



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

*Dé Máirt, 21 Meitheamh 2011.*

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# DÁIL ÉIREANN

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### TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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*Dé Máirt, 21 Meitheamh 2011.*  
*Tuesday, 21 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 Appointments**

1. **Deputy Micheál Martin** asked the Taoiseach the role, if any, to be played by special advisors in advising him on the persons to be appointed as secretaries general in his Department; and which guidelines, if any, concerning conflicts of interest are being applied to persons involved in the appointment process. [15010/11]

2. **Deputy Micheál Martin** asked the Taoiseach the position regarding the filling of secretary general positions in his Department. [15393/11]

**The Taoiseach:** I propose to take Questions Nos. 1 and 2 together.

The position is unchanged from that I outlined in the House on 1 June. Expressions of interest were sought and have been received. All suitable officers, regardless of whether they submitted an expression of interest, will be considered before a decision is made by the Government. In accordance with established practice, the filling of these posts is a matter for the Government. The expressions of interest made, and other suitable candidates, are being considered by the Tánaiste and me in respect of a second post of Secretary General in my Depart-

[The Taoiseach.]

ment. Therefore, no conflict of interest in respect of any other person arises. I expect a recommendation will be made to the Government for appointment to these posts in the course of the coming weeks. Special advisers have no function in these appointments.

**Deputy Micheál Martin:** Given that this is the procedure used for appointing the new Secretary General with responsibility for public expenditure and reform, which the Taoiseach will, no doubt, also examine, is he satisfied with the procedures used for filling that role? It is almost three months since the media were briefed that these jobs were being filled as a matter of urgency and that, in themselves, they represented a major reform. The closing date for applications was 18 April. What has happened to delay the appointments?

**The Taoiseach:** The Minister for Public Expenditure and Reform, Deputy Brendan Howlin, with approval by the Government, has appointed a Secretary General and is very happy with the outcome of that process. I expect the appointment of the second post of Secretary General in the Department of the Taoiseach will be finalised in a very short period. That Secretary General will report to the Tánaiste in respect of the economic management council and to me on the co-ordination of European matters.

For the Deputy's information, the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, is in the final process of seeking Government approval for appointment of a Secretary General to her Department. The position of Secretary General to the Government, as first secretary in my Department, will also be filled in due course.

**An Ceann Comhairle:** Question No. 3 is in the name of Deputy Gerry Adams.

**Deputy Micheál Martin:** May I ask a supplementary question?

**An Ceann Comhairle:** There is no need for it because the question was answered.

**Deputy Micheál Martin:** I do not believe it was.

**An Ceann Comhairle:** It was, actually.

**A Deputy:** Very well, at that.

**An Ceann Comhairle:** I do not see anything funny about this. The question was answered.

**Deputy Jerry Buttimer:** You are right, a Cheann Comhairle.

**Deputy Micheál Martin:** I am entitled to ask a supplementary question under Standing Orders.

**An Ceann Comhairle:** You are not entitled to ask a supplementary question.

**Deputy Jerry Buttimer:** Hear, hear.

**An Ceann Comhairle:** I do not need any help from the back benches, thanks very much. It is difficult enough to do this job without smart alec comments.

**Deputy Jerry Buttimer:** He needs a bit of help, a Cheann Comhairle.

**An Ceann Comhairle:** Deputy Martin's question is about——

**Deputy Jerry Buttimer:** He is learning badly. He is a slow learner.

**An Ceann Comhairle:** Sorry, Deputy, would you please remain silent? It is none of your business.

**Deputy Jerry Buttimer:** It is, actually.

**An Ceann Comhairle:** The question Deputy Martin asked relates to appointments in the Department of the Taoiseach, not the Department of Finance. The question put to the Taoiseach refers to the appointment of “secretaries general in his Department”

**Deputy Micheál Martin:** Questions Nos. 1 and 2 are in my name.

**An Ceann Comhairle:** The Taoiseach has answered the question. Does the Deputy have another detailed supplementary question?

**Deputy Micheál Martin:** I would like to ask a brief supplementary question on the basis of Question No. 2.

**An Ceann Comhairle:** Fine.

**Deputy Micheál Martin:** In light of the delay in filling the position referred to in Question No. 2, will the Taoiseach reconsider his decision not to publicly advertise the position of the second Secretary General in his Department? He praised himself last week for his reform of the appointments system. Therefore, does he not think he might use the reform process in filling this position? The Taoiseach mentioned the position of Secretary General in the Department of Children and Youth Affairs. Will that position be filled by public appointment or public advertisement outside the public service?

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

**The Taoiseach:** I do not regard this as an inordinate delay. There has been a pretty hefty programme of legislation and events in recent weeks. The recent period has provided an opportunity to reflect, in the general interest of everybody, on the range of qualities of the people to be appointed. It is clear that the two positions in the Department of the Taoiseach are important. The people to be appointed and approved by the Government will be required to have a thorough working knowledge of the mechanics of how the Government and the public service operate. They will also have to exhibit enthusiasm and exuberance for the jobs in which they have expressed an interest and for which they are being considered. The two positions in question — the Secretaries General in the Department of the Taoiseach — require a measure of experience and understanding of how the system works.

#### **North-South Ministerial Council**

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on the recent meeting of the North South Ministerial Council. [15354/11]

4. **Deputy Gerry Adams** asked the Taoiseach if he will ensure that following the North South Ministerial Council plenary he will ensure that there is full round of sectorial meetings in the months ahead. [15355/11]

5. **Deputy Gerry Adams** asked the Taoiseach if any progress has been made towards a formal meeting of the North South Parliamentary Forum. [15356/11]

6. **Deputy Gerry Adams** asked the Taoiseach if any progress has been made towards formal meetings of the North South Civic Consultative Forum. [15357/11]

7. **Deputy Micheál Martin** asked the Taoiseach his policy towards the North-South Civic Consultative Forum. [16283/11]

8. **Deputy Micheál Martin** asked the Taoiseach if he will report on the outcome of the recent North South Ministerial Council meeting. [16285/11]

**The Taoiseach:** I propose to take Questions Nos. 3 to 8, inclusive, together.

I chaired the 12th meeting of the North-South Ministerial Council in Farmleigh House on Friday, 10 June last. It was the first occasion for this Government to meet collectively with the newly appointed members of the Northern Ireland Executive since the recent Northern Ireland Assembly elections. At the outset, I joined the Northern Ireland First Minister, Mr. Peter Robinson, and deputy First Minister, Mr. Martin McGuinness, in paying tribute to former Minister for Finance, Mr. Brian Lenihan, who had sadly passed away that morning.

During the course of the meeting, I highlighted the commitment of this Government, and my commitment, to North-South co-operation and all-island economic co-operation. I encouraged Ministers to exchange contact details with their Northern counterparts and to keep in regular contact on matters pertinent to North-South co-operation. We had a broad-ranging economic discussion with each administration outlining the main challenges being faced. My Ministers and I outlined the measures the Government is taking to tackle the debt problem and promote jobs and skills to tackle unemployment. We discussed the importance of innovation, research and development to economic recovery on this island. Given the budgetary constraints within which we operate, we stressed that it makes good practical sense to continue to explore areas where efficiencies and economies can be achieved by working together North and South.

I welcomed the recent confirmation by the Minister, Mr. Poots that the satellite radiotherapy facility at Altnagelvin Hospital is to proceed as planned. I confirmed the Government's strong support for the facility, which will take one third of its patients from County Donegal. Altnagelvin is an excellent example of the potential to achieve economies of scale by investing together North and South. We also discussed progress made on the A5 north-west gateway to Aughnacloy and A8 Belfast to Larne roads projects. It was agreed that the Irish Government will pay the next round of funding of €11 million towards the roads project. We reiterated the Government's commitment to these projects, which are essential for the development of the entire island. It was also proposed that a technical working group be established to examine how the projects can be delivered to the required standard at a reduced cost.

On the issue of the St. Andrews Agreement review group, we agreed to forward the recommendations prepared by experts and advisers to the review group for consideration by Ministers in the new Executive and Irish Government. This element of the review under Terms of Reference 1 will be finalised at the November plenary when we will also discuss Terms of Reference 2 and 3 of the St. Andrews review.

On the establishment of the North-South Parliamentary Forum, we noted the successful conference that had taken place in October of last year and the intention of the Ceann Comhairle and the Speaker of the Assembly to hold a joint meeting of the working groups in Dublin on 23 June.

On the establishment of the North-South Consultative Forum, we agreed to finalise deliberations on this issue at our next plenary which will take place in November of this year. In addition, there was a full discussion of progress across a range of areas of North-South co-operation including good progress on road safety; co-operation on innovation, energy, tourism, higher education, the environment and trade and business; and the work of North-South bodies, particularly as it relates to fostering economic recovery across the island. We also approved a

schedule of future North-South Ministerial Council sectoral meetings which will take place before the end of this year.

I met again with the Northern Ireland First Minister and Deputy First Minister along with ministers from the Executive and the political leaders from across these islands at the 16th summit meeting of the British-Irish Council in London yesterday.

**An Ceann Comhairle:** There is quite a number of questions grouped. I will take a supplementary from Deputy Adams on the council and then one from Deputy Martin, and then I will go back to Deputy Adams.

**Deputy Micheál Martin:** I tabled two questions.

**An Ceann Comhairle:** Deputy Adams has five or six.

**Deputy Micheál Martin:** Four.

**An Ceann Comhairle:** I want to be fair to everybody.

**Deputy Gerry Adams:** Go raibh maith agat, a Cheann Comhairle. Tá mé buíoch don Taoiseach faoi an bhfreagra an-soiléir sin agus tá mé sásta leis an eolas a bhí ann. That is a clear answer to the question and full of information. Hopefully, this is a new start in our relationship.

**The Taoiseach:** Always.

**Deputy Gerry Adams:** Go raibh maith agat.

I welcome the holding of that North-South Ministerial Council and also the reiteration from the North about Altnagelvin and from the Government about the carriageway — the N2-A5 major road scheme. Of course, it is what happens in between those more formal meetings that is important in terms of building relationships.

The Taoiseach might not be able to comment on this but if he could it would be helpful. I note there was an altercation in the Short Strand area of east Belfast overnight and I am advised — I myself did not hear this — that the PSNI has stated it believes that was a UVF orchestrated incident. I am wondering has the Taoiseach any eolas or scéal on that. Second, are there communications as part of the almost informal back and forth between Ministers here and in the Six Counties if something like that arises?

I appreciate the work that is being done at that forum and I thank the Taoiseach for the clarity of his answer.

**The Taoiseach:** The tone of the meeting was very good. Because it was the first time for members of the Government to meet members of the Executive, there was genuinely a very good interaction. I certainly encourage members to exchange contact numbers so they could have informal meetings and make informal arrangements which, as Deputy Adams will be aware, are beneficial between formal meetings. I expect that at the sub-sectoral meetings being arranged, Ministers will continue to make contact on a regular basis with the members of the Executive from the Assembly. I will see to it.

I have a briefing note on the Short Strand incident last night but I do not have it with me. If Deputy Adams asks the question on Leaders' Questions, I will give him the up to date information.

**Deputy Gerry Adams:** I have a harder question than that to ask the Taoiseach.

**The Taoiseach:** I have got a briefing note in respect of that which I will be happy to share with the House if Deputy Adams asks the question on Leaders' Questions.

**Deputy Gerry Adams:** Go raibh maith agat.

**Deputy Micheál Martin:** In the context of Question No. 8 seeking a report on the outcome of the recent North-South Ministerial Council meeting, was the issue of parading discussed, either formally or informally, between the Taoiseach and the First Minister? The events of last night have raised tensions significantly in interface areas early in the parading season and were worrying signs earlier in the week, with tensions in north Belfast around the Tour of the North parade. I suggest the combination of these two events is worrying and reflects the fact that, unfortunately, the peace process has not reached all communities in the North. I am keen to ascertain whether any discussions have been held on what could be termed "hard to reach" communities or areas in which certain groups are receiving support. The PSNI has been clear that the UVF launched the attack and that there was a response from the Nationalist side. This is worrying, as people have been injured. I would appreciate it if the Taoiseach would indicate whether any discussions took place on these issues at the ministerial council meeting, especially given its timing and the season ahead.

**The Taoiseach:** There was no discussion at the formal meeting about parades. I expect this issue to arise at the sectoral meetings with Ministers and members of the Executive. My apologies for not bringing the comprehensive note on the incidents which occurred last night. I would be pleased to share it with Deputies Micheál Martin and Gerry Adams in the House during Leaders' Questions if they come back to the issue then.

**Deputy Micheál Martin:** It would be useful if there was significant engagement between either the respective Ministers or the Government and the Northern Ireland Executive on this issue to develop a multi-policy approach to the wider issues giving rise to the growing support for this activity, which is worrying.

**The Taoiseach:** It is an issue of concern. I encourage Ministers to engage fully and comprehensively with their counterparts. Deputy Micheál Martin and I and Deputy Gerry Adams and others have discussed the matter on numerous occasions. Clearly, there is a need for continuous vigilance and involvement in communities that are pressurised and fragile on both sides. We all share this common purpose: having put in place after so many years of difficulty a peace process which has delivered normality to Northern Ireland, we intend to see to it that it continues and that those who seek to disrupt the trend towards peaceful and harmonious living within and among communities are not allowed to disrupt the process. I share the view of every Deputy in the House in that regard.

**Deputy Gerry Adams:** The Short Strand is a small Nationalist enclave in east Belfast. A great deal of work has been done by people in that community and by their neighbours in loyalist neighbourhoods. This has nothing to do with parading and it is not representative of either of these proud east Belfast communities. I accept the Taoiseach does not have the briefing note, but it is good that a briefing will be provided. Does the Taoiseach agree that the more ongoing and informal contact, good neighbourliness and so on there is, the better for all of us?

**The Taoiseach:** Yes, I agree. The Deputy can take it that I encourage Ministers to actively pursue such contact. I intend to travel to Northern Ireland in the near future and engage in activities, projects and so on represented by the different parties and communities. As the First Minister and the Deputy First Minister pointed out recently, having gone through a process of

conducting normal elections in Northern Ireland, there is a period ahead in which there will be no election. That will allow for stability and a platform to be built on. We should seize the opportunity and demonstrate that we are serious about co-operation on North-South issues. Where we can achieve efficiencies and demonstrate common purpose we should do so. The Deputy can take it that Ministers will be engaged actively with their counterparts in the Executive.

### Interdepartmental Committees

9. **Deputy Micheál Martin** asked the Taoiseach if he will detail the inter-departmental groups on which he is represented. [15385/11]

**The Taoiseach:** The interdepartmental groups on which my Department is represented are listed in the following table, which I propose to circulate in the Official Report.

Inter-Departmental Groups on which the Taoiseach's Department is represented	Inter-Departmental Groups which the Taoiseach's Department Chairs
Marine Coordination Group	Senior Officials Group on Economic Infrastructure
Interdepartmental Coordinating Committee on the Council of Europe	Senior Officials Group on Economic Recovery and Jobs
Inter-Departmental Committee on the OECD	Senior Officials Group on Labour Market Issues
Inter-Departmental Committee on Development	Senior Officials Group on Climate Change and the Green Economy
Affordable Energy Strategy Steering Group	High Level Group on Communications
Technical Analysis Steering Group on Climate Change	Interdepartmental Coordinating Committee on European Affairs
Preferred Policy Measures Group (Climate Change)	Senior Officials Group on European Affairs
Inter-Agency/Departmental Group on Affordable Energy	Senior Officials Group on Social Policy
Smarter Travel Interdepartmental Working Group	National Disability Strategy Stakeholders Monitoring Group
High-level Inter-Departmental Steering Group on the Renewal of the National Sustainable Development Strategy	Senior Officials Group on Disability
National Sustainable Development Strategy	National Security Committee
Interdepartmental Group on Science, Technology and Innovation	
High Level Advisory Group on Corrib	
Tax Strategy Group	
Global Irish Network Departmental Co-ordinators	
Inter Departmental Committee on Coordinating the Presidency	
Inter Departmental Administrative Planning Group on EU Presidency	
Inter Departmental EU Coordination Group on Enlargement	
Principal Officer Steering Group on the Review of the EU Budget	
Assistant Secretary Steering Group on the Review of the EU Budget	
North/South Co-ordinators Group	
North/South High Level Group	
Interdepartmental Advisory Committee on the Reconciliation and Anti-Sectarianism Funds	



[The Taoiseach.]

Inter-Departmental Groups on which the Taoiseach's Department is represented	Inter-Departmental Groups which the Taoiseach's Department Chairs
The Departmental Training Officers Network The Performance Management and Development System (PMDS) Network The Personnel Officers Network The Disability Liaison Officers Network Drugs Advisory Group Oversight Forum on Drugs High Level Group on Travellers National Traveller Monitoring and Advisory Committee Interdepartmental Group on Constitutional Amendment on Children Steering Group on Active Citizenship National Women's Strategy Monitoring Committee National Youth Justice Strategy Oversight Group RAPID National Monitoring Group Positive Ageing Strategy Cross Departmental Group National Action Plan for Social Inclusion Technical Advisory Group Steering Committee for the 2011 Year of Volunteering Cross Departmental Group on Integration Dormant Accounts Committees Marine Coordination Group	

**An Ceann Comhairle:** In accordance with ruling No. 681 of the previous Ceann Comhairle, it is not in order to ask supplementary questions where the information in the reply to a parliamentary question is in tabular form and has not been circulated. I will seek to facilitate the Deputy at a later stage when he has received the information.

**Deputy Micheál Martin:** That is a wonderfully transparent way of doing business.

### Freedom of Information

10. **Deputy Micheál Martin** asked the Taoiseach his views regarding the application of the Freedom of Information Act within his Department. [15018/11]

11. **Deputy Gerry Adams** asked the Taoiseach if he is proposing any changes to the operation of the Freedom of Information Act within his Department. [16279/11]

**The Taoiseach:** I propose to take Questions Nos. 10 and 11 together.

The procedures for dealing with freedom of information requests in my Department follow the guidelines set out in the Department of Finance's Decision-Makers Manual. The functions of general examination, primary decision-making and internal review are carried out by statutory designated officials, as envisaged in the Acts, and I have no role whatsoever in any of these processes. I am satisfied that the processes being followed by my Department in relation to the freedom of information provisions comply with the manual and I do not propose to change them.

The programme for Government undertakes to restore freedom of information provisions to what they were before the 2003 Act. The Minister for Public Expenditure and Reform is

following through with the necessary reforms and any changes brought to the attention of the Government by the Minister will be implemented by my Department, with all others.

**Deputy Micheál Martin:** I am not in any way questioning the capacity of the Department to administer the Freedom of Information Acts; that is not the angle I am pursuing in this question. The Taoiseach referred to the relevant commitment in the programme for Government and the election manifestos of the two Government parties make specific promises in terms of increasing openness and accountability. However, the evidence thus far is that we are going backwards. For some years it has been the practice of key Departments to publish background documents on-line, thereby reducing the need for people to use the freedom of information provisions. Most other Departments published briefing materials from March, but the Department of the Taoiseach did not do so. Will the Taoiseach explain why this was not done? In addition, there has been a reversal of the policy to publish the advisory documents prepared on all tax measures.

In essence, because of the changes within the Department of the Taoiseach which are moving it towards becoming almost a Cabinet secretariat, the Department will be far less accountable. In the past it was more open to ensuring freedom of information in terms of how it was structured, but by converting it into a type of Cabinet secretariat, the Taoiseach is cutting off the scope for many questions Deputies could have asked in the normal course of Dáil business. That may not be the intention or design, but it is the outcome. In other words, information will be covered by the principle of Cabinet confidentiality under the Department's new configuration and the majority of its work will be almost cut off from public or parliamentary oversight. Is the Taoiseach satisfied with this development? How does it dovetail with the commitment in the programme for Government regarding increased accountability, openness and transparency, including greater oversight by Parliament?

**The Taoiseach:** I thank the Deputy for his observations. I would be grateful if he conveyed to me examples of where he has found the Department restrictive in publishing information that would normally have been available. As a general principle, the changes we are making in the way business is done in this House are designed to ensure Deputies who ask questions are given thorough and full information. One of the problems with Members asking questions about the Freedom of Information Acts is that they are often not specific enough in the information they wish to acquire.

I take the Deputy's point on the provision of background documentation. Cabinet confidentiality is a constitutional requirement, as is confidentiality in so far as Cabinet committees are concerned. However, in respect of the provision of background information, I will certainly be happy to respond to the Deputy if he can give me some examples of where he has found that information normally provided is in some way being constrained. There is nothing to hide in this instance and it is my intention that every Deputy who asks a question will be given full and appropriate information as part of the normal course of business in the House.

**Deputy Gerry Adams:** The Taoiseach stated that people needed to know what the Government is doing and promised to restore the Freedom of Information Act to what it was before Fianna Fáil undermined it agus nuair a bhí Fianna Fáil in oifig, bhíodh an Taoiseach ag tabhairt amach faoin slí ina raibh siad ag leanúint ar aghaidh.

**The Taoiseach:** Bhíodh mé.

**Deputy Gerry Adams:** I put a question to the Department of Health under the freedom of information legislation and got back the redacted document I have to hand. This is not a way

[Deputy Gerry Adams.]

in which to go about business, which in this case pertains to the crisis regarding junior doctors. The Taoiseach also promised to extend the remit to the administrative side of An Garda Síochána. Does the Government intend to review the operation of the Freedom of Information Act or is a review planned?

I bring the Taoiseach's attention back to the document I have to hand, especially because he has just stated that Deputies should be able to get information. This document I have to hand refers to how the italicised and bolded material should not be released and is exempt under sections 20(1) and 21(1)(c) of the Freedom of Information Act and then repeats that.

**The Taoiseach:** As for the Freedom of Information Act in general, the programme for Government states the Government intends to restore it to what it was before 2003 when changes were made to it. While sitting across the floor in the seat now occupied by Deputy Martin, I often asked questions about how, even when cases were referred to the appeals process, the charge on them always applied, even when the appeal was allowed. This should be changed and if someone takes the opportunity or time to go through the process of appealing a freedom of information request that was turned down and if the Ombudsman and Information Commissioner states it should be allowed, the charge for so doing should be dropped. However, this is being pursued by the Minister with responsibility for public expenditure and reform. As for dealing with the administrative side of An Garda Síochána, that is the subject of discussions between the aforementioned Minister and the Minister for Justice and Equality.

The Deputy should be aware the troika is watching all the time and the Government genuinely has an extremely strict guideline for introducing legislation with far-reaching effects that are timelined. This has put enormous pressure on the resources of the Office of the Attorney General to comply with those strict conditions, which the Government intends to meet. From that perspective, the pressure to bring through all legislative items in parallel simply does not stand up. One must prioritise and, as I am sure the Deputy will appreciate, some complex legislation simply must be met in respect of the timeline. However, the Minister is pursuing those matters concerning a review of the Freedom of Information Act and the changes the Government intends to introduce, as well as regarding the administrative side of An Garda Síochána together with the Minister for Justice and Equality.

**Deputy Gerry Adams:** If I understood the Taoiseach properly, does this mean that if a Teachta Dála like me, a humble servant of the people, stands up in this Chamber and asks a question, the freedom of information request can be redacted because the troika is watching?

**Deputy Fergus O'Dowd:** No.

**The Taoiseach:** No, not at all. My point is the proposal in the programme for Government to restore the Freedom of Information Act to what it was before 2003 cannot be dealt with as expeditiously as I would wish, simply because of the pressure arising from the requirement to introduce other legislative items that are timelined. In other words, they must be introduced by a certain date to comply with the conditions that have been signed off in respect of the EU-IMF bailout deal. It has nothing to do with freedom of information. The Government has a particular problem in that quite a number of legislative items must be processed and drafted. The heads of those Bills must be approved, they must come before the Government to be approved and then come through both Houses to be passed within certain timelines. Obviously, the month of August is a time when those who are involved in drafting legislation take their holidays. While the Dáil will come back earlier than previously, the Government must produce, process and have passed quite a number of Bills that are required if it is to meet the conditions

that have been signed off in respect of the troika. This is the only reference I wish to make to that.

**Deputy Gerry Adams:** Does that mean the troika deals with the Order of Business?

**An Ceann Comhairle:** Could I point out that general information——

**The Taoiseach:** No, it deals with neither the Order of Business nor with freedom of information.

**An Ceann Comhairle:** General information relating to freedom of information is a matter for the Department of Finance and questions should be put to that Department.

**Deputy Micheál Martin:** My question is related to the application of the Act to the Taoiseach's Department. My essential point is that in the past questions and requests on economic and social issues were answered by the Taoiseach in a fully open way. By converting much of his Department into a Cabinet secretariat, particularly with regard to economic and social issues, whether by design or otherwise, the impact will be to cut off much of its work from parliamentary and public oversight. We need to work out how we can ensure parliamentary oversight is not undermined by the new arrangements and structures within the Department, particularly with regard to the issue of Cabinet confidentiality and how these issues are dealt with in Cabinet sub-committees. The Taoiseach asked for some examples and details of how the Department is restrictive. I refer to the jobs initiative as being a classic illustration of the point I am making. Despite repeated requests, no background material has been provided for me.

3 o'clock

**The Taoiseach:** On a point of clarification, I am not turning the Department of the Taoiseach into a Cabinet secretariat. It will operate as a Cabinet secretariat, but it retains its functions and constitutional position. However, it is important as a driver for implementing Government policy by co-ordination through the Cabinet sub-committee system and with all Ministers, whom I meet on a regular basis.

The jobs initiative was focused on by the Government without background material because providing jobs at a time when there is an unemployment rate of more than 14% has to be a priority for any Government. It is not a case of having a certain number of boxes filled with background material on jobs initiatives. Any politician, any public representative, can provide ideas which are backed up by information from the relevant sectors on how jobs might be created. In order to pay for the creation of these jobs, the Deputy will be aware that the Government imposed a four year levy on the pensions industry which will kick in from 1 July. I hope the thousands of jobs involved in upskilling and retraining and the schools and roads maintenance programmes, as well as those generated in the tourism and hospitality sectors will bring about a restoration of confidence in the short term.

### Cabinet Sub-Committees

12. **Deputy Joe Higgins** asked the Taoiseach if he will report on which Cabinet sub committees have met since they were established; and the number of meetings in each case. [15350/11]

13. **Deputy Gerry Adams** asked the Taoiseach the number of meetings that have been held of each of the Cabinet sub committees since their establishment. [16280/11]

**The Taoiseach:** I propose to take Questions Nos. 12 and 13 together.

[The Taoiseach.]

The following Cabinet sub-committees have met since they were established: the Cabinet sub-committee on Irish and the Gaeltacht has met on two occasions, on 14 April and 9 May; the Cabinet sub-committee on social policy met once on 9 June; the Cabinet sub-committee on economic recovery and jobs had its first meeting on 26 May; the first meeting of the Cabinet sub-committee on economic infrastructure took place on 2 June. The Government economic management council has met 20 times to date, most recently on 17 June.

**Deputy Joe Higgins:** What are the roles and functions of the sub-committees as they have operated since they were set up by Taoiseach? With regard to economic recovery and job creation, will the Taoiseach inform the House if he has a new strategy to try to address the critical problem of mass unemployment which clearly will hardly be touched by the jobs initiative which was scaled down from a major jobs budget?

**The Taoiseach:** The function of Cabinet sub-committees is to focus on issues and matters of importance to particular sectors. The sectors covered by the Cabinet sub-committees are relevant to everyday life in order that the committees will have an opportunity to focus and concentrate on particular areas of importance and make decisions on them to be referred back to the Cabinet for final approval. Of course, the position on unemployment is completely unacceptable and the problem will not be dealt with by a specific jobs initiative on its own. It has to be dealt with by cutting Government costs, becoming more competitive, allowing for the opportunity for businesses to flourish, removing obstacles to business and employment potential, continuing to send out a message internationally that Ireland's reputation should be revised upwards and that there is an opportunity for a continued foreign direct investment and demonstrating that we have a young and flexible workforce capable of meeting whatever challenge of change is coming down the line.

This is how major unemployment will be dealt with. Central to that until now has been a lack of confidence in our indigenous economy and a lack of credit available for small businesses to expand and change action. That is why the Government decision on dealing with six dysfunctional banks and deleveraging the two pillar banks, Bank of Ireland and AIB, will result in approximately €10 billion in credit being available each year for the next three years.

Through the economic management council I will require that banks demonstrate what new lending and credit they have available for business in order that people can be gainfully employed and employers can get on their business of doing what they do best, which is exporting, manufacturing and employing people.

**Deputy Gerry Adams:** On the Cabinet sub-committee on health, the Taoiseach first alluded to it when I raised the issue of the crisis which will arise around 11 July through the shortage of junior doctors. I did not think he or the Minister for Health dealt with the question well.

**An Ceann Comhairle:** The Deputy is straying from the question.

**Deputy Gerry Adams:** The Minister for Health said the crisis will be fixed. He acknowledged that it is a deep crisis.

**An Ceann Comhairle:** That is not the question.

**Deputy Gerry Adams:** He says it will be fixed in so far as it can be. Is it the business of the sub-committee on health to deal with that issue? How often has it met?

**An Ceann Comhairle:** We cannot discuss matters at the committees. The Deputy asked a factual question. We cannot stray into policy otherwise we would be here all day.

**The Taoiseach:** Following the discussions that we had at the Cabinet committee on social policy, as health is of such importance to the general well-being of our nation I considered it sufficiently important to form a specific Cabinet committee dealing with health. It has not yet been formalised but will be by next week and Ministers involved in health will obviously serve on it. It will focus on the myriad issues in the area of health that need attention, as distinct from the Cabinet dealing on an extensive basis with matters related to health.

The Minister for Health has pointed out what has been going on in regard to non-consultant hospital doctors and the difficulties we have had as a country because of the registration facility that exists here. When we moved away from temporary registration we lost the opportunity to bring in many junior doctors or non-consultant hospital doctors to the extent that we should have. The Government considered the issue today and changes will be introduced.

**Deputy Gerry Adams:** The Ceann Comhairle said my question referred to a policy matter. I want to know the remit of the new committee on health. Is that in order?

**An Ceann Comhairle:** No, it is not. The Deputy's question referred to the number of meetings that have been held of each of the Cabinet sub-committees since their establishment. Whether another committee has been formed is a separate question.

**Deputy Joe Higgins:** There are now nine Cabinet sub-committees, four of which deal with economic issues, from the economic management council to economic infrastructure and so on. It is extraordinary that the Taoiseach has not set a target for job creation and a reduction in the number of unemployed if, as he has said he is putting such emphasis on economic issues in Cabinet sub-committees.

**An Ceann Comhairle:** The Deputy is also straying from the question he asked. He asked a factual question but is straying into policy matters. I regret I cannot allow that question. I call Deputy Boyd Barrett.

**Deputy Richard Boyd Barrett:** I am trying to get clarification about the national economic advisory council.

**An Ceann Comhairle:** That is a separate question altogether.

**Deputy Richard Boyd Barrett:** I am trying to establish if it is a Cabinet sub-committee.

**An Ceann Comhairle:** The Deputy did not ask the question.

**Deputy Richard Boyd Barrett:** My question is about sub-committees. Is it a sub-committee?

**An Ceann Comhairle:** That is another question. I call Deputy Martin.

**Deputy Richard Boyd Barrett:** I just want to know if it is a sub-committee.

**An Ceann Comhairle:** It is not because the Taoiseach has not read it out.

**Deputy Richard Boyd Barrett:** It is a question about sub-committees.

**An Ceann Comhairle:** No. If the Deputy listened to the answer the Taoiseach gave, he did not give that information. Therefore the Deputy's question is not in order. I call Deputy Martin to proceed.

**Deputy Micheál Martin:** How many times has the Cabinet sub-committee on climate change met?

**The Taoiseach:** It has not met yet.

### State Visits

14. **Deputy Joe Higgins** asked the Taoiseach if he will report on the costs to his Department for the visits to Ireland by Queen Elizabeth II and the President of the USA. [15351/11]

15. **Deputy Joe Higgins** asked the Taoiseach if he will report on the total costs to the State of the visits of Queen Elizabeth II of England and the President of the USA. [15352/11]

**The Taoiseach:** I propose to take Questions Nos. 14 and 15 together.

I understand that separate questions have been addressed by the Deputy to relevant Ministers regarding the costs incurred by their Departments in regard to these visits. With regard to my own Department, the final total costs of the recent visits by Queen Elizabeth II and President Barack Obama are not yet finalised. The projected cost of the visit by Queen Elizabeth is approximately €11,000 in respect of my Department. The bulk of this expenditure relates to the catering and transport arrangements for the wreath-laying ceremony in the War Memorial Gardens, Islandbridge. In excess of 570 guests attended this ceremony. The projected cost of the visit of President Obama is approximately €600,000. The main area of expenditure was the organisation of the large-scale public event in College Green. I anticipate that the US Government will make some contribution towards the cost of that event, but the precise amount has yet to be finalised. These costs must be seen in the context of the historic nature of the visits and the opportunities they present not only for trade, investment and tourism, but also in enhancing Ireland's international reputation and profile at a critical juncture.

**Deputy Joe Higgins:** The Taoiseach forgot to answer Question No. 15.

**An Ceann Comhairle:** No. I thought he answered it. Did the Taoiseach forget to answer Question No. 15?

**The Taoiseach:** No. I said I would take both questions together. The first question is about the cost to my Department and I have outlined that for the Deputy. The second question concerned the total cost to the State of the visits. I do not have that information because it has not yet been finalised from each of the individual Departments involved.

**Deputy Joe Higgins:** In fairness, four weeks after the events, I think the Taoiseach should have a good estimate to report to Dáil Éireann. The costs for his own Department are relatively small compared with what the overall national cost will be. I want to hear the Taoiseach's current estimate of the overall national cost. I am sure he has inquired about that and has been told. With regard to the US Government's subvention, I think the Taoiseach should ask them to pay for the whole lot considering that they cost us perhaps €20 billion in vetoing the burning of bondholders in bad banks.

**An Ceann Comhairle:** The Deputy was doing grand up to now, but he is straying away.

**Deputy Joe Higgins:** We might be talking about tens of millions of euro, so I hope the Taoiseach will give Members an estimate. Parents and children throughout the country are getting word that their special needs assistants in schools are being disgracefully cut. We had parents at the gates of Leinster House today in great distress——

**An Ceann Comhairle:** That is a totally different question.

**Deputy Joe Higgins:** ——because their children are losing special needs assistants.

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

**Deputy Joe Higgins:** How does the Taoiseach justify this huge cost of the recent State visits while making those disgraceful cuts at the same time?

**The Taoiseach:** It is four weeks after the event. I am quite sure that in Deputy Higgins's own election, it took more than four weeks to finalise how he spent the €41,000 allowance he received as an Independent.

**Deputy Micheál Martin:** You cannot spend that allowance on the election.

**Deputy Joe Higgins:** I must correct the Taoiseach again because he has made a false allegation or statement. I am not an Independent Deputy. I am a member of the Socialist Party and the United Left Alliance.

**The Taoiseach:** Gabh mo leithscéal. My apologies.

**An Ceann Comhairle:** The Deputy will not get any answer now because his time is up.

**Deputy Joe Higgins:** In the same way as the Taoiseach must account for his party leader's account, so do I. It must be audited and then goes to the Department of Finance.

**An Ceann Comhairle:** Thank you, Deputy. That is very good news for us all.

**The Taoiseach:** I apologise. The Deputy is the leader of the esteemed Socialist Party. I stand corrected.

I expect the final cost of both State visits will be somewhat in excess of €20 million. The estimated generated separate print and media broadcast pieces were more than 38,000. The estimated cost of that is about €300 million, not to mention the impact in terms of Ireland's status and reputation and the global coverage that both visits received during that week.

**Deputies:** Hear, hear.

### Priority Questions

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### Postal Services

27. **Deputy Éamon Ó Cuív** asked the Minister for Communications; Energy and Natural Resources his future strategies regarding the delivery of post office services and particularly if he has had discussions with the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport regarding the possibility of post offices collecting car tax and issuing car tax certificates; and if he will make a statement on the matter. [15949/11]



**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The role of developing commercial strategies for the post office network is a matter for the board and management of An Post and one in which I have no statutory function. The legislation establishing An Post, the Postal and Telecommunications Services Act 1983 requires the company to provide counter services for its own and Government business, and other uses that the company sees fit.

Responsibility for motor tax policy and legislation lies with my colleague, the Minister for the Environment, Community and Local Government, and any decisions around the outsourcing of the collection and issuing of motor tax certificates would be a matter for him. I have no statutory function in this matter and I have had no discussions with either the Minister for the Environment, Community and Local Government or the Minister for Transport in this regard.

**Deputy Éamon Ó Cuív:** In this case a commercial company could not decide to do something unless the Government decided to give it the function to do so. Does the Minister consider it would be a good idea to make this service available locally as it would have the treble advantage of localising a service, reducing the carbon footprint of people travelling to the central towns to purchase their car tax, and increasing the viability of the post office system and using it to maximum effect? Does the Minister intend to have formal discussions with his colleagues to bring forward this issue and provide this service locally?

**Deputy Pat Rabbitte:** I agree that anything that enhances the viability of the post office network is worthy of consideration. However, winning Government contracts perhaps ought not be the first focus of An Post from here on out because increasingly more Government business is going online and that will have its own implications. There is no reason An Post ought not be able to win new commercial contracts. With initiatives such as its Postfone arrangement with Vodafone and so on, it has started to do that and that is likely to be more productive. Approximately 77% of revenue currently comes from Government contracts. Whereas I am all in favour of An Post capturing new business in the State or elsewhere, it is in the commercial area that its future lies.

I have had discussions with An Post management about the future of An Post and the extraordinary challenges facing it because of electronic substitution and so on. It has made enormous progress recently and is involved in a major restructuring programme. It is well aware of further commercial possibilities.

**Deputy Éamon Ó Cuív:** Is it not convenient for people to pay their car tax in local post offices instead of making round trips of, for example, 100 or 120 miles? I am surprised by the Minister's negative attitude. As he knows, people have been able to get car tax online and through the post for many years, but many still choose to visit their local authorities. One can see the queues every month. Will the Minister pursue this issue, given that people must now travel considerable distances to avail of an extra customer service that used to be provided to them locally?

**Deputy Pat Rabbitte:** I am all in favour of An Post getting business wherever it can since it has the most extensive retail presence in the country. From memory, it has 1,345 post offices. I can recall no other organisation that has such a network nationwide. As to the matter the Deputy is pursuing, one can already get one's tax online. I am happy to speak to my colleagues about the issue formally. I have spoken to them unofficially. Within the Act, it is not my function to canvass for business for An Post, but I am happy to speak to my colleagues in that regard.

In recent years, An Post's great success has been the provision of financial services in an arrangement with two banks. Given the banks' attitude, the constraints on them following the

hames the Deputy's Government made of supervising them and the crash, there will be a greater possibility for An Post to enter into arrangements with the banks concerning the provision of financial services to the type of customer to whom the Deputy referred. Post offices see a significant footfall, constitute a tremendous retail network and have delivered expertise in terms of An Post's arrangements with the National Treasury Management Agency, NTMA. Those products have been successful and there is greater potential for An Post in that respect.

**Deputy Éamon Ó Cuív:** Would the Minister not agree that, for someone who wants car tax——

**An Leas-Cheann Comhairle:** We only have one hour. I apologise but we must move on to Question No. 28.

**Deputy Éamon Ó Cuív:** I appreciate that, but providing banking services will not be much good for someone who wants car tax.

**An Leas-Cheann Comhairle:** I am calling Deputy Martin Ferris's Question No. 28.

### Departmental Agencies

28. **Deputy Martin Ferris** asked the Minister for Communications; Energy and Natural Resources when it is proposed to establish the NewEra company; and the way that this will impact on State companies currently under his remit. [16095/11]

**Minister of State at the Departments of Communications, Energy and Natural Resources and Environment, Community and Local Government (Deputy Fergus O'Dowd):** The programme for Government commits to the establishment of a NewERA authority as a dedicated entity to oversee investment as referred to in this reply. It is proposed that streamlined and restructured semi-State agencies will make significant additional investments over and above current plans during the next four years in next generation infrastructure in terms of energy, broadband, forestry and water.

