exceeding six months must wait seven years before having that conviction spent. Subsection (4)(c) states that a person in receipt of a non-custodial sentence not exceeding six months must wait five years before having that conviction spent. Under this proposal an individual aged between 18 and 20 years sentenced to six months and one day would be aged between 25 and 27 years before being able to have his or her conviction spent. This goes against everything the Bill attempts to address. For young persons to be faced with employment related discrimination during these crucial years could have life long consequences.

I want to touch briefly on section 5, which deals with excluded employment. While I agree completely that work involving substantial access to children or vulnerable adults be afforded special protection, the list of excluded employments where a person still has to declare a conviction are too broad. For example, under the current proposal before us, anyone who wishes to become a traffic warden would have to declare their conviction and could not avail of the provisions under the Bill. I welcome the Minister's comments in terms of possibly reviewing the range of excluded employments.

In conclusion, I want to focus on one sector of society for which the Bill does not cater, namely, former political prisoners. We are almost two decades on from the Good Friday Agreement and former political prisoners still suffer from discrimination in a wide range of areas. Many of these prisoners are staunch supporters of the peace process and continue to work on its behalf. Given all the advances since the Good Friday Agreement, it is fair to say that the political nature of the conflict in Ireland has now been widely recognised by all. This recognition must be formally extended to ex-political prisoners and discrimination against them needs to end. It is our position that the records of all former political prisoners should be expunged to enable them to participate in all aspects of economic and social life without discrimination. While there is no scope to include this category of individuals in the Bill before us, the introduction of separate legislation consistent with the Good Friday Agreement obligations to deal with this distinct situation of ex-prisoners needs to be considered.

**Deputy Luke 'Ming' Flanagan:** I agree with the essence of the Bill. If our criminal justice system is meant to have anything to do with transforming and rehabilitating people, it is essential that once they have served their sentence, they be given the opportunity to participate fully in the world. When I stood up in my local council chamber, if I had a vested interest on any issue, I was meant to state it, so I might as well state my vested interest here. I have a criminal record in regard to three occasions of possession of cannabis and I also have a criminal record under the Litter Pollution Act 1997. However, it is not for myself that I want to see a change because, strangely, there is no bar on my being a Member of Dáil Éireann because of my criminal record, although there would be on my being a lollipop lady — or man, even.

The essence of the Bill is positive and it is essential that we do this. However, if the idea is to help people participate more in society and to get a job, the list of excluded employments is ridiculous. What job can a person do when almost every State job is excluded under the Bill? What is the danger of someone going on to become a traffic warden if at the age of 18 the person, rather stupidly, decided to knock on someone's door, then ran away and ended up with a criminal record under some public order Act? The list of employments needs to be changed

because, otherwise, this part of the Bill is pointless and does not achieve anything. Many people have come to me with the complaint that it had not entered their head a criminal record would cause a problem if, for example, they wanted to go to Australia to work or that they would be disbarred from getting a decent job. This is in nobody's interest.

I remind some of the Members of the House, when they are deciding what should be included or excluded, that they are lucky not to have criminal records because members of the Garda Síochána did not have enough resources and the world is not perfect so they could not prosecute some of the Members who have admitted to the crime I have been tried for, namely, the possession and use of cannabis. The people who have admitted this in publications such as *Hot Press* should remember it when they vote on the Bill. If they were not quite so lucky, they too would no longer be allowed to work in any of these jobs. Whatever the law was attempting to do for them in the first place, I do not believe the intention was that their whole life would be ruined and they would never again be able to contribute to society. Given that, they must support the Bill because, otherwise, they will be hypocrites.

The essence of the Bill is good and it is essential we do this, although much of the detail needs to be changed. In addition to his point on the excluded employments, many good points were raised by Deputy Jonathan O'Brien as to the length of the sentence and the contradictory nature of the length of the community service period, which goes to 12 months. While much needs to be changed, I hope we can do that on Committee Stage.

**Deputy Mattie McGrath:** I welcome the opportunity to speak on the Bill and I compliment Deputy Calleary on bringing it forward. I was delighted to hear the Minister promise he will bring in his own Bill which will go further in some areas while being restrictive in other areas. As Deputy Jonathan O'Brien said, we should consider the community service legislation which was recently discussed in the House, in particular, the sensible proposal in regard to the 12-month period whereby a judge must consider community service rather than over-crowding the prisons by sending people to prison when their sentences would be better served in the community.

Lack of legislation in this area means that people with criminal records face barriers to employment, travel restrictions and difficulty in taking out mortgages and in many other areas of life. The list of areas included in the Bill is too restrictive. As Deputy Luke 'Ming' Flanagan said, a person would be barred from becoming a traffic warden or undertaking any form of State employment. Those who have committed crimes of sexual nature would have to live with that, particularly if they are dealing with sensitive areas such as the care of children or other people. Such people have to go through a rigorous Garda vetting process at present, an area which is still too unwieldy and lacking in detailed knowledge, thereby allowing some people to slip through the process.

The barriers to successful integration and rehabilitation into our society is the area on which we must focus. Goodness knows, society has enough problems and serious offences will obviously not be included in order that there is no threat to public safety. We must always take cognisance of this but we must aim to get the person back into society through restorative justice. No matter what happened when a person was young, in the fullness of time, when the person has matured fully and wants to play a part in public service or service to the community, he or she should be allowed to do so and should not have this blemish on his or her character for ever more. As I said, serious offences such as sex offences are an exception to this and none of us wants to change that.

Before the Minister, Deputy Shatter, introduces his Bill, he should align it with the community service Bill to create a level playing field, encourage fairness and responsibility, encourage citizens to play a meaningful part in society and give them an opportunity to display the

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fact they made a mistake, paid a price and are willing, ready and able to play any part they may be required to play in everyday society. I hope there could be cross-party agreement in this regard. Given the Minister said he was in favour of many aspects of the Bill before us, I hope the Government side will not oppose it. If he must bring in his own amendments, he should do so and we will get the best of the views of all parties in rectifying the Bill.

Debate adjourned.

### **Adjournment Debate**

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#### **Ballymanus Mine Disaster**

**Deputy Pearse Doherty:** I welcome the Minister for Defence, Deputy Alan Shatter, to the House.

The issue I raise is a very important one that affected west Donegal. The Minister of State, Deputy McGinley, will be familiar with the stories that come from that part of the country. This one scarred a whole community. It happened a very long time ago, well before my time, and was brought to my attention only in recent years. It relates to the Ballymanus mine disaster, one of the worst events that happened in this country during the Second World War. Last week marked the worst event in the history of the State, the bombing by the Germans of a part of Dublin in which more than 20 people lost their lives. In Ballymanus in west Donegal, 19 young men lost their lives. Their ages ranged from 14 to 34 years. Some came from the same household; one family lost three sons. Many of those killed were very young lads with their whole lives in front of them.

The incident happened on 10 May 1943. A mine came ashore at Ballymanus and a crowd gathered to watch it. As the mine came closer to the shore it is understood that some of the people present tried to throw a rope around it. Although the mine had been spotted earlier that day and reported to the gardaí at around 6.45 p.m. it did not explode until 10 p.m.

The reason I raise the matter is my belief that the families of those who lost their lives in the Ballymanus mine disaster deserve an apology or an acknowledgment from the State that it did not carry out its responsibilities in the way it should have. I understand there have been previous efforts with a previous Government to seek an apology. I realise the issue of compensation may be a stumbling block and therefore I ask the Minister to be open-minded and not merely to refer to the civil servants' script but to look for a way that protects the State but allows the families to put this issue behind them.

There are many documents relating to the period which clearly show that once a report was provided to the Garda that a mine was coming onshore it was the responsibility of gardaí to ensure the area was cordoned off. I have a report of an ard-cheannfort of the Garda that was sent to every Garda station and garda in the State. It states: "Whenever a report that an explosive article has been washed ashore is received at any Garda station the member-in-charge will immediately take such steps as are necessary to ensure that no one approaches to within 500 yards of the article and will at once report the matter to the nearest military post." I reiterate this mine was reported to the Garda three hours and fifteen minutes before the explosion but gardaí did not attend the site. The Secretary of the Department of Defence in 1943 stated in a report: "You will observe from the report that the instruction was not observed" — namely, the instruction to cordon off the area — "by the local gardaí in as much as they did not take any steps to prevent members of the public from approaching the mine."

I have another document, referred by officials to the Minister's predecessor, Gerard Boland, in 1943 which states: "The Chief Superintendent has expressed the opinion that the request for the inquiry was made as the outcome of hostility against the local sergeant who apparently has been unpopular in the area for a long time and who was, of course, guilty of grave neglect of duty in this matter." It is clear that such was the view of officials at the time and after the inquiry that took place.

The Minister may not be able to do so tonight because he has been provided with a speech by officials but will he state clearly that he will examine the issue of bringing closure to the relatives and families and the entire community of that area of west Donegal who suffered so much as a result of the war? I do not claim that the sergeant mentioned in the report caused the deaths — of course he did not. However, there was a clear instruction and he should have done something but did not. The Department of Defence clearly stated as much, as did the sergeant in later correspondence with investigators. This is an opportunity for the State to issue an apology to the families.

**Minister for Justice and Equality (Deputy Alan Shatter):** The matter raised relates to a tragic incident that occurred on Ballymanus Strand, County Donegal, on 10 May 1943, in which 18 people tragically lost their lives when a wartime mine floated ashore and exploded. This tragic incident was also raised by the Deputy in Parliamentary Question No. 281 on today's Order Paper and was previously raised in this House as Parliamentary Question No. 512 on 13 May 2008 and in an Adjournment debate in the Seanad on 23 April 2008. In October 2010, my predecessor met with Senator Brian Ó Dómhnaill and the son of one of the men who tragically lost his life that day and the question of an apology from the State was discussed.

This House has previously heard details of the sequence of events leading up to the tragedy, based on information gleaned from the files in the National Archives but for the sake of completeness I will briefly outline the facts as I understand them. On 10 May 1943 a report was made to gardaí at Annagry in County Donegal at 6.45 p.m. that an object, believed to be a mine, was floating in the sea between Mullaghdearg Point and Broad Strand. The gardaí reported the matter to the lieutenant in the local marine service who went to Ballymanus Strand shortly afterwards. The mine was more than a mile offshore at this time. The lieutenant warned a group of men who were present on the strand to stay away. He waited there for over two hours until the mine came ashore and again warned those present to stay away from it. In his report he noted that the reaction of some of those present to him was almost hostile. The reports state it appears that when the lieutenant left the site at 9.50 p.m. to report the matter to his ordnance officer some of the men present on the strand proceeded to haul the mine ashore with ropes and some attempted to unscrew portions of it. The mine exploded at 10 p.m., killing 17 men at the scene. Another man died in hospital the following day. Five others were injured. Those who died ranged in age from 13 to 34. Eight were under the age of 18.

The file shows that an inquest was held the day after the event. Consideration was given at the time to holding an inquiry into the matter. However, it seems from the file that there was little local demand for an inquiry at the time. It was noted that a number of local representatives were of the view that nothing would be gained from such an inquiry and a meeting of local clergy apparently also came to the same conclusion. A report on file states that a meeting of the next-of-kin of the deceased was held on the 24 May which decided unanimously that no demand be made for an inquiry. The Departments of Defence and Justice came to the conclusion that an inquiry would not serve any useful purpose. The coroner was informed that no official inquiry was proposed and the inquest was reconvened on the 28 May.

The verdict of the inquest was that the deaths were caused by the explosion of the mine. The jury added riders to its verdict, stating that the disaster could have been avoided if the

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Garda sergeant at Annagry had cordoned off the area in the immediate vicinity of the mine until the arrival of the military; that there was disagreement as to whether the lieutenant of the coast watching service was negligent; and that it was the jury's opinion that the military authorities should be asked to establish a coast watching post in the vicinity of Ballymanus.

There is a report on file from the Garda superintendent of the area stating his opinion that the sergeant involved had not dealt properly with the report of the mine, that he failed to go to the scene before the explosion and that no attempt was made to cordon off the area. It is noted on the file that there was bad feeling locally about this.

As I have said, this was an appalling tragedy for the community of Ballymanus and the whole country. However, it must be questionable whether, 68 years after the event, it would be practical to inquire into whether anything more should have been done to prevent the dreadful loss of life, or to apportion blame or pass judgment on the actions of the individuals or organisations involved. Few of those directly involved are still alive to defend or explain themselves. Those who are alive have distant memories of what occurred. I have listened carefully to the Deputy's request for some form of apology to be given. I will reflect on what he had to say about this tragic event. I thank him for raising the matter. It is important not to forget such events. Of course I am deeply saddened by what happened in Ballymanus. I offer my personal sympathies to all those who lost loved ones on that dreadful day in 1943.

### **Parental Rights**

**Deputy Brian Walsh:** I thank the Ceann Comhairle's office for allowing me to raise this matter, which is of some importance. I acknowledge the presence of the Minister, Deputy Shatter, and thank him for coming to the House to speak about the legal status afforded to unmarried fathers in Irish law and the right of such people to the guardianship of their children. Married parents are correctly considered joint guardians at present. They share equal rights in respect of their sons and daughters. In the case of a child born outside of marriage to unmarried parents, however, only the mother has an automatic right of guardianship. In such circumstances, the law considers the father to be a stranger to the child, in effect. It seems that under Irish law, a father's right of guardianship derives from his being the husband of the mother of the child, rather than his being the father of the child.

The human impact of this situation on the growing number of non-marital families in Ireland cannot be under-estimated. Children are being deprived of their right to know and be cared for by both parents. Fathers are distraught at being denied the joy of playing an active part in the upbringing of their children. This is having a devastating effect on people's lives. I know of genuine and decent fathers who are suffering from severe bouts of depression as a result of this law. I suggest it is contributing to the growing incidence of suicide in society, which was the subject of extensive statements in this House in recent weeks. Like other Deputies, I have been contacted by grandparents who are concerned about their son's well-being and mental health. Equally, I have been contacted by people who are devastated because they have little or no access to their grandchildren. This divisive and saddening injustice is the result of a failure to legislate for the changing nature of the Irish family.

We live in a time of great social change. An increasing number of couples are living together in non-marital relationships. We now have divorce and civil partnerships. In 1996, the Constitutional Review Group noted that the Constitution — our founding document — was “clearly drafted with one family in mind, namely, the family based on marriage”. The European Court of Human Rights has constantly reinforced the fact that families not based on marriage are families nonetheless. Children born in such circumstances should have the right to benefit from the support and affection of both parents, notwithstanding their marital status. As the

Constitution was drafted in a different time, it reflects a different reality and social outlook. Just 3% of children were born outside of marriage in 1937, whereas today one in every three births is to unmarried parents.

The unmarried father is not part of the family within its meaning under Article 41 of the Constitution. He is not a parent within the meaning of Article 42. He has no personal right in relation to his child under Article 40.3 of the Constitution. Under our current laws, the unmarried father is a legal pariah, in effect. He is ostracised and ignored, voiceless and invisible. This stems from our Constitution, which professes to cherish the notions of family and equality but in many cases is destroying the very thing it purports to protect, apparently with the paramount welfare of the child at heart. We are all aware of tragic circumstances that have conspired to deprive a child of its father or deny a father the unique joy of watching his children grow up. We can do little to prevent such tragic instances, sadly, but we can do something to ensure fathers and children do not suffer in each other's absence as the result of an antiquated Constitution and inadequate legislation.

The right of every child to know and be cared for by both of his or her parents, regardless of whether they are living together, should be enshrined in the Constitution. An explicit provision should be inserted in the Constitution to guarantee equal rights to both the mother and the father, in accordance with Article 7 of the UN Convention on the Rights of the Child. That would serve the best interests of the child. The extensive research that has been carried out in this area was reflected in the Law Reform Commission report on the legal aspects of family relationships, which was published last December. With this in mind, I ask the Minister if he intends to address the issues I have raised. Will it be done as part of the Government's legislative programme? I bow to the Minister's superior knowledge and wisdom on this subject. I respectfully suggest he take on board many of the recommendations in the Law Reform Commission report.

**Deputy Alan Shatter:** I thank my colleague, Deputy Walsh, for raising this important issue. As he will be aware, the key legislation relating to parental responsibility is the Guardianship of Infants Act 1964, which was amended extensively in 1987 and 1997 to strengthen the position of non-marital fathers with regard to their children. Some of the legislative changes that have been made in this area were required by the European Court of Human Rights. It is worth recalling the details of the substance of those provisions, as they relate to unmarried fathers. I will refer to how those provisions have operated in our courts and mention the actual rights that are conferred on unmarried fathers in our legal system.

In the absence of agreement between the unmarried father and mother of a child, the father may apply to the court to be appointed a guardian of his child under section 6A of the 1964 Act, as amended by the Status of Children Act 1987. The law is protective of the rights of the child to the society of both his or her father and mother. Section 11D of the 1964 Act, which was inserted by the Children Act 1997, obliges the court in proceedings relating to the welfare of a child to consider whether the child's best interests would be served by maintaining personal relations and direct contact with both his or her father and mother on a regular basis. In this context, it is worth noting that the majority of guardianship applications are granted. In 2009, the most recent year for which final figures are available, over 95% of applicant fathers were awarded guardianship, excluding cases which were withdrawn or struck out. My personal experience prior to becoming Minister, as a lawyer dealing professionally with family law matters, was that one of the big difficulties in this area is that many fathers do not take responsibility for their children. Indeed, many of them do not seek to form and cement relationships with their children, or to involve themselves in their children's lives.

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If there is agreement between the parents, the law ensures there is no need for them to go to court to have a guardianship order made. Instead, they can make a statutory declaration under section 2(4) of the Guardianship of Infants Act 1964, as inserted by section 4 of the Children Act 1997, appointing the father as a guardian of his child. Section 11 of the 1964 Act provides that the guardian of a child or the unmarried father of a child, irrespective of whether he is a guardian, can apply to the courts for either a custody order or an access order. Any court order that is made must be determined with regard to the welfare of the child as the first and paramount consideration. It is important to recall that in all proceedings under the 1964 Act, as amended, where appropriate and practicable the court must take into account the child's wishes in the matter, having regard to the age and understanding of the child. In practical terms, the older the child, the greater the importance the court attaches to the wishes expressed by the child.

While unmarried fathers do not enjoy the same automatic guardianship rights and responsibilities as married fathers, the mechanisms I have outlined make extensive provision to allow them to obtain that legal status in relation to their children. Based on the statistics I have mentioned, the courts operate the law to the fullest possible extent. The truth is that there is no major obstacle to the biological father of a child being named as guardian of the child in circumstances in which the father has an established relationship with that child. As the Deputy mentioned, a number of recommendations for reform have been made. I have raised this issue while wearing a different hat. As recently as December 2010, the Law Reform Commission published a report on legal aspects of family relationships in which it recommended that joint registration of a child's birth be made compulsory for unmarried parents; and that on registration a father should automatically become a guardian of the child together with the child's mother.

The report also recommends providing a statutory basis for other members of the child's family, including step-parents and other relatives, to establish a legal relationship with the child. These are far-reaching and important proposals to which I am giving careful consideration, and are relevant to both legal and constitutional policy. I believe consultation is required with relevant interests before we progress legislation in this area. It is important for all parties concerned that a necessary balance be maintained in the law in a way which recognises the rights of the parties but which fundamentally protects the welfare of children.

The programme for Government contains a commitment to reform and modernise aspects of family law. In this context, I want to assure my colleague the recommendations in the Law Reform Commission's report are under consideration by me and my Department, as are other crucial reforms in the area of family law. Ultimately, it is my hope to publish a family law Bill. In addressing some of the areas of family law, I expect not to be in a position to publish that Bill until next year.

In dealing with issues of this nature it is important not to deal with them too simplistically, and I am not remotely suggesting that Deputy Walsh would do so. However, there are other areas relating to both parenthood and paternity and guardianship rights which have for too long been ignored in this State and which are of considerable importance, such as the parentage and, indeed, paternity of children born as a result of the new scientific methods of reproduction and the assistance that parents may obtain from those who donate materials which can result ultimately in a child being born. These are issues which have for too long been ignored and in respect of which legislation is required. They affect not merely parents outside marriage but marital parents, and these are issues that I hope to be in a position to address by way of legislation next year.

## Ambulance Service

**Deputy Gerald Nash:** I am disappointed the Minister for Health is not available to respond to this matter. I am also that none of the Ministers of State at the Department of Health appear to be available either. Notwithstanding that, I am sure that the Minister who is here this evening to respond will do so to the best of his ability. I want to put on the record the fact that it is unacceptable to me that Ministers from the Department of Health are not here to address this important issue.

If any one of us here this evening thinks that the health service is working, I would challenge all of us to think again. The public health service is not working if it allows a man fighting for his life on a busy street to wait 30 minutes for an ambulance. That man was Peter Sherlock and he died in hospital soon after being taken there in the back of a van by a good Samaritan who was passing by at the time and saw the man in distress. He was taken to hospital in the back of a van because there was no ambulance available to take him. We are not referring here to a street in a small provincial town 50 miles from the nearest acute hospital. We are referring to a tragic incident which occurred on the streets of Drogheda, the largest town in Ireland, less than one mile from Our Lady of Lourdes Hospital and only a matter of a couple of hundred metres from an ambulance base.

We have been told over the past few days in a series of HSE statements that all vehicles stationed in Drogheda at the time the call was received, at 9.59 hours on the 26 May, were what was termed “tasked on calls” at the time. We are told that the closest available ambulance was dispatched to the scene. Why is it then that the closest available ambulance was located at Navan, 30 minutes from the town of Drogheda, the health care centre of the entire north-eastern region?

We are told that the three ambulances that were at Our Lady of Lourdes Hospital were all actively engaged with patients. We are also informed, thanks only to the tenacity of the team on The Michael Reade Show on LFMFM, that other ambulances were involved in patient transportation at the time the call was received.

In a statement last week the HSE state, “Ambulance Service resources are deployed on a clinical basis to ensure that the appropriate patient gets the appropriate response”. I wonder if the Ministers present agree that the Peter Sherlock get the appropriate response because I do not.

This tragic saga has led to a real fear in terms of the ability of the ambulance service to respond to emergencies in Ireland’s largest town. The House will agree it is imperative that the public must have confidence in the ambulance service and in the health service in general, and this tragic episode has challenged that confidence. The internationally accepted emergency response time is eight minutes, whereas it takes approximately 30 minutes for an ambulance to travel from Navan to Drogheda.

The circumstances around Mr. Sherlock’s death have sent shock-waves around the wider community in Drogheda and the Louth-Meath area in general. One person too many has died waiting for an ambulance in Drogheda. I ask the Minister of State present representing the Minister for Health if he can state with confidence to the people of Drogheda that this will not happen again. Does he have confidence that the HSE ambulance service has the necessary resources at its disposal to do the job the public ask of it?

I implore the Minister to take definitive action to address the failures exposed in this case, to take a different course, dispense with the impenetrable HSE-speak and confront this as the human tragedy it was. I want the Government to be able to look me and the people of



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Drogheda and County Louth in the eye and tell us that this will not be allowed to happen again in Drogheda or, indeed, for that matter, anywhere else in this country.

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** On behalf of the Minister, I thank Deputy Nash for raising this tragic occurrence. The Minister, Deputy Reilly, and I offer our sincere condolences to the relatives of the person who has died.

From what the Minister has been informed, he understands that the man concerned had collapsed in the street and passers by came to his help and called for an ambulance. It appears that it was subsequently decided at the scene, because of the man's condition, to take him direct to hospital by car and the ambulance was cancelled. The HSE's log of calls to the National Ambulance Service bears out this version of events as the ambulance was cancelled nine minutes after the first 999 call had been received.

The Minister commends the instincts that prompted people on the street to help a fellow human being in a dire situation. No one can predict the outcome when faced with such a dilemma. The emergency services can provide advice and support over the phone while an ambulance is awaited but the confusion on the ground may have made this difficult in this case.

This case underlines the need for the reform and modernisation of the ambulance service currently underway. While it does not appear to have been an issue in this case, the move to two national call centres to prioritise and manage calls is clearly essential. It is critical that emergency ambulances are used for emergency services and that there is a rapid hand-over of patients at emergency departments.

Supported by the Department of Health and by HIQA, the National Ambulance Service is working to improve the management and integration of its services. This includes a reduction to two ambulance control centres nationally, with appropriate technology, a clinical lead for pre-hospital care, development and implementation of new performance indicators for pre-hospital care and development of standard national criteria on non-emergency patient transport.

The HIQA report "Pre-Hospital Emergency Care: Key Performance Indicators for Emergency Response Times", published in January 2011, recommends response times for first responders and for ambulances. The HIQA response time standard for transporting ambulances is 18 minutes 59 seconds for life threatening emergencies in 75% of cases. The HSE has been recording this data since January 2011 and since March 2011 has advised that it meets this standard throughout Ireland.

The National Ambulance Service has undergone significant change in order to ensure quality, safety and value for money. In line with other clinical areas, this process is ongoing as clinical needs and standards develop. I and the Minister, Deputy Reilly, believe that these developments are in the best interests of patients and that they are a key part of the Government's work to ensure high-quality emergency care.

In conclusion let me once again offer my condolences and those of the Minister to the relatives in this case.

#### **Guthrie Cards**

**Deputy Simon Harris:** I thank the office of the Ceann Comhairle for allowing me to raise this matter and I thank the Minister for being here.

The issue which I want to raise has ramifications for families all over this country. Every child born in this State receives a heel-prick test shortly after birth.

The blood samples taken from these tests are then stored in the metabolic laboratory in Temple Street Children's University Hospital on Guthrie cards. While the hospital currently has samples for every child born since 1984, the Data Protection Commissioner has proposed that these samples be destroyed and that the only samples kept are those for which the donor has given express permission.

The genetic material stored on these cards is highly sensitive and it is imperative that safeguards are put in place to regulate access. Of this there is no doubt or disagreement. However, these cards have a significant medical value above and beyond the results of a simple heel prick test. Since 1984, at least 1,200 people in the country have died of what are commonly referred to as sudden antenatal death syndrome, SADS, and sudden infant death syndrome, SIDS, or cot death. Deaths due to SADS and SIDS do not present abnormal autopsy reports. For this reason, tissue retention at the time of autopsy did not occur in this country until 2005 and the practice is still not routine. However, advances in medical technology have led to doctors identifying several genetic mutations which cause SADS or SIDS. More than 20 genes affecting the cardiac electrical system have been discovered. Because of these advances we know that the families of those who have died from these conditions are at significantly higher risk than the general population. The genetic data stored on Guthrie cards offers many families their only chance of screening for multiple genetic mutations which can cause SADS. Once the mutation responsible is identified, other family members can be medically screened. Depending on the outcome of this assessment, preventative measures such as the implantation of pacemakers may be recommended.

The information stored on Guthrie cards can save lives. Arising from the tragedy of losing a loved one, people can help to save the life of another loved one. This is a serious matter. No family can be prepared for the tragedy of these conditions. There is nothing to say that future medical advances will not identify additional conditions where these samples can be used. One presumes their value will increase in time with medical advances.

It is unreasonable to expect individuals to act proactively to ensure the retention of this data. No other country in the European Union has destroyed the samples they have retained to date. Other countries outside the European Union, notably Australia, New Zealand and the state of California, have introduced governance structures to legally protect Guthrie card samples and to allow access to next of kin in specific circumstances.

This is a great opportunity for Ireland to show leadership internationally and on the European stage. We are all aware this is something we have not been doing as a country for some time. We can pave the way forward for the European Union to deal with this data crisis, to protect the contents of Guthrie cards and, ultimately, to help save lives. Or, we can go down the road of bureaucracy and HSE-speak and destroy these valuable samples and add to the distress of families affected by this tragic condition. I urge the Minister of State, Deputy McGinley, to discuss the matter with his colleague in the Department, the Minister for Health, and to call on him to interact with his counterparts in Australia, New Zealand and the state of California. Let us develop an opt-out system here where we give people the opportunity to have the data destroyed. In the same way that many people seek an opt-out in respect of organ donation let us encourage people to opt-out rather than opt-in.

This is a national medical resource. It is a lifesaving tool and it is vital that the Government and the Oireachtas are proactive in their efforts to save this resource and to give comfort and words of assurance to the parents throughout the country who are concerned about the implications of SADS or SIDS for their children.

**Deputy Peter Mathews:** Hear, hear.

**Deputy Dinny McGinley:** I take the Adjournment matter on behalf of my colleague, the Minister for Health, Deputy James Reilly. I thank the Deputy for raising this matter as it provides me with an opportunity to outline to the House the importance attached by the Minister, his Department and the Health Service Executive to the issue. The national newborn bloodspot screening programme, NNBS, has been in operation since 1966 and screens newborn infants for five conditions including Phenylketonuria, Classical Galactosaemia, Homocystinuria, Maple Syrup Urine Disease, Congenital Hypothyroidism and, from 1 July 2011, Cystic Fibrosis will be included as well.

To comply with data protection legislation, several changes are required to the newborn screening card and the national newborn bloodspot screening programme. Data records associated with each blood spot will also be covered under the forthcoming health information legislation. These changes include the development of a revised newborn screening card, obtaining written consent from the mother to have her newborn infant screened for the conditions described, retaining the card for ten years and retaining the information on the result for 25 years in line with HSE policy on the retention of health care records. The mother's written consent will be included on the card and a new parent information sheet has been developed to provide the necessary information. As a consequence, it had been planned to destroy existing cards which are older than ten years. The baby's newborn screening card will only be used for checking the baby's results, for other tests recommended by the baby's or child's doctor and for which the parents permission will be sought and for quality assurance to develop and improve the screening programme and the health of babies and families in Ireland.

These changes evolved from collaboration between the national newborn bloodspot screening laboratory, Temple Street Children's University Hospital, the Department of Health, the Data Protection Commissioner and the Health Service Executive. Subsequent to this policy being agreed, concerns were raised about the proposed destruction of the Guthrie cards and their retention for other medical purposes. The HSE has been asked to review the situation in the context of the concerns expressed before the proposed changes take effect at year end. The outcome of this review will go to the newborn screening governance group. I thank the Deputy again for his contribution, which will be conveyed to the Minister.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 8 June 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 14, inclusive, answered orally.*

*Questions Nos. 15 to 20, inclusive, resubmitted.*

*Questions Nos. 21 to 27, inclusive, answered orally.*

### **Fiscal Policy**

28. **Deputy Seán Crowe** asked the Minister for Finance the expected ratio of spending cuts to tax increases expected in budget 2012. [14241/11]

**Minister for Finance (Deputy Michael Noonan):** The overall fiscal adjustment for 2012 underpinning the Joint EU/IMF Programme of Financial Support is €3.6 billion and this will be implemented through a combination of further reductions to public expenditure and additional revenue raising measures. The Programme agreed in December 2010 provides for the implementation of revenue measures designed to yield €1.5 billion in a full year and for expenditure reductions of €2.1 billion. In terms of the overall fiscal adjustment for the years 2012-2015, the ratio of expenditure-reducing to revenue-raising measures underpinning the technical budgetary forecasts set out in the recently published Stability Programme Update is approximately two to one.

The Stability Programme Update submitted to the European Commission in April forecasts the 2012 General Government deficit at 8.6% of GDP. This target is consistent with this level of fiscal adjustment and is within the terms of the revised Excessive Deficit Procedure recommendation issued by the ECOFIN Council last December.

As stated in the revised programme agreed in April 2011, the budgetary measures set out in the original agreement in December 2010 will be examined by the Government. Therefore the precise nature of the measures to be implemented in 2012 will be decided upon in advance of Budget 2012 in light of more up-to-date economic and fiscal data and the outcome of the Comprehensive Review of Expenditure, which is currently underway.

### **National Asset Management Agency**

29. **Deputy Tom Barry** asked the Minister for Finance if he will consider the establishment

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of an agricultural review board within the National Asset Management Agency, in view of the fact that it is shutting down viable agricultural industries and forcing the unnecessary slaughter of animals. [10267/11]

**Minister for Finance (Deputy Michael Noonan):** I do not consider it necessary to establish an agricultural review body within the National Asset Management Agency. In the particular case which may have prompted the Deputy's question, NAMA did not consider it appropriate that it should manage the loans, which had been advanced for agricultural purposes and where the property development element was not material, even where the loans were eligible by reference to the criteria set out in the Act and in the statutory regulations. Under Section 84 (1) of the NAMA Act, NAMA is not obliged to acquire each and every eligible bank asset. The loans, in this instance, had been acquired in advance of due diligence being carried out and when their purpose became apparent, the NAMA Board made a decision to reverse the transfer. I understand that the loans have now been re-acquired by the bank concerned.

The NAMA Board has established four statutory committees — the Audit Committee, the Credit Committee, the Finance and Operating Risk Committee and the Risk Management Committee — under Section 32 of the Act as well as two advisory committees — the Planning Advisory Committee and the Northern Ireland Advisory Committee — under Section 33. NAMA has acquired the property loans of about 850 debtors. The loans of the largest 180 debtor connections, accounting for €61 billion of debt, will be managed directly by NAMA. The rest will be managed by the institutions under delegated authority. It is expected that nearly all, if not all, debtors who have farming interests or a significant interest in agri-business will fall into the latter category of debtor. Accordingly, at this stage, it is not considered necessary to establish a committee or unit within NAMA dedicated to dealing with agricultural interests. However, NAMA has agreed to review its procedures where farming assets involving livestock are concerned.

With regard to the suggestion that NAMA is shutting down viable businesses, NAMA assures me that it is committed to contributing to the objectives of the National Asset Management Agency Act which, inter alia, require it to contribute to the social and economic development of the State, in addition to protecting the interests of the taxpayer by ensuring that the value of any assets securing its loans is not diminished. Furthermore, as part of the business plan process and ongoing management of the debtor relationship, NAMA is actively engaging with debtors to get their assets to produce income and is approving decisions relating to the underlying security including lease agreements between the debtor and third parties where it makes commercial sense to do so. There is no reluctance on the part of NAMA to approve commercially viable arrangements. NAMA assures me that it is a particular priority for the agency, where it has acquired loans, to minimise the adverse impact on the viability of any business or on the sustainability of any jobs that may be at stake. NAMA fully recognises the importance of ensuring the continued viability of businesses, which can generate cash flow to repay debt and provide sustainable employment.

I am advised by NAMA that it is currently developing sectoral policies which will govern its strategic approach towards key sub-sectors in its loan portfolio. However, its policy will be publicised only after the completion of the debtor business plan process. In that context, NAMA has advised that it has now reviewed the business plans of the largest 40 debtors whose loans it has acquired and that the business plans of most other large debtors are currently at advanced stages of preparation. A debtor's business plan essentially consists of individual asset plans for each of his properties. For those debtors who can satisfy NAMA as to their viability, the agency will agree specific asset plans for each of their assets (whether that involves disposal

or completion, etc.). In determining a plan for any asset, NAMA will assess the supply and demand for similar assets in the same area or region. In particular, the Agency will also be very mindful of whatever planning policies have been set by the local authority in each instance.

*Question No. 30 answered with Question No. 27.*

### **Croke Park Agreement**

31. **Deputy Billy Kelleher** asked the Minister for Finance if he is satisfied with the level of savings being achieved under the Croke Park agreement and if they are sufficient to avoid further pay cuts in the public sector. [14162/11]

64. **Deputy Clare Daly** asked the Minister for Finance his plans to meet with the trade union representatives in view of the review of the Croke Park agreement and the upcoming quarterly EU-IMF review; and if he will make a statement on the matter. [14216/11]

100. **Deputy Richard Boyd Barrett** asked the Minister for Finance his plans to meet with the trade union representatives in view of the review of the Croke Park agreement and the upcoming quarterly EU-IMF review; and if he will make a statement on the matter. [13709/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 31, 64 and 100 together.

Progress under the Public Service Agreement 2010-2014 is overseen by the Implementation Body, established in July 2010. In line with paragraph 1.16 of the Agreement, a review of progress is to be conducted on an annual basis by the Body to determine the sustainable savings that have been achieved. The first such review has been completed and the Report of the Body will be presented to Government shortly and published thereafter. The Deputy will appreciate that I am not in a position to discuss the contents of that report in advance of discussion by Government.

The Government considers that the Croke Park Agreement represents a key enabler to meeting its fiscal targets under its obligations under the EU/IMF Joint Programme of Assistance. In the first quarterly return made by the Government under the Programme, the number of public service posts had been reduced by 2,000 in the first three months to end of March 2011. This indicated that progress is being made and we are on track to meet the existing target of 302,000 public service posts by end 2011. Similarly, the Exchequer pay bill return for the first quarter is in line with the 2011 pay bill targets.

The Implementation Body report will also be considered in the context of the Comprehensive Review of Expenditure. The Expenditure Review now underway will include a full review of how services are delivered and will provide the scope to achieve further reductions in public service numbers in the coming years. This is reflected in the significant numbers reductions targets set out in the Programme for Government. These are challenging targets and I believe the Croke Park Agreement provides the framework to achieve these ambitious reductions.

In return for the delivery of the necessary savings and full co-operation with the Agreement, the Government gave certain commitments to serving public servants in terms of no further reductions in their pay rates, over and above those implemented in 2009 and 2010, and no compulsory redundancies (where they do not currently apply) as long as public servants co-operate flexibly with necessary redeployments.

The reviews under the Agreement will transparently show whether the Agreement is delivering savings in the costs of public service delivery, primarily through reductions in public service numbers, and with related changes in working practices necessary to ensure that priority

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public services can continue to be sustained or improved. The Government is on record as saying that we would like to see an accelerated implementation of this agenda and this represents an ongoing collective challenge to all parties to the Agreement. Following publication of the report, my colleague Minister Howlin would intend to engage with the representatives of the Public Service Unions on these issues.

### State Assets

32. **Deputy Dara Calleary** asked the Minister for Finance when he will make decisions on the recommendations of the review group on State assets and liabilities. [14161/11]

**Minister for Finance (Deputy Michael Noonan):** Following publication of the report of the Review Group on State Assets and Liabilities in April, my colleague the Minister for Public Expenditure and Reform asked Departments to give their considered views on the group's recommendations. The Departments are reverting now with their views. After considering these submissions, the Minister intends to bring proposals to Government on the matter.

### International Organisations

33. **Deputy Richard Boyd Barrett** asked the Minister for Finance his plans to meet representatives of the OECD in view of its recent recommendations; and if he will make a statement on the matter. [13707/11]

**Minister for Finance (Deputy Michael Noonan):** The Organisation for Economic Co-operation and Development produces forecasts twice yearly for Ireland and a number of other economies throughout the world. In addition, the OECD Economic Development and Review Committee carries out a review of each member country periodically. In that context the OECD focuses on structural issues of a more medium-term nature. The last such review of Ireland was published in November 2009. The OECD is currently conducting such a review of Ireland and upon its completion they will publish their report later this year. In the context of the 2011 review of the Irish economy, representatives from the organisation will visit Ireland later this month, having done so already in February. When the OECD secretariat visits member countries they generally meet a range of people from across the spectrum. As part of this month's visit — and as would be usual — I and some of my Cabinet colleagues will meet them to discuss, among other things, the prospects for Ireland's economy for both the short and medium term.