Proposals are being developed for the Government's consideration on the formal establishment of NewERA. Intensive cross-departmental engagement is ongoing and I hope to be in a position to set up NewERA within the next three to four weeks. I am committed to ensuring speedy progress is made in this regard. One of the key objectives is the leveraging of additional investment and employment from streamlined and restructured commercial State bodies. The Government has made clear its intention to ensure State companies play a full role in our economic recovery. The energy companies are already engaged in significant programmes of development. We must ensure all the investment programmes of the State companies are cost effective, strategic and subject to rigorous shareholder scrutiny and, where appropriate, regulatory oversight. NewERA will have a key role to play in this regard on behalf of the Government.

**Deputy Martin Ferris:** Can the Minister of State guarantee that such a company, if established, will not lay the groundwork for the eventual privatisation of what were formerly State assets? For example, a new State company to manage the water network is a part of the NewERA programme. During last week's debate, the House agreed that such an authority would be required to tackle the significant wastage of water. However, the clear signal coming from quarters that appear to have sympathy with some of the Minister of State's Cabinet colleagues is that the establishment of such an entity and the introduction of meters would prepare the ground for the company's privatisation. In light of this fear, I would like it if the Minister of State could clarify the matter.

**Deputy Fergus O'Dowd:** I will clarify. Irish Water will be a State-owned entity, not a private one, and it will not be privatised. The management of our water infrastructure will be by a State entity. The Deputy need have no fears in that regard.

The Deputy's second point related to the programme for Government, which states that €2 billion from the sale of non-strategic State assets will be used to finance the NewERA investment programme. However, that which is essential for the State will remain in State ownership.

**Deputy Martin Ferris:** I thank the Minister of State for his categorical assurance. I hope it stands the test of time.

**Deputy Fergus O'Dowd:** It will.

**Deputy Martin Ferris:** Regarding another aspect of the NewERA programme, the fate of Bord na Móna and Coillte's assets, especially Coillte's forestry, is unclear following the companies' merger into a new bioenergy company. Will the Minister of State assure the House that the land and forestry will remain primarily for public use?

**Deputy Fergus O'Dowd:** I have met the Minister for Agriculture, Fisheries and Food, Deputy Coveney, regarding the programme for Government's proposal on merging Coillte and Bord na Móna. He is discussing his opinions with Coillte and I have sought another meeting with him to discuss what progress has been made. There is no question of the land being sold. It will never be sold and will remain in State ownership.

**Deputy Martin Ferris:** What about the forestry side of it?

**Deputy Fergus O'Dowd:** The commitment is that both companies will be merged and a business plan is being examined with a view to determining what new synergies could result. Taking a decision will be a matter for the Cabinet, but the business plan will be a matter for debate in the Dáil.

### **Broadcasting Legislation**

29. **Deputy Shane Ross** asked the Minister for Communications; Energy and Natural Resources in view of his responsibilities to broadcast media and further in view of the recommendations contained in the 2009 Report of the Advisory group on Media Mergers, his views on the recommendations relating to the broadcast media; and his plans in relation to the mergers in the broadcast media sector; if he will make a statement on the matter. [15721/11]

30. **Deputy Éamon Ó Cuív** asked the Minister for Communications; Energy and Natural Resources the discussions he has had with the Department of Jobs Enterprise and Innovation regarding the dangers of an overconcentration of private media broadcast outlets being in the ownership of a few conglomerates; his plans to introduce legislation to ensure a diversity of ownership; and if he will make a statement on the matter. [15950/11]

**Deputy Pat Rabbitte:** I propose to take Questions Nos. 29 and 30 together.

The genesis of the report of the advisory group on media mergers was the establishment of an advisory group by the then Minister for Enterprise, Trade and Employment in 2008 to review the current legislative framework regarding the public interest aspects of media mergers in Ireland. The advisory group was specifically asked to examine the provisions of the Competition Act 2002 regarding media mergers. Media mergers are subject to the normal clearance provisions under the Act. The Act prescribes that, where the Competition Authority decides that a merger may not be put into effect because it would have the effect of substantially lessening competition, the Minister for Jobs, Enterprise and Innovation has no role. If the

Competition Authority determines that a merger should be put into effect with or without conditions, however, the Minister is mandated under the Act to consider such mergers having regard to the “relevant criteria” as specified in Part 3. These criteria, essentially the public interest criteria, relate to the diversity and plurality of views in the Irish public sphere, the strength and competitiveness of media businesses indigenous to the State, and the dispersion of media ownership among individuals and other undertakings. Following consideration of the “relevant criteria”, that is, the public interest criteria, the Minister for Jobs, Enterprise and Innovation may decide that the merger be put into effect, be put into effect subject to conditions or not be put into effect.

This advisory group reported in June 2008 to the then Tánaiste and Minister for Enterprise, Trade and Employment and the report was noted by the Government in November 2008 and published in January 2009. The report contains 11 principal recommendations, for example, that there should be a statutory definition of media plurality, that the Competition Act should be amended to incorporate a statutory test to be applied by the Minister for Jobs, Enterprise and Innovation in the discharge of his or her function in respect of media mergers, the current definition of the “relevant criteria” should be replaced, there should be an ongoing collection and periodic publication of information and employment of concrete indicators in respect of media plurality in the State, and that the definition of media business should be amended to include the publication of newspapers and periodicals over the Internet and the broadcasting of certain audiovisual material over the Internet. Implementation of the advisory group’s recommendations will require the introduction of primary legislation. The advisory group report points out that there are some indications of a trend towards the concentration of ownership and this may accelerate depending on economic circumstances. Global trends also reveal a tendency by large media corporations to acquire other media organisations on a continuing basis.

The audiovisual media business in Ireland is subject to the same technological advances, growth of new media, globalisation and convergence of what were formerly separate businesses. These rapid advances in communication technologies, including, in particular, Internet based media offerings provide for freedom of expression and a plurality of voices but may also concentrate media in large conglomerates not subject to Irish jurisdiction. I agree with the general view that with increasing technological advances, growth of new media and convergence of what were formerly separate businesses, new media is becoming inextricably interlinked. These fundamental changes mean that the traditional print media business is migrating to audiovisual media and the Internet in a rapidly globalising print and audiovisual media landscape.

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

On this basis, I see an increasing role for my Department and the Broadcasting Authority of Ireland in the media mergers area as desirable. Nevertheless, Deputies may wish to note that the report of the advisory group recommended that the public interest test in relation to media mergers should reside with the Minister for Jobs, Enterprise and Innovation, who, I understand, intends to shortly bring legislative proposals in this area to Government. I will give my views on these matters to Government at that stage.

**Deputy Shane Ross:** I thank the Minister for his reply from which I take it primary legislation on redefining what is meant by statutory media plurality will be introduced at some stage. Perhaps the Minister will indicate what these redefinitions will be and if he has any fears in regard to cross media directorships or the undesirability, as expressed in the report, of there being a lack of diversity in current media. Lest I get into trouble, I should at this point declare an interest in this area. I am not sure whether I will in this regard be promoted or demoted for having raised this subject. As an employee and former business editor of the *Sunday Independent* I have a particular interest in this matter.

[Deputy Shane Ross.]

Perhaps the Minister will indicate if there is any reason for concern about cross media directorships or lack of diversity. Also, he might indicate when we can expect primary legislation with a new definition of media plurality.

**Deputy Pat Rabbitte:** I have had initial discussions on this matter with my colleague, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton. While broadcast and related media are the responsibility of the Minister for Communications, Energy and Natural Resources, print media and mergers are the responsibility of the Minister for Jobs, Enterprise and Innovation.

Deputy Ross referred to the report on this matter. It is my tentative understanding from discussions with my colleague, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, that he will bring forward legislation in this area. It is likely — the Deputy should not hold me to this — to repose responsibility in one or other Department. As the Deputy stated in his question we are living in a period of growing cross ownership of the media. The Deputy asked whether I have concerns about cross ownership. Yes, I have. I believe undue concentration of ownership in the Irish media is unhealthy for our democracy. This area of the media is different to other areas of enterprise endeavour in the sense that it conditions the quality of our public discourse and democracy. If the convergence of technologies about which we have been speaking were to lead to undue concentration of ownership or, of cross directorships, it would be unhealthy for the democratic health of our society. We are examining the issue. It is hoped it will be possible to act on most of the recommendations of the report we are discussing.

**Deputy Éamon Ó Cuív:** I welcome the Minister's statement and concur with what he has to say about the importance to our democracy of having diverse ownership of the media. Is the Minister happy with the current situation and does he believe we genuinely have a diverse and healthy mix of ownership? Also, will the Minister indicate when primary legislation might be published and introduced into the House?

Would the Minister agree it is important that we maintain a strong State hold on the public broadcasting sector? Also, what is the Minister's view on keeping the new digital channels in State ownership?

**Deputy Pat Rabbitte:** Deputy Ross's question raises broader issues than those which come within my responsibilities in that it encompasses a question in regard to plurality in the media. Deputy Ó Cuív asked how soon the legislation will be brought forward. The legislation will be brought forward by my colleague, the Minister for Jobs, Enterprise and Innovation, Deputy Bruton. I imagine it is a technical and difficult issue for which to legislate. I note that the previous Government, of which Deputy Ó Cuív was a member, despite receiving the report in June 2008 had not managed to published a Bill between June 2008 and March 2011. That may be because it did not want to kick sleeping dogs as it passed or that it did not have the time to deal with the complexities undoubtedly wrapped up in this issue. We will deal with the matter as soon as we can.

I accept what the Deputy had to say in regard to the convergence of technologies. They are, as the Deputy might say, fite fuaite and that has to be taken into account in the legislation. I hope we will continue to have a thriving public sector broadcaster. I take this opportunity to offer my congratulations to RTE on its remarkable achievement as announced last night and this morning in terms of the performance of RTE radio as No. 1 in the global assessment. I hope that will continue to be the case as part of a diverse media where no particular acceptable view in society is excluded.

**Deputy Shane Ross:** I thank the Minister for his reply, which is helpful. The Minister said that primary legislation to deal with this highly technical issue would be introduced but that it might take some time. Things move fast in the media world. What measures could the Government take to enforce the laudable principles it espouses if in the meantime they are offended prior to introduction of the legislation?

**Deputy Éamon Ó Cuív:** Perhaps the Minister will clarify if the new digital spectrum now available to RTE will be held in State hands or auctioned out to private interests, with the consequence of adding to the emerging problem, if it is not already an established problem?

**Deputy Pat Rabbitte:** We are not talking about the medium or long term in terms of tidying up this area. The Bill will be before the House in a reasonable time. However, if what Deputy Ross fears or anticipates happens, then current powers ought to be adequate if the political will exists to intervene. In my direct experience going back over the years, it is political will that has been absent. Although there are some 11 recommendations in the report to modernise the legislation, to acknowledge we are now dealing with a convergence of media that was never the case before, the measures that are in place in the legislation provide adequate power if the political will is there to implement them.

I assure Deputy Ó Cuív there is no intention that the switch to digital should mean it will go outside the hands of the State broadcaster. If the commercial revenue was there and if in better economic circumstances there might be the possibility of additional multiplexes in terms of some of the private sector companies renting space and so on, that is something I would not be averse to considering. However, there is no question of the existing capacity going outside.

### Energy Exploration

31. **Deputy Martin Ferris** asked the Minister for Communications; Energy and Natural Resources his views on the proposed gas exploration project at Lough Allen; and if he will make a statement on the matter. [16096/11]

**Deputy Pat Rabbitte:** In recent years there has been renewed interest in targeting the natural gas resource potential of the onshore north-west carboniferous or Lough Allen basin. This potential had been identified in earlier exploration but was not considered commercially viable at the time. In February of this year, following an open competition, my Department awarded two two-year onshore petroleum licensing options to Tamboran Resources Limited and the Lough Allen Natural Gas Company Limited over parts of the basin.

The licensing options awarded are designed to allow the companies assess the natural gas and shale gas potential of the acreage. This work will be largely based on desktop studies of existing data from previous petroleum exploration activity. Exploration drilling is not allowed under these authorisations but shallow geological sampling is permitted. 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 that 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.

**Deputy Martin Ferris:** We have both had fracturing in the past, although, unlike the Minister, I am not in denial.

With regard to the Lough Allen project, in particular hydraulic fracturing, or “fracking”, as it is known, is the Minister aware of the international concerns in regard to this exploration methodology? In particular, in a number of areas where this methodology was used, such as

[Deputy Martin Ferris.]

Louisiana and Texas in the United States, the consequences for people living in the areas were serious due to the detrimental effect it had on the water table, which it contaminated to the point that the water was not useable and residents could not continue living in their own houses. If the Minister is aware of this, he will agree there needs to be a public investigation at least into the consequences of adopting this exploration methodology.

**Deputy Pat Rabbitte:** I am aware there are concerns in the United States about the process to which Deputy Ferris refers. When this matter first came to my attention, I did not appreciate that the work going on consisted largely of desktop studies of existing data. Therefore, the notion one could fall into a terrible hole around Lough Allen is not exactly in accord with what is happening. I am also aware that a horror movie is being hawked around the country with the implication that dreadful things are going on in the Lough Allen basin. When I found that all of this was a few chaps in front of a computer screen, I had to take a rain check with regard to what is happening.

If the data suggests there is merit in continuing the process further into exploration, the exploration companies must come back to get an environmental impact assessment and then seek permission. I do not know that this is in prospect at present. If it is, we will consider it when it happens.

**Deputy Martin Ferris:** I welcome that the Minister is prepared to, let us say, investigate the consequences of fracking in other jurisdictions. I am not referring to any horror movie. I understand a very alarming presentation was made by some group but I understand it had nothing to do with fracking and related more to the consequences for the landscape which result from exploration. However, I have concerns about fracking given the information of which I have been made aware. It has had a detrimental effect on people's homes and many had to leave their homes as a result of the methodology used. Fracking involves putting pressurised water into the hole being drilled, which expands any cracks in the rock formation and leads to gas escaping into the water. I suggest the Minister needs to get expert advice from jurisdictions where things have gone wrong.

**Deputy Pat Rabbitte:** I would be as concerned as the Deputy if the fallout in this case was as he fears. I believe we are a very long way from that and I assure people who live in the area that this is not the case. I am aware there are concerns in the United States and that the French Parliament not long ago banned the practice of hydraulic fracturing, or fracking, as Deputy Ferris refers to it. There are certainly concerns about its application in this jurisdiction.

### Other Questions

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#### Telecommunications Services

32. **Deputy Liam Twomey** asked the Minister for Communications; Energy and Natural Resources regarding rural areas which do not have access to DSL or fibre cable, the proportion of the population that have no access to fixed wireless, mobile wireless or satellite broadband; if he will provide figures for the proportion of persons accessing these three services; if he will give details of the average service quality in terms of megabytes and latency; and if he will make a statement on the matter. [15714/11]

**Deputy Pat Rabbitte:** I am happy to report that thanks to a combination of significant private and public investment in broadband provision, the vast majority of premises here, including many hard-to-reach rural premises, can now avail of at least a basic broadband service. The

provision of telecommunications services, including broadband services, is a matter in the first instance for private sector service providers operating in a liberalised market regulated by the Commission for Communications Regulation, ComReg. The State will also intervene in the market where there is evidence of clear market failure.

The national broadband scheme and the recently-launched rural broadband scheme are examples of such intervention. These interventions must be on a technology-neutral basis to comply with EU competition law. Completion of the national broadband scheme roll-out last October means that all premises in the national broadband scheme target areas now have access to broadband services. The recently-launched rural broadband scheme is specifically aimed at targeting those few remaining premises in rural non-national broadband scheme areas that for whatever reason are still unable to avail of a service from a commercial provider.

My Department is currently accepting applications under this scheme and will continue to do so until 29 July next. I encourage all Deputies to make constituents aware of the existence of this scheme and my Department will undertake some further promotional work in this respect between now and the end of July. I am satisfied, therefore, that Ireland will comfortably meet its EU's target of having basic broadband available to everyone by 2013.

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

My Department does not collect or possess the type of statistical data referred to in the Deputy's question. However, ComReg, in its role as regulator and promoter of competition in the Irish market publishes quarterly data on a national level which provides a wide range of information in regard to broadband penetration by technology platform. This statistical information on the Irish electronic communications market and benchmark data from other countries is collected and analysed by ComReg's trend unit and is available on its website, [www.comstat.ie](http://www.comstat.ie)

**Deputy Liam Twomey:** It is not just those on the last mile who are having major problems at the moment. The fixed wireless-mobile wireless is excellent in some areas, but is non-existent or of uneven quality in many other areas. Even copper wire or DSL Internet access can be of uneven quality in many rural areas. When another €18 million is being spent on getting broadband to customers on that last mile, the Minister should ensure we have minimum standards and that the Department drills down to where the problems are so that we get broadband to every house in the next two years.

**Deputy Pat Rabbitte:** I am aware of the Deputy's interest in the subject because he has been in contact with me on more than one occasion about it. I am fairly convinced that we will have 99% penetration if not by the end of this year, certainly by next year. The problem, as he pointed out, often relates to the last mile and often relates to the bandwidth and speeds rather than the availability of basic broadband. I am considering a number of measures in this regard. I have recently convened a task force, chaired by me and comprising the chief executive officers of the telecommunications companies and Internet providers. Its purpose is to set down a roadmap for the future with the purpose of having a national broadband plan with effect from as early in 2012 as we can, that will deal with the undoubted issues of quality, to which the Deputy refers. Where there are still outstanding premises throughout rural areas, but not exclusively in rural areas, that for reasons of topography or not being able to reach the Cabinet or whatever, do not have broadband, I would like colleagues to advise them of the existence of the rural broadband scheme, which closes on 29 July. If there are such areas in rural Ireland, I would appreciate Deputies promulgating the fact that the scheme exists and counselling people to make application.



**Deputy Éamon Ó Cuív:** I welcome the Minister's recognition that the national broadband scheme was just a basic scheme. It has ensured that a wide swathe of the country without service has received service. However, I am perplexed that the Minister has become a great proponent of the liberal private sector in his conversion to liberal economics. I would have thought the Minister would have set a national minimum standard to which everyone would have had access.

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

**Deputy Éamon Ó Cuív:** In terms of megabytes, what would the Minister consider an acceptable minimum standard for every house to have in three years' time? Everybody would agree that while the national broadband scheme has provided a basic level, there are still issues because the demand for it has been so great.

**Deputy Pat Rabbitte:** My conversion to the merits of private sector involvement in this area is as nothing compared with the conversion that has befallen the Deputy since he went into opposition. He seems to expect that in 14 weeks I can remedy the mistakes his governments made in 14 years, which is stretching it a bit.

**Deputy Éamon Ó Cuív:** It is a simple question that requires a simple answer: what number of megabytes?

**An Leas-Cheann Comhairle:** The Minister without interruption.

**Deputy Éamon Ó Cuív:** The Minister is a great man for avoiding the question.

**Deputy Pat Rabbitte:** We did not recover from the disaster of the privatisation of Telecom Éireann and the fact that it was ripped off successively purely for the purpose of asset stripping and taking money from it, meaning that the investment was not made when we had competitive advantage. While that is history now, it is something that must be corrected. The EU targets are that every household would have 30 megabits by 2020 and I am satisfied that we will easily achieve that. I am satisfied that by 2013 every house will have broadband. The private sector is making an investment of €400 million to €500 million going into the enhancement of quality at the moment. I am satisfied that we will comfortably beat the targets. I accept Deputy Twomey's basic contention that there are parts of the country where the quality is not yet good enough. I had the opportunity to launch the metropolitan area network in Claremorris on Friday night. Deputy Ó Cuív's Government spent €177 million in putting in the fibre optic networks in 94 towns, but all these years later only approximately 30 of them are lit. Was it the most prudent investment? I accept it was well intentioned, but based on the experience, it is a matter of some concern. I am working with elnet to improve it.

**Deputy Éamon Ó Cuív:** The Minister is a great man for not answering questions.

### **Departmental Bodies**

33. **Deputy Martin Ferris** asked the Minister for Communications; Energy and Natural Resources if he has considered the recommendations of the McCarthy Report on State assets and liabilities regarding companies under his responsibility; and his response to those recommendations. [15913/11]

**Deputy Pat Rabbitte:** I am currently considering the recommendations of the McCarthy report on State assets and liabilities regarding companies under my responsibility and will forward my views to the Department of Public Expenditure and Reform in the very near future.

I expect that the Minister for Public Expenditure and Reform will consider the responses of all affected Departments and bring proposals on the report to Government in due course.

It is accepted that the acute current and foreseeable fiscal situation facing the State demands that all measures that can assist in this regard be examined. There is no doubt that the McCarthy report is a comprehensive overview of the issue and its recommendations merit serious consideration. The study and recommendations of the review group encompass very significant areas of responsibility for my Department. Of the 16 commercial State bodies referred to on page 2 of the review group report, eight are under the aegis of my Department. In addition, the report also dealt extensively with regulation, and three regulators — ComReg, the Commission for Energy Regulation and the Broadcasting Authority of Ireland — are also my responsibility.

While I do not propose at this juncture to comment on specific recommendations, I strongly support the view that consideration of the sale of State assets should be set in the context of the wider public interest, including sectoral and economic policy and not simply as a revenue raising exercise. The report strongly recommends against a fire-sale of assets and underlines important complementary policy initiatives, which it concludes must be progressed in advance of sale of certain assets.

More generally, any disposal of State assets, especially those in the ownership of commercial State companies, must be undertaken on a fully informed basis and consistent with wider sectoral policy in the area. This must include best practice valuation of the asset, which it is proposed to sell, assessment of the impact of such a sale on Government policy objectives in the areas in question, appropriate consultation with stakeholders, and, in the event that disposal is deemed appropriate, timing of disposal to maximise value for the owner.

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

Turning specifically to the energy State companies, the importance of the electricity and gas infrastructure and supply chain to national economic and social development cannot be emphasised strongly enough. Electricity and gas are the lifeblood of economic production in the high-tech ICT sector, the employment-intensive services sector and indigenous sectors such as farming. They are also fundamental to key social services such as health and education.

Because Ireland has such a reliable and relatively modern electricity and gas infrastructure we almost take it for granted. We must always remember that the creation of a modern and reliable energy networks system did not happen by accident. It arose from extensive and well executed investment by State owned companies, notably the ESB and Bord Gáis. These investments were funded without recourse to the taxpayer but on the back of well run and profitable State companies, which have garnered the trust of the capital markets to enable them to raise the necessary funding.

Good regulation, and professional management and operation of the transmission network by EirGrid have further contributed to our excellent networks infrastructure and the introduction of strong competition in the generation and supply business. The overall outcome is a modern electricity and gas sector and an evolution to average EU prices from a position where Ireland used to be well in excess of the EU average.

The importance of the electricity and gas sectors to economic and social development place the sectors in a unique position in the context of public policy and the national interest. Important issues in these sectors will fall to be addressed by the Government in the medium term. These arise in part from the report on the sale of State assets, about which the Deputy has posed his question, but more significantly, from EU legislative requirements and developments. We must prepare for the development over time of a pan-European energy market

[Deputy Pat Rabbitte.]

served by interconnection. Ireland will be a small part of a very large European regional electricity and gas market. This inevitable development must strongly inform energy policy, including that relating to ownership and structure of State energy companies.

Given the importance of the sector to the very economic and social functioning of the State, the State must continue to have a strong and direct presence in generation, networks and supply. This must be done in a way that protects overall economic competitiveness and does not deter private sector investment in generation and supply. This approach does not preclude extracting value from the strong and profitable State companies that we have built. The process of extracting such value and implementation of any other structural change within the State energy sector must meet the test that they are in the public interest in its widest sense.

The review group also proposed the sale of RTE Networks. This company is a key player in the major task of switching over to digital terrestrial television and switching off the analogue system. This is a hugely important project to be completed by 2012. I would not wish to see this timeline endangered by fundamental structural change.

The report also makes a number of other recommendations which impact on areas of my Department. I will give all recommendations serious consideration and make my specific views known to Government in the first instance.

**Deputy Martin Ferris:** Does the Minister agree that the sale of public assets which have been built up over generations of investment by taxpayers into leading successful entities, both economically and socially, would represent not only a very short-sighted approach but have disastrous consequences for workers and for the provision of services? Is the Minister prepared to resist the more radical proposals in the McCarthy report that favour extensive sales of assets and the preparation of key companies for eventual privatisation, in whole or in part?

4 o'clock

**Deputy Pat Rabbitte:** I broadly agree with the Deputy that the selling off of State assets can be short-sighted and we do not have a great record in that regard. Deputy Ó Cuív and I had an exchange of views on the fall-out from the manner in which Telecom Éireann was privatised and the way it set back the economic potential of the country by depriving it of the investment that would have been necessary for the rolling out of broadband which, like electricity in the middle of the last century, is critical in this century for economic development and social progress.

I am not sure the sale of the Irish Sugar Company was very advisable either. I was in the House when the first stake was sold, in 1990 or 1991, if memory serves. The Minister in charge of the privatising argued vehemently that it was not privatisation because the Government was keeping a golden share which it would always be able to exercise. In the event, we lost the sugar industry, unnecessarily in my view. I recall a presentation made to me in Mallow after the Carlow closure which was purely a property play. Mallow was making arrangements to transfer the Carlow machinery to its plant and the capacity existed to transfer the beet from the Carlow-Kilkenny region. However, the industry was sold — in the interest of the developing world, as we were told, but more in the interest of ranchers in Brazil and elsewhere.

For that reason, I agree broadly with Deputy Ferris. The problem is that the country is broke as a result of the decisions taken by Deputy Ó Cuív and his colleagues in Government. The deal they made with the IMF, the EU and the ECB provides for some disposal of State assets. The programme for Government provides for up to €2 billion in total of a sale of State assets to invest in employment stimulation elsewhere in the economy. The short answer to Deputy Ferris's question is that if I had a choice and we were not in the mess we are in I would not

be in favour of disposal of further State assets. My broad view is I am satisfied to assess them one by one, and this may well throw up a situation where it would not damage the economic future of the country to dispose of some of them.

**An Leas-Cheann Comhairle:** I shall take a few brief interventions from Deputies Mary Lou McDonald, Jerry Buttimer and Catherine Murphy.

**Deputy Mary Lou McDonald:** There are always choices for the Minister because politics is all about choices. I ask about another report relating to the ESB, namely, the Cahill report which was carried out by Frontier Consultants. It relates to the Minister's plan to hand over the transmission assets of the ESB to EirGrid. The McCarthy report, of course, goes much further than that in respect of the energy assets of the State. Why has the Minister not published the Cahill report?

**Deputy Jerry Buttimer:** I welcome the Minister's comments stating we will not have a fire sale of assets. It is important we learn from the Eircom debacle and that the legacy of the past 14 years is not just about——

**An Leas-Cheann Comhairle:** Will the Deputy ask a question?

**Deputy Jerry Buttimer:** Is the McCarthy report seen now as the only panacea for all our ills? In his reply the Minister stated he hoped to finalise the review group. When does he hope to come back with that? Has the Government looked at means, reports or lines of inquiry other than McCarthy?

**Deputy Catherine Murphy:** This is a key area of concern. We are reading between the lines as to what the Government intends.

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

**Deputy Catherine Murphy:** Every week at the Whips' meeting I look for the McCarthy report to be on the agenda for debate. It is high time we had a comprehensive debate on it but this has not been acceded to yet. Unless we get a comprehensive statement from the Government and have a debate, there will be guesswork and reading between the lines, with people feeling concerned unnecessarily about some of the State assets. Will the Minister ensure this debate is facilitated by the Government?

**An Leas-Cheann Comhairle:** I ask the Minister to be brief, too, as we are in overtime on this question.

**Deputy Pat Rabbitte:** To answer Deputy Murphy first, I am happy to facilitate such a debate on the McCarthy report and have no difficulty with it. I will signal as much to the Government Whip, if that is helpful. I am happy to debate the issue.

Deputy McDonald is right — we still have some choices although not as many as those about which the Deputy waxes eloquent from time to time. In the tough global world in which we live we want to keep it that way and do not wish to end up like Greece which has very few choices, being faced as it is at present with a demand to sell off billions in euro of its state assets.

As to my plan to hand over the transmission assets, I do not know where Deputy McDonald gets this information. I am not aware of any such plan on my part. I will gladly publish the Cahill report as soon as the Government has disposed of the issue. There is no difficulty there.

[Deputy Pat Rabbitte.]

I assure Deputy Buttimer there will not be any fire sale of State assets. The author of the McCarthy report makes plain in his report he does not advocate that any of these assets ought to be put on eBay next week. Nobody is recommending that course of action and I certainly do not. Deputy Buttimer is right that such a sale is not the only panacea in the circumstances in which we find ourselves. I explained that departments outside my area, such as Coillte, for example, are currently feeding back responses to the McCarthy report. However, if the wish of the Opposition is to debate the report in the interim, I am happy to facilitate that.

**An Leas-Cheann Comhairle:** We move to Question No. 34.

**Deputy Mary Lou McDonald:** I have an answer——

**An Leas-Cheann Comhairle:** The Deputy can raise the issue another time. We are on Question No. 34.

**Deputy Mary Lou McDonald:** My information comes from the programme for Government.

**An Leas-Cheann Comhairle:** The question is in my name but is nominated by Deputy Éamon Ó Cuív.

**Deputy Pat Rabbitte:** There is a conflict of interests there, a Leas-Cheann Comhairle.

### **Energy Resources**

34. **Deputy Michael P. Kitt** asked the Minister for Communications; Energy and Natural Resources the action he intends to take to ensure a sustainable indigenous biofuel sector in view of the forced closure of all but one indigenous biofuel facility; and if he will make a statement on the matter. [15947/11]

38. **Deputy Michael P. Kitt** asked the Minister for Communications; Energy and Natural Resources if he intends introducing a minimum value of 41 cent for indigenous biofuels certificates to ensure a viable industry here; and if he will make a statement on the matter. [15948/11]

**Deputy Pat Rabbitte:** I propose to take Questions Nos. 34 and 38 together.

The bio-fuel obligation was enacted and introduced in 2010 to deliver on the mandatory EU target of 10% renewable energy in transport by 2020. The initial penetration rate set was 4%, which represents almost a doubling of size of the previous bio-fuel market in Ireland. I am confident that the obligation will promote the sustainable growth of the Irish bio-fuels market, thus supporting the growth of sustainable indigenous production of bio-fuels. In these first six operational months of the obligation, the 4% market penetration target was achieved, and exceeded. Preliminary figures to date in 2011 suggest this remains the case. The bio-fuel obligation ensures Irish consumers have access to appropriately priced, sustainable and reliable sources of bio-fuel by creating a guaranteed market that will require in excess of 220 million litres of bio-fuel in 2011. The policy of moving to an obligation system was signalled to the market three years before its coming into effect. This obligation will increase over time and by 2020 will require suppliers of road transport fuels to make certain that even higher percentages of the volumes sold are bio-fuel. This will ultimately create a market size of almost 500 million litres of bio-fuel.

Small-scale indigenous bio-fuel manufacturers are facing ongoing commercial challenges. Increases in commodity prices have made their position even more difficult. The price of the feedstocks on which many such producers depend, particularly oilseed rape, has increased

substantially. However, the price they receive for their end product has increased by a much smaller amount. This effect has been replicated across the European bio-fuel industry. Temporary plant closures have been announced in the UK market due to the low margins on the product, mainly due to high wheat prices.

The bio-fuel obligation scheme which requires large suppliers of road transport fuels to include a certain percentage of bio-fuel in their general fuel mix works on the basis of tradeable certificates. Suppliers can meet their obligations by placing the bio-fuel on the market or purchasing certificates from companies which sell high blend bio-fuels to the market. Indigenous producers can access this market by a number of means, including by selling bio-fuel directly to obligated parties, selling into local markets or selling certificates earned to obligated parties. The price of certificates is set by the market, which ensures the consumer is only exposed to the actual additional cost of the bio-fuel component at a given moment in time.

Conversely, placing any minimum value on certificates would lock in the cost impact of the obligation for consumers at a set level. A level of 41 cent would have an immediate effect on the price of fuel paid by motorists and hauliers by adding over 1.6 cents to the price of every litre sold. I do not propose to move away from the market approach to certificate pricing. The obligation scheme provides market players with long-term certainty to develop projects which are economically viable and of scale. The scheme is designed to facilitate the development of the industry in Ireland, while minimising the cost impact of bio-fuel use on consumers.

**Deputy Éamon Ó Cuív:** I thank the Minister for his comprehensive answer. Does he accept that without continued support, the indigenous bio-fuel sector will not grow and that people will not be willing to invest in the industry? What further steps does he intend to take to support the industry through this difficult phase? As he outlined, the commodity price has increased but the fuel price has not increased consequently. Although that is obviously good in itself, it creates a huge difficulty for the industry.

**Deputy Pat Rabbitte:** As the Deputy is well aware, the difficulty that confronts any Government in this regard is that the subsidy required to accommodate the import behind the question would be prohibitive in the present climate. I do not accept that the industry will not grow. It is subject to fluctuations in the prices available in the market to farmers, in particular. A number of small enterprises of this nature have closed in Britain because of the price available for wheat, for example. If farmers can get better prices for their products on the market, they tend to go that way rather than servicing small indigenous bio-fuel production companies. We have had to achieve a good deal of our 4% complement target — as I said, it has been exceeded — by purchasing from outside the jurisdiction. Farming prices tend to fluctuate. Prices are good at present, but that has not always been the case and will not always be in the future. I am talking to different interests to see what we can do in these circumstances. The subsidy in this instance, like that in the re-fit for wind scheme, is a big issue at a time when the State is otherwise strapped for investment.

*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 Paschal Donohoe — the Government's plans to sell Coillte; (2) Deputy Marcella Corcoran Kennedy — the need to provide adequate funding for the arts to sustain our existing cultural infrastructure; (3) Deputy Éamon Ó Cuív — an gá atá ann tuilleadh airgid a cheadú do Scoil Bhaile Nua, Maigh Cuilinn, Contae na Gaillimhe; (4) Deputy Luke 'Ming' Flanagan — the need to maintain adequate services at Roscommon County Hospital; (5)

[An Leas-Cheann Comhairle.]

Deputy Peter Fitzpatrick — staffing levels at Ballapousta national school, Ardee, County Louth; (6) Deputy James Bannon — the need to provide adequate resources for St. Brigid's school, Mullingar, County Westmeath; (7) Deputy Michael Healy-Rae — the cost of school books; (8) Deputy Simon Harris — the need to prioritise the establishment of the EU hotline for missing children; (9) Deputy Ciarán Lynch — the need to address waiting lists for orthopaedic treatment at Cork University Hospital; (10) Deputy Dara Calleary — the need for the national ambulance service of the HSE to reconsider its decision to withdraw patient transport services for dialysis and cancer care services within the western region from 1 July; (11) Deputy Michelle Mulherin — the plans for wind resource assessment at different heights on the west coast; (12) Deputy Patrick O'Donovan — the implementation of section 28 of the Planning and Development (Amendment) Act 2010; (13) Deputy John Browne — the need to reverse the decision to withdraw six special needs assistant posts from St. Senan's primary school, Enniscorthy, County Wexford; (14) Deputy Eoghan Murphy — the plans to introduce a new immigration scheme in respect of entrepreneurship and investment; (15) Deputy Robert Dowds — the extension of the catchment area of the drug treatment court programme; (16) Deputy Dominic Hannigan — the need to clarify the position on the GMS contract and the provision of free blood tests for medical card patients and GP visit card holders; and (17) Deputy Brendan Griffin — the need for a new approach in the treatment of acquired brain injury and the need to maintain funding for the Castleisland unit and all centres throughout the country.

The matters raised by Deputies Mulherin, Eoghan Murphy and Calleary have been selected for discussion.

### Leaders' Questions

**Deputy Micheál Martin:** When the jobs initiative was announced, the Taoiseach and the Government decided not to publish any supporting documentation on the impact of the €1.8 billion raid on personal pensions. This was a direct reversal of the policy that had been pursued for over a decade, whereby all background papers on revenue matters were published on-line. With other members of my party, I repeatedly asked the Taoiseach to provide briefing material concerning this attack on pensions before putting the measure through the House. On 11 May he said to me “if there is any outstanding information the Deputy seeks, it will be provided for him, because there is not anything secret here.” Nothing was provided; discussions were cut short and the measure was forced through the House. It has now emerged that the Taoiseach was informed in April by the Minister for Social Protection, Deputy Joan Burton, that the levy could have extremely negative impacts. She told him well before the levy was announced that it could incentivise or force some pension schemes to close. She also told him that it would disincentivise retirement savings and have negative long-term implications for pensions policy. A Department of Finance briefing that he received expressed concerns about the solvency of some funds. It stated the policy the Government was considering “could seriously undermine the pensions sector”. This extremely serious information suggests the actual cost of the attack on private pensions will be very different from that claimed by the Government. Why did the Taoiseach decide to keep this information secret until after the measure had been pushed through the Dáil?

**The Taoiseach:** I received a routine letter from the Minister, setting out her views on the impact on her Department. The Deputy's allegation that information was kept secret is without foundation. As Deputy Martin will be aware, we live in a democracy. The Government is entitled to make decisions about how it might progress matters that are of interest to the people. Clearly, the mess the Government inherited in respect of unemployment and the economy generally, warranted a focus on restoring confidence to the indigenous economy.

There was technical advice from the Pensions Board. The Government decided to impose a levy of 0.6% on the pensions industry for four years as a temporary measure bringing in €450 million a year which will be spent directly on focused areas where employment can be created. As a consequence, the Government altered its decision on VAT with impact directly on the hospitality sector and the labour intensive industries, on the travel tax and on halving employers' PRSI. These are measures within the jobs initiative that will have a direct impact.

Deputy Martin's allegations of subterfuge and issues being kept from people are entirely groundless. Any individual, Minister or Department can have views on Government proposals and the Minister for Social Protection, in writing a letter expressing concerns about possible impact on her Department, acted quite normally.

**Deputy Micheál Martin:** That is not the case. Sometime soon the Taoiseach will have to start taking responsibility for the decisions he took.

*(Interruptions).*

**Deputy Micheál Martin:** The Taoiseach was warned——

**Deputy Billy Kelleher:** All the Taoiseach's promises will come back to haunt him.

*(Interruptions).*

**Deputy Micheál Martin:** ——by the relevant Minister and by officials that this levy could have a serious negative impact on personal pensions. The Taoiseach decided to reverse a decade old procedure and he withheld this information from the public until he had pushed the levy through. That is a fact.

I have asked three times in this House for the Taoiseach to publish all background material on the pension levy. He decided not to do that. It took freedom of information requests to get that information out at the weekend. I have had to put down three freedom of information questions to different Ministers to try to get the background to this decision. The Taoiseach should not try to pass this off as some routine labour protection measure.

**An Ceann Comhairle:** Could we have a supplementary question?

**Deputy Micheál Martin:** The Taoiseach knew what I asked at the time, and he decided not to release the material.

In essence, the Taoiseach has not told me today. He did not answer the question I asked. Why did he ignore the warnings of the Minister for Social Protection and officials? Will he publish all materials pertaining to this decision? The Taoiseach covered up on this deliberately.

**Deputy Simon Harris:** The IMF are not here.

**Deputy James Reilly:** I bet Deputy Martin is sorry the previous Government cut back on the Freedom of Information Act.

*(Interruptions).*

**An Ceann Comhairle:** The Taoiseach to respond, please.

**Deputy Pat Rabbitte:** Can Deputy Martin imagine what he would have learned if he had left it as it was?

**The Taoiseach:** If they had not cut back on the Freedom of Information Act in the beginning, Deputy Martin probably would have received a much more exhaustive response.



**Deputy Micheál Martin:** I asked the Taoiseach here.

**Deputy James Reilly:** It did not fall down the back of a radiator, that is for sure.

**Deputy Micheál Martin:** Parliamentary accountability.

**The Taoiseach:** I recall that the then Minister, Deputy Martin, time and again on this side of the House, and particularly at the Joint Committee on Health and Children where he denied any responsibility for not reading his brief——

**Deputy Micheál Martin:** Come back to this question.

**The Taoiseach:** ——about geriatric care for elderly people in nursing homes——

**Deputy Pat Rabbitte:** It cost €111 million.

**The Taoiseach:** ——stated to the entire world that he had no responsibility and he was blameless for the extraction of what was almost €1 billion at the time.

**Deputy Micheál Martin:** The Taoiseach is running from the question.

**The Taoiseach:** Deputy Martin came in here on the first day and stated he had no interest in Punch and Judy shows in here.

**Deputy Barry Cowen:** Will the Taoiseach answer the question?

**Deputy Micheál Martin:** I just want information.

**The Taoiseach:** I am sure he is interested in a jobs initiative that will result in at least some employment in his constituency. There are people in Cork South-Central to whom one can validly state that if Deputy Martin had his way, this jobs initiative would not take place at all.