### European Council Meetings

34. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a briefing on the content and decisions of last month's meeting of the euro group. [14226/11]

**Minister for Finance (Deputy Michael Noonan):** The usual meeting of the Eurogroup took place on 16 May 2011. The President of the Eurogroup, Mr. Juncker, outlined at the press conference after the meeting the main items discussed at the meeting. It is usual practice for the President of the Eurogroup to speak on behalf of the Eurogroup after each meeting. The main points at the meeting were that: Ministers unanimously agreed to grant financial assistance to Portugal in response to the Portuguese authorities' request of 7 April 2011. A Eurogroup Press Release on the granting of financial assistance to Portugal was issued after the meeting.

Ministers also discussed the implementation of the Greek adjustment programme. The Commission proposal for a Council decision amending Council decision 2011/77 granting Union financial assistance to Ireland was endorsed. Proposed amendments to the European Financial

Stability Facility Framework agreement were briefly discussed with the view to increasing the effective capacity of the Facility. Ministers also unanimously agreed to support Mario Draghi as the successor to Jean-Claude Trichet as President of the European Central Bank.

### State Assets

35. **Deputy Joe Higgins** asked the Minister for Finance the implications for him of the report of the McCarthy committee on State assets. [11492/11]

**Minister for Finance (Deputy Michael Noonan):** The State assets examined by the Review Group on State Assets and Liabilities fall under the auspices of a number of Government Departments. Following publication of the Review Group's report in April, my colleague the Minister for Public Expenditure and Reform asked Departments to give their considered views on the Group's recommendations. Departments are reverting now with their views. After considering these submissions, the Minister intends to bring proposals to Government on the matter.

### Financial Instruments

36. **Deputy Stephen Donnelly** asked the Minister for Finance the average interest rate being paid on the outstanding circa €35 billion in unguaranteed senior bank bonds per issuing bank; the highest interest rate being paid for these bonds per issuing bank; and if he will make a statement on the matter. [14106/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will appreciate that this information is not held by my Department. I have however requested this information from each of the covered institutions and I will forward it to the Deputy as soon as possible.

The Deputy may wish to note that I am advised that the measurement of the average interest rate on bank debt liabilities is not — especially at present — a particularly meaningful or useful measure of bank funding costs. The average will be affected by for example the size of particular debt issues, the maturity profile of the bank's debt and the balance between fixed and floating rate instruments. As the Deputy will be aware, the cost of debt funding for the Irish banks had increased significantly over recent years reflecting such factors as the impact of the international credit conditions, specific concerns regarding the financial condition of Irish banks and the downgrading of Ireland's sovereign credit rating and international debt markets are currently closed to Irish banks at an affordable and long-term sustainable cost.

### Ministerial Meetings

37. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which he has had discussions with his French and German counterparts and other EU finance Ministers on the economic issues facing Ireland and other EU countries; the extent to which there now exists a clear understanding of Ireland's position amongst our EU colleagues; and if he will make a statement on the matter. [14333/11]

118. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which he has had satisfactory dialogue with his French and German colleagues in the context of their acceptance of Ireland's economic recovery plan; and if he will make a statement on the matter. [14425/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 37 and 118 together.



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My fellow European finance ministers and I regularly discuss at our meetings the economic situation in the EU, eurozone and in individual member states. Since the new Government has taken office, I have communicated widely with my European colleagues in this forum and in others to foster a deeper understanding of Ireland's economic situation.

Dialogue with our European partners is aimed at developing a common understanding of Ireland's difficulties and repeating that our core strengths — modern infrastructure, a well educated workforce, favourable demographics and a pro-enterprise business environment — remain. I have also outlined steps that Europe can take to help Ireland recover. In particular, I have put forward a case for a lower interest rate on Ireland's external funding package to ease our debt burden and aid our recovery.

In addition, after every quarterly review of the EU-IMF programme, the euro group and ECOFIN consider the revised programme and the compliance report prepared by the European Commission Services. I take the opportunity at euro group and ECOFIN meetings to update my colleagues on any relevant developments while confirming that we are taking all of the necessary steps as well to meet our commitments under the programme.

I also met with the French Finance Minister, Ms Christine Lagarde, in Paris a couple of weeks ago to explain in detail Ireland's economic strategy and the importance of our inward investment programme. I stressed that Ireland would not be making any concession on our corporation tax rate, which is a key pillar of our economic policy.

Our European partners recognise that Ireland is actively pursuing an economic programme aimed at restoring sustainable economic growth, underpinned by a healthy banking sector and sound public finances. Dialogue to date has been constructive.

I will remain in regular contact with EU colleagues for the foreseeable future to continue our ongoing work in pursuing the EU, eurozone and individual member states' economic recoveries.

### **Tax Code**

38. **Deputy Seán Crowe** asked the Minister for Finance his views on whether there is a conflict between the EU-IMF programme commitment on reducing tax credits and tax bands and his programme for Government commitment to maintain existing tax credits and bands; and, if so, if he intends to seek an amendment to the EU-IMF programme to make it consistent with his programme. [14242/11]

**Minister for Finance (Deputy Michael Noonan):** The issue of maintaining tax credits and bands at their current rates will be a matter for Budget 2012. As the Deputy is aware, the Government has initiated a Comprehensive Review of Expenditure (CRE) to provide the Government with a set of decision options to meet the overall fiscal consolidation objectives and re-align spending with the Programme for Government priorities. The CRE is due to be completed by end September 2011.

When this review is complete, the Government will examine the findings and based on these findings and consultation with the Troika will if appropriate introduce fiscally neutral changes to the detail of the EU /IMF Programme of Financial Support for Ireland while maintaining the overall commitment to fiscal consolidation.

### **Financial Instruments**

39. **Deputy Gerry Adams** asked the Minister for Finance when the senior bonds held by

Anglo Irish Bank will mature and if he will provide an estimate of their value for 2011, 2012 and 2013. [14228/11]

**Minister for Finance (Deputy Michael Noonan):** My Department has been advised by the bank that as of 1 June 2011 it has €2.86 billion in unguaranteed senior debt outstanding and €2.96 billion in senior debt guaranteed under the ELG scheme. The table below gives details of the value of this debt maturing in each of the years referenced in the Deputy's question. These securities are valued at par in the bank's financial accounts as the bank is contractually obliged to repay these securities at par on their maturity.

Table

	Unguaranteed (€m)	Guaranteed (€m)
2011	769	268
2012	1,950	1,780
2013	88	890
(Post 2013)	53	22

### Fiscal Policy

40. **Deputy Bernard J. Durkan** asked the Minister for Finance if the use of credit controls as a means of controlling inflation, as opposed to interest rate increases throughout Europe, has been discussed by EU finance Ministers; and if he will make a statement on the matter. [14332/11]

116. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which he and his EU colleagues have examined the possible use of credit controls as a substitute for interest rate increases to control inflation; and if he will make a statement on the matter. [14423/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 40 and 116 together.

The recent increase in the rate of inflation across Europe has been discussed at a number of ECOFIN meetings this year. However, I would like to stress that responsibility for monetary policy rests with the ECB and that national Governments do not have any influence on the decision making process.

41. **Deputy Mary Lou McDonald** asked the Minister for Finance the evidence base used to calculate the assumptions on which the projected return to the bond markets in 2012 and 2013 is based. [14230/11]

58. **Deputy Mary Lou McDonald** asked the Minister for Finance the assumptions on which the projected return to the bond markets in 2012 and 2013 is based. [14229/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 41 and 58 together.

As the Deputy is aware, earlier today, in response to a priority question, I outlined the position in this regard. As I intimated, the Joint EU/IMF Programme of Financial Support provides for a total financial package of €85 billion. Within this total amount, €67.5 billion comes from external sources, while the remaining €17.5 billion comes from the State's own resources, namely the National Pensions Reserve Fund and other domestic cash sources.

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Some €35 billion of the total €85 billion financial support package was originally set aside for the banking sector with the remaining €50 billion available for the purpose of financing the State. 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 burden sharing, will mean that up to €5 billion of this €24 billion will not have to be provided by the State.

The budgetary forecasts contained in the recently published Stability Programme Update (SPU) prudently assume that an additional €20 billion in State support to the banking sector will be required. On that basis, therefore, some €15 billion of the funding originally earmarked for the banking sector is now available for use for sovereign purposes, bringing the potential total available under the Programme for sovereign purposes to €65 billion.

Based on the forecasts recently produced in the Stability Programme Update, the combined Exchequer deficits for the years 2011-2013 are estimated at €48.5 billion. Maturing Government debt, both long-term and short-term, over the same period amounts to some €27 billion, including an assumption for some short-term debt funding. In terms of our funding requirements for the individual years, factoring in Exchequer deficits and maturing debt, the State will require approximately €30 billion, €23 billion and €22.5 billion in each of the years 2011, 2012 and 2013 respectively.

It is the stated intention of the National Treasury Management Agency (NTMA) to return to sovereign debt markets as soon as market conditions permit. The steps necessary to enable such a return include resolution of the banking sector issues and continued progress in the reduction of the budget deficit in line with the targets agreed in the EU/IMF Programme of Financial Support, together with the implementation of policies that will see us return to sustainable economic growth.

A key development in that regard has been the publication of the results of the bank stress tests on 31 March 2011 and the associated recapitalisation exercise which have been well received by investors and rating agencies alike.

The NTMA is in constant contact with market participants and will advise me when it feels that the time is right to re-enter the markets.

I should say that, based on conservative projections of our funding needs and taking account of funding possibilities, there is no urgency about a return to the markets. Indeed, the purpose of a programme such as the EU/IMF Programme for Ireland is to provide the space necessary for economic and fiscal adjustment to take place. Based on current projections and assuming no market access, the State has access to sufficient funds for its needs into the second half of 2013.

### **Public Service Pensions**

42. **Deputy Martin Ferris** asked the Minister for Finance his views on the fact that outgoing Senators will receive lump sum pension payments in excess of €100,000 and €200,000; and the action he will take on the matter. [14240/11]

**Minister for Finance (Deputy Michael Noonan):** I understand the Deputy is referring to Members of the previous Seanad and their entitlements on leaving office. These are set out in the following table:

Senator service	Annual Pension (reduced with effect from 1 Jan 2011)	Lump Sum (pre-reduced pension x 3)
	€	€
5 years	8,766	26,300
10 years	18,253	55,956
15 years	26,900	83,934
20 years	35,386	111,912

If an officeholder for 2 years, a Senator would also be entitled to a pension in respect of that service, amounting to 20% of the officeholder's salary for 2 years service, 40% for 6 years, and 60% for 10 years.

Under current scheme rules, Members of the Oireachtas elected before 1 April 2004 who qualify for pension are eligible to receive the pension from age 50 on leaving office. Those elected from that date are deemed to be “new entrants” under the Public Service Superannuation (Miscellaneous Provisions) Act 2004 and have a minimum pension age of 65.

The Government is reviewing how the programme for Government in regard to the pension benefits of Oireachtas Members will be implemented.

#### Tax Code

43. **Deputy Michael Colreavy** asked the Minister for Finance his plans to publish the terms of reference for the review into the universal social charge. [14248/11]

**Minister for Finance (Deputy Michael Noonan):** The position is that the programme for Government commits to a review of the Universal Social Charge (USC) and I have stated a number of times in the House that I encourage all interested parties to join the review of the USC by way of submission to my Department. My Department is currently accepting submissions from interested parties; however, if changes to the USC are being proposed, I would request well thought-out and workable solutions to fill any revenue gaps created. The focus must be on maintaining the €4 billion yield. It is anticipated that the review will be carried out over the coming months and be completed in time for Budget 2012, and I will provide the terms of reference when they are finalized.

When the review has been completed and the findings and recommendations are presented to me, I will decide on the appropriate action to be taken.

#### Fiscal Policy

44. **Deputy Dara Calleary** asked the Minister for Finance if the proposed fiscal correction in 2012 is still €3.6 billion. [14160/11]

**Minister for Finance (Deputy Michael Noonan):** The Stability Programme Update submitted to the European Commission and published by my Department at the end of April forecasts the 2012 General Government deficit at 8.6% of GDP, which is in line with the terms of the revised EDP Recommendation issued by the ECOFIN Council in December 2010. This forecast is based on the implementation of a budgetary adjustment of €3.6 billion in 2012. This is consistent with the Joint EU/IMF Programme of Financial Support for Ireland and is in accordance with this Government's commitment to adhere to the aggregate budgetary adjustment for the combined period 2011/2012, as set out in that Programme.

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The 2012 General Government deficit forecast will of course be subject to further revision later this year as more up-to-date economic and fiscal data become available. Taking into account all information — both positive and negative — I will then bring forward my Budget for 2012 in December as is the norm. At this point, I see no reason to change the aggregate amount of consolidation needed.

### **Jobs Initiative**

45. **Deputy Stephen Donnelly** asked the Minister for Finance the reason he believes that putting approximately €1 of public money into job creation via the jobs initiative for every approximately €70 going to the remaining unguaranteed senior bondholders is a sustainable path to recovery for Irish economy and society; and if he will make a statement on the matter. [14105/11]

**Minister for Finance (Deputy Michael Noonan):** Taking account of the state of the public finances and the need to repair our banking system, this agreement is committed to ensure that Ireland is put firmly back on a path to a more sustainable and equitable society. We are only in office a very short time and we have already brought forward a number of initiatives. For instance, the intention of the measures contained in last month's Jobs Initiative was to focus our now more limited resources on measures that offer the greatest potential for expansion and employment creation in the domestic economy. The aim is to target key sectors of the economy that can assist people back to work, provide opportunities for those who have lost their jobs to re-skill and build confidence in order to encourage consumer activity. The Initiative will cost just over €1.8 billion over the period to 2014.

Given our commitments under the EU-IMF Programme of Financial Support, and our current public finance difficulties the Jobs Initiative is budgetary neutral, over the period to 2014 and is being paid for through the introduction of a temporary levy on pension funds.

Fixing our banking sector is also a key part of this Government's economic strategy. At the end of March, the Government announced plans to reorganise, recapitalise and deleverage the domestic financial system. Accordingly, the three proposed banks — Bank of Ireland, AIB with EBS and Irish Life & Permanent — should be able to operate in the market place following their reorganisation, including regaining access to normal funding mechanisms. As part of this approach, the Government decided, informed by the reservations of the ECB, that these banks will not burden-share with senior bondholders of their constituent banks, whether guaranteed or unguaranteed.

As for Anglo Irish bank and Irish Nationwide, the Central Bank of Ireland recently reaffirmed the capital assessments made previously for these institutions. The need for further capital would only arise if the stress case arose and the estimate of that stress case is similar to the estimates in their restructuring plan. Should this worse-case scenario ever arise then the Government will agree an approach with our European partners, having regard to the financial stability impacts in Ireland and abroad to determine how any shortfall would be met.

### **Banks Recapitalisation**

46. **Deputy Catherine Murphy** asked the Minister for Finance the control systems he has put in place to ensure that the €20 billion earmarked for loans to small and medium sized business as part of the bank recapitalisation initiative are actually used for that purpose; and if he will make a statement on the matter. [14213/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy may be aware that the restructuring plan creates capacity for the Pillar Banks to provide lending in excess of €30 billion in the next three years. SME and new mortgage lending for these banks is expected to be in the range of €16-20bn over this period. In each bank, a team of senior managers will be dedicated to the sole task of ensuring lending continues to grow to support economic growth. Both AIB and Bank of Ireland provide my Department with monthly figures on balance sheet volumes, sanctioned facilities and geographic and industrial breakdowns of their SME lending. In addition, under the terms of the Government recapitalisation, both banks also produce a quarterly report which incorporates figures for sanctions and drawdowns by SMEs. The data contained in these reports will continue to be reviewed and analysed by my Department and the Credit Review Office to ensure that the banks are compliant with the terms of the Government recapitalisation as it relates to the provision of credit for SMEs.

### Mortgage Arrears

47. **Deputy Brian Stanley** asked the Minister for Finance if he will provide an estimate of the potential liabilities to the covered institutions arising from current levels of mortgage arrears as detailed by the Financial Regulator in April 2011. [14244/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, according to figures published by the Central Bank of Ireland on 19 May 2011, 6.3% of private residential mortgage accounts were in arrears for more than 90 days at the end of March 2011. My Department has been informed by the Central Bank that robust estimates of potential losses cannot be extrapolated from the arrears figures as mortgage loss amounts will depend on a number of factors including the outstanding mortgage amount and the current value of the property. I can, however, inform the Deputy that the Prudential Capital Assessment Review (PCAR) which formed part of the Central Bank of Ireland's Financial Measures Programme (FMP), which was published in March 2011, provides for an annual stress test of the capital resources of the domestic banks under a given stress scenario. The loan loss exercise in the FMP, which includes estimated losses on residential mortgages, measures the loan losses banks might experience under the base and adverse (stress) scenarios over both a three year and a loan-lifetime horizon, stretching out to 2040. The base scenario is in line with EU forecasts for the Irish economy and the adverse scenario represents an unlikely further economic contraction.

The Central Bank's three year projected base loss for the Irish residential mortgage loan book is estimated to be 5.8% (€5.7 billion) while the adverse scenario is 9.2% (€9 billion). BlackRock's lifetime loan losses post-deleveraging for the total mortgage loan books is 10% (€9.7 billion) in the base scenario while the adverse (stress) scenario is 16.7% (€16.3 billion).

It is important to point out that under the PCAR requirements, the banks will be capitalised to meet the projected Central Bank's three year stress losses. This includes a significant proportion of the projected life time losses to 2040.

Finally, these stress loan-loss estimates are not considered likely to materialise; they are an input designed to ensure the associated capital requirements are fully convincing as being sufficient to cover even extreme and improbable losses.

### Proposed Legislation

48. **Deputy Pádraig Mac Lochlainn** asked the Minister for Finance the publication date of the Finance (No. 3) Bill 2011. [14236/11]

**Minister for Finance (Deputy Michael Noonan):** The Finance (No. 3) Bill 2011 will be published on Thursday 9 June 2011. It will provide for the necessary taxation changes to the

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various Taxation Acts arising from the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. I expect the Bill to be enacted before the summer.

49. **Deputy Peter Fitzpatrick** asked the Minister for Finance if he will introduce legislation to regulate the construction sector to ensure that subcontractors are treated in a fair manner and that they are paid in a timely fashion; and if he will make a statement on the matter. [9058/11]

**Minister for Finance (Deputy Michael Noonan):** The programme for Government contains a commitment to introduce new legislation to protect small building subcontractors that have been denied payments from bigger companies. In this regard, the Deputy will be aware that the Construction Contracts Bill 2010 was introduced by Senator Feargal Quinn and passed Committee and remaining Stages in the Seanad on 8 March 2011. It is now before the Dáil. I understand that the Seanad debate highlighted a number of matters relating to the Bill that require further consideration and acknowledged that the regulatory impact of such a piece of legislation needs to be fully assessed. This work is currently taking place.

My colleague Minister of State Brian Hayes at the Department of Public Expenditure and Reform is now examining the Senator's Bill and a decision will be taken on how best to proceed. It is important that a solution to the problem of non-payment in the construction sector must not place an unnecessary regulatory or cost burden on the parties to the dispute, other parties involved in the project, or the State.

### **National Anthem**

50. **Deputy Robert Troy** asked the Minister for Finance, in view of the fact that copyright protection is due to run out on Amhrán na bhFiann in 2012, his plans for protecting the national anthem; and if he has given consideration to the setting up of a cross-party working group to introduce legislation protecting the national anthem from being tampered with, replaced or used for commercial purposes. [10945/11]

**Minister for Finance (Deputy Michael Noonan):** Copyright protection in relation to the National Anthem will run out in December 2012. The main purpose of ownership by the State of the copyright to the original version of the National Anthem was to ensure that it was freely available for general use. This situation will remain unchanged on the expiry of the copyright.

### **Public Procurement**

51. **Deputy Catherine Murphy** asked the Minister for Finance the barriers that have been identified to date which restrict access to procurement opportunities for small and medium enterprise; if these and other barriers are likely to be addressed in increments or in a more comprehensive way; when we are likely to see practical initiatives; and if he will make a statement on the matter. [14155/11]

**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 an important source of business for SMEs. In this regard, my Department recently issued guidelines addressed to public bodies and aimed at facilitating small and medium-sized enterprises in competing for public procurement opportunities. The guidance sets out positive measures that public contracting authorities are required to take to promote SME involvement in a manner that is consistent with the principles and rules of the existing public procurement regulatory regime. The guidance also highlights practices that are to be avoided because they

can unjustifiably hinder small businesses in competing for public contracts. Some of the key features of the guidance include:

- Encouraging SME participation in public procurement competition by requiring that contracts for supplies and general services with an estimated value of €25,000 or more are now to be advertised on the *www.etenders.gov.ie* website;
- Opening up the tender process to SMEs by requiring contracting authorities to use more open, rather than restrictive, tendering procedures;
- Accepting “self-declaration” of a tenderer’s capacity to undertake a project and only seeking documentary evidence when a tenderer is short-listed or being considered for the award of a contract; and,
- Removing unnecessarily high suitability criteria by instructing contracting authorities to ensure that the capacity levels they set for tendering competitions are relevant and proportionate to the needs of the contract. Measures such as these will increase the opportunities for SMEs to compete for public contracts and will reduce the up-front administration burden for them.

In addition to the above, the guidance advises that the sub-dividing of procurement requirements into “lots” may be considered by contracting authorities where it would be appropriate and practical and can be done without compromising efficiency and value for money. Such approaches can facilitate SMEs.

The guidance also provides that in establishing framework agreements, contracting authorities are to consider how proposed arrangements will impact on SMEs. They are required to ensure that the terms of the framework facilitate the inclusion of smaller enterprises if these can meet requirements or compete for particular lots. Also, smaller companies can combine with others to make a joint bid for a contract that they might not be in a position to perform on their own.

The Government will continue to review the situation in regard to SME participation in public procurement and, where consistent with achieving value for money, probity and transparency, will seek to address any further issues that might be identified.

### Banking Sector

52. **Deputy Sandra McLellan** asked the Minister for Finance the value of domestic and foreign deposits held in the covered institutions for each month of 2011. [14245/11]

**Minister for Finance (Deputy Michael Noonan):** The information the Deputy has requested is available from the Money and Banking Statistics published by the Central Bank of Ireland and can be accessed at *www.centralbank.ie*. The Central Bank of Ireland has, however, informed me that the value of deposits from Irish residents and deposits from non-residents at the end of April 2011 is as follows:

Month	Deposits from Irish Residents	Deposits from non-residents	
		Euro area	Rest of the world
April 2011	€235,207m	€3,376m	€72,560m



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The Central Bank of Ireland has advised that the value of deposits in the Money and Banking Statistics is not consolidated (i.e., it includes affiliates) and only includes the resident offices of the banks; it does not include foreign branches and subsidiaries.

### **Credit Unions**

53. **Deputy Michael McGrath** asked the Minister for Finance his plans for the future of the credit union sector here. [14157/11]

**Minister for Finance (Deputy Michael Noonan):** The Government's position with regard to the credit union sector set out in the *Programme for National Government 2011-2016* recognises the importance of credit unions as a volunteer co-operative movement and distinguishes between them and other financial institutions. The programme for Government agreed that a Commission on Credit Unions would be established to review the future of the movement and make recommendations in relation to the most effective regulatory structure for it. In carrying out its work, the Commission will take into account their not-for-profit mandate, their volunteer ethos and community focus, while paying due regard to the need to fully protect depositors' savings and financial stability.

The Deputy will also be aware that we have certain commitments in relation to the credit union sector under the EU/IMF Programme of Support for Ireland. Under this agreement diagnostic and stress tests on credit unions have been completed by the Central Bank and in light of these I have prepared a plan to underpin the solvency and viability of undercapitalised credit unions. The Government has also agreed the Terms of Reference for the Commission on Credit Unions. Having regard to the particular nature of the credit union sector, the Commission will examine this Strategy as a priority and make recommendations to me, as Minister for Finance, regarding the implementation of the proposals contained therein. By the end of 2011, and in line with the EU/IMF Programme of Support for Ireland, we will submit legislation to the Houses of the Oireachtas to assist the credit unions with a strengthened regulatory framework including more effective governance and regulatory requirements.

I will not pre-empt the outcome of the deliberations of the Commission on Credit Unions regarding the future evolution of the sector. The Commission will make recommendations to strengthen the regulatory framework for credit unions by 30 September 2011. A final report will be submitted to me by 31 March 2012. I will shortly make an announcement regarding the establishment and membership of this Commission so that it may begin this important body of work.

### **Mortgage Arrears**

54. **Deputy Brian Stanley** asked the Minister for Finance the progress made to date in developing solutions to mortgage holders currently in mortgage distress; and the date on which he will publish the relevant legislation. [14243/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will be aware of the work of the Expert Group on Mortgage Arrears and Personal Debt (the Group) which produced its Final Report in November 2010. All of the Group's recommendations are listed in Chapter 2 of the Final Report. They can be accessed at [www.finance.gov.ie](http://www.finance.gov.ie).

Since publication of the Final Report, the Code of Conduct on Mortgage Arrears (CCMA) has been revised by the Central Bank to reflect many of the recommendations of the Group, including key recommendations relating to the introduction by all regulated lenders of a

standardised Mortgage Arrears Resolution Process (MARP). The most significant changes in the revised CCMA include:

- Penalty interest charges may not be imposed on borrowers in arrears who co-operate with the Mortgage Arrears Resolution Process,
- Harassment of borrowers through unsolicited communications is outlawed,
- Borrowers in financial difficulties, but not in arrears, are allowed to come under the MARP,
- When determining the 12-month waiting period, the lender must wait before applying to the courts to commence legal action, and the lender must *exclude* any time period during which a borrower is complying with the terms of an alternative repayment arrangement, making an appeal to the internal appeals board or making a complaint to the Financial Services Ombudsman under the CCMA.

The revised CCMA was published on 6 December 2010 and came into effect on 1 January 2011. The revised CCMA can be accessed at [www.centralbank.ie](http://www.centralbank.ie). Lenders are required to comply with the CCMA as a matter of law but have been given a period of six months ending on 30 June 2011 to put in place the requisite systems and training of staff necessary to support the implementation of the MARP.

With input from the National Consumer Agency, the Central Bank has produced a consumer guide to assist consumers in understanding the new process under the revised Code that they should expect from lenders. That guide, together with a number of questions and answers, is also available on the Central Bank's website.

The recommendation of the Group to amend the local authority needs assessment process has been implemented by the Department of the Environment, Community and Local Government (DECLG). Local authorities have been provided with guidance on the treatment of applicants for social housing support whose mortgages have been deemed unsustainable. Discussions are ongoing between the DECLG and the Irish Bankers' Federation to enable borrowers whose properties are to be repossessed to remain in their homes for a period of time, pending the sourcing of appropriate accommodation by the housing authority.

As regards the recommendations of the Group in relation to the mortgage interest supplement scheme, I have been informed by the Department of Social Protection that the implementation of these recommendations will require changes to both primary and secondary legislation. That Department is currently finalising an implementation plan that will set out a framework for the future of the mortgage interest supplement scheme.

### **Banks Recapitalisation**

55. **Deputy Richard Boyd Barrett** asked the Minister for Finance, in view of certain comments (details supplied), if he can reassure the public that no more taxpayers' money is going to go into the banks; and if he will make a statement on the matter. [14215/11]

**Minister for Finance (Deputy Michael Noonan):** A fundamental element of Government Strategy has been to restore a functioning banking system and the Government has made particular commitments to recapitalising the banks and restructuring the banking sector as part of its Programme for Government. The Prudential Capital Assessment Review in the Central Bank of Ireland's Financial Measures Programme was published on 31 March 2011. The PCAR provides that €24 billion, which includes €3 billion in contingency funds, is required by the

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banks for capital purposes to ensure the banks maintain a minimum of Core Tier 1 capital ratio of 10.5 per cent at all times in the base case scenario and do not fall below a minimum Core Tier 1 capital ratio of 6 per cent even in an extreme stress scenario. It should be noted that €3 billion of any recapitalisation will be on a contingent basis and if it is not required, it must be returned to the State.

While the Government is committed to ensuring that the banks meet the PCAR target, the Government will seek direct contributions to solving the capital issues of the banking system by looking for further significant contributions from subordinated debt holders, by the sale of assets to generate capital, and where possible, by seeking private sector investors. It is expected that the effect of these actions will be to reduce the amount of capital required very significantly.

### **Mortgage Arrears**

56. **Deputy Sean Fleming** asked the Minister for Finance his views on Allied Irish Bank's recent statement that it would consider debt forgiveness in certain cases on its mortgage book. [14158/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will be aware of the work of the Expert Group on Mortgage Arrears and Personal Debt (the Group) which produced its final report in November 2010. The Group, during the period of its research, could not identify any arrangements internationally that could be characterised as mortgage debt forgiveness schemes, with the exception of parts of the US where non-recourse mortgage lending applies. The Group did not recommend a formal debt forgiveness scheme having regard to the broad range of policy considerations which are outlined in the main body of its final report.

Any lenders considering debt forgiveness should discuss their proposals in advance with the Central Bank and the Department of Finance.

The Programme for Government contains a number of proposals aimed at helping mortgage holders in genuine difficulties. The Government is progressing the issues and decisions will be made as soon as practicable.

### **State Assets**

57. **Deputy Billy Kelleher** asked the Minister for Finance the progress of the ongoing review of the report of the McCarthy review group on State assets and liabilities, which is to be presented to the Minister for Public Expenditure and Reform by May. [10940/11]

**Minister for Finance (Deputy Michael Noonan):** Following the publication of the Report of the Review Group on State Assets and Liabilities in April, my colleague the Minister for Public Expenditure and Reform requested Government Departments to give their considered views of the proposals set out in the Report. Departments are now reverting with their views. After giving their submissions full consideration, the Minister intends to bring a Memorandum to Government proposing next steps.

*Question No. 58 answered with Question No. 41.*

### **Tax Code**

59. **Deputy Michael Colreavy** asked the Minister for Finance his plans to introduce a site valuation tax, with specific reference to the way in which such valuations will be assessed; and the date on which the relevant legislation will be published. [14247/11]

**Minister for Finance (Deputy Michael Noonan):** The programme for National Government contains a commitment to “consider, arising from the previous Government’s deal with the IMF, various options for a site valuation tax. Any site valuation tax must take into account the significant number of households in mortgage distress and provide local government with a reliable stream of revenue”. Initial consultation on the implications of a recurrent annual tax on property has taken place with relevant stakeholders. The theory behind site value tax — or land value tax, as it is often called — is that tax is calculated by reference to the value of the land or site irrespective of whether there is a property on the site, or of what type of property is in place.

At this stage, a decision has yet to be taken on the precise legal mechanism to be used to introduce a site value tax and whether this will be done in tax legislation such as the Finance Bill or through other legislation which may fall within the ambit of the Department of Environment, Community and Local Government.

It is not customary for the Minister for Finance to comment on possible taxation measures or the detail of their implementation prior to their introduction.

### **Job Protection**

60. **Deputy Joe O’Reilly** asked the Minister for Finance if he is satisfied with the assurances given on job retention in the proposed Liberty Mutual/Anglo deal on Quinn Direct Insurance. [10025/11]

**Minister for Finance (Deputy Michael Noonan):** At the outset the Deputy should note that as Minister for Finance I have had no direct dealings with Liberty Mutual in relation to this transaction including the issue of the future of all existing job-holders. However, I have been informed by the Joint Administrators that aside from the redundancies in Manchester, all the 1570 jobs in Quinn Insurance Ltd (QIL) have been protected for at least two years. I also understand that they will transfer to Liberty Mutual Direct Insurance Company Ltd under the Protection of Employees Rights on Transfer of Undertakings Regulations, thereby protecting their current terms and conditions. It is important to keep in mind that in assessing the bids for the business of QIL, the Joint Administrators were required to consider how best the interests of policyholders could be protected and how the company could be returned to a sound commercial footing. This was their primary responsibility under the powers given to them by the 1983 Insurance (No. 2) Act. While the retention and protection of employment was important, it was very much subject to the aforementioned responsibilities. In the circumstances therefore, the proposed Liberty Mutual/Anglo deal in my view represents an excellent outcome because it provides a commitment to maintain jobs for at least two years, as well as achieving its primary objective of protecting policyholders.

While no indication has been provided by Liberty Mutual as to what will happen at the end of the two year period in relation to jobs, I remain hopeful that they will be maintained. The main reason is that the QIL business has been purchased by a company which has an impressive track record in the insurance industry and which is also very conscious of the importance of ensuring competition in the Irish insurance market and appreciates its role in providing employment and economic development in the Border region and further afield.

The decision to appoint the Share Receiver to the Quinn Group by Anglo was very much a commercial one, into which I had no direct input, and also gives the Group grounds for hope of a viable future. In this regard, it should be noted that a Share Receiver is fundamentally different from a company receiver as it will not involve the sale of businesses or assets.

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An agreement was also reached between Anglo and the senior lenders to the Quinn Group whereby the latter's €1.3 billion euro of debt is being restructured. This results in the removal of a long-running and significant uncertainty over these businesses, which are very strong businesses but which were over-indebted, and their lending facilities were in breach of covenant for some time. This will result in all or almost all manufacturing jobs being retained.

It is important to state clearly to the House that a viable future however depends to a large degree on the willingness by everybody, particularly those engaged in recent negative events, to engage wholeheartedly with the new ownership arrangements, and to begin to put their energies into growing the business and contributing to getting jobs back into the local economy on both sides of the border. This is very important because if this does not happen then, over time there is very likely to be a negative impact on the performance of the Group and consequences for jobs. None of us in the House want to see this.

### EU-IMF Fund

61. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a detailed report on his ongoing discussions with his ECOFIN colleagues regarding the renegotiation of the EU-IMF austerity programme. [14225/11]

**Minister for Finance (Deputy Michael Noonan):** Following the formal review mission from the European Commission Services, the IMF and the ECB, which took place between 5 and 15 April 2011, the EU/IMF Programme was updated to take account of implementation and developments since the programme was first agreed in November 2010. It was also amended to reflect Government policy priorities. The revisions were approved by Eurogroup on 16 May 2011, ECOFIN on 16 and 17 May 2011 and by the IMF Executive Board on 16 May 2011. The procedure for further amendments to the EU/IMF Programme will mirror the process that we have just gone through as outlined in the paragraph above. In other words, negotiations on changes to the conditionality take place, in the first instance, during the formal quarterly review missions. These missions also assess the level of compliance with the Programme. The output from these missions consists of: — a full set of revised Programme documents that reflect the delivery of conditions to date and amendments if any that are made, on an agreed basis, to conditions with future delivery deadlines. It should also be noted that new conditions may be added, particularly as follow-on conditions that flow from delivered conditions; and — compliance reports that are prepared separately by the IMF and the European Commission Services.

After each quarterly mission, the IMF Executive Board considers the revised Programme and the compliance report prepared by their staff. Similarly, Eurogroup and ECOFIN, after it has already been through various working groups, consider the revised Programme and the compliance report prepared by the European Commission Services. Any outstanding issues relating to conditions, i.e. conditions that had not been agreed during the review mission or at the subsequent working group meetings preparing items for the Eurogroup and ECOFIN agendas, would be considered by Eurogroup and ECOFIN. This has not been necessary in relation to the EU/IMF Programme for Ireland.

However, I do take the opportunity at Eurogroup and ECOFIN to update my colleagues on any relevant developments while confirming that we are taking all of the necessary steps as well to meet our commitments under the programme.

### State Assets

62. **Deputy Timmy Dooley** asked the Minister for Finance if he will provide a timeframe for the sale of State assets. [10942/11]

**Minister for Finance (Deputy Michael Noonan):** The programme for Government provides for the sale of non-strategic assets up to a value of €2 billion. This will occur when market conditions are right and when adequate regulatory structures have been established to protect consumer interests. The recent report of the Review Group on State Assets and Liabilities cautions against hastiness in selling such assets. On foot of the report, my colleague the Minister for Public Expenditure and Reform has asked Government Department to give their considered views of the Group's recommendations. After considering these views, the Minister will bring proposals to Government on the matter.

### Tax Code

63. **Deputy Micheál Martin** asked the Minister for Finance if his support for Christine Lagarde's candidacy as head of the IMF was conditional on Ireland's corporation tax being left untouched. [14163/11]

**Minister for Finance (Deputy Michael Noonan):** The question of Ireland's corporation tax rate is an entirely separate matter to the appointment of a new head of the IMF. The Government's position on our corporation tax strategy is unambiguous and it is not at risk. The programme for Government clearly states that the Government will 'keep the corporate tax rate at 12.5%' and that commitment is protected, in an EU context, by the principle of unanimity in taxation matters. Our Corporation Tax rate is a cornerstone of our industrial policy and it will remain unchanged. The selection process for the position of Managing Director of the IMF is currently under way, with nominations closing on June 10, and it is expected that the selection process will be completed by the IMF Executive Board on June 30. I look forward to a fruitful working relationship with the new Managing Director.

I think it is important that candidates will have demonstrated strong capacities and commitment to multilateral co-ordination and extensive knowledge of international economic, financial and monetary affairs. As I indicated recently, I consider that Christine Lagarde is an excellent candidate who has all the capabilities of being a very good head of the IMF. She combines extensive experience as French Finance Minister with the experience of operating in the commercial world. She has adopted a very pragmatic approach to addressing the current economic difficulties and has always been available for discussion with Irish Ministers.

*Question No. 64 answered with Question No. 31.*

### Company Administration

65. **Deputy Frank Feighan** asked the Minister for Finance the consideration that was given to the Quinn proposals to re-establish Quinn ownership. [9942/11]

**Minister for Finance (Deputy Michael Noonan):** At the outset you should be aware that the sale of the QIL business is a matter for the Joint Administrators. It is important to be clear that neither I as Minister for Finance nor the Government had any input into the decision to select Liberty Mutual/Anglo as the preferred bidder. In relation to what consideration was given to the Quinn proposals to re-establish Quinn ownership, the Joint Administrators have indicated to my Department that the Quinn proposal was only received several weeks ahead of the recent announcement on the sale of Quinn Insurance and several months after the

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closing date for submission of interest. They say that the proposal was highly conditional in nature as it depended, amongst other things, on the State intervening to facilitate the transfer of €2.8 billion of debt from Anglo to one of the viable banks and to require that bank to provide a further €500 million loan to the Quinn Group, as well as agreement with the bondholders. As such they saw no likelihood for such a proposal being facilitated in the current economic climate, as the taking on of such loans by other banks was likely to compound their already difficult position and in addition would also be likely to contravene European State Aid rules. They were also of the view that reaching agreement with the bondholders in relation to the releasing of the guarantees over QIL assets was going to be extremely difficult if not close to impossible.

### **Tax Reliefs**

66. **Deputy Peadar Tóibín** asked the Minister for Finance if his attention has been drawn to the fact that, according to the 2009 ESRI research series No. 14 on pension policy, 82% of all pension tax relief goes to the top 20% of income earners; his views on the accuracy of this figure; and his further views that this is an appropriate outcome of his current pension tax relief policy. [14234/11]

**Minister for Finance (Deputy Michael Noonan):** I assume the Deputy is referring to the ESRI report entitled “Pension Policy: New Evidence on Key Issues” which was published in November 2009. I am not in a position to question the data on which the Report based its findings. I am informed by the Revenue Commissioners that a breakdown of official data on contributions to pension saving arrangements across income ranges is available only to a limited extent. With regard to occupational pensions (that is, schemes set up by the employer), the figures in respect of employee and employer contributions are available only in aggregate form on a tentative basis. Information on such contributions is not required to be provided on an individual basis and is therefore not captured in such a way as to make it possible to provide disaggregated figures.

Actual data is available in respect of the cost of tax relief across income ranges on pension contributions made to Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) by self-employed individuals and individuals in non-pensionable employment, to the extent that such individuals submit claims for tax relief to the Revenue Commissioners in their annual income tax returns. The latest relevant information is in respect of the income tax year 2008.

The information set out in the tables below provides the number of cases, amount of deduction and reduction in tax for tax relief for RACs and PRSAs for the various contribution ranges. The information is based on income returns contained in Revenue records at the time the data were compiled for analytical purposes, representing in the region of 90% of all returns expected. A married couple who have elected or are deemed to have elected for joint assessment are counted as one tax unit.

On the basis of the tabulated figures the highest earning 20% of claimants for tax relief on contributions to RACs obtain 69% of the tax relief. The corresponding position in respect of PRSAs is that the top 20% of highest earning claimants obtain 59% of the tax relief.

The value of tax relief on pension contributions that an individual can obtain in any year is a function, among other things, of the amount of contributions he or she can afford to make and the individual's marginal income tax rate. The level of tax relief is also limited for higher earners, in particular, by the operation of an annual earnings cap which operates in conjunction with age-related percentage limits to determine the maximum annual tax-relievable contri-

butions for pension purposes. Since 2009, that annual earnings cap for pension tax relief purposes has been reduced by over 58% from over €275,000 per annum to €115,000. Moreover, the maximum allowable pension fund for tax purposes that an individual can avail of over their lifetime was reduced by about an equivalent amount in Budget and Finance Act 2011 from just over €5.4 million to €2.3 million.

The Deputy might also bear in mind, as the ESRI report itself states, that tax relief on pension contributions is of greatest value to those with incomes high enough to pay the top rate of tax. An individual does not have to be a significantly high earner to be obtaining tax relief at the higher rate at the present time. Information is provided in the following tables.

## INCOME TAX 2008

## Retirement Annuity — by range of Gross Income

Range of gross income		Totals					
From	To	Number of cases	Amount of deduction	Reduction in tax	Tax due for payment	Gross Tax*	Reduction in tax as % of Gross Tax
			€	€	€	€	%
—	9,000	729	935,680	2,158	862	3,020	71.5
9,000	10,000	161	252,188	4,363	2,794	7,157	61.0
10,000	12,000	469	692,196	62,292	9,792	72,084	86.4
12,000	15,000	965	1,715,589	211,979	104,404	316,383	67.0
15,000	17,000	861	1,644,685	226,399	215,080	441,479	51.3
17,000	20,000	1,593	3,257,558	459,515	580,464	1,039,979	44.2
20,000	25,000	3,627	7,721,316	1,326,962	2,165,207	3,492,169	38.0
25,000	27,000	1,825	3,883,592	721,470	1,665,100	2,386,570	30.2
27,000	30,000	2,854	6,320,653	1,194,756	3,158,134	4,352,890	27.4
30,000	35,000	5,405	13,202,577	2,539,146	8,304,315	10,843,461	23.4
35,000	40,000	5,717	14,936,372	3,393,999	12,307,956	15,701,955	21.6
40,000	50,000	11,061	33,310,086	9,136,198	36,059,362	45,195,560	20.2
50,000	60,000	9,786	34,659,100	10,308,802	47,786,903	58,095,705	17.7
60,000	75,000	12,189	52,071,320	15,589,445	87,220,962	102,810,407	15.2
75,000	100,000	13,538	80,155,139	29,424,857	156,042,140	185,466,997	15.9
100,000	150,000	10,851	112,484,386	45,223,507	222,365,488	267,588,995	16.9
150,000	200,000	3,939	76,541,767	31,252,568	138,475,988	169,728,556	18.4
200,000	250,000	2,155	58,968,353	24,130,324	109,459,691	133,590,015	18.1
Over 250,000		5,881	300,312,429	122,942,865	755,255,795	878,198,660	14.0
Totals		93,606	803,064,986	298,151,606	1,581,180,437	1,879,332,043	15.9

\* “Gross tax” means the tax that would be due before relief is allowed for retirement annuity deductions.

The figures do not include contributions made by employees through employers’ payroll systems and in respect of which tax relief is provided on the net pay basis. Information on such contributions is not captured in such a way as to make it possible to provide disaggregated figures.



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## INCOME TAX 2008

## Personal Retirement Savings Accounts — by range of Gross Income

Range of gross income		Totals					
From	To	Number of cases	Amount of deduction	Reduction in tax	Tax due for payment	Gross Tax*	Reduction in tax as % of Gross Tax
			€	€	€	€	%
—	9,000	218	390,933	480	606	1,086	44.2
9,000	10,000	53	80,754	1,597	0	1,597	100.0
10,000	12,000	112	190,650	16,956	3,829	20,785	81.6
12,000	15,000	222	397,037	57,499	21,158	78,657	73.1
15,000	17,000	180	358,438	51,164	33,625	84,789	60.3
17,000	20,000	380	733,763	117,994	75,174	193,168	61.1
20,000	25,000	1,049	2,186,524	405,513	524,191	929,704	43.6
25,000	27,000	520	1,150,449	221,324	447,893	669,217	33.1
27,000	30,000	823	1,704,076	331,440	1,031,041	1,362,481	24.3
30,000	35,000	1,462	3,449,540	673,504	2,622,798	3,296,302	20.4
35,000	40,000	1,388	3,595,442	941,130	3,413,295	4,354,425	21.6
40,000	50,000	2,493	7,735,525	2,446,619	9,654,079	12,100,698	20.2
50,000	60,000	2,045	7,461,700	2,400,586	11,467,718	13,868,304	17.3
60,000	75,000	2,394	10,602,822	3,313,582	18,879,808	22,193,390	14.9
75,000	100,000	2,408	14,392,596	5,538,149	30,377,341	35,915,490	15.4
100,000	150,000	1,733	16,036,385	6,525,859	38,865,170	45,391,029	14.4
150,000	200,000	573	8,729,884	3,578,202	22,268,882	25,847,084	13.8
200,000	250,000	302	6,639,572	2,715,634	16,646,411	19,362,045	14.0
Over 250,000		553	18,902,557	7,737,064	70,814,502	78,551,566	9.8
Totals		18,908	104,738,647	37,074,296	227,147,521	264,221,817	14.0

\* “Gross tax” means the tax that would be due before relief is allowed for PRSA deductions.

The figures do not include contributions made by employees through employers’ payroll systems and in respect of which tax relief is provided on the net pay basis. Information on such contributions is not captured in such a way as to make it possible to provide disaggregated figures.

### Banks Restructuring

67. **Deputy Michael McGrath** asked the Minister for Finance the number of job losses he expects in the Irish banking sector arising from the restructuring of the sector. [14156/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, a profound restructuring of the Irish banking system is underway. The two most distressed institutions in the market — Anglo and INBS — are being merged and their remaining loans will be worked out over an extended period of time. Under the Government’s strategy for reorganising the Irish banking system and consistent with the terms of the EU/ IMF Programme all of the other institutions are implementing very substantial deleveraging plans under which they will dispose of or run down very substantial volumes of non-core assets. The sector is also being consolidated with the acquisition of EBS by AIB. Each institution will be required to produce a

detailed restructuring plan for submission to the European Commission by the end of July 2011 to demonstrate how they intend to return to viability to ensure their long-term sustainability and stability in the market. Each institution will carefully examine its future human resource needs in the context of the preparation of their restructuring plans. It is, of course, a matter for the boards and senior management teams of the bank to determine their future employment levels. In view of the importance of maintaining an appropriate arms length relationship between the State and the banks insofar as such matters are concerned, I trust the Deputy will understand that it would not be appropriate for me to speculate on the outcome of this process.

### **Pension Provisions**

68. **Deputy Peadar Tóibín** asked the Minister for Finance his view on whether the cost of the pension levy should not be passed on to savers by their pension fund managers; and the steps he will take to ensure that this does not happen. [14233/11]

**Minister for Finance (Deputy Michael Noonan):** I take the view that there is scope for the pension fund industry to absorb the impact of the temporary pension scheme levy by way of a reduction in the fees and charges made on those schemes. I have made that clear in this House and I have conveyed that view to representatives of the pension fund industry at face-to-face meetings. I have also written to the main representative organisations of the industry in this matter and I am awaiting a response from them.

### **Fiscal Policy**

69. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance the bond yield that he believes would prohibit the Government from returning to the bond markets in 2012 and 2013. [14232/11]

**Minister for Finance (Deputy Michael Noonan):** The National Treasury Management Agency (NTMA) is in constant contact with market participants and will advise me when it feels that the time is right to re-enter the markets. While the interest rates at which we can borrow will obviously be a key determinant in this decision, they will not be the only factor. In any event, it would not be wise to speculate about what these rates may be as this would harm the State's ability to access funds at the most competitive rate possible. The best means to ensure that we can re-enter financial markets at favourable rates is to continue to demonstrate our determination to restore stability to our public finances and implement policies that will see us return to sustainable economic growth. In this regard, the Government is committed to implementing the measures necessary to bring our deficit below 3 per cent of GDP by 2015. Last month's Jobs Initiative underlines our commitment to a policy of consolidating the fiscal position while also providing support to the labour market, thereby assisting both household and business confidence which will in turn help support economic recovery. We all know that success will not come overnight and difficult decisions have been taken. We will have to continue to make such decisions and this Government is determined to take the right course of action.

### **Personal Debt**

70. **Deputy Sean Fleming** asked the Minister for Finance when he expects financial institutions to implement the recommendation for a deferred interest scheme in the final report of the expert group on mortgage arrears and personal debt. [14159/11]

**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

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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.

The date on 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. I have asked the Central Bank to ascertain the up-to-date position with regard to each lender and I will provide this information to the Deputy when it is made available to me.

It is important to note that the DIS is a voluntary scheme, and as such all lenders do not have to sign up to it.

### **Job Creation**

71. **Deputy Jonathan O'Brien** asked the Minister for Finance the total number of permanent full-time jobs he believes will be created as a result of the jobs initiative. [14237/11]

**Minister for Finance (Deputy Michael Noonan):** The Irish labour market remains very weak, with the latest figures revealing that the number of people on the live register and the standardised unemployment rate increased in May. These are obviously very disappointing developments, particularly as previous data had suggested that the unemployment rate had stabilised in the first four months of the year. Against this backdrop, the measures announced in last month's Jobs Initiative will provide modest support to the labour market by assisting in employment generation and creating an additional 21,000 places for training, education and upskilling. In particular, it will assist in employment generation in the services and construction sectors by improving our competitiveness position, stimulating demand and increasing sentiment. The introduction of a second reduced rate of VAT, for example, should have a significant impact on confidence and costs in the high value labour intensive tourism industry. Overall the measures should support the economic recovery by restoring moral, boosting confidence and encouraging consumers to spend.

It is very difficult to quantify the exact number of jobs that the Initiative will create, but the measures will play a role in supporting the labour markets recovery in the coming years. Positive net employment growth is forecast to return next year according to the most recent forecasts published by my Department. In total, net employment growth of around 100,000 is expected in the years 2012 to 2015.

### **Pension Provisions**

72. **Deputy Martin Ferris** asked the Minister for Finance, with regard to the programme for

Government commitment on political pensions — that is, that no retired politician will get a political pension until the national retirement age — if this commitment will apply to all current Deputies and Senators. [14239/11]

**Minister for Finance (Deputy Michael Noonan):** Under current scheme rules, Members of the Oireachtas elected before 1 April 2004 who qualify for pension are eligible to receive the pension from age 50 on leaving office. Those elected from that date are deemed to be “new entrants” under the Public Service Superannuation (Miscellaneous Provisions) Act 2004 and have a minimum pension age of 65.

The Government is reviewing how the Programme for Government in regard to the pension benefits of Oireachtas Members will be implemented.

### **National Asset Management Agency**

73. **Deputy Tom Barry** asked the Minister for Finance if he will seek to appoint a Minister for State with specific responsibility for the National Asset Management Agency. [14107/11]

**Minister for Finance (Deputy Michael Noonan):** The National Asset Management Agency has been established as a body corporate and is independent in the performance of its functions under the National Asset Management Agency Act 2009. NAMA has a Board of Directors and a commercial remit under the legislation. The role assigned to the Minister is set out in the legislation. The desirability or otherwise of having a Minister of State with specific responsibility for NAMA is a matter for the Taoiseach.

### **National Pensions Reserve Fund**

74. **Deputy Pádraig Mac Lochlainn** asked the Minister for Finance the total funds currently contained in the National Pensions Reserve Fund; and his plans for these funds. [14235/11]

**Minister for Finance (Deputy Michael Noonan):** The total value of the National Pensions Reserve Fund (NPRF), according to its most recently published figures, was €23.2 billion at 31 March 2011. Of this,

- €7.9 billion is invested in Bank of Ireland and Allied Irish Banks on the direction of the Minister for Finance;
- €5.5 billion is held in cash on foot of a direction from the Minister for Finance in February 2011. This will form part of the contribution required from the Exchequer under the EU-IMF Programme of Financial Support for Ireland;
- €8.4 billion represented the value of investments held by the NPRF Commission, and
- €1.4 billion was held in cash by the NPRF Commission.

The NPRF Commission was directed to realise a further €4.5 billion in April 2011, bringing the amount set aside from the Fund for the EU/IMF Support Programme from €5.5 billion to the full €10 billion envisaged.

The Government is currently examining the role which the NPRF may play in assisting economic growth having regard to the provisions of the Programme for Government.

### **Census of Population**

75. **Deputy Eoghan Murphy** asked the Taoiseach the steps he will take to ascertain the

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number of people affected by autism; and the reason a provision for collecting this information was not included in the recent census. [14044/11]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** As part of the preparatory work for the 2011 census, the CSO conducted a public consultation on the topics to be covered; all Government Departments were contacted for their input and a notice calling for submissions was published in the national press. Over 90 submissions covering 31 topics were received in total, among them submissions on the subject of disability, and in particular on the subject of autism. All submissions were considered by a specially convened Census Advisory Group which was representative of central and local government, the social partners, universities, research bodies and other users of census data along with the relevant CSO personnel. A specific sub-group was convened to consider the disability questions on the census form. This sub-group was composed of representatives from the National Disability Authority, the Equality Authority, the Disability Federation of Ireland and the National Federation of Voluntary Bodies.

The proposal to list specific disabilities within the disability question, namely to make specific reference to autistic spectrum disorder, or Down's syndrome, in the category 'A learning or intellectual disability' was considered at the second meeting of the group. The group concluded that it would not be appropriate, nor would there be enough room on the census form, to list all individual disabilities. However, in order to go some way towards accommodating this request the existing (2006 census) category 'A learning or intellectual disability' was split into two categories 'An intellectual disability' and separately 'A difficulty with learning, remembering or concentrating'. The group felt that this approach narrowed the categories and thus helped address the issue of autism, while allowing the question to remain as inclusive as possible.

The topics that were ultimately included in the recent census were agreed by Government at its meeting on 11 December 2009 and Question 16 of the 2011 census distinguished the two categories as described above.

The National Disability Survey, which was carried out in 2006 following the Census of Population that year, found a prevalence rate for autism of approximately 4 per 1,000 among children aged 0-17 years. However, international clinical studies generally find higher prevalence rates and this is indicative of the difficulty in measuring autism by means of household surveys or censuses. There are no plans for the CSO to repeat the 2006 National Disability Survey.

### **Passport Applications**

76. **Deputy Charles Flanagan** asked the Tánaiste and Minister for Foreign Affairs and Trade the steps, if any, a person (details supplied) in County Laois can take to obtain an Irish passport in circumstances in which they cannot produce a birth certificate, in view of the fact that they have fled their country of birth seeking asylum and have been granted naturalisation status in this State; and if he will make a statement on the matter. [14355/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** It is the normal practice of the Passport Service to seek original copies of birth certificates as part of applicant's proof of identity and, in many cases, to demonstrate his/her entitlement to Irish citizenship. The Department is aware that some Irish citizens who were granted refugee status by the State may have difficulty in locating a record of their birth and thus providing these certificates. The Department will consider this on a case by case basis where it arises in a passport application. However, such consideration must be mindful of the Department's clear

statutory obligation under the Passport Act 2008 to satisfy itself as to the identity of each passport applicant. As regards the person in question, there is no record of a passport application having been made to the Department.

77. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding an application in respect of a person (details supplied) in County Dublin. [14297/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** In the case of the person in question, an application for a passport was made to the Passport Office in Balbriggan through the ordinary post passport service on 26 April, 2011. Applications made through this service do not have a guaranteed turnaround service, as is the case for the Passport Express service. I am pleased to confirm that a passport issued to the applicant on 1 June.

### **Public Service Remuneration**

78. **Deputy Maureen O'Sullivan** asked the Minister for Finance, in view of the worsening of pay and conditions for persons on low pay that are now being signalled, his views on whether it is reasonable and justified that more than 650 senior public servants continue to enjoy an exemption from the full impact of pay cuts in the public sector; and if he will make a statement on the matter. [14117/11]

**Minister for Finance (Deputy Michael Noonan):** I assume the Deputy is referring to the decision made by the previous Minister for Finance, in determining the appropriate reduction in basic salary to apply to Assistant Secretaries, Deputy Secretaries and related grades in other areas of the public service, including groups at comparable levels in the local authorities, HSE, some State Bodies, Garda Síochána and Defence Forces, to take account of the reduction in their remuneration caused by the termination of the scheme of performance-related pay in 2009. These cuts formed part of the overall measures taken to reduce the cost of the public service pay bill significantly in order to help restore Ireland's budgetary position. I understand that the then Minister exercised his powers under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 to modify the reduction in salary. This avoided applying a total reduction in remuneration for these grades which would have been greater than those for other public servants including higher paid groups at the level of Secretary General or above. The resulting adjustments including the effect of the termination of the scheme of performance-related pay produced significant reductions in remuneration of 14% in the case of the grade of Deputy Secretary (or of over 27% when the effect of the pension-related deduction is included) and 11.8% in the case of the grade of Assistant Secretary (or of over 24% when the effect of the pension levy is included).

Having regard to the decision taken by Government at its first Cabinet meeting to reduce the salary of the Taoiseach to €200,000 and apply a pro-rata reduction to all members of the Government, I am reviewing the salaries payable to the highest paid public servants and intend to bring proposals on this matter to Government shortly.

The proposals being pursued by my colleague the Minister for Enterprise, Jobs and Innovation are aimed at securing appropriate reform in those wage-setting mechanisms which affect key sectors of our economy, in order to protect existing jobs and encourage employment growth, in accordance with the terms of the EU/IMF programme. I understand that he intends, following completion of discussions with relevant parties shortly, to submit a final action plan for consideration by Government before the end of the month.

### Coastal Erosion

79. **Deputy Tony McLoughlin** asked the Minister for Finance, following the recent landslide at Strandhill beach in County Sligo caused by coastal erosion, if he will provide Sligo County Council with any funding towards emergency works to make safe sections of walkways or, in the long term, provide funding for other coastal areas vulnerable to erosion in County Sligo. [14361/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** It is open to Sligo County Council to submit an application to the Office of Public Works seeking funding under the Minor Flood Mitigation Works & Coastal Protection Scheme. If an application is received from the Council, it will be assessed in accordance with the scheme criteria and also having regard to the overall availability of resources.

### Banks Recapitalisation

80. **Deputy Michael McGrath** asked the Minister for Finance the amount by which he expects the €24 billion bank recapitalisation bill arising from the stress test results to be reduced by the imposition of losses on subordinated bondholders, debt for equity swaps and other liability management exercises. [14411/11]

**Minister for Finance (Deputy Michael Noonan):** The Prudential Capital Assessment Review in the Central Bank of Ireland's Financial Measures Programme was published on 31 March 2011. The PCAR provides that €24 billion, which includes €3 billion in contingency funds, is required by the banks for capital purposes to ensure the banks maintain a minimum of Core Tier 1 capital ratio of 10.5 per cent at all times in the base case scenario and do not fall below a minimum Core Tier 1 capital ratio of 6 per cent even in an extreme stress scenario. It should be noted that €3 billion of any recapitalisation will be on a contingent basis and if it is not required, it must be returned to the State. While the Government is committed to ensuring that the banks meet the PCAR target, the Government will seek direct contributions to solving the capital issues of the banking system by looking for further significant contributions from subordinated debt holders, by the sale of assets to generate capital, and where possible, by seeking private sector investors. It is expected that the effect of these actions will be to reduce the amount of capital required very significantly.

In addition, under the Programme agreement with the IMF and EU, the Irish authorities are required to make arrangements for a claw back of any injection of capital by the State. Subject to approval by the Central Bank of Ireland, this mechanism will require the banks to repay any such capital in excess of their regulatory obligations when these financial institutions again have stable access to the wholesale funding market or have otherwise stabilised that funding including through a normal reliance on central bank funding.

The Deputy will be aware that along with the sale or run-off over time of the bank's non-core businesses, Bank of Ireland, Irish Life and Permanent, EBS Building Society and Allied Irish Bank have all recently confirmed plans to make subordinated bond holders help with the cost of recapitalisation thus reducing the cost to the taxpayer. In addition, the announcement of Bank of Ireland's plans for a rights issue is also another very important step. I understand that the precise size of the rights issue will be announced shortly after completion of its liability management exercise.

It would not be appropriate for me in my role as Minister for Finance to speculate on the amount the banks will raise from these actions.

### Proposed Legislation

81. **Deputy Michael McGrath** asked the Minister for Finance his plans to introduce the public service pensions (single scheme) Bill and the pension arrangements that currently apply for new entrants into the public service. [14110/11]

**Minister for Finance (Deputy Michael Noonan):** It is planned to introduce a new single pension scheme for all new entrants to the public service. The scheme will link pension age to the social welfare pension age, while entitlements will be based on average career earnings and will be linked to consumer price inflation. The scheme will considerably and credibly strengthen our public finances over the long term. It is intended to publish the necessary legislation, the Public Service Pensions (Single Scheme) Bill, in the current Dáil session, with a view to having the scheme legislated for by the end of the third quarter this year. At present, before approval of the legislation by the Oireachtas and the introduction of the new single scheme, new entrants to the public service become members of the existing pension schemes and will retain that membership during the course of their employment.

### National Solidarity Bond

82. **Deputy Damien English** asked the Minister for Finance the total cash value of investments in the national solidarity ten-year bond as offered by the National Treasury Management Agency; the plans that are in place to increase the uptake of this bond; and if he will make a statement on the matter. [14123/11]

**Minister for Finance (Deputy Michael Noonan):** “NTMA 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 4-year and 10-year National Solidarity Bonds are part of this range of NTMA State Savings products which also includes Prize Bonds, Savings Bonds, Savings Certificates, Instalment Savings, and Deposit Accounts (such as the Ordinary Deposit Account and the Deposit Account Plus) and are available through the post office network.

The 10-year National Solidarity Bond was launched a year ago in May 2010 and the 4-year National Solidarity Bond was launched four months ago in February 2011.

I understand from the NTMA that, as of Friday 03 June 2011, 22,000 customers have purchased the National Solidarity Bonds to the value of €479 million, of which €421 million was placed in the 10 year bond and €58 million in the 4 year bond.

The NTMA have indicated that it will continue to encourage personal savers to purchase the National Solidarity Bonds and all the other NTMA State Savings products.

### Tax Code

83. **Deputy Eric Byrne** asked the Minister for Finance if he has considered imposing a levy on bondholders as an alternative revenue-collecting measure; and if he will make a statement on the matter. [14138/11]

**Minister for Finance (Deputy Michael Noonan):** I have no plans to impose such a levy at this time. However, all taxes and potential taxation measures are constantly reviewed in the context of the Budget and Finance Bill.

84. **Deputy Michael McGrath** asked the Minister for Finance the weekly social welfare payments that are subject to income tax. [14150/11]



**Minister for Finance (Deputy Michael Noonan):** The following Social Welfare Payments are taxable:

State Pension (Contributory)  
 State Pension (Non-Contributory)  
 State Pension (Transition)  
 Illness Benefit\*\*  
 Invalidity Pension  
 Occupational Injury Benefit\*\*  
 Interim Disability Benefit\*\*  
 Disablement Benefit\*  
 Death Benefit Pension  
 Widow/er's or Surviving Civil Partner's (Contributory) Pension  
 Widow/er's or Surviving Civil Partner's (Non-Contributory) Pension  
 Deserted Wife's Benefit  
 Deserted Wife's Allowance  
 Prisoner's Wife's Allowance  
 One-Parent Family Payment (Unmarried parent, Separated Spouse, Prisoner's Spouse)  
 Guardian's Payment (Contributory)  
 Guardian's Payment ( Non-Contributory)  
 Carer's Allowance  
 Carer's Benefit  
 Jobseeker's Benefit and Short-Term Enterprise Allowance (first €13 per week excluded)\*\*\*  
 Unemployability Supplement (payable with Disablement Pension)  
 Blind Pension  
 Constant Attendance Allowance (payable with Disablement Pension)

\*When payable in the form of a pension rather than a once-off payment.

\*\*Illness/Interim/Injury Benefit payable for the first 6 weeks of each year and any child dependent element of benefit is exempt from tax.

\*\*\*Jobseeker's Benefit paid to systematic short-term workers is exempt.

85. **Deputy Olivia Mitchell** asked the Minister for Finance if public sector employees in commercial State bodies have been subject to the public service pension levy; and if he will make a statement on the matter. [14153/11]

**Minister for Finance (Deputy Michael Noonan):** Persons employed in commercial State bodies have not been and are not subject to the public service pension-related deduction. The deduction applies to persons employed in bodies defined as a “public service body” in the relevant legislation, the Financial Emergency Measures in the Public Interest Act 2009. The commercial State bodies to which the definition of “public service body” does not apply are set out in the Schedule to that Act and are listed hereunder. The pension-related deduction does not apply to the staff of these organisations. The organisations concerned are:

1. Any body corporate established by Act of Parliament before 6 December 1922 that, upon its establishment, was of a commercial character.
2. Dublin Airport Authority, public limited company.
3. Cork Airport Authority, public limited company.
4. Shannon Airport Authority, public limited company.
5. Bord Gáis Éireann.
6. Bord na gCon.
7. Bord na Móna.
8. Córas Iompair Éireann.
9. Coillte Teoranta.
10. Electricity Supply Board.
11. EirGrid.
12. A harbour authority within the meaning of the Harbours Act 1946 or company to which section 7 of the Harbours Act 1996 relates.
13. Horse Racing Ireland.
14. Irish National Stud Company Limited.
15. Irish Aviation Authority.
16. An Post.
17. An Post National Lottery Company.
18. Raidió Teilifís Éireann.
19. Teilifís na Gaeilge.
20. Railway Procurement Agency.
21. Voluntary Health Insurance Board.
22. A subsidiary of a body to which the Schedule to the Act relates, including a subsidiary of any such subsidiary.

### **Proposed Legislation**

86. **Deputy Micheál Martin** asked the Minister for Finance if he will provide a date for the publication of legislation reversing the effects of the *Abbeylara* judgment. [13633/11]

90. **Deputy Micheál Martin** asked the Minister for Finance the process to be followed in developing the proposal to be voted on in a referendum on the *Abbeylara* judgment. [9868/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 86 and 90 together.

[Deputy Michael Noonan.]

It is a priority of this Government to put to the people a proposal to amend the Constitution to reverse the effects of the *Abbeylara* judgement.

As the Deputy will be aware, the holding of a referendum will require the enactment of a Constitutional Amendment Bill by the Oireachtas. Once passed, the Minister for the Environment, Community and Local Government by order appoints the day and time for the referendum. Polling must be not earlier than 30 days and not later than 90 days after the date of the order.

Before any constitutional amendment is drafted there needs to be detailed consideration of the complex legal issues involved. The matter will be progressed as quickly as possible.

### **Tax Code**

87. **Deputy Micheál Martin** asked the Minister for Finance his position on the common consolidated corporate tax base. [13632/11]

94. **Deputy Micheál Martin** asked the Minister for Finance if he stands by his comments that a common consolidated corporate tax base, CCCTB, is tax harmonisation by the back door. [12839/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 87 and 94 together.

The Government's position on the CCCTB is clear and unambiguous.

On 16 March this year the European Commission, which has the right of initiation in terms of bringing forward legislative proposals, published its proposal for a Common Consolidated Corporate Tax Base. This represents the beginning of a protracted process that will involve a detailed examination of the Proposal, line by line, by all Member States at Council. Both I and the Government have made it clear that Ireland, like all other Member States, intend to actively engage in that process because only in that way can we absolutely ensure that all of the arguments are brought to the table.

I want to assure the Deputy that it is clearly understood that our engagement is strictly on the basis that taxation is a matter of national competence and that the principle of unanimity in taxation is fully respected.

The explanatory memorandum attached to the Proposal explicitly states that there is no intention to extend harmonisation to the tax rates applied in Member States; however, the Proposal does involve the introduction of common rules for the computation of the tax base. The introduction of common rules across all Member States for the calculation of the tax base of companies is of course tax harmonisation in any language.

### **Banking Sector Regulation**

88. **Deputy Micheál Martin** asked the Minister for Finance the changes in the leadership of regulators and banks that the Taoiseach was referring to in his London speech on 18 April 2011. [9559/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, a number of changes have taken place at senior level within the Central Bank of Ireland in recent times:

- Professor Patrick Honohan became Governor in 2009;
- Matthew Elderfield became Head of Financial Regulation in 2010;

— Gerry Quinn became Chief Operations Officer in 2011.

A number of other senior appointments have been made at the Central Bank in the areas of market supervision, financial institution supervision and enforcement. Also, the two Pillar Banks have recently announced that eight of their remaining pre-September 2008-appointed directors will be stepping down.

The Deputy will also be aware that in my statement on the Nyberg report in this House on 20 April 2011, I set out a number of measures designed to strengthen bank boards and management. These measures provide that the Chairman of each applicable institution provides me and the NTMA with a Board Renewal Plan, each institution will also be asked to provide a Management Renewal Plan. The Board Renewal Plan will set out for each institution the steps to ensure that the skills and competence levels of board members are fully adequate to meet the demands of the current and future banking system. In this regard, a programme of rotation of board members, commencing with board members appointed before September 2008 will be expected as part of the plan. This will ensure a smooth process which will ensure the succession of incumbent board members who were in place before September 2008. I expect this succession to be completed by 2012.

In addition, the Head of Financial Regulation, Mr. Matthew Elderfield, recently announced that the Central Bank is planning to review the fitness and probity of all existing executive and non-executive directors of banks which have received State support. The Central Bank will assess any incumbent directors who plan to be in post after 1 January 2012 against the new standards, including competence and track record in the period leading up to the financial crisis.

On the 22 March 2011, the Central Bank of Ireland published a consultation paper proposing the implementation of new statutory fitness and probity powers for the financial services industry. In this regard, the Central Bank is seeking views on proposed new statutory grounds which are identified in the Central Bank Reform Act 2010 and will set the requirements for entry into and removal from a senior position within regulated firms. This Act provides additional criteria on when the Central Bank can use its powers to refuse an application to appoint an individual to a senior position or remove someone, views have been sought on what senior positions should be subject to the new regime. The Central Bank expects the new regulations and statutory standards implementing the regime will come into effect from a proposed effective date of September 2011.

89. **Deputy Micheál Martin** asked the Minister for Finance the new banking expertise that is available to him as a result of changes implemented by the Government in the past two months. [9560/11]

**Minister for Finance (Deputy Michael Noonan):** My Department works in close liaison with all relevant agencies, particularly the Central Bank and the NTMA, on banking sector issues. Mr. John Moran, who is on secondment to the Department from the Central Bank of Ireland, has been assigned to oversee the recently announced restructuring of the banking sector and associated issues. He leads the relevant team within the Department of Finance and reports directly to the Secretary General.

Over time, a number of specialist staff have been recruited to supplement the in-house expertise of the Department in banking matters and I anticipate that more such staff will be required. I will therefore be reviewing and adding, where appropriate, to the banking expertise within the Department on an ongoing basis.

*Question No. 90 answered with Question No. 86.*

### Departmental Responsibilities

91. **Deputy Micheál Martin** asked the Minister for Finance if he will detail all transfers of responsibilities which have been completed to date as a result of his departmental reorganisation announced on 9 March 2011; and the timeframe for all remaining transfers. [9872/11]

**Minister for Finance (Deputy Michael Noonan):** The process of transferring functions from one Department to another is carried out by means of Government Orders under powers contained in section 6(1) of the Ministers and Secretaries (Amendment) Act 1939, while in some cases primary legislation may be needed. Each order is carefully drafted so that all relevant legislation is listed in the Schedule to the order. The Departments which held the functions which are being transferred to other Departments have been fully engaged in this task since the Taoiseach's announcements on 9 March. Orders to implement the majority of the changes have already been made. On 29 March the Government made an order transferring responsibility for the functions of the Minister for Community, Equality and Gaeltacht Affairs in relation to Equality, Integration, Disability and Human Rights to the Minister of Justice and Law Reform with effect from 1 April 2011. A second order was made to change the title of the Minister for Justice and Law Reform to the Minister for Justice and Equality — and a similar name change for the Minister's Department, with effect from 2 April 2011.

At the same Government meeting an order transferring responsibility for the functions of the Minister for Tourism, Culture and Sport in relation to Tourism and Sport to the Minister for Transport with effect from 1 April 2011 was made. A further order was made to change the title of the Minister for Transport to the Minister for Transport, Tourism and Sport, and a similar name change for the Minister's Department, with effect from 2 April 2011.

On 5 April the Government made orders to transfer the functions of the Minister for Community, Equality and Gaeltacht Affairs in relation to Marine Tourism to the Minister for Agriculture, Fisheries and Food, the functions in relation to the National Drug Strategy to the Minister for Health and Children, the functions in relation to Social Inclusion to the Minister for Social Protection, and the functions in relation to Gaeilge, Gaeltacht and the Islands to the Minister for Tourism, Culture and Sport. Each of these transfers came into effect on 1 May 2011.

On 19 April the Government made orders transferring the heritage functions from the Minister for the Environment, Heritage and Local Government to the Minister for Tourism, Culture and Sport with effect from 1 May 2011. The Department became the Department of the Environment, Community and Local Government on 2 May 2011. The Taoiseach also signed orders on 19 April transferring further functions from the Minister for Community, Equality and Gaeltacht Affairs. These functions included the Community functions, Waterways Ireland and the Charities functions.

On 10 May the Government made orders transferring functions of the Minister for Education and Skills regarding the National Educational Welfare Board to the Minister for Community, Equality and Gaeltacht Affairs. Residual functions of the Minister for Community, Equality and Gaeltacht Affairs were transferred to the Minister for Tourism, Culture and Sport. The resulting 'shell' of the Department of Community, Equality and Gaeltacht Affairs, which has been left containing only Family Affairs and the Family Support Agency, has permitted an order to be signed with effect from 2 June 2011 renaming the Department as the Department of Children and Youth Affairs.

On May 10 the Government also signed an order transferring the Office of the Minister for Children functions, with effect from 3 June 2011, from the Minister for Health and Children to the Minister for Children and Youth Affairs. This in turn allowed an order to be signed renaming, with effect from 4 June 2011, the Minister for Health and Children and the Department of Health and Children as the Minister for Health and the Department of Health respectively.

The Taoiseach also signed an order on 10 May transferring, with effect from 1 June 2011, the residual functions of the Minister for Tourism, Culture and Sport in relation to Tourism and Sport to the Minister for Transport, Tourism and Sport. This has allowed an order to be signed renaming, with effect from 2 June 2011, the Minister for Tourism, Culture and Sport and the Department of Tourism, Culture and Sport as the Minister for Arts, Heritage and the Gaeltacht and the Department of Arts, Heritage and the Gaeltacht respectively.

On 24 May an order was signed transferring, with effect from 1 June 2011, the functions of the Minister for Enterprise, Trade and Innovation in relation to foreign trade to the Minister for Foreign Affairs. This has allowed these departments to be renamed, with effect from 2 June, as the Department of Jobs, Enterprise and Innovation and the Department of Foreign Affairs and Trade respectively.

The Department of Justice and Equality has indicated that they are in discussion with the Attorney General's Office regarding the necessary legislative instruments to give effect to the transfer of certain functions of the Irish Youth Justice Service to the Department of Children and Youth Affairs.

The Department of Transport, Tourism and Sport is also in discussion with the Attorney General's Office regarding the necessary legislative instruments to give effect to the transfer of the Irish Coast Guard to the Department of Agriculture, Fisheries and Food (which will subsequently be renamed the Department of Agriculture, Food and the Marine).

The implementation of these various changes may well require primary legislation. Primary legislation will be necessary to facilitate further transfer of functions in relation to child care to the Department of Children and Youth Affairs and is at an advanced stage. The Second Stage debate on the legislation to establish the Department of Public Expenditure and Reform was concluded on 2 June. It is proposed to hold the Committee Stage Debate shortly.

At this stage, I cannot give a precise date for the completion of all of the changes to the structures of Government Departments as this depends on a number of factors, including the complexity of the legislation governing the particular functions. I can assure the Deputy that everyone involved in the process, both in my own Department, in the Office of the Attorney General and in the other Departments concerned, is making every effort to complete all of the changes at the earliest possible date.

92. **Deputy Micheál Martin** asked the Minister for Finance if he will provide a date for the establishment of the Department of Public Expenditure and Reform. [10721/11]

**Minister for Finance (Deputy Michael Noonan):** I am pleased to advise that the Second Stage debate on the Ministers and Secretaries (Amendment) Bill 2011, which will provide a legislative basis to allow for the formal establishment of the Department of Public Expenditure and Reform and for the transfer of certain functions from the Minister for Finance, was concluded on 2 June 2011. I am hopeful that all stages will be concluded in the Houses over the coming weeks.

### Croke Park Agreement

93. **Deputy Micheál Martin** asked the Minister for Finance his views on the progress of the Croke Park agreement. [12838/11]

109. **Deputy Billy Timmins** asked the Minister for Finance the position regarding the €1 billion in savings promised in the public sector under the Croke Park agreement; the savings and reforms from this agreement; the savings and reforms of the Croke Park agreement; and if he will make a statement on the matter. [14306/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 93 and 109 together.

The National Recovery Plan 2010 — 2014 commits to savings of about €1.2 billion in the Public Service Exchequer Pay Bill in the four years between 2010 and 2014, to be achieved, *inter alia*, by reducing the number of public servants by 24,750 over 2008 levels and by leveraging the mechanisms of the Public Service Agreement to secure efficiencies in all areas. Under that Plan, the Exchequer Pay Bill for 2011 is some €223m less than for 2010. Given the pressing need to cut expenditure, it is clear that we must ensure that the public service is leaner, more productive and more efficient. At the same time, we must make every effort to maintain and improve services to the public and to business.