We make no apology for having made a Government decision to impose a temporary levy on the pensions industry.

**Deputy Michael McGrath:** On pensioners, not the industry.

**The Taoiseach:** No less a personality than Deputy Ross at the back pointed out constructively that there is a great deal of fat in this system and as a consequence, the Minister for Finance has written to the industry.

*(Interruptions).*

**The Taoiseach:** If Deputy Martin came up with some constructive suggestions, they might well be listened to. His allegation that there was a cover-up here is absolute and utter balderdash.

**Deputy Micheál Martin:** It is not. Will the Taoiseach publish the material?

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

**Deputy Micheál Martin:** The Taoiseach is covering up.

**Deputy Colm Keaveney:** Balderdash.

*(Interruptions).*

**An Ceann Comhairle:** Could I have some order for Deputy Adams, please?

**Deputy Gerry Adams:** On Wednesday last I raised the crisis which is developing in the health services because of the shortage of junior doctors. I stated that there would be at least 400 vacancies and that this will have a devastating effect on front-line services beyond 11 July. I asked the Taoiseach to make a statement on this and he declined to do so. It struck me that the Taoiseach did not know what was happening. It struck me also that the Minister for Health did not know what was happening.

**Deputy James Reilly:** Did it ever strike Deputy Adams that he does not know what is happening?

**Deputy Gerry Adams:** The Taoiseach stated that the Minister for Health would deal with this on Friday last. Today, without the heckling, listen to what I am going to say to you. You did not come into this House.

**An Ceann Comhairle:** Sorry, through the Chair to the Taoiseach.

**Deputy Gerry Adams:** I am sorry. Sin maith go leor, ach níor chuir tú isteach ar an Aire nuair a bhí ag chuir isteach ormsa. You never cut in on the Minister when he was cutting in.

**An Ceann Comhairle:** I will protect Deputy Adams's right to speak without interruption.

**Deputy Gerry Adams:** Go raibh maith agat, thank you.

Without coming in here, without leaving himself open to questions and to scrutiny, on RTE last night the Minister for Health stated that we may well end up with some accident and emergency departments which cannot be safely manned. He stated that he could certainly say this much, that it will not be any of the major ones, and that it is the small rural hospitals where we are going to have real difficulties. He then went on to say that the crisis will be fixed in so far as it can be fixed.

I asked all the chaps and chapettes who are heckling here last week to go in and check what is happening with their local hospitals. This is not good enough. The Government needs to allow a debate on this issue and the Taoiseach needs to be able to tell us and the Deputies here.

**An Ceann Comhairle:** A question please.

**Deputy Gerry Adams:** What hospitals may not be safely manned, mar dheá? What hospitals will not be safely staffed? The Taoiseach should tell that to the other TDs here today.

**The Taoiseach:** I hope Deputy Adams did not slip into a former mode there by stating, "listen to what I am going to say to you".

**Deputy Simon Harris:** Or else.

**Deputy Emmet Stagg:** Or else.

**The Taoiseach:** First, this problem in the shortage of non-consultant hospital doctors or, as they are called, "junior doctors", is not related to funding and is not related to a recruitment embargo or a moratorium. It is related to an inability to attract enough of doctors to our hospitals. It is an issue that has affected not only this country, but other countries as well.

[The Taoiseach.]

Second, the Minister for Health is working intensively with the HSE, with his Department, with the Medical Council and a range of other bodies to try to solve this problem before 11 June——

**A Deputy:** July.

**The Taoiseach:** ——when the changeover date occurs.

Third, I want Deputy Adams to understand, in fairness, that the HSE mounted a serious recruitment campaign in India and Pakistan and several senior consultants and a number from the HSE travelled to India and Pakistan. That recruitment drive identified 400 suitable and qualified doctors who could work in Irish hospitals and who are interested in coming here. In many cases these are doctors with quite a few years of experience gained in hospitals already.

The issue is to see how best to secure these doctors to work in Ireland in a manner that will give complete assurance regarding the safety of patients and the standards that are required. I am sure Deputy Adams would not require anything else. The problem centres around the fact that under the present arrangements such doctors would have to do an examination that is not totally suitable and that legislation does not allow for a temporary registration facility which is the best way to accommodate incoming doctors in that regard. While the Minister, Deputy Reilly, is currently putting in place a facility to allow the doctors to face an exam more tailored to their level of experience, he may well amend the law to provide for a temporary registration system for doctors. It is not about a moratorium, funding or an inability to recruit. It is about finding a facility that we have let slip in this country by the abolition of temporary registration and the fact that in many cases, as the Minister has pointed out, doctors required to do an examination across the entire medical spectrum might not pass such an examination. The example he has given is that someone doing surgery might be required to pass an examination on something they have not had surgical experience of for quite some time.

**Deputy Micheál Martin:** It is like politics.

**The Taoiseach:** The Minister, Deputy Reilly, has identified this problem and the delivery of a solution to the problem is his number one priority. He is receiving every assistance from those involved. However, when speaking on RTE last night the Minister made it clear that it is unlikely he will be able to fill all the posts by 11 July given the scale and the nature of the problem he faces and he outlined what the facts are in this regard. I wish to make the point clear: it is not about recruitment inability, a moratorium or funding. It is about the fact that we do not have a temporary registration facility, which other European countries use to fill spaces at the changeover of non-consultant hospital doctors, in the way we should have.

The Minister has identified the root of the problem. There was a recruitment drive in India and Pakistan and 400 were identified. It is to have the facility now that will allow the Minister to accommodate this and the Government decided on that this morning. Let me assure Deputy Adams there will be no compromise on either quality or safety nor should there be.

**Deputy Gerry Adams:** It is absolute rubbish to say there will be no compromise. We held this exercise last week as well. I asked a straight question about what hospitals will not be safely staffed. The Taoiseach did not answer the question. The Irish Nurses and Midwives Organisation stated today that 329 citizens are on trolleys in hospitals throughout the State. This is before the crisis kicks in. The fact is there are people out there. As a health professional the Minister, Deputy Reilly, should have known this before he took up his position as Minister. He was briefed and I have before me the redacted freedom of information request and his

briefing. One the first day he came in as Minister he was told about this crisis. Approximately 150 of these doctor positions were substantially vacant and now it has risen to 400. The question was about which hospitals will not be safely staffed. People need to know. I have other questions.

**An Ceann Comhairle:** I am sorry Deputy. We are over time.

**Deputy Gerry Adams:** I will chance my arm. Will the Taoiseach ensure that nurses are given an enhanced role and that consultants will fulfil their contracts and carry out their work in public hospitals? It is work they are contracted to do.

**The Taoiseach:** Deputy Adams strayed from his original question into the consultants contract issue. I assure the Deputy as I answer today I cannot give him the information on what hospitals will be disrupted by virtue of the non-consultant hospital doctor problem.

**Deputy Caoimhghín Ó Caoláin:** The Taoiseach cannot assure us there will be none.

**The Taoiseach:** When the Minister stated there will be no compromise on safety, standard or quality, he was right.

**A Deputy:** That is what the Taoiseach says.

**The Taoiseach:** We cannot have a situation where doctors are employed in an unsupervised capacity in hospitals. It will be a couple of weeks before the Minister will be in a position to inform the House of that. He has identified the problem and he has identified the solution. The Government made a decision on it this morning. As this moves through the system and when the Minister becomes aware of which hospitals are not capable or do not have the capacity to provide a supervised setting for non-consultant hospital doctors, he will so inform the House. However, there will be no compromise on safety or standard.

**Deputy Gerry Adams:** A man called Peter Sherlock died while waiting for an ambulance. How many times will this happen again?

**An Ceann Comhairle:** I am sorry Deputy. You are out of order. I call Deputy Ross.

**Deputy Shane Ross:** I thank the Taoiseach for the compliment he paid me earlier.

**The Taoiseach:** Of course.

**Deputy Shane Ross:** Although I would have preferred if it were not in the context of being used as a battering ram to hit Deputy Martin. I wish the Taoiseach had remembered the comment when he appointed Deputy Martin's nominee to the PAC last week.

*(Interruptions).*

**Deputy Fergus O'Dowd:** He was appointed by the committee.

**Deputy Shane Ross:** I congratulate the Taoiseach and his Minister for Finance——

**Deputy Billy Kelleher:** And Deputy McGuinness.

**Deputy Shane Ross:** ——for what the Minister for Finance did last Thursday when he announced that he would burn the Anglo Irish Bank and Irish Nationwide bondholders. It is the first time since the Government came to power that it has put the interests of the taxpayer

[Deputy Shane Ross.]

in front of the bondholders and the banks and this should be applauded. Having said that, I wish to ask about the follow through. It appears there has been a deafening response from Europe. Will the Taoiseach confirm, as it appears, the ECB was not informed about this in advance? It is important to know and it would be a welcome departure and re-emphasis of Government policy in that we are moving to stand up to the ECB, to stand up to Sarkozy and to have our own independent policy on the bondholders and Europe.

Our European policy and the policy with regard to the ECB up to now has been singularly unsuccessful. However, if the Minister, the Taoiseach and the Government are taking the attitude, as the Taoiseach stated here last week or the week before, that it must take note of the attitudes of the peripheral countries, then it should be welcomed. Is this part of a new departure or is it something old? What will happen if the ECB says “no”? Will we unilaterally burn the bondholders?

**The Taoiseach:** I held some brief discussion with Deputy Ross about the Committee of Public Accounts. He is an experienced Deputy and I am sure he will do very well on that committee in the investigations they carry out.

**Deputy Shane Ross:** I forgive the Taoiseach.

**The Taoiseach:** I am sure he will do well out of that. There has been no change, rather a consistency from the Government in respect of Anglo Irish Bank, Irish Nationwide Building Society, INBS, and the bondholders. The Minister for Finance clarified that he will raise the matter of the different circumstances of senior bondholders in Anglo Irish Bank with the ECB in autumn. Those in the ECB were not aware of the Minister’s comment.

**Deputy Shane Ross:** Good.

**The Taoiseach:** They were not forewarned of his comment because his comment was consistent with what has been the position of Government: the bondholders in Anglo Irish Bank are in different circumstances to those in Allied Irish Banks and Bank of Ireland. Those in the ECB made it clear on the day of the publication of the stress tests of the Irish banks that, irrespective of a potential downgrading by the ratings agencies, they would continue to guarantee liquidity into the Irish banking system. In the context of where Ireland finds itself at the moment this is a demonstration that the bailout facility can work and that where a country is capable of making the changes, challenging though these may be for its people and economy, it can head in the right direction toward being in charge of its economic affairs again. From this perspective the Minister, Deputy Noonan, has pointed out the consistent Government view of the different circumstances that apply to senior bondholders in Anglo Irish Bank.

**Deputy Shane Ross:** I thank the Taoiseach. It is a helpful response and it is welcome to be certain that the Minister did not tell the ECB in advance. It shows an independence of which we should show more. Unfortunately, the Minister came straight back, went to Europe yesterday and fell back into the friendly embrace of Madame Lagarde again.

*(Interruptions).*

**Deputy Shane Ross:** It is a procedure which I challenge the Minister to repeat with Madame Merkel when she takes charge.

**Deputy Barry Cowen:** That is Enda’s woman.

**Deputy Pat Rabbitte:** Deputy Cowen is only jealous.

**Deputy Shane Ross:** Come on. This is not just about Madame Lagarde, and I do not want to personalise it too much. Despite this extraordinary courting of France in which we have been engaged, we did not get any cut in the interest rate yesterday. What has been the result of these constant meetings with the French Minister of Finance and in what way have they paid off for Ireland?

**The Taoiseach:** French courtship has been a matter of considerable comment over the centuries. The Minister for Finance, Deputy Noonan, gets on very well in a professional capacity with all of his colleagues in Europe. The French have been very helpful in respect of Ireland's case and those of other countries in terms of the changes on preferred creditor status in regard to the European Stability Mechanism. France and Ireland get on very well in areas besides the rugby field such as the agri-economy and our support for reform of the Common Agricultural Policy and other areas in regard to the development of the Single Market.

The French Minister of Economic Affairs, Finances and Industry, Ms Lagarde, has a complete understanding of the challenge facing Ireland and was very strong and forthright in her view on the positive change brought about by the Ministers in Luxemburg in regard to the change in so far as preferred creditor status is concerned. For a country like Ireland, which has no wish or intention of being involved in a permanent bailout facility such as the ESM, this is a positive move by the Ministers for Finance and is something in which the French played a central and strong part.

The question of the interest rate did not arise and was not discussed yesterday because of the overriding imperative of dealing with the situation regarding the Greek Government and economy. The Minister for Finance, Deputy Noonan, in going to Luxemburg, was very clear in his view that what was needed from the Luxemburg decision was, irrespective of what decision might be arrived at in regard to Greece, that Ireland and countries like Ireland would be protected. He has achieved that and is to be commended on so doing.

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

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

**Deputy Peter Fitzpatrick:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the undue problems being faced by small national schools as a result of the economic constraints placed on the Department of Education and Skills. For example, Ballaphousta national school in Ardee, County Louth will lose a class teacher because it is short one pupil for the quota. It will also lose its special needs assistant and its resource teacher.

**Deputy Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the need for the Minister for Health to take immediate and urgent action to prevent a huge crisis in our public hospital accident and emergency departments and the closure of such departments in many hospitals from 11 July due to the shortage of junior doctors and the failure of successive Governments to address the total over-reliance of the system on junior doctors.

**Deputy Michael Healy-Rae:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, to discuss the cuts in home help hours on a

[Deputy Michael Healy-Rae.]

national basis which are having a detrimental effect on our elderly population. Although mindful of the horrendous job facing the Minister for Health, who should not be blamed in trying to deal with the budgetary cutbacks that have to be implemented by the Health Service Executive, cutting home help hours and obliging people to be cared for in hospital will potentially cost the State more than caring for these persons at home.

**Deputy Michelle Mulherin:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the proposed removal of transport services for oncology and dialysis patients by the Health Service Executive's western area, effective from 1 July 2011, and the need for the Minister for Health to provide assurance to the 600 patients in Mayo, Galway and Roscommon that they will be looked after and will continue to have access to the treatment they require after that date.

**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. 10, motion re referral to joint committee of the proposed approval by Dáil Éireann of the Harbours Acts 1996 to 2009 (Transfer of Functions of Dundalk Port Company) Order 2011; No. 11, motion re the ministerial rota for parliamentary questions; No. 12, motion re membership of committees; No. 13, motion re the Criminal Justice (Amendment) Act 2009; No. 14, motion re the Offences against the State (Amendment) Act 1998; and No. 5, the Central Bank and Credit Institutions (Resolution) (No. 2) Bill 2011 — Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that: (1) Nos. 10, 11 and 12 shall be decided without debate; (2) proceedings in regard to No. 13 shall, if not previously concluded, be brought to a conclusion after 45 minutes and the following arrangements shall apply: speeches shall be confined to a Minister or Minister of State and to the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, may share their time and whose contributions shall not exceed ten minutes in each case; and a Minister or Minister of State shall be called upon to make a speech in reply which will not exceed five minutes; (3) proceedings in regard to No. 14 shall, if not previously concluded, be brought to a conclusion after 45 minutes and the following arrangements shall apply: speeches shall be confined to a Minister or Minister of State and to the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, may share their time and whose contributions shall not exceed ten minutes in each case; and a Minister or Minister of State shall be called upon to make a speech in reply which will not exceed five minutes; and (4) parliamentary questions next for answer by the Taoiseach on EU matters shall be taken on the same day as the statements on the pre-European Council meeting, scheduled to be taken on Wednesday, 22 June 2011, and shall be moved to be taken first as ordinary oral questions to the Taoiseach on that day.

**An Ceann Comhairle:** There are four proposals to put to the House. Is proposal No.1 for dealing with Nos. 10, 11 and 12, motions without debate, agreed to?

**Deputy Caoimhghín Ó Caoláin:** No. 11 proposes a ministerial rota change for parliamentary questions whereby the Minister for Health will come into the House at the end of next week. There have been many issues presented and highlighted in this House in recent times regarding the crisis in the health service. It is simply not good enough that the Minister is not accountable

to the House. Affording us only one opportunity to question him before the end of next week simply does not meet the need.

I am in possession of correspondence issued today by the national ambulance service for the entire west advising that from 1 July there will no longer be ambulatory services for people in regard to dialysis and cancer care.

**An Ceann Comhairle:** Deputy——

**Deputy Caoimhghín Ó Caoláin:** That stretches from the very tip of Donegal to the Limerick border with Cork and Kerry and this is the position people in the west will face after 30 June. When will Members get the chance to address this disgraceful situation?

**An Ceann Comhairle:** Deputy, you are straying beyond the——

**Deputy Caoimhghín Ó Caoláin:** A Cheann Comhairle, as an elected representative and health spokesperson, I am demonstrating to you that there is no accountability in this House. Members see new crises unfolding within the health service every day and the Minister will not be present to take account of such matters or to advise the House on the steps he is taking to address them.

**An Ceann Comhairle:** Thank you, Deputy.

**Deputy Caoimhghín Ó Caoláin:** This is a crisis of untold proportions for those who depend on dialysis across the entire western region of this island. This is a serious matter and I ask the Minister to indicate through the Taoiseach that he will come to this House this week to address this critical matter for patients depending on dialysis access and for cancer services——

**An Ceann Comhairle:** That is a different issue.

**Deputy Caoimhghín Ó Caoláin:** ——throughout the west.

**An Ceann Comhairle:** I will put the question.

**Deputy Caoimhghín Ó Caoláin:** Will the Taoiseach respond?

**The Taoiseach:** I might just be helpful in this regard. The Deputy will find the Minister, Deputy Reilly, to be more than willing to avail of the opportunities made available to him to answer questions. This has happened because the Dáil did not sit last Tuesday arising from the unfortunate and tragic death of the former Minister for Finance, Brian Lenihan. Question Time was pushed out by one day as a consequence and, as the Minister for Health had undertaken to attend a number of meetings abroad, he changed places on the rota with the Minister for Children and Youth Affairs.

**Deputy Caoimhghín Ó Caoláin:** Members want the Minister to come into this House to address this most recent issue.

**An Ceann Comhairle:** The Deputy has had his say.

**The Taoiseach:** The Minister will be back again to answer questions early in July and is available, if the Ceann Comhairle so desires, on Adjournment debates or whatever.

**Deputy Caoimhghín Ó Caoláin:** That is not good enough as this is much too serious.



**An Ceann Comhairle:** Is the proposal for dealing with Nos. 10, 11 and 12, motions re referral to joint committees of proposed approval by Dáil Éireann of the Harbours Acts Order 2011, the ministerial rota for parliamentary questions and membership of committees, without debate agreed to?

**Deputy Caoimhghín Ó Caoláin:** It is not agreed.

Question, “That the proposal for dealing with Nos. 10, 11 and 12, without debate, be agreed to”, put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 13, motion re Criminal Justice (Amendment) Act 2009 agreed to?

**Deputy Gerry Adams:** It is not agreed. I oppose the imposition of the guillotine on the debates on the Criminal Justice (Amendment) Act and on the Offences Against the State (Amendment) Act. These legislative items have a profound effect on citizens’ rights and more time should be allocated to debate these motions.

**The Taoiseach:** I understand there was no disagreement about the time allocation for these matters at the Whips’ meeting.

**Deputy Gerry Adams:** As the note I have to hand came from my party’s Whip, the Taoiseach may go back and talk to the Government Whip.

Question, “That the proposal for dealing with No. 13 be agreed to”, put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 14, motion re Offences Against the State (Amendment) Act 1998 agreed to?

**Deputy Gerry Adams:** It is not agreed to. Dúirt mé an méid faoi sin.

Question, “That the proposal for dealing with No. 14 be agreed to”, put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with parliamentary questions next for answer by the Taoiseach on EU matters agreed to? Agreed.

**Deputy Micheál Martin:** On that last proposal, I thank the Taoiseach and the Chief Whip for the additional small amount of time that has been offered, even though my party asked for more. I suggest that for the past three months, the European Union has failed to implement the agreement to reduce the interest rates. The crisis at European level has been allowed to get worse and the risk of a dramatic default has increased. Unlike what President Barroso has stated, I suggest this is not Greece’s moment of truth but that of Europe.

**An Ceann Comhairle:** Is there promised——

**Deputy Micheál Martin:** This week’s European Council meeting does not have our issues on its agenda and even in light of the incredible seriousness of the issues facing Europe, the discussion this week specifically on the European Council meeting is being limited to approximately one hour. Will the Taoiseach agree to, and ask the Government Whip to discuss with the Opposition Whips, a more substantive debate on the broader European debt crisis next week, given the incredible seriousness of a most fundamental issue of the issues concerned?

**The Taoiseach:** Next week.

**Deputy Micheál Martin:** Yes. Members will not have time to go into the details tomorrow. Moreover, most Deputies will not get a chance to speak tomorrow on what probably is the most fundamental issue facing Ireland and Europe at present. As a more extended and substantive debate is needed on that subject, I ask the Taoiseach to agree to organise such a debate.

**The Taoiseach:** I do not object to this——

**An Ceann Comhairle:** I apologise, Taoiseach. I call Deputy Higgins on the same issue.

**Deputy Joe Higgins:** Only four weeks remain after this week is over and to follow on from Deputy Martin's comments, will the Taoiseach agree that Members should have a major debate on what is the Government's policy with regard to the financial crisis? When the Minister for Finance goes to Washington, in other words, far away from Frankfurt and Brussels, he acts like the lads behind the shed who are smoking and insulting the teacher. However, when he comes before the teachers in Frankfurt and Brussels, all changes.

**An Ceann Comhairle:** Would the Deputy cut out the theatre and let us have a question, please?

**Deputy Joe Higgins:** Could we have a fairly lengthy discussion in which the Government would outline its policy exactly and then allow Members to ask specific questions?

**An Ceann Comhairle:** Deputy Adams on the same issue.

**Deputy Gerry Adams:** I also have another issue to raise.

**An Ceann Comhairle:** We will come back to that.

**Deputy Gerry Adams:** I agree with the comments of the other Deputies. A full-blooded debate on this issue is required, as it is the biggest issue facing us at present.

**Deputy Richard Boyd Barrett:** Briefly, on the same issue, I add my voice to the appeal to such a debate. Could that debate also include the issue of State assets and what the Government plans to do with them?

**An Ceann Comhairle:** Thank you.

**Deputy Richard Boyd Barrett:** Before the EU and IMF come here in July, surely Members have the right to discuss what is on the table in respect of public assets to be handed over to pay off the bankers.

**The Taoiseach:** In response to Deputy Boyd Barrett's question, the programme for Government is quite clear in this regard. Over its lifetime the Government will realise €2 billion in respect of the sale of non-strategic State assets. This issue will be decided on by the Government at the appropriate time and there will be a full discussion on it in this House.

Deputy Martin has suggested a longer debate in respect of Europe infringing into other areas. This is the big crisis for the European Union, and the Minister for Finance, as well as everyone else, is taken up with it completely. As the Deputy is aware from his time in government over a number of years, this issue blew everything else off the pages and will continue to do so, which is unfortunate for so many people in so many countries. There has been an endless stream of debates in this Chamber. While Members will debate the Central Bank and Credit Institutions (Resolution)(No. 2) Bill later, they engaged in an exhaustive debate a short time ago on the memorandum of understanding

5 o'clock

[The Taoiseach.]

and the troika's assessment of how Ireland has measured up to these conditions. There are questions on finance and the Joint Committee on Finance, Public Expenditure and Reform, which also will have full scope to deal with this issue, is getting under way.

In respect of the European Council meeting, the Government at least has agreed to get Members' views before the meeting takes place. While it will be a short debate, at least it will provide Members from the different parties to have their say before the meeting takes place. I will ascertain what can be fitted in next week arising from the Council meeting. While the Government will try to provide a little additional time, there has been an endless list of debates on the economy, on Ireland's position, on the memorandum of understanding, on the Central Bank and so on.

**Deputy Micheál Martin:** I referred to the European debt crisis. It is the most fundamental issue facing Europe at present.

**An Ceann Comhairle:** Will the Deputy resume his seat, please?

**Deputy Micheál Martin:** This issue needs a substantial debate in this House.

**An Ceann Comhairle:** The Taoiseach has not yet finished. The Deputy should sit down for a moment.

**The Taoiseach:** If the Deputy wishes, we can have a specific addition next week on the Council meeting. I assume it will be discussing matters such as Libya, Syria and the fall-out from other issues such as the Schengen agreement, migration and so on. The Minister for Finance will report in due course on the outcome of the Ministers' meeting in Luxembourg, which is well publicised.

Therefore, it is not a case of not wanting to give this time but rather that we have so many debates about the debt crisis and about the economic situation, about Europe's position, about the fact Ireland is in a very different set of circumstances than Greece, and how, as the Minister set out to go to Luxembourg we would see that the Ministers would protect countries like Ireland who are in very different circumstances from Greece.

**Deputy Micheál Martin:** Is the Taoiseach saying "No"?

**The Taoiseach:** I am not saying "No".

**Deputy Micheál Martin:** He is really.

**The Taoiseach:** There have been a plethora of debates

**Deputy Micheál Martin:** I am talking about a substantive debate on the debt crisis.

**The Taoiseach:** I will be here to deal with the debt crisis for the Deputy.

**Deputy Micheál Martin:** The debt crisis facing Europe is the most substantive issue.

**An Ceann Comhairle:** I am calling Deputy Adams.

**Deputy Gerry Adams:** I am sure the Taoiseach agrees that people with friends, parents or partners in private nursing homes are concerned. This sector is very much in the public area after the fair deal controversy. The Health Information and Quality Authority made an effort to close a private nursing home, Creevelea in Laytown. This is the second such intervention in

the past three weeks. Will the Taoiseach agree on the need for a debate if the issue is raised at the Whips' meeting tomorrow?

**An Ceann Comhairle:** It is a matter for the Whips. I suggest the Deputy refers the matter to his Whip for debate during the week.

**The Taoiseach:** I am sure Deputy Adams will find the Chief Whip to be accommodating, perhaps not on every matter but this is an issue that should be raised at the Whips' meeting as that is the place in which to do so.

**Deputy Michael McCarthy:** I ask the Taoiseach if legislation is promised with regard to the issue of ground rents and their abolition. These are one of the last relics of colonisation which places a financial burden on people, apart from their awkward, legal, archaic, complex nature.

**The Taoiseach:** No legislation is promised with regard to the abolition of ground rents.

**Deputy Willie O'Dea:** On promised legislation, last week the Government announced three referendums to be held in October. Does the Taoiseach envisage it will be possible to have the legislation for all three through the Oireachtas over the next four weeks, together with the other legislation that has to be processed?

**The Taoiseach:** The legislation for the referenda must be finalised by the Oireachtas by a date in September. The Government will be hopeful of getting those three pieces of legislation through the Houses in time for the holding of the referendums on the date of the presidential election.

**Deputy Dara Calleary:** Are there plans to bring definitive proposals on upward-only rent reviews before the House before the end of this session? What is the position on this issue?

**The Taoiseach:** That will not happen in this session but the matter is under consideration.

**Deputy Dessie Ellis:** As a result of the recent An Bord Pleanála decision to allow a casino-type development in County Tipperary, are there plans to introduce new gaming legislation and when is this likely to happen? Perhaps instead of a replica of the White House, we could have the headquarters of Esat.

**The Taoiseach:** The Deputy will be aware that planning permission was granted for this rather extensive development outside Two Mile Borris. The development can now proceed as it has full planning permission but it cannot proceed with a casino. The Minister for Justice and Equality is examining the question of the review of the gaming laws which have been in place for quite some time.

**Deputy Richard Boyd Barrett:** I recently met the parents of a disabled child who is a ward of court and I was quite shocked when I was acquainted with the situation of wards of court. They have no rights whatsoever and are governed by legislation that dates back——

**An Ceann Comhairle:** Where are we going, Deputy? Could you give us a hint?

**Deputy Richard Boyd Barrett:** ——to the 1870s. The Government's legislative programme lists the mental capacity Bill but in many cases, wards of court who are quite intellectually capable have no right to vote, no right to marry and are termed in some legislation as "idiots". This is appalling and I appeal to the Taoiseach to bring the mental capacity Bill forward as quickly as possible because the is outrageous.

**The Taoiseach:** These are all sensitive and personal cases and I acknowledge the Deputy's concern for the case to which he refers. The Bill will be introduced towards the end of the year. The Minister of State has a real interest in prioritising this Bill but as I explained earlier, there are a number of legislative constraints upon the Government with which we must deal and some of which are quite complex in order to comply with the conditions to which we have agreed. The Deputy can be assured the Minister for State is understanding of the sensitivity and the personal trauma this causes and is working towards the production of the mental capacity Bill as soon as possible and I would say this will be some time before the end of the year.

**Deputy Michael McGrath:** The Government is required to have the fiscal advisory council in place by the end of this month. Will this be achieved and does it require legislation? Must the fiscal responsibility Bill be in place before the council is established?

**The Taoiseach:** The Deputy can take it the fiscal advisory council will be nominated by the Minister for Finance before the end of June. It will be set up on an informal basis in advance of the legislation being produced.

**Deputy John Halligan:** A commitment was given by the Taoiseach's party before the general election and also by the Labour Party and by the Government some months ago that the universal social charge, which is devastating families from all walks of life across this country, would be reviewed. Is this review under way and when will that review be brought before the House?

**The Taoiseach:** The programme for Government commits to looking at this in respect of the preparations for the 2012 budget and as part of the outcome of the comprehensive spending review and the pressure on people. The universal social charge will be reviewed in the context of the 2012 budget.

**Deputy Mick Wallace:** In view of promised legislation and given that the banks are still pretty reluctant to lend to small and medium business, does the Government still plan to introduce the strategic investment bank?

**The Taoiseach:** The Cabinet committee on economic affairs will be looking at this matter. The programme for Government is committed to the establishment of the economic recovery authority and the strategic investment bank. I can confirm that work is being followed through on both these important issues.

### **Reduction in Pay and Allowances of Government and Oireachtas Members Bill 2011: First Stage**

**Deputy Pearse Doherty:** I move:

That leave be granted to introduce a Bill entitled an Act in the public interest, to provide for the reduction of the remuneration of members of the Government and members of the Houses of the Oireachtas.

**An Ceann Comhairle:** Is the Bill opposed?

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** No.

Question put and agreed to.

**An Ceann Comhairle:** Since this is a Private Members' Bill, Second Stage must, under Standing Orders, be taken in Private Members' time.

**Deputy Pearse Doherty:** I move: "That the Bill be taken in Private Members' time."

Question put and agreed to.

#### **Referral to Joint Committee: Motion**

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

That the proposal that Dáil Éireann approves the following Order in draft:

Harbours Acts 1996 to 2009 (Transfer of Functions of Dundalk Port Company) Order 2011,

copies of which have been laid in draft form before Dáil Éireann on 1st June, 2011, be referred to the Joint Committee on Environment, Transport, Culture and the Gaeltacht, in accordance with Standing Order 82A(3), which, not later than 7th July, 2011, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

#### **Ministerial Questions Rota: 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 9th 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 Agriculture, Fisheries and Food, shall be set down to Ministers in the following temporary sequence:

Minister for Health

Minister for Children and Youth Affairs

whereupon the sequence established by the Order of 9th March, 2011, shall continue with Questions to the Minister for Transport, Tourism and Sport.

Question put and agreed to.

#### **Membership of Committees: Motion**

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

That Deputy Michael McGrath be discharged from the Committee of Public Accounts and that Deputy Sean Fleming be appointed in substitution for him.

That Deputy Seán Ó Fearghaíl be discharged from the Select Committee on Finance, Public Expenditure and Reform and that Deputy Timmy Dooley be appointed in substitution for him.

Question put and agreed to.

#### **Message from Seanad**

**An Ceann Comhairle:** Seanad Éireann has accepted the Finance (No. 2) Bill 2011, without recommendation.

**Criminal Justice (Amendment) Act 2009: Motion**

**Minister for Justice and Equality (Deputy Alan Shatter):** I move:

That Dáil Éireann resolves that section 8 of the Criminal Justice (Amendment) Act 2009 (No. 32 of 2009) shall continue in operation for the period beginning on 1st July, 2011 and ending on 29th June, 2012

The purpose of this resolution is to provide for the continuation in operation of section 8 of the Criminal Justice (Amendment) Act 2009 for a further period of a year from 1 July. One of the most important traits of a democratic society is a justice system that operates free from interference by anyone seeking to wrongfully influence outcomes. Our criminal justice system is made up not only of judges and lawyers but also by the participation of citizens, whether as witnesses or jurors. The latter role is central to our idea of trial by a jury of one's peers. Nothing can be considered more insidious than the targeting of those citizens who are prepared to do their public duty by serving as jurors in order to influence the outcome of criminal proceedings, but that is the reality we must face and it is a matter we, as legislators, have to resolve. The House will share my view that trial by jury must be preserved to the greatest extent possible. However, none of us can be blind to the threat posed to the criminal process by individuals, terrorist groups and organised criminal groups which seek to intimidate jurors or potential jurors. Their aim is to subvert the criminal justice system. We cannot allow that to happen. Therefore, we have to take appropriate and proportionate measures to prevent this interference. To do so we have to make the hard decision that a proper trial by jury is simply not possible in certain limited circumstances.

The measures contained in the 2009 Act were put in place by the Oireachtas to take the necessary action to address the increasing levels of violence by gangs involved in organised crime. I emphasise the point that section 8 of the 2009 Act is aimed at particular types of cases and that the centrality of the jury trial to our system remains intact. The 2009 Act primarily provided for the trial of organised crime offences in the Special Criminal Court unless the Director of Public Prosecutions directed otherwise; the creation of a new offence of directing or controlling a criminal organisation; an increase in the maximum penalty for the offence of participation or involvement in organised crime; a court, with regard to all organised crime offences, to be able to draw inferences from a failure to answer questions or to account for movements, actions, activities or associations; and an increase in the penalty for the intimidation of a witness or a juror from ten to 15 years imprisonment.

The view of the Garda authorities is that these provisions are indispensable to them in tackling organised crime. A large number of arrests have been made under these provisions and charges are being pursued against a number of people, but I would be less than frank if I did not say to the House that, useful as the provisions are, there will be disappointment that they have not proved to be greater benefit in tackling the death and destruction caused by criminal gangs. That is why I have asked my Department to review them to see if there are any further measures we can take.

Section 8 of the 2009 Act is aimed at ensuring organised criminal gangs cannot interfere with the court process to influence the outcome of cases. For this purpose, the section declares that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order in relation to certain organised crime offences under Part 7 of the Criminal Justice Act 2006, as amended. I will detail these offences for Deputies presently. The offences are deemed to be scheduled offences for the purposes of Part V of the Offences against the State Act 1939, which means that they will be tried in the Special Criminal Court. However, the Director of Public Prosecutions may still exercise his power to direct that they should be tried in the ordinary courts.

Section 8(4) provides that the section shall cease to be in operation unless a resolution has been passed by each House of the Oireachtas that it continue in operation for a further period. The Dáil and the Seanad passed such resolutions on 29 June 2010 to continue the provision in operation until 30 June 2011.

Section 8(6) provides that before a resolution to continue section 8 in operation is tabled, I must lay a report before both Houses on the operation of the Act in the period under report. I laid such a report before both Houses on 14 June. The particular offences to which the section refers are set out in Part 7 of the Criminal Justice Act 2006, as amended.

Section 71A is the offence of directing a criminal organisation. This offence was inserted by section 5 of the Criminal Justice (Amendment) Act 2009. It is intended to target those who direct the activities of organised criminal gangs. However, it is aimed not just at those who are in a leadership position in the gangs but at all levels of the gangs. The offence carries a penalty of up to life imprisonment.

Section 72 is the offence of participating in or contributing to the activities of a criminal organisation in order to enhance a gang's ability to commit a serious offence or to facilitate a gang in committing serious offences. This offence was inserted by section 6 of the 2009 Act and carries a penalty of up to 15 years imprisonment.

Section 73 is the offence of committing an offence for a criminal organisation. The maximum penalty for this offence was increased from ten to 15 years imprisonment by section 10 of the 2009 Act. Section 76 provides for liability for offences under Part 7 of the 2006 Act where they are committed by corporate bodies, their members, directors and managers.

Deputies will be well aware of the ongoing threat which organised crime presents to society. Unfortunately, there is plenty of evidence of the involvement of criminal gangs in murder, armed robbery, kidnapping, drug smuggling, counterfeiting and other serious offences. There is also no doubt about their willingness to use the most serious violence to protect their own interests and ensure they can continue their activities.

I take the opportunity to praise the Garda Síochána for its ongoing work in tackling these criminal gangs. It continues to deploy considerable resources to tackling organised and serious crime. The Garda organised crime unit has the primary role of targeting organised criminal gangs, working in conjunction with other Garda national units such as the emergency response unit, the Bureau of Fraud Investigation and the Criminal Assets Bureau. Working collaboratively, these units have had and continue to have success in disrupting these criminal gangs.

Deputies will also know that there have been a number of seizures of significant quantities of drugs and arrests so far this year as part of ongoing Garda operations being carried out with the co-operation of the Customs service. In one operation in Slane, County Meath in March drugs to the value of over €750,000 were seized and in another operation in April near Enfield, County Meath almost €1 million worth of heroin was seized. The Garda made arrests in these and many other operations and charges are being brought.

Given the nature of organised crime, the investigation and prosecution process can be lengthy and difficult, particularly given the power that these criminal gangs hold over the people involved with them. However, the Garda Commissioner has made it clear time and again that there will be no let up in the action being taken against these gangs. He has mine and the Government's full support in that approach.

The report which I laid before the House is based on information provided for me by the Garda authorities. It shows that section 8, the subject of the resolution, has not been used in the period under report. While there have been many arrests under the relevant sections of the 2006 Act, no cases have yet come before the Special Criminal Court. This does not,



[Deputy Alan Shatter.]

however, invalidate the reasoning for having such a provision available for use should the circumstances require it. The House would be rightly critical if measures to protect the integrity of the criminal justice system were not in place at any time when that system came under threat.

The relevant sections of the Criminal Justice Act 2006 have been used by the Garda on 72 occasions. These arrests have resulted in four persons being charged with offences contrary to section 71A which provides for directing a criminal organisation and section 72 which provides for participating in or contributing to the activities of a criminal organisation in the period under report. However, I emphasise that these arrests have also resulted in other charges being brought, relating to firearms offences, the sale and supply of controlled drugs, robbery, aggravated burglary and other serious offences.

As I stated, the Garda authorities are clear in their view that the provisions of the 2009 Act are indispensable to the fight against organised crime. The Garda authorities also consider that it is of paramount importance that the relevant provision of the Act be extended for a further period. In matters such as this, I must have the utmost regard for the views of the Garda authorities. It is essential to ensure the Garda has at its disposal the best possible range of powers to deal with these dangerous criminal gangs.

In combating organised and serious crime, the House has in recent years has brought through a comprehensive programme of criminal law reform. The legislation is making a significant contribution to tackling this type of crime, but I will keep under review the question of whether any improvements could be made to the overall legislative architecture in this area to render it more effective. As I have indicated to the House, I have asked for a specific review of the provisions of the 2009 Act.

Let us be clear: those who are deeply involved in organised crime are desperate people who will stop at nothing to avoid being brought to book. Extreme violence and brutal intimidation are simply a way of life for these thugs. They have no regard for society or the law and we have a duty to make sure the criminal justice system can hold sway over them. To that end, we must ensure that in the most serious of cases, in which jury intimidation is a real possibility, the law has the means available to bring these criminals to account. In the circumstances this is a justified and measured limitation of the right to trial by jury.

On balance, I consider that the period of time for which I propose to renew the section is proportionate. The 2009 Act provided for an initial period of one year for the provision to be in operation before its continuance would be reconsidered. The period now proposed, running from the current expiry date up to 29 June 2012, corresponds to this. Of course, if it is proposed to continue the provision in operation after that date, the Oireachtas will again have to consider the matter. I commend the resolution to the House.

**Deputy Dara Calleary:** I welcome the Minister's remarks. My party will support the extension of this legislation, which was introduced by the Minister's predecessor, Mr. Dermot Ahern. I note the Minister's remarks about the comprehensive programme of criminal law reform in recent years. I welcome the fact that he will review elements of it which are probably not performing in the way that had been envisaged. He will certainly have my support in strengthening any such proposals.

The participation of ordinary citizens in the criminal justice process is an essential component of the validity and integrity of that process. Participation through jury service and acting as witnesses is essential in ensuring that the judgment of one's peers is as robust as possible. Jurors and witnesses make significant sacrifices in many cases. Unfortunately, in recent years, they have come under considerable pressure in fulfilling their civic duties. Without their participation, our criminal justice system would collapse along with many pillars of society.

Unfortunately, the centrality of the system has made, and continues to make these people a target of people whom the system seeks to punish. It is absolutely certain that those who target the system, including witnesses and jurors, have no regard for the House, this democracy or the views of the vast majority. They have no regard for human life or the integrity of the justice system. Their concept of justice tends to stop at their bottom line. That lack of respect for human life means this provision is needed and so we must once again renew it.

Section 8 is essential to repel these forces. As a democratic parliament, we must send a strong message that we will not stand for that kind of attitude towards our criminal justice system. It is not just politicians that want to send that message. As the Minister said, the Garda Síochána is still seeking to maintain these provisions. It is important that when we look at the report the Minister has laid before the House, we note that the Garda use only part of the provisions. It shows the Garda is not abusing this, but is treating it with the seriousness we have granted to it within the legislation.

It is noticeable that areas of the legislation are not functioning as strongly as had been envisaged. I acknowledge the election today of Deputy David Stanton as Chairman of the Committee on Justice and Equality, along with Deputy Joanna Tuffy as its Vice-Chairman. I wish them well. When the Minister attends the committee, we might reflect on those areas that are not as robust as they should be. We must try to get as much cross-party agreement as possible to tackle them.

The Minister referred to the ongoing level of organised crime and gangland activity generally. We must ensure that the legislation is as responsive and flexible as possible. Unfortunately, the resources available to these people often mean that they are better equipped than the security services and one step ahead of the law. We must therefore ensure that this legislation is robust. I welcome the fact that the Minister must lay a report before the House every year when seeking to renew the legislation.

The offence of directing a criminal organisation is not just aimed at gang leaders but at the foot-soldiers who perpetrate crimes on their behalf. Other offences include: participating in, or contributing to, the activities of a criminal organisation; committing an offence for a criminal organisation; and being liable for an offence committed by a corporate body on behalf of a criminal organisation. Few would argue that those are significant offences posing a threat to the State. Those committing such offences have no regard for jury trials or witnesses, which is why we must continue to support this provision.

The offence of directing a criminal organisation brings such matters into sharp focus. A number of documentaries, including one recently on RTE, reflected on times when these legislative provisions were not available. Because it was not possible to bring the perpetrators to justice, they continued with their campaigns of destruction in communities around Dublin and elsewhere, regardless of the consequences for the general public. The introduction of these powers and others has ensured that we are now supplying the Garda Síochána with a legal basis to protect citizens from damage to their daily lives through drugs, arms and various other criminal offences.

The section is particularly relevant at this time. This Sunday will mark the 15th anniversary of Veronica Guerin's death. Those are the depths to which these people are willing to descend to protect their citadels and their interests. We should remember that Veronica Guerin was gunned down while doing her job as a journalist in exposing gangland activities. Criminals are still as liable to do that today as they were 15 years ago and unless we robustly support this legislation and ensure it is maintained and flexible, they will certainly do it again. That is why all of us in this House have a responsibility to be careful in commenting publicly on any body that seeks to assist us.

[Deputy Dara Calleary.]

We support the continuation of these provisions. When the Minister attends the committee I would like him to flesh out the reasons some elements of the overall Bill are not as robust as they could be. We will then see what changes can be made. I endorse everything the Minister has said about the role of the Garda Síochána in implementing this legislation. As legislators, we make the laws while the Garda implement and enforce them. We are not exposed to the dangers that members of the Garda Síochána face daily in dealing with criminals. We do not have to carry out surveillance operations or place ourselves in such danger. Members of the Garda Síochána have served, and continue to serve, this State incredibly well. In passing this legislation, we should always remember the sacrifices that members of the force have made in dealing with criminals and protecting citizens. We owe it to them to ensure the legislation we pass is as robust as possible to give the Garda the powers it requires.

**Deputy Jonathan O'Brien:** I wish to share time with Deputy Ó Snodaigh.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy Jonathan O'Brien:** The sub-culture of gangland crime is thriving in our society. It knows no bounds and carries on regardless of whether we are in a Celtic tiger period or the current recession. It is often described in the media as the criminal underworld, but it is a very visible way of life for many in large urban areas. It is a plague which, whether we like it or not, some people find attractive. Given the potential riches involved and the apparent impunity with which many gangland figures operate, there is always a danger that impressionable youths with no money, little hope and no real future will see it as a viable way of life. They see it as a means of putting cash in their pockets and having self-esteem.

There is a darker, more sinister side to this plague upon which we all need to shine a spotlight. It is the side that involves drugs, firearms, robberies, extortion, torture, kidnapping and murder. Beyond that lies the misery that gangland crime inflicts on communities through drug addiction, intimidation, fear and a general breakdown of law and order.

When first introduced, this amended legislation was held up as a means of dealing with the rise in gangland crime — a sickness that has found its way into every corner of this State. At the time, we were told that by giving the Garda Síochána those extra powers, which were deemed critical to stem the rise of gangland crime, we would start winning the war and the tide would turn. While there was an understandable rush to stem that tide, I question if we reacted hastily in a knee-jerk fashion. The result was the amending legislation passed by this House previously, the powers within which are up for renewal again today. I wonder if the moral argument on the extra powers given under this amending legislation came into the conversation at that time. There is no legitimate argument for the continuing process of introducing emergency legislation which is not human rights based such as measures to hollow out the presumption of innocence or the removal of the right to a jury trial.

There has always been a wide array of criminal law on the Statute Book to counter serious crime. Sinn Féin has no difficulty in facilitating the introduction of good law to deal with any shortcomings that may exist but the powers that are the subject of this motion, as the Minister outlined, have rarely been used. Adequately resourcing the Garda and maintaining a consistent committed strategy to tackling gangland crime is what is needed. There is a whole new way of utilising the resources available to us and that must also be central to any solution. For instance, how can we justify cutting the budget for Operation Anvil while at the same time spending millions of euro policing the private interests of companies such as Shell in Rosspoint? There is a stark contradiction in that.

We were told by the Minister's predecessor that this measure was a necessary tool in the fight against serious crime but yet it has resulted in zero cases being sent to the Special Criminal Court. Last year it was utilised 72 times, resulting in four people facing charges but none of them was sent to the Special Criminal Court. Nobody would be happier than I if a mechanism existed whereby the right people were jailed and criminal enterprises were smashed, but that task has been made all the more difficult given the constraints we now face in terms of the EU-IMF bailout and the Minister's recent announcement on Garda recruitment.

I agree with Deputy Calleary that the establishment of the justice committee gives us an opportunity to have a discussion on improving policing and starting to move towards a multi-agency approach to crime prevention and detection. We have consistently called for a wide range of realistic and potentially effective proposals for tackling serious crime in our communities. We would like to see the fast-tracking of the Garda civilianisation programme to free gardaí from administration duties to fight crime on the front line. We have called for increased funding for Garda drug units with enhanced community input. We require an independent oversight of informer handling practices. That is important to prevent a perception developing that there are individuals who may have a close relationship with members of the Garda and who are allowed to amass criminal empires. As the Minister will be aware, the Ombudsman office is currently investigating one such allegation where a drugs haulier was allowed to operate with impunity in return for information on others. We hear such stories all too often in our local communities. There is a perception that if people dealing in drugs who are brought in give information to members of the Garda, they are not brought before the courts.

Garda visibility in activities in areas experiencing chronic drug problems is essential. The only way to defeat the drugs scourge and to deal with gangland crime a fatal blow in this State is to remove the market for it. We need greater investments in our communities, in education and in better planning practices. These are all strands towards a holistic solution. We would be better off discussing these points rather than the motion on this amendment Act.

We will not be supporting the renewal of these powers. I ask Members to reflect on the growing consensus at home and abroad in regard to the Special Criminal Court and such unnecessary draconian legislation which should be removed. The Irish Council for Civil Liberties, the UN Human Rights Committee and ourselves have all expressed concern in the past about its continuing existence and that is the reason we will not be supporting this motion.

**Deputy Aengus Ó Snodaigh:** Go raibh maith agat, a Chathaoirleach, as deis a thabhairt dom labhairt ar an gceist seo. Ba mhaith liom ar dtús, mo chomhgairdeachas a ghabháil leis An Garda Síochána agus le lucht an chustaim as an obair iontach a dhein siad i mbliana. Léiríonn sé sin go bhfuil gá le breis maoine agus áiseanna a thabhairt dóibh siúd.

The Garda Síochána and Customs and Excise should be congratulated on their drug seizures this year. That proves that they need additional resources. The number of gardaí should be maintained at the current level and Garda civilianisation should be increased at a proper rate.

This legislation is corrosive to the justice system and the continual renewing of it each year is definitely corrosive. When this legislation was proposed in 2009 I warned of the danger that it would be continuously rubber-stamped in this House.

Much more can be done to protect juries and witnesses. We argued in committees in previous Dáils of a range of measures that could be taken to ensure our justice system operates free from the interference of anyone seeking to influence outcomes wrongfully. I would never ask for leniency for any criminal, especially those gangs who have brought drugs and destruction to my area and other areas throughout the country. I have continuously asked for the Criminal Assets Bureau, CAB, to be refocused on those at a lower level in the chain. Young people in working class areas who have suffered greatly see drug barons and drug dealers with the trap-

[Deputy Aengus Ó Snodaigh.]

pings of wealth and that must stop. CAB needs to refocus on those on the lower level and in the next year or so such refocus would be seen to have an effect on tackling the scourge of drugs and the trappings of wealth around the drugs trade.

There is a need to ensure that juries and witnesses are protected. Some of the mechanisms of doing that is to have quicker trials, the screening of juries where they are under threat and using existing provisions within our justice system, of which there are quite a number, which have not been fully used prior to the introduction of this measure; they are well capable of protecting our society, juries and witnesses, which the implementation of this Act sought to do. The introduction of the Tetra system for the Garda Síochána needs to continue apace and new technologies need to be embraced. The forensic laboratory which should have been built many years ago should be up and running. Until those steps are taken we should not be invoking further corrosive changes to our legislation and in this case we should refuse to renew these powers at this time.

**Deputy John Halligan:** I wish to share time with Deputies Clare Daly and Mattie McGrath.

**Acting Chairman (Deputy Tom Hayes):** That is agreed.

**Deputy John Halligan:** I want to focus on an aspect of the Act providing for special powers for the Special Criminal Court. While I fully recognise that organised crime is a major cause for concern and one that has potential to cause great harm to Irish society, is organised crime so big a threat as to justify restrictions of the constitutional right to trial by jury? The answer is, we do not know and in the absence of supporting data I have grave concerns about the blanket assumption regarding the actual or potential level of jury intimidation in Ireland.

When real threats are posed to jurors, questions must be asked about the operation of the jury system, but that should not automatically mean that in non-emergency situations we deny citizens of this State their rights. The right to trial by jury is an important safeguard against the abuse of power and this proposed extension of the remit of the Special Criminal Court is clearly in contravention of the UN Human Rights Committee. That committee has already criticised Ireland for continuing to use the Special Criminal Court.

The jury system provides for a rare check of excessive Government prosecutions. A jury trial also presents an opportunity for a defendant to be judged by a group of his or her peers. Individual prejudice and irrationality are checked by the group, leading to a fairer, more reasoned administration of justice. As well as the perception of fairness when defendants are tried by their peers, providing for trial by jury is a powerful symbol of public participation in the criminal justice system. It is important that people believe they have ownership of the system and a jury trial nurtures that feeling. It also reinforces our confidence that justice is seen to be done. Human rights lawyers working in countries undergoing democratic transition aspire to the western model of jury service.

I remain to be convinced that jury intimidation is at such a serious level that it warrants the extension of the powers of the Special Criminal Court in the way proposed in the amended 2009 Act. It is remarkable that policies are being made and applied on the basis of anecdote and supposition. In 2009 the Irish Human Rights Commission made clear a similar objection in its observations on the Act when it stated it considered the developed system of criminal justice was capable of confronting effectively the problem of organised crime without resorting to a parallel system that did not provide an accused with a right to trial by jury. The main problem arises in respect of witness intimidation which would not be solved by providing for trial by judge only. Witnesses in the Special Criminal Court still need to give evidence in open court. It is incumbent on the Government, therefore, to tackle this issue.

Perhaps the real issue we need to consider is not that of the criminal justice system, Garda powers or special courts but how communities are served, protected and resourced in order to deal with a small criminal minority. However, we would then be dealing with a welfare issue and I suspect that in a recession it is deemed far less problematic to pass laws than to fund services. The famous Rock Tansey, QC, founder of the European Criminal Bar Association, stated, "There are serious circumstances where jury intimidation can happen but it is not beyond the wit of man to put measures in place to protect juries." As an institution, the jury has much to commend it. Juries add legitimacy to the decisions of courts precisely because they involve people in the process. If they can function, they ought to do so. Before resorting to using the Special Criminal Court, we should consider other means by which we could strengthen the jury system. Above all, we must always guard our personal and civil liberties.

**Deputy Clare Daly:** We all agree that criminal gangs engaged in murder, smuggling, supplying drugs, kidnapping and so on need to be tackled. The Minister has told the House that this curtailment of civil liberties is necessary to achieve that aim, but the first question to be asked is whether that is the case. The legislation has been in place for a number of years, yet it has not impacted on the reality of organised crime positively. Deputies have referred to the serious erosion of civil liberties and rights. In our experience, this and other oppressive legislation introduced under the headline of dealing with subversion and so on has been misused to target ordinary people, protestors, students and Shell to Sea campaigners. I have been on the receiving end of the Criminal Justice (Public Order) Act a few times.

As Deputy Halligan stated, what is at issue is the trial of offences in non-jury courts allegedly to overcome jury intimidation. A departure from the jury system is never justified. It is serious that we allow a weaker standard of evidence to be accepted in cases where the outcome for someone could be 15 years or life in prison. Section 72 is particularly concerning. It contains a broad clause, whereby a Garda superintendent or a garda deemed to have an appropriate level of expertise swears that he or she believes someone is guilty of participating in or contributing to the activities of a criminal organisation which is enough to see that person receive a sentence of 15 years. In the light of the serious miscarriages of justice that have occurred in the State and elsewhere, this provision is a retrograde step.

If the issue really is one of jury intimidation, other measures could be put in place. For example, investment in communities cutting across the scourge of drugs is the way to deal with organised crime, not suppressing liberties.

**Deputy Mattie McGrath:** I welcome the opportunity to give my opinion on the renewal of the powers to address the gangland crimes that have become all too prevalent throughout the country, particularly in disadvantaged areas. Investment in restorative justice programmes and other schemes such as those that tackle juvenile crime and addressing the reasons people become involved in crime are important. I give my full support to the continuation of the legislation in the interests of protecting the jury system and ridding the streets of people who commit these heinous crimes, in particular tiger kidnappings which strike terror into families and communities. Many people in local post offices have recently been the victims of these savage crimes. Where some of these offices have been threatened with closure, finding people to keep them open will be difficult. It is a public duty, but they would be threatened by criminals.

We cannot forget the good work of the Garda is undermined when intimidation prevents the prosecution of those involved in organised crime. I am neither afraid nor ashamed to say I have some experience of the jury system. I understand the vital public service provided by jurors on a daily basis up and down the country. I hope this legislation will strengthen the

[Deputy Mattie McGrath.]

Garda's powers to detain and rearrest. Above all, I hope it will allow law-abiding citizens and their families to live out their lives in peace and harmony.

I do not agree with everything stated by the Irish Council for Civil Liberties. In many respects, it has exaggerated its points. The recent visits of Queen Elizabeth II and President Obama showed the good work being done by the security forces. That a few people tried to wreck these visits in the name of the Irish people was wrong.

**Minister for Justice and Equality (Deputy Alan Shatter):** I join Deputy Calleary in congratulating Deputies Stanton and Tuffy on being elected Chairman and Vice Chairman, respectively, of the Joint Committee on Justice, Defence and Equality. I look forward to working with them. Deputy Calleary and I will use the committee constructively to deal with legislative and policy matters.

I thank Deputy Calleary for supporting the extension of the operation of this legislation. I share his opinion of the importance of jury service and the jury system, and it is important that we preserve the integrity of the criminal justice system. This includes ensuring those who are engaged in gangland crime do not intimidate juries and can be brought to trial in circumstances where there is a genuine concern that juries may be intimidated.

To date, the legislation has not been invoked to require the usage of the Special Criminal Court in the circumstances envisaged. The operation of the legislation is being extended and we will see the extent to which it will be used this year. One wonders whether the legislation's existence acts as a protection against jury intimidation in that those brought before the courts may be concerned that if there is any suggestion of intimidation, they will be brought before the Special Criminal Court.

I thank Deputy Calleary for his contribution. It is important that, like Deputy Mattie McGrath, we recognise the dangers to which the Garda Síochána is subjected in the work it does in this regard. I thank Deputy Mattie McGrath for his positive and supportive contribution. It was notable that the other Deputies who contributed and opposed this provision commenced their contributions by expressing support for the Garda Síochána, their opposition to gangland crime and their concern to ensure people are brought to justice. Deputy O'Brien argued for additional resources for and recruitment to the Garda Síochána. All of those Deputies who expressed support for the Garda Síochána do so in circumstances in which they are opposing the resolution before the House and disagreeing with the advice of the Garda authorities. This resolution is before the House for one reason, namely, the Garda authorities have asked that it remain in place. They believe it to be important in the fight against gangland crime that it remain in place as it provides for the possibility of trials, in limited circumstances, before the Special Criminal Court in circumstances in which there is a real and present danger to juries. I find it difficult to understand why Deputies would preface their contributions by expressing support for the Garda Síochána and then oppose a resolution which the Garda authorities want passed. It is an inconsistent approach.

Those involved in gangland crime are engaged in a broad range of serious offences, including drug trafficking, drug selling, shooting people on the streets of Dublin and elsewhere, human trafficking and so-called tiger kidnappings. Unfortunately, we in this State are subject to this type of tyranny from those who have no respect for the law or human life, as can be seen from the activities in which they are engaged.

Much has been said about human rights. I believe the role of the Garda Síochána is to protect the human rights of the community, the rights of ordinary people to walk safely in the streets, the rights of people to go about their business without fear of kidnap and the rights of the State to raise revenue in circumstances that are legitimate without thwart by those engaged

in illegal importation of cigarettes into the country. There is a broad range of areas that relate to the human rights of the ordinary citizens of this country and, of jurors. Any person asked to serve on a jury is entitled to know we will protect him or her as best we can.

Deputy Ó Snodaigh having congratulated the Garda Síochána and called for extra numbers for the force then provided two interesting solutions in regard to the protection of jurors from intimidation or the possibility of injury or fatality. His prognosis was that we should have quick trials and should screen jurors. I do not know if by quick trials he means that jurors should go into a room for ten minutes and run out again. Trials must take their normal course. If there is a possibility of jurors being intimidated during a trial those who are accused at a trial or those part of a gang who come to view a trial but are not being prosecuted may be able to identify jurors whether the trial is quick or slow. How screening jurors would provide them with protection, I do know.

This is an important measure. I acknowledge that the contributions made by Deputies Halligan and Daly were made in good faith. They both made reference to issues of human rights and trials by jury being a protection against abuse of power. Deputy Daly appears to be of the view that this particular legislation has given rise to a serious erosion of civil rights. The reality is that the Special Criminal Court has not yet been used under this legislation. It is simply a backdrop protection which the Garda authorities believe valuable and have asked that it be kept in place. In the circumstances, I believe we should do so. I commend the resolution to the House.

Question put:

The Dáil divided: Tá, 112; Níl, 24.

Tá

Bannon, James.  
Barry, Tom.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burton, Joan.  
Butler, Ray.  
Buttimer, Jerry.  
Byrne, Catherine.  
Calleary, Dara.  
Carey, Joe.  
Coffey, Paudie.  
Collins, Áine.  
Collins, Niall.  
Conaghan, Michael.  
Conlan, Seán.  
Connaughton, Paul J.  
Conway, Ciara.  
Coonan, Noel.  
Corcoran Kennedy, Marcella.  
Costello, Joe.  
Cowen, Barry.  
Creed, Michael.  
Daly, Jim.  
Deering, Pat.  
Doherty, Regina.  
Donohoe, Paschal.  
Dooley, Timmy.  
Dowds, Robert.  
Doyle, Andrew.  
Durkan, Bernard J.  
Farrell, Alan.

Feighan, Frank.  
Ferris, Anne.  
Fitzgerald, Frances.  
Fitzpatrick, Peter.  
Flanagan, Terence.  
Fleming, Sean.  
Griffin, Brendan.  
Hannigan, Dominic.  
Harrington, Noel.  
Harris, Simon.  
Hayes, Brian.  
Hayes, Tom.  
Heydon, Martin.  
Howlin, Brendan.  
Humphreys, Heather.  
Humphreys, Kevin.  
Keating, Derek.  
Keaveney, Colm.  
Kehoe, Paul.  
Kelleher, Billy.  
Kelly, Alan.  
Kenny, Enda.  
Kirk, Seamus.  
Kitt, Michael P.  
Kyne, Seán.  
Lawlor, Anthony.  
Lynch, Ciarán.  
Lynch, Kathleen.  
Lyons, John.  
Maloney, Eamonn.  
Martin, Micheál.



Tá—*continued*

Mathews, Peter.  
 McCarthy, Michael.  
 McEntee, Shane.  
 McFadden, Nicky.  
 McGinley, Dinny.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McHugh, Joe.  
 McLoughlin, Tony.  
 McNamara, Michael.  
 Mitchell, Olivia.  
 Mitchell O'Connor, Mary.  
 Mulherin, Michelle.  
 Murphy, Dara.  
 Nash, Gerald.  
 Naughten, Denis.  
 Neville, Dan.  
 Nolan, Derek.  
 Noonan, Michael.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 Ó Ríordáin, Aodhán.  
 O'Dea, Willie.  
 O'Donnell, Kieran.  
 O'Donovan, Patrick.

O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Sullivan, Jan.  
 Perry, John.  
 Phelan, John Paul.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Reilly, James.  
 Ring, Michael.  
 Ryan, Brendan.  
 Shatter, Alan.  
 Sherlock, Sean.  
 Shortall, Róisín.  
 Smith, Brendan.  
 Spring, Arthur.  
 Stanton, David.  
 Timmins, Billy.  
 Troy, Robert.  
 Tuffy, Joanna.  
 Twomey, Liam.  
 Varadkar, Leo.  
 Wall, Jack.  
 Walsh, Brian.  
 White, Alex.

Níl

Adams, Gerry.  
 Boyd Barrett, Richard.  
 Collins, Joan.  
 Crowe, Seán.  
 Daly, Clare.  
 Doherty, Pearse.  
 Donnelly, Stephen.  
 Ellis, Dessie.  
 Ferris, Martin.  
 Flanagan, Luke 'Ming'.  
 Halligan, John.  
 Healy, Seamus.

Higgins, Joe.  
 McDonald, Mary Lou.  
 McGrath, Finian.  
 McLellan, Sandra.  
 Ó Caoláin, Caoimhghín.  
 Ó Snodaigh, Aengus.  
 O'Brien, Jonathan.  
 Pringle, Thomas.  
 Ross, Shane.  
 Stanley, Brian.  
 Tóibín, Peadar.  
 Wallace, Mick.

Tellers: Tá, Deputies John Lyons and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Joe Higgins.

Question declared carried.

### Business of Dáil: Motion

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

That notwithstanding anything in Standing Orders or the Order of the Dáil of this day, the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted on the adjournment of Private Members' Business, which shall be No. 27, motion re remuneration, which shall take place at 7 p.m. tonight or on the conclusion of No. 14, whichever is the later, and which shall adjourn after 90 minutes.

Question put and agreed to.

**Offences against the State (Amendment) Act 1998: Motion**

**Minister for Justice and Equality (Deputy Alan Shatter):** I move:

That Dáil Éireann resolves that sections 2 to 4, 6 to 12, 14 and 17 of the Offences against the State (Amendment) Act 1998 (No. 39 of 1998) shall continue in operation for the period of 12 months beginning on 30th June, 2011.

The resolution before the Dáil seeks approval for the continuance in operation of those sections of the Offences against the State (Amendment) Act 1998 which would otherwise cease to be in operation after 30 June. Deputies will be aware that this legislation was enacted in the aftermath of the Omagh bombing in August 1998, a dreadful atrocity which claimed 29 innocent lives and injured more than 200 people. The attack at Omagh was a callous act of mass murder aimed at undermining the then developing peace process. If anything, its brutality galvanised the already strong desire of both communities on this island for a shared future based on peace and democracy. It is a testament to the resolve of those parties who supported the peace process that not only did it survive this attack, it flourished and great advances have been made in normalising politics in Northern Ireland. We must never forget, however, the suffering of so many people who were bereaved by the mindless criminality of the very few.

Recognising the exceptional nature of the measures contained in the 1998 Act, it was decided that certain sections of the Act should be revisited annually by the Oireachtas. The purpose is to allow the Oireachtas to decide whether the current circumstances justify the continued operation of these sections. I have no doubt that their continued operation is justified and will outline my reasons to the House presently.

To support consideration of the need for the renewal of these sections of the Act, I am required to lay a report on their operation before both Houses prior to the resolutions being moved. The report, which I laid before the House on 13 June 2011, covers the period since the last such report was prepared in June 2010 to 31 May 2011. The clear message from the report is that the relevant sections of the Act continue to be of significant value to the Garda in tackling the threat from terrorism. Taking into account the provisions of the Act, the numbers of occasions on which certain provisions have been used and the current security environment, the Garda authorities consider that the Act continues to be one of the most important tools available to them in the ongoing fight against terrorism. The inevitable conclusion must be that the provisions are necessary to counter the threat from terrorism and their continued availability to An Garda Síochána is warranted.

The sad fact is that there is an ongoing threat, both in this jurisdiction and in Northern Ireland, from a variety of subversive paramilitary groups. The Real IRA, the Continuity IRA and other groups remain resolutely committed to violence in pursuit of their aims. They continue to seek to acquire and manufacture weapons and to plant explosive devices without any concern for life or limb. In particular, they have targeted members of the security forces in Northern Ireland. The recent tragic murder of PSNI Constable Ronan Kerr is a stark demonstration of their ongoing murderous intent. Put plainly, these are gangs of criminal terrorists. I use the word “criminal” because these groups are involved in a wide range of organised criminal activities and I believe that, in many cases, their continued commitment to the so-called cause is centred more on preserving their personal positions. These groups represent nothing but their own warped views of the world. Their actions display nothing but contempt for the peace-loving majority on this island.

The 1998 Act was brought in following the Omagh bombing and was mainly targeted at domestic terrorist groups. However, we cannot ignore the threat from international terrorism and should not imagine that Ireland is completely immune from it. We certainly must not be

[Deputy Alan Shatter.]

complacent in responding to it. The Criminal Justice (Terrorist Offences) Act 2005 enables the application against international terrorist groups and individuals of the Offences against the State Acts, including the provisions under consideration today.

I return to the provisions which are the subject of the resolution. The report I laid before the House is based on data received from the Garda authorities and shows the following information. Section 2 was used on 48 occasions. Section 2 provides that where, in any proceedings for membership of an unlawful organisation, an accused fails to answer or gives false or misleading answers to any question, the court may draw such inferences as appear proper. However, a person cannot be convicted of the offence solely on an inference drawn from such a failure. Section 3 was used on 12 occasions. This section provides that, in proceedings for membership of an unlawful organisation, an accused must give notification of an intention to call a person to give evidence on his behalf, unless the court permits otherwise. Section 7 was used on 24 occasions. This section makes it an offence to possess articles in circumstances giving rise to a reasonable suspicion that the article is in possession for a purpose connected with the commission, preparation or instigation of specified firearms or explosives offences. Section 8 was used once. This section makes it an offence to collect, record or possess information which is likely to be useful to members of an unlawful organisation in the commission of serious offences. Section 9 was used on 63 occasions. This section makes it an offence to withhold information which a person believes might be of material assistance in preventing the commission of a serious offence or securing the apprehension, prosecution or conviction of another person for such an offence.

Section 10 was used on 12 occasions. This section extends the maximum period of detention permitted under Section 30 of the Offences against the State Act from 48 hours to 72 hours, but only on the authorisation of a judge of the District Court. The judge must be satisfied, on the application of a Garda not below the rank of superintendent, that further detention is necessary for the proper investigation of the offence concerned and that the investigation is being conducted diligently and expeditiously. The person being detained is entitled to be present in court during the application and to make submissions or have them made on his behalf. In the reporting period in question, an extension under section 10 was applied for and granted in 12 cases and charges resulted in six of those cases.

Section 11 was used on five occasions. This section allows a judge of the District Court to permit the re-arrest and detention of a person in respect of an offence for which he was previously detained under Section 30 of the Offences against the State Act but released without charge. This further period must not exceed 24 hours and can only be authorised in circumstances where the judge is satisfied on information supplied on oath by a member of the Garda Síochána that further information has come to the knowledge of the Garda about that person's suspected participation in the offence. Section 14 is a procedural section which makes the offences created under sections 6 to 9, inclusive, and 12 of the 1998 Act scheduled offences for the purposes of Part V of the 1939 Act. The sum total of the uses of sections 6 to 9, inclusive, and 12 was 88.

I now turn to those sections of the 1998 Act that were not used in the period under report, namely, sections 4, 6, 12 and 17. Section 4 amends section 3 of the Offences against the State (Amendment) Act 1972 to expand the definition of "conduct" that can be considered as evidence of membership of an unlawful organisation. Specifically, conduct can include matters such as "movements, actions, activities, or associations on the part of the accused". This change simply aligns the definition of conduct in the 1972 Act with the reference to movements, actions, activities or associations used in section 2 of the 1998 Act.

Section 6 creates the offence of directing the activities of an organisation in respect of which a suppression order has been made under the Offences against the State Act 1939. Section 12 makes it an offence for a person to instruct or train another person in the making or use of firearms or explosives or to receive such training without lawful authority or reasonable excuse.

Section 17 builds on a provision in the Criminal Justice Act 1994 which empowers a court, in its discretion, to order the forfeiture of any property in the possession of a convicted person which was used, or intended to be used, to facilitate the commission of an offence under that Act. The effect of section 17 is, in the case of a person convicted of specified offences relating to the possession of firearms or explosives, and where there is property liable to forfeiture under the 1994 Act, to require the court to order the forfeiture of such property unless it is satisfied that there would be a serious risk of injustice if it made such an order. Although these sections were not used in the period under report, I am sure Deputies will agree that their continued availability is essential to an effective response to the threat from terrorist groups.

I would be delighted to be able to inform Members that these provisions are no longer considered necessary. However, that would necessitate a very significant change of attitude on the part of these criminal terrorist groups. In the absence of such a change I could not, as Minister for Justice and Equality, recommend to the Dáil that valuable legislative provisions be allowed to lapse. I consider that the relevant provisions of the 1998 Act should remain in operation for a further 12 months and I commend this resolution to the House.

**Deputy Dara Calleary:** My party will support the Government on this occasion. Regrettably, certain events during the past 12 months have highlighted the need for us to renew this legislation. As the Minister has said, it was introduced in the aftermath of the horror of the Omagh bomb. With the passage of time, the difficulty was that many people did not recognise or remember that horror. If they needed to be reminded, the death of Constable Ronan Kerr will have served as a reminder. The response of our democratic institutions to the Omagh tragedy was robust. We are required to continue that response this evening, in light of the death of Constable Kerr and the subsequent threat to the lives of Catholic members of the PSNI. Such people have fulfilled the vision of the Good Friday Agreement by getting involved in the police force. The agreement was endorsed by the community, by most organisations in this House and by many people on this island. For some bizarre reason, certain people are continuing to threaten the lives of Catholics who want to be part of the PSNI. For that reason alone, this House should unite in renewing the provisions of the 1998 legislation.

In October 2010, the authorities in Britain increased the threat level associated with Irish-related terrorism to “substantial”. This shows that the threat of dissident republicans, who are affected by this legislation, continues to be as real and active as the threat of international terrorism. I compliment the Garda and the Army on the manner in which they have dealt with this threat, particularly before and during the visits of Queen Elizabeth and President Obama. In light of all the activities, including arrests, that were reported around that time, it is strange that section 12 of the 1998 Act was not used. Media reports give one the impression that these organisations, particularly dissident so-called republican organisations, are on the verge of increasing their capacity to use arms, firearms and explosives. Perhaps there are charges in the pipeline under section 12. I hope that provision is used to prevent — God forbid — another Omagh from happening.

We need to examine the composition of dissident organisations. By continuing to abuse the term “Óglaigh na hÉireann”, they are showing complete contempt for the democratic institutions of this State and the fine men and women who serve in our Defence Forces. This is another reason for the House to unite in support of this proposal. There is only one group that can call itself Óglaigh na hÉireann. I refer to the men and women of the Defence Forces who

[Deputy Dara Calleary.]

put their lives on the line to serve this country abroad. They are heading to Lebanon once again. They have a fine track record of representing Ireland across the world. They are the Óglaigh na hÉireann to whom this House and this country owes allegiance. We will show that allegiance by passing this legislation.

By coincidence, the RACO magazine, *Signal*, appeared on my desk today. It includes a good article by the security editor of the *Irish Independent*, Tom Brady, which should be read by anyone who doubts the reality of the situation we face. The article refers to the current situation with regard to dissident republicanism in Northern Ireland. Mr. Brady warns that vicious attacks like that which killed Ronan Kerr “could happen again” and argues that “existing deterrents should not be watered down”. This evening, we are renewing this procedure rather than watering it down. I agree with the Minister that it is regrettable that we have to do so. We owe it to the Garda, the Defence Forces and the people of this island to renew this measure as long as there is a threat to their safety and their ability to get on with their jobs and fulfil the dream of the Good Friday agreement. That is why we are supporting the Government.

**Deputy Jonathan O’Brien:** I would like to share time with Deputy Ó Snodaigh.

**Acting Chairman (Deputy Tom Hayes):** Is that agreed? Agreed.

**Deputy Jonathan O’Brien:** The Offences against the State (Amendment) Act 1998 was introduced as a response to the tragic events in Omagh on 15 August 1998, when 28 people, including a young woman who was pregnant with twins, lost their lives. All these years later, many of the more than 220 people who were injured, some of them seriously, continue to bear the scars of that day. It was truly a horrendous day in the history of this island. The events of that day were a direct attack on the peace process and the Sinn Féin strategy. It is a testament to all those involved in the peace process at that time that it survived and has since flourished. While there is a long way to go before we, as republicans, realise our ultimate goal of a united Ireland, we must continue to defend the peace process. Although full responsibility for the events of 15 August 1998 lies with the Real IRA, subsequent details have shown that less than perfect policing procedures, analysis and communication of intelligence were employed.

Draconian legislation can never be a substitute for sound law and good and accountable policing. As Members in this Chamber know, Sinn Féin has consistently opposed the retention of this amendment. We have argued each year that it should be repealed in its entirety. At this time, there is neither a need for such legislation nor an argument in favour of it. The continuation of it will only serve to erode further the human rights ethos in which this State’s legislation should be grounded. If Deputies in this Chamber truly value the concepts of democracy and human rights, I implore them to vote accordingly and to reject the motion.

I recognise that a small group of people are still determined to derail the peace process. They do not have the capacity to do so. They do not warrant a strong argument for the retention of these measures. Sinn Féin has been in a minority in this House in recent years when it has rightly opposed the 1998 Act. The chances are that we will be in a minority again today. We are not in a minority internationally, however, as we analyse this measure. The UN Human Rights Committee shares our stance on it. As I pointed out in a previous debate, it has asked the State year after year to factor the Special Criminal Court out of our judicial system.

Our international commitments are not the only reason for us to oppose the motion. The Government has certain obligations under the Good Friday Agreement. The agreement places an onus on both Governments to work towards the normalisation of the security apparatus in the Twenty-six Counties and the Six Counties. As the Minister said, the agreement was

endorsed overwhelmingly by the majority of people on this island. It needs to be protected and implemented in full. Therefore, the scrapping of the legislation before us for renewal is a pressing issue for all of us in this Chamber. In the past, many Deputies have argued in favour of the provisions of the Act because they have played a role. However, I do not think anyone can truthfully argue that these provisions have a place in the present or future of this State. Sinn Féin believes the legislation is counter-productive in the long run. In my opinion, the report supplied by the Department of Justice and Equality serves to reinforce this argument.

Little more than a decade has passed since the amendment was first enacted. Some sections of the Act, such as section 17, have never been used. Sections 4, 6, 12 and 17 have not been used in the last 12 months. Section 8 has only been used once in the past three years. Sections 4 and 12 have not been used for several years. The figures also show a huge discrepancy between the annual arrest and conviction rates. This strongly suggests that the provisions of this legislation are being used for purposes other than those for which they were originally designed. It is for this reason, and those I mentioned earlier, that we will not be supporting the motion. The context in which the Minister is seeking the renewal of this Act is clear from his opening statement. His reference to those groups that are still engaged in armed actions set the context for this debate. It is important that all parties in this House renew the call on those groups to cease their activities. We must do everything in our power to convince them that the path they are on is fruitless. That is not a moral argument surrounding the rights or wrongs of physical force republicanism, but rather on the futility of their actions to deliver on their goals in the current context.

We all must engage with these groups. We must make every attempt to move them away from violence and to get them to accept the will of the people as expressed in the Good Friday Agreement. We must also convince them of the opportunities that the Good Friday Agreement and the peace process give republicans to further the republican and all-Ireland agenda, and that is where our focus for the next 12 months should be. I ask Members to vote against this measure.

**Deputy Aengus Ó Snodaigh:** Like Deputy O'Brien, I have no hesitation in renewing the call on those responsible for the atrocity at Omagh and many other actions since to desist and to embrace the peace process. I call on them to open their eyes to the considerable progress made on this island since the passage of the Good Friday Agreement. There is space for those with varying views to put forward those arguments and if they believe in the strength of their convictions, I ask that they debate them with the rest of society. The Good Friday Agreement was overwhelmingly and democratically endorsed by the vast majority of the Irish people. If they believe in democracy at all, which is questionable, I ask that they desist. Their actions are an affront to democracy, are besmirching the ideals of republicanism and are delaying the eventuality of a united Ireland.

The retention of these provisions is an admission of the failure of this and previous Governments. Similar to the earlier motion on the Criminal Justice (Amendment) Act 2009, these provisions turn the basis of the justice system on its head. The killing of Constable Ronan Kerr shows that these groups wish for an abnormal society. The challenge to us is to prove that we have a normal society and that normal policing will convict those who seek to undermine it.

There is no place in our society for the emergency legislation that was passed in 1998. We are a normal society and the existing laws are strong enough if properly resourced. An Garda Síochána and the courts can convict and can ensure that those who carry out atrocious acts in this day and age serve a proper sentence for those actions.

[Deputy Aengus Ó Snodaigh.]

Thar ceann na Teachtaí a chur i gcoinne an rúin seo gach uile blian ó thoghadh mé ar dtús i 2002, measaim go bhfuil sé thar am fáil réidh leis. Is oth liom a rá go bhfuil sé arís ós ár gcomhair agus tá mé chun chuir ina choinne. Fiú roimhe seo, chuir mise i gcoinne na Offences Against the State Act toisc, seachais dlíthe breise atá ag déanamh staid éigeandála sa tír seo, gur chóir go mbeadh breis áiseanna, trealamh agus maoin curtha i dtreo An Garda Síochána agus na cúirteanna chun déanamh cinnte nach bhfuil gá le aon forálacha mar seo, má raibh gá riamh leis, agus gur chóir dhúinn fáil réidh leis an bunreachtáíocht.

An príomh argóint ná nach bhfuil fiú na forálacha seo áúsáid agus nach raibh siad riamh chun a bheith úsáidte mar bhí siad go dona nuair a chuireadh le chéile iad sa chéad dul síos. Ba chóir dúinn casadh arís ar an ghnáth chóras justice insan tír agus ba chóir dúinn é sin a dhéanamh anois. Tá an deis againn, fiú anois, fáil réidh le na forálacha ó 1998.