The framework provided by the Public Service Agreement will be critical to achieving these objectives and the Government is on record as saying that it would like to see an accelerated implementation of the reform agenda set out in the Agreement. Paragraph 1.16 of the Agreement provides for annual reviews, focusing on the “sustainable savings generated from the implementation of the Agreement and of the agreements in each sector”. In addition, it was envisaged that there would be regular reporting of progress on the implementation of the Action Plans developed for each sector.

Over recent weeks, the Implementation Body, chaired by P.J. Fitzpatrick, has been overseeing the first such review of progress to date under the Agreement to determine the sustainable savings that have been achieved and the progress made across the public service on delivering the reform agenda set out in sectoral Action Plans. I intend to submit the Report of the Body to Government shortly and publish it thereafter. As the Deputy will appreciate, it would be inappropriate to comment further on these issues pending Government’s consideration of the Implementation Body’s report.

*Question No. 94 answered with Question No. 87.*

### Departmental Staff

95. **Deputy Micheál Martin** asked the Minister for Finance the instructions he has issued to staff, both permanent and non-established, in his Department regarding the handling of lobbying by persons and organisations; and his plans to issue any such instructions in advance of any statutory framework being instituted. [11798/11]

**Minister for Finance (Deputy Michael Noonan):** The most recent notification issued to staff of my Department was Office Notice 20/2009, which concerned lobbying NAMA on behalf of another. A copy is included for the Deputy’s information. It is expected that central guidelines on the handling of lobbying will be issued by my Department in the coming months. Further

instructions issued to the staff within the Department will, of course, have regard to such guidelines.

Office Notice: 20/2009

### **NAMA Lobbying**

The National Asset Management Agency Act 2009 (Section 221) makes it an offence for a person to lobby NAMA on behalf of another (copy attached).

Lobbying occurs where a person communicates on behalf of another person with the intention of influencing a NAMA decision. **Staff must not in any circumstances lobby or seek to influence NAMA in favour of another person.**

There is an exemption from the lobbying offence where representations on behalf of a person are made in a professional capacity in the ordinary course of employment. Barring regular contacts through the NAMA Unit, Department communications with NAMA in the course of official business related to individual cases would happen only in exceptional circumstances. Care will have to be taken in the management of any communications with NAMA.

The following guidelines apply:

- Representations dealing with general policy matters, relating to the performance of NAMA, or within the broad range of accountability for which the Department is responsible, should be referred through the Department's NAMA Unit to NAMA and may be answered in full.
- Representations relating to the particular circumstances of individuals or companies should not be referred to NAMA. A standard response indicating the issue is a matter for NAMA and referring to the offence of lobbying NAMA will be prepared for issue in such cases.
- Certain representations may raise significant policy issues based on specific cases. In such cases the policy issue should be referred through the Department's NAMA Unit to NAMA for views, but without identifying the individual case concerned. Any such referral to NAMA should be cleared by the AP in the NAMA Unit.
- In limited cases it may be necessary to discuss individual details with NAMA in order to prepare an informed policy response. Such cases should only be dealt with by the NAMA Unit. In such cases individual details can be referred to NAMA, but only after clearance by the PO in the NAMA Unit.
- Representations on tax issues related to NAMA can be referred to Revenue as normal. The Act provides for the full exchange of information between Revenue and NAMA.

A PQ protocol will be prepared shortly setting out the roles of the Department and of NAMA in formulating PQ responses. If you have any general queries on the NAMA lobbying offence please direct them to Mr. Brian Finn, NAMA Unit.

CSD

16 December 2009



[Deputy Michael Noonan.]

**Extract from National Asset Management Agency Act 2009**

221.—(1) Subject to *subsections (3) and (4)*, if a person communicates, on behalf of another person, with NAMA, a NAMA group entity or a person providing services or advice to NAMA or a NAMA group entity with the intention of influencing the making of a decision in relation to the performance of the functions of NAMA or the NAMA group entity, the person commits an offence.

(2) Without prejudice to the generality of *subsection (1)*, a reference in that subsection to a decision relating to the performance of the functions of NAMA includes a decision relating to—

- (a) the lending of money,
- (b) the initiation of legal proceedings,
- (c) legal proceedings in being,
- (d) the engagement of the services of an expert adviser or other service provider,
- (e) any other matter that could give rise to an advantage or benefit to a person other than NAMA,
- (f) a tender, or
- (g) the purchase or sale of property.

(3) It is not an offence pursuant to *subsection (1)* if the communication concerned—

- (a) is made public at the time of the communication,
- (b) is made without an intention to benefit, or confer an advantage on, any specific person, or
- (c) is made in the public interest.

(4) It is not an offence pursuant to *subsection (1)* if the person who makes the communication concerned—

- (a) is acting in his or her professional capacity or in the course of his or her employment, and
- (b) does so in that capacity.

(5) A person who believes that he or she has been communicated with in contravention of *subsection (1)* shall, as soon as may be, report—

- (a) that the communication was made,
- (b) the details of the communication made, and
- (c) the name of the person who communicated with him or her,

to a member of the Garda Síochána.

(6) A person who fails to comply with *subsection (5)* commits an offence.

(7) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding €1,000 or imprisonment for a term not exceeding 6 months or both.

### Ministerial Meetings

96. **Deputy Micheál Martin** asked the Minister for Finance if he will detail any meetings he held with the EU-IMF delegation during their recent quarterly review. [9864/11]

**Minister for Finance (Deputy Michael Noonan):** On Tuesday 12 April 2011, I, together with my colleague, the Minister for Public Expenditure and Reform, Deputy Brendan Howlin, met with Messrs. Szekely and Langedijk from the European Commission Services, Messrs. Chopra and Beaumont from the IMF and Messrs. Masuch and Fell from the ECB. The Secretary General of the Department of Finance, Mr. Kevin Cardiff, and a number of other senior officials also attended the meeting. Minister Howlin and I also held a wrap-up meeting with Messrs. Szekely, Chopra, Masuch on Friday 15 April 2011.

### National Asset Management Agency

97. **Deputy Kevin Humphreys** asked the Minister for Finance if he will provide an itemised list of all bonuses paid to staff of the National Asset Management Agency since its establishment; and if he will make a statement on the matter. [14169/11]

**Minister for Finance (Deputy Michael Noonan):** All officers of NAMA, including the Chief Executive Officer, are employees of the National Treasury Management Agency. I am advised by the NTMA that the remuneration packages of all NTMA staff are negotiated on an individual contract basis and are confidential. During the appearance of the Chairman and the Chief Executive Officer of NAMA before the Committee of Public Accounts on 13 January 2011, the Committee was informed that the salary of the Chief Executive Officer of NAMA was €430,000 per annum with a maximum bonus of 60% of salary. I am advised by the Chairman of the NTMA Advisory Committee that the Chief Executive Officer of NAMA waived his bonus for the year 2010.

### Tax Code

98. **Deputy Kevin Humphreys** asked the Minister for Finance the total sum lost to the Exchequer in 2010 due to below-cost selling of alcohol, which allows retailers to claim VAT refunds due to losses they make on the sale; his plans to close this VAT subsidisation loophole; and if he will make a statement on the matter. [14173/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that under EU and domestic VAT rules traders who are registered for VAT collect VAT on the goods and services that they sell. In turn such traders are entitled to recover the VAT they incur on their business inputs used in the purchase or production of goods or delivery of services. VAT is a tax on the value added to a supply and the collection and recovery of VAT takes place at each stage of the chain of supply from manufacturing to retailer. Consequently, if there is a decrease in value at any stage in the process the trader is entitled to a refund of the excess of VAT incurred over that collected. Separate figures are not available for input VAT on goods that were subsequently sold at a discount because traders' VAT returns show only the total input VAT and the total output VAT for the period covered by the return.

### International Meetings

99. **Deputy Richard Boyd Barrett** asked the Minister for Finance if his attention has been drawn to the fact that a secret meeting was held in Luxembourg on Friday, 6 May 2011 of the larger countries of the European Union with the European Central Bank and the European Commission. [11690/11]

**Minister for Finance (Deputy Michael Noonan):** I am aware that a meeting of the Euro area member states who are also members of the G20 group took place in Luxembourg on Friday, 6 May 2011. This meeting was not notified in advance to Eurozone members who are not members of G20. The following statement, which was issued after the meeting by the President of the Eurogroup, Mr. Juncker, explains its purpose. “In the follow-up of the Annual meeting in Washington in April, Minister Lagarde, in the function of French Presidency of the G20, and Prime Minister Juncker, as President of the Eurogroup, had decided to convene the Euro Area Ministers of the G20 to an informal meeting to discuss a number of G20 matters. The meeting took place today 6 May in Luxembourg in the late afternoon.

As Greece had been the subject of extensive discussions in Washington, Prime Minister Juncker decided to also invite the Greek Minister of Finance, Mr. Papaconstantinou, to join the other Ministers for a brief exchange on the current situation.”

*Question No. 100 answered with Question No. 31.*

### Job Creation

101. **Deputy Richard Boyd Barrett** asked the Minister for Finance if he will consider a public works programme as an immediate measure to combat unemployment; and if he will make a statement on the matter. [9934/11]

**Minister for Finance (Deputy Michael Noonan):** The Jobs Initiative, announced in the Dáil in early May, included a range of expenditure measures designed to help in getting people back to work. Investing in public infrastructure was a substantial component of the overall Initiative. Public capital investment can play an important role in promoting employment. It can stimulate economic activity as well as providing direct employment. Additionally, well targeted investment in infrastructure can have significantly higher indirect job creation impacts in the medium term. As part of the Jobs Initiative, the Government has refocused part of its capital expenditure to boost jobs in the construction sector. Specifically, there will be further investment in schools, local and regional roads and the national energy retrofitting programme.

In this regard, a number of changes to the capital envelope were announced:

- An additional €30 million will be made available for school works this year,
- There will be investment of an additional €60 million in regional and local roads to carry out much needed repair and restoration work and investment of an additional €15 million in local sustainable transport projects such as cycle lanes, pedestrian routes and park-and-ride facilities;
- There will also be investment of an additional €30 million in the national energy retrofitting programme; and furthermore,
- Two additional PPP schools bundles will be commenced in areas where additional infrastructure is required post-2016.

In April of this year the Government agreed that the Department of Public Expenditure and Reform would carry out a major review of the public capital programme for 2012 to 2016; this review is currently underway. Capital programmes and projects that support economic recovery and achieve the highest sustainable employment impact in the short to medium term will be at the core of the review.

### National Lottery

102. **Deputy Martin Ferris** asked the Minister for Finance his views on whether the licence for the National Lottery should again be made the subject of open competition, with the possibility of the licence being granted to a private operator. [10950/11]

**Minister for Finance (Deputy Michael Noonan):** The current licence to operate the National Lottery expires at the end of 2011. Arrangements for the future licensing are being considered and a decision on this will be taken following such consideration.

### State Assets

103. **Deputy Martin Ferris** asked the Minister for Finance his views on the recommendation of the McCarthy report on State assets and liabilities that the proceeds of the sale of State assets should be used to reduce the State's very high level of indebtedness; and if he will make a statement on the matter. [10938/11]

**Minister for Finance (Deputy Michael Noonan):** Following publication of the Report of the Review Group on State Assets and Liabilities in April, the Minister for Public Expenditure and Reform, Mr. Howlin, asked Departments to give their considered views on the Group's recommendations. Departments are reverting now with their views. After considering these submissions, Minister Howlin intends to bring proposals to Government on the matter. Under the EU/IMF Programme, the Government has agreed to discuss its plans with the European Commission, the IMF and the ECB when it has finalised its response to the Review. This is to take place by the end of the year.

104. **Deputy Martin Ferris** asked the Minister for Finance if he concurs with the view of SIPTU president that the recommendations of the review group on State assets and liabilities regarding the sale of State assets constitutes a recipe for disaster. [10948/11]

**Minister for Finance (Deputy Michael Noonan):** I do not concur with that view. The Government is considering the State assets review group report as part of its overall consideration of State assets and in the context of the commitments made in the Programme for Government.

105. **Deputy Martin Ferris** asked the Minister for Finance if he will define the term "non-strategic" in the context of the proposed sale of €2 billion of State assets contained in the programme for Government. [10949/11]

**Minister for Finance (Deputy Michael Noonan):** I understand that following the recent publication of the report of the Review Group on State Assets and Liabilities, my colleague the Minister for Public Expenditure and Reform intends to bring proposals to Government on the matter. This will be done in the context of the commitments made in the Programme for Government to fund investment in key networks of the economy through the sale of non-strategic assets. In identifying which assets can be regarded as non-strategic, the Minister will be guided, *inter alia*, by the detailed sectoral analysis contained in the report of the State Assets Review Group.

### Flood Relief

106. **Deputy Brendan Griffin** asked the Minister for Finance the position regarding the Office of Public Works survey work on a river (details supplied) in County Kerry which causes flooding in the locality; and if he will make a statement on the matter. [14253/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** The Office of Public Works is not engaged in a survey of the river concerned. However, this office allocated total funding of €27,000 to Kerry County Council under the Minor Flood Mitigation Works Scheme to undertake a flood assessment and hydraulic study of the Sneem and Ardsheelhane River catchment areas in order to assess the flooding problem. A pre-feasibility study has now been completed by the consultants appointed by Kerry County Council for this purpose, and the resultant final report is currently being examined by the Council.

### Tax Code

107. **Deputy Catherine Murphy** asked the Minister for Finance his views on whether the price of diesel for coach and bus companies should be lowered to help offset the negative impacts on the industry brought about by the abolition of the excise duty rebate in 2006, which added 34.5 cent to the cost of a litre of diesel; his further views on whether a cost-benefit analysis should be carried out to determine whether lowering the price of diesel for coach and bus companies would generate activity in the sector that might lead to an overall increase in revenue for the State; and if he will make a statement on the matter. [13596/11]

**Minister for Finance (Deputy Michael Noonan):** A derogation under EU Directive 2003/96 on energy taxation allowed the application of a reduced rate of Mineral Oil Tax to fuel used for the purposes of certain road passenger services. That derogation has expired and the arrangement was, therefore, terminated by the Finance Act 2008. It would not be possible, having regard to the relevant provisions of EU law, to reintroduce a scheme of that nature for those services.

108. **Deputy Eric Byrne** asked the Minister for Finance, in respect of the Finance (No. 2) Bill 2011, when it is expected that tax provisions will be made for couples in civil partnerships; if it is expected that there will be another finance Bill dealing specifically with civil partnerships, and that tax provisions for civil partnerships will be dealt with as a matter of urgency. [14302/11]

**Minister for Finance (Deputy Michael Noonan):** The Finance (No. 3) Bill 2011 will be published on Thursday 9 June 2011. It will provide for the necessary taxation changes to the various Taxation Acts arising from the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010. I expect the Bill to be enacted before the summer.

*Question No. 109 answered with Question No. 93.*

110. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) is obliged to pay the universal social charge on their pension entitlements; and if he will make a statement on the matter. [14311/11]

**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). However, there is an

exemption for social welfare pensions, whether paid by the Department of Social Protection or by a similar authority in another country. There is no exemption for private pensions such as an occupational pension. While there is no age-related exemption, individuals aged over 70 years will pay USC at a maximum rate of 4% on any non-social welfare income that exceeds an annual threshold of €10,036, unlike other individuals who move to a top rate of USC of 7% on the part of their income that exceeds an annual threshold of €16,016.

A pension is chargeable to USC in respect of the amount of the pension paid in a tax year. Accordingly, if a pension is not in payment in a particular tax year, USC will not be payable in that year in respect of that pension. However, once the pension starts to be paid the full amount of the pension paid in the tax year and in each subsequent year is liable to USC.

111. **Deputy Peadar Tóibín** asked the Minister for Finance the analysis he has carried out of the common consolidated corporate tax base proposal; the effect this proposal will have on enterprise and inward investment if it is adopted here; the effect this proposal will have on enterprise and inward investment if it is adopted not here but in other European states; and if he will make a statement on the matter. [10011/11]

**Minister for Finance (Deputy Michael Noonan):** The Department of Finance commissioned an Economic Impact Assessment of the proposed CCCTB from Ernst and Young in the US during 2008 and 2009. The purpose of the study was to analyse the budgetary and economic implications for the European Union and individual member states of the introduction of a Common Consolidated Corporate Tax Base. The potential impacts were estimated for three different scenarios: a voluntary CCCTB in all twenty-seven member states, a mandatory CCCTB in all twenty-seven member states and a mandatory CCCTB in nine member states (the Enhanced Co-operation option).

The results of the study point to a reduction in foreign direct investment in Ireland in the order of 1.4% under a voluntary CCCTB and 4.5% under a mandatory CCCTB. Whereas the scope of the study did include the impacts of a mandatory CCCTB on the nine participating member states, it did not cover the resultant impacts on member states that did not participate. Whilst it is far too early to speculate on the prospects of a CCCTB proceeding by way of enhanced cooperation, I want to assure the Deputy that there is provision in the Treaties to ensure that the spillover effects on non-participating member states are minimised.

### **National Parks**

112. **Deputy Tom Barry** asked the Minister for Finance if, in view of the 50,000 visitors per annum who come to Doneraile Court, County Cork, he will consider opening a facility that could capitalise on and increase those visitor numbers, such as an interpretative or visitors' centre or café. [13513/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** An ongoing programme of maintenance and improvement works is being carried out to the range of historic buildings in Doneraile Park, including Doneraile House (Court) and adjoining structures. The House has been secured and weather-proofed but opening to the public would require further substantial works and funding is not currently available. The welcome increase in visitor numbers to the Park in the past two years is largely due to the success of the programme of improvements and the provision of a playground and additional parking area.

### **Tax Collection**

113. **Deputy Robert Dowds** asked the Minister for Finance if there is evidence of tax being

[Deputy Robert Dowds.]

collected from a car repair and sales business operating at a location (details supplied) in Dublin 22 since the 1970s; and what, if any, is the evidence. [14336/11]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that it has noted the matter raised by the Deputy but, for reasons of taxpayer confidentiality, it is unable to comment further on an individual case.

### Government Debt

114. **Deputy Pearse Doherty** asked the Minister for Finance the size of the Government debt between 2006 and 2011 as a percentage of GDP and in monetary terms; and if he will make a statement on the matter. [14393/11]

**Minister for Finance (Deputy Michael Noonan):** The figures for National Debt and General Government debt for the years 2006-2010 as well as the latest estimates of each for 2011 are set out in the following table. National debt is defined as the total outstanding amount of principal borrowed by Central Government and not repaid to date less liquid assets available for redemption of those liabilities at the same date.

General Government debt is the standard measure used within the EU for comparative purposes. It includes the National debt as well as Local Government debt and some other minor liabilities of Government. In addition, General Government debt is a gross measure and it does not allow for the netting off of cash balances, which had been built up considerably in recent years, so adding greatly to General Government debt. The main reason for the large increase in the gap between National debt and General Government debt at end-2010 is the €31 billion in Promissory Notes committed to financial institutions in 2010. Due to the fact that the General Government debt operates on an accruals basis, this amount was added in full to the General Government 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.

As the General Government debt is the standard measurement of gross indebtedness used for comparative purposes within the EU, it is often referenced as a percentage of GDP. The debt/GDP ratios for the years 2006-2011 are also shown in the following table.

Revisions to the GDP level could impact on the General Government debt/GDP ratios

	National Deb	General Government Deb	
	€ billion	€ billion	% of GDP
2006	35.9	44.1	25
2007	37.6	47.4	25
2008	50.4	79.8	44
2009	75.2	104.8	66
2010	93.4	148.1	96
2011 (Forecast)	122.0	173.0	111

### Budget Deficit

115. **Deputy Pearse Doherty** asked the Minister for Finance the size of the Exchequer deficit in national budgets between 2006 and 2011 as a percentage of GDP and in monetary terms; and if he will make a statement on the matter. [14399/11]

**Minister for Finance (Deputy Michael Noonan):** The figures for the Exchequer Balance for the years 2006-2010 as well as the latest estimate for 2011 are set out in the following table, along with nominal GDP figures for the years 2006-2010 as well as the latest estimate for 2011. The Deputy may wish to note that the Exchequer Balance figures for the years 2006-2009 are available from the September 2010 edition of my Department's Budgetary and Economic Statistics publication. The 2010 figure is from the end-December 2010 Exchequer Statement. The 2011 figure is the Department of Finance forecast from the recently published Stability Programme Update (SPU). These documents are available on my Department's website.

The nominal GDP figures for the years 2006-2010 are from the CSO Quarter 4 2010 Quarterly National Accounts publication, which is available on the CSO website. The 2011 figure is the Department of Finance forecast from the recently published SPU.

Revisions to the GDP level could affect the Exchequer Balance/GDP ratios

	Exchequer Balance	Nominal GDP	Exchequer Balance
	€ million	€ million	% of GDP
2006	+2,264	177,342	+1.3
2007	-1,619	189,374	-0.9
2008	-12,714	179,988	-7.1
2009	-24,641	159,647	-15.4
2010	-18,745	153,939	-12.2
2011 (Forecast)	-18,165	156,075	-11.6

*Question No. 116 answered with Question No. 40.*

### Economic Growth

117. **Deputy Bernard J. Durkan** asked the Minister for Finance the discussions he has had with EU colleagues on the issue of economic recovery throughout the eurozone; the extent to which various concepts and methods have been examined, pursued or adopted; if such measures are likely to take cognisance of the needs of smaller open economies; and if he will make a statement on the matter. [14424/11]

**Minister for Finance (Deputy Michael Noonan):** At our regular meetings, my fellow European finance ministers and I discuss the economic situation in the eurozone and in individual Member States. Such discussions draw on the work of the various technical and policy committees that feed into the Council. At these meetings, we explore all available avenues that will accelerate economic recovery across the Euro zone. An example of this is provided by the 'Euro-Plus Pact' aimed at improving competitiveness and the fiscal rules of Member States. Competitiveness is a fundamental pillar of economic growth for any small economy such as Ireland and is an area in which we are actively seeking to improve to boost our growth prospects.

My ministerial colleagues are aware of the importance of promoting an environment that will foster growth in Ireland. Our aim is to develop a common understanding of Ireland's economic strategy and repeat that our core strengths remain — modern infrastructure, well-educated workforce, favourable demographics and a pro-enterprise business environment.

Our European partners recognise that Ireland is actively pursuing an economic programme aimed at restoring sustainable economic growth, underpinned by a healthy banking sector and sound public finances.



[Deputy Michael Noonan.]

I will remain in regular contact with EU colleagues for the foreseeable future to continue our ongoing work in pursuing the eurozone's economic recovery.

*Question No. 118 answered with Question No. 37.*

119. **Deputy Bernard J. Durkan** asked the Minister for Finance the discernible trends emerging in respect of economic growth throughout the current year and thereafter; the factors most likely to affect this; the extent to which he has in mind measures to respond; and if he will make a statement on the matter. [14426/11]

**Minister for Finance (Deputy Michael Noonan):** The Irish economy is expected to return to growth this year. On the back of a strong export performance, my Department is forecasting that GDP will grow by around 0.75% in 2011 and 2.5% in 2012. In the second half of 2010 we witnessed some easing in the annual rate of decline of GDP activity. Exports are expected to continue supporting economic activity over the medium-term, with a gradual pick-up in domestic demand also foreseen as the recovery broadens out and spills over to the labour market. For the period 2013-15, the economy is forecast to grow by 3% per annum on average. Unemployment is forecast to increase further this year, to around 14.5%. While the numbers out of work should start to decline next year and gradually come down over the medium-term, the unemployment rate is projected to stay high over the forecast horizon.

The unprecedented turmoil that the Irish economy is still going through means that there is a lot of uncertainty surrounding macroeconomic projections at this time and a number of risks to this outlook have been identified as recently as the end of April in the Irish Stability Programme Update. These risks include the speed of balance sheet repair, fiscal consolidation and credit availability. The balance of risks in respect of these domestic factors is largely to the downside. On the other hand, risks to the outlook for net exports are to the upside.

The Government is taking positive steps to shore up economic activity exemplified by delivering a number of innovative policies and structural reforms as outlined in the Programme for Government and the Jobs Initiative. These should assist in supporting economic activity in the period ahead.

The Department of Finance's GDP forecast for 2011 is broadly in line with that of the European Commission (0.6%), the Central Bank (0.9%) and the IMF (0.6%). In fact, the most recent Reuters consensus forecast for GDP growth has been revised upwards. Furthermore, I note that the ESRI recently published a forecast of 2% for GDP growth in 2011.

### **Banking Sector**

120. **Deputy Bernard J. Durkan** asked the Minister for Finance if banking staff, including middle to senior management, receive performance-related income arising from the manner in which they are expected to deal with account holders; if any particular trends have been identified amongst certain financial institutions; and if he will make a statement on the matter. [14427/11]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank of Ireland published the findings of its review of remuneration policies and practices in a number of Irish retail banks on its website on 1 December 2010. The review assessed whether banks have changed how they remunerate employees, particularly those in senior executive positions, to reflect incoming regulatory standards and the lessons of the financial crisis. In particular, it examined whether banks have ended remuneration practices which fostered inappropriate risk-taking or inad-

equate risk management. The review found that while the majority of banks have started to reform their remuneration policies and practices, the balance of the Central Bank's findings were discouraging. For example, there is little evidence that banks have self-consciously made a link between their risk appetite and their incentive structures, exposing the banks, and by extension the State, to the consequences of inappropriate risk-taking; the governance and oversight of remuneration practices is poor; and in the majority of banks, procedures to determine remuneration are not clear, well documented or internally transparent. There was little evidence of consideration of risk or collaboration with risk management functions to ensure remuneration policies are aligned with long-term strategic plans.

Issues identified in the review are being followed up individually with institutions by the Central Bank. Detailed EU requirements on remuneration policies in credit institutions have come into force in Irish law since 1 January 2011 through amendments made in the capital requirements directive. These obligations are supplemented by extensive guidelines issued by the Committee of European Banking Supervisors, which is now known as the European Banking Authority, compliance with which will be closely monitored by the Central Bank of Ireland in assessing adherence with each institution's legal responsibilities. Enforcement action can be taken by the Central Bank in case of non-compliance. These measures will address the significant issues disclosed in the Central Bank's review of remuneration policies and practices which were also highlighted as significant contributors to Ireland's banking crisis in the recent Nyberg report.

Following a request from my Department, the National Treasury Management Agency, which has legal responsibility for managing the State's shareholder relationship with the banks, has recently written to the covered institutions requesting that they undertake a review of remuneration practice, that they have further discussion with the Department of Finance ahead of any commitment to additional redundancy payments and that the bank does not commit to further termination payments until the review is completed. An analysis of severance entitlements has also being requested.

Finally, if the Deputy has any concerns relating to the manner in which bank staff deal with customers which he believes reflects the design of their remuneration arrangements, he should certainly bring this information to the attention of my Department.

121. **Deputy Bernard J. Durkan** asked the Minister for Finance if banks have attracted sufficient deposits to facilitate lending for productive purposes, thereby contributing to economic recovery; and if he will make a statement on the matter. [14428/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, restoring the funding position of the Irish banks to health is a major priority of the programme agreement concluded with the IMF and EU. Significant elements of the programme are intended to contribute to this objective. This includes the right-sizing of the Irish banking system through the implementation of the bank deleverage plans to ensure that in the future the banks can be adequately funded from the market — both from deposits and the international debt markets. In addition, a central element of the programme agreement requires the banks to achieve long-term sustainable loan-to-deposits ratios aligned with good practice international standards and consistent with the new regulatory standards for bank liquidity being put in place internationally. These initiatives will be implemented in a way that fully supports the lending required by the economy. The Government's Plan for the restructuring of the Irish banking system announced at the end of March last creates capacity for the pillar banks to lend in excess of €30bn. over the next three years. The Central Bank has estimated that SME and mortgage credit of up to €16.5bn will be required over that period. The bank system will,

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therefore, be equipped to facilitate the lending highlighted in the Deputy's question to underpin economic recovery.

122. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which he has identified insufficiency of lending to business, including small and medium-sized enterprises; the steps he will take to address this issue as a matter of urgency; and if he will make a statement on the matter. [14429/11]

**Minister for Finance (Deputy Michael Noonan):** Both AIB and Bank of Ireland provide my Department with monthly figures on balance sheet volumes, sanctioned facilities and geographic and sectoral breakdowns of their SME lending. In addition, under the terms of the government recapitalisation, both banks also produce a quarterly report which incorporates figures for sanctions and drawdowns by SMEs. The data contained in these reports will continue to be reviewed and analysed by my Department and the Credit Review Office to ensure that the banks are compliant with the terms of the Government recapitalisation as it relates to the provision of credit for SMEs. The Deputy may be aware that the restructuring plan creates capacity for the Pillar Banks to provide lending in excess of €30 billion in the next three years. SME and new mortgage lending for these banks is expected to be in the range of €16 billion to €20 billion over this period. In each bank, a team of senior managers will be dedicated to the sole task of ensuring lending continues to grow to support economic growth.

123. **Deputy Bernard J. Durkan** asked the Minister for Finance the total number of business enterprises in the manufacturing and service sectors whose applications for overdraft or working capital have been refused by the banks or transferred into a term loan; and if he will make a statement on the matter. [14430/11]

125. **Deputy Bernard J. Durkan** asked the Minister for Finance if any information has been made available to him regarding the number of instances in which financial institutions have refused to provide lending facilities for the business or job creation sectors; and if he will make a statement on the matter. [14432/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 123 and 125 together.

On 23 May last, the CSO published data in "Access to Finance" which showed that 74% of firms were successful or partially successful in applying for bank loans in the twelve-month period to September 2010. Clearly, it is important that the banks continue to make credit available to support economic recovery. However, it is not in the interest of the banks, businesses or the economy for banks to lend unless the business is viable and has the capacity to meet the interest payments and repay the sum borrowed.

As I have said before the Credit Review Office will, on application from the borrower, carry out an independent and impartial review of a bank's decision to refuse or reduce credit. I would strongly advise anyone who has unsuccessfully appealed through the bank's own internal appeals process to seek a review by the Credit Review Office. In addition, both Bank of Ireland and Allied Irish Bank provide information on an aggregate basis on loan approval rates as part of their monthly and quarterly reporting to my Department in relation to credit.

#### **Tax Yield**

124. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which the

returns under the various taxation headings are on target with the projection at budget time in December 2010; and if he will make a statement on the matter. [14431/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, my Department publishes the Exchequer statement on its website two working days following the end of the month. The most recent Exchequer statement was published last Thursday, 2 June, and this contains details of the tax revenue performance in the first five months of the year. During this period, €12.8 billion in tax revenue was collected, an increase of €677 million or 5.6% on the corresponding period in 2010. As is always the case, my Department will make a statement on the matter in light of the mid-year returns. The cumulative position at the end of May 2011 is that, in overall terms, tax revenues were broadly in line with target at about €70 million or 0.5% below expectations. The table below sets out the detail under the various tax headings.

Performance against Profile

Exchequer Tax Receipts	End-May Target	End-May Outturn	Excess/ Shortfall	Excess/ Shortfall
	€m	€m	€m	%
Income Tax (including USC)	5,062	5,061	-1	0.0
VAT	4,959	4,867	-92	-1.9
Corporation Tax	669	599	-70	-10.4
Excise	1,741	1,791	50	2.9
Stamps	235	235	0	0.0
Capital Gains Tax	83	83	0	0.3
Capital Acquisitions Tax	28	39	11	40.8
Customs	88	98	10	11.7
Levies	0	0	-	-
Unallocated Tax Deposits	0	21	-	-
<b>Total</b>	<b>12,865</b>	<b>12,795</b>	<b>-70</b>	<b>-0.5%</b>

*Question No. 125 answered with Question No. 123.*

### Drainage Schemes

126. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which it is intended to complete or continue drainage works at various identified locations in County Kildare; and if he will make a statement on the matter. [14433/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** The Commissioners of Public Works are continuing to work closely with Kildare County Council in their efforts to alleviate fluvial flooding throughout County Kildare. The Office of Public Works is currently carrying out a programme of flood relief works in the Johnstown area. These works are well advanced and it is expected that the scheme will be completed late in 2011 or early in 2012. The Office of Public Works has also approved funding for Flood Relief Works under the Minor Works Scheme in a number of areas in Co. Kildare for the current year. The most recent developments in relation to these schemes can be outlined as follows:

#### Sallins:

In addition to the emergency flood relief works, which were carried out by the Local Authority in Sallins, the OPW has approved funding for further flood alleviation works in

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this area. Kildare County Council is currently completing the procurement process for this work and hope to be on site in October 2011.

**Butterstream, Clane:**

The OPW approved funding for a flood alleviation scheme in this area and works were successfully completed earlier this year.

**Ardclough:**

A scheme has been approved for Ardclough and it anticipated that works will be on site late in 2011.

**Newtown:**

A programme of flood alleviation measures has been completed in the Newtown area.

**Confey, Leixlip:**

Works at Confey have been completed.

Kildare County Council has recently submitted a further application to the OPW for funding under the Minor Works Scheme to complete works in Rathmore, Dun Carraig in Leixlip and the Mooney Stream in Newbridge. The OPW is considering this application in conjunction with the many other applications that have been received under the Minor Works Scheme.

127. **Deputy Bernard J. Durkan** asked the Minister for Finance if all outstanding works in respect of restoration of the landscape arising from the Boyne drainage scheme have been completed in accordance with original agreements; and if he will make a statement on the matter. [14434/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** The Boyne Drainage Scheme was completed in 1986 and all rehabilitation was completed in accordance with scheme requirements. A certificate of completion for the scheme was attained. The Office of Public Works continues to maintain this scheme in line with the requirements of the Arterial Drainage Act 1945.

### **Energy Efficiency**

128. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he encourages the use of alternative energy technology in the heating of all public buildings; and if he will make a statement on the matter. [14435/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** The EU's Energy Performance Building Directive (Recast) 2010 requires that a technical, environmental and economic feasibility study for high-efficiency alternative energy systems be carried out for all new buildings and buildings undergoing major renovation. Alternative energy systems include those from renewable energy sources e.g. biomass heating, solar water heating, etc., district heating systems where they are based entirely or partially on energy from renewable sources, cogeneration (combined heat and power) and heat pumps.

The Building Regulations 2008, Technical Guidance Document, Part L (Conservation of Fuel and Energy — Buildings other than Dwellings), requires consideration to be given to the use of renewable energy, e.g. solar water heating, and to heat recovery from other processes, where applicable.

Across the entire range of procurement processes, including Public Private Partnership (PPP), Design and Build and also traditional procurement, for the past number of years, the Office of Public Works (OPW) requires that the use of alternative energy technologies is considered and utilised where technically and economically feasible. The requirement to consider alternative energy sources now forms an integral part of the design process.

As a result of these requirements, there have been a number of recently constructed buildings which have had alternative energy systems installed. These systems have included biomass boilers (both centralised and decentralised) using wood chip or wood pellet, Solar Heating systems for Domestic Hot Water, heat pumps and heat recovery ventilation systems. There are also a number of cogeneration systems installed in several buildings.

### **Economic Competitiveness**

129. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he can identify and rectify areas of inflation throughout the economy; the extent to which corrective measures can be taken, having regard to the need maintain economic competitiveness; and if he will make a statement on the matter. [14436/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will be aware that the CSO produces detailed sub-indices of the CPI and HICP components and it is relatively easy to identify particular sectors where the rate of inflation is significant. Most recently, these include increases in energy-related, insurance and mortgage interest components. With regard to energy, given that Ireland is a price taker in the international energy markets, it is not surprising to see the recent surge in commodity prices reflected in consumer prices. There is an independent Energy Regulator who sets tariffs for both electricity and gas prices and the Government has no role in the decision making process.

Similarly, both insurance premiums and mortgage rates are set by participants in the private sector and the ECB and the Government has no specific role to play in regulating these prices. However, I am acutely aware of the difficulties faced by families on foot of the recent mortgage rate increases. In that regard, I would like to remind the Deputy that there are a number of measures in place or in train to assist these homeowners, which include the following:

- A Code of Conduct on Mortgage Arrears has been in place since 1 January last, which helps to keep repossessions to a minimum, and mandates a co-operative approach on the part of banks;
- Review of the Mortgage Interest Supplement Scheme;
- Introduction of the deferred interest scheme in banks covering over 70% of the market;
- The Department of Justice is working on bankruptcy and debt law issues; a commitment to legislation forms part of the agreement with the EU-IMF.

Looking to the future, it should be noted that inflation is projected to decline next year as the rise in commodities and the recent increase in mortgages fall out. It is also worth noting that on an EU-harmonised basis, Ireland has had the lowest rate of inflation in the euro area over the last two years, which represents a significant improvement in our relative cost competitiveness. Indeed, inflation this year and next year will be lower than in the euro area.

As our recovery will be export-led, it is crucial that the competitiveness gains made in the last number of years be sustained to take advantage of the global economic recovery. To this

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end, both the Programme for Government and the EU/IMF Programme outline a series of structural reforms, which will help to further restore competitiveness and support economic growth.

### **Flood Relief**

130. **Deputy Brendan Griffin** asked the Minister for Finance if funding will be provided to repair the Gloscha Sea embankment at Cromane, County Kerry; and if he will make a statement on the matter. [14487/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** The Office of Public Works received a number of funding applications from Kerry County Council on 31 May 2011 under the Minor Flood Works & Coastal Protection Scheme. These applications include a request for funding to undertake embankment strengthening works at Cromane. The proposals received are currently being assessed in accordance with the scheme criteria and having regard to the overall availability of resources for flood risk management.

### **Fiscal Policy**

131. **Deputy Stephen Donnelly** asked the Minister for Finance the specific threats, as referenced explicitly by the Governor of the Central Bank of Ireland on national television, that were made by the European institutions to him or the Irish Central Bank or their officials by the ECB, the IMF or European officials or politicians with regard to not paying back unguaranteed senior bonds in the Irish banks; and if he will make a statement on the matter. [14537/11]

**Minister for Finance (Deputy Michael Noonan):** I am not aware of any such reference that the Governor may have made on national television. In principle, the Government is in favour of burden-sharing with bondholders in banks and there are strong arguments for doing so, particularly in circumstances in which a bank has been provided with significant taxpayer support. The question of burden-sharing with senior unguaranteed bondholders of Irish financial institutions was raised by the previous Government in the programme negotiations with the EU-IMF and rejected. It was also discussed with the EU, IMF and ECB in the context of this Government's approach to restructuring the banking system as set out in my Statement to the House on Banking Matters on 31 March last. There was a serious concern that a unilateral move on Ireland's part would provoke great uncertainty in financial markets and create a contagion effect with the potential to seriously damage other banks and member states.

In my 31 March Statement on Banking Matters, I emphasised that it is vital that the proposed three banks (Bank of Ireland, AIB with EBS and IL&P) are able to operate in the market place following their reorganisation, including regaining access to normal funding mechanisms in due course. The Government therefore decided, informed by the reservations of the ECB, that these banks will not burden-share with senior bondholders of their constituent banks, whether guaranteed or unguaranteed. As the Deputy will be aware, work is underway to ensure appropriate burden-sharing by subordinated bondholders in AIB, EBS, IL&P and Bank of Ireland.

The ECB has been an essential source of funding to the Irish banking system since wholesale markets first saw disruption over three years ago, and particularly since these markets were closed off to the Irish banks. This support has been crucial for keeping the country open for business, and is provided by the ECB at an exceptionally low interest rate of 1.25%. The ECB announced, on foot of our stress test results, that the basis on which it provides this funding — in other words, how it regards and values the collateral it accepts — would not change even in

the event of a downgrade by ratings agencies. This is a significant commitment which reassures markets about the funding position of the Irish banks.

Our radical downsizing and restructuring of the banking sector is intended to provide a secure financial system that will protect deposits and ensure the flow of credit to Irish consumers and businesses. This will result in a smaller, fit-for-purpose banking sector, that will be viable and independent from the State and in time will have a more normalised reliance on Eurosystem support.

### Higher Education Grants

132. **Deputy Seán Crowe** asked the Minister for Education and Skills if mature students attending an institute of technology (details supplied), who are receiving the back to education allowance and maintenance grants from the vocational education committee while studying courses such as construction management, will continue to receive these payments to enable them to finish their studies. [14111/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** From September 2010, all new applicants who are in receipt of the Back to Education Allowance are ineligible for the maintenance element of the student grant. However, the cost of the student contribution and any fees payable to colleges will continue to be met, for eligible students, by the Exchequer on their behalf. Students should apply to their local grant awarding authority, i.e. their local authority or Vocational Education Committee, to have their eligibility assessed in this regard.

Students who were in receipt of the BTEA and the maintenance grant for the 2009/10 academic year will continue to be eligible for both payments for the duration of their current course, provided they meet the terms and conditions of the relevant grant scheme, which again is assessed by their local grant awarding authority.

### School Accommodation

133. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a submission to the building unit capital appraisal section of his Department from a school (details supplied) in County Kerry will be successful; and if he will make a statement on the matter. [14135/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school to which the Deputy refers has applied to my Department seeking funding to provide additional accommodation. The application is currently being assessed and my Department will convey a decision on the application to the school authority when the assessment process has been completed.

### Third Level Fees

134. **Deputy Jerry Buttimer** asked the Minister for Education and Skills if a non-EU citizen, resident in County Cork since 2007, can qualify for fees under the Irish rate in third level college. [14136/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The position is that where undergraduate students do not meet the eligibility criteria of the free fees schemes, it is the higher education institution concerned that determines, in accordance with its criteria, the appropriate tuition fee payable by students. It would be advisable for the student to contact the college she hopes to study in to receive clarification on which fee rate they would deem appropriate. Section 473A of the Taxes Consolidation Act 1997 provides tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education



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including certain approved undergraduate and postgraduate courses in EU member states and non-EU countries.

### **School Accommodation**

135. **Deputy John O'Mahony** asked the Minister for Education and Skills when a school (details supplied) in County Mayo will receive a decision in respect of its application; and if he will make a statement on the matter. [14212/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy was allocated devolved funding for the provision of a mainstream classroom under my Department's Additional Accommodation Scheme in 2010. The school authorities subsequently sought additional funding towards this building project.

My Department sought further clarification from the school in relation to the application for additional funding and this information was provided last week. This information is current being considered and a decision will be forwarded to the school authority as soon as possible.

### **Special Educational Needs**

136. **Deputy Peter Mathews** asked the Minister for Education and Skills his plans to appoint special needs assistants at a school (details supplied) for the coming year beginning September 2011; and if he will make a statement on the matter. [14223/11]

**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.

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 18 March 2011, and intends to inform schools of their annual SNA allocation as soon as possible, in advance of the coming school year. However, while this process is ongoing it is not possible to predict the numbers of Special Needs Assistants that will be allocated to any school, including the school referred to by the Deputy in Ballinteer.

### **School Services Staff**

137. **Deputy Charles Flanagan** asked the Minister for Education and Skills if a person employed by a school as a cook and paid by the board of management should be subject to the public service pension levy; and if he will make a statement on the matter. [14224/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The public service pensions-related deduction applies to public servants working in public service bodies who contribute to a pension scheme, or who receive a payment in lieu of such a contribution. Employees who do not contribute to a public service pension scheme are not subject to the public service pensions-related deduction.

### Redundancy Payments

138. **Deputy Finian McGrath** asked the Minister for Education and Skills, further to Parliamentary Question No. 105 of 19 April 2011, when a breakdown of the calculation of the redundancy payment will be provided to a person (details supplied). [14286/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A letter setting out the background and the details of the redundancy payment issued to the person referred to by the Deputy on 6 May. The issues raised in the details supplied with the Parliamentary Question are being examined by my Department and a response will issue directly to the person.

### Departmental Expenditure

139. **Deputy Kevin Humphreys** asked the Minister for Education and Skills the reason the terms of the settlement with Chambers Ireland with regard to the competency development programme are confidential; if he will detail the amount that was outstanding before the settlement agreement; and if he will make a statement on the matter. [14290/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In accordance with normal practice for settlements of this type and to protect the commercial interests of the parties involved, the settlement agreement contained a confidentiality clause.

The settlement agreement was negotiated between the parties with legal advice and involved a number of claims and counterclaims on each side. As a result the outstanding amounts due by both parties were in dispute. A schedule of payments was agreed by both parties under the settlement agreement and both parties are in full compliance with the terms of settlement.

### Special Educational Needs

140. **Deputy Seán Kenny** asked the Minister for Education and Skills if he will confirm that the special needs class at a school (details supplied) in Dublin 17 will be retained for the next primary school year. [14292/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** 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. I have arranged to have your query forwarded to the NCSE for its attention and direct reply.

### State Examinations

141. **Deputy Seán Crowe** asked the Minister for Education and Skills the measures he will introduce to reform the points system at post-primary level and address the current demands

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that are placed on both teachers and students as they prepare for the leaving certificate examination. [14301/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Legally, the entry criteria for programmes of higher education are matters for decision by the institutions themselves. I have asked the higher education interests to examine the scope of reform of the CAO points system to address some of the negative effects on students' learning in senior cycle. I look forward with interest to the debate on this important area.

### Special Educational Needs

142. **Deputy Pat Deering** asked the Minister for Education and Skills the rights of a person (details supplied) in County Carlow regarding education. [14319/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating special needs resources to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. The NCSE will continue to support schools, parents, children and teachers and special needs assistants will continue to be deployed to schools to meet children's needs in line with my Department's policy. SENOs with their local knowledge and expertise are a valuable resource to parents in sourcing an educational placement. I have arranged to have your query forwarded to the NCSE for their attention and direct reply.

### Higher Education Grants

143. **Deputy Billy Timmins** asked the Minister for Education and Skills the position regarding funding in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [14326/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** While the student grant schemes do not extend to postgraduate study outside Ireland, Section 473A, Taxes Consolidation Act, 1997, as amended by Section 11 of the Finance Act 2011, provides for tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in EU Member States and in non-EU countries. The student in question will be able to obtain details on how to claim this relief on the Revenue Commissioners' website at [www.revenue.ie](http://www.revenue.ie).

### School Staffing

144. **Deputy Seán Crowe** asked the Minister for Education and Skills the changes he will make to criteria governing the appointment of posts in the home school community liaison scheme and the clarifications that are being made to vacant HSCL posts that are to be filled in the forthcoming school year. [14334/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The current provision of Home School Community Liaison (HSCL) services will remain in the 200 post-primary and 345 urban primary schools participating in DEIS.

The process of allocating teaching resources to schools for the 2011/12 school year and the arrangements for filling vacant or new teaching positions takes place in the context of the Programme for National Recovery, 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 number of teachers employed in schools is consistent with those programmes.

Schools can only fill their vacancies from the surplus permanent and CID holding teachers. It is not possible to permit schools to fill vacancies in any other manner until the surplus permanent teachers are redeployed.

Schools with HSCL co-ordinator vacancies were requested to hold off making new appointments. Although HSCL co-ordinator appointments are made internally from among the staff of schools, the filling of the replacement post for the teacher deployed to undertake HSCL duties may have implications with regard to panel arrangements.

Given that there are currently 248 surplus permanent and CID holding teachers remaining on panels, my Department will not decide until 10 June 2011 (at the earliest) on giving schools authority to commence recruitment in any other manner. My Department may decide at that stage to prioritise schools that have fully co-operated with the redeployment process.

Discussions with the relevant education partners also include devising whatever additional arrangements are necessary to facilitate the redeployment of any remaining permanent and CID holding teachers (including 21 surplus permanent teachers that do not currently have access to a redeployment panel).

### **Third Level Staff**

145. **Deputy Robert Dowds** asked the Minister for Education and Skills if an audit has ever been conducted to ascertain the average number of contact hours per week lecturers in publicly funded third level institutions are engaging in; and if he will make a statement on the matter. [14344/11]

146. **Deputy Robert Dowds** asked the Minister for Education and Skills, if there has never been an audit to ascertain the average number of contact hours per week lecturers in publicly funded third level institutions are engaging in, if he will give an explanation; and his plans to carry out any such audit. [14345/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 145 and 146 together.

The standard contract for lecturers in the IoT sector commits them to deliver a maximum of 560 teaching contact hours per year, with a norm of 16 teaching contact hours per week. There is no specified contact hours in the contracts of university lecturers. I am not aware of any audit to ascertain the average number of contact hours per week lecturers provide and I do not propose to carry out such an audit. It is a matter for management in Higher Education institutions to manage their staff resources so as to maximise efficient and effective delivery of services. In line with the reforms required under the Croke Park agreement the new Strategy for Higher Education recommends a comprehensive review of existing contracts with a view to achieving a more modern employment contract for academic staff.

Under the terms of the Croke Park Agreement, academic staff in Universities are required to provide an additional hour per week to facilitate teaching and learning. The Agreement also requires academic staff to cooperate with the introduction of academic workload management and full economic costing models which will improve the quality of information available for resource management in universities.

Following discussions with the Teachers Union of Ireland under the auspices of the Labour Relations Commission, agreement was reached that lecturing staff would, where required by

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management, deliver up to an additional two hours lecturing per week above the current weekly norms. In addition to this, lecturing staff would also deliver an additional hour per week by way of structured timetabled periods of availability of lecturers to students.

Implementation of the provisions of the Croke Park Agreement is proceeding following their acceptance by the unions in the Higher Education sector, and my Department has directed that all the provisions be in operation by the start of the 2011/12 academic year.

### **EU Funding**

147. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the details of his meeting with workers (details supplied) about retraining programmes funded by the globalisation fund; when he plans to meet workers about retraining schemes; and if he will make a statement on the matter. [14350/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Since the beginning of the EGF programme in support of redundant workers at the Dell computer manufacturing plant in Co. Limerick, both Ministers and officials of the relevant Departments have met representatives of the workers on a number of occasions. I met with a delegation of the Dell Redundant Workers Association to discuss their proposals for further measures under the programme as recently as 21 April 2011.

In relation to the EGF programme in support of redundant workers at the SR Technics aircraft maintenance facility at Dublin Airport, there have to date been two public meetings held for redundant workers to highlight the range of EGF co-financed measures available in the areas of training, education and enterprise supports. In addition, a number of meetings have been held by Department officials with a delegation of the redundant SR Technics workers to discuss various EGF related issues. The most recent meeting was held on 12 April 2011.

Details of all training and other EGF co-financed supports are available from the relevant service providers in the first instance. In this context I have no plans to meet workers about retraining schemes at this time.

### **Schools Building Projects**

148. **Deputy Michael Conaghan** asked the Minister for Education and Skills, in view of the difficulties faced by the construction sector, the measures that exist to ensure that essential works to schools are completed on schedule in circumstances in which the appointed contractor ceases to operate or is otherwise unable to fulfil or complete a contract. [14363/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am aware of the difficulties currently faced by the construction sector. The purpose of requiring contractors engaged on school building projects to have a Performance Bond in place is to provide security for the State in the event of a Contractor becoming insolvent and no longer in a position to complete the contract. Should difficulties arise on any school building project, my Department will manage the situation in conjunction with the relevant third parties, including the Design Team and the Board of Management. My Department's priority will always be to have the school building projects back on site as soon as possible, in accordance with public procurement procedures.

149. **Deputy Michael Conaghan** asked the Minister for Education and Skills if he will confirm that essential works due to be completed at a school (details supplied) in Dublin 8 will be completed on schedule, in view of the fact that work has now ceased due to difficulties faced by the contractor. [14364/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am aware of the situation to which the Deputy refers, in which a receiver has been appointed over the contractors originally engaged on the school building project. Officials in my Department are liaising with the receiver with regard to next steps.

### Teaching Qualifications

150. **Deputy Gerry Adams** asked the Minister for Education and Skills his views on whether the redeployment of primary school teachers should take into account the specific needs of gaelscoileanna; his further views that there should be some mechanism to ensure that teachers redeployed to an all-Irish primary school have adequate ability in the language and also adequate training in immersion education; and if he will make a statement on the matter. [14375/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Teacher qualifications, including those relating to Irish, are designed to equip teachers to teach in all publicly funded posts, and it is important that we do not construct barriers to redeployment. 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.

### Special Educational Needs

151. **Deputy Joe McHugh** asked the Minister for Education and Skills if he will address a matter (details supplied); and if he will make a statement on the matter. [14390/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Department Circular 30/2011 sets out the arrangements for the deployment of resource teaching posts in schools for the 2011/12 school year. The purpose of this circular is to inform schools of the arrangements that are being put in place for the 2011/12 school year in respect of their NCSE approved resource hours so that posts are deployed in line with authorised allocations. The Department's approach has allowed schools to roll over all their existing full-time posts on the condition that any surplus capacity in these posts is shared with other local schools. If the roll-over arrangements are not sufficient to meet a school's NCSE approved allocation they must firstly contact their local schools for any surplus capacity and then, if necessary, there is an application process to the Department under the circular. The introduction of a pause, earlier this year, in the processing of applications for resource teaching support for children with special needs was to allow the Department and the NCSE to quantify the level of demand and to devise a revised allocation process to ensure that Employment Control Framework obligations were not breached.

152. **Deputy Joe McHugh** asked the Minister for Education and Skills his views on a matter (details supplied); and if he will make a statement on the matter. [14391/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that participation in my Department's July Provision Scheme is an option for all special schools and mainstream primary schools with special classes catering for children with autism or severe to profound general learning disability that choose to extend their education services through the month of July. Home-based tuition of ten hours per week for the four weeks in question is provided to children who attend schools which choose not to participate in the scheme.

The Deputy will also be aware that educational provision at post primary level for all pupils, including those with special needs, is structured differently to that at primary level, which is one of the reasons the July Provision Scheme is at a pilot stage in a limited number of post-

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primary schools. However, children eligible for support attending other post-primary schools are allocated ten hours per week home based tuition for the four weeks of July. The Scheme is currently under review and in the interim it has been decided not to expand the current level of provision, which includes limiting the pilot at post-primary level to that of 2009 and 2010.

### **Rural Schools**

153. **Deputy Pádraig Mac Lochlainn** asked the Minister for Education and Skills if he will confirm that he has no plans to close a school (details supplied) in County Donegal and other small schools of similar size in rural Ireland; and if he will reaffirm his commitment to retain the fabric of small rural parishes. [14395/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I take it the Deputy's question relates to this school in the context of the value for money review on small schools which is under way at present. The value for money review on small schools 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.

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.

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.

### Services for People with Disabilities

154. **Deputy Clare Daly** asked the Minister for Education and Skills if it is the case that the new Springboard programme is not open to persons in receipt of disability benefit; the reason this is the case, in view of the fact that it is standard practice throughout the higher education sector that educational opportunities be equally available to persons with disabilities; and if he will make a statement on the matter. [14397/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Springboard is not a general education measure. It is a specific initiative targeted at unemployed people who have lost jobs in sectors where employment will not return to previous levels and who will need new qualifications and skills to re-enter employment. It is not targeted at people who have never been in employment or at those who may have lost their job as a result of an illness or disability and who may be able to return to work in their chosen profession when their illness or disability has ended. It is fully accepted that people with disabilities may also have lost their jobs as a result of the recession and may need reskilling to re-enter employment. It is open to any person with a disability who meets the eligibility criteria to apply for a place on a Springboard programme. Providers have also been reminded of their obligations to ensure that appropriate facilities are in place to support the participation of people with disabilities.

### Schools Building Projects

155. **Deputy Nicky McFadden** asked the Minister for Education and Skills the position regarding a tender at a school (details supplied) in County Westmeath; and if he will make a statement on the matter. [14403/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school to which the Deputy refers attended a briefing in my Department in February regarding the tendering process for design team appointment. It is intended that the tendering process for this school building project will commence shortly. Officials from my Department will contact the school authority when the tendering process is about to commence.

### Higher Education Grants

156. **Deputy Denis Naughten** asked the Minister for Education and Skills the number of mature students in receipt of the full rate of the higher education grant for the 2010-11 academic year; the number of those students who will complete their courses in the 2010-2011 academic year; and if he will make a statement on the matter. [14415/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The annual statistical returns for the 2010/11 academic year, which are made to my Department by the 66 grant awarding authorities, are not due to be filed until later in the Summer. However, without prejudice to the content of those returns and based on previous trends, it is estimated that some 30% of the student grant cohort is likely to be in the mature student category. This would equate to some 21,600 students, all of whom would be in receipt of the non-adjacent rate of grant currently. Statistical information is not collated on the number of mature students in each year of study.

### Special Educational Needs

157. **Deputy Pat Breen** asked the Minister for Education and Skills when a person (details supplied) in County Clare will be facilitated; and if he will make a statement on the matter. [14442/11]



**Minister for Education and Skills (Deputy Ruairí Quinn):** An official from my Department has been in contact with the school referred to by the Deputy. The Principal has confirmed that a pupil with the same name as the pupil in question will be attending the school in September 2011. However, the pupil's date of birth differs from that supplied by the Deputy.

A report provided to the school in support of a request for assistive technology did not suggest that the pupil qualified for Assistive Technology specifically for his own use. The school is satisfied that its existing technology is adequate to meet his needs. Accordingly, the school has not made an application for additional equipment to the school's Special Educational Needs Organiser (SENO). However, if additional relevant supporting documentation is provided, the school will refer the application to the school's SENO for consideration.

### **European Globalisation Fund**

158. **Deputy Niall Collins** asked the Minister for Education and Skills the location at which a person (details supplied) may lodge a complaint regarding the European Globalisation Fund; and if he will make a statement on the matter. [14445/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Complaints on EGF operational issues should be addressed in the first instance to the relevant service provider or, alternatively, to the EGF Coordination Unit, The Granary, Michael Street, Limerick. Complaints on EGF policy issues should be addressed to the Department of Education and Skills as the managing authority for the EGF nationally.

### **School Transport**

159. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills if he will review a matter (details supplied) regarding school transport; and if he will make a statement on the matter. [14486/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** 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. These changes include the requirement that a minimum of ten eligible pupils, residing in a distinct locality, will be required to retain or establish a school transport service from 2011/12 school year. As is currently the position, families of eligible pupils for whom there is no school transport service available may apply for the remote area grant towards the cost of making private transport arrangements.

Decisions in relation to the retention or establishment of school transport services will be made when all applications for school transport for the 2011/12 school year have been received and assessed.

### **School Staffing**

160. **Deputy Michael P. Kitt** asked the Minister for Education and Skills when a decision will be made to retain a learning support teacher at a school (details supplied) in County Galway; and if he will make a statement on the matter. [14490/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Department Circular 30/2011 sets out the arrangements for the deployment of resource teaching posts in schools for the 2011/12 school year. The purpose of this circular is to inform schools of the arrangements that are being put in place for the 2011/12 school year in respect of their NCSE-approved resource hours so that posts are deployed in line with authorised allocations. As an interim arrangement for

2011/12, the Department's approach has allowed schools to roll over all their existing full-time posts on the condition that any surplus capacity in these posts is shared with other local schools. The full-time resource teaching post has been rolled over in the school referred to by the Deputy. If the roll-over arrangements are not sufficient to meet a school's NCSE approved allocation, they must firstly contact their local schools for any surplus capacity and then, if necessary, there is an application process to the Department under the circular.

### Teaching Qualifications

161. **Deputy Michael P. Kitt** asked the Minister for Education and Skills if his attention has been drawn to concerns about the failure rate in Irish for primary teacher training for students who studied in Great Britain in 2010 and 2011 (details supplied). [14491/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am not aware of any concerns identified in relation to the failure rates in the S.C.G. examination. The examination process for the S.C.G in the academic year 2010/11 is not yet complete as supplemental examinations are yet to be undertaken in August 2011. After supplemental results have been finalised, my Department will be in a position to give complete and accurate statistics for the current academic year.

The SCG and OCG are administered under contract from my Department by Marino Institute of Education. Strict quality assurance procedures for reliability and validity are applied to assessment and examinations for the SCG. In the academic year 2010/11, no change was made to the examination format nor to the criteria of assessment and the standards required to be successful in the examination.

Teaching Irish in primary education requires a high level of proficiency in speaking, reading and writing Irish. Candidates for the SCG who received their teaching qualification abroad are required to reach a similar level of competence in speaking, reading and writing the Irish language as teachers who receive their qualification in a College of Education in Ireland.

### Pupil-Teacher Ratio

162. **Deputy Paudie Coffey** asked the Minister for Education and Skills if he will examine the pupil-teacher ratio at a school (details supplied) in County Waterford with a view to retaining the existing number of teachers due to the increased numbers of pupils enrolled for the year 2011-2012. [14518/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The criteria used for the allocation of teachers to schools are published annually on my Department's website. The key factor in determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedule for the 2011-2012 school year was published on my Department's website in March 2011.

The staffing schedule also includes an appeals mechanism for schools to submit an appeal under certain criteria to an independent Appeal Board. It is open to any Board of Management to submit an appeal under certain criteria to an independent Appeal Board. Details of the criteria for appeal are contained in the staffing schedule, circular 0019/2011. The final staffing position for all schools will ultimately not be known until the autumn. At that stage the allocation process will be fully completed for mainstream classroom teachers and any appeals to the Staffing Appeals Boards will have been considered.

### Wage-setting Mechanisms

163. **Deputy Maureen O’Sullivan** asked the Minister for Jobs, Enterprise and Innovation if any of the advice he has received in the process of formulating policy with regard to reform of the rate-setting mechanisms for low-paid workers, the joint labour committees, has come from members of the Association of Higher Civil and Public Servants; if so, if he considers advice from that source to be credible in this policy area in view of the exemption the members of this association were granted from the cut in basic pay that affected all other civil and public servants from January 2010; and if he will make a statement on the matter. [14118/11]

164. **Deputy Maureen O’Sullivan** asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn to the unwillingness of the Association of Higher Civil and Public Servants to make public the extent of the remuneration package enjoyed by its General Secretary; and, in view of that, his views on whether it is appropriate that members of the association be involved in policy formulation regarding lower-paid workers; and if he will make a statement on the matter. [14119/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 163 and 164 together.

I have no functional responsibility for the remuneration of officials of trade unions or staff associations. All policy, whether in relation to wage setting or otherwise, is made by the Government.

### EU Directives

165. **Deputy Robert Dowds** asked the Minister for Jobs, Enterprise and Innovation when he will publish legislation to effect the transposition of the EU directive on the establishment of a European works council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (2009/38/EC) into Irish law. [14252/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Directive 2009/38/EC of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees makes minor amendments to the existing legislative provisions regarding transnational information and consultation of employees. It aims to improve provisions relating to the establishment of information and consultation arrangements for employees in transnational undertakings or groups that have 1,000 or more employees across two or more member states. Directive 2009/38/EC repeals previous directives on the issue and the transposition of the new directive into Irish law requires amendments to the Transnational Information and Consultation of Employees Act 1996.

It is intended to transpose the directive by ministerial regulations. My Department is currently finalising regulations with the Office of the Parliamentary Counsel with the intention of bringing these into effect very shortly.

### Wage-setting Mechanisms

166. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation the measures he is considering in conjunction with the Department of Finance and the Department of Education and Skills to counterbalance the negative impact of abolishing or changing joint labour committee wage agreements for students working part-time at weekends who rely

on their current rates of pay to fund rental accommodation and student registration fees. [14265/11]

168. **Deputy Billy Timmins** asked the Minister for Jobs, Enterprise and Innovation the position regarding the Duffy-Walsh report; the social partnerships with which he is having discussions; the persons involved; the lengths of time they have held these positions; and if he will make a statement on the matter. [14305/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 166 and 168 together.

On 24 May last, the Government decided to publish the Report of the Independent Review of Employment Regulation Orders and Registered Employment Agreement Wage Setting Mechanisms. The review is a commitment under the EU/IMF programme, which provided not only for agreement with the European Commission on the terms of reference but also for follow up discussions on the programme of actions arising.

The Report's overall finding that the basic framework of the current JLC/REA regulatory system requires radical overhaul so as to make it fairer and more responsive to changing economic circumstances and labour market conditions is consistent with the relevant commitment in the Programme for Government.

I am anxious to pursue the agenda for radical overhaul of the ERO/REA system as a matter of urgency, including proposals dealt with in the report and other issues raised by the report. To this end, I have set out an outline of my proposals for that agenda to the Social Partners, and these have already been the subject of discussion with the Construction Industry Federation, IBEC and ICTU. The membership of delegations from these representative bodies, as well as details of their tenure within these organisations, is a matter for the bodies themselves.

These discussions afforded me the opportunity to hear at first hand the views of the main representative bodies of employers and trade unions on how a meaningful and overdue reform might be implemented in these wage-setting mechanisms, which affect key sectors of our economy, in order to protect existing jobs and encourage employment growth.

In accordance with the terms of the EU/IMF programme, discussions have also taken place with the Commission Services in this regard.

It is my intention to complete discussions with relevant parties by Friday 10 June with a view to submitting a final action plan for consideration by Government before the end of the month.

### **Job Creation**

167. **Deputy Tom Fleming** asked the Minister for Jobs, Enterprise and Innovation if he will set up a jobs task force immediately for County Kerry in view of the recent job losses in Castleisland and Caherciveen, which are a continuation of dramatic job reductions in the county; and whether persons appointed on the task force will be named and made available to communicate with all interested bodies at an early date. [14280/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Job creation is central to our economic recovery and the Programme for Government has job creation at its core. The role of my Department is to ensure that we have the right policies in place that will support and increase our enterprise base in order to facilitate both job creation and job retention. The Jobs Initiative announced on 10 May focuses our limited resources on measures that offer the greatest potential for expansion and employment creation in the domestic economy. The focus on tourism in the Jobs Initiative will benefit Kerry, in particular. Supports under the Initiative

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include the introduction of a new temporary second reduced rate of VAT of 9%, with effect from 1 July 2011 until end December 2013, which will mainly apply to restaurant and catering services, hotel and holiday accommodation and various entertainment services; the abolition of the air travel tax; and the short-term visa waiver programme, which will apply to short-stay visitors of 14 nationalities who ordinarily require a visa to enter the State and will apply over a period from July 2011 to October 2012.

The programmes supported by my Department and its agencies will be critical in achieving economic growth by promoting the export potential of enterprise in Ireland and driving our smart economy. The allocation of €508 million in funding for 2011 will ensure that the core programmes of the enterprise agencies are sustained and targeted as well as driving investment in research and development. This investment in the Enterprise Development agencies will drive recovery in the economy by facilitating the winning of foreign direct investments, the growth of indigenous exports and the creation of sustainable jobs.

IDA Ireland promotes Kerry for new inward investment across the ICT, International Financial Services and Globally Traded Business sectors. As well as attracting new foreign direct investment, IDA works closely with its existing clients in Kerry to encourage them to expand their operations in the county. At present there are 15 IDA Ireland-supported companies in County Kerry employing more than 1,300 people.

Enterprise Ireland continues to support job creation through a number of interventions, such as supporting the establishment and growth of high potential start-up companies and supporting companies to target new opportunities in overseas markets. At present there are 133 Enterprise Ireland client companies in County Kerry employing more than 3,000 people. In 2010, Enterprise Ireland paid out over €3.2 million in financial support to its client companies in County Kerry. In addition, the agency has been providing support to seven community enterprise centres.

Kerry County Enterprise Board continues to be actively involved in the economic development of the Castleisland and Caherciveen areas and the county as a whole. Since its inception in 1993 to end 2010, Kerry CEB has issued almost €7.1 million in grant assistance to 888 clients. So far this year, Kerry CEB has approved €153,000 in grant support to 16 micro-enterprise projects in the county, supporting the generation of 44 new jobs. There are approximately 1,300 people employed in companies assisted by Kerry CEB.

In the past, task forces have been used as part of a response to a sudden loss of large numbers of industrial jobs, often in one major employer. However, in recent years other initiatives are increasingly used as an alternative. The State Enterprise Development agencies, together with the Kerry County Enterprise Board, continue to work together with other stakeholders in relation to industrial development in County Kerry. Should any further co-ordination be required, Kerry County Development Board would be the body best placed to undertake such a role. With the advent of regional structures such as the County Development Boards, the practice of establishing task forces has been largely discontinued.

*Question No. 168 answered with Question No. 166.*

### **Enterprise Support Services**

169. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation the number of itineraries he has, through the Industrial Development Agency, hosted by potential investors in each county to date in 2011 and for each year since 2003; and if he will make a statement on the matter. [14337/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I have been informed by IDA Ireland that the number of itineraries that have been hosted by them in each county to date in 2011 and for each year since 2003 is as set out in the following tabular statement.

However, I would ask the Deputy to note that these figures are not indicative of the number of companies that visited the country. Companies may visit more than one region and more than one location within a county. Therefore, these figures indicate the number of individual site visits made to various sites around the country.

County	2003	2004	2005	2006	2007	2008	2009	2010	To date 2011
Carlow	0	0	7	6	7	1	1	0	1
Cavan	0	1	2	4	1	1	0	1	0
Clare	6	3	1	3	3	2	10	10	0
Cork	38	39	35	16	27	41	29	26	7
Donegal	3	16	4	9	3	3	3	1	1
Dublin	32	45	71	90	91	92	90	129	57
Galway	30	17	14	20	15	14	22	28	8
Kerry	2	3	4	2	3	4	3	2	0
Kildare	2	0	0	0	1	1	1	0	0
Kilkenny	0	0	0	0	2	1	2	0	0
Laois	4	1	7	5	6	6	1	0	0
Leitrim	2	1	0	0	0	0	0	0	0
Limerick	15	21	19	24	35	9	18	27	15
Longford	3	1	1	0	2	1	0	0	0
Louth	26	30	47	47	24	23	28	22	10
Mayo	7	8	2	3	4	3	1	4	0
Meath	10	8	12	2	0	3	2	0	0
Monaghan	0	0	0	1	0	0	0	1	0
Offaly	15	12	7	1	4	11	6	6	0
Roscommon	4	3	2	0	1	0	0	0	0
Sligo	11	11	6	5	6	2	5	7	0
Tipperary	2	1	1	0	0	0	1	1	0
Waterford	8	13	10	12	9	12	8	9	1
Westmeath	36	31	14	16	18	18	14	14	7
Wexford	8	3	2	0	1	0	0	1	0
Wicklow	1	1	0	0	0	2	2	1	0

170. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation the number of Industrial Development Agency companies based in County Monaghan; the years in which they were established; and if he will make a statement on the matter. [14338/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I have been informed by IDA Ireland that the number of IDA supported companies based in County Monaghan is six, employing 367 permanent employees in total. These companies were established in County Monaghan over the period 1969 to 2002.

While IDA Ireland seeks to influence the selection of location, the final decision on location is taken in all cases by the promoting company.

#### Industrial Development

171. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation

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if he will direct the Industrial Development Agency to increase the number of itineraries for potential investors in County Monaghan; and if he will make a statement on the matter. [14339/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** IDA's strategy document, entitled "Horizon 2020", sets out the Agency's targets for the period 2010 to 2014. The investment targets set out in this strategy include the creation of 62,000 direct new jobs with 105,000 total jobs impact in Ireland during that period and also includes a target of 50% of these investments to be based in locations outside of Dublin and Cork.

Typically, a company is shown three or four selected locations which can meet its requirements for skills, labour, site or buildings, infrastructure, etc. In selecting locations to show companies, IDA Ireland seeks to include those which have been affected by closures and job losses and also gives priority to the Border, Midlands and West regions. While IDA Ireland seeks to influence the selection of location, the final decision on location is taken in all cases by the promoting company.

IDA Ireland's focus in the county is the town of Monaghan and this focus extends to all target sectors under Horizon 2020. The improvement in access to Monaghan with the completion of the Carrickmacross bypass and Castleblayney bypass together with major improvements on the N2 nearer Dublin will help to enhance the attractiveness of County Monaghan for Foreign Direct Investment.

IDA is aware of the developments to take place in Monaghan with the development of the VEC education campus with possible enterprise space linked to Project Kelvin. This has the potential to be attractive to new clients of IDA and Enterprise Ireland.

### Employment Rights

172. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation his views on a matter (details supplied) with regard to changes in wages for seasonal workers; and if he will make a statement on the matter. [14485/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** On 24 May last, the Government decided to publish the Report of the Independent Review of Employment Regulation Orders and Registered Employment Agreement Wage Setting Mechanisms.

The review is a commitment under the EU/IMF programme, which provided not only for agreement with the European Commission on the terms of reference but also for follow up discussions on the programme of actions arising.

The Report's overall finding that the basic framework of the current JLC/REA regulatory system requires radical overhaul so as to make it fairer and more responsive to changing economic circumstances and labour market conditions is consistent with the relevant commitment in the Programme for Government.

I am anxious to pursue the agenda for radical overhaul of the ERO/REA system as a matter of urgency, including proposals dealt with in the report and other issues raised by the report. To this end, I have set out an outline of my proposals for that agenda to the Social Partners, and these have already been the subject of discussion with the Construction Industry Federation, IBEC and ICTU. In accordance with the terms of the EU/IMF programme, discussions have also taken place with the Commission Services in this regard.

It is my intention to complete discussions with relevant parties by Friday, 10 June with a view to submitting a final action plan for consideration by Government before the end of the

month. The detailed plan will implement far-reaching reforms of the current system including making any legislative changes that may be necessary.

### **Private Rented Accommodation**

173. **Deputy Catherine Murphy** asked the Minister for Social Protection if she will introduce criteria for refusal of rent assistance on the basis of criminal or anti-social behaviour in line with the criteria used by local authorities in the allocation of houses; and if she will make a statement on the matter. [14308/11]

**Minister for Social Protection (Deputy Joan Burton):** Social Welfare legislation already provides the Health Service Executive with the authority to refuse payment of a rent supplement in the case of a person who has been required to deliver up possession of a dwelling provided by a housing authority or an approved body where the reasons for that requirement include anti-social behaviour or the interests of good estate management.

In the case of private rented accommodation, tenancy arrangements involve a contract between the landlord and tenant and tenant behaviour is a matter for the landlord in the first instance. There are a number of avenues open to landlords in such cases, including the mediation service for landlords and tenants operated by the Private Residential Tenancies Board and/or recourse to the Garda Síochána and/or the Courts in relation to the enforcement of the law in dealing with anti-social or criminal behaviour. If necessary, the landlord may seek termination of the tenancy which, if effected, would result in the termination of rent supplement.

In line with the commitment in the Programme for Government, it is intended to review the operation of the rent supplement scheme with a view to introducing a code of conduct for rent supplement eligibility similar to that which operates for local authority tenants.

### **FÁS Training Programmes**

174. **Deputy Tom Fleming** asked the Minister for Social Protection if he will investigate the participation of a person (details supplied) on a FÁS community employment scheme. [14349/11]

**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 CE 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.

FÁS has informed me that in instances where a person on a CE project is found to be ineligible to participate, their participation is terminated. It is the responsibility of a person, in the first instance, to ensure that they meet the eligibility criteria.

### **Free Travel Scheme**

175. **Deputy Shane Ross** asked the Minister for Social Protection the reason a company (details supplied) does not accept the free bus pass on the new route passing through Ballinteer, Dundrum, Rathfarnham and Templeogue, Dublin, based on the high number of old age pensioners serviced by these routes; and if the non-acceptance of the free bus pass will apply to any new routes operated by Dublin Bus. [14382/11]

**Minister for Social Protection (Deputy Joan Burton):** The free travel scheme permits free travel on most CIE public transport services, Luas and a range of services offered by over 90



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private operators in various parts of the country at an annual cost to the Exchequer of some €74 million in 2010.

The Department received an application under the free travel scheme for the new route referred to by the Deputy in March 2011. The Department is not in a position to consider applications for additional routes to the free travel scheme at this time as the scheme expenditure has been frozen at 2010 levels in line with the National Recovery Plan 2011-2014. Free travel customers can avail of alternative free transport services under the scheme to reach Dublin Airport.

The Department pays the CIE Group centrally in respect of transport services provided by the group for pensioners and other categories of eligible customers under the free travel scheme. The apportionment of payment between the three constituent companies, Bus Éireann, Bus Átha Cliath and Iarnród Éireann, is a matter for the CIE group to determine. Prior to the current freeze on expenditure under this scheme, the rate of payment to CIE was adjusted on the basis of changes in fares and numbers of eligible customers. The level of service provided by Dublin Bus does not feature in the method of calculation of payment.

### **National Carers Strategy**

176. **Deputy Michael Healy-Rae** asked the Minister for Social Protection his plans to implement the national carers strategy; and if she will make a statement on the matter. [14439/11]

187. **Deputy Barry Cowen** asked the Minister for Social Protection if she will provide an estimation of the cost involved in introducing a carers strategy; and if she will make a statement on the matter. [14264/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 176 and 187 together.

The Government is committed in the Programme for Government to developing a carers' strategy. It will consider how best to progress the development of the strategy, taking into account the prevailing economic realities and the work that was carried out previously.

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.

As my Department is responsible for providing income supports for carers, it will of course have a role in developing and implementing the strategy. However, many of the issues of most concern to carers are the responsibility of other Departments, in particular the Department of Health.

As the strategy has not yet been developed, it is not possible at this time to give any estimation as to the cost or the plans for implementation; however, it will have to be developed within existing available resources. In developing and implementing the strategy, the Government will take account of our IMF and EU commitments, as well the outcomes of the comprehensive review of expenditure currently being undertaken by each Department.

### **Social Welfare Benefits**

177. **Deputy John McGuinness** asked the Minister for Social Protection if domiciliary care

allowance will be approved as a matter of urgency in the case of persons (details supplied) in County Kilkenny. [14131/11]

**Minister for Social Protection (Deputy Joan Burton):** Applications for domiciliary care allowance (DCA) were received on the 13th May 2011 in respect of the children in question. These applications have been forwarded to one of the Department's Medical Assessors for a medical opinion. Upon receipt of these opinions a decision will issue to the customer.