**Acting Chairman (Deputy Tom Hayes):** Is Deputy Higgins sharing time?

**Deputy Joe Higgins:** Tá mé ag roinnt mo chuid ama leis an Teachta Thomas Pringle.

The Offences Against the State (Amendment) Act 1998 was introduced after the Omagh bomb atrocity in the summer of 1998. At that time, we in the Socialist Party trenchantly opposed that atrocity, as we did all the atrocities that took place prior to it, and opposed paramilitarism on this island for decades in advance of that atrocity. However, we pointed out that when sectarians threatened civil war as a result of atrocities carried out in the 1970s and 1980s, it was not repressive legislation enacted by the State or Britain that defeated that drive towards civil conflict which would have been an absolute conflagration and an utter disaster for ordinary people in the North and on this island. It was the mobilisation on many occasions of ordinary working class people in Northern Ireland across the division that forced the paramilitaries and the sectarians back. The record will show that in the 1970s and 1980s in response to horrific atrocities carried out by groups on both sides, the activists in the trade union movement, for example, mobilised onto the streets and in their workplaces tens of thousands of workers in a clear message to the paramilitaries that they were not acting in the interests of the working class people of the communities of the majority. Similarly, what ended the paramilitary campaign was not repressive legislation in the State or the above state; it was the mood of opposition to war, war weariness etc., among ordinary working class people in the North and in this island.

As a Member of the Dáil in 1998, I strenuously opposed this legislation and explained that at the time.

On other related aspects of repressive legislation, the Offences Against the State Act 1939 is a wide-ranging and repressive statute. It is not simply paramilitary organisations that can be the target of that Act. That legislation is so wide-ranging, for example, that a group of citizens who held a protest and decided to withhold their road tax in opposition to a particular aspect of Government policy could be severely punished under it. Other mass protests of civil peaceful disobedience also come under such repressive legislation. My party is firmly opposed to that.

Those self-appointed minorities which are now tiny, the so-called republican dissidents, whose only policy — one could not call it a policy — is the reactionary aim of regressing society back to sectarian conflict, are not representative of anybody outside their tiny ranks, but to impose legislation on an entire people in their regard is in opposition to civil rights and a danger to civil and human rights.

I think I have one minute remaining.

**Acting Chairman (Deputy Tom Hayes):** There are five and a half minutes remaining in the slot.

**Deputy Joe Higgins:** The rioting, for example, in the Short Strand last night, shows the continuing dangers of sectarianism. Last night it was orchestrated by the UVF, most likely in response to an internal power struggle. Sectarianism continues under the surface, and not too far under it, to be a danger. The power-sharing Executive is implementing cuts, the Government in this State is pathetically unable to resolve our economic difficulties, and the establishment in the North and in Britain have no solution to the problems that are underlying these issues in Northern Ireland. Putting more oppressive legislation in the books is not a solution. Only a radical transformation of the economic base of society, a socialist policy approach and an alternative that can provide jobs, homes and a decent future for working class people and youth form the basis of a solution.

**Deputy Thomas Pringle:** There is no doubting the savagery and futility of the Omagh atrocity that led to the Offences Against the State Act 1998 being implemented. There is no doubting the total futility of the campaigns being waged by so-called dissident republicans in the State.

However, the operation of the Offences Against the State Act has had a severe and detrimental impact on the human rights of all Irish citizens. The State must ensure the functioning of law and order, of that there is no doubt. However, the State must protect the human rights of our citizens as well. The UNHCR, the Irish Penal Reform Trust and the Irish Council for Civil Liberties have all expressed concerns for the potential erosion of human rights and miscarriages of justice as a result of the continued operation of the Offences Against the State Act.

I intend to focus on the right of arrest under section 30 of the Offences Against the State Act and the period covered by the report laid before the House by the Minister. According to the report some 764 people have been arrested but only 38 convictions have taken place in the relevant period. This is an example of the potential for the abuse of the rights of citizens under the operation of the Act with the wide-ranging right of arrest for the Garda under section 30 of the Offences Against the State Act. There is no doubt many people have been arrested for offences and that the right of arrest under the Act has been used as a convenient method to arrest people for wide-ranging offences and potential offences not covered by the Act.

The continued operation of the Special Criminal Court has been widely condemned. Recent submissions to the United Nations report on the prevention of torture have called for the scrapping of the Special Criminal Court. The Special Criminal Court was set up for one reason: to guarantee convictions for the people who come before it. When one considers the history of the Special Criminal Court, the lack of people who have been acquitted from among those tried before the court is remarkable. This shows the sole reasons for its establishment was to guarantee convictions.

I have no doubt the motion will be passed based on the vote on the previous motion. However, in the case of subsequent reports to come before the House related to the operation of the Act I call on the Minister to include the Irish Human Rights Commission and its reporting on the operation of the Act such that it can examine the matter in terms of the human rights abuses or potential human rights abuses that may take place under the operation of the Act should the Government decide to continue with the Act in future.

**Minister for Justice and Equality (Deputy Alan Shatter):** Yet again I thank Deputy Calleary for his support on this important motion. He referred to democracy. There is a basic and simple principle: a democracy must protect itself against the tyranny of those intent on its subversion. We must consider the reality in dealing with this legislation and resolution. We must consider



[Deputy Alan Shatter.]

the reality of what is needed to deal with the threat which, unfortunately, remains from subversive organisations such as the Real IRA and the Continuity IRA. The sad reality is that they have not gone away, you know. They are still there. There is no ideological approach that provides the immediate means to ensure we can protect our communities and our democracy against those intent on subverting it not only in this State, but in Northern Ireland and to protect the peace process, the institutions that have been established and those committed to them.

I remember being in the House many years ago when we considered the position of policing in Northern Ireland, the reality that the RUC largely represented one section of the community of Northern Ireland and the difficulties this created for the minority community in Northern Ireland. The world has substantially moved on. We now have the Police Service of Northern Ireland, PSNI, of which 30% of the membership come from the minority community in Northern Ireland. There are subversive groups intent on trying to ensure we do not have a police force in Northern Ireland that is truly representative of the communities there and on targeting members of the Catholic community who have joined that force to provide a cross-community force. They do not hesitate to target and kill people as we saw with the case of Constable Ronan Kerr and as we saw with the horrendous event that took place on or about Easter at which there were hooded gentlemen standing in a cemetery threatening more murder and mayhem and supported, unfortunately, by too many people who stood in the cemetery with them. They may be a small minority but it only takes a small minority to create murder and mayhem. In the context of considering the reality of this issue the report tabled before the House and the information contained in the proposed resolution clearly detail the use that has been made of this legislation. Its use has been made for the protection of people on this island.

We celebrated the fact that the Queen visited here. That was another big step, an additional block laid on the foundations of the reconciliation that has occurred and the peace process. However, behind the scenes as Minister for Justice and Equality and as Minister for Defence I was absolutely aware in the lead-in to and during the course of the visit that there were subversive organisations intent not merely on disrupting that visit, but on causing death and mayhem if they could during the course of that visit. That is the reality. The Garda and the Defence Forces did an extraordinary job. To do that job they required the assistance of the legislation available to them and which we seek to extend by resolution before the House.

I refer to what I said about the previous resolution. This is a human rights issue. It is about the fundamental human right of the vast majority on this island to go about their business without fear that a bomb might explode or that someone they know might be shot because a small group of individuals are not willing to accept the democratic verdict of the people throughout the island of Ireland. Such individuals reject the very peace process that the Deputies from Sinn Féin support in Northern Ireland, in this State and for which they advocate. One should not be blind to the reality that there is a small group of people intent on destroying that process. This resolution is about protecting that process, allowing it to continue to grow and allowing communities on both parts of this island to be safe from the type of subversive activity in which these groups engage. It is no more complicated than that.

As in the case of the previous motion, I wish it were different and that we did not need this resolution or these provisions. The sad reality is that we do need them and the facts and their use have confirmed that they are an important part of the armoury available to An Garda Síochána in protecting us all.

Question put:

# The Dáil divided: Tá, 114; Níl, 23.

## Tá

Bannon, James.  
 Barry, Tom.  
 Breen, Pat.  
 Broughan, Thomas P..  
 Browne, John.  
 Bruton, Richard.  
 Burton, Joan.  
 Butler, Ray.  
 Buttimer, Jerry.  
 Byrne, Catherine.  
 Calleary, Dara.  
 Cannon, Ciarán.  
 Carey, Joe.  
 Coffey, Paudie.  
 Collins, Áine.  
 Collins, Niall.  
 Conaghan, Michael.  
 Conlan, Seán.  
 Connaughton, Paul J..  
 Conway, Ciara.  
 Coonan, Noel.  
 Corcoran Kennedy, Marcella.  
 Costello, Joe.  
 Cowen, Barry.  
 Creed, Michael.  
 Daly, Jim.  
 Deering, Pat.  
 Doherty, Regina.  
 Donohoe, Paschal.  
 Dooley, Timmy.  
 Dowds, Robert.  
 Doyle, Andrew.  
 Durkan, Bernard J..  
 Farrell, Alan.  
 Feighan, Frank.  
 Ferris, Anne.  
 Fitzgerald, Frances.  
 Flanagan, Terence.  
 Fleming, Sean.  
 Griffin, Brendan.  
 Hannigan, Dominic.  
 Harrington, Noel.  
 Harris, Simon.  
 Hayes, Brian.  
 Hayes, Tom.  
 Healy-Rae, Michael.  
 Heydon, Martin.  
 Howlin, Brendan.  
 Humphreys, Heather.  
 Humphreys, Kevin.  
 Keating, Derek.  
 Keaveney, Colm.  
 Kehoe, Paul.  
 Kelleher, Billy.  
 Kelly, Alan.  
 Kirk, Seamus.  
 Kitt, Michael P..

Kyne, Sean.  
 Lawlor, Anthony.  
 Lynch, Ciarán.  
 Lynch, Kathleen.  
 Lyons, John.  
 Maloney, Eamonn.  
 Martin, Micheál.  
 Mathews, Peter.  
 McCarthy, Michael.  
 McConalogue, Charlie.  
 McEntee, Shane.  
 McFadden, Nicky.  
 McGinley, Dinny.  
 McGrath, Mattie.  
 McGrath, Michael.  
 McGuinness, John.  
 McHugh, Joe.  
 McLoughlin, Tony.  
 McNamara, Michael.  
 Mitchell, Olivia.  
 Mitchell O'Connor, Mary.  
 Mulherin, Michelle.  
 Murphy, Dara.  
 Murphy, Eoghan.  
 Nash, Gerald.  
 Naughten, Denis.  
 Neville, Dan.  
 Nolan, Derek.  
 Noonan, Michael.  
 Ó Cuív, Éamon.  
 Ó Fearghaíl, Seán.  
 Ó Riordáin, Aodhán.  
 O'Dea, Willie.  
 O'Donnell, Kieran.  
 O'Donovan, Patrick.  
 O'Dowd, Fergus.  
 O'Mahony, John.  
 O'Sullivan, Jan.  
 Penrose, Willie.  
 Phelan, John Paul.  
 Quinn, Ruairí.  
 Rabbitte, Pat.  
 Ring, Michael.  
 Ryan, Brendan.  
 Shatter, Alan.  
 Sherlock, Sean.  
 Shortall, Róisín.  
 Smith, Brendan.  
 Stanton, David.  
 Timmins, Billy.  
 Troy, Robert.  
 Tuffy, Joanna.  
 Twomey, Liam.  
 Varadkar, Leo.  
 Wall, Jack.  
 Walsh, Brian.  
 White, Alex.

## Níl

Adams, Gerry.  
 Boyd Barrett, Richard.  
 Collins, Joan.

Colreavy, Michael.  
 Crowe, Seán.

Níl—*continued*

Daly, Clare.  
Doherty, Pearse.  
Ellis, Dessie.  
Ferris, Martin.  
Flanagan, Luke Ming.  
Halligan, John.  
Healy, Seamus.  
Higgins, Joe.  
McDonald, Mary Lou.

McGrath, Finian.  
McLellan, Sandra.  
Ó Caoláin, Caoimhghín.  
Ó Snodaigh, Aengus.  
O'Brien, Jonathan.  
Pringle, Thomas.  
Ross, Shane.  
Stanley, Brian.  
Wallace, Mick.

Tellers: Tá, Deputies John Lyons and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Joe Higgins.

Question declared carried.

### **Private Members' Business**

#### **Workers' Remuneration: Motion**

**Deputy Clare Daly:** I move:

That Dáil Éireann:

noting that:

- the Report of Independent Review of Employment Regulation Orders and Registered Employment Agreement Wage Settling Mechanisms by Mr. Kevin Duffy and Dr. Frank Walsh to the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, concludes *inter alia*: “We have concluded that lowering the basic JLC rates to the level of the minimum wage rate is unlikely to have a substantial effect on employment” and “we conclude that it is not accurate to suggest that the body of primary employment rights legislation currently in force adequately covers matters dealt with by EROs and REAs”;
- according to the OECD, Ireland suffers from some of the highest levels of low pay; over 21% of full-time employees are low paid, compared to a Eurozone average of 14.7% and European Commission data show that labour costs, including wages and employers' contributions, in the food and accommodation sector in Ireland are 6% below the EU 15 average;
- very many people covered by Joint Labour Committee-Employment Regulation Orders, JLC/EROs, and Registered Employment Agreements, REAs, are vulnerable people such as immigrants and young people and those working in small employments not amenable to trade unionisation;
- the majority of workers covered by the JLC-EROs and REAs system are women and that any reduction in remuneration in this sector will widen the gender income gap contrary to national and EU policy;
- due to the serious and disproportionate reduction in male employment, female workers form a higher proportion of primary bread winners and that reduction in female earnings would have a major impact on household and child poverty contrary to national and EU policy;

- reduction in the remuneration of already lowly paid employees will result in a reduction in revenue to the State through PAYE and VAT and will lead to an increase in claims for family income supplement payments;
- any reduction in remuneration to employees covered by JLCs and REAs will transfer income from the lowly paid to employers and-or investors, including some large multinational companies;
- any reduction in remuneration to affected employees who spend their entire income in Ireland will reduce demand in the economy and accelerate the elimination of jobs caused by the policies of the previous Government and the support by the current Government for the measures contained in budget 2011;
- it is this reduction in demand in the economy that is destroying jobs, not JLC-ERO rates; and
- any provision for derogation from JLC-ERO and REA rates of remuneration in individual employments is likely to lead to a collapse of the system as a whole and the reduction of already low wages generally, further reduction in demand and increased job elimination in the economy as a whole;

deplores any proposal of the Minister, Deputy Bruton, to enact any of the following measures:

- reduction of JLC and-or REA rates;
- reduction or abolition of extra pay for working unsocial hours such as on a Sunday;
- allow employers to claim “an inability to pay”;
- reduction in overtime rates;
- removal of protection for young workers under 18 years of age;
- removal of annual increases for years of service;
- removal of recognition of craft grades;
- reduction of the number of EROs and end coverage of working conditions such as sick pay; and
- allowing employers not to keep proper employment records, which would make it easier to evade the law; and

calls on the Government as a whole to abandon these measures and believes that if Labour Party Deputies in particular vote against this motion, they will be in breach of the principle of solidarity with the lower paid and the best traditions of Larkin and Connolly.

I have moved the motion on behalf of the United Left Alliance and some Members of the Technical Group and wish to share time with my colleagues. It is fair to state this is a motion of huge importance. The wages and conditions of more than 250,000 workers are at stake. This involves some of the most isolated and vulnerable workers in Irish society, including women, immigrants and young people in the main and, quite often, workers who find themselves isolated in small employments in which union organisation is limited. The little protection such workers have comes from the joint labour committee, JLC, and employment regulation orders,

[Deputy Clare Daly.]

EROs. Even with such protection, studies have revealed the extent to which the regulations are exploited. A study conducted by the Migrant Rights Centre of Ireland in 2008 indicated that 53% of restaurant workers earned less than the minimum wage. Moreover, 44% of such workers did not get rest breaks, 85% did not receive additional pay for working on a Sunday and 85% did not receive overtime payments. An attempt is now being made to go even further than this and legitimise such exploitation, which is outlawed at present. Those Members who support the motion wish to send a signal to the Government to the effect that they will not allow this to happen. They believe it is an indictment of the Labour Party, in particular, that this is being carried out on its watch.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Clare Daly:** They have noted the recent huffing and puffing of certain Labour Party backbenchers, one of whom is in the Chamber——

**Deputy Finian McGrath:** He is a SIPTU official.

**Deputy Clare Daly:** ——and SIPTU officials who hope the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, will bear full responsibility for this measure.

**Deputy Colm Keaveney:** Revolution.

**Deputy Clare Daly:** It is known the Minister is possessed of much zeal to pursue this issue, but Members will not allow the Labour Party to hide behind this. Each Member has a vote on this issue and it is quite simple: if one is against the attack on wages of the lowest paid, one will support the motion.

**Deputy Finian McGrath:** Hear, hear.

**Deputy Clare Daly:** The issue must be seen in the context of the overall strategy agreed with the European Union and the IMF to drive down wages and conditions across the entire economy. Over the weekend Members will have had sight of the leaked document from the IMF that made it clear that the intention was for these agreements to not simply be reformed but scrapped. No matter how one dresses it up, that is what is at stake. The lessening of terms and conditions of the lowest paid workers in our society is on the table.

Behind this measure is the unrelenting propaganda to which we have been subjected to the effect that Ireland became uncompetitive during the boom and that labour market inefficiencies somehow have contributed to this loss of competitiveness. Although such sentiments are bandied about, they are untrue. Ireland was ranked 20th last year by the World Economic Forum and identified as having a well functioning labour market.

The other mantra one hears quite a lot is that high labour costs in Ireland have contributed to the high unemployment rate. Again, such statements are untrue. Nevertheless, the Minister has answered parliamentary questions in this regard in the Chamber. He has spoken of unemployment levels and a loss of employment of 60% and 15% in the construction and retail and wholesale sectors, respectively, but has followed on by stating high labour costs are a contributory factor to such unemployment figures. However, both reality and studies have disproved his statements and demonstrate clearly that he is wrong in this regard. Labour costs in the hospitality and wholesale and retail sectors in Ireland lag far behind the EU 15 average, both in respect of nominal pay and purchasing power. Hourly labour costs in the hospitality section in 2008, the latest year for which such studies have been undertaken, were 11.4% below the

EU 15 average, while the figures were the fifth lowest for purchasing power. In the wholesale and retail sector, they were the sixth lowest for purchasing power and almost 11% behind the EU average. Moreover, costs in Ireland have since fallen even further, while wages in other economies have increased.

The point I make strongly is that the real agenda is not about protecting employment but transferring wealth from the lowest paid to wealthy employers. One can state categorically that unless these measures are abandoned, they will not lead to the creation of a single job. The targeting of such wages will lead to an increase in unemployment by reducing the volume of domestic demand, thereby having a further impact on the retail sector. This is incredibly short-sighted. When one considers the forces that have assembled behind the scenes to lobby and call for such measures, one gets a glimpse of what really is at stake. I suggest one looks at who is leading the charge for the so-called reform of these agreements. Up in the front row is the founder of the Quick Service Food Alliance, who is mounting a legal challenge to the JLCs, Mr. Pat McDonagh, owner of Supermacs. Poor Pat is finding himself struggling off the backs of these greedy workers who earn just marginally above the minimum wage and who have the audacity to seek to be paid time and a half for Sunday working. Despite the greed of these workers in their claims in this regard, Pat has managed to leap up to position number 68 in Ireland's rich list, up from a position of number 139 in 2009. He has managed to increase his profits despite the fact that his revenue has fallen. He is already making a fortune off the backs of his workers and clearly, the agenda at stake is that it is not enough for him.

There are other examples such as the likes of John Magnier, with a personal wealth of almost €600 million and in receipt of significant subsidies from this State for his training industry. He is a tax exile who is bringing low-paid agricultural workers earning €9.10 an hour to the courts because he thinks their wage demands are excessive. The real agenda here is greed. It is a continuation of the policies which were activated in the course of the boom, a transfer of wealth away from workers into the hands of employers.

We have noted that over the past period there has been a certain attempt, maybe by some members of the Labour Party, and some members of the unions, to try to isolate these measures and claim they are the sole project of the Minister, Deputy Richard Bruton, and they have another agenda to say the Minister is going down one road but the Duffy-Walsh report is not really that bad and we will lean on it. Our attitude very clearly is that we will not fall for either of those measures. The Duffy-Walsh report also calls for reform of these committees and a reform of these agreements. Let there be no mistake, this is not an upward reform. They want to streamline the agreements and to attack the pay and conditions of the lowest paid people in society.

Studies by the Irish League of Credit Unions in Ireland reveal a situation where already, more than 1.2 million people in this country are surviving on less than €70 a month once they have paid their essential bills. To attack wages further is, in our opinion, absolute economic lunacy.

The Duffy-Walsh report calls for a radical overhaul of JLCs. Our position is clear. We will not stand by and we will not allow one cent, nor one condition, of the hard earned, hard fought battles by ordinary workers over generations to secure relatively decent pay and conditions to be overturned. This is a particular opportunity for the Labour Party and for the unions which went out and canvassed and lobbied their members to support the Labour Party in the attempt to cushion the Fine Gael blow. This is the first test on that measure. So far, the Labour Party has not done very well but its members have an opportunity tonight and tomorrow night to nail their colours to the mast. There are no more hiding places. If they are against the attacks on the wages and conditions of the lower paid, they will support the motion.

**Deputy Joan Collins:** I support the motion 110%. This is a red line issue for the Labour Party. As Deputy Clare Daly said, it will be down to the Labour Party to show its support for this motion and its support for the workers in these industries.

It may surprise some Deputies and others that the first legislation in this area was introduced by Winston Churchill in 1909. This was a recognition that in certain areas, sweat-shop conditions and the undercutting of wages were a significant problem at that time. In Ireland these trade boards were incorporated into industrial relations law as joint labour committees, JLCs, in 1946. There has long been a recognition, even by people not friends of the labour movement, such as Churchill, of the need for effective legislation and regulation for vulnerable workers. The proposals by the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, would, in effect, dismantle this protection. It would declare open season by unscrupulous employers on those who are the poorest, most vulnerable and least able to stand up for their rights.

Some of the employer groups pushing for these changes to the JLCs are the Irish Hotels Federation and the Quick Service Food Alliance. The so-called hospitality industry includes hotels and restaurants and employs 130,000 workers. A total of 35% of these are migrant workers. Wages in this sector are the lowest of any sector in the country. A survey of more than 800 catering businesses by the National Employment Rights Authority in 2008 showed that 53% earned below the minimum legal wage, 51% did not receive a payslip, 84% did not receive a contract or any terms of employment, 44% did not get any breaks and 85% received no overtime pay or Sunday premium. One third of all complaints to the Migrant Rights Centre came from workers in the hospitality sector. Brutal exploitation and denial of the most basic legal entitlements, are rampant and this is even with the JLCs in place. What is needed is not the Minister's new charter for exploitation but instead, Labour Party Deputies should demand that the employment law (compliance) Bill is given real teeth and brought before this House for urgent attention. Will the Labour Party Deputies do this? This legislation was promised after the Gama and the Irish Ferries disputes. It has since been buried. Workers in the hospitality sector need greater, not less, protection. The National Employment Rights Authority must be beefed up with extra staff and the power to impose on the spot fines on employers.

In the main, workers covered by the JLCs are women, young people and migrant workers. Driving down wages in this sector, which is the purpose of these proposed reforms, will increase inequality and widen the gap between male and female earnings. Such proposals will increase levels of poverty. Many cleaners are part-time workers and their wages are crucial to family income. We already have the highest rate of poverty out of 17 developed countries and only the United States is worse than us. A total of 100,000 children live in persistent poverty. A total of 23,000 people work in the contract cleaning industry and these are women in the main. The JLC rate is €9.50 an hour. This job involves working outside office hours, from 5 a.m. and after 7 p.m. or later in the evening. Putting the boot into people working unsocial hours on extremely low pay is criminal, while the people who destroyed our economy have walked away with huge pensions or are still in place on obscene salaries.

I refer to what a Fine Gael Minister said, post the election regarding the protection of the vulnerable in society: "These are the women who clean the offices in the morning; these are the women who serve food at weddings or hotel functions, who do the washing up but who go home to their families before the dancing begins." That Minister is the Minister for Finance, Deputy Noonan. The women to whom he refers are women whose income is set by the JLCs and whose families will be the most affected by any dismantling of JLCs.

I remind Labour Party Deputies that they are in very strange company on this issue. I note there are none of them in the Chamber: they seemed to have disappeared. Wage councils, the equivalent of JLCs in the United Kingdom, were first reformed by Thatcher in the 1980s and

given the *coup de grace* by Major in the 1990s. Therefore, the Labour Party will be standing shoulder to shoulder with the right-wing policies of Thatcher of the 1980s which destroyed the workers' movement in Britain at the time of the miners' strikes and were against women workers throughout Britain.

We call on the Labour Party to support these low paid, vulnerable and often abused workers. The best way to do this is to support this motion. I refer to recommendation number 17 of the Duffy-Walsh report which recommends that statutory provision be made to allow for derogation from the terms of either an ERO or an REA on economic grounds. Any Labour Party Deputy hiding behind that should be ashamed of themselves. They either support this motion or they do not. If they support the Duffy-Walsh so-called report, they are supporting the fact that the ability to pay clause is embedded in it.

The Labour Party Deputies should come out from wherever they are. We would like to see them in the Chamber and eyeball them on this issue. We want to know their stance. In 1981 the then Department of Labour said any inability to pay element would affect and undermine the whole system. It was very critical of the inability to pay proposition, saying: "Any proposal which would allow for a fallback position weakens the principle in such a serious way as to make a nonsense of the entire concept."

This is an important red line motion. It is an important and serious issue for the thousands of workers affected by JLCs. Any Labour Party Deputy who supports the proposal of the Minister, Deputy Bruton, to change JLCs should be ashamed of themselves. We ask them to come into the Chamber and discuss and debate the matter in a true and honest fashion. They should look us in the eye, as they should the 250,000 workers who are waiting desperately for some sort of certainty on this issue. They are fearful for their jobs, families, incomes and futures. The Labour Party Deputies can either back this motion or deny the workers what they deserve, which is decent pay for a decent day's work.

**Deputy Seamus Healy:** I support the motion. The proposals from the Minister are an outlandish attack on the most vulnerable people in society, namely, the low paid and their families. It is important to paint a background to the current situation. The current Government, which has taken over from the previous Fianna Fáil and Green Party Government, has effectively carried on the EU and IMF deal even though Fine Gael and the Labour Party said during the course of the election that it was a bad deal for Ireland and would be renegotiated. They gave the impression that it would be thrown out. However, having entered Government, they have now embraced the deal and are effectively fleecing taxpayers and workers to pay for a recession which those taxpayers and workers had no hand, act or part in creating. It is worth reminding ourselves that the EU and IMF deal is not, as I have said before, a Good Samaritan helping out a neighbour in trouble. European banks, in particular British, French and German banks, are fleecing Irish taxpayers to pay their bad gambling debts. They want an each way bet and now they want the Irish taxpayer and low-paid workers to pay for the debts.

During the course of the general election we were told repeatedly by Fine Gael and the Labour Party that the most vulnerable in society would be protected if they got into Government. The attack on low-paid workers, JLCs and payment structures is far from protecting the most vulnerable. It is a direct attack on very low-paid workers and children who in many cases are on the poverty line. As Deputy Collins said, the current Minister, Deputy Noonan, indicated during the course of the election what he meant when he said he wanted to protect workers. He said:

These are women who clean the offices in the morning. These are the women who serve food at weddings or hotel functions, who do the washing-up and go home before the dancing to their families.



[Deputy Seamus Healy.]

It is these women and their families that this attack on the JLCs is affecting.

Another issue is consistent poverty, which affects children in particular. Deputy Collins has given some indication of that. In Ireland, one in ten children, that is, 100,000 or over 9%, lives in consistent poverty. About 230,000, or 22.75%, live in relative poverty. These statistics refer to the very families who are covered by JLCs. The proposal to change JLCs is an attack on very low-paid people while the super rich who have significant levels of income get off scot free.

There are figures which show that the top 5% of the super rich in this country have approximately €250 billion worth of assets. They do not pay a ha'penny in taxes on wealth or assets, yet we have this type of attack on the lowest paid workers in the country. Recent figures from the Central Statistics Office show that personal assets, apart from houses, land or businesses, increased by €27 billion in 2009 and probably by the same amount in 2010, yet not a single cent has been taken from people with large assets in a tax on wealth or assets. Other countries in the EU and the United States have a tax on wealth but the Government prefers to attack low-paid workers.

The case has been made time and again by people in support of these cuts that competitiveness and wage costs in Ireland are out of line. Far from being the case, all the statistics show that labour costs in Ireland are significantly less than those in other European countries. EUROSTAT data revealed that labour costs in the hospitality and wholesale sectors lagged behind the average of the 15 EU member states in nominal terms and purchasing power parity. Labour costs in the hospitality sector are about 11.4% below the EU average. In the wholesale and retail sector, labour costs are 10.9% below the EU average and are in the sixth lowest place. Comparatively speaking, Irish labour costs are significantly less than in other European countries. The 240,000 or 250,000 people covered by JLCs are among the lowest paid in the country. The OECD stated that Ireland has a greater instance of low pay than the EU average. Restaurant workers are paid about 6% below the average. Far from saving or creating jobs, the proposals of the Minister, Deputy Bruton, will destroy them.

Reductions in the income of the poorest section of the Irish workforce will depress demand further and cause more closures and unemployment. People on low wages spend every last ha'penny of their income in this country and their locality. If one walks down the main street of any town, one will find shops closed for business because demand has been depressed. This is destroying jobs and businesses. Taking more money from the pockets of low-paid workers will further depress demand, leading to more unemployment and the closure of more businesses.

The JLC rates protect good employers from being undercut and driven out of business by those who are trying to make a quick buck at the expense of their employees. The proposal to introduce an inability to pay clause will inevitably lead to the collapse of the entire JLC system. The Minister's proposals are part of an employer strategy to drive down wages across the economy, while the financial assets of the super rich remain untouched by tax and are allowed to grow exponentially.

Other elements of the proposals will depress demand. The contention that existing employees will not be affected by the proposals is grossly misleading. The proposal to discontinue annual increments of service pay or craft pay is a major attack on low-paid workers. It will depress demand, as well as causing unemployment and the closure of businesses.

I come from the town of Clonmel where in 1912 James Connolly and Jim Larkin proposed to the Irish Trade Union Congress that the principle of independent political representation of workers should be established on a 32-county basis by a Labour Party. The centenary of the

Labour Party will be celebrated next year, but will income reductions for the lowest paid mark that anniversary? Connolly and Larkin were addressing the evils of low pay and poverty when they founded the Labour Party in Clonmel in 1912. I hope, therefore, that tomorrow night Labour Party Deputies will vote against these proposals and show that this is a red line issue for them.

**Deputy Mattie McGrath:** I am delighted to speak to this Private Members' motion. I want to introduce a reasoned debate on the issue. As an employer, I understand something of the issues involved, as well as dealing with my constituents. I agree with most of what my colleagues have said but the Minister, Deputy Bruton's intervention is timely. We must be reasonable because we are in a deep and serious recession following a boom. Many thousands of workers never benefited from the so-called Celtic tiger. Nonetheless, the IMF is in town and, together with our EU partners, they are forcing us to deal with issues and examine matters across the board in order to introduce competitiveness to the economy. Above all, we must continue to have fair play and protect low-paid workers at all costs. I voted against my own Government when it sought to cut the minimum wage. However, what some of the JLCs had established was pure nonsense and unsustainable. One pay rate might apply in a Dublin pub, while next door in a café a different rate could apply.

The previous speaker referred to what happened in 1912 with Connolly and Larkin. In more recent decades I have supported moves to protect workers, but when we introduced new laws, we never repealed the old ones. Therefore, we have a plethora of laws and it is impossible for employers or prospective employers to work with them and related issues. Many such measures were negotiated under the aegis of the former Taoiseach, Bertie Ahern, when there was a "give all" policy and anything could be negotiated. Union leaders made good packages for themselves, but many workers were left outside the remit of such negotiations. In addition, small companies were not represented at the table in the partnership talks because they were not members of IBEC or the Construction Industry Federation. These employers have been ploughing a lonely furrow, although they have a good relationship with their workers. The minimum wage does not enter their minds; they are more concerned with ensuring the payment of fair remuneration for workers with whom they have had an excellent relationship for many decades.

In opposition many members of the Government made promises to undo and change everything. They said there would be fair play across the board, but when they took office, they found that the IMF had laid down strict guidelines. However, we should not throw out the baby with the bath water. We must seriously examine some agreements and renegotiate them. Many people in my area are ready, willing and able to work for the rates they receive in the catering business. They are also happy to work unsocial hours. They do not want to be told by the National Employment Rights Authority, NERA, that they must charge for working extra time because they have a good relationship with their employers. NERA is supposedly working to police employers. I do not condone the actions of unscrupulous employers for one minute and would condemn any who treat workers unfairly. However, we must support reasonable employers and encourage them to stay in business and create more jobs.

Reference has been made to the bloodstock industry which has major issues to face. Most of those involved in that sector, including trainers and jockeys, understand most race meetings are held on Saturdays and Sundays. The wages might not be 100%, but they are in the job for the love of it. They do it well and are rewarded for winning and maintaining the good name of the bloodstock industry, especially in south Tipperary. They are not asking NERA to police the industry and demanding time and a half on Saturdays or double time on Sundays to ride horses. They love to be out on the racetrack doing what they do best — winning races and

[Deputy Mattie McGrath.]

promoting the business. We must be fair and reasonable in this regard. We must examine the issue and listen to the Minister. I hope fair play and reason will prevail.

**Deputy Finian McGrath:** I thank the Leas-Cheann Comhairle for giving me the opportunity to speak in this important debate on the issue of low pay and the joint labour committee system. Cutting low pay rates further will not do anything for the economy, job creation or the country as a whole. Attacking the low paid and making them pay for the actions of the greedy should never be an option in a democratic society. I will show clearly why this type of economic vandalism will never work and want to push the issue of low pay, particularly concerning job creation. I am glad the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, is present to listen to the arguments.

In recent days I heard the Minister of State, Deputy Michael Ring, talk about middle Ireland losing out and constantly being hammered by taxes, cuts and new charges. I accept his point that such people are suffering, but what about those who have lost their jobs and those on low wages who are really being hammered? Middle Ireland is hurting, but low-paid workers are on the floor. That is the reality for many. Does the Minister think it is fair for a cleaner, his wife and two children to have to live on €330 a week? After three years in the job his hourly rate is €9.50, rising to €10.50 for night work, with time and a half on Sundays. This is tough going for any family, yet that is what is happening in the real world. Could the Minister and his family survive on such an income? I ask him to give a commitment not to cut such wages in any form under the joint labour committee system. Some 23,000 cleaners will be directly affected if the proposed changes are made. I plead with the Minister to consider these situations.

Is the Minister also aware that economic research shows that the abolition of the JLCs could cost 10,000 jobs due to the reduction in the spending power of low paid workers? Does he and his Government understand the findings of the Duffy-Walsh report, which states that lowering the pay of these low paid workers is “unlikely to have a substantial effect on employment”? There is a strong economic argument against hammering lower paid workers.

In recent days we all have received letters from staff members of Vodafone Ireland which announced recently that it will move 130 jobs based in Ireland to offshore locations in Egypt and India. I ask the Minister to use his influence and any methods at his disposal to stop the relocation of those jobs from Ireland and to develop his job retention strategy in a more sensible way.

The motion before us states:

- according to the OECD, Ireland suffers from some of the highest levels of low-pay; Over 21% of full-time employees are low-paid, compared to a eurozone average of 14.7%, and EU Commission data shows that labour costs (including wages and employers' contributions) in the food and accommodation sector in Ireland are 6% below the EU 15 average;
- very many people covered by Joint Labour Committee/Employment Regulation Orders (JLC/EROs) and Registered Employment Agreements (REAs) are vulnerable people such as immigrants and young people and those working in small employments not amenable to trade unionisation;
- the majority of workers covered by the JLC/EROs and REAs system are women and that any reduction in remuneration in this sector will widen the gender income gap contrary to national and EU policy;

- due to the serious and disproportionate reduction in male employment, female workers form a higher proportion of primary bread winners and that reduction in female earnings would have a major impact on household and child poverty contrary to national and EU policy;
- reduction in the remuneration of already lowly paid employees will result in a reduction in revenue to the State through PAYE and VAT and will lead to an increase in claims for Family Income Supplement payments...

Low pay leads to more poverty and more disadvantage, and we must acknowledge that.

I strongly support the motion tabled by the members of the Technical Group and the United Left Alliance. It is important to listen to all sides of the debate. We on this side of the House stand up for low paid workers. It is also important to challenge the Labour Party and its history of supporting workers on the ground. I call on Members of the Labour Party to support us on this motion at 8.30 p.m. tomorrow. This is an important motion. It is about protecting more than 200,000 low paid workers, retaining and preserving jobs and thus preventing people from having to obtain rent supplement and a medical card, which end up costing the State more. These are issues that are not mentioned when one reads coverage of the broad debate in the broader media. It is important that we stand up for and respect these people, make a strong effort and give a commitment to support them in this motion.

I call on all Members of this House to support the motion.

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I move amendment No. 1:

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

“noting:

- that this Government reversed the recent cut in the national minimum wage within its first three months in office;
- that the restoration of the national minimum wage is the result of negotiations by the new Government with the EU-IMF, because it is committed to a fairer approach to solving our country’s difficulties;
- the commitment in the Programme for Government, and in the revised Memorandum of Understanding (MOU) with our external partners in the European Commission, the ECB and the IMF, to reform the existing Joint Labour Committee (JLC) system;
- that the Report of Independent Review of Employment Regulation Orders and Registered Employment Agreement Wage Settling Mechanisms by Mr. Kevin Duffy and Dr. Frank Walsh recommends a ‘radical overhaul’ of the system to make it ‘fairer and more responsive to changing economic circumstances and labour market conditions’;
- that this Government will continue to support fair terms and conditions for the lowest paid workers, in the context of more modern, flexible wage-settling mechanisms;
- the huge competitive pressures and the catastrophic collapse of employment in many businesses in the sectors affected; and

[Deputy Richard Bruton.]

- the opportunity for employment creation in the sectors affected, particularly in the labour intensive tourism area;

endorses the need for reform of the JLC and Registered Employment Agreement (REA) systems;

endorses the process of consultations undertaken with the social partners; and supports the introduction of a balanced set of reforms at an early date.”

I propose to share time with Deputies Colm Keaveney, John Paul Phelan and the Minister of State, Deputy Sean Sherlock.

**An Leas-Cheann Comhairle:** That is agreed.

**Deputy Richard Bruton:** I thank the Opposition for raising this matter and it is important to have a debate on it in the House.

We must consider the context in which this debate is occurring. We have had the most catastrophic collapse in employment in this economy. We have lost 340,000 jobs and 450,000 people are on the live register. We must strike a balance between regulating detailed arrangements governing the working conditions of individuals and creating employment opportunities. That is what the programme for Government set out to do. As stated in the amendment, we immediately increased the national minimum wage to restore the wages of people who are on the very lowest pay. We are retaining the JLC system, which is a system for regulating and giving certainty to people who are in sectors that are typically poorly organised, but we are reforming that system because it must be responsive to those dramatically changed employment conditions. Following the collapse of demand that has occurred, with people having to cut prices — hotel prices are down 20% — and having to scrapple and scrounge to keep businesses alive, we cannot pretend that competitiveness does not matter. It does matter and we must be able to be competitive.

The Government is reforming not only this system but the upward only rent review system, legal costs and other professions that are in the sheltered sector. We are reforming access to credit to ensure small businesses can get credit to survive. We are reforming the way we regulate business to ensure there is less red tape. There must be a concerted effort to create employment in this society and that is the most critical issue we face.

Our system of labour regulation is unusual in Europe in that we have a combination of centralised bargaining, a national minimum wage system and a series of sectoral minimum wages that regulate not only wage levels but an array of details about employment terms, some of which are protected in other parts of labour law already. We have a very complex structure. It is not only in Ireland labour market structures are being reviewed so as to become more able to create employment; this is happening throughout Europe. It is not surprising that has arisen as very much part of the adjustment to our difficulties.

Jobs are the key to recovery in this country. That is the core belief of this Government. It is essential that we make choices that make jobs the priority.

I listened to talk about poverty and that is a real concern. There is no category in the labour market more prone to poverty than people who are out of work. They are ten times more likely to be living in poverty than people who have jobs. That is the core driver of disadvantage in our community. It is the surge in unemployment that is marginalising people. We must do everything we can to protect against that.