### Social Welfare Appeals

178. **Deputy John McGuinness** asked the Minister for Social Protection if an appeal for domiciliary care allowance will be processed and approved in respect of a person (details supplied) in County Kilkenny. [14134/11]

**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 7 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 12 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.

179. **Deputy Brendan Ryan** asked the Minister for Social Protection if she will expedite an appeal against a decision not to award a carer's allowance in respect of a person (details supplied) in County Dublin; the reason for the delay; and if she will make a statement on the matter. [14142/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of this case took place on 17 February 2011. Following the hearing the Appeals Officer referred the case to a Social Welfare Inspector for further investigation into the means of the person concerned.

The case has recently been referred back to the Appeals Officer who is now considering the appeal in the light of all the evidence submitted, including that adduced at the oral hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

180. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an appeal on disability allowance will be decided in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14146/11]

**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 he was medically unsuitable for the allowance. An appeal was registered on 13 May 2011 and in accordance with the statutory procedures the relevant department papers and the comments of the Social Welfare

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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 and Family Affairs and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Benefits**

181. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the correct amount of rent support payable in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14147/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned has been awarded rent supplement of €196 per month which is his full entitlement based on his personal circumstances.

### **Social Welfare Appeals**

182. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when a decision will issue in respect of an oral hearing in the matter of carer's allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14148/11]

192. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an oral hearing will be heard for a carer's allowance in the case of a person (details supplied) in County Kildare; if and when carer's allowance will be granted; and if she will make a statement on the matter. [14330/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 182 and 192 together.

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.

183. **Deputy Dara Calleary** asked the Minister for Social Protection the position regarding an appeal for disability benefit in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14174/11]

**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 21 September 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 6 May 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.

184. **Deputy Brendan Griffin** asked the Minister for Social Protection the position regarding the outcome of an oral appeal in respect of a person (details supplied) in County Kerry seeking farm assist payment; and if she will make a statement on the matter. [14208/11]

**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, allowed the appeal of the person concerned by way of an oral hearing. The person concerned has been notified of the decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

185. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection if an appeal has been submitted by a person (details supplied) in County Offaly; when the appeal was received; when it will be processed; and if she will make a statement on the matter. [14221/11]

**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 9 March 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 28 May 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.

### **Departmental Schemes**

186. **Deputy Timmy Dooley** asked the Minister for Social Protection her plans to amend the entry conditions to labour activation schemes such as community employment, Tús and the rural social scheme for persons who are long-term unemployed but not in receipt of a social welfare payment; and if she will make a statement on the matter. [14261/11]

**Minister for Social Protection (Deputy Joan Burton):** Activation and support for those who are unemployed is a key priority for Government. The community employment programme and the rural social scheme make important contributions to the delivery of local services to communities across the country and provide significant employment and training opportunities for those engaged. The community employment scheme remains as an active labour market programme with the emphasis on progression into employment and/or further education and

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training. The programme is managed within this context, subject to the availability of resources and the needs of participants and the community.

The purpose of the rural social scheme (RSS) is to provide income support for farmers and fishermen who have an entitlement to specified social welfare payments. Persons are engaged for 19.5 hours per week to provide certain services of benefit to rural communities. The scheme currently provides work opportunities for around 2,600 men and women and 130 supervisory staff.

Tús will also be an important element in the development and delivery of employment and community services and will aim to provide quality work opportunities to the unemployed and beneficial outcomes to the community. As the purpose of Tús is to focus on those people who are long-term unemployed, it is for this reason eligibility is at present confined to those on the Live Register for 12 months and in receipt of jobseeker's allowance. These provisions are to ensure a targeted approach to those currently affected by long-term unemployment.

While I have no plans at present to amend the entry conditions to the above schemes, their operation, including eligibility criteria, will be kept under review and will inform the evaluation process in due course.

*Question No. 187 answered with Question No. 176.*

*Question No. 188 withdrawn.*

### **Social Welfare Code**

189. **Deputy Pádraig Mac Lochlainn** asked the Minister for Social Protection if she will confirm if she is serious about making the fuel allowance available for persons with A1-rated houses, which is the highest rating in terms of energy efficiency, and making no support available for houses with a G rating, as some reports suggest. [14278/11]

**Minister for Social Protection (Deputy Joan Burton):** I am not aware of the reports referred to by the Deputy.

The national fuel allowance scheme is a means tested scheme; it is not based on the BER rating of a house. It assists householders on long-term social welfare or health service executive payments with meeting the additional cost of their heating needs during the winter season. The allowance represents a contribution towards a person's heating expenses. It is not intended to meet those costs in full and must be seen in the context of the overall level of income available to the family.

Of course proper household insulation is vital in tackling energy poverty. Initiatives such as the Warmer Homes Scheme, operated by Sustainable Energy Ireland, under the aegis of the Department of Communications, Energy and Natural Resources have a very valuable role to play in that regard, as does funding from the Department of the Environment, Community and Local Government to improve the quality of existing local authority housing and the Housing Adaptation Grants for older people and people with disabilities. Considerable progress has been made in this area in recent years.

In addition and in line with the programme for Government, I am working with the Minister for Communications, Energy and Natural Resources and the Minister for the Environment, Community and Local Government to bring forward a strategy on affordable energy to tackle energy poverty.

Energy affordability is a cross-cutting policy issue. Tackling the root causes of energy affordability or energy poverty requires action on a number of fronts. Energy poverty is caused by

the interaction between energy prices, thermal inefficiency of the home and income. Considerable work has been undertaken by the interdepartmental-agency group on affordable energy which is chaired by the Department of Communications, Energy and Natural Resources and represents all key Departments, agencies and energy suppliers, as well as the energy regulator and NGOs. I understand the group will finalise its work shortly. Its analysis and recommendations will form the basis of a strategy to be agreed and brought to the Government as soon as possible.

### **Social Welfare Appeals**

190. **Deputy Martin Heydon** asked the Minister for Social Protection when a decision on an application for disability benefit will issue in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14281/11]

**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 s/he 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.

### **Medical Aids and Appliances**

191. **Deputy Brendan Griffin** asked the Minister for Social Protection if the cost of a hearing device will be covered in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [14321/11]

**Minister for Social Protection (Deputy Joan Burton):** The medical appliance benefit scheme offers assistance towards the cost of a hearing aid. The Department will pay up to half the cost of a hearing aid or repairs to a hearing aid, subject to a fixed maximum contribution of €760 per aid.

To qualify for medical appliance benefit an individual must satisfy certain PRSI conditions. A person aged 66 or over must have a total of 260 paid PRSI contributions since first starting work and either:

(i) 39 paid or credited PRSI contributions in the relevant tax year on which the claim is based, or

(ii) 26 paid PRSI contributions in both the relevant tax year and the tax year immediately before the relevant tax year.

An individual who satisfies the PRSI conditions at age 60 will remain qualified for life.

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The Department's records indicate that the person concerned has a total PRSI contribution of 258, which is 2 short of the 260 required, and consequently he would not qualify for medical appliance benefit on his Irish insurance record alone.

However, in further correspondence with the Department the stated that he worked in the UK between 1956 and 1961. The Department has therefore contacted the UK authorities to confirm this information. On receipt of the reply, the claim for medical appliance benefit will be decided and the person will be notified.

*Question No. 192 answered with Question No. 182.*

### **Health Service Allowances**

193. **Deputy Brendan Griffin** asked the Minister for Social Protection if social welfare entitlements will be restored to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [14340/11]

204. **Deputy Brendan Griffin** asked the Minister for Social Protection if social welfare entitlements will be restored to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [14417/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 193 and 204 together.

The supplementary welfare allowance scheme is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE). The HSE has advised that payment of a basic supplementary welfare allowance to the person concerned was suspended due to a change in the person's family circumstances. The HSE has requested further documentation from the person concerned and will be in position to make a decision on the claim once this documentation has been received.

### **Social Welfare Benefits**

194. **Deputy Eric Byrne** asked the Minister for Social Protection when an application for family income supplement will be processed in respect of a person (details supplied) in Dublin 12; when payment will issue; when she will expedite the case; and if she will make a statement on the matter. [14346/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned made an application for family income supplement (FIS) in January 2011. As part of the process to establish household means for FIS purposes, in this case, it was referred to the social welfare inspectorate for investigation.

In view of the lapse of time, this investigation has been prioritised and will be completed shortly. The person concerned will be notified directly of the outcome.

### **FÁS Training Programmes**

195. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if any changes are being made to the J1 scheme; if redundancies are currently being made; and if so, if all are voluntary. [14352/11]

**Minister for Social Protection (Deputy Joan Burton):** There are no plans under consideration to introduce changes or a redundancy programme for participants on the FÁS Job Initiative

programme. From time to time, due to operational reasons, individuals and Job Initiative team leaders have been offered redundancy on a voluntary basis. This is only done on an exceptional basis and occurs when the number of participants or team leaders is reduced, leaving the particular scheme no longer viable, and where participants could not be facilitated on any other programmes in their area.

### **Social Welfare Appeals**

196. **Deputy Ciarán Lynch** asked the Minister for Social Protection if an appeal in respect of a person (details supplied) in County Cork to have their application for rent supplement back-dated to March 2011, along with their request to be provided with assistance towards their rent deposit under the supplementary income scheme, can be favourably responded to; and if she will make a statement on the matter. [14356/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned was initially 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 was refused payment of an Exceptional Needs Payment in respect of a rent deposit. The person concerned appealed the decision to refuse rent supplement to the HSE Appeals Office who overturned the decision and awarded rent supplement to the person concerned from 1 May 2011.

The HSE Appeals Office has advised that the person concerned has now appealed the decision not to award rent supplement from February 2011 to the Social Welfare Appeals Office. The Social Welfare Appeals Office will contact the person concerned when a decision has been made on her appeal. The HSE Appeals Office further advised that there is no record of an appeal against the refusal of payment of an Exceptional Needs Payment in respect of a deposit.

197. **Deputy Tony McLoughlin** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Sligo; when a decision will issue; and if she will make a statement on the matter. [14362/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing on 14 June 2011. The person concerned has been notified of the arrangements.

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**

198. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the reason a person (details supplied) in Dublin 10 has had no social welfare payments or rent allowance for some time. [14366/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that it awarded an interim weekly supplementary welfare allowance to the person concerned pending a decision by this Department concerning her entitlement to a one-parent family payment. Payment of the weekly supplementary welfare allowance was suspended fol-



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lowing the decision by this Department not to award a one-parent family payment on the grounds of cohabitation.

The HSE has advised that decisions on entitlement for both a weekly supplementary welfare allowance and rent supplement are pending receipt of documentation from the person concerned. The documentation required includes satisfactory evidence verifying the current address of her partner and a statement from her bank verifying that the bank account in question has been closed.

### **Social Welfare Code**

199. **Deputy Shane Ross** asked the Minister for Social Protection if there is any scheme in place to allow directors of a company who are searching for work or contracts in a dormant industry to avail of welfare payments without having to first put their company into liquidation; and if there is no such scheme, if she will consider the merits or otherwise of such a scheme. [14384/11]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed people can apply for the means-tested jobseeker's allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. Self-employed customers do not have to de-register as self-employed persons in order to claim jobseeker's allowance.

Legislation provides for the assessment of "all income in cash and any non-cash benefits which the person or his or her spouse may reasonably expect to receive during the succeeding year". While income from the previous twelve months is used as an indication in estimating likely future earnings, it is not simply assumed that the previous year's earnings will be received in the coming year. Instead, account is taken of the potential for significant upward or downward variations in income from one year to the next.

It is recognised that the present downturn in the economy is having a significant impact on many self-employed persons and the consequent reduction in their income and activity levels would be reflected in any assessment of their means from self-employment for jobseeker's allowance purposes.

If a self-employed person's situation changes after they have made an initial claim for jobseeker's allowance, the person can apply to have his or her means reviewed in the light of these changed circumstances.

### **Social Welfare Appeals**

200. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection if she will review an application in respect of a person (details supplied) in County Wexford. [14385/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the carer's allowance appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

With regard to the second person mentioned, the Appeals Office has advised me that her disability allowance claim was disallowed on the grounds that following an assessment by a Medical Assessor who expressed the opinion that she was medically unsuitable for the allowance and also did not satisfy the habitual residence conditions. An appeal was registered 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.

The supplementary welfare allowance scheme (SWA) is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE). Entitlement to a basic SWA payment is based on a number of conditions including a habitual residency condition.

The HSE has advised that the persons concerned were in receipt of a basic SWA payment for the period May 2010 to April 2011. The Executive have further advised that following a review of their entitlement it was decided that they were no longer entitled to the payment as they were not considered to be habitually resident in the State.

The HSE further advised that the persons concerned were informed of this decision in writing and have appealed the decision to the HSE Appeals Office. The HSE Appeals Office will contact the persons concerned when a decision has been made on their case.

### **Job Creation**

201. **Deputy Niall Collins** asked the Minister for Social Protection if she will provide any financial grant aid assistance towards the establishment and operation of a jobs club in County Limerick; and if she will make a statement on the matter. [14387/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by FÁS that there are already two Job Clubs in County Limerick which are operated by the partnership companies Ballyhoura Development Company and West Limerick Resources, and are funded through FÁS Community Services. In addition there is a Rural Employment Service operated in West Limerick by West Limerick Resources, the local partnership/local development company.

### **Social Welfare Benefits**

202. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection if she will arrange financial assistance in respect of a person (details supplied) in County Monaghan. [14392/11]

**Minister for Social Protection (Deputy Joan Burton):** The supplementary welfare allowance scheme (SWA) is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE). Apart from a number of excluded categories, anyone in the State who satisfies a habitual residency condition and a means test, has registered for employment, unless they have a physical or mental disability, and can prove unemployment may qualify for a weekly payment of SWA.

The HSE has advised that the person concerned was refused SWA on the grounds that he was not considered to be habitually resident in the State. The HSE further advised that the person concerned appealed the decision to the HSE Appeals Office and that the decision was upheld by the HSE Appeals Officer.

### **Social Welfare Appeals**

203. **Deputy Jonathan O'Brien** asked the Minister for Social Protection when the oral hearing for carer's allowance will be scheduled in respect of a person (details supplied); and if she will make a statement on the matter. [14401/11]

**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.

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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. 204 answered with Question No. 193.*

### **Social Welfare Benefits**

205. **Deputy Barry Cowen** asked the Minister for Social Protection the waiting times for family income supplement claims; and if she will make a statement on the matter. [14419/11]

**Minister for Social Protection (Deputy Joan Burton):** The average waiting time for family income supplement (FIS) claims at the end of April is 15 weeks. At the end of April, there were approximately 7,508 new FIS applications and approximately 5,348 renewal applications awaiting approval.

The volume of FIS claims on hand and the delays in processing are a consequence of continued strong claim intake.

206. **Deputy Bernard J. Durkan** asked the Minister for Social Protection why it is perceived that a person (details supplied) in County Kildare does not qualify for disability allowance or invalidity pension; and if she will make a statement on the matter. [14438/11]

**Minister for Social Protection (Deputy Joan Burton):** Invalidity pension is a payment made to people who satisfy the social insurance contribution conditions and who are permanently incapable of work. The claimant was awarded an invalidity pension from 24 January 2008. Following a review of the customer's medical eligibility, it was decided in 2009 that she no longer satisfied the medical criteria for invalidity pension. Accordingly, her invalidity pension payment was terminated from 5 November 2009.

The claimant appealed this decision and following a second medical examination and having considered all the evidence, the appeals officer disallowed the appeal for the person concerned. The decision of an appeals officer is final and conclusive in the absence of fresh facts or evidence.

If the person concerned feels she would now satisfy the eligibility criteria for invalidity pension she may reapply and her claim will be assessed and she will be notified directly of the outcome.

Disability allowance is a weekly payment for persons aged between 16 and 65 with a disability that is expected to last for at least one year. To get the payment, a person must satisfy the medical and means conditions and be habitually resident in Ireland. Eligibility for disability allowance is established upon the making of an application by means of the submission of a

fully completed claim form. To date, my department has not received a disability allowance application from the person in question.

### **Social Welfare Appeals**

207. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the position regarding an appeal for jobseeker's allowance in respect of a person (details supplied) in County Limerick. [14489/11]

**Minister for Social Protection (Deputy Joan Burton):** The jobseeker's allowance appeal for the person concerned will be forwarded to the Social Welfare Appeals Office for consideration this week. That office will be in touch with her in due course.

### **Social Welfare Benefits**

208. **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. [14495/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned applied for rent supplement on 4 February 2011. The HSE requested further information from the person concerned on 31 March in order to make a decision on his application but the person concerned has not provided the requested information. A decision will be made on his application when the information has been provided.

209. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a rent supplement payment in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [14497/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the persons concerned have been paid their full entitlements under the rent supplement scheme. If these individuals consider there is an outstanding payment they should contact the Community Welfare Service to discuss this matter.

### **Inland Fisheries**

210. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to studies carried out in rivers here in recent years by him or State agencies with a view to ascertaining the numbers of salmon in the rivers; if he will provide details of same; and if he will make a statement on the matter. [14141/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The performance of some 141 salmon rivers is assessed on an annual basis by the Salmon Standing Scientific Committee (SSC). This information is published annually. The reports for the years 2005 to 2009 are available on the Department's website at [www.dcenr.gov.ie/natural](http://www.dcenr.gov.ie/natural). The report on the performance of the 2010 fishery will be published shortly and will be made available to download from the Department's website.

The scientists have provided advice in respect of each river indicating the status of stocks. Inland Fisheries Ireland, based on the scientific advice, has recommended the management approach to be adopted in each river. In summary, the position for 2011, compared to the previous 5 years, is as follows:

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	2011	2010	2009*	2008*	2007*	2006*
Total No. of Rivers	141	141	143	153	153	153
No. of Rivers Opened	52	50	48	56	43	153
No. of Rivers on Catch and Release	29	11	13	21	7	0
No. of Rivers Closed	60	80	82	76	103	0
Total allowable catch for all rivers	91,338	85,251	78,792	81,766	64,011	91,367
Commercial Catch*	**	14,154***	6,757	8,903	8,843	86,200
Angling Catch*	**	22,336***	17,521	22,215	19,430	22,485

\*Source: Wild Salmon and Sea Trout Statistics (published by CFB (now Inland Fisheries Ireland)).

\*\* The share of the TAC will be allocated between Commercial and Recreational fishermen by the Chief Executive Officer of IFI in accordance with Regulation 11 of the Wild Salmon and Sea Trout Tagging Scheme Regulations for the 2011 season.

\*\*\* While generally there appeared to be improved runs in some rivers (e.g. Corrib and Moy) in 2010, there were still some rivers which did not meet conservation limits. Initial indications from monitored rivers, such as the Marine Institute's salmon research facility in Newport, County Mayo, suggest that marine survival is still low.

The number of rivers open for fishing in 2011 is 52; two more than in 2010. Twenty-nine rivers are open for catch and release, 18 more than 2010, and 60 rivers are closed as they have no surplus of fish available for harvest in them. This is 20 less than in 2010.

### Alternative Energy Projects

211. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources when he will introduce the new REFIT tariff on renewable energy, which was announced by the previous Government in May 2010 but was never put into practice; and if he will make a statement on the matter. [14488/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The proposed REFIT support scheme, which was announced in May 2010, was submitted to the EU Commission in Brussels for State Aid clearance in November 2010. This scheme, which is aimed at supporting the use of biomass in electricity generation and heat production, incorporates a proposed range of tariffs for different technologies and requires State Aid clearance before it can open for applications.

My Department has been in constant contact with the Commission on this matter and is confident that the final stages of the clearance process are now close.

212. **Deputy Robert Dowds** asked the Minister for Communications, Energy and Natural Resources if ESB Electric Ireland plans to offer the same terms for microgeneration of wind energy North and South of the Border; if his attention has been drawn to the fact that microgeneration of energy could be of value as an enterprise for small farmers and landowners; and if he will make a statement on the matter. [14176/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The electricity market in Ireland is now fully deregulated. It is a commercial decision for the company concerned as to what terms and conditions they offer in the competitive market; I have no function in the matter.

I am aware of the benefits of microgeneration. The programme for Government commits to consideration of a feed-in tariff for microgenerators producing electricity for their own homes,

farms and businesses and selling surplus electricity to the grid that is not significantly above the single energy market price for electricity. In line with this commitment, my Department and the Sustainable Energy Authority of Ireland are finalising a cost-benefit analysis of a feed-in tariff programme for microgeneration. I expect their assessment to be submitted to me shortly for consideration.

### Energy Efficiency

213. **Deputy Brian Stanley** asked the Minister for Communications, Energy and Natural Resources the level of funding allocated to home energy efficiency and renewable energy programmes; and the percentage rate of increase to the funding that will be allocated to these programmes for each year until 2013. [14179/11]

214. **Deputy Brian Stanley** asked the Minister for Communications, Energy and Natural Resources his plans to introduce an energy efficiency obligation for suppliers. [14180/11]

215. **Deputy Brian Stanley** asked the Minister for Communications, Energy and Natural Resources his plans to insulate all public buildings in the State; the buildings which have been insulated so far; and if he will make a statement on the matter. [14181/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 213 to 215, inclusive, together.

My Department funds a number of energy efficiency and renewable energy programmes, the total capital allocations of which are broken down as follows:

Programme/Project	2011 Total (€m)
Better Energy: The National Upgrade Programme	91.405
Reheat Deployment	0.500
CHP Deployment	2.347
Electric Vehicles	5.000

The largest of these programmes is 'Better Energy: The National Upgrade Programme', which I launched on Wednesday, 11 May 2011, on foot of the Jobs Initiative. Better Energy will replace three energy efficiency and renewable energy programmes: the Home Energy Savings Scheme (HES), the Warmer Homes Scheme (WHS) and the Greener Homes Scheme (GHS). Future capital allocations will be decided in the context of the relevant Budgets.

The obligations strand of Better Energy brings 25 energy suppliers on board as partners, in fulfilment of our obligations under the Energy End-Use Efficiency and Energy Services Directive. These companies have been asked to finalise voluntary agreements with the Sustainable Energy Authority of Ireland (SEAI), which will deliver 200GWh of energy saving measures in 2011. Energy companies can meet their target by directly offering upgrade services, or by subcontracting the work to third parties.

In the public sector, the most significant cost-cutting and energy saving potential lies in improving the energy performance of new and existing buildings and facilities. This will be a key focus of Better Energy, which will seek to raise financing from institutional investors for retrofit work in the public sector.

The Public Sector Programme of SEAI is the main delivery mechanism for energy efficiency actions by public sector bodies. This comprehensive programme includes a Public Sector sup-

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port programme, which provides assessments and training to all public sector bodies and a grant programme to support energy efficiency measures.

As part of the SEAI's energy cost reduction services for the public sector, €5.9 million of financial support was made available in 2009 through the Supports for Exemplar Energy Efficiency Programme (SEEEP) for the implementation of 69 exemplar energy efficiency projects in the public sector. The estimated annual savings achieved was 30 GWh.

In 2010, the SEAI provided a further €5.3 million of grant support to 30 public sector projects through the national Energy Efficiency Fund, which targeted upgrades to buildings, services and facilities involving ambitious packages of energy efficiency investment actions aimed at achieving ongoing and lasting energy savings of 33 GWh per annum.

In addition, the SEAI is working closely with an increasing number of public sector bodies including An Garda Síochána and the HSE to accelerate development of their energy efficiency strategies. The work already under way has highlighted the very significant energy savings achievable across the public sector with commensurate reduction in energy costs for all public bodies.

I will be publishing a new National Energy Efficiency Action Plan over the summer which will set out the measures we will take to deliver on our overall national targets in line with the European Commission's ambition for energy efficiency. This may include a target for the refurbishment of public buildings.

### **Greenhouse Gas Emissions**

216. **Deputy Brian Stanley** asked the Minister for Communications, Energy and Natural Resources his plans to make Ireland a centre of excellence in the management of carbon; and his plans to work with his Northern counterpart in doing so. [14182/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have no role in this matter, which is the responsibility of the Department of the Taoiseach in conjunction with the Department of Finance and the Department of Jobs, Enterprise and Innovation.

### **Broadcasting Services**

217. **Deputy John Lyons** asked the Minister for Communications, Energy and Natural Resources if he will provide a percentage breakdown of spending on programming by RTE, including domestic programming, foreign imports and so on; and if he will make a statement on the matter. [14293/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** RTÉ is an independent national public service broadcaster whose remit and obligations are set out in the Broadcasting Act 2009.

The principal objects and associated powers of RTÉ are set out in Section 114(1) of the Broadcasting Act 2009. Section 98 provides that RTÉ shall be independent in the pursuance of these objects subject to the requirements of the Act. As such I, as Minister, have no function in RTÉ's management of their day to day affairs. This includes programming matters and the breakdown of spending on same.

To be of assistance to the Deputy, however, I have asked RTÉ to forward directly to him such information as it can provide in this matter, subject, of course, to whatever commercial constraints as may apply.

### Telecommunications Services

218. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources the reason the newly announced rural broadband scheme does not cover areas which were covered under the previous scheme; if his attention has been drawn to the fact that there are parts of Kilkenny in County Louth which are in the mapped area for the previous rural broadband scheme but still cannot avail of broadband; and if he will make a statement on the matter. [14376/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Rural Broadband Scheme (RBS), which I announced last month, aims to provide a basic broadband service to individual un-served rural premises outside of the National Broadband Scheme (NBS) areas.

The RBS, as a targeted State intervention into the broadband market, is subject to strict rules set by the EU Commission and it is therefore strictly prohibited from being used to displace existing operators, including the NBS service provider. To do so would be a breach of EU State Aid's rules.

As the area referred to by the Deputy is outside of the NBS area, anyone living in this location, who is unable to obtain a broadband service from existing commercial operators, can make an application to be included in the Rural Broadband Scheme. Details of the Scheme are available on my Department's website at [www.dcenr.ie](http://www.dcenr.ie) and applications can be made online or by telephone at 01-6782020 or Callsave 1850678100. Broadband is now available in all NBS areas, including the Creggan Upper ED in County Louth. 3, the NBS service provider, is obliged to provide broadband to anyone in a NBS area who requires a service.

### Broadcasting Services

219. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources the position regarding television reception in areas (details supplied); and if he will make a statement on the matter. [14422/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** RTÉ is an independent national public service broadcaster whose remit and obligations are set out in the Broadcasting Act 2009. Section 114 (1) of the Broadcasting Act 2009 states the principal objects and associated powers of RTÉ, including the power to build and operate digital multiplexes under section 114(1)(j).

Under Section 130, RTÉ is required to build and operate digital multiplexes and to make these available to the same extent as the existing analogue network, which is available to 98% of the population. RTÉ has informed me it plans to provide the Digital Terrestrial Television (DTT) network to 98% of the population in fulfilment of its statutory obligations. I have also been informed that RTÉ proposes to offer a free to air satellite service to provide coverage to the last 2% of the population.

The RTÉ decision to provide a satellite service is being made by RTÉ on a commercial basis. I have been assured that the national TV services will be available over satellite free to air. RTÉ has indicated that this service in conjunction with the DTT network will provide coverage to virtually 100% of the population. The satellite, which will be used to provide this service, launched in late 2010 and is currently undergoing tests.

### Offshore Exploration

220. **Deputy Martin Ferris** asked the Minister for Communications, Energy and Natural



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Resources his views on concerns that have been expressed regarding the type of mining known as fracking, which it is proposed to use at Lough Allen; and if he will make a statement on the matter. [14443/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Earlier this year, my Department granted onshore Petroleum Licensing Options to three companies over parts of the North West Carboniferous and the Clare Basins. The Licensing Options specifically exclude exploration drilling but may include shallow geological sampling. The options are designed to allow the companies to assess the natural gas potential of their acreage largely based on desktop studies of existing data from previous petroleum exploration activity.

Exploration activity under these authorisations is at an early stage and there is no certainty that it will lead to applications for follow-on exploration licences that would be required before exploration wells could be drilled. In the event hydraulic fracturing was envisaged as part of a possible future exploration or production programme, then that activity would be subject to an environmental impact assessment, including an appropriate public consultation phase.

### Íocaíochtaí Deontas

221. D'fhiafraigh **Éamon Ó Cuív** den Aire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha, i bhfianaise an fhreagra a fuair sé ón Aire Talmhaíochta, Mara agus Bia, uimhir 277, an bhfuil i gceist aige athbhreithniú a dhéanamh ar an iarratas óna Roinn gan aon deontais eile a cheadú d'fheirmeacha bradán go dtí go mbeidh tuilleadh dul chun cinn déanta ó thaobh míolta mara a chur faoi smacht, ainneoin an dul chun cinn atá déanta sa treo sin cheana féin; agus an ndéanfaidh sé ráiteas ina thaobh. [14484/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Is ceisteanna iad feirmeoireacht iasc a fhorbairt agus Clár Oibriúcháin an Bhia Mara maraon le géilliúntas don Treoir maidir le Gnáthóga agus le reachtaíocht eile de chuid an Aontais Eorpaigh don Aire Talmhaíochta, Bia agus na Mara nach bhfuil feidhm agam iontu. Bheinn go hiomlán taobh thiar de thionscal na hiascaireachta agus de dhobharshaothrú a fhorbairt. Tacaím go láidir le síorshaothar de chuid an Aire, a Roinne-sin agus na ngíomhaireachtaí a oibríonn faoina scáth chun féachaint chuige go bhfreagraíonn gach a dheineann siad dár gcuid dualgas faoi réir na Treorach maidir le Gnáthóga agus na reachtaíochta eile de chuid an Aontais Eorpaigh arna ndearadh leis an gcomhshaol a chaomhnú.

Sa bhreis ar na gceisteanna suntasacha idir comhshaoil agus reachtúil de, beidh fios ag an Teachta gur measadh luach ionchasach turasóireachta an tslat-iascaire a thagann chugainn ón iasacht a bheith sa bhreis ar €100 milliún in aghaidh na bliana dar le Fáilte Ireland agus le hIascach Intíre Éireann agus go ndéantar mórchuid den iascaireacht siúd faoin dtuath agus cois chósta. Sna cúinsí úd, táim cinnte de go mbeidh an tAire agus an Teachta ar chomhmhian go dtabharfar an caomhnú is gá do stoic na mbradán fiáin dúchasach agus d'earnáil luachmhar na slat-iascaireachta bradáin, earnáil a chothaíonn poist sna pobail cois chósta agus sna pobail tuaithe.

### Dormant Accounts Fund

222. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government if a club (details supplied) in County Kildare can apply for funding to meet its development proposals; and if he will make a statement on the matter. [14130/11]

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

The Dormant Accounts Acts provide for an annual transfer by credit institutions and insurance undertakings of monies in accounts determined to be dormant into the Dormant Accounts Fund (DAF). The process in place with regard to support from the Dormant Accounts Fund provides for consideration of applications received on foot of advertised measures. I regret that there are currently no measures open under the DAF to which this organisation could apply for funding. My Department has also provided funding under the RAPID Programme Sports Capital Top-Up Scheme, but applications under this scheme are also now closed.

**Local Authority Housing**

223. **Deputy Seán Ó Feargháil** asked the Minister for the Environment, Community and Local Government the number of local authority housing loans which have been approved, on a county basis, since January 2011; if he collects data on the length of time taken by local authorities, on a county basis, to process local authority loans; and if he will make a statement on the matter. [14114/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** A total of 183 applications for housing loans have been referred by local authorities to the central loan processing unit in the Housing and Sustainable Communities Agency. Of these, 31 were recommended for approval, 104 were recommended for decline, 3 were withdrawn and 45 applications are in progress. The further detailed information sought in the question in relation to time taken to process loans and volume of approvals by county is not available in my Department.

**Voluntary Sector Funding**

224. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government his plans regarding the long-term core funding of an organisation (details supplied) to help facilitate its work in providing support and support mechanisms for practitioners working with young persons at risk; his plans to extend its short-term funding beyond June 2011; and if he will make a statement on the matter. [14115/11]

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

The Scheme to Support National Organisations in the Community and Voluntary Sector, under which the organisation referred to by the Deputy has been funded, commenced in 2008 with the aim of providing multi-annual funding to national organisations which provide coalface services to disadvantaged target groups. The three-year contracts were concluded at the end of 2010.

On 2 December 2010, organisations funded under this Scheme were offered an extension to their contract 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 of the new Scheme. Delays in the announcement have been necessitated by the change of Government in March and by the changes in Departmental functions which has occurred under the new Government. The new funding scheme will be in operation from 1 July 2011.

**Road Network**

225. **Deputy Eric Byrne** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the repeated road surface settlement occurring at bus stops throughout the city from wear and tear by heavy duty traffic; if there are specific

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design standards or specifications for the sub-surface at bus stops; and if he will make a statement on the matter. [14122/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The quality of road surfaces, and associated design standards and road traffic implications, including in regard to bus stops, are matters for my colleague, the Minister for Transport, Tourism and Sport.

### **Community Development**

226. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to move community employment and enterprise supports back to local government. [14183/11]

236. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to merge the local enterprise and job support functions of local, regional and national agencies into a single business and enterprise unit within local authorities. [14193/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 226 and 236 together.

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. Business Support Units (or similar arrangements) have been put in place in all county and city councils. These Units provide a dedicated one-stop-shop approach for businesses in areas such as planning, water services and roads. In addition, the local government-led County/City Development Boards are engaged in economic development and the promotion of enterprise in their areas.

The Programme for Government provides for an expanded role for local authorities in local enterprise and community development. This in turn will assist in maximising the impact of investment to produce jobs at local level. The assignment of the community brief to my Department is important in this regard. Against this background my Department is working closely with local government and local development interests to achieve the alignment of both sectors under democratic leadership to the benefit of the local communities which they serve.

### **Local Authority Charges**

227. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to ensure all property-related revenues are part of the income stream of local government. [14184/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The EU/IMF Programme of Financial Support for Ireland under its fiscal consolidation measures commits to the introduction of a property tax for 2012 and to an increase in the property tax for 2013. 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 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 EU/IMF Programme, I have already indicated my intention to introduce a household charge in 2012.

It is my intention that the revenues from the charge will support the provision of locally based services and will in turn reduce local government's requirement for Exchequer support for the funding of such services.

I will be bringing proposals to Government in the near future on the legislative and administrative requirements necessary to implement the household charge.

### **Legislative Programme**

228. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government when he will abolish the position of county manager and replace it with a chief executive; and if he will outline the limited range of executive functions that this new chief executive will hold. [14185/11]

230. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government when he will introduce legislation that will provide councillors with a legal power to seek reports from and question in public all providers of public services in their area. [14187/11]

231. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government when he will introduce legislation that will provide councillors with a legal power to seek reports from, and question in public, private sector service providers such as internet and digital TV providers, local banks and private schools on their public service remit. [14188/11]

234. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to fundamentally reorganise local governance structures to allow for devolution of much greater decision making to local persons. [14191/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 228, 230, 231 and 234 together.

Government for National Recovery 2011-2016 contains a range of proposals in relation to local government which provide the basis for a substantial programme for the development and reform of the local government system. These include proposals relating to the position and role of local authority managers; the powers of councillors; and the reorganisation of local government structures.

Key objectives in this context 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. I intend publishing a policy statement that will outline settled Government policy in this area and I will be bringing proposals to Government on the measures needed to develop the sector, improve its capacity to meet current and future challenges and make a substantial contribution to the national recovery effort.

Relevant proposals in recent reports including the special group on public service numbers and expenditure programmes and the local government efficiency review group will be taken into account in the development of policy in this area. The report of the review group includes recommendations for efficiency and other savings in the local government system and I have

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recently established an independent implementation group to drive forward relevant recommendations of the report, with a focus on key recommendations that will remove costs and yield early savings.

### Planning Issues

229. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to amend the strategic planning guideline model. [14186/11]

240. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to ensure more co-ordinated development and planning that supports local communities instead of the current system, which favours developer-led planning. [14197/11]

241. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government when he will introduce a mechanism to require all local authorities to develop a transport plan in conjunction with their county or city development plans and local areas plans. [14198/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 229, 240 and 241 together.

The regional planning guidelines 2010-2022, adopted during 2010 by each of the regional authorities, are in the first year of their 12-year life-span and, as a key implementation mechanism for the national spatial strategy, the RPGs provide a long-term strategic and sustainable planning framework for each region. The coherence and consistency between the national and regional strategic planning frameworks, the delivery of which is underpinned by development plans and local area plans at the local level, are central to enhancing our competitiveness and economic recovery and to the promotion of development which is economically, socially and environmentally sustainable. The NSS update and outlook report, published in October 2010, re-affirms the importance of implementing long-term planning frameworks such as the NSS and outlines new priorities and objectives, taking account of experience since its inception in 2002 and the changed environmental, budgetary and economic challenges.

In addition, the Planning and Development (Amendment) Act 2010 introduced a number of reforms to the development plan process to provide for greater consistency of plans at regional, city/county and local area levels, to require a core strategy to be incorporated into development plans and to reinforce the practice of developing evidence-based policy objectives into future development plans. These new provisions are currently being reflected and implemented in new development plans and in variations to existing plans.

Within the above policy context, my Department is currently examining, *inter alia*, the specific commitments in the programme for Government regarding better co-ordination of national, regional and local planning laws to achieve better and more coordinated development that supports local communities, and the development by local authorities of transport plans in conjunction with their development plans and local area plans, with a view to further progressing matters as necessary over the term of the Government.

*Questions Nos. 230 and 231 answered with Question No. 228.*

### Local Government Audit Service

232. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local

Government if he has implemented a requirement that the Local Government Director of Audit publish an annual report covering all his functions, to be provided to the Oireachtas Committee on the environment; and the date on which the committee will receive the first report. [14189/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In accordance with the recommendation in the report of the local government efficiency review group, the annual report of the director of audit of the local government audit service, covering local authority accounts for the year 2009, will be submitted to the Oireachtas Committee on the Environment, Community and Local Government as soon as possible.

### **Building Inspectorate**

233. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to introduce a single State building inspectorate service. [14190/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The local government efficiency review group recommended that a single building inspectorate service could be established on a regional basis to streamline the approach to the inspection of property. The introduction of a single inspectorate will be considered in the context of the work now under way in my Department to strengthen the system of building control.

*Question No. 234 answered with Question No. 228.*

### **Local Authority Services**

235. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if the State or any agency of the State owns a domain name (details supplied) and the date on which this website will be up and running for the public to use. [14192/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** 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 the arrangements and applications in place which facilitate citizens in making complaints or suggestions or in reporting problems through the various mediums, including by post, phone, text, fax, e-mail and on-line through their websites. Local authorities have a range of web-based customer service arrangements. Further developments in this regard and in the context of the Programme for Government are being advanced. The question of an appropriate domain name does not arise at this stage.

*Question No. 236 answered with Question No. 226.*

### **Urban Regeneration**

237. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to initiate urban regeneration projects and the locations of same. [14194/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** My Department currently supports an ambitious programme of regeneration projects which seek to address the causes of disadvantage in the country's most disadvantaged estates through a holistic programme of physical, social and economic regeneration. The national regeneration programme includes a wide variety of projects ranging from large-scale urban regeneration projects such as those in Ballymun, now moving towards com-

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pletion, and Limerick City, to smaller estate-wide regeneration projects in regional towns around the country. Funding of almost €125 million has been set aside in 2011 to support projects through master planning, construction and completion phases of regeneration.