One can say that reform in this area is affecting people who are low paid. People covered by JLCs and EROs are predominately low paid and less organised, but it is also to those sectors of construction, retail, catering and hotels that we look for opportunities to bring young people and less skilled people who are out of work back into employment. They will not get jobs in teaching or social services; those are not the opportunities that will be available to them. We need to examine this sector as well as all the other sectors that the programme for Government is addressing. It is vital we open up opportunities for people and that we counteract poverty in the most practical way by giving people a purpose to get up in the morning, a job to go to and a reward for their efforts. That is very important.

We have had the Duffy report which was initiated on 8 February by the previous Government. The report, conducted by Mr. Kevin Duffy and Dr. Frank Walsh, undertook widespread consultation. The independent review concluded that substantial competitive gains could be realised in some of the sectors covered by joint labour committees, JLCs, and registered employment agreements, REAs, by reforming the structure of decision making so that the system would be more flexible and responsive to the needs of those particular sectors. The review favours simplifying the system in a way that reduces the burden of supervision and compliance with regulations and provides a degree of co-ordination and oversight in the system so as to ensure arrangements across sectors are reasonable and proportionate.

The review observed that there is validity in the argument that the current arrangements regarding Sunday working are unduly burdensome, particularly in sectors in which Sunday is a normal working day. The review accepts that there is a need for greater consistency across sectors in respect of such matters as overtime and Sunday premiums.

While the Government is committed to retaining the basic structure of the JLC-REA system, we need to reform it to make it more responsive to changed circumstances. The rates of pay are substantially above the national minimum wage and have increased more rapidly than it.

**Deputy Clare Daly:** That is ridiculous.

**Deputy Richard Bruton:** As we look to recovery, it is crucial that we examine, for example, the tourism sector. The Government believes that this sector offers real opportunity for job creation. We have cut the VAT rate, eliminated the travel tax, reduced employers' PRSI and opened up opportunities for the sector. It is the Government's ambition to see 1 million extra tourists visit Ireland. To take advantage, we need a flexible system wherein people can deliver on a Sunday cost effectively and where there can be changes in the hours of operation to catch that business.

**Deputy Seamus Healy:** Why is the Government not taxing the wealthy?

**Deputy Richard Bruton:** Let us not ignore the fact that many businesses in the retail, catering, restaurant and other sectors are hanging on by their fingernails.

**Deputy Seamus Healy:** Demand is depressing because the Government has put too many people out of work and is taking billions of euro out of the economy.

**An Leas-Cheann Comhairle:** Order for the Minister, please.

**Deputy Richard Bruton:** We look to those businesses to create employment opportunities for the future. They are vital and we cannot pretend that the competitiveness of those sectors, be it in terms of rents or wages, is not important. We need to confront these issues and try to create more opportunities in those sectors.

[Deputy Richard Bruton.]

The review was clear that these sectors have been particularly affected by the recession. Deputy Higgins cited the absolute collapse in them. Some 60% of jobs in the building industry have gone.

**Deputy Joe Higgins:** Not because of wages. Wake up.

**Deputy Richard Bruton:** In the catering sector, some 23% of jobs have gone. As the review pointed out, these sectors need reform. The rules apply to some hotels but not to others. They are applied to hotels in rural areas, where there is lower footfall and fewer opportunities to do business, yet they do not apply to hotels in the cities of Dublin and Cork. How is this a fair or level playing pitch for people who are creating employment?

The same situation obtains in respect of retail. The rules apply if one is selling groceries like eggs, butter and milk, but they do not apply if one is selling flowers or books. We need a balanced system that allows jobs to be created in a way that is fair. Some of these regulations need to be reformed to be made more responsive to the demand conditions we face if we want to make jobs our priority.

**Deputy Seamus Healy:** What about the super rich? What about a wealth tax? Richie Ryan did it years ago, and he was a Fine Gael Minister.

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

**Deputy Richard Bruton:** It is important that we recognise the value in protecting these rules. We are not going down the road of abandoning them, as has been called for by employer organisations and others. These rules provide orderly regulation of conditions for people who would otherwise be poorly organised and would not receive their rights. Where legislation governs sectors, though, it is a different matter. We should recognise the importance of the collective bargaining that has underpinned the REAs. Throughout Europe, there are systems to protect collective bargaining and negotiated terms.

However, the Duffy Walsh report has indicated that our systems need to be more flexible to be able to respond to dramatically changed conditions, predominantly in the construction sector, which is regulated by these rules. Costs in the construction sector have decreased by 30% or 40% and people cannot get contracts. Due to changed demand conditions, rates that could be paid previously are no longer possible. If Irish companies are to win business, they must be able to respond. Many people claim that contractors are coming from the North to take business for which the former cannot contract. As we address this sector, we must be aware of different levels of competitiveness North and South.

It is important that we provide certainty by ensuring agreements remain in place and the playing pitch stays level. Where maverick employers abuse the system, we support the need for proper enforcement. The National Employment Rights Authority, NERA, which is within my Department's aegis, is designed to ensure fair terms and conditions are being applied. NERA was set up in 2007 to foster a culture of compliance and to encourage people to respect these rules. We support the idea of maintaining a system that protects people who are not well organised or who have collectively negotiated REAs so that maverick employers do not break away. Enforcement and encouraging compliance are essential, but this does not mean that one should blind oneself to the need to make these systems responsive. At the heart of the Duffy Walsh analysis is that systems need to be made responsive to the changed conditions we face.

**Deputy Joe Higgins:** At the heart of what the Minister is saying is cutting the wages of the lowest paid. That is the issue.

**Deputy Richard Bruton:** We have increased the wages of the lowest paid.

**Deputy Joan Collins:** Some 250,000 workers are registered under these agreements.

**Deputy Richard Bruton:** Even Deputy Higgins knows that, as a provision passed through the Dáil only last week to increase the national minimum wage. I am undertaking a process of consultation and have had discussions with IBEC, ICTU and others directly affected. I have also had discussions with the EU and the IMF. I hope to be able to revert to the Government with proposals.

It is important to remember that, while these systems change, they create an opportunity for employers to take on new workers at different rates or in different circumstances, but existing workers are still protected by their existing terms and conditions of employment. Their contracts remain valid and protect people in employment.

**Deputy Clare Daly:** They will not get premium rates.

**Deputy Richard Bruton:** People fear that this is a race to the bottom. People currently in employment will be protected by their existing terms, conditions and contracts.

**Deputy Joan Collins:** The Davenport Hotel changed contracts.

**Deputy Colm Keaveney:** I welcome this opportunity to contribute on the Government amendment. I want to use my time to speak against the United Left Alliance's motion. In recent weeks, many of my Labour colleagues and I have made our position on JLC rates clear. It is our firm belief that this is an urgent matter of concern for the Government. No doubt it is a topic that deserves robust debate in the Chamber, but the United Left Alliance's motion is hypocritical, to say the least. Last week, the United Left Alliance had its chance to vote in favour of the restoration of the minimum rate of pay to €8.65. Those Deputies voted against workers in this country.

**Deputy Joe Higgins:** Take the time to get an argument, for God's sake.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please. Deputy Keaveney is entitled to speak.

**Deputy Colm Keaveney:** They do not censor the truth. They table a motion that accuses a breach of solidarity with low-paid workers. They fell in that solidarity at the first hurdle when they voted against the restoration of the minimum rates of pay. Restoring those rates puts €40 back into the pockets of working people.

**Deputy Ciarán Lynch:** Hear, hear.

**Deputy Colm Keaveney:** That €40 affects whether a child can see a doctor or a parent has shopping money to feed his or her children. The Deputies voted against the workers last week.

*(Interruptions).*

**Deputy Colm Keaveney:** Leaving that aside, the debate must be on the principle, not on the personalities spoofing about workers.



[Deputy Colm Keaveney.]

I have no interest in attacking anyone for the sake of it. To single out people in this debate is a new low in this Chamber. We must engage with the reality on the ground. People throughout the country are struggling to put food on their tables. There is no doubt about that. That is a consequence of the previous Government.

Unlike the United Left Alliance, the Labour Party cannot afford to live in a constant revolution. We must deal with reality. I have given careful consideration to the Duffy-Walsh report, the employment regulation orders and wage setting mechanisms here. I, and many of my Labour Party colleagues, speak as one on that. While it remains my opinion that cutting wages will not do anything for job creation, I understand as well anyone the position in which the Minister finds himself as a consequence of the previous Government's commitment to the EU and IMF, in particular a document signed off with the EU and IMF under the memorandum agreement in December 2011. The Duffy-Walsh report affords this Government a considerable and viable roadmap to bring about reform which is widely accepted and agreed by the social partners and trade union movement here. There is no disputing this Government on the need for reform. There is wide consensus that reform of our antiquated system in this area is necessary. The Labour Party welcomes the opportunity to be part of that reform.

There are varying views within Government on the scope of that reform. I am fully confident that the Cabinet will make the right decision when this issue is laid on the table next week. Within the Duffy-Walsh report there is no evidence to suggest that cutting wages will lead to job creation. There is no evidence to suggest that if we cut pay there will be a corresponding growth in employment. It would be a mistake to ignore a cohort of expert opinion in this area. If we go down this road we will find that it has the potential to destroy the economy. The central cause of failing business and job losses is the unprecedented collapse in consumer spending. That fall is ten times greater in Ireland than in any of our eurozone competitor countries. Not surprisingly, we can thank the previous Government for this.

A couple of weeks ago I spoke in this Chamber in support of the jobs initiative, a commendable attempt by the Government to help people get back to work and get their lives in order. It is imperative to be mindful of what we are trying to achieve. We must avoid making any decision which counteracts the proposals we are making. This Government was elected on a promise to protect people from the politics of the past. I intend to defend that promise because there are people who quite literally are hanging by a thread. I spoke two weeks ago about retailers in my constituency of east Galway who face the reality of that day in and day out. This is about keeping money in the pockets of working people and ensuring they can attend their work with some element of dignity. It is not about personal tax or points on red line issues, such as have been made here.

Despite the conflict we are hearing in the House today, we need reform and to protect the domestic economy. We need to protect what people have in their pockets, thus ensuring that high street Ireland can be confident consumer spending will keep doors open. I look forward to the outcome of the deliberations at Cabinet. We look forward to the Cabinet collectively standing over a decision to protect working people.

**Deputy Joan Collins:** How arrogant.

**Deputy Colm Keaveney:** How arrogant of Deputy Collins.

**Deputy John Paul Phelan:** I support the amendment proposed by the Minister, Deputy Bruton. I echo much of what the previous speaker said. I wish to deal with the reality on the

ground. I hold a candle not for any vested interests but for people whom I know and went to school and college with, many of whom now live in different corners of the world owing to our economic situation and others who live in Kilkenny, Carlow and other parts of the country who want jobs but cannot get a job.

The Minister set out in his contribution to the House the Government's position on the fundamental difficulty faced by our society. We are facing not alone an economic problem but a societal problem. A whole generation of young people is unemployed. Many have emigrated. We must, as a Government, do everything to ensure we create jobs for those people into the future.

As complications attached to any field of employment rise, the fluidity of that market and the willingness and capability to create employment within it falls. For example, there are currently 20 different rates of pay in the hotel sector. This is not an isolated case. Across the 21 main employment regulation orders, EROs, and registered employment agreements, REAs, there are 314 different wage rates which increase complexity relating to pay arrangements and decrease employment by reducing clarity and stagnating the areas which they cover.

Reform such as that proposed by the Minister, Deputy Bruton, is not easy. With misrepresentation, the hallmark of some of the comments I have heard from the Opposition tonight, this becomes even harder. We need to be clear. This is not an assault on the most vulnerable workers. Fine Gael and the Labour Party committed themselves, prior and subsequent to the election, to restoring the national minimum wage to its previous level prior to the cut introduced by the former Government. This is not an attempt to abolish Sunday rates, as suggested by many. This reform is about bringing simplification and clarity to our wage mechanisms. It is about reducing inequity not creating it. One of the myths that persisted in this debate, and was echoed throughout the media, is that the Government intends to reduce Sunday pay rates. Nothing could be further from the truth. Sunday pay rates are safeguarded by the Organisation of Working Time Act 1997 which requires that Sunday working be compensated either by an increased rate of pay, a premium payment on Sunday or time off in lieu of the Sunday worked. Ultimately, this means that workers in the sectors affected by JLCs would have the same conditions for Sunday working as do employees across the remainder of the economy.

Since the introduction of JLCs in the 1940s our labour laws have changed dramatically. Protection has been introduced. The Organisation of Working Time Act 1997 was enacted and a minimum wage was introduced, which minimum wage was recently restored to its prior level. It is disingenuous and it is a distraction from valid points in this debate to suggest that this is anything other than ironing out inequity in our system, one which divides 25% of private sector workers from the remaining 75%.

The proposed legislation seeks to safeguard jobs and to remove barriers for people willing to hire in these sectors. I do not speak for anyone on any rich list anywhere. Many small businesses in my constituency and on high streets eager to take on employees find themselves unable to do so because of an outdated JLC system. There has been a 60% loss in construction employment and a 15% loss in retail employment. If one combines this with the knowledge that there are 314 different rates of pay across the 21 sectors mentioned, one would agree this is a barrier that should be removed to prevent further loss of jobs and aid potential gains. Sectors governed by JLCs are among the hardest hit in terms of employment reduction in our economy. Wages in these sectors have remained on an artificial plateau relative to other private sector wages. This has prevented employment creation. For this reason, I support the Minister's amendment.

**Minister of State at the Department of Education and Skills (Deputy Sean Sherlock):** The programme for Government states:

We will reform the Joint Labour Committee structure beginning with the appointment of independent chairpersons to JLCs who will retain a casting vote. Reform options will examine the rate of pay for atypical hours.

To inject some context into the debate and, perhaps, give an account of the conclusions of the Duffy-Walsh report, the so-called independent review, I will speak to some of the facts as they pertain to that report.

The basic framework of the current JLC-REA regulatory system should be retained, the report concludes. However, the system requires overhaul to make it fairer and more responsive to changing economic circumstances and labour market conditions. The overriding purpose of the recommendations of the report is to create a framework within which greater efficiencies and necessary adjustments in payroll costs can be achieved in the affected sectors.

Lowering the basic JLC rates to the level of the minimum wage rate is unlikely to have a substantial effect on employment, the report concludes. Having investigated the size of the wage differential in some detail, the review team did not find evidence of substantial wage premiums. Even to err on the side of the strand of the literature that finds the largest negative effects from minimum wages on employment, the results imply that cutting minimum wages lowers total earnings of low wage workers and has potentially important distributional consequences. However, as is clear for all to see, the minimum wage has been restored.

Those who advocated abolition of the current system pointed to the significant body of employment rights legislation now in force as providing adequate legal protection for employee rights and interests. However, the review team concludes that it is not accurate to suggest that the body of primary employment rights legislation currently in force adequately covers matters dealt with by EROs and REAs. Most of the EROs provide for overtime payments and premium payments to those required to work on Sundays. These provisions are a source of significant concern to employers in sectors which normally trade on Sundays. They contend that the cost of employing staff on Sundays is now prohibitive. Independently of the JLCs, the obligation to provide additional compensation for Sunday working is derived primarily from section 14 of the Organisation of Working Time Act 1997. The review team believes, however, that the mode of compliance with that provision should be addressed to ensure uniform and fairer arrangements across the affected sectors.

There are potentially substantial competitive gains that could be realised in some of the affected sectors by reforming the structure of decision making in JLCs so that the system is more flexible and responsive to the needs of particular sectors. Competitiveness can also be enhanced by simplifying the system in a way that reduces the burden of supervision and compliance and by providing a degree of co-ordination and oversight over the system that ensures arrangements across sectors are reasonable and proportionate.

Nothing in the Duffy Walsh report is radical, depending on one's point of view. It speaks to the issue of a greater degree of flexibility but also to the issue of reform in regard to examining the rates for atypical hours, which is dealt with in the programme for Government. A process is under way in which all the stakeholders have been consulted, including trade union interests, and I understand there has been extensive consultation in that regard. I hope this will bring about a measured solution so that all parties, whether workers or employers, can find a middle ground in order that there is a degree of satisfaction on all sides.

**Deputy Willie O'Dea:** I congratulate the Technical Group on tabling the motion which gives us the opportunity to debate this very important topic. Reference was made to a leaked IMF document. I point out that what the previous Government agreed with the EU-IMF is itself a public document. It was agreed between the EU-IMF on one side and the previous Government on the other that this matter would be studied, that the study would be complete within six weeks and that the Government would give attention to that study.

If Deputy Keaveney thinks the reference by the Technical Group motion to the Labour Party is a new low in debate in this House, all I can say is that he is pitifully unaware of some of the carry-on of the Labour Party when it was in Opposition in recent years. Moreover, if these measures were being proposed now by a Government which did not contain the Labour Party, this House would be like the Wailing Wall of Jerusalem. In fact, we would hear the wails in Jerusalem.

In the interests of balance, I must agree with one point made by the Minister. I agree that the present Government did the right thing in reversing the minimum wage cut. The previous Government made two serious mistakes in regard to the minimum wage, first, by cutting it, because that did not work and did not achieve what it set out to achieve, and, second, in the way it was done. I say this because it is of clear relevance to the present debate for the simple reason that the very same people who approached us and made a case for the cutting of the minimum wage are the ones who are coming back now to make similar arguments for the dismantling of the JLC scheme. They are almost the same personalities making literally the same arguments.

The previous Government was seduced and entertained by the arguments that no sooner than the ink would be dry on the legislation reducing the minimum wage by €1 an hour than there would be a rush of employers to take tens of thousands of people off the dole queues. Of course, that did not happen. While there was a rush, unfortunately, it was a rush to the bottom.

There have been media reports referring to the women staff in the Davenport Hotel who took a case because their wages were reduced, even though they had been employed before the changes came into force. I can tell from my own constituency clinics what happened at the time the Government introduced the new minimum wage. Many people, including migrant workers, young people, women and those who were not well educated — I say that in no condescending way — told me their employers were putting pressure on them. Employers threatened to get rid of part-time workers unless they agreed to the new minimum wage, although they were employed before its introduction and were supposed to be entitled to the old minimum wage. They were told there were thousands of people prepared to do their jobs, and they were subjected to all sorts of pressure and displacement threats. It was an immediate race to the bottom.

The Minister's claim that the new regulations he is introducing will not affect those already in the system is especially risible. Despite minimum wage legislation which is clear, precise and specific and which everyone can point to, the new regulations would have created a two-tier system. If it was impossible to make a two-tier system stick in that regard, how much more impossible will it be in the more amorphous situation we are talking about here? It is unthinkable.

The traditional view was that wage floors imposed on lower wage workers had a terrible effect on employment. The latter view, supported by much study, is that a binding minimum wage set at a low level, as it is in this country, will have at most a marginal negative effect on employment. The Duffy Walsh report cites various studies, such as that by O'Neill, Nolan and Williams in 2006 and the 1995 study from Card and Krueger of Princeton University, and there is much additional contemporary literature that all comes to the same conclusion, namely,

[Deputy Willie O'Dea.]

cutting low wages or refusing to put a floor on a low wage sector has at best a minimal impact on job creation. In some cases, in fact, imposing minimum wages or putting a floor under wages actually has a positive effect on employment, which is the conclusion of the Duffy Walsh report and is supported by practically all modern literature on the subject. There is no doubt that people in the JLC sector in this country are low paid, by any standards. For the most part, they are paid an average €10 an hour. That includes people who get time and a third, which rate, in the overwhelming majority of cases, applies to Sunday work or to those who get extra pay because they are more experienced or skilled. If anybody has any doubt about this, let them open the Duffy-Walsh report on page 29 and look at tables 4.4 and 4.5. One table deals with wages on a weekly basis for people in the JLC sector as opposed to others in the private sector; the other deals with hourly rates. One can get a distorted picture dealing with weekly rates because some of the people in question are part-time, do not work a full 39-hour week and therefore their wages show up as being lower. To rectify the situation, the hourly rates tell us those people are paid roughly 40% of what the private sector in general is paid.

One does not even need to look at the Duffy-Walsh report because one can look at the latest figures from the CSO, produced last weekend. These looked at average earnings throughout the economy which, apparently, are now €674.56 per week, down from €709 some two years ago, a considerable drop. In the public sector average earnings were €871.09 per week; in the private sector they were €602.85. What is interesting is that the CSO looked at different sectors within the private sector. Surprise, surprise — in the accommodation and food services sector, the very sector where the vast majority of workers are JLC workers, average wages were €288.63 per week. We are talking about the very lowest waged people in the economy.

I have a question for the Minister, Deputy Bruton. Does national salvation lie by cutting these wages even further? Are the wages of those people who are barely eking out a living really such an obstacle to national recovery? Would reducing them open the floodgates to job creation? There is not a scintilla of evidence to support any of those propositions.

However, there are important demand consequences, as was mentioned. We are dealing here with people who are at the very bottom of the wages rung, who have to spend every cent they earn in order to survive from one week to the next. They spend all their money within the domestic economy. It follows, as night follows day, that if there is a cut, resulting in their earning less money, they will have less money to spend in the domestic economy. The jobs and livelihoods of people such as shop assistants etc. who depend on these people spending their money will suffer. Jobs will be lost. The Duffy-Walsh committee suggested the figure in question would be approximately 10,000. I do not know the statistical evidence for that but suspect it may understate the situation. The reason tens or hundreds of thousands of jobs have been lost in the domestic economy is that domestic demand has fallen catastrophically. It follows that if one further reduces domestic demand by reducing wages further demand will fall even more and the consequences will be more of the same — more unemployment, less tax revenue and more people dependent on social welfare, a system that is creaking at the seams. There will be more welfare traps. It will become less attractive for people to go to work and more attractive to stay on welfare simply because people will not be able to afford to go to work if their wages are cut by much more.

The issue of Sunday premiums is a total myth. People telephone my office and write letters and e-mails claiming people are getting double time on Sundays. The JLC for the main sector of people who work on Sundays was recently changed, without any ado, very quickly and efficiently. The time premium was reduced from time and a half to time and a third. That is the position for the vast majority of people who are paid extra for working on Sundays — time

and a third. Most of those people are on €9 an hour. I know a few of them — they now get €3 an hour extra. Let us say they work four hours on a Sunday — that is an extra €12 before tax. Will interfering with or taking that away destroy the economy? In 1993 the British Government decided to abolish Sunday premiums but this action did not create a single solitary job, as all the studies show. That is the reality.

I utterly reject what the Minister stated about the Organisation of Working Time Act 1997. We are told there is legislation which covers this matter, namely, that Act. However, with all due respect, there is a fundamental difference between the JLC system and the legislation of 1997. If employers do not meet their obligations under a JLC, then the National Employment Rights Authority, NERA, is there to enforce them. On the other hand, if an employer does not meet his or her obligation under legislation it is up to the individual who may be vulnerable, perhaps young, a migrant or a part-time employee, to take on the employer. It is an impossible contest but that is the shift being made here.

Why do we have JLCs in the first place? The reason is that collective bargaining was not available in those sectors. Now we are reversing the whole process, sweeping away what was put in place of collective bargaining even though collective bargaining is still not available. That is what is happening throughout the Minister's proposed additions to the Duffy-Walsh report. I do not accept them.

The same is being tried in regard to extra pay for more experience or more skills. Do we expect a migrant worker who works part-time and may be in an extremely weak position *vis-à-vis* an employer to go and negotiate this rate for himself or herself? Of course, people will say about Sunday working that under the legislation one can go to the Labour Court. However, it would take at least five years to get into that court — that is the reality.

Another proposal was mentioned by the Minister, although not today in the Chamber nor, indeed, in the public domain. In regard to the derogation clause he mentioned two points, the first that there is a derogation clause under the national minimum wage legislation, which is the case; the second that there is a derogation clause attached to national wage agreements. He did not make entirely clear in which direction he wished to go. The Duffy-Walsh committee chose the derogation clause under the national minimum wage, where there is at least some protection for workers, and insisted on putting another restriction on it. If the Minister is talking about the derogation system being under the national minimum wage there will be no protection. The employer can say, "Look, can't pay, good night, that's it, no appeal". The whole system will be set at naught.

This is insidious and I am deeply surprised that the Labour Party is so blasé and casual about the matter.

**Deputy Seamus Healy:** It is in Government.

**Deputy Willie O'Dea:** A system is put in place to represent people when there is no system whereby they can be properly represented as people are in other sectors. The Minister, Deputy Bruton, mentioned the possibility of significant employment gains in the tourism sector, on which the Government is focused as witnessed by the VAT changes. However, tourists expect a certain level of service and one cannot expect people to provide First World levels of service and effort with Third World rates of pay.

I ask the Minister seriously to rethink these proposals. They are not supported by any economic studies I have read and will not create any extra employment. They will reduce wages, damage the source of solidarity and, by reducing demand in the economy, will increase unemployment and all its attendant illnesses.

**An Leas-Cheann Comhairle:** Deputy Martin Ferris has five minutes.

**Deputy Martin Ferris:** I support this motion and reiterate my party's opposition to any attempt to undermine further the wages and conditions of low-paid workers. I reiterate there has been an attempt to create a type of myth about workers who are covered by the rates set under the employment regulations orders and registered employment agreements. Some employers and media commentators have even suggested that doing away with these could lift the burden from employers and, in itself, this would almost lead to an economic recovery. That is nonsense, as clearly proved by statistics cited in the Duffy report, which shows that the majority of workers who are covered by the rates in question are on low wages. In many cases, the rate set by order was less than the restored national minimum wage. In many of these instances, the only things bringing these workers above that level were overtime rates and, in a few cases, commission. If overtime were to be eliminated or drastically reduced, many workers covered by these orders would slip below the minimum wage. If that were allowed, and the proposal to allow employers who are covered by wage orders to avail of an "inability to pay" clause were accepted, it would have drastic implications for hundreds of thousands of workers and their families. In such circumstances, a substantial proportion of the workforce would be living in dire poverty. Is that what the champions of the free market wish for this country? Do they want people who are in work to be unable to afford to maintain any reasonable standard of life? I suggest that will be the consequence if they have their way and persuade the Government to go well beyond the recommendations of the report by sanctioning a race to the bottom. It would make the national minimum wage almost an irrelevancy.

I would like to refer to the myth that drastically reducing the wages of people covered by these orders will somehow lead to a huge expansion in employment. In the majority of cases, we are talking about people in the service sector, such as hairdressers, hotel workers, security personnel and cleaners. In other words, we are talking about people whose jobs depend on other people's disposable income. It does not take a genius to realise that many of these sectors are doing badly because of the overall state of the economy. Fewer people are working and more people are earning less than they were. This has drastically reduced the amount of money people are spending. It takes even less of a genius to work out that if the wages of people working in the sectors I have mentioned are reduced further, there will be even less money to go around. The less money people spend, the fewer jobs there will be. Any reduction in the wages of hairdressers, hotel staff and security workers will not create jobs or provide an economic stimulus. All it will do is shift more of the shrinking pie from the pockets and purses of workers to the pockets and purses of employers. More than such short-sighted thinking will be needed if this economy is to recover and get back to growth. Real investment in the productive economy will be needed. Rather than retreating from the economy, as many people are advocating, the State will be required to play a central role in it.

I wish to emphasise a central issue that needs to be remembered when we are talking about the economy. Every cent that is paid to the low-income families and people about whom we are speaking is spent in local economies and helps to keep people in work. If the Government intends to reduce their wage levels, or to take away the few hours of overtime they might get at the weekend, the effect of that will be to take money out of the economy, to create more unemployment and to put the economy in a bigger mess. The State needs to defend those whose wages and conditions are under attack. It should not allow hard-won rights to be abolished or ignored in the interests of a short-sighted, mean and reactionary agenda. Those who are pursuing that agenda want our right-wing Government to placate its new masters in the IMF and the EU, penalise the less well-off in our communities and societies and attack the most vulnerable. That is what is happening. I am really shocked that members of this Government who

claim to be socialists are involved in making this decision. I have known the Minister of State, Deputy Kathleen Lynch, for a long time. I do not think this type of situation sits easily with her. The Minister of State and her party have the ability to withstand the agenda I have mentioned and to stand up for real, ordinary and decent people. I refer to working-class people on low incomes, who represent the soul of the community and of society. The Labour Party should stand by such people rather than allowing this to happen.

**Deputy Clare Daly:** Hear, hear.

Debate adjourned.

## Adjournment Debate

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### Alternative Energy Projects

**Deputy Michelle Mulherin:** There has been a great deal of debate about the excellent wind speeds along this country's western seaboard. We do not have hard information about the nature of the resource that is available to us. It is like drilling a few trial holes for oil without being able to assess or quantify the actual resource we have. Notwithstanding all the fine talk about our renewable wind energy resource, and the fact that we have the best wind speeds in Europe, the reality is the development of our wind energy potential is decades behind that of our European neighbours. If we are to stop guessing, it is important for us to have an objective measurement of this resource. When we are telling investors about this commodity, we should be able to calculate the productivity and returns they can expect at certain heights, such as 50 m, 100 m or 150 m. Such bankable information is needed to ensure investment in the wind industry is fast-tracked.

Bankers demand quality of production data, known as P90 data, when they are deciding whether to invest in wind industry products. We need to be able to take such information to the ECB and the UK Treasury. Such data allow the Government to be realistic about the actual commodity when it is assessing how wind can contribute to the targets of producing 40% of energy from renewable sources by 2020 and reducing our carbon emissions. The British Government recently said it would be interested in subsidising the Irish wind farm industry. When the State deals with such investors, it should know with what it is dealing, for what it should be looking and the terms it should be striking. Information on the optimum locations and heights for turbines should be available to county councillors and planning authorities when they are deciding how to achieve the best productivity with the smallest number of turbines. We do not need wind turbines in every location where the wind blows. Therefore, we need to be able to plan and prioritise where we should, or should not, build this country's transmission grid.

The wind is an indigenous natural resource like oil, gas and peat. The State needs to avoid relying on investors to ascertain the value of this commodity. This is one of the recurring themes that have blighted the progress of the Corrib gas field, for example. It has been suggested that the best deal for Irish citizens was not obtained when a natural resource was being developed in that instance. Above all, the Irish public is entitled to get full knowledge about the value of this commodity. The people of the west will be required to accommodate the infrastructural burden associated with the wind turbines and transmission lines that have to be constructed for the benefit of the entire country. They need to be shown what is the prize and the community benefits for people living in the west. If the Government's ambitions for the development of our wind energy capacity and the achievement of European targets are to be fulfilled,



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ordinary citizens must embrace and participate in the journey towards this realisation. Although the people of the west are keen to play their part in this country's economic recovery, they do not want simply to be told by experts what is best for them. People are intelligent enough to appreciate a good deal if that is what is on offer. If wind is the resource to be developed, people will get behind it. Dialogue and transparency are needed as part of that.

Has the Department of Communications, Energy and Natural Resources properly measured this resource? If not, does it intend to do so? A resource assessment could be conducted using the resource data held by Met Éireann, Coillte and Bord na Móna. Separate assessments could be done if there are gaps in that information. I was a member of Mayo County Council when it was trying to develop a renewable energy strategy. When we sought resource data from semi-State and State agencies like Bord na Móna and Coillte, we found they were unwilling to share them with us even though their compilation had been paid for by Irish taxpayers. It is unacceptable that they refused to provide this data on the grounds that they were commercially sensitive. We are working in unison in this respect or we are not. Does the Minister for Communications, Energy and Natural Resources accept that this resource needs to be measured? I believe it does, as a critical starting point in our journey towards a true realisation of our wind energy resource potential. What steps will be taken in this regard? If the Minister does not believe we need to do this, perhaps he will explain why.

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I thank Deputy Mulherin for raising the issue. It is something we will have to deal with much more substantially in the future.

The seasonal and annual mean wind speeds per county have been modelled by the Sustainable Energy Authority of Ireland, SEAI, which has responsibility for the production of the national wind atlas. The mean wind speed figure might provide an indication for a county and a useful comparison of a county to other counties but local factors are always crucial in producing the actual mean wind speed at a site. Such local factors include altitude, aspect, topography, land use and exposure. As a result, the mean annual wind speed at different locations within a county can vary greatly. A particular site's annual mean wind speed can be estimated using the Sustainable Energy Authority of Ireland's online wind atlas which is available on the SEAI website. This will provide a better indication of the potential mean wind speed in a locality as opposed to the county's mean figure.

At a national level the estimated accessible wind resource on land in 2020 is 12,000 MW using the methodology developed by SEAI. My Department is in discussion with the SEAI regarding plans to update this information and data. The SEAI advises that the accessible resource estimate accounts for the following constraints among others: minimum recommended spacing between turbines; extracted wind speeds below 7.5 m per second; buffer zones on and around habitation, roads, lakes, infrastructure and airports; cost; and social acceptance of wind turbines. Current installed renewable generating plant capacity is at 1,776 MW. Estimates for the amount of installed renewable energy capacity needed to reach our 2020 targets are in the order of 4,630 MW to 5,800 MW. Clearly, the accessible resource far exceeds what will be required for domestic needs.

High fossil fuel prices and geopolitical uncertainty underline the importance of renewable energy for security of supply and sustainable energy production. It is clear that renewable energy has a crucial role to play in providing us with a cleaner and more sustainable source of fuel in the context of climate change. The European Union has also recognised the important role that renewable energy can play. To ensure member states harness the benefits of renewable energy, each country has been given a binding renewable energy target that it must achieve

by 2020. Ireland's target of 16% overall of all energy consumed across transport, heating and electricity is a five-fold increase on where we were in 2005 and, while very challenging, is deliverable. Ireland has one of the best wind resources in all of Europe. The bulk of our overall renewable energy target will be met through wind. This is because of the scale of our wind resources. By 2020, some 36% of our consumption in the electricity sector will be from wind generated electricity.

We have made great strides in Ireland in the last decade in increasing our use of renewable energy. In 2003, only 4.3% of our electricity consumption was from renewable sources. At the end of last year, this was in excess of 13%, mainly due to the large increase in wind energy. Wind generated electricity is supported through a feed-in tariff scheme known as REFIT. This means that a minimum price is paid to renewable generators over 15 years to allow them to finance renewable projects. Studies by EirGrid and the SEAI have shown that wind energy reduces the market price of all electricity at certain times, which benefits consumers and offsets any costs of the REFIT scheme. Developing a large amount of renewable energy over the next decade will mean that significant electricity grid upgrades are needed. EirGrid's Grid 25 strategy and implementation plans set out how this can be done. New electricity infrastructure is necessary to transport this renewable electricity. What we will see over the next decade is a transformation of our electricity landscape from one where we are highly dependent on fossil fuels to one where renewable energy makes a significant contribution. The Minister, Deputy Rabbitte, attended the British-Irish Council meeting with the Taoiseach in London yesterday. The considerable potential for close co-operation across these islands in the development and trading of renewable energy was the main focus of the agenda at that meeting. We will be working with the UK, Northern Ireland and Scotland to deliver on this shared opportunity and challenge.

I thank the Deputy for raising the issue. I hope the reply was of some benefit.

### **Enterprise and Investment Visa**

**Deputy Eoghan Murphy:** I thank the Minister of State, Deputy Kathleen Lynch, for being here to take this matter. I congratulate the Minister and the Government on the initiative taken in this area already as part of the larger jobs initiative programme. It is important there is consistency with our nearest neighbours in this regard and I very much look forward to reviewing the scheme when it is completed. No doubt its eventual success will be positive for this country.

I have raised this matter with the Minister for Justice and Equality, Deputy Shatter, on a couple of occasions already since the Dáil began. I noted the figures he provided to me on those seeking and receiving the business permission entry scheme in recent years. I believe we can do better and I think the Minister agrees. In that regard, I was encouraged to learn his officials are working on new immigration schemes in the area of entrepreneurship and investment.

I have raised this matter on the Adjournment because I wanted to offer some ideas of my own. We lost a generation of entrepreneurs in this country. Those who had the spirit and the talent went into property development. Others, for whatever reasons, were persuaded to go into the perceived safety of certain professions. We risk losing another generation overseas because of the economic crisis. We need to get that spirit of enterprise back into this country and I think we need help from abroad to do it.

We know Ireland is an attractive place to live. We know people want to come here and to work. We also know people want to come here to set up companies. This is very true in particular sectors, especially the high-tech one. We have some great start-up companies getting

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going in this area in this country. We have the big foreign direct investment players such as Google and Facebook, but we need to get that third pillar, the foreign start-up company. We need to look at ways of attracting foreign start-up companies to Ireland to add to the culture in that sector and in other sectors and to get that aspect of the economy growing again.

The UK has what is called an entrepreneur visa scheme, which it recently reviewed. We have the business permission scheme. I think that we can learn from our neighbours in this regard to rebrand the business scheme as an Irish entrepreneur's visa and make some changes that will make it easier for foreign persons to come to Ireland to start a company in whatever sector, to create investment and jobs, and also to create a new culture of enterprise that, unfortunately, has been missing in recent years.

I want to outline to the Minister a couple of suggestions as to how this scheme could be improved into an enterprise visa. I have more details if the Minister would like them, but I will briefly go through six points that I have here. The first relates to start-up funding. If a foreign person wants to come to Ireland to set up a company, he or she needs to have a minimum of €300,000 to do so. That is quite a lot of money, especially if one is working in the high-tech sector where today's start-up companies are quite lean and mean. We need to reduce this figure to €200,000, for example. It is still a lot, but €300,000 is too much. That small reduction could help in attracting people into this country to set up their own companies.

On business partners, most people setting up a company do not do so alone. If two persons were to come here from abroad to set up a company and needed permission to do so, they would have to make two separate applications, go through two separate vetting processes and have two separate amounts of funding. That is too much. We need to facilitate it in order that a company — the business or potential business itself — can apply as one. That would make much sense in that regard.

The INIS website is not clear enough. This is a simple change we can make. People need to find the information more quickly and easily. For example, people cannot find out details on the overall length of visa, the initial residence as well as any eventual terms of settlement or naturalisation. The lack of information is acting as a barrier to people.

There is also a bureaucratic burden in which an individual making an application must make it to two separate bodies. That does not make any sense. We need to centralise that. We could take an holistic approach to the applications for such enterprise visas.

There is also a support gap. Companies starting up here have good supports — the city enterprise boards, the county enterprise boards and Enterprise Ireland — but there is no support for a foreign person coming to Ireland to set up a business. We need to fill that gap.

The last issue is vetting. Currently, a person who wants to apply for the business permission scheme must have his or her business plan vetted by an accountancy firm. They want to know where one is taking out a rental agreement and the layout for one's offices. It is too much information. If a person has €300,000 or €200,000 in funding and is backed by a VC firm or accountancy firm, that should be enough.

These are six small changes that I propose to the Minister. I would be interested in hearing the Minister's thinking on reforming the business permission scheme into something akin to the UK enterprise scheme. If the Minister would like any further information from my office, I would be happy to give it.

**Deputy Kathleen Lynch:** I very much appreciate Deputy Eoghan Murphy's input. I note he has already had several conversations with the Minister in this respect. I thank the Deputy for raising the matter and for inviting me to outline to the House the future direction of the

Government's policy in this area. As indicated previously to the House, there is scope for the Department to play a more proactive role in the national recovery effort. An early indication of this commitment was clearly displayed on 11 May when the Minister, Deputy Shatter, announced the introduction of a visa waiver programme to provide an impetus to the tourist sector by allowing nationals of certain specified countries who obtain a short-term visa for the United Kingdom to visit Ireland without the need to obtain a separate Irish visa. It has been our view for some time that we need to ensure our visa regulatory framework does not act as a barrier to expanding our tourism industry or as a disincentive to potential visitors to the State. The Minister, Deputy Shatter, is pleased to be able to provide practical assistance in this regard.

Other initiatives undertaken by the Irish Naturalisation and Immigration Service in recent times have involved changes to the immigration arrangements for several categories of migrants to ensure more transparent and appropriate rules and, in particular, the ongoing reform of the student immigration system to assist the development of Ireland's high quality international education services industry.

In the area of entrepreneurship and investment, the Minister agrees with the Deputy that the current business permission scheme operated by the Department through the Irish Naturalisation and Immigration Service needs a major overhaul. The current scheme, which has been in operation for several years, has been reviewed by the Department and it is considered to be insufficiently flexible in several areas, including the financial investment threshold and the employment targets. In this regard the Department's analysis concurs in many respects with the Deputy's views. Furthermore, the existing system does not cater for the needs of innovation start-up enterprises which will often initially employ only the principals. In addition, at present we do not have an immigration regime that caters for high net worth individuals who are willing to make a significant investment in the country in return for being allowed to reside here. Most other countries have such schemes in place and we need to be competitive. Even a small number of additional investments and enterprises attracted to Ireland could have a significant impact.

The purpose of an investor scheme is to ensure that the funds available provide a clearly visible benefit to the State. The funds would need to be substantial and for such arrangements to have any meaningful impact the investment would probably need to exist for an appreciable period. The nature of the investment is one of the issues being explored at present. Accordingly, the officials have been drawing up draft proposals for the Minister that would have the effect of broadening the eligibility criteria for business persons and investors to reside in Ireland.

Migrant entrepreneurship and investment remain resources that have been insufficiently tapped into in the past and we must create what might be termed a more "diversified portfolio" within the immigration system aimed at attracting such persons to live, work and invest in Ireland. In this regard we can consider putting in place an attractive immigration package while ensuring that necessary immigration controls remain in place. The Department is currently in consultation with the Department of Jobs, Enterprise and Innovation and others and key agencies such as the IDA, Enterprise Ireland and Forfás with a view to assessing how the immigration system might facilitate further entrepreneurship and investment here. Draft proposals are under discussion at present. A key component identified by the Department will be the role the agencies can play in vetting or recommending projects, especially those where capital requirements can be offset by significant potential.

Also, we have been reviewing what has been done in somewhat comparable immigration countries like United Kingdom, the USA, Australia, Canada and New Zealand in this area. We expect to receive recommendations in the coming weeks. We do not wish to be too prescrip-

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tive at this point but there is significant scope for progress in the area. Certainly, we expect that the new arrangements will be up and running later this year.

I thank my colleague for raising this important and topical issue. Deputy Murphy's contribution has been most helpful and he may rest assured that all the points he has made will be taken on board.

### **Ambulance Service**

**Deputy Dara Calleary:** I wish to share time with Deputy John O'Mahony. I thank the Ceann Comhairle for allowing this debate and I thank the Minister of State for being here. The patient transport scheme enables those on the west coast who cannot access dialysis or cancer care appointments to get to their hospital appointment. It affects 456 patients from Donegal to the Galway border, 125 of whom are dialysis patients in Mayo, Galway and Roscommon and a further 73 of whom use the service to access cancer treatment generally in the regional hospital in Galway.

People in need of dialysis or cancer treatment are at their lowest ebb and should not need to worry about transport. It may be difficult for those living in an urban or city environment to imagine that we need this service. However, when one lives 100 miles or 150 miles from a hospital or treatment centre, when one does not have access to a car, a neighbour or family member to provide assistance, one needs such a service. One should not need to worry about how to get treatment at such a stage of one's life.

There are many operators on the west coast who give ceaselessly and selflessly to the service. I imagine most of these do not make much profit given the service they provide. Deputy Mulherin is in the House and I cannot let the occasion pass without acknowledging her late father who operated this service wonderfully for many years. The fact that Deputy O'Mahony and I are sharing time shows that we are keen to do this on a cross-party non-partisan basis to try to get a resolution to a letter that issued on Friday to Mayo General Hospital and Roscommon County Hospital that the service for dialysis and cancer patients would cease as of 1 July.

I understand at the HSE Regional Health Forum, West meeting today an indication was given that work is under way to try to resolve this. I call on the Minister of State, who has an interest in this issue, to intervene to ensure that urgent clarity is given to the effect that the service will continue beyond 1 July. The 456 people to whom I referred tonight wonder how they will get their dialysis or cancer treatment after 1 July. We should not allow these people to worry beyond tomorrow.

A review is under way into the quality of the service. That review should continue but I call on the Minister of State to allow the service to continue until the review is complete. Many options could be examined collectively in terms of co-operative transport, rural transport and schemes similar to the Irish Cancer Society scheme.

At issue is a relatively small amount of money. A sum of €500,000 could resolve the issue for this year. Let us consider that in the jobs initiative there remains €200 million underspending from the money being raised through the pension levy. One operator informed me yesterday that he will lay off five people if this decision goes ahead. Lord knows how many people along the west coast will be laid off. Surely, we could take a little of the underspending to save these jobs and, more importantly, give comfort to these people at a low ebb in their life.

**Deputy John O'Mahony:** I thank Deputy Calleary for sharing time to discuss this immediate issue which, since it broke in recent few days, is a cause of great concern among the people

who use and depend on the service. Deputy Calleary provided the facts and figures but all of us have spoken to people affected by it. Before I came into the Chamber I spoke to an elderly lady who is living with her elderly sister. She does not have transport, she cannot drive and she is living in the south of the county. She must get a lift to Claremorris to get a bus which does not arrive in Castlebar until one and a half hours after the treatment is due to begin. When her treatment is finished at the end of the day there is no bus service to bring her back.

The reality is that the required public transport is not in place but these vulnerable people should not be exposed in this situation. I realise the Minister, Deputy Reilly, has seen many issues fall out of the sky during recent weeks, including accident and emergency issues, hospital doctors, the fair deal scheme and so on and he is dealing with these. However, it is important that this matter is dealt with quickly and that the trauma of wondering whether transport will be available is removed. Earlier this evening, I spoke to the Minister, Deputy Reilly. I realise that in the coming days he will meet senior officials from the HSE, west. I realise he wishes to see this matter solved but I stress to the Minister and all Deputies that it should be done as quickly as possible.

The immediacy of the proposed change requires urgent action. Patients who require this service are suffering enough trauma without having to wonder whether it will continue beyond 30 June.

**Deputy Kathleen Lynch:** I am taking this matter on behalf of my colleague, the Minister for Health, Deputy James Reilly.

The national ambulance service provides pre-hospital emergency care, as well as emergency and some non-emergency patient transport. Non-emergency transport comprises inter-hospital transfers and patient transport from home to health facility and from health facility to home. It includes both Health Service Executive and private transport providers.

The HSE has not taken any decisions to withdraw services. However, the executive is operating within serious budgetary constraints and must take the necessary actions to live within budget. The Minister has instructed the HSE generally not to withdraw any services from acute hospitals unless and until he receives a full briefing on the details of what is proposed, alternative arrangements to be put in place and the overall implications for patients.

Supported by the Department of Health and the Health Information and Quality Authority, the national ambulance service is working to improve the management and integration of its services. This involves 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 for non-emergency patient transport.

There are several systems of support in place for cancer patients who have to travel for treatment, through community welfare office services and the Travel2Care scheme. The latter is being implemented on a phased basis in line with the transfer of cancer services to the eight designated cancer centres and the approved satellite centre in Letterkenny for patients for whom the transfer of services would otherwise cause financial hardship. The scheme which is funded by the national cancer control programme and administered by the Irish Cancer Society provides some financial help towards the cost of public transport such as trains or buses, private transport costs, or petrol and parking costs.

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. These developments are in the best interests of patients and a key part of the Government's work to ensure high quality emergency care. If we are to provide

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the best of care for patients with high-end medical needs — people who are already worried and stressed because of their condition — we must do all in our power to ensure we do not exacerbate that worry. I completely agree with the Deputies in this regard and will bring the matter to the Minister's attention in the morning.

I take the opportunity to thank Deputy Dara Calleary for his unceasing support and great advice on Adjournment matters. I appreciate his assistance.

The Dáil adjourned at 9.05 p.m. until 10.30 a.m. on Wednesday, 22 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 15, inclusive, answered orally.*

*Questions Nos. 16 to 26 , inclusive, resubmitted.*

*Questions Nos. 27 to 34, inclusive, answered orally.*

### **Alternative Energy Projects**

35. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources the way he is interacting with the Maritime and Energy Research Campus and Commercial Cluster; his views on the work it is doing; and if he will make a statement on the matter. [15915/11]

37. **Deputy David Stanton** asked the Minister for Communications, Energy and Natural Resources the interaction he has had with the Maritime and Energy Research Campus and Commercial Cluster; and if he will make a statement on the matter. [15914/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 35 and 37 together.

As the Deputy will be aware, the marine renewable energy is an emerging industry world-wide which has considerable potential for economic growth and job creation. The acknowledged scale of Ireland's wave resource is such that the development and deployment of wave, tidal and offshore wind technologies is considered to have considerable potential for economic activity as well as contributing to our renewable energy targets in the longer term.

To that end my Department and the Sustainable Energy Authority of Ireland (SEAI) have been working for several years to support a number of R&D developments under the Ocean Energy Strategy. These include funding support for ocean energy prototype devices and support for the development of the Maritime and Energy Research Campus and Commercial Cluster (MERC3) in Cork.

MERC3 is an established joint venture by University College Cork (UCC), Cork Institute of Technology and the Irish Naval Service, with the objective of becoming a maritime research and commercial cluster of global standing. The new Research Campus in Ringaskiddy, along-



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side the National Maritime College of Ireland, will feature UCC's new Beaufort Building, which will house one of the largest marine renewable energy research group in the world.

The SEAI operates a dedicated Ocean Energy Development Unit which is represented on the board of the MERC development. I look forward to meeting the key stakeholders in MERC at an early date for a detailed briefing on their plans.

As part of a Strategic environmental Analysis of Irish waters for renewable energy development, my Department and SEAI are currently finalising an Offshore Renewable Energy Development Plan (OREDP). EirGrid is also modelling different scenarios for possible offshore grid infrastructure as part of the European North Seas offshore Initiative comprising 10 countries including Ireland.

Ireland is already considered to have developed world-class ocean research and test facilities at the Galway Bay  $\frac{1}{4}$  Scale Test Site, and the SmartBay Ireland project, which is led by the Marine Institute. The National Wave Test Facility at the Hydraulic and Marine Resources Centre in UCC also has a high international reputation and is scheduled to become part of the Maritime and Energy Research Campus and Commercial Cluster. The development of a full scale grid connected wave energy test site at Belmullet, County Mayo will also require decisions shortly.

In common with all other areas of Government expenditure, future investment support for ocean energy development is being kept under review on an ongoing basis having regard for overall budgetary constraints.

### Energy Prices

36. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources his views on whether international energy prices are set to inflate dramatically over the coming decade; if the information provided by the International Energy Agency is being factored into policy responses; the new responses that he believes are required to ensure energy security and affordability; and if he will make a statement on the matter. [15717/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** In recent months wholesale oil and gas prices have been trending upwards. There are concerns in the markets that oil prices will continue to rise in the months ahead. As oil prices rise, European wholesale gas prices, which lag oil prices by about six months, are expected by the markets to rise during the last quarter of the year.

Prices are being driven by geopolitical events in the Middle East and North Africa coupled with high demand in the developing economies. Other factors include the knock on impact on gas prices of the need to replace nuclear energy in Japan and Germany. It is also of concern that the recent meeting of OPEC concluded without agreement to increase either production quotas or actual production.

Ireland is a founder member of the International Energy Agency (IEA). National energy policy directions are fully informed by the IEA's ongoing analysis and data. The IEA's report on gas published earlier this month examines the key factors that could result in a more prominent role for natural gas in the global energy mix and the implications for other fuels, energy security and climate change.

The IEA also concludes that natural gas can help improve energy security and when replacing other fossil fuels can lead to lower carbon emissions.

Ireland has a high dependence on natural gas for power generation and the market is vulnerable to price volatility.

The focus of Government policy is on delivery of strategies to ensure the provision of secure, sustainable and competitive energy supplies, framed against the continuing back drop of volatile fossil fuel prices. Among key strategies to mitigate gas dependence are facilitating investments in major infrastructure, increasing the contribution of renewables and enhancing energy efficiency. Bringing Corrib gas ashore is also a vital component.

As regards mitigating measures, energy efficiency and consumer engagement remains the most cost-effective means of consumers reducing exposure to energy price rises. The most immediate step that electricity and gas customers can, and should, take to keep downward pressure on prices is to engage actively with suppliers in the market. In so doing, they may secure better value offers and/or lower prices from their existing or alternative suppliers. Improving the efficiency of their energy usage will deliver demonstrable savings and make their energy costs more affordable in the longer term. The Government has put in place a range of energy efficiency incentives to assist in this regard.

*Question No. 37 answered with Question No. 35.*

*Question No. 38 answered with Question No. 34.*

39. **Deputy Pearse Doherty** asked the Minister for Communications, Energy and Natural Resources the steps he will take to reduce the costs of utilities for struggling businesses in order to help restore economic competitiveness. [14238/11]

50. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources the steps he has taken to ensure that the energy market here is competitive; and if he will make a statement on the matter. [15945/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 39 and 50 together.

I have no statutory function in the setting of energy prices, whether in the regulated or non-regulated market. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body.

The electricity retail market is now fully deregulated and CER has announced that the small to medium business segment of the gas market will be de-regulated from 1 October next. Business and domestic customers can increasingly avail of the competitive offerings from a number of electricity and gas supply companies. The first step that business customers should take to reduce their energy costs is to work actively in securing better value offers in the market and in switching to suppliers delivering lower prices.

I acknowledge the action taken over the last two years to bring Ireland's energy prices into line with, or below, European averages. This is resulting in positive outcomes as is evidenced by improved competitiveness in the gas and electricity sectors when compared with other European countries.

Eurostat data for the first half of 2010 showed such convergence to the EU average for many categories of business and residential consumer in both the electricity and gas sectors. Analysis by the Sustainable Energy Authority of Ireland (SEAI) shows that average residential gas prices for the majority of Irish gas consumers went from being 4% above the EU average at the end of 2009 to being 5% below the average in the first half of 2010.

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SEAI analysis of Eurostat data for the electricity sector show that in the 12 months to June 2010, Ireland experienced the largest fall in business electricity prices in the EU for medium to large consumers. Prices fell by 20% to 36%, depending on consumption levels.

Electricity prices for business in Ireland were below the EU average for medium to large customers for the first half of 2010. For the group of businesses consuming the largest amount of electricity and for which we have data, Ireland was 27% below the Eurozone average. For business customers consuming smaller amounts of electricity Ireland was ranked between 5th and 12th in Europe out of 27 countries for the same period.

Competition helps to put downward pressure on energy prices. But the focus must be kept on all possible additional actions to mitigate costs where possible for business and for domestic customers. This is essential for competitiveness, for employment and for economic recovery.

This convergence to the EU average has been an important factor in supporting greater competitiveness for Irish enterprise and foreign direct investment. Global gas and oil prices have risen sharply since the start of the year driven by events in North Africa and Japan and high demand from the emerging economies of China and India.

Markets and analysts are forecasting that international oil and gas prices will rise further over the coming months. The Energy Regulator, Bórd Gais Eireann, ESB and other energy suppliers consider that such increases will have an impact on domestic gas and electricity prices. Ireland is a price taker in the global fossil fuel market and the economy is therefore vulnerable to energy price fluctuations and price rises. Competitor countries are in many instances facing the same prospect and the objective in the context of higher global prices must be that we retain or improve our competitive position.

Ireland's concerns about high oil and gas prices are shared at EU level and fellow Member Countries of the International Energy Agency (IEA). The EU and IEA agree that high fossil fuels prices which pose a threat to economic recovery underline the need to reduce dependence on fossil fuels by radically enhanced energy efficiency measures and the development of renewable energy.

I am committed to working with enterprise and with the energy sector to ensure that the costs of energy for business are as competitive as possible through those measures at our disposal including notably a sustained focus on energy efficiency.

In the latter context I would urge all businesses of whatever size to place a relentless focus on energy efficiency. SEAI is available to provide advice and, subject to available resources, financial assistance in this respect. In addition there is now extensive tax relief available to businesses under the accelerated capital allowances (ACA) scheme for energy efficient technologies.

### **Electricity Transmission Network**

40. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources when he will publish the Cahill report. [15719/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Report by Frontier Economics was undertaken under a process overseen by Mr. Fergus Cahill as independent chair. The Report contains an assessment of costs, benefits and regulatory impact of the options for unbundling the electricity transmission assets set in the context of EU Third Package and the all island single electricity market.

The process involved input from the direct stakeholders and other stakeholders. The direct stakeholders were the management and the unions of ESB and EirGrid and the ESB Employee Share Ownership Trust. The direct stakeholders were provided with a copy of the draft conclusions of the Frontier Report and the opportunity to comment on those conclusions.

Both EirGrid and ESB have vital roles to play in delivering our national electricity infrastructure. The unbundling of the transmission assets involves the resolution of complex technical, financial and operational issues as well as the possible development of legislation. Both companies were given a copy of the final Report on a confidential basis and have submitted observations on it.

I will be bringing proposals to Government shortly with a recommendation on the next steps with regard to the electricity transmission assets. The Frontier Report contains significant and detailed commercially sensitive information. I expect to be in a position to publish the Report, taking account of the commercially sensitive information, which it contains, after conclusion of Government consideration of the transmission assets issue.

### **Energy Resources**

41. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources when it is expected that the gas from the Corrib gas field will become available here; if all necessary planning requirements have been complied with to the satisfaction of the various monitoring statutory or regulatory bodies; and if he will make a statement on the matter. [15884/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Completion of the development works by the developer is the principal factor that will determine the date for first gas. Pending such completion, it is not possible to state a date for when gas from the Corrib gas field will become available.

The Corrib Project requires a number of statutory permissions in order for the developer to construct, operate and maintain the development.

In February of this year, the then Minister for Communications, Energy and Natural Resources granted consent to the Corrib Partners pursuant to Section 40 of the Gas Act, 1976 and Section 13 of the Petroleum and Other Minerals Development Act, 1960 to construct, but not commission, the Corrib Gas Pipeline, subject to 47 conditions. No works have yet been undertaken by the Corrib Partners pursuant to these consents.

The Deputy might also note that other licences and permissions beyond my statutory remit, including planning permission, Foreshore Licence and an Integrated Pollution Prevention and Control Licence are also required with respect to the construction and operation of the Corrib Gas Pipeline.

### **Fisheries Conservation**

42. **Deputy Nicky McFadden** asked the Minister for Communications, Energy and Natural Resources his views on the rationale for the ban on eel fishing in 2010; and if the current ban might be removed, in view of its potential to contribute to the local economy. [16276/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Following scientific research conducted by the International Council for the Exploration of the Sea (ICES), indicating that the European eel stocks are in a critical state, the EU introduced Council Regulation 1100/2007, the objective of which is to achieve recovery of the stocks to previous high levels. The Regulation required Member States to prepare a national Eel Man-

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agement Plan for implementation from 1 July 2009 or from the earliest possible time before that date. Ireland's Eel Management Plan was approved by the Commission on 30 July 2009.

The EU target is clearly defined in the Regulation where it states that the objective of each Member State's Eel Management Plan shall be to reduce mortalities so as to permit with high probability the escape to sea of at least 40% of silver eel relative to the best estimate of escape that would have existed if no mortality had impacted the stock.

Ireland's level of escapement was estimated at only 24%. Given the critical status of the eel stock, as demonstrated in the assessment contained in the National Eel Management Plan a number of management measures were identified as necessary to reach the target set in the EC Regulation, including closure of the commercial and recreational eel fishery from 2009. It is also necessary to mitigate the impact of hydropower on escapement, to ensure upstream migration of juvenile eel at barriers and to improve water quality.

The decision to cease the eel fishery was taken, based on the best scientific advice available, as a conservation measure to support a recovery of the stock in the shortest time possible. Under the Regulation, all aspects of the plan must be reviewed in 2012 and reported on to the Commission. This review will consider, *inter alia*, whether the eel fishery and market could be reopened in any river basin district in light of the data gathered in the interim and the performance of the stocks.

### **Telecommunications Services**

43. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the degree to which high speed or state-of-the-art broadband is likely to become available in all regions here without exception with particular reference to the need to ensure the availability of such modern telecommunications in the highly competitive economic climate; if and when he expects such facilities to become readily available to the field of business, education, medicine and high tech modern industry; if he has identified any particular or potential obstacles to achieving such targets; and if he will make a statement on the matter.

[15885/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of electronic communications services, including broadband, is, in the first instance, a matter for private sector service providers, regulated by the independent regulator, the Commission for Communications Regulation (ComReg).

The two key broadband issues for Government are (i) broadband availability and (ii) broadband quality. While these matters are primarily for the private sector operators, Government may intervene if the private sector market fails to address the issues satisfactorily.

Targeted interventions, such as the National Broadband Scheme (NBS) and the Rural Broadband Scheme are aimed at addressing rural areas where broadband services are not otherwise available due to reluctance on the part of commercial operators to invest because of inadequate financial returns.

The NBS network provides a widely accessible broadband service in all of the 1028 Electoral Divisions that were identified as needing intervention.

More recently, I announced a Rural Broadband Scheme, which aims to provide a basic broadband service to a relatively small number of remaining individual un-served rural premises.

This approach, which has prioritised Government intervention to provide widespread customer access to a basic broadband service in the first instance, is consistent with EU targets published last year, which prioritises such widespread access by 2013.

As regards broadband quality, significant improvements have been made in the delivery of broadband speeds in recent years. For example, broadband speeds of up to 100 megabits per second are already available to 500,000 or so premises using coaxial cable. This will increase to over 700,000 premises by the end of next year. Telephone lines now provide digital subscriber line quality (DSL) offering speeds of up to 24 mbps, depending on distance from exchanges. In addition to these improvements in fixed line services, developments in wireless technologies are also delivering higher speeds. WiMax products, which are increasingly available, offer speeds of up to 10 mbps, while mobile broadband speeds are also being increased.

Under the NewERA proposals in the Programme for Government to deliver higher broadband speeds, there is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband to every home and business in the State. Consideration of how best to progress these proposals is being advanced by my Department.

Specifically the Next Generation Broadband Taskforce (NGBT), which I chair, is now considering how best to roll out Next Generation Broadband network access. The NGBT, which includes representatives of large network owners and smaller telecommunications services providers, held its first meeting on 13 June 2011. I expect that the NGBT, which will conclude its deliberations by the end of the year, will be helpful in terms of identifying the optimal policy position to deliver wider customer access to high-speed broadband.

### **Alternative Energy Projects**

44. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources his plans to encourage the development of community based renewable co-operatives; and if he will make a statement on the matter. [15946/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Programme for Government commits to facilitate the development of energy cooperatives to make it easier for small scale renewable energy providers to contribute to our renewable targets. The involvement of local community participants in renewable energy projects has been advocated as a means to progress the uptake of renewable energy and promote local community acceptance of large scale renewable energy projects. The Sustainable Energy Authority of Ireland (SEAI) has carried out work to assess the scope for community involvement.

A study funded by SEAI and by the Western Development Commission investigated the potential for communities to benefit from the establishment of wind farms in their region.

This report concluded that communities are likely to encounter significant resource difficulties if they attempt to develop 100% community owned wind energy projects, given the considerable technical and financial challenges facing developers. The levels of risk and uncertainty appear to be too high for a community group to enter a development on their own.

A key finding of the Report however was that the most promising investment option for community based groups would be to participate in commercial projects once such projects have secured the requisite consents and contracts for scale of electricity.

The SEAI is working closely with the International Energy Agency to develop best practice guidelines for social acceptance of wind farms including in that context guidelines for facilitating investment by communities in local wind farms.

### Broadcasting Services

45. **Deputy Brendan Smith** asked the Minister for Communications, Energy and Natural Resources if he has spoken to the chairman or chief executive of RTÉ regarding the need to ensure that RTÉ breaks even at least each year on its operations; if he has, the steps they have outlined to him to ensure that this will happen; and if he will make a statement on the matter. [15941/11]

**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.

With regard to the duties of the corporation in respect of its revenue, these are set out in section 105 of the Broadcasting Act 2009.

In brief, this provision requires RTÉ to hold sufficient revenue to pay its current debts and to provide for capital expenditure.

Section 98 provides that the company shall be independent in the pursuance of these objects, subject to the requirements of the Act, and as such I, as Minister, have no function in the management of RTÉ's day to day affairs, including matters relating to its budget.

That said, I have met recently with RTÉ management and I have made my view clear that a continuing deficit position is not tenable for any State company, including RTÉ.

I am confident that the Board and management of RTÉ are taking the necessary action to ensure that the company is placed on a sustainable financial footing as soon as possible and that it continues to meet its legal obligations.

Finally, RTÉ has invested significantly in respect of the upgrading of infrastructure to facilitate the successful transition to Digital Terrestrial Television (DTT). In this context, Deputies should be aware that Capital Expenditure of up to €70 million will be incurred by RTÉ. It is important that the costs of DTT rollout do not place an undue burden on the company.

### Alternative Energy Projects

46. **Deputy Liam Twomey** asked the Minister for Communications, Energy and Natural Resources his plans to streamline the process for renewable energy projects, that is, solar, wind and sea to connect to the grid, in order to reach our target of 10% for renewable electricity sources by 2020 as in the programme for Government; and if he will make a statement on the matter. [15713/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland generated an estimated 13.4% of electricity from renewable sources in 2010. This compares with 4.4% in 2003.

The Gate 3 programme which is overseen by the Commission for Energy Regulation (CER) was designed specifically to support delivery of Ireland's national renewable target of 40% of electricity supplied from renewable sources by 2020. EirGrid is responsible for the issuing of connection offers to developers under Gate 3. The programme represents the largest connection offer ever undertaken on the island of Ireland.

In order to ensure that Gate 3 offers are rolled out to projects in the most efficient and cost effective manner, the CER required the System Operators (EirGrid for the transmission system and ESB Networks for the distribution system) to develop a detailed project plan for the issuance of connection offers.

A project plan is in place which involves the roll-out of connection offers over an 18-month period running up to the end of this year. Gate 3 offers have been issuing according to schedule. From April 2011, 2,519 MW of offers in Gate 3 were issued by EirGrid and ESB Networks.

There is acknowledged scope for streamlining, and making more cohesive, all the permitting processes inherent in developing renewable energy projects. This was noted in Ireland's National Renewable Energy Action Plan submitted to the EU Commission last year. These include planning permissions, environmental authorisations as well as grid connections. The EU Commission itself has recognised that streamlining of permitting processes is required generally across Europe if renewable energy targets are to be met.

Having regard also to EU developments, my Department is working with the Commission for Energy Regulation, EirGrid and the renewable energy sector, as well as all other key stakeholders, to progress the scope for a more streamlined approach for both onshore and offshore renewable energy development in future.

### **Telecommunications Services**

47. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to address contention on the broadband infrastructure; and if he will make a statement on the matter. [15715/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of broadband services is, in the first instance, a matter for private sector service providers operating in Ireland's fully liberalised telecommunications market, regulated by the independent regulator, the Commission for Communications Regulation (ComReg). Investment in broadband infrastructure and associated upgrades in marketed services is primarily a matter for the private sector, facilitated, where appropriate and possible by Government.

Under the NewERA proposals in the Programme for Government, which is the responsibility of my colleague Minister of State O'Dowd, there is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband to every home and business in the State. Consideration of how best to advance these proposals is being advanced by my Department with other stakeholders across Government and with industry who are continuing to invest considerably in this area.

On 13th June, I convened a meeting of the Next Generation Broadband Taskforce (NGBT), which I chair. The Task Force comprises the CEOs of all of the major telecommunications companies currently operating in the Irish market and CEOs of some Internet Service Provider companies. Its purpose is to discuss how best to deliver the optimal policy environment and to identify a roadmap for the speedy delivery of high speed broadband across Ireland. The Taskforce will consider issues such as appropriate targets, investment plans, and the role of Government policy and actions in driving and facilitating investment.

I expect that the NGBT, which will conclude its deliberations by December this year, will be helpful in terms of identifying the optimal policy position to deliver wider customer access to high-speed broadband.

It is a fact that some broadband services are constrained by contention. I expect that the output from the NGBT, as well as newer technologies that are emerging, will address contention and other bandwidth quality issues. Additionally, the Programme for Government commits to ensuring that broadband providers publish average speeds for each package and ComReg is actively engaging with industry to develop a mechanism that allows for more transparent reporting of actual speeds experienced by those using the broadband services.



### Inland Fisheries

48. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources if he will extend the salmon and trout fishing season to the end of October; and if he will make a statement on the matter. [12440/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The 2009 Wild Salmon and Sea Trout Fisheries Statistics Report outlined that salmon catches were less than a tenth of what they were in 2001. The close season for fishing for salmon and sea trout is based on scientific and management advices aimed at conserving and protecting wild stocks. The present position, underpinned by legislation, is that nationally all salmon angling finishes on September 30th. With the exception of six rivers, angling for sea trout in the Kerry District finishes on the 12th October. In the six rivers the season closes on September 30th.

Section 137 of the Fisheries (Consolidation) Act 1959 Act states “that the annual close season for angling for salmon shall for the purposes of the Act, be the period commencing on the 13th October in each year”, this protects stocks during the spawning season. A decision to extend any fishing for salmon until the end of October would require changes to the Primary Legislation.

Extensions for the fishing of salmon and/or sea trout until the 12th October would have to be considered on a river by river basis. Recently I requested Inland Fisheries Ireland (IFI), to review the temporal management of the wild salmon and sea trout fishery and to report to me with recommendations for permissible adjustments to apply in the 2012 season that will enable the most economically advantageous exploitation of the total allowable catch by the commercial and recreational fisheries while ensuring that stocks are not put at risk.

### Craoltóireacht Sheirbhís Phoiblí

49. **D’fhiafraigh Éamon Ó Cuív** den Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha céard iad na céimeanna atá sé ag glacadh lena chinntiú go gcomhlíonfaidh RTÉ a dhualgaís dhlíthiúla i leith na Gaeilge; agus an bhfuil i gceist aige an reachtaíocht a láidriú sa chomhthéacs seo; agus an ndéanfaidh sé ráiteas ina thaobh. [15939/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Is craoltóir náisiúnta neamhspleách seirbhíse poiblí í RTÉ ar a bhfuil an sainchúram agus na dualgaís a léirítear san Acht Craolacháin 2009.

Léiríonn Alt 114 den Acht na príomh cuspóirí ag RTÉ, ina measc an ceanglas go soláthraí sí réimse cuimsitheach clár san dá theanga, Gaeilge agus Béarla, a léiríonn éagsúlacht chultúrtha oileán na hÉireann ina iomláine.

Leagtar ar RTÉ ag Alt 102 den Acht go bhfoilsí sí Ráiteas Bliantúil i dtaobh Gealltanais Feidhmíochta ar aon dul lena cuid cuspóirí agus na gníomhaíochtaí a bheadh i gceist ag RTÉ gealltanais a thabhairt ina dtaobh san mbliain airgeadais úd san áireamh ann. Leagtar ar RTÉ sa bhreis ar sin ag an Acht go ndéana Údarás Craolacháin na hÉireann athbhreithniú ar RTÉ ar bhonn an Ráitis i dtaobh an Ghealltanais Feidhmíochta arna fhoilsiú aici. Le déanaí fuair mé an Ráiteas i dtaobh Gealltanais Feidhmíochta de chuid RTÉ don mbliain 2011 agus ní amháin go léiríonn RTÉ ann a tiomantas do chlársceidealú na Gaeilge ach go seasann sí lena tiomantas ann freisin.

Leagann Alt 120 ar RTÉ mar dhualgas cothrom uair an chloig de chlár in aghaidh an lae a sholáthair i ngach bliain féilire ar amanna arna n-aontú agus ar oiread arna aontú a oireann don dhá chraoltóir. Tuairiscíonn RTÉ faoin leibhéal tacaíochta a chuireann sí ar fáil do TG4 ina Tuarascáil Bhliantúil agus sna Ráitis Airgeadais Bhliantúla don Ghrúpa.

Foráiltear faoi Alt 98 go mbeidh RTÉ neamhspleách agus í i mbun a cuid cuspóirí a chur i bhfeidhm, faoi réir ceanglas an Achta, agus uaidh sin níl aon gnó agamsa, i gcáil dom mar Aire, i mbainistíocht ar chúrsaí RTÉ ó lá go lá, agus cúrsaí a bhaineann lena cuid craolacháin i leith na Gaeilge san áireamh. I gcáil dom mar Aire, áfach, táim go hiomlán sásta go bhfuil RTÉ ag comhlíonadh a cuid dualgas i leith na Gaeilge, mura bhfuil sí ag dul thairis sin. Rud eile dhe, creidim go bhfuil an reachtaíocht láidir go leor chun féachaint chuige go leanann RTÉ d'athláithriú agus de chur chun cinn na Gaeilge.

*Question No. 50 answered with Question No. 39.*

### Offshore Exploration

51. **Deputy Billy Kelleher** asked the Minister for Communications, Energy and Natural Resources the number of applications received under the recent oil and gas exploration round; the terms offered to the bidders in the request for applications; when a decision will be made on this application; and if he will make a statement on the matter. [15944/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The 2011 Atlantic Margin Licensing Round closed on the 31st of May and fifteen applications for Licensing Options were received. This is the largest number of applications ever received in a single licensing round in Ireland.

My Department has commenced its assessment of the applications received and has invited all fifteen applicants for interview.

It is anticipated that the evaluation process will conclude by the end of July, following which offers of Licensing Options will be made.

The number of applications received under the licensing round is encouraging. I understand that the applications received include applications from companies not currently active in the Irish offshore and this is a further positive feature of the outcome of the round.

In relation to the specific terms of the licensing round, the authorisations on offer are two year Licensing Options and will be subject to agreed work programmes. The work programmes will include procurement of all available and relevant technical data, along with new data acquisition projects as considered necessary.

I am confident that the 2011 Licensing Round will help bring much needed new momentum to the level of exploration activity offshore Ireland.

### Alternative Energy Projects

52. **Deputy Brendan Smith** asked the Minister for Communications, Energy and Natural Resources if he has considered the possible contribution of microbes to the production of sustainable biofuels rather than more conventional plant production; and if he will make a statement on the matter. [15942/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The EU Renewable Energy Directive of 2009 sets a binding 2020 target of 10% renewable energy in Transport for each Member State. In common with other Member States, Ireland is committed to ensuring that approximately 10% of road transport fuel in Ireland is biofuel by 2020.

To date the majority of biofuels brought to market have been first generation. These biofuels are produced from numerous sources, the most common of which are sugar cane, maize and wheat. There are growing and profound uncertainties over the extent to which first generation biofuel on a very large scale can be brought to market globally without causing severe effects

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in the food commodities markets. There are also concerns about the sustainability of such production.

Second generation biofuels come from wastes, residues or non-food material. These generally have little impact on land use or sustainability. International research shows that algae have the potential to produce around 60 times more biodiesel per hectare than oil seed rape. They generally offer higher Greenhouse Gas savings and have no effect on food prices. At present, these technologies are at a pre commercial stage, but are believed to show promise.

To encourage the development and use of second generation biofuels, Ireland's Biofuel Obligation Scheme, in line with the EU Renewable Energy Directive, awards double certificates for each litre of second generation biofuel placed on the market.

The Sustainable Energy Authority of Ireland (SEAI) has reviewed the potential of Marine Algae as a Source of Biofuel in Ireland. This work is serving as a good basis to inform further research and development work on the potential use of marine algae for biofuel production.

In a joint Inter-reg funded project with Scotland and Northern Ireland Irish researchers are working to demonstrate the feasibility and viability of producing biofuels from marine biomass, including seaweeds. The project was launched in 2009. Initial indicators are positive, but the outcome is as yet unclear in terms of the scope for actual production in Ireland. My Department will continue to monitor national and international developments in all second generation biofuels.

### Offshore Exploration

53. **Deputy Richard Boyd Barrett** asked the Minister for Communications, Energy and Natural Resources the position regarding the promised review on licensing arrangements for oil and gas exploration; and if he will make a statement on the matter. [15887/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland competes with other countries, both in Europe and much further afield, to attract mobile international exploration investment to Ireland. To that end, it is important that Ireland maintains a licensing regime that appropriately reflects both the risks and rewards of investing in petroleum exploration in the Irish offshore, relative to investing in exploration in other jurisdictions.

A comprehensive review of Ireland fiscal terms was carried out in 2007. This review, which was underpinned by independent economic analysis, considered the appropriateness of Ireland's licensing terms in comparison to other European countries that Ireland competes with for exploration investment. The outcome of that review was the introduction of a profit resource rent tax of between 5% and 15% that will apply in the case of more profitable fields.

While I will keep the licensing terms, both fiscal and non-fiscal, under review in light of relevant future developments, at this point in time I believe that the focus should be on attracting a larger share of mobile international exploration investment to Ireland, to increase the chances of new commercial discoveries being made.

### Energy Conservation

54. **Deputy Billy Kelleher** asked the Minister for Communications, Energy and Natural Resources his views that the reduction in grants available under the better homes scheme will stimulate employment and further encourage persons to avail of these grants; and if he will make a statement on the matter. [15943/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I announced the launch of *Better Energy: The National Upgrade Programme* in early May in the context of the Government's Jobs Initiative. *Better Energy* is replacing the three existing energy efficiency and renewable energy programmes: the Home Energy Savings Scheme, the Warmer Homes Scheme and the Greener Homes Scheme.

The *Better Energy* grant levels have been set to ensure that the level of Exchequer support is in line with market prices. The grant levels represent approximately 30% of the cost of each efficiency measure supported under the Programme. Since the Home Energy Saving scheme was launched in 2009, there have been considerable reductions in the market prices being charged for most of the efficiency measures covered by the scheme. The exception at this stage is external insulation which is a relatively new technology in the Irish Market. It is self evident that the level of Exchequer support should reflect actual market prices.

Measures being supported under the Better Energy programme are those designed to deliver the greatest energy savings, thus maximising the value achieved from the Exchequer allocation. The additional €30 million provided to the Programme for 2011 under the Jobs Initiative will be matched by a further €30 million in private sector investment. It will therefore help to generate further economic activity of at least €60 million this year.

One of the key objectives of the Better Energy programme is to support the construction sector and the delivery by the sector of quality installations in line with best practice. The level of take-up and activity under the domestic retrofitting schemes to date is demonstrably supporting jobs, given the labour intensive nature of energy efficiency upgrades. The Sustainable Energy Authority of Ireland (SEAI) advises that over 5,800 full time jobs are projected to be supported in 2011. This represents an increase of some 2000 jobs this year over the 3,800 jobs already being supported under the Schemes.

SEAI also advises that the number of applicants has remained steady since the launch of the Better Energy Programme last month. This underlines the continued strong interest of householders in the home energy savings scheme.

My Department is also working to transform the way in which upgrades are funded with the aim of making participation even more affordable for householders. The first step will be by offering the grants as upfront discounts, followed by a move to a pay-as-you-save model.

Pay-as-you-save is a financial model which would allow energy consumers to finance energy efficiency upgrades through the energy savings generated. The Programme for Government commits to the roll out of a pay-as-you-save scheme after 2013. This will enable the home energy efficiency programme to continue without recourse to public funding. It is also in line with developments at EU level.

There are considerable complexities involved in the development of an effective pay-as-you-save model. My Department is working with the utilities, the energy sector, as a whole, and financial institutions to develop an appropriate model. I expect to bring proposals to Government to underpin the scheme towards the end of the year.

### Teilifís na Gaeilge

55. **D'fhiafraigh Éamon Ó Cuív** den Aire Cumarsáide, Fuinnimh agus Acmhainní Nádurtha an bhfuil i gceist aige athrú a dhéanamh ar an bpolasaí atá ann go bhfaigheann TG4 an chuid is mó dá maoiniú díreach ón Státchiste; agus an ndéanfaidh sé ráiteas ina thaobh. [15940/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Níl athrú ar intinn agam ar staid an lae faoina fhaigheann TG4 formhór a cuid maoine i bhfoirm

[Deputy Pat Rabbitte.]

deontais i gcabhair ón Státhiste ionas chun ligint don eagrais a sainordú seirbhíse poiblí a chomhlíonadh agus a cuid spriocanna a bhaint amach de réir mar a léirítear in Alt 118 den Acht Craolacháin 2009.

### Energy Resources

56. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the steps he is taking to address gate access to the national grid; and if he will make a statement on the matter. [15716/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Commission for Energy Regulation (CER) decision on the ‘Gate 3’ round provides for connection offers for 4,000 MWs of renewable electricity capacity. Approximately 90% of these offers are wind powered capacity including around 800 MW of offshore wind. The Gate 3 decisions, combined with the existing renewable capacity and projects currently being built and connected, point to the 40% target being met and even exceeded by 2020.

Ireland’s National Renewable Energy Action Plan, which was submitted to the EU Commission in June 2010, sets out the detailed projections and strategies to achieve the national target. The plan was developed in consultation with the renewable sector and all stakeholders.