The following table sets out the major projects at master planning/early implementation stages:

Project	Project Status
Dublin City — Regeneration Projects at St. Michael's Estate, O'Devaney Gardens, Dominick Street, Croke Villas, St. Teresa's Gardens and Dolphin House	St. Michael's Estate — ongoing — demolition and construction work underway. O'Devaney Gardens — detailed plans in preparation — relocation of tenants underway — some demolitions. On all the other projects, Dublin City Council is progressing a programme of relocation to facilitate future regeneration and is progressing the master planning, process. Dolphin House — Dublin City Council is undertaking remedial works to alleviate damp and condensation issues in some flats.
Cork City — Knocknaheeny	Knocknaheeny — review of the master plan underway, regeneration relocation programme to facilitate the next phases of the regeneration, some community and social amenity projects being advanced in 2011.
Limerick Regeneration	Phase 1 plans, involving 26 capital projects, approved by Government in June, 2010. Social inclusion and research projects ongoing. New housing developments to commence construction shortly.
Sligo Borough — Cranmore	Master plan process ongoing. Enabling works and community projects to commence this year.
Dundalk Town — Cox's Demesne	Master plan process ongoing. Estate improvement works ongoing.

### Energy Efficiency

238. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to move towards zero-carbon homes and the timeframe in which he envisages this happening. [14195/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government contains a commitment to further improve the energy efficiency of new buildings with a view to moving towards carbon neutral homes in the longer term. In tandem with this commitment, Directive 2010/31/EU on the energy performance of buildings requires EU Member States, *inter alia*, to ensure that all new buildings will be nearly zero-energy by 31 December 2020 (or by 31 December 2018 in the case of new buildings owned and occupied by public authorities). The Directive broadly defines a 'nearly zero-energy building' as a building with a high energy performance where the very low amount of energy required should, to a very significant extent, be met by energy from renewable sources, including renewable energy produced on-site or nearby.

Against this background, Ireland has been making significant progress in terms of both improving energy efficiency and reducing carbon dioxide emissions within the built environment. Taking the energy efficiency requirements established in 2005 as the benchmark, the Building Regulations (Amendment) Regulations 2007 set the requirements necessary to achieve a 40% improvement (over the 2005 standards) in the energy and carbon performance of new dwellings. These regulations came into effect on 1 July 2008 subject to certain transitional arrangements.

Furthermore, I have recently signed the new Building Regulations (Part L Amendment) Regulations 2011 and will be publishing the accompanying Technical Guidance Document L

— Conservation of Fuel and Energy — Dwellings 2011 shortly. The new regulations aim to build on the substantial improvements already introduced under the 2007 regulations and will deliver a 60% aggregate improvement (relative to 2005 standards) in both the energy and carbon performance of new buildings when the regulations take effect on 1 December 2011.

The new regulations mark an important step on the road to carbon neutrality and put Ireland at the forefront of EU Member States in terms of energy efficiency standards for new dwellings. Already there are signs that Irish builders and manufacturers are innovating and adapting their approaches and products to meet the standards of the proposed regulations. This is important in terms of continuing the development of the market for energy efficient buildings and products domestically while also increasing the considerable potential that exists for high energy efficiency products in export markets. The proposed regulations are important in maintaining the momentum that has been created in this regard.

My Department is also working on the development of a strategy for achieving a carbon neutral framework for dwellings in order to meet our obligations under Directive 2010/31/EU within the prescribed timeframe. It is anticipated that a carbon neutral framework will require further amendments to the building regulations over and above the recently introduced requirements.

### **Waste Management**

239. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to drive a waste reduction programme through extension of producer responsibility initiatives and a levy on packaging. [14196/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In line with the Programme for Government commitment, my Department, as part of a waste reduction strategy, wishes to examine options regarding the possible introduction of a packaging levy. I have, therefore, recently announced the commencement of a consultation process with the aim of seeking the views of industry, interested stakeholders and the public on how this levy might be operated.

The main areas to be covered in this consultation are:

- The overall views of stakeholders on a packaging levy;
- How a packaging levy might be operated;
- International experiences of similar levies; and
- How a possible packaging levy might be structured in order to contribute to a reduction in packaging waste.

No decisions have been taken on this matter yet and I look forward to considering the responses received. Further details about the consultation are available at my Department's website — [www.environ.ie](http://www.environ.ie).

*Questions Nos. 240 and 241 answered with Question No. 229.*

### **Proposed Legislation**

242. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the date on which he will introduce legislation to allow local authorities to take housing estates in charge after three years. [14199/11]



**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Section 180 of the Planning and Development Act 2000 (as amended) provides that, where estates have not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced within the relevant period, the planning authority must, if requested to do so by the majority of owners, initiate the procedures for taking the estate in charge. The decision as whether to take an estate in charge is ultimately one for the elected members of a local authority.

A further provision was added in the Planning and Development (Amendment) Act 2010 to provide that a planning authority may take in charge an unfinished estate, at the request of the owners of the housing units, at any time after the expiration of the planning permission, in situations where enforcement actions have commenced or where the planning authority consider that enforcement action will not result in the satisfactory completion of the estate by the developer. Planning authorities have also been empowered to take in charge part of an estate or some, but not all, of the facilities in an estate.

I am considering whether further measures are warranted in the context of the specific commitment in the programme for Government.

### Planning Issues

243. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government when he will introduce a mechanism to require all local authorities to carry out an educational impact assessment for all new zoning for residential development to ensure an adequate supply of school places. [14200/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The Provision of Schools and the Planning System — A Code of Practice was jointly published, in August 2008, by my Department and the Department of Education and Skills. The Code of Practice sets out co-ordinated actions to be taken in relation to forecasting future demand for school places by the Department of Education and Skills and planning for the provision of school sites within the planning system, as well as the efficient handling of planning applications and associated consultations by the relevant planning authorities to expedite school delivery.

With regard to assessing the implications of local authority development planning on the issue of schools and school provision in a given area, local authorities are obliged under the Code of Practice to take this matter into account in preparing and finalising their plans, working in conjunction with the relevant forward planning and new school sections of the Department of Education and Skills.

Furthermore, section 10(2)(1) of the Planning and Development Act 2000 requires a development plan to include objectives for “the provision, or facilitation of the provision, of services for the community including, in particular, schools, crèches and other education and childcare facilities”. This requirement is restated in my Department’s 2007 Development Plan Guidelines for Planning Authorities which together with the Code of Practice are available on my Department’s website at [www.environ.ie](http://www.environ.ie).

Implementation of the Code of Practice is a matter for local authorities, working in conjunction with the Department of Education and Skills. I believe that the Code is working satisfactorily as evidenced by the many development plans and local area plans that have addressed the schools issue more comprehensively than in the past and as facilitated by detailed forecasting on school requirements now available from the Department of Education and Skills.

Both I and the Minister for Education and Skills are statutory consultees for the purposes of local authority development plans. My Department will continue to work pro-actively with the Department of Education and Skills in ensuring the issue of schools provision is properly addressed both in local authority plans and in assisting the Department of Education and Skills in ensuring that new schools are delivered in a timely and cost-effective manner and in line with the proper planning and sustainable development of the areas in which they are needed.

244. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government when he will introduce a planning and development (amendment) Bill to allow for detailed public submissions on zoning. [14201/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** It remains open to the public to make detailed submissions on zoning for consideration by the planning authority in respect of draft development plans and draft variations to such plans under sections 12 and 13 of the Planning and Development Act 2000 (as amended), with similar provisions applying in the case of draft local area plans under section 20 of the Act.

Notwithstanding these provisions, under section 11 of the Planning and Development Act 2000 (as amended by section 8 of the Planning and Development (Amendment) Act 2010), the manager's report, summarising issues raised in submissions or observations made to the planning authority in respect of its notice to review the existing development plan and prepare a new plan, shall not refer to any submission relating to a request or proposal for zoning of particular land for any purpose. This is to ensure that the manager's report is focused on strategic considerations and policies at this early stage of the development plan review process rather than on specific zoning proposals which can be made during the consultation period when the draft plan has been published.

In delivering on the specific commitments in the Programme for Government, I intend to keep the planning code under regular review to ensure that there continues to be adequate access and participation both by the public and by public representatives in decision-making and policy formulation.

245. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if he will introduce a mechanism to require local authorities to carry out a flood risk report in the preparation of their city and county development plans and when he will introduce a legal requirement for local authorities to manage flood risk through sustainable planning and development. [14202/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** My Department's Guidelines to Planning Authorities on the Planning System and Flood Risk Management, which were published on 30 November 2009, are aimed at ensuring a more consistent, rigorous and systematic approach to flood risk assessment and management in the planning system. The Guidelines were issued under section 28 of the Planning and Development Act 2000 (as amended) which requires planning authorities and An Bord Pleanála to have regard to them in the performance of their functions. These measures have been further embedded in legislation through the Planning and Development (Amendment) Act 2010.

As part of my statutory observation role in respect of development plans and local area plans, my Department is monitoring implementation of the Guidelines in conjunction with the relevant legislative provisions in the planning code, to determine, inter alia, whether the existing

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provisions continue to provide a sound basis for planning authorities to identify, assess and take appropriate steps to manage flood risk in a sustainable manner within their area.

### **Waste Management**

246. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to ensure specific producer responsibility requirements for construction and demolition projects over certain thresholds, with recycling and waste management requirements enforced through mandatory compliance bonds. [14203/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** An initiative has been in place to promote environmentally sustainable management of construction and demolition waste for a number of years and Best Practice Guidelines on the Preparation of Waste Management Plans for Construction & Demolition Projects were published in 2006. The purpose of the Guidelines is to promote an integrated approach to construction and demolition waste management throughout the duration of a project. They are designed to promote sustainable development, environmental protection and the optimum use of resources.

To address the Programme for Government objective, I recently announced that I intend to carry out a review of the performance of the existing producer responsibility schemes to ensure that they are delivering effectively both for their members and for Ireland. This review will include the construction and demolition waste stream and it is hoped that it will assist in determining how the management and recovery of this waste can be further improved.

247. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans, in the absence of a publicly provided waste collection system, to introduce a public service obligation for private operators which would require a fee waiver scheme for low-income households. [14204/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government indicates that the Government will introduce competitive tendering for local household waste collection services. It is envisaged that service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service, including a public service obligation in respect of a waiver scheme for low income households. Such a restructuring of household waste collection markets will strengthen competition, enhance service levels and improve environmental outcomes. In addition, the introduction of competitive tendering will broaden the scope to achieve other goals, including in respect of a waste collection charge waiver scheme for low-income households.

I will shortly publish a discussion document on the introduction of competitive tendering, seeking the views of householders, businesses, service providers and other participants in the waste industry, to help inform policy development.

### **Election Management System**

248. **Deputy Seán Kenny** asked the Minister for the Environment, Community and Local Government the position regarding the storage and possible disposal of the electoral voting machines. [14205/11]

**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 underway. This is to be completed as soon as possible.

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 2007, over 60% of the machines (4,762 in total) were moved from 12 local storage locations to a central facility at Gormanston Army Camp. There are no ongoing rental costs in respect of the use of this property. A further 14 machines are held in the Custom House. The remaining machines are stored at 13 local premises that were originally identified by Returning Officers for this purpose. It is intended that all machines will be removed from their present locations when arrangements for disposal are implemented. Work on termination of local lease arrangements is proceeding in this context.

Based on information received in my Department from Returning Officers, the total costs in respect of storage of the electronic voting equipment in 2010 were €144,320.

### **Local Authority Housing**

249. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government if he will review the guidelines for the construction of local authority housing that permit tenants to live in council apartments with steep concrete stairs and no fire escape provision; and if he is satisfied that all apartments in local authority ownership are compliant with health and safety requirements. [14218/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Building Regulations 1997-2010 provide for the health, safety and welfare of persons in and around buildings and set out the legal requirements for the design and construction of new buildings, including houses, extensions and material alterations and certain changes of use to existing buildings. The related Technical Guidance Documents provide technical guidance on how to achieve compliance with the Regulations. All buildings, including local authority housing, must comply with the Building Regulations that are in force at the time of their construction. The Regulations are continuously updated to ensure that they remain in line with best practice.

Part B (Fire Safety) of the Second Schedule to the Building Regulations sets out the legal requirements for dealing with the means of escape in the case of fire in buildings, Part B 1 states: “A building shall be so designed and constructed that there are adequate means of escape in case of fire from the building to a place of safety outside the building, capable of being safely and effectively used”.

Part K of the Building Regulations 1997 sets out the legal requirements in respect of Stairways, Ladders, Ramps and Guards in buildings. It covers issues such as safe passage for users of the building, protection from falling from floors, balconies and roofs.

Part M of the Building Regulations 2010 requires adequate provision to be made for people regarding access and use to a building, its facilities and its environs. These regulations were signed in November 2010 and, in general, the regulations apply to works which will commence on or after 1 January 2012 subject to certain transitional arrangements.

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Compliance with the Regulations is the responsibility of the owner or builder of a building and in the case of social housing the local authority itself.

My Department has also provided additional guidance to local authorities in the form of Quality Housing for Sustainable Communities Design Guidelines. The aim of these Guidelines is to identify principles and criteria that are important in the design of housing and cover such issues as energy efficiency, environmental protection, access for people with disabilities, meeting varied needs of occupants through their lifetime, durability and continued performance of buildings.

In addition, my Department is committed to ensuring that the existing stock of 130,000 social houses is maintained and improved to the highest standard possible. To deliver on this objective, local authorities receive exchequer funding to undertake a wide range of improvement works, from works to adapt individual units to meet the needs of a particular household to broad programmes to improve the energy efficiency of units in estates across the country. Furthermore, my Department also funds regeneration and remedial works programme under which housing in the public realm is improved for the benefit of the communities living there. In 2011, I have made over €200 million available to local authorities to undertake this important work.

250. **Deputy Eamonn Maloney** asked the Minister for the Environment, Community and Local Government if the commencement order has been signed in respect of the local authority tenant purchase scheme for apartments; and if he will make a statement on the matter. [14284/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** My Department has been working for some time on the necessary statutory provisions to enable the tenant purchase scheme for local authority apartments under Part 4 of the Housing (Miscellaneous Provisions) Act 2009 to be given effect as soon as possible. I am committed to maximising the potential for tenant purchase in the context of the implementation of sustainable communities policies and measures.

#### **Departmental Contracts**

251. **Deputy Charles Flanagan** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the costs to date of the recent abstraction of water from Lough Ennell, County Westmeath, for the purposes of upgrading the Royal Canal, with particular reference to consultancy fees; his views in respect of the value for money delivered by this project to date; and if he will make a statement on the matter. [14322/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department's Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library, includes the two contracts to advance to construction to improve the Mullingar Regional Water Supply Scheme. One of these is the Lough Ennell abstraction.

One of the fundamental considerations of any capital expenditure is that it must deliver value for money. The procurement option chosen for any scheme under the Water Services Investment Programme 2010-012 is based on an assessment of the best value for money from a whole life perspective. Westmeath County Council are currently undertaking an Environmental Impact Study in relation to abstraction of water from Lough Ennell. The Department's assessment of the project appraisal will not take place until after this study is completed and a report has been submitted.

The costs recouped by the Department to date in relation to this project, which amount to €311,000, have been in relation to planning only.

### **Rural Development**

252. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government if there is funding from him for a community to secure the boundary wall of an old cemetery which is not in the charge of the county council. [14358/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Rural Development Programme (RDP) 2007-2013 has funding of €427 million available to be allocated to qualifying projects up to the end of 2013. The main objectives of the RDP are to improve the quality of life in rural areas and facilitate the diversification of the rural economy. As part of the suite of measures available under the RDP to achieve these aims the Conservation and Upgrading of the Rural Heritage measure provides funding for initiatives that support conservation actions including conservation and protection actions for the natural, cultural, social and vernacular heritage. Any initiatives considered under this measure should support the maintenance, restoration and upgrading of the cultural heritage such as the cultural features of a village or the rural landscape. In this context, there is a possibility that the restoration of an unused graveyard for conservation purposes may be eligible under the RDP.

There are 36 Local Action Groups contracted, on my Department's behalf, to deliver the RDP throughout the country and these groups are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the local development strategy of the individual groups and in line with Departmental operating rules and EU regulations. Contact details for these groups can be found on the website of the National Rural Network at [www.nrn.ie](http://www.nrn.ie).

### **Water and Sewerage Schemes**

253. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government the grants available for households to update or replace their septic tanks; if there are additional grants available for pensioners; and if he will make a statement on the matter. [14359/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** 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 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 be published as soon as possible and my intention will be to pursue its early enactment.

Insofar as support for the upgrading of septic tanks is concerned, the introduction of a grants scheme for any purpose must be managed within current budgetary constraints. The matter is being considered by my Department in the context of developing the overall response to the ECJ judgment.

254. **Deputy Tony McLoughlin** asked the Minister for the Environment, Community and Local Government, under the water services programme 2010/2012, the further projects pro-

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posed for Counties Sligo and Leitrim in 2011; and the level of funding that will be provided in both counties under this programme. [14360/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A comprehensive range of new water services infrastructure has been approved for County Sligo and County Leitrim 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 is some €49.6 million in County Sligo and €29 million in County Leitrim.

An integral part of the Water Services Investment Programme 2010-2012 is the annual review process under which the Programme will be reviewed and updated annually to allow for any re-prioritisation required. My Department wrote to all local authorities at the end of March 2011 in relation to the annual review. 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 anticipated that only minor adjustments will be made to the Programme at this stage.

As part of this review, Sligo County Council and Leitrim County Council have proposed some additional contracts for inclusion in the programme and these are currently being evaluated by the Department. It is envisaged that a decision will be conveyed to both Councils in relation to their proposals by the end of June 2011.

### Departmental Correspondence

255. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 234 of 31 May 2011, if he will forward a copy of the response referred to therein to this Deputy; and if he will make a statement on the matter. [14398/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** As this matter is the subject of continuing correspondence between Ireland and the European Commission it would not be appropriate to place an element of that correspondence in the public domain pending the conclusion of the process.

### Rural Development

256. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if there is a source of funding available for a community hall (details supplied) in County Kerry, which the local community hope to restore and reopen; and if he will make a statement on the matter. [14420/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Funding of €427 million is available under the Rural Development Programme (RDP) 2007-2013 for allocation to qualifying projects up to the end of 2013. One of the objectives of the RDP is to identify and provide appropriate amenity and leisure facilities to local communities not otherwise available to them. Accordingly, in this context it may be possible to obtain funding for a project of the nature referred to in the question under the RDP.

There are 36 Local Action Groups contracted, on my Department's behalf, to deliver the RDP throughout the country and these groups are the principal decision-makers in relation to the allocation of project funding. Such decisions are made in the context of the local development strategy of the individual groups and in line with Departmental operating rules and EU

regulations. Contact details for these groups can be found on the website of the National Rural Network at *www.nrn.ie*.

### **Local Authority Charges**

257. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the position regarding staged payments of the non-principal private residence charge (details supplied); and if he will make a statement on the matter. [14440/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Charges) Act 2009 broadened the revenue base of local authorities through the introduction of the charge on non-principal private residences. The charge is set at €200 and is being levied and collected by local authorities.

The charge is levied on a fixed liability date in each calendar year and payment becomes due two months after that date. There is then a further month's grace period to pay the charge, giving a total of three months during which the charge may be paid before penalties for late payment commence. Given this length of time and the relatively modest nature of the charge, it is not considered that an instalment payment plan is merited in this case.

The Act places collection of the charge under the care and management of the relevant local authority, and interpretation and implementation of the legislation is a matter for the local authorities in the first instance.

I have no plans to amend the payment arrangements with regard to the charge on non-principal private residences at present but I will take the views of the Deputy into account in any future assessment of the charge.

### **Water Charges**

258. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government the number of water meters or water connections that have been installed in the four Dublin counties and in each local authority area across the country; and if he will make a statement on the matter. [14496/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** For a number of years now, domestic water meters have been installed on group water supplies which were being upgraded under the Rural Water Programme. In addition, non-domestic water customers are required to be metered and I understand that the local authorities have now largely completed the installation of water meters in the non-domestic sector. However, my Department does not collect information on the number of meters that have been installed under either the Rural Water Programme or the non-domestic metering programme.

Information on the numbers of meters installed under both programmes should be available from individual local authorities.

### **Proposed Legislation**

259. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government, in view of the report by the Joint Committee on the Constitution of the Oireachtas published in July 2010, which recognised that legislation that would promote female candidates as a condition of public funding might prove constitutionally frail and recommended that the Attorney General be asked to examine the constitutional implications of such legis-



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lation, if he has obtained such advice from the Attorney General regarding proposed legislation on party funding; and if he will make a statement on the matter. [14517/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** On 31 May 2011, I announced that the Government had approved measures to be contained within the Electoral (Amendment) (Political Funding) Bill 2011 that is currently being prepared. In line with the Government's commitment to significantly reform political funding in Ireland, this Bill will implement commitments from the Programme for Government and recommendations made in the Moriarty Tribunal Report Into Payments to Politicians and Related Matters. The Government have agreed that the Bill will, *inter alia*, address the Programme for Government commitment that: "Public funding for political parties will be tied to the level of participation by women as candidates those parties achieve".

The Bill is to include a requirement that to qualify for full State funding under Part III of the Electoral Act 1997 a qualified political party will have to have at least 30% women candidates and at least 30% men candidates at the next General Election. This is to rise to 40% after seven years. Half of every payment to a qualified political party is to be made contingent on meeting these new requirements. I have received the advice of the Attorney General in respect of these intended provisions and I do not envisage constitutional difficulties arising.

260. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality his plans to introduce legislation to regulate the charity sector, which raises more than €500 million a year; if he will consider bringing forward a provision in any statutory code for the sector that all salaries over a certain limit paid for from charity funds should be disclosed publicly; and if he will make a statement on the matter. [14165/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Charities Act 2009, which was enacted in February 2009, provides for an integrated system of mandatory registration and proportionate regulation and supervision of the charities sector for the first time in Ireland. While the Charities Act 2009 is designed to regulate the charities sector, it is not prescriptive in terms of issues such as remuneration of charity employees, which will continue to be a matter for individual charities, though it should be noted that charity trustees cannot be remunerated for carrying out trustee duties.

Whilst I accept the principle that charity employees should not be excessively remunerated, I believe it is important that employment in the charities sector is regarded as an attractive option for high quality candidates. The issue of the appropriate remuneration for employees in the charities sector, as with other sectors, would depend on the size of the charity, the range and level of duties of the employee in question, and his or her qualifications and experience.

Where the Charities Act will make a difference in the area of interest to the Deputy though is through the financial and activity related information that charities will have to provide to the new Charities Regulatory Authority, and which will in turn be available to the public. Through this approach, the public will be able to see how charities utilise their resources, including donations, and thus make more informed choices as to which charities operate most efficiently and effectively, and on that basis decide on which charities they will, or will not, support. In that regard, I would expect that donors will favour those charities that focus their resources principally on their charitable purposes rather than on administration, though it must be accepted that a charity will have overheads, like any other business.

Though the Charities Act was passed in 2009, it did not come immediately into force. Any sections that it is possible to commence in advance of the establishment of the Authority have been commenced. The remainder will be commenced on establishment of the new Authority. There is a considerable body of work being undertaken before the bulk of the Act can be commenced. In other jurisdictions, such as Scotland, it has taken a number of years after the enactment of the legislation for the new regulatory system for charities to be formally established and this will be the case in Ireland also, though it should be noted that all of my Department's expenditure programmes are currently being examined in the context of the comprehensive Review of Expenditure currently being undertaken across all Government Departments and Agencies.

### **Garda Stations**

261. **Deputy Damien English** asked the Minister for Justice and Equality the position regarding the provision of a new Garda station at a location (details supplied) in County Cavan; if a preferred site has been identified to house An Garda Síochána there; if he has investigated if there are cost benefits to be obtained by leasing a building for An Garda Síochána there; and if he will make a statement on the matter. [14316/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The programme of replacement and refurbishment of Garda accommodation around the country is progressed by the Garda Authorities working in close co-operation with the Office of Public Works (OPW), who have the responsibility for the provision and maintenance of Garda accommodation. I am informed by the Garda authorities that the Office of Public Works is currently examining options for the provision of a new Garda station at the location referred to by the Deputy. This matter will be progressed in the context of An Garda Síochána's identified accommodation priorities and in the light of available resources.

### **House Prices**

262. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will provide a timeframe for the establishment of the new property database which is intended to track and record market trends and house prices. [14167/11]

263. **Deputy Dara Calleary** asked the Minister for Justice and Equality the contact he has had with any groups representing estate agents, auctioneers or valuers with regard to the establishment of a property database to track and record market trends and house prices. [14168/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 262 and 263 together.

The Programme for Government contains a commitment to improve the quality of information available on the Irish housing market by requiring that the selling price of all dwellings is recorded in a publicly available national housing price database. I intend to give effect to this commitment by assigning statutory responsibility for publishing details of residential property sales prices to the Property Services Regulatory Authority.

The Property Services (Regulation) Bill 2009, which provides for establishment of the Authority, is currently awaiting Dail Committee Stage. I intend to table amendments to the Bill which will have the effect of expanding the Authority's statutory functions to include the publication of residential property sales prices. This information will be supplied to the Authority

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on an ongoing basis by the Revenue Commissioners who are in receipt of it for stamp duty purposes.

As regards the commercial property market, the issue of confidential side agreements, and the impact which these may have on rent reviews, was considered by the Working Group on transparency in commercial rent reviews which was established by my predecessor. That Group recommended the establishment of a public database which would include relevant details of letting agreements and rent reviews. In the amendments to the Property Services (Regulation) Bill 2009 to which I have already referred, I intend also to allocate responsibility for establishing and maintaining this database to the Property Services Regulatory Authority.

While I have not had contact with groups representing estate agents, auctioneers or valuers in relation to these proposals, I understand that there is broad support on the part of the property services sector for the Government's objective of improving transparency in the residential and commercial property markets.

### **Citizenship Applications**

264. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding citizenship in respect of a person (details supplied) in Dublin 3. [14170/11]

**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 July, 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 7 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 e-mail 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 Strength**

265. **Deputy John O'Mahony** asked the Minister for Justice and Equality the number of gardaí who retired from the Mayo Garda division in 2007, 2008, 2009, 2010 and to date in 2011, in tabular form; and if he will make a statement on the matter. [14254/11]

266. **Deputy John O'Mahony** asked the Minister for Justice and Equality the number of gardaí that have retired from each Garda division in 2007, 2008, 2009, 2010 and to date in 2011 in tabular form; and if he will make a statement on the matter. [14255/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 265 and 266 together.

I am informed by the Garda authorities that the number of gardaí who retired in 2007-2010 and the number of gardaí who have retired or indicated that they will retire by the end of 2011 is as set out in the table hereunder:

2007	2008	2009	2010	2011
184	259	722	362	147

A breakdown of retirees on a divisional basis is not readily available and the gathering and compilation of the information, as requested, would require a disproportionate amount of Garda time and resources.

*Question No. 266 answered with Question No. 265.*

### Garda Strength

267. **Deputy John O'Mahony** asked the Minister for Justice and Equality the number of gardaí who were appointed to the Mayo Garda division in 2008, 2009, 2010 and to date in 2011, in tabular form; and if he will make a statement on the matter. [14256/11]

268. **Deputy John O'Mahony** asked the Minister for Justice and Equality the number of gardaí who were appointed to each Garda division 2008, 2009, 2010 and to date in 2011 in tabular form; and if he will make a statement on the matter. [14257/11]

269. **Deputy John O'Mahony** asked the Minister for Justice and Equality the current strength of the Garda for each district in the Mayo Garda division; and if he will make a statement on the matter. [14258/11]

270. **Deputy John O'Mahony** asked the Minister for Justice and Equality the current strength of the Garda in each Garda division; and if he will make a statement on the matter. [14259/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 267 to 270, inclusive, together.

Responsibility for the allocation of resources, including personnel, within the Force rests with the Garda Commissioner, in consultation with his senior management team. Resource levels are constantly monitored, in conjunction with crime trends, other demands made on An Garda Síochána and of course the fluctuation in numbers arising from retirements and promotions. The situation is kept under continuing review to ensure optimum use is made of all resources and the best possible Garda service is provided to the public.

I have been informed by the Garda Commissioner that the personnel strength of each Garda Division as at 31 December 2008-2010 and 30 April 2011 was as set out in the tables. Also included is the current personnel strength of each Garda District in the Mayo Garda Division. Divisions marked with an asterisk have had their boundaries realigned in recent years.

Division	31 December 2008 Strength	31 December 2009 Strength	31 December 2010 Strength	30 April 2011 Strength
Carlow/Kildare*	375			

[Deputy Alan Shatter.]

Division	31 December 2008 Strength	31 December 2009 Strength	31 December 2010 Strength	30 April 2011 Strength
Cavan/Monaghan	418	406	391	382
Clare	337	336	320	316
Cork City	678	700	698	695
Cork North	300	303	309	308
Cork West	313	305	318	318
DMR East	477	483	473	463
DMR North	790	832	803	796
DMR North Central	725	719	693	674
DMR South	648	642	632	619
DMR South Central	793	776	771	757
DMR West	794	789	788	788
Donegal	488	468	466	464
Galway*	453	600	601	607
Kerry	341	339	334	333
Kildare*		321	323	324
Kilkenny/Carlow*		314	317	312
Laois/Offaly	337	327	320	318
Limerick	635	635	643	649
Longford/Westmeath*	342			
Louth	296	306	314	312
Mayo	331	309	311	313
Meath	299	315	313	308
Roscommon/East Galway*	294			
Roscommon/Longford*		292	301	303
Sligo/Leitrim	318	313	320	324
Tipperary	384	395	383	383
Waterford		309	302	302
Waterford/Kilkenny*	457			
Westmeath*		258	262	262
Wexford	280	286	281	278
Wicklow	343	360	355	350

30 April 2011

Division	District	Total
Mayo	Ballina	57
	Belmullet	25
	Castlebar	82
	Claremorris	52
	Swinford	57
	Westport	40
	Total	313

### Visa Applications

271. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality the position regarding an appeal for a study visa in respect of a person (details supplied) in Dublin 5. [14287/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that an application was received in the Department from the person referred to by the Deputy. However, the person concerned subsequently attended the Immigration Office on the 1 June 2011 and requested and was granted a Stamp 2 permission for six months as a timed out student. Full details of this scheme can be found on the INIS website at [www.inis.gov.ie](http://www.inis.gov.ie).

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by e-mail 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

272. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality the legal status of a child born in this country to Chinese parents who are here on study visas. [14288/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Foreign national children under the age of 16 are not required to register with the Garda National Immigration Bureau. Prior to 1 January 2005 a child born on the island of Ireland was automatically entitled to Irish citizenship. Since January 2005 the status of a child born to non-Irish parents is dependent on the residency status of the parents. Section 6A of the Irish Nationality and Citizenship Act 1956, as amended by Section 4 of the Irish Nationality and Citizenship Act 2004, provides that a person born on the island of Ireland is entitled to Irish nationality if a parent of that person has been resident on the island of Ireland for an aggregate of at least three years during the four year period immediately preceding the person's birth.

However, Section 6B(4) provides that periods of residence by a parent on foot of a permission to study shall not qualify as eligible residence under Section 6A. Consequently children born after 1 January 2005 to foreign national parents resident in Ireland as students are not eligible for Irish citizenship.

273. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality the position regarding a visa application in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [14291/11]

**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 July, 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 7 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.

[Deputy Alan Shatter.]

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 e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Proposed Legislation**

274. **Deputy Michael McGrath** asked the Minister for Justice and Equality when he plans to have legislation enacted to remove restrictions to competition in the legal profession, as set out in the memorandum of understanding with the EU and IMF and in line with the recommendations of the legal costs working group. [14296/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Programme of the Government for National Recovery 2011-2016 undertakes to “establish independent regulation of the legal profession to improve access and competition, make legal costs more transparent and ensure adequate procedures for addressing consumer complaints”. These undertakings complement those structural reforms in the EU/IMF Programme of Financial Support for Ireland aimed at removing restrictions to trade and competition relating to the legal professions and legal costs, namely:

- to establish an independent regulator for the legal professions and implement the recommendations of the Legal Costs Working Group; and
- to implement the outstanding Competition Authority recommendations to reduce legal costs.

I intend to give effect to the various commitments I have mentioned by way of the Legal Services Bill that is referred to in the Government Legislation Programme announced by the Chief Whip on 5 April 2011.

The commitment of the Government is to a strategy that is comprehensive, provides more independent regulation of the legal professions, better regulates legal costs and will ensure that the complaints procedures are as effective as possible. The strategy, when implemented, will improve the overall system of delivery of legal services in the State.

### **Garda Reserve**

275. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will reconsider the issue of Garda Reserve members who wish to wear a turban. [14304/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** As I am awaiting a ruling from the Equality Tribunal related to this matter, it would be inappropriate for me to comment on it at this time.

### **Courthouse Refurbishments**

276. **Deputy Tom Hayes** asked the Minister for Justice and Equality when funds will be

allocated for the restoration and repair of Tipperary Courthouse; and if he will make a statement on the matter. [14310/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Courts Service is not in a position to allocate funding for the extensive remedial works necessary for the courthouse in Tipperary. However, in view of the historic nature of the building, my Department has agreed to fund some limited repair work by the Office of Public Works in order to prevent further deterioration.

### **Garda Stations**

277. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality if he will consider revoking the closure order on the Garda station at Fitzgibbon Street, Dublin 1, which is providing a very valuable service to the community, in view of the fact that there is no indication when funding will be secured for its refurbishment; and if he will consider an assessment of the building to ascertain if it can continue in its current state for the foreseeable future in order that the community is not at a loss. [14312/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The programme of replacement and refurbishment of Garda accommodation around the country is based on agreed priorities established by An Garda Síochána and it is progressed in close co-operation with 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, due to its condition, it is necessary to temporarily vacate Fitzgibbon Street Garda station to facilitate refurbishment of the premises.

I am also informed that work on the refurbishment of Mountjoy Garda station is currently underway. It is anticipated that this work will be completed in the near future and that the refurbished building will accommodate the station party from Fitzgibbon Street while refurbishment works are carried out at that station. Arrangements are currently being progressed to ensure that a Garda service will be maintained at Fitzgibbon Street during the period the relevant members are stationed at Mountjoy.

In the circumstances the Deputy will appreciate that the question of closing the station at Fitzgibbon Street does not arise.

### **Missing Persons**

278. **Deputy Jack Wall** asked the Minister for Justice and Equality his plans to establish the 116000 EU hotline number for missing children; and if he will make a statement on the matter. [14341/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed that the telephone number to which the Deputy refers has been reserved by the European Commission as a common missing children telephone hotline for the entire EU. It is made available by national telecoms regulators to organisations capable of providing such a service. The allocation of the number in Ireland is therefore a matter in the first instance for the Commission for Communications Regulation (ComReg) and the Department of Communications, Energy and Natural Resources.

I am informed that ComReg has published an information note on its website which makes all relevant information available to potential applicants who may wish to provide the 116000 service. It also issued corresponding national press advertisements inviting applications. To date no applications have been received.



### Garda Reserve

279. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the number of Garda Reserve members operating in County Donegal; the areas in which they are operating; if there are any plans to increase the numbers in County Donegal; and if he will make a statement on the matter. [14348/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda Commissioner that the personnel strength of the Garda Reserve in Donegal Garda Division, broken down by station on 30 April 2011, the latest date for which figures are readily available, was as set out in the table hereunder:

Station	Strength
Letterkenny	11
Buncrana	4
Donegal	1
Ballybofey	6
Total	22

The target strength of the Garda Reserve remains at 10% of the full-time force. On 30 April 2011, the number of attested members of the Garda Reserve was 761, with approximately a further 140 in training. The Government are fully committed to the Garda Reserve and recruitment to it is ongoing.

### Naturalisation Certificates

280. **Deputy Charles Flanagan** asked the Minister for Justice and Equality if he will make the necessary changes to ensure that certificates of naturalisation issued under the Irish Nationality and Citizenship Act 1956 are issued in the English language; and if he will make a statement on the matter. [14354/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Parliamentary Question No. 114 of 2 June 2011. The position is unchanged since then.

### Mine Disaster

281. **Deputy Pearse Doherty** asked the Minister for Justice and Equality if he will consider issuing an apology on behalf of the State to the families of the people killed in the Ballymanus mine disaster in 1943 in west Donegal; and if he will make a statement on the matter. [14386/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy is referring to a tragic incident that occurred on Ballymanus Strand, Donegal, on 10 May 1943, in which 18 people tragically lost their lives when a wartime mine floated ashore and exploded. This tragic incident was previously raised in this House in Parliamentary Question No. 512 of 13 May 2008. In an adjournment debate in the Seanad on 23 April 2008, the details of the incident were outlined based on the files from the National Archives. In October 2010, my predecessor met with Senator Brian Ó Domhnaill and the son of one of the men who tragically lost his life that day.

An inquest was held the day after the incident and the proceedings were adjourned while consideration was given to holding an inquiry. However, it seems from the file that there was little local demand for an inquiry into the matter at the time. It was noted that a number of

local representatives were of the view that nothing would be gained from an inquiry. A meeting of local clergy apparently also came to the same conclusion. A report on file states that a meeting of the next-of-kin of the deceased was held on the 24 May 1943 and it was decided unanimously by them that no demand be made for an inquiry. The Departments of Defence and Justice came to the conclusion that an inquiry would not serve any useful purpose. The coroner was informed that no official inquiry was proposed and the inquest was reconvened on the 28 May 1943.

This was an appalling tragedy for the community of Ballymanus and for the whole country, but it must be questionable whether, 68 years after the event, it would be practical to inquire into whether anything more should have been done to prevent the dreadful loss of life, or to apportion blame or pass judgement on the actions of the individuals or organisations involved. I am of course deeply saddened by what happened, and offer my personal sympathies to all those who lost loved ones on that dreadful day in 1943.

### Visa Applications

282. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality when a decision on a visa application will issue in respect of a person (details supplied); and if he will make a statement on the matter. [14400/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The visa application referred to by the Deputy was received in the Visa Office, Dublin, on 15 December 2010. Following consideration by a visa officer, it was refused on the 21 January 2011 for the following reasons:

1. The evidence of finances provided was deemed insufficient; specifically, the documentation provided was of poor quality, lump-sum lodgments were evident and the finances were deemed to be insufficient;
2. Insufficient documentation was submitted in support of the application; specifically, a copy of the applicant's cousin's Garda registration card or passport was not provided;
3. It was the opinion of the visa officer that the applicant did not have sufficient obligations to return to the country of origin and may not observe the conditions of a visa where one was granted;
4. No clear link was established between the applicant and the contact or host in Ireland.

The applicant appealed the refusal to grant a visa. The decision of the visa officer was upheld by an Appeals Officer on 3 March 2011. Each visa application is entitled to one appeal only. It is, however, open to the applicant to submit a fresh visa application at any time. Information on the visa application process is available on the website of the Irish Naturalisation and Immigration Service ([www.inis.gov.ie](http://www.inis.gov.ie)).

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made direct to INIS by e-mail 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.

### Litter Pollution

283. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if he will amend

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the Data Protection Act to allow local authorities to name and shame those convicted of littering offences; and if he will make a statement on the matter. [14418/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The position is that adoption of a policy of naming and shaming those convicted of littering offences under the Litter Pollution Acts 1997 to 2009 is in the first instance a policy matter for the Minister for the Environment, Community and Local Government. Subject to Government approval to proceed with such a policy, the required statutory provisions could be enacted by means of an appropriate amendment to the Data Protection Acts 1988 and 2003 or the Litter Pollution Acts 1997 to 2009.

In the case of tax defaulters, for example, specific provision has already been made in the Taxes Consolidation Act 1997 for the publication of the names of such defaulters. Section 1086 of that Act contains detailed provisions which allow for the compilation of lists of those on whom fines or other penalties have been imposed and for the publication of each such list. The principal advantage of this approach is that the specific features of the offences in question can be taken more readily and conveniently into account than under a more general amendment of the Data Protection Acts.

### **Citizenship Applications**

284. **Deputy Niall Collins** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied). [14441/11]

**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, 2007.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

In that context, as I outlined in response to Parliamentary Question Number 69 of 7 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 e-mail 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 Resources**

285. **Deputy Dara Calleary** asked the Minister for Justice and Equality when he will be in a position to supply a figure; and if an additional estimate for the Garda is anticipated. [14520/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am currently awaiting information from the Garda authorities in relation to the matters raised by the Deputy and I will revert to him as soon as the relevant material has been provided.

### **Milk Quota**

286. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food the position regarding an appeal for milk quota in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [14166/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The named person contacted my Department to request a meeting with regard to an application for an allocation of milk quota under the 2010 Scheme for New Entrants to Dairying.

Department officials met with the named person and his Teagasc adviser in February of this year. Having given full consideration to the case put forward, it was the decision of the Department that the appeal should be denied.

*Question No. 287 withdrawn.*

### **Agri-Environment Options Scheme**

288. **Deputy Tom Barry** asked the Minister for Agriculture, Fisheries and Food if he will endeavour to move payments under the agri-environment options scheme forward from August as persons who are anxious to join the scheme are put off by the late payments because they find themselves in a situation of very tight finances. [14207/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Under the EU Regulations governing the Agri-Environment Options Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This work is ongoing and I expect that payments to participants in the scheme in respect of 2010 will commence in August and that payments in respect of 2011 for AEOS participants will commence in October.

With regard to further applications to join AEOS, it is important to note that the closing date for receipt of applications was Monday, 16 May. Accordingly, the scheme is now closed to new applicants.

### **Fur Farming**

289. **Deputy Maureen O'Sullivan** asked the Minister for Agriculture, Fisheries and Food if he will include a ban on fur farming in the proposed Animal Health and Welfare Bill. [14313/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** It is my intention to publish the Animal Health and Welfare Bill this year. However, as the Deputy will be aware, the Bill is a complex one and will require extensive work in conjunction with the Office of the Parliamentary Counsel to complete the required legal drafting. Once a complete draft is available I intend to publish the Bill. The issue of fur farming is being examined in the context of the ongoing drafting of the Bill.

290. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food his policy on fur farms; the number and category of such farms here at present; the number of animals raised on these farms annually; his proposals for ending the practice of fur farming; and if he will make a statement on the matter. [14343/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** There are currently five licensed mink farms, who between them farm an estimated 225,000 mink.

It is my intention to publish an Animal Health and Welfare Bill this year. However, as the Deputy will be aware, the Bill is a complex one and will require extensive work in conjunction with the Office of the Parliamentary Counsel to complete the required legal drafting. Once a complete draft is available I intend to publish the Bill. The issue of fur farming is being examined in the context of the ongoing drafting of the Bill.

### Grant Payments

291. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position regarding a grassland sheep payment in respect of a person (details supplied) in County Wicklow; if this will be paid as a matter of urgency; and if he will make a statement on the matter. [14353/11]

**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 6 May 2010 has now been finalised, the payment due will issue shortly.

### Departmental Funding

292. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the funding paid to companies (details supplied) in Dublin 17; the purpose of same in each of the years 2007, 2008, 2009 and 2010; and if this company is currently in receipt of payment from his Department. [14381/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Since 2007 my Department made the following two payments to the company concerned in respect of professional fees and costs in relation to two separate HR matters:

€2,410.72 paid in 2007

€6,261.75 paid April 2011.

### Grant Payments

293. **Deputy Pearse Doherty** asked the Minister for Agriculture, Fisheries and Food the basis upon which he calculated the standard cost which was used in an application for grant aid under the farm waste management scheme in respect of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [14394/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person concerned was an applicant for grant-aid under the Farm Waste Management Scheme and has now received all grants due to him under the Scheme. Under the terms of the Scheme, the standard costs applicable at the date of issue of approval to commence works are applied in order to determine the amount of grant-aid payable in any particular case.

Full details of the calculations used to determine the amount of grant-aid paid in this case will be forwarded to the Deputy as soon as possible.

294. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Fisheries and Food the position regarding regional schemes in other parts of Europe to deal with understocking on hills and mountains; his plans to bring these schemes to regions here to try to address this problem; and if he will make a statement on the matter. [14414/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** In moving from the old, historical headage schemes to the Single Payment Scheme, farmers were allowed more freedom to decide which particular types of farming enterprise best suited their individual holdings. Subject to the requirements of Good Agricultural and Environmental Conditions, farmers benefiting under the Single Payment Scheme and/or the Disadvantaged Areas Scheme are free to farm as they so choose. In recent years the national sheep flock has been declining and to counter this, it was decided that an income support measure should be introduced to assist farmers in maintaining sheep numbers.

The opportunity arose when, as a result of the Health Check negotiations, a provision was introduced in the SPS Regulations, which enabled Member States to utilise unused SPS funds in measures to assist vulnerable sectors and agri-environment Schemes. Ireland decided that, of the total of the €25 million available annually to this country over a three-year period, €18 million would be paid each year to support incomes in the sheep sector. It was then necessary to decide whether the income support in the sheep sector should be in the form of a headage payment or a grassland area payment. Both options were examined but the general consensus was that it was not practical to introduce a headage scheme for sheep. All farming organisations and the sheep farmers concurred with this view. This scheme has been introduced for the years 2010 to 2012 with payments based on the sheep census returns and farmers' annual SPS applications.

### **Fur Farming**

295. **Deputy Brian Stanley** asked the Minister for Agriculture, Fisheries and Food his plans to include a ban on fur farming in the new Animal Health and Welfare Bill. [14416/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** It is my intention to publish the Animal Health and Welfare Bill this year. However, as the Deputy will be aware the Bill is a complex one and will require extensive work in conjunction with the Office of the Parliamentary Counsel to complete the required legal drafting. Once a complete draft is available I intend to publish the Bill. The issue of fur farming is being examined in the context of the ongoing drafting of the Bill.

### **School Absenteeism**

296. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs if he will provide a breakdown of the absentee rate of 20 days or more per annum for the past three school years for each of the first-level schools in the Dublin Mid-West constituency. [14294/11]

297. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs if she will provide a breakdown of the absentee rate of 20 days or more per annum for the past three school years for each of the second-level schools in the Dublin Mid-West constituency. [14295/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 296 and 297 together.

The National Educational Welfare Board is the statutory body with responsibility for school attendance. The Board compiles statistics based on attendance returns, at the end of each school year. The findings from these reports help to identify trends in school attendance.

In relation to the Deputy's specific question on student absenteeism in the Dublin Mid-West constituency, I am informed that data in the format requested is not available on the basis of

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constituency breakdown. There is however data available for Co. Dublin in respect of the 2006/07, 2007/08 and 2008/2009 school years.

Analysis of this data indicates that 13.9%, 14.8% and 16.3% of primary pupils were absent for more than 20 days during the 2006/07, 2007/08 and 2008/2009 school years respectively. The figure for post-primary pupils was 18.3%, 19.6% and 18.8% for 2006/07, 2007/08 and 2008/2009 respectively.

The NEWB has issued information leaflets to parents and run public awareness campaigns to raise the profile of school attendance. It also operates an Education Helpline to provide information on attendance and related matters.

To provide for a single, more focussed structure at local, regional and national levels, the remit of the National Educational Welfare Board was expanded to bring the Home School Community Liaison, the School Completion Programme, the Visiting Teachers Service for Travellers and National Educational Welfare Service under one common management team.

The School Completion Programme includes attendance tracking as one of its main preventative strategies. HSCL Coordinators work with parents to promote school attendance. These services are available to all schools participating in DEIS (Delivering Equality of Opportunity in Schools) the Action Plan for educational inclusion. This integrated approach is part of the Government's overall approach to Transforming Public Services and will significantly benefit service delivery to children and their families and assist schools in meeting the challenges they face in tackling poor attendance and early school leaving.

### **Children in Care**

298. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the number of children in each of the local health office community care areas that have been placed as a private arrangement with relatives by Health Service Executive social workers. [14116/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under the Children Act, 2001 a “private foster care arrangement” means any arrangement or undertaking whereby a child is for more than 14 days in the full time care, for reward or otherwise, of a person other than his or her parent or guardian, a person cohabiting with a parent or guardian or a relative. The person arranging or undertaking a private foster care arrangement shall give notice to the HSE not less than thirty days before the placement or in cases of an unforeseen emergency, by both the person making the arrangement and the person undertaking the arrangement as soon as practicable and not more than 14 days after the placement. These children are not in the care of the State and the HSE does not make these private foster care arrangements with relatives.

The HSE ensures that the person undertaking the arrangement is complying with his or her duty to take all reasonable measures to safeguard the child's health, safety and welfare. In cases where the HSE believes that such measures are not being taken, it may apply to the District Court for a supervision order, to take the child into the care of the State or the return of the child to his or her parents or guardian, as appropriate.

Where a child is in the care of the State, the HSE will, where possible, place a child in foster care. In the first instance, the HSE will seek a suitable relative or person known to the child to provide relative care. Relative carers go through an assessment and approval, in a similar way to general foster carers. The child is allocated a social worker who visits regularly and a Care Plan is developed and reviewed regularly based on the needs and wishes of the child.

Currently foster/relative care services are provided directly by the HSE or by private foster care agencies on behalf of the HSE.

### Missing Persons

299. **Deputy Shane Ross** asked the Minister for Children and Youth Affairs if she will account for the delay in implementing the 116000 hotline number for missing children. [14383/11]

300. **Deputy Arthur Spring** asked the Minister for Children and Youth Affairs if the EU recommended 116000 hotline for missing children will be set up here; and if he will make a statement on the matter. [14396/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 299 and 300 together.

The purpose of the 116000 phone number is to provide a contact number to families if children go missing. My Department is in discussions with other Government Departments in relation to the Development of a hotline for missing children. The issue of missing children is a matter for the Garda Síochána.

### Tobacco-Related Diseases

301. **Deputy Damien English** asked the Minister for Health the plans he has in place to reduce the consumption of tobacco products amongst minors in the State; and if he will make a statement on the matter. [14124/11]

302. **Deputy Damien English** asked the Minister for Health the extent of the sale of tobacco products to minors in the State; his plans to counteract the sale of tobacco products to minors; and if he will make a statement on the matter. [14125/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 301 and 302 together.

In July 2009, further provisions of the Public Health (Tobacco) Acts 2002 and 2004 were commenced. These included —

- (i) a ban on all in-store/point-of-sale advertising of tobacco products,
- (ii) a ban on the display of tobacco products in retail premises,
- (iii) the introduction of a closed container/dispenser provision
- (iv) tighter controls on the location and operation of tobacco vending machines,
- (v) the introduction of a retail register.

The aim of these provisions is to further de-normalise tobacco and to protect children from the dangers of tobacco consumption. A evaluation in 2010 of the effects of this ban in Ireland found that there was a 60% drop in the proportion of children who recalled seeing in-store tobacco displays. The research confirmed the greater impact of point of sale displays on children, as prior to the introduction of the ban on point of sale, a much greater proportion of children than adults recalled seeing tobacco packs (81% Vs 49%). These figures indicate that the legislation is de-normalising smoking amongst children and, in the long term, will reduce childhood initiation. Further to this, my Department is currently undertaking a review of tob-



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acco policy and in this context, it will further consider the consumption of tobacco products by minors.

Section 45 of the Public Health (Tobacco) Acts 2002 -2010 prohibits the sale of tobacco products to persons under 18 years of age. A retailer convicted of selling tobacco products to a person under 18 years of age can be fined up to €3,000 and prohibited from selling tobacco products for a period not exceeding 3 months. The tobacco legislation is enforced by the Environmental Health Service of the HSE and as part of the enforcement of the legislation, the environmental health officers carry out test purchasing of tobacco products to minors. I have therefore requested the HSE to forward to you directly, details of number of test purchases of tobacco products that have been completed and the number of prosecutions that resulted.

A person who proposes to sell tobacco products must register with the National Office for Tobacco Control in the first instance and the penalties for non-registration are as set out above. However, in the case of the sale of illicit or counterfeit tobacco products to minors at markets, this matter is being dealt with by both the Revenue Commissioners and An Garda Síochána.

303. **Deputy Damien English** asked the Minister for Health his views regarding the access minors have to purchase tobacco products at both regulated and unregulated markets here; if he has liaised with the Department of Enterprise, Jobs and Innovation on the matter; and if he will make a statement on the matter. [14126/11]

**Minister for Health (Deputy James Reilly):** In July 2009, further provisions of the Public Health (Tobacco) Acts 2002 and 2004 were commenced. These included —

- (i) a ban on all in-store/point-of-sale advertising of tobacco products,
- (ii) a ban on the display of tobacco products in retail premises,
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- (iv) tighter controls on the location and operation of tobacco vending machines,
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304. **Deputy Damien English** asked the Minister for Health the average life expectancy of a 13 year old child when tobacco-based products are consumed and when tobacco-based products are not consumed; his views on the health benefits of minors not consuming tobacco-based products compared to that of minors who do consume tobacco-based products; and if he will make a statement on the matter. [14127/11]

**Minister for Health (Deputy James Reilly):** In the context of the Deputy's question regarding the impact of smoking on a child, I can report that half of all long-term smokers will die from smoking related diseases; and more than half of all children who start smoking will die prematurely from a smoking related disease. This fact clearly demonstrates the health benefits to minors of abstention from smoking.

Finally, in Ireland, tobacco use is the leading cause of preventable death.

### Childhood Obesity

305. **Deputy Damien English** asked the Minister for Health the extent of childhood obesity here; the trends he has identified on this issue; if he will provide details of a comparison of childhood obesity in 2005; his plans to reduce the incidence of childhood obesity here; and if he will make a statement on the matter. [14128/11]

**Minister for Health (Deputy James Reilly):** There have been a number of national studies on childhood overweight obesity over the last 5 years but they use different age groups and therefore cannot be compared to provide an accurate trend. However, it is clear that there has been a two-to-fourfold increase in overweight and obesity in children aged 8 — 12 from 1990 to 2005. While these studies have looked at different age groups, it is possible to conclude that approximately 1 in 4 primary school children are overweight or obese and 1 in 5 teenagers are overweight or obese. Girls are more likely to be overweight or obese.

The most recent information on childhood obesity in Ireland comes from a study of 7-year olds in 2008, funded by my Department, which found that 13% of boys and 19% of girls were overweight and a further 5% of boys and 7% of girls were obese. My Department continues to work with the HSE and other Departments on the development of lifestyle initiatives to make it easier for people to lead healthier lives. My Department is also establishing a working group to progress a number of key priority actions in areas such as, nutritional information, calorie posting and restrictions on marketing to children.

### Medical Cards

306. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued to a person (details supplied) and if he will expedite a response. [14132/11]

**Minister of State at the Department of Health (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 Committees

307. **Deputy David Stanton** asked the Minister for Health the number of committees and interdepartmental committees currently established and working and sub-committees currently established and working under his auspices and other Departments; if he will provide details of same; the number of persons on each committee; the areas of expertise of members of any such committee; and if he will make a statement on the matter. [14137/11]

327. **Deputy David Stanton** asked the Minister for Health the interdepartmental committees that are currently in existence between his Department and other Departments; his plans to establish any further such committees in the near future; and if he will make a statement on the matter. [14377/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 307 and 327 together.

The information requested by the Deputy in respect of the Department of Health is currently being collated and will be forwarded as soon as it is available.

### Health Services

308. **Deputy Anne Ferris** asked the Minister for Health when the neuro-rehabilitation strategy, which has been under development for three years, will be published; if funding will be provided for the implementation of the strategy; and if he will make a statement on the matter. [14143/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Working Group as established by the Department of Health and Children and the Health Service Executive (HSE) to develop a national policy and strategy for the provision of neuro-rehabilitation services, has completed its work and formally signed off on key recommendations on 20th May last. The report recognises that given the current economic climate, the focus in the short to medium term has to be on reconfiguration of services, structures and resources and the enhancement of the skills and competencies required to meet the changing context.

The HSE National Service Plan for 2011 includes a commitment to appoint a national clinical lead for rehabilitation, develop an implementation plan and an implementation structure for the provision of neuro-rehabilitation services. In this context, the Quality and Clinical Care Directorate of the HSE, as part of its development of clinical care programmes, has established a Rehabilitation Medicine Programme, led by a team of national experts. The three main objectives of the Rehabilitation Medicine Programme are to improve the quality of care; improve access to services and improve cost effectiveness.

The Working Group's report is currently with the Minister for consideration and it is expected that it will be published in the near future.

### Departmental Surveys

309. **Deputy Anne Ferris** asked the Minister for Health when he will publish the next survey of lifestyles, attitudes and nutrition in Ireland report; if the report will be as comprehensive as in previous years; if it will include the areas of tobacco use, physical activity, diet and nutrition and alcohol; and if he will make a statement on the matter. [14144/11]

**Minister for Health (Deputy James Reilly):** My Department is currently considering how up-to-date National Health and Lifestyle Survey (SLÁN) data on the adult population might be gathered taking account of the reduced resources for such surveys. At this stage my Department is considering the requirements for a lifestyle survey to be carried out in 2012.

### Stroke Awareness Campaign

310. **Deputy Anne Ferris** asked the Minister for Health if his attention has been drawn to the fact that the Irish Heart Foundation stroke awareness campaign has been successful in increasing the number of stroke patients being admitted to hospital in time to receive clot-busting drugs; if he will now make a financial contribution to the campaign to ensure that the FAST ads can continue to air on television and radio; and if he will make a statement on the matter. [14149/11]

**Minister for Health (Deputy James Reilly):** I met with the Irish Heart Foundation recently and they briefed me on the success of their stroke awareness campaign; this campaign complements the work taking place within the healthcare system optimising and enhancing the services available to people with stroke. Social marketing campaigns are generally a matter for the HSE and in this context I am glad to report that the Foundation is being funded by the HSE — among other exchequer sources. Any change in the level of funding is for the consideration of the HSE, with particular regard to the overall budgetary position of the Executive.

### Medical Cards

311. **Deputy Jack Wall** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14151/11]

**Minister of State at the Department of Health (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

312. **Deputy Olivia Mitchell** asked the Minister for Health if, since the introduction of the fair deal scheme there has been any change in the relative numbers leaving hospitals who are opting for nursing home care *vis-à-vis* those opting for a home care package; if he will supply such numbers for the years before and after the introduction of the scheme; and if he will make a statement on the matter. [14154/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Home Care Packages (HCPs) are enhanced supports over and above existing mainstream community services, with the objective of maintaining older people at home and in their communities for as long as possible. They are targeted at those at risk of inappropriate admission to long-term care, or acute hospitals, or those who require discharge home from an acute hospital.

The HSE indicate that the number of clients referred from acute hospitals for a Home Care Package was 413 over the period January-April 2010, and that the corresponding figure for the same period in 2011 was 591, i.e. an increase of 178 clients.

The Executive also indicate that the growth in referrals for Home Care Packages from acute services is related to the increased levels of funding being made available for such packages, and therefore making a greater number of packages available. Home Care Packages are a real alternative to residential care for a greater number of people with complex needs than would have been possible to support prior to the introduction on these packages.

Since the introduction of the Nursing Homes Support Scheme (“A Fair Deal”) in 2009, 22,277 applicants have availed of the Scheme. Of this number, approximately 10,025 (45%) moved from acute services.

Due to the range of factors impacting on demand for both Home Care Packages, and the Nursing Homes Support Scheme, it is not possible at present to identify if there has been any underlying shift in demand for nursing homes support compared to the HCP initiative. The

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growth in referrals from the acute sector to Home Care Packages, and to the Nursing Homes Support Scheme, would appear to indicate a growing demand for services generally.

### Medicinal Products

313. **Deputy Kevin Humphreys** asked the Minister for Health if any drugs used in lethal injection executions are manufactured here (details supplied); if the manufacture of these drugs is regulated and reported to a Government body; if he will consider an export ban or adding these drugs to the list of controlled substances should they be manufactured here; and if he will make a statement on the matter. [14172/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The drugs mentioned by the Deputy have legitimate medical uses i.e. in anaesthesia, as a muscle relaxant and to treat potassium deficiency.

The Irish Medicines Board (IMB) is the regulatory body for the manufacture in Ireland of medicines for human and veterinary use and has confirmed that none of these drugs is manufactured in Ireland.

### Cancer Screening Programme

314. **Deputy Mary Mitchell O'Connor** asked the Minister for Health if the proposed extension of the breast cancer screening programme to women aged 65-69 years, as committed to in the programme for Government, will be rolled out on a nationwide basis or on an incremental basis across the various regions. [14206/11]

**Minister for Health (Deputy James Reilly):** The Programme for Government provides for the extension of the BreastCheck programme to women aged 65-69 years. In addition, the extension of the BreastCheck programme has been listed as a priority in the HSE's 3 year Corporate Plan. At present BreastCheck is available nationwide to women in the 50-64 age group. The HSE's National Cancer Control Programme is examining how it can extend the programme to 65-69 year olds.

Women of any age who have concerns about breast cancer should seek the advice of their GP who will, if appropriate, refer them to the symptomatic breast services in one of the eight designated specialist cancer centres.

### Health Services

315. **Deputy Jerry Buttimer** asked the Minister for Health the reason a person (details supplied) in County Cork who has been referred to London by a consultant for treatment has been refused for the Health Service Executive treatment abroad scheme. [14209/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Medical Cards

316. **Deputy Jack Wall** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14210/11]

**Minister of State at the Department of Health (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

317. **Deputy Aodhán Ó Ríordáin** asked the Minister for Health the position regarding orthodontic treatment in respect of a person (details supplied); and if he will make a statement on the matter. [14211/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

318. **Deputy Charles Flanagan** asked the Minister for Health the waiting period for orthodontic services in Portlaoise, County Laois; and if he will make a statement on the matter. [14260/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### Mental Health Services

319. **Deputy John Lyons** asked the Minister for Health the criteria with regard to involuntary patients in psychiatric units on informing next of kin of changes of circumstances, treatments and progress of patients (details supplied); and if he will make a statement on the matter. [14263/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### Health Services

320. **Deputy Finian McGrath** asked the Minister for Health if he will review the case of a person (details supplied). [14307/11]

**Minister of State at the Department of Health (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.

### Nursing Homes Support Scheme

321. **Deputy Tony McLoughlin** asked the Minister for Health if emergency funding will be provided for the Fair Deal nursing home support scheme to enable it continue to accept new beneficiaries while the review of the scheme is taking place. [14320/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputies are aware, my colleague the Minister, Deputy Reilly, sought further information about the level of funding provided for, and the costs drivers impacting on the Fair Deal budget. The main priority was to establish what steps might be taken to allow more people to benefit from the scheme.

A full examination of the funding situation concerning the Scheme, conducted jointly by the Department of Health and the Health Service Executive was completed and submitted to my colleague on Friday 3 June 2011. In this regard he hopes to be in a position to make an announcement regarding the scheme very shortly.

In the meantime, applications for financial support under the scheme will continue to be accepted and processed. However, decisions to grant approval will be subject to the availability of funding.

### Medical Cards

322. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14325/11]

**Minister of State at the Department of Health (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 Transport

323. **Deputy Pearse Doherty** asked the Minister for Health his plans to review the transport charge introduced by the Health Service Executive through the rural transport initiative levied on persons with disabilities attending training centres and day centres in County Donegal; his views that this additional burden should not be imposed on the disabled in view of the budget cuts to their payments; and if he will make a statement on the matter. [14335/11]

**Minister of State at the Department of Health (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 Cards

324. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [14342/11]

**Minister of State at the Department of Health (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

325. **Deputy Finian McGrath** asked the Minister for Health if he will review the case of a person (details supplied) in Dublin 3. [14347/11]

**Minister of State at the Department of Health (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.

### Medical Cards

326. **Deputy Joe Costello** asked the Minister for Health if he will reverse the decision to refuse the medical card in respect of a person (details supplied) in Dublin 9; if he will continue to grant this card in view of the fact that failure to do so will cause undue hardship to the person concerned; and if he will make a statement on the matter. [14373/11]

**Minister of State at the Department of Health (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. 327 answered with Question No. 307*

### Health Services

328. **Deputy David Stanton** asked the Minister for Health the number of consultant orthodontists employed by the Health Service Executive to supervise and carry out specialist orthodontic treatment; the locations of each of these consultants; the number on the public waiting list at each location; and if he will make a statement on the matter. [14378/11]

**Minister for Health (Deputy James Reilly):** The HSE's Health Service Personnel Census indicates that the numbers and locations of consultant orthodontists and orthodontics specialists employed in the public health service, as at April 2011 (latest available data) are as follows:

Number and location of Consultant Orthodontists employed in the public health service, as at April 2011 (latest data)

Agency	Total WTE excl. career break
Dental Services (Community) — Waterford	1
Dental Services — South Lee	1.5
Dublin Dental Hospital	0.2
LHO Laois	0.32
Limerick Regional Hospital	0.64
Orthodontics Services (SW)	3
Orthodontic Unit (Loughlinstown)	0.5
Orthodontic Unit, Louth	1
Sligo Regional Hospital	1
St. James's Hospital	2
<b>Total Consultant Orthodontist</b>	<b>11.16</b>

Number and location of Orthodontics Specialists employed in the public health service, as at April 2011 (latest data)

Agency	Total WTE excl. career break
Cork Dental Hospital	1
Dental Services (Community) — Waterford	3.94
Dental Services — North Cork	1
Dental Services — South Lee	1.77
LHO Laois	2.14
LHO Westmeath	0.43
Limerick Regional Hospital	3.17
Orthodontic Service (Merlin Park)	3.53
Orthodontic Service (Reg)	4
Orthodontics Services (SW)	4.9
Orthodontic Unit (Loughlinstown)	4.9
Orthodontic Unit, Louth	3.62
Sligo Regional Hospital	4.2
<b>Total Orthodontics, Specialist</b>	<b>38.6</b>

Waiting times for orthodontic assessment and treatment vary across the country and within the HSE regions. Access to treatment is determined by clinical need. Waiting times for patients with greatest needs are generally shorter than the average. It should be noted that the nature of orthodontic care means that immediate treatment is not always desirable as it is often necessary to wait for further growth to take place before treatment commences. The waiting list for Orthodontic treatment, for Q4 2010, is as follows:



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Orthodontic Treatment Waiting List Q4 2010

Region	Total
South Western	1,207
Mid-Leinster	899
Midland	1,024
North/North Eastern	2,428
South Eastern	1,397
Southern	2,993
Western	1,607
Mid-Western	1,103
North Western	557
Total	13,215

### Special Educational Needs

329. **Deputy Gerald Nash** asked the Minister for Health if the certificate course in leadership and advocacy at Dundalk IT, County Louth, which caters for students with an intellectual disability, will be maintained and alternative resources provided in view of the fact that Midway Services are no longer able to support the programme due to reduced funding from the Health Service Executive. [14380/11]

**Minister of State at the Department of Health (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 to the Deputy.

### Departmental Funding

330. **Deputy Joe McHugh** asked the Minister for Health if he will address a matter (details supplied) regarding funding; and if he will make a statement on the matter. [14402/11]

**Minister for Health (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. It has been decided to extend the current funding to this organisation until 1st August while a review of these proposals is taking place.

331. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding core funding for a service (details supplied). [14412/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Parkinson's Association of Ireland is a charity with branches throughout the country, which offers support and information to people living with Parkinson's disease, their carers and families.

The Parkinson's Association is a member of the Neurological Alliance of Ireland and the Disability Federation of Ireland. Both umbrella organisations provide support to the Parkinson's Association and are supported through the State through funding from the Health Service Executive. In the current economic climate it is not possible to provide additional funding to charities.

The Parkinson's Association has applied to my Department under the National Lottery Grant Scheme. Their application is currently under consideration.

### **Services for People with Disabilities**

332. **Deputy Joe McHugh** asked the Minister for Health his views on travel charges that the Health Service Executive imposes on clients attending training centres and day centres; his views on any envisaged changes to the levels of charges; and if he will make a statement on the matter. [14421/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Transport services for people with a disability are generally provided by voluntary service providers that are funded by the HSE under Sections 38 and 39 of the Health Act. However, as a result of the limited public transport service in Co. Donegal, the HSE/North Western Health Board has for many years provided free transport services to day centres, day hospitals and other services.

In the current financial climate, it is not sustainable for the HSE to continue to provide a free transport service in the Donegal area; it is more important that resources focus on continued service delivery.

In order to sustain transport services and provide access to HSE services, local HSE Management is working closely with Seirbhís Iompair Tuaithe Teoranta (SITT), MFG and Inishowen Development Partnership — community based not-for-profit rural transport companies. This approach will help to support a local community group as well as ensuring that the transport services that people need to access services will be there in the future.

The scheme has been implemented in the rest of the county and has been very successful. It will be commenced in the Inishowen area during the third quarter of 2011.

### **Health Services**

333. **Deputy Bernard J. Durkan** asked the Minister for Health if his attention has been drawn to the urgent need for extra accommodation at a health centre (details supplied) in County Kildare; if he has sought any report on the matter arising from previous inquiries on the issues; if consideration has been or will be given to the provision of temporary accommodation in the immediate future; if he is conscious of the serious deficiency in the working conditions of staff and accommodation for patients for a considerable time; the steps he will take to address these issues; and if he will make a statement on the matter. [14437/11]

**Minister of State at the Department of Health (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 Services**

334. **Deputy Dara Calleary** asked the Minister for Health if breast cancer surgery at Sligo General Hospital will resume by 18 June 2011; the directions he has given to the Health Service Executive on this service; his views on the proposed provision of cancer services at Sligo General Hospital; and if he will make a statement on the matter. [14519/11]

**Minister for Health (Deputy James Reilly):** Women in the Sligo area with breast cancer currently access diagnostic and surgical services in Galway. Some 96% of women who attend the Galway breast unit do not have cancer, and only one visit is normally necessary. For the small number diagnosed with breast cancer, some 85% will require radiotherapy as well as

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surgery, which would involve treatment in Galway in any event. We will review the current arrangements to ensure that they continue to deliver the best possible outcomes for cancer patients in Sligo.

### Departmental Funding

335. **Deputy Jack Wall** asked the Minister for Transport, Tourism and Sport if a club (details supplied) in County Kildare can apply for funding to meet its development proposals; and if he will make a statement on the matter. [14130/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** The Minister for the Environment, Community and Local Government has responsibility for Dormant Account funding.

Under the terms of the Sports Capital Programme grants are allocated to sporting organisations towards the provision of new facilities, the renovation or extension of existing facilities or the purchase of non-personal sports equipment.

The club in question has received 3 allocations under the Sports Capital Programme since 2000 with a total value of over €160,000. This figure includes a top-up of €27,200 made under the RAPID Programme. €120,328 of these allocations were drawn down by the club (including the RAPID elements) and the remainder was withdrawn.

It would be open to the club to apply under a new round of the Sports Capital Programme. No decision has been made on the timing of the next round.

### Departmental Agencies

336. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport, in view of compensation paid to an organisation (details supplied) and the Supreme Court order for costs against Campus Stadium Ireland in the VAT dispute, if he will make the executive services team accountable for these losses to the Exchequer; and if he will make a statement on the matter. [14269/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The National Sports Campus Development Authority Act, 2006, provides for the establishment of the National Sports Campus Development Authority (NSCDA), which succeeds Campus and Stadium Ireland Development Limited (CSID) in function and responsibility and continues the role of overseeing, planning and developing a National Sports Campus at Abbotstown (Blanchardstown).

This question relates to two legal matters:

- (i) Dublin International Arena Limited (DIAL) v CSID, and
- (ii) CSID v Dublin Waterworld Limited (DWW).

Any decisions relating to these matters would have been a matter for CSID at the time.

### Departmental Agencies

337. **Deputy Jack Wall** asked the Minister for Transport, Tourism and Sport the financial returns to the Exchequer to date from the public private partnership service areas that have been provided on our motorways; the cost to the State of the provision of each such service

area; the agreed percentage return to the State from such projects; if such percentage has been reached in any one of the service areas; and if he will make a statement on the matter. [14270/11]

**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 planning, design and implementation of individual national roads projects are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Within its capital budget, the assessment and prioritisation of individual projects and allocation of funding for these works is a matter in the first instance for the NRA in accordance with section 19 of the Roads Act. More specifically, under section 54 of the Roads Act 1993, as amended by section 10 of the Roads Act 2007, the NRA has a specific responsibility in relation to agreements to build and operate Motorway Service Areas.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

338. **Deputy Jack Wall** asked the Minister for Transport, Tourism and Sport the cost to date of a public private partnership (details supplied); the proposed overall cost of the PPP project; if this costing is similar to other such projects; and if he will make a statement on the matter. [14271/11]

**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 planning, design and implementation of individual national roads are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. In particular, the allocation of funding in relation to the construction or maintenance of national road projects, including service area projects, is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. In addition under section 54 of the Roads Act 1993, as amended by section 10 of the Roads Act 2007, the NRA has a specific responsibility in relation to agreements to build and operate motorway service areas.

As the Deputy is aware, the NRA has sought expressions of interest from interested parties in relation to the provision, on a commercial basis, of Service Areas at Kilcullen and Athlone. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### School Transport

339. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport if he will carry out a survey to establish the number of children wearing seat belts on school buses. [14273/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** One of the key functions of the Road Safety Authority (RSA) is the undertaking of accident and road safety research in order to develop measures and recommendations to improve road safety. The conducting of surveys on speed and seatbelt wearing on Irish roads forms part of such research. Accordingly, I have referred the question to the RSA for direct reply. I would ask the Deputy to contact

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my office if a reply is not received within ten days. Given what I have just outlined, I am not in a position to respond further.

### School Curriculum

340. **Deputy Pádraig Mac Lochlainn** asked the Minister for Transport, Tourism and Sport the position regarding the curriculum which was to be brought in for cycle training. [14274/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Objective 11 of the National Cycle Policy Framework published in 2009 recognises the need to improve cycling standards and cyclists' behaviour on the road including development of national cycle training programmes and a curriculum for the training of cycle instructors.

A working group has been established to examine the development of a national cycle training programme for school children and has met on five occasions since its establishment in October, 2009. The working group comprises representatives from An Taisce, Cycling Ireland, Department of Education and Skills, Donegal County Council, Dublin City Council, RSA, NTA and the Department of Transport, Tourism & Sport. The future direction of this programme is being considered within my Department based on the findings of the working group to date.

### Taxi Regulation

341. **Deputy Kevin Humphreys** asked the Minister for Transport, Tourism and Sport, further to Parliamentary Question No. 436 of 24 May 2011, his plans for the €20 million surplus that has been collected from the taxi industry in licence and renewal fees over previous years; in view of the fact that under section 11 and provisions of section 50, Part 2(b) of the Taxi Regulation Act, funds may be made available to invest in taxi-related infrastructure through local authorities, if he will consider this course of action; if the surplus continues, if he will consider returning some of these fees to the industry as provided for in section 50, part 4; if he has come to an agreement with the Department of Finance or if he will contemplate a reduction in fees to improve competitiveness; and if he will make a statement on the matter. [14289/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** With effect from 1 January 2011, the former Commission for Taxi Regulation (CTR) was subsumed into the National Transport Authority (NTA) under section 36 of the Public Transport Regulation Act 2009. The NTA is funded from an exchequer grant and taxi licence fees.

Section 50(2) of the Taxi Regulation Act 2003, prescribes that income from taxi licence fees received by the NTA shall be applied for the purpose of meeting the expenses of the NTA and, where appropriate, providing financial assistance to local authorities to support the development or provision of infrastructure to facilitate and support the operation of Small Public Service Vehicles (SPSV).

The use of income generated by taxi licence fees that is surplus to the income necessary to meet the expenses of the NTA and any support for the provision of infrastructure is a matter for the NTA. It is a matter for the NTA to set fees for SPSV licences in accordance with the 2003 Act. However given the expenses of the NTA and the very severe constraints on Exchequer funding, I do not consider returning or reducing licence fees to be a realistic prospect in current circumstances.

### Public Transport

342. **Deputy Eric Byrne** asked the Minister for Transport, Tourism and Sport, further to Parliamentary Question No. 105 of 5 May 2011, if he will supply details of all smarter travel projects to date, specifically with regard to how they have been funded; and if it is anticipated that future projects will be in receipt of EU funding. [14303/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The information requested is being compiled in my Department and will be forwarded to the Deputy shortly.

### Railway Stations

343. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if the ticket office at Killarney Railway Station, County Kerry, will be adequately staffed, in view of the importance of this station in a tourist town; and if he will make a statement on the matter. [14314/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is a matter for Iarnród Éireann. I have referred the Deputy's question to the company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### Departmental Agencies

344. **Deputy Damien English** asked the Minister for Transport, Tourism and Sport if he will provide a list the State agencies or commercial organisations that have access to vehicle plate registration details; if he is satisfied that the personal details of persons are maintained according to relevant data protection legislation; and if he will make a statement on the matter. [14315/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Finance Act, 1993 (Section 60) and Regulations 2009 (S.I. No.382 of 2009), copies of which are available in the Dáil Library, specify persons that may have access to the vehicle and driving licence records. In addition, the Private Security Authority has access under the Private Security Services Act 2004 and the National Roads Authority under the Roads Act 2007. Stringent controls in accordance with the requirements of the Data Protection Acts apply in relation to the release of the data.

### Museum Projects

345. **Deputy Michael P. Kitt** asked the Minister for Transport, Tourism and Sport when the facilities at Thoor Ballylee, Gort, County Galway, will be opened; the hours of opening each day; and if he will make a statement on the matter. [14492/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter 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.

### Road Network

346. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport if he or the National Roads Authority has received a submission from a local authority (details supplied)

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about a road project; when he will be in a position to respond to this submission; and if he will make a statement on the matter. [14521/11]

**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 planning, design and implementation of individual national roads projects are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects and allocation of funding for these works is a matter in the first instance for the NRA in accordance with section 19 of the Roads Act.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.