EirGrid published its GRID25 strategy, which outlines how they intend to deliver an upgraded electricity infrastructure network to 2025. It shows how EirGrid intends to increase network capacity between now and 2025 by reinforcing existing lines, deploying new grid management technology and building new transmission lines.

The projects in Gate 3 were selected by the CER on a “first come first served” criterion. Grid connection offers for projects within the Gate 3 process began to issue in December last year. They will continue to be issued on a phased basis until mid 2011. The Gate 3 process was extensively consulted on by the CER. Through public consultation and dedicated industry workshops, all industry stakeholders were given the opportunity of responding in advance to the proposed connection process.

### Departmental Staff

57. **Deputy Gerry Adams** asked the Taoiseach the current numbers and grades of staff employed in North-South co-operation units in every Department as established under the Good Friday Agreement; the numbers in each unit when first established; and the year on year change for each Department. [16365/11]

**The Taoiseach:** The Department of the Taoiseach does not have a North South Cooperation Unit as such. The Northern Ireland Division has been in existence in the Department for many years and pre-dates the Good Friday Agreement. The Division continues to support the Taoiseach on all matters relevant to Northern Ireland and plays an important role in co-ordinating matters relating to North South Co-operation across government departments. The work of the Division is overseen by an Assistant Secretary and is staffed by one Principal Officer; 1.9 Assistant Principals (whole time equivalent); one Higher Executive Officer; one Executive Officer and two Clerical Officers.

### Departmental Expenditure

58. **Deputy Charlie McConalogue** asked the Tánaiste and Minister for Foreign Affairs and Trade the details of the expenses incurred for recent travel and subsistence for all the ambassa-

dors that were recalled to Dublin for the meetings on 1 and 2 June with him and the Taoiseach; and if he will make a statement on the matter. [16240/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As envisaged in the Programme for Government, I convened a conference of Ireland's Head of Mission abroad in Iveagh House on 1/2 June. The purpose was to ensure that our Mission network is fully briefed on the Government's new approach to promoting and marketing Ireland as a country to do business in, and strengthen their capacity to continue their ongoing work in support of the effort to repair Ireland's international reputation. The programme included a session with the State economic promotional agencies on how best to address the challenges we face and dialogue with senior representatives of the business sector on the support provided by Missions to our companies abroad and how this might be further strengthened. Every effort was made to minimise the costs associated with the conference. Specific travel and subsistence arrangements were put in place for the event. These mandated economy-class travel for all participants, including those travelling long-distance and requested Heads of Mission to make private arrangements for accommodation. Where this was not possible vouched expenses to a maximum of €75 per night were payable.

As of 17 June, claims for travel and subsistence have been received from 17 Heads of Mission totalling €3,567. It is expected that further claims will be received in the coming weeks.

In addition 45 airfares, all of which were for economy-class travel, have been paid totalling €31,433.

### Proposed Legislation

59. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will ensure that the Prohibition of Depleted Uranium Weapons Bill will be brought before Dáil Éireann as soon as possible; and if he will make a statement on the matter. [16358/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Ireland does not possess, and has never possessed, any weapons, armaments or ammunition containing depleted uranium. It is the firm policy of the Government that depleted uranium munitions will never be used by the Defence Forces. To date, the research carried out by recognised relevant international organisations, including by the International Atomic Energy Agency (IAEA), the World Health Organisation (WHO) and the United Nations Environment Programme (UNEP), has concluded that depleted uranium does not pose a significant radiological risk. These reports are readily available. Other research has consistently returned inconclusive results.

Ireland has voted in favour of resolutions on depleted uranium at the United Nations since 2007. These resolutions requested the UN Secretary-General to seek the views of member states and relevant international organisations on the effects of the use of armaments and ammunitions containing depleted uranium.

In consultation with the Department of Defence, Ireland provided a national report to the UN Secretary-General in 2009. This confirmed that while there is no practical method of testing people that may have been exposed to depleted uranium, thorough medical examinations are carried out on all Defence Forces personnel returning from deployment overseas. These include tests intended to detect signs of those disease processes most likely to arise in cases of contamination with depleted uranium. To date, no evidence of an unusual incidence of disease has been found.

[Deputy Eamon Gilmore.]

There is at present no international framework or treaty concerning depleted uranium munitions (and therefore no internationally agreed definition or prohibition). To achieve political traction worldwide, and the momentum required for an international ban, a necessary first step would be to conclusively establish the negative impact of depleted uranium on human health and on the environment.

The Government is supportive of further study and research by relevant international organisations and the scientific community and does not believe that it would be appropriate to introduce legislation on depleted uranium weapons at this time. A number of like-minded partners, including Austria, Canada, Finland, Germany, Italy, Japan and Spain, have adopted a similar approach.

### Human Rights Issues

60. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the National University of Ireland's participation in awarding degrees in countries with atrocious human rights records, in view of what is happening in Bahrain now with NUI medical graduates on trial, accused of attempting to topple the government while in fact they were performing duties of care to the injured; and if he will make a statement on the matter. [16582/11]

71. **Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade, in view of his recent reply showing concern for the 48 surgeons, doctors, paramedics and nurses on trial in Bahrain, the reason his ambassador (details supplied) attended a graduation ceremony alongside the Prime Minister of Bahrain, Prince Khalifa bin Salman Al Khalifa, at RCSI Bahrain in view of the fact that those on trial were performing their duties of care to the injured and now stand accused of attempting to topple the State; and if he will make a statement on the matter. [16580/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 60 and 71 together.

I think that it is important to distinguish between the involvement of the Royal College of Surgeons in the training of Bahraini medical personnel, which I would regard as entirely positive, and the detention of medical personnel by the Bahraini authorities, about which I have made clear the Government's concerns.

The Irish Ambassador to Saudi Arabia attended the RCSI graduation ceremony in Bahrain on 13 June, in response to an invitation from the RCSI. He did so however in a private capacity as he is not yet formally accredited to Bahrain, pending the finalisation of bilateral accreditation procedures.

As he is not yet able to make formal representations directly to the authorities in Bahrain, Ambassador Holohan met yesterday with the Bahraini Ambassador in Riyadh to inform him of my own deep concerns, already expressed in this House on a number of occasions, and those of the Irish Government and people in relation to recent events. The Ambassador also used the occasion to urge the Bahraini Ambassador to convey immediately to his authorities that all those who are charged with nothing more than peaceful protest should be released without further delay.

The Government's clear stance on current developments in Bahrain will continue to be conveyed in the fullest terms to the Bahraini authorities on all appropriate occasions, through our Embassy in Riyadh and all other appropriate channels.

In relation to the RCSI, whose graduates receive degrees awarded by the NUI, I have already made clear previously that the Royal College of Surgeons' provision of educational services in Bahrain and elsewhere is primarily an operational issue for the RCSI.

The RCSI is a private third-level institution which has its own relationships in Bahrain and which decides for itself the extent to which it wishes to comment on developments there. However, it also has to be acknowledged that the RCSI has been involved on a commercial basis in Bahrain for some years now and that the medical campus and facilities which it operates represent a very substantial investment which is of direct economic relevance to this country.

I would further like to say that I regard the activities of the RCSI in assisting with the training of foreign medical personnel overseas as a highly worthwhile activity through which the College makes a significant contribution to the quality of life of millions of people around the world.

### **Foreign Conflicts**

61. **Deputy John Lyons** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide assistance to a person (details supplied) in Dublin 11 who had a significant amount of money confiscated by the Tunisian Government upon leaving the country during their recent conflict; if his attention has been drawn to this happening to other Irish citizens; and if he will make a statement on the matter. [16100/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Following the information received from the Deputy, the Honorary Consulate in Tunis has written to the Tunisian Customs authorities requesting clarification as to the circumstances surrounding the confiscation of the sum and what, if any, options are available to retrieve it. When a reply is received from the Tunisian authorities, I will write to the Deputy about the matter.

My Department is not aware of any previous cases which involved the confiscation of monies from Irish citizens on departure from Tunisia.

### **Passport Applications**

62. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding passport application forms (details supplied); and if he will make a statement on the matter. [16109/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Passport Fees for those aged 65 and over were announced in the December 2010 budget and were re-introduced on 11 April 2011. Since that time the new fees have been publicised on the Passport Office website [www.passport.ie](http://www.passport.ie) and on the Passport Office telephone information line. Information regarding the new fees was also issued to An Garda and to An Post, who operate the Passport Express Service used by over 60% of passport applicants. Public notices were published in national newspapers at the time of their introduction to inform the public of the new fees. In terms of printing new application forms and information notes, there is a significant cost to destroying existing forms and printing new forms. It was considered disproportionate to recall and destroy all existing stock at that time. Revised information notes and new application forms are currently being printed and will be distributed to Post Offices, Garda Stations and Libraries and Passport Offices in the coming weeks. A separate information sheet setting out passport fees will also be provided to all offices where passport application forms are available.



### Trade Missions

63. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade the work he has done regarding trade missions and identifying opportunities for inwards investment. [14507/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Trade and business events are included in my programme of meetings overseas wherever possible. I take every opportunity to advance Ireland's economic interests, particularly given the importance of export-led growth to our economic recovery. I have done so at meetings with my counterparts from the United States, the United Kingdom, France, Norway, Australia and New Zealand in recent weeks and I will be doing so this week in Vienna. Trade missions constitute a valuable support to Irish business, in terms of establishing credibility with and gaining access to target markets. The Taoiseach will lead a trade mission to China later this year and I hope to visit Russia, Japan and Korea in the autumn myself. During the visit to Russia a meeting of the Ireland-Russia Joint Economic Commission is planned. My colleague, the Minister for Jobs, Enterprise and Innovation, Richard Bruton TD, led a trade mission to India and Saudi Arabia in April.

The Export Trade Council, which will be established shortly, and which I will chair, will consider the overall programme of trade missions and seek to integrate trade, tourism and investment promotion activities. My Department, Enterprise Ireland and the Department for Jobs, Enterprise and Innovation, in particular, will work closely together in the planning for these trade missions.

As the Deputy will be aware, the promotion of inward investment in the manufacturing and internationally-traded services industries is a function of IDA Ireland under the aegis of the Minister for Jobs, Enterprise and Innovation. IDA is implementing its strategy Horizon 2020 which has ambitious targets for the period 2010 to 2014

My Department and our Embassy Network will continue to work closely with the IDA in its role of securing inward investment for Ireland, including in the emerging BRIC markets which have been identified as an important element of the Horizon 2020 strategy.

### Work Permits

64. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of Irish persons who took up working holiday visas in 2010 under the agreements with Argentina, Australia, Canada, Japan, Hong Kong, New Zealand, South Korea and the USA by country; the allocation of visas here for each of the countries in 2011; and if he will make a statement on the matter. [16258/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Working Holiday agreements are concluded between Ireland and other Governments on a reciprocal basis. For Irish citizens the application is administered directly with the Embassy of the country to be visited or through a sponsoring organisation. The table beneath sets out the visa allocations for 2011 and the available information on the number of visas approved in 2010. In the case of Australia the programme runs from 1st July to 30th June and the figures provided reflect the period 2009/2010. The Working Holiday agreement concluded between Ireland and the United States allows those enrolled in or recently graduated from post-secondary education to apply for a visa to work and live in the United States for a period of one year.

Allocations under the Working Holiday agreements for each of the countries concerned are reviewed on a regular basis. Allocations have, however, remained unchanged over recent years

with the exception of Canada, which increased an initial allocation of 2,500 to 4,000 in 2010 with a further 227 places reallocated to Ireland from other unused programmes, giving an overall figure of 4,227.

Working Holiday Agreement	No. of Visa Approvals in 2010	Allocation in 2011
Argentina	21	100
Australia	14,833	Not capped
Canada	4,227	4,000
Japan	50	400
Hong Kong	21	100
New Zealand	2,363	Not capped
South Korea	3	400
U.S.A	321	Not capped

### EU Treaties

65. **Deputy Clare Daly** asked the Tánaiste and Minister for Foreign Affairs and Trade his plans to hold a referendum on the changes to the Lisbon treaty that have been agreed at the European Council; his plans to introduce legislation in Dáil Éireann; and the time frame envisaged for same. [16395/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The 24-25 March European Council adopted the Decision amending Article 136 of the Treaty on the Functioning of the European Union in connection with the proposed new European Stability Mechanism. This Decision shall enter into force on 1 January 2013 provided that all Member States have notified the completion of the procedures for the approval of the Decision in accordance with their respective constitutional requirements. Having considered the matter carefully, including the legal advice of the Attorney General, the Government is satisfied that the amendment to the Treaty is compatible with the Constitution. As no amendment of the Constitution arises, a referendum will not be required in order for Ireland to approve the amendment to Article 136 of the Treaty on the Functioning of the European Union.

### Foreign Conflicts

66. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Foreign Affairs and Trade if the ambassador or any representative of the Israeli embassy has made contact with him or his Department as part of their international diplomatic offensive seeking rejection of the Palestinian attempt at the UN to receive recognition of a Palestinian State; and if he will make a statement on the matter. [16402/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Both the Israeli and Palestinian authorities have made known their views on the possibility of Palestinian action at the UN in September related to recognition of a Palestinian state. This has taken the form of copies of statements or arguments on the issues, political or technical, and transmitted via their Missions here in Dublin or our own Missions in Tel Aviv and Ramallah. I would characterise such contacts however as entirely normal and not out of the ordinary. As I have stated in answer to previous Questions, if the issue of recognition arises at the United Nations in the autumn, the Government will consider Ireland's response very carefully. We will take into account factors such as Ireland's long-standing support for the achievement of a Palestinian State, the exact terms and nature of what may be proposed, the positions of EU partners and other friends, the progress on the wider peace process, and our assessment of the practical impact of any such decision.

[Deputy Eamon Gilmore.]

It is certainly my view that there should be a State of Palestine, and very soon.

67. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will reiterate Ireland's call for an independent investigation into human rights abuses, primarily committed by the Sri Lankan military in the final weeks of the Sri Lankan civil war, following the airing of a documentary (details supplied) on Tuesday, 14 June 2011. [16403/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Ireland fully supports the UN Panel of Experts recommendation for the establishment of an independent international mechanism to investigate the allegations of human rights violations by both the Sri Lankan military and the Liberation Tigers of Tamil Eelam in the closing stages of the war. The content of the documentary referred to by the Deputy underlines, once again, the importance of addressing the crimes of the past as part of a process of national dialogue and reconciliation in Sri Lanka. At European Union level, a statement by High Representative Ashton on the 10 May also called for an inquiry into the allegations of misconduct by both sides to the conflict. As we know from past experience, such an investigation could make an important contribution to building lasting peace and stability in Sri Lanka. Officials from my Department have conveyed this point to the Sri Lankan authorities and as recently as last week re-iterated this at the UN Human Rights Council in Geneva.

The promotion of human rights is a key element of the Government's foreign policy towards Sri Lanka. Ireland played an active part in the European Union decision to suspend duty free access which was granted to Sri Lankan exports under the Generalised System of Preferences (GSP plus) after the Sri Lankan Government failed to deliver written undertakings on human rights conventions dealing with torture, children's rights and political rights.

The international community can play an important role in facilitating dialogue and reconciliation in Sri Lanka. I would again urge the government in Colombo to co-operate fully with the UN and address the recommendations made by the Panel of Experts.

68. **Deputy John O'Mahony** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the fact that 36 innocent Iranian citizens were killed and 350 were wounded, of whom eight were women, by Iraqi forces on 8 April 2011 at the camp Ashraf enclave in Iraq because of the withdrawal of US military protection; if he will raise the possibility at the next EU Council meeting of a United Nations presence at the camp in order to avoid further bloodshed; and if he will make a statement on the matter. [16458/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I have made clear in answer to previous questions my deep concern at recent reports of the use of force against Camp Ashraf residents in Iraq and the resulting loss of life. I would like to take this opportunity to reiterate that Ireland and the EU are determined to seek a long-term and peaceful solution to the predicament of the residents of Camp Ashraf. The EU Foreign Affairs Council discussed the situation at Camp Ashraf on 23 May, emphasising the need to respect human rights. I fully support the view widely held within the Council that we must work with the UN (including the UN High Commissioner for Refugees) and US in particular, to seek a lasting resolution to this situation. However, I note that there is also no agreement as yet with the US or the UN on the future of the camp, nor any agreement as yet on the idea of the UN assuming responsibility for its protection. HR Ashton made clear at the FAC last month that more consideration was needed on what is a complex issue and a further discussion may take place at a forthcoming Foreign Affairs Council, which we would obviously welcome.

HR Ashton has clearly set out the EU position, including a strong condemnation of the recent violence in Camp Ashraf, and has conveyed this position in writing and by telephone to

Iraqi Foreign Minister Zebari. I particularly endorse HR Ashton's renewal of the EU's repeated call on the Iraqi government to refrain from the use of violence and to show full respect for the human rights of Camp Ashraf's residents. I also strongly support her call for a thorough and independent inquiry into the events of 8 April.

Along with our EU partners, Ireland will continue to support clear messages to the Iraqi authorities that while there are no easy remedies to the situation in Camp Ashraf, force is not the answer. Iran's sovereignty should be respected over the entire territory of Iraq, including in Camp Ashraf, but the human rights of residents of Camp Ashraf must be respected also. The Iraqi government must accept full responsibility for ensuring the protection of all those persons resident on its territory.

In actively seeking a solution, Ireland and its EU partners will continue to work with international institutions and partners, while calling upon the Iraqi government to grant access to independent international observers, to show restraint, and to seek a peaceful and sustainable solution.

### **Passport Applications**

69. **Deputy Jack Wall** asked the Tánaiste and Minister for Foreign Affairs and Trade the reason a person (details supplied) was only issued a two year passport; if they can receive a longer validated passport in order to enable them to apply for a working and holiday visa for Canada; and if he will make a statement on the matter. [16497/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As part of the policy to protect the integrity, security and international reputation of Irish passports, all passports which are reported lost or stolen are immediately cancelled. This cancellation notice is circulated to worldwide border control agencies through Interpol on a daily basis. The Passport Service treats the loss of a passport as a serious issue. Passport Service policy has been developed in accordance with EU regulations and our international obligations to other States in relation to lost and stolen passports. In relation to this specific case, the passport holder lost his two most recent passports. Where a citizen has a poor passport record, such as in any case where two or more passports have been lost, restrictions will apply to the validity period of the next passport obtained. In this specific case, a restricted passport with two years' validity was issued in February 2010. Should the Passport holder now require a passport with at least twelve months validity, he is entitled to apply for a new passport at any time and to return his current passport for cancellation. A decision on whether to restrict the validity of any subsequent passport will be made at the time of his application. In any event, the minimum validity period of any new passport would be two years which would enable the person to apply for a Canadian visa. The general advice to citizens remains that passports are valuable documents and should be kept in a safe place while at home and looked after carefully when travelling.

70. **Deputy Nicky McFadden** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the delays currently being experienced by passport applicants (details supplied), particularly those who have paid extra money for passport express in order that their passports may be allocated on time. [16573/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Passport demand is currently running at a level 12% above other comparable years and this has resulted in a temporary backlog of approximately 4 days in the processing of Passport Express applications. The Passport Service regrets the delay and any difficulties caused in this regard. Notice of the current extended turnaround time and its likely duration has been published on the Passport Service website [www.passport.ie](http://www.passport.ie) since 18 April 2011. It is regularly updated. The Passport Service has also informed An Post so that customers can be advised of the situation at the point of application

[Deputy Eamon Gilmore.]

The exceptional peak season demand on all passport services is being tackled by the recruitment of 85 additional temporary staff and the use of overtime. The ongoing efforts in this regard will see the Passport Service bring processing times back to normal levels in the coming weeks.

In terms of the application in question, a parent of the applicant was in direct contact with the Passport Service's Customer Care Unit to arrange the collection of the applicant's passport, which was issued on 16 June.

*Question No. 71 answered with Question No.60.*

### Human Rights Issues

**72. Deputy Maureen O'Sullivan** asked the Tánaiste and Minister for Foreign Affairs and Trade the action he will take to ensure that the EU's 2013 country strategy for Colombia supports the return of peasant farmers, Afro-Colombians and indigenous peoples, to their land under the new victims' law of 25 May 2011. [16581/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I welcome the adoption of the Victims Law and Land Restitution Law. The Deputy can rest assured that Ireland will support the Government of Colombia in its implementation of this important and far-reaching legislation, including within the framework of the next EU Country Strategy for Colombia. The 2007-2013 EU Country Strategy paper for Colombia recognises that the "situation as regards human rights and democracy in Colombia is still critical" and that "the most vulnerable groups include indigenous peoples and Afro-Colombians, as well as, inter alia, social leaders, trade-union leaders, journalists and human rights defenders".

The approach of Ireland, and indeed of the European Union, in the drafting of the next Country Strategy for Colombia, will continue to be one of support for the implementation by the Colombian Government of concrete steps that address the consequences of decades of terrorism. The Victims Law is one such step.

### Pension Provisions

**73. Deputy Éamon Ó Cuív** asked the Minister for Finance if office holders who own approved retirement funds, ARFs, are obliged to declare these to him and to the Standards in Public Offices Commission in view of the fact that these were not subject to the recent pension levy introduced; and if he will make a statement on the matter. [16156/11]

**Minister for Finance (Deputy Michael Noonan):** All members of the Oireachtas including office holders are required under the Ethics in Public Office Act 1995 to disclose annually their registerable interests to the Standards in Public Office Commission. If at any time in a registration period (i.e. a calendar year to 31 December) an Oireachtas member including an office holder has a holding of shares, bonds, debentures or other like investments, with an aggregate nominal or market value in excess of €13,000, in respect of any one company or enterprise or undertaking, the Oireachtas member including an office holder is required to disclose the holding in his or her annual statement of registerable interests to the Standards Commission.

A holding does not include money in a current, deposit or other similar account, but does include a holding in unit trusts, managed funds or equity based accounts. An approved retirement fund would be a like investment and would require disclosure where in excess of the €13,000 threshold.

An office holder would also be required to disclose the holding regardless of value to the Taoiseach and the Standards Commission if it were to represent a material interest in an official

function which fell to be performed by him or her. The Taoiseach would disclose an interest in those circumstances to the Chairman of the Standards Commission.

### **Economic and Monetary Union**

74. **Deputy Gerry Adams** asked the Minister for Finance if the establishment of the European stabilisation mechanism will lead to further centralised EU control over national budgetary and economic policies; the level of contribution that will be required from Ireland to the fund; if the establishment of the permanent ESM requires amendments to the EU treaties and will the establishment of the permanent ESM require ratification by referendum in Ireland. [16217/11]

**Minister for Finance (Deputy Michael Noonan):** The European Stability Mechanism will replace the temporary mechanisms of the European Financial Stability Facility (EFSF) and the European Financial Stabilisation Mechanism (EFSM). The purpose of the ESM will be to arrange funding and provide financial assistance, under strict economic policy conditionality, to the benefit of such ESM Members as may be either experiencing, or threatened by, severe financing problems, if seen as indispensable to safeguarding the financial stability of the euro area as a whole. The establishment of the ESM does not of itself change the role of the EU in relation to national economic and budgetary policies. Access to ESM financial assistance will be provided on the basis of strict fiscal and economic policy conditionality for the duration of the support programme. This will be accompanied by a rigorous analysis of public-debt sustainability, which will be conducted by the EU Commission together with the IMF and in liaison with the ECB. The objective of such support programmes is to return the country involved to the financial markets as soon as possible. Strict budgetary and economic policy conditionality is already a condition of the funding provided to any Member State under the EFSM, EFSF and indeed funding from the International Monetary Fund.

Under the proposed ESM Treaty, the capital structure of the ESM will have a total subscribed capital of €700 billion. Of this amount, €80 billion will be in the form of paid-in capital by the Euro Area Member States, paid in five equal annual instalments from July 2013. The balance of €620bn will be callable capital. The contribution key for each Member State is based on the ECB capital contribution key. For Ireland the key is 1.592% of the total paid and committed capital. Thus, Ireland's share of €80 billion will be just above €1.27 billion, to be paid in five equal instalments starting in July 2013. Ireland's share of the €620bn callable capital will amount to €9.87 billion.

On 25 March 2011, the European Council adopted Decision 2011/199/EU amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro adding the following paragraph to Article 136: "The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionality".

Primary legislation will be required to enable Ireland to ratify the ESM Treaty and implement its decisions. Based on the existing text, the Attorney General's Office has confirmed a referendum will not be required for the adoption of the ESM Treaty.

### **Pension Provisions**

75. **Deputy Derek Keating** asked the Minister for Finance the percentage of judges who have voluntarily agreed to a contribution equivalent to the pension levy in accordance with the provisions of the Financial Emergency Measures in the Public Interest Act 2009; and if he will make a statement on the matter. [16263/11]

**Minister for Finance (Deputy Michael Noonan):** This is a matter for the Revenue Commissioners. Section 161 of the Finance Act 2010 provides for a voluntary scheme that enables members of the Judiciary to make a gift to the State of an equivalent amount to the pension related deduction imposed on State employees under the Financial Emergency Measures in the Public Interest Act 2009. Subsection (8) of that Section provides that, inter alia, the Revenue Commissioners shall publish for each year of assessment details of the number of donors who avail of this scheme in the year. I understand that the Revenue Commissioners published information in their Annual Report for 2010, in accordance with Subsection (8), which shows that 126 Judges participated in the Scheme in 2010.

### **Tax Code**

76. **Deputy Finian McGrath** asked the Minister for Finance if he will review a matter (details supplied) in respect of a person in Dublin 9. [16186/11]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that this is a complex case with a considerable tax debt. They have been in contact with the person concerned and his tax advisor regarding arrears outstanding. Following a review of this case, and pending receipt of a signed statement from the person, the Revenue Commissioners would hope to quickly resolve the issue.

### **Disabled Drivers**

77. **Deputy Gerry Adams** asked the Minister for Finance if he will consider the awarding of a primary medical certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 to persons or family members of persons with autism. [16194/11]

**Minister for Finance (Deputy Michael Noonan):** The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to a certain limit), and exemption from motor tax, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities. The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations. Some 13,500 people have benefited under the scheme in 2010 at an overall estimated cost of €55 million. I have no plans to widen the exemption qualification criteria.

### **Tax Reliefs**

78. **Deputy Terence Flanagan** asked the Minister for Finance his views on a matter (details supplied) regarding mortgage interest relief; and if he will make a statement on the matter. [16200/11]

**Minister for Finance (Deputy Michael Noonan):** There is a commitment in the Programme for Government to help homeowners in distress. The Government will examine a number of proposals in relation to this commitment. One of these proposals relates to increasing mortgage interest relief to 30% for First Time Buyers who bought between 2004 and 2008 and to finance this in part by abolishing mortgage interest relief for new buyers. When this proposal has been thoroughly examined, I will decide on the appropriate action to be taken. However, any measures will not be introduced before Budget 2012.

79. **Deputy Terence Flanagan** asked the Minister for Finance his views on a matter (details supplied) regarding tax reliefs; and if he will make a statement on the matter. [16201/11]

**Minister for Finance (Deputy Michael Noonan):** Section 248 of the Taxes Consolidation Act 1997 provided unrestricted relief for individuals in respect of interest on monies borrowed to purchase directly or indirectly (such as through a holding company) an interest in, or make a loan to, a trading company. This relief was abolished in Budget 2011. In recognition of the impact that immediate withdrawal of the relief would have, it was decided to gradually phase out the relief by reducing the amount of relief available on current loans to 75% of the interest payable in 2011, 50% in 2012, 25% in 2013 and 0% in 2014. Furthermore, any loans taken out after 7 December 2010 will not qualify for relief at all. I would be happy to respond directly to the Deputy if there are any specific cases about the impact of these changes he wishes to bring to my attention.

### Financial Services Regulation

80. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Finance when he will publish the Strategic Review of the Credit Union Sector carried out by Grant Thornton on behalf of the Financial Regulator. [16203/11]

**Minister for Finance (Deputy Michael Noonan):** I have no plans to publish the Grant Thornton report *Strategic Review of the Credit Union Sector*, at this time. The report provides a detailed factual overview and expert assessment of the risk profile of the credit union sector as a whole, including specific proposals to strengthen the prudential soundness of credit unions. Due to the commercially sensitive and prudential nature of the information contained throughout the report, it is not suitable for release at this time.

The findings of the report will now feed into the work of the Commission on Credit Unions which was established by Government on 31 May 2011 and met for the first time on 20 June 2011. The Commission will review the future of the credit union movement and make recommendations in relation to the most effective regulatory structure for the sector. In carrying out its work, the Commission will take into account credit unions’ 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.

### Credit Availability

81. **Deputy Terence Flanagan** asked the Minister for Finance when the partial loan guarantee scheme will be up and running; when he will be setting up a bank dedicated to helping the small and medium enterprise sector; and if he will make a statement on the matter. [16204/11]

**Minister for Finance (Deputy Michael Noonan):** As part of the Jobs Initiative announced in this House on 10th May, both the Minister for Jobs, Enterprise and Innovation and I confirmed the Government commitment to initiating a tendering process for the development of a temporary partial credit guarantee scheme. A call for competition for the design of a scheme was published on e-tenders on 15th June on behalf of the Minister for Jobs, Enterprise and Innovation. The design of the scheme will draw from international experience to support new lending that would not otherwise have been extended by the banks. In this way, the scheme will be limited in its scope and will complement, rather than be a substitute for, existing lending activities by the main financial institutions. It will be designed to encourage banks to lend to these new or expanding commercially viable SMEs so that they can grow their company, develop new products or expand into new markets.

The Government’s commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before committing to a roll-over of the scheme for subsequent years.



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It is intended that the scheme will be in place in the autumn. Ensuring that a strategic investment bank is operating in the domestic banking market, providing finance to large capital projects and acting as a conduit for venture capital as well as a lender to SMEs, is an objective in the Programme for Government. As the Deputy will be aware a comprehensive programme of bank recapitalisation and restructuring is currently underway following my statement on the future banking landscape in Ireland at the end of March last. The essential detailed assessment and planning work to meet this objective will be accelerated once the Government's key immediate objectives for the repair of the banking system have been completed.

In the interim, it is important to make the point that important steps have already been taken to ensure that there is sufficient credit availability to meet the needs of the SME sector. These include the capacity being available under the pillar banks' deleveraging and restructuring plans to provide new lending which is estimated to be more than sufficient to meet the needs of the economy including the SME sector.

### Fiscal Policy

82. **Deputy Joe Costello** asked the Minister for Finance his plans to extend the car scrappage scheme past 30 June 2011; and if he will make a statement on the matter. [16227/11]

**Minister for Finance (Deputy Michael Noonan):** I have no plans to extend the car scrappage scheme beyond 30 June 2011.

### Public Sector Staff

83. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide a detailed breakdown of each of the public service sectors employment control frameworks up to and including 2014. [16261/11]

**Minister for Finance (Deputy Michael Noonan):** The details of each of the public service sectors employment control frameworks up to and including 2014 are set out in the table below. A revised table will be published following the completion of Transfers of Functions and the Comprehensive Spending Review.

	2011	2012	2013	2014
Numbers ceilings *	301,000	298,800	296,500	294,700
of which:				
Civil Service	36,200	35,800	35,250	34,600
Health Sector	105,300	103,800	102,300	100,800
Education	93,300	94,100	95,050	95,750
Justice	13,750	13,600	13,400	13,250
of which Gardaí:	13,500	13,350	13,150	13,000
Defence	10,500	10,400	10,300	10,300
Local Authorities	30,750	30,400	30,000	30,000
NCSAs**	11,200	10,700	10,200	10,000

\*Number rounded to the nearest 50 whole-time equivalents

\*\*Non-Commercial State Agencies.

### Vehicle Registration

84. **Deputy Patrick O'Donovan** asked the Minister for Finance if he will consider amending vehicle registration forms to include PPS numbers. [16271/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the PPS number is required at the time of registration when private individuals are registering the vehicle at an NCTS Centre. In the case of a vehicle being registered by a car dealer, the PPS number or the VAT number of the dealer is required. In cases where new vehicles registered by Authorised Traders via the Revenue on-line System, a PPS number is not requested as the Revenue Commissioners do not ask members of the public to give their PPS numbers to a garage. However in all instances where relief is sought from Vehicle Registration Tax the PPS number is required. It should be noted that there is no Vehicle Registration Tax form as the registration process is an electronic process.

### **Financial Institutions Support Scheme**

85. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a month by month breakdown of bonds due to mature in Anglo Irish Bank and Irish Nationwide Building Society detailing their value, date of maturity and category; and if he will make a statement on the matter. [16273/11]

**Minister for Finance (Deputy Michael Noonan):** The information requested by the Deputy is being collated by my Department and will be provided directly to him as soon as possible.

### **Freedom of Information**

86. **Deputy Kevin Humphreys** asked the Minister for Finance his plans to make the Data Protection Commission subject to the Office of the Ombudsman or the Freedom of Information Act; and if he will make a statement on the matter. [16274/11]

**Minister for Finance (Deputy Michael Noonan):** The Programme for Government proposes to extend the Freedom of Information Acts and the remit of the Ombudsman. The Freedom of Information Acts are currently being reviewed in light of the Programme for Government commitment to inform the preparation of appropriate legislative amendments for consideration by the Minister for Public Expenditure and Reform in the first instance and the Government in due course.

The Ombudsman (Amendment) Bill 2008 completed all stages in the Dáil in June 2010 and is currently awaiting second stage in the Seanad. The Bill has significantly extended the remit of the Ombudsman to a much wider range of public bodies. The inclusion of additional bodies will be reviewed in line with the Government Reform Agenda over the coming months.

### **Economic Growth**

87. **Deputy Billy Timmins** asked the Minister for Finance the economic growth rates for the years 2005, 2006, 2007, 2008, 2009 and 2010; his forecast growth rates for the same periods; and if he will make a statement on the matter. [16304/11]

**Minister for Finance (Deputy Michael Noonan):** The table shows the Department of Finance's GDP forecasts for the period 2005 to 2010 as well as the outturns, as currently estimated by the CSO. The Department's forecasts are those presented at the time of the annual Budget. Also included in the table are the relevant projections made by other domestic and international institutions. For consistency, all forecast figures are taken from the Budget documentation published each December (or October in one case).

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	Actual GDP	Department of Finance	Central Bank	European Commission	IMF
2005	6.0	5.1	5 $\frac{1}{4}$	4.8	5.0
2006	5.3	4.8	4 $\frac{3}{4}$	4.8	4.9
2007	5.6	5.3	5 $\frac{1}{2}$	5.3	5.4
2008	-3.5	3.0	3 $\frac{1}{2}$	3.5	3.0
2009	-7.6	-0.8	-0.9	-0.9	-0.6
2010	-1.0	-1.3	-2.3	-1.4	-2.5

In the supplementary Budget for 2009, published in April 2009, my Department projected that GDP would contract by -7.7 per cent; the actual outturn was -7.6 per cent. As for 2010, notwithstanding continued high uncertainty, the accuracy of the Department of Finance's forecast was considerably better than those of some other institutions.

The Deputy will note that even in normal circumstances short-term economic forecasting is not an exact science, given the many dynamic components which constitute an economy.

While the Deputy asked for material from 2005, I would also point out that an analysis of my Departments macro-economic forecasts, contained in Budget 2006, showed that the Department of Finance's forecasts over the period 1997-2004 were amongst the most accurate of those produced by the major domestic and international economic forecasters.

### **Banks Recapitalisation**

88. **Deputy Joe McHugh** asked the Minister for Finance his views on the €30.5 billion that has been designated to banks participating in the National Asset Management Agency; the amount of this money that has been returned by those banks to the European Central Bank; the instruments in place for ensuring that this money is available for lending to Irish citizens; and if he will make a statement on the matter. [16323/11]

**Minister for Finance (Deputy Michael Noonan):** I presume the Deputy's question refers to the value of the bonds issued by NAMA to the institutions participating in the Scheme. These bonds are available to be used by these institutions to obtain liquidity from the normal monetary operations of the Eurosystem. This funding plays an important role in supporting the domestic banking system and in facilitating their lending into the economy. The Deputy will be aware that the banking system restructuring plan creates capacity for the two Pillar Banks, Bank of Ireland and AIB, 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 task of ensuring lending continues to grow to support economic growth. This lending capacity is incorporated into the banks' deleveraging plans which allow for repayment of Central Bank funding through asset run-off and disposals over the period to 2013.

Both pillar banks provide my Department with monthly figures on balance sheet volumes, sanctioned facilities and geographic and industrial breakdowns of their SME lending. The Deputy may also be aware that 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.

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. This is another means of ensuring that the money is lent to the productive sector. 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.

### **Flood Relief**

89. **Deputy Tom Fleming** asked the Minister for Finance if urgent remedial works will be carried out at a location (details supplied) in County Kerry as a matter of urgency. [16324/11]

90. **Deputy Tom Fleming** asked the Minister for Finance if urgent remedial works will be carried out at a location (details supplied) in County Kerry as a matter of urgency. [16325/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** I propose to answer Questions Nos. 89 and 90 together.

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 requests for funding to undertake embankment strengthening works at Cromane (north end) and Incherea. No application has been submitted by the Council specifically in respect of works at the Gloscha Embankment, which is located at the south-east end of Cromane spit. 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.

### **Departmental Expenditure**

91. **Deputy Mary Lou McDonald** asked the Minister for Finance if the comprehensive spending review will be completed by the end of July 2011 for use in the preparation of the Estimates process and if he will publish the review as soon as it is completed in July. [16327/11]

**Minister for Finance (Deputy Michael Noonan):** All Ministers are currently engaged with their Departments in completing Reviews of all expenditure under their auspices, including in public service agencies. Arising from this exercise, Expenditure Reports will be prepared by each Department, and be evaluated by the official level Steering Committee by end July. The final reports will be presented to the Government Economic Management Committee in September. The results of the Comprehensive Review process will then be brought before Government for consideration and decision in the annual Budget and Estimates process. The question of publication of the outcome of the Comprehensive Review in respect of each Department will arise for consideration in that overall context.

### **National Asset Management Agency**

92. **Deputy Joe McHugh** asked the Minister for Finance with reference to citizens whose businesses and or personal finances are affected by the National Asset Management Agency and in the context of section 221 of the National Asset Management Agency Act 2009, the way such persons may secure information and fair process; if reforms are being considered in this context; and if he will make a statement on the matter. [16328/11]

**Minister for Finance (Deputy Michael Noonan):** Section 221 of the National Asset Management Agency Act 2009 provides that, subject to exceptions covered in subsections 3 and 4, a person who communicates on behalf of another person with, amongst others, NAMA and 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, commits an offence. Section 221(3) and (4) provides for circumstances where communication with NAMA is not an offence. These circumstances are: where the communication is published; is made without an intention to benefit, or confer an advantage on, any specific person; is made in the public interest; or where the person who makes the communication concerned is acting in his or her professional capacity or in the course of his or her employment and does so in that capacity. These provisions allow citizens who believe that their business or personal finances are affected by NAMA to make enquiries about these issues by direct contact with NAMA as long as the contact is consistent with the requirements of subsections 3 and 4.

I am in discussion with NAMA about making improvements in the availability of information within the confines of the legislation.

### **Tax Collection**

93. **Deputy John Browne** asked the Minister for Finance when a tax clearance certificate will issue to a person (details supplied) in County Wexford. [16333/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the person concerned will receive a Tax Clearance Certificate within ten days.

### **Public Private Partnership**

94. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a breakdown of the moneys due to be paid out of Exchequer funds under public private partnerships, including the annual amount to be paid under each individual contract; the number of years remaining on each individual contract; and if he will make a statement on the matter. [16337/11]

**Minister for Finance (Deputy Michael Noonan):** I would refer the Deputy to Chapter Five of the Report of the Comptroller & Auditor General 2009 (Volume 1) which was published in September 2010. This chapter, entitled “Financial Commitments under Public Private Partnerships,” provides information about the financial commitments entered into by central Government departments and agencies under PPP contracts. Figures for 2010 will appear in the Comptroller and Auditor General’s Report for 2010 which will be published later this year. The Deputy will be aware that my Department has put in place the overall PPP investment framework, including the framework for the appraisal, assessment, procurement and evaluation of projects. Individual Departments are responsible for the projects and programmes in their areas, within that overall framework. Further details about individual projects can be obtained directly from the relevant Department.

### **Insurance Industry**

95. **Deputy Éamon Ó Cuív** asked the Minister for Finance the arrangements being put in place to ensure that a person (details supplied) in County Galway will be able to get flood insurance for their house in the event that the Department of Social Protection decides that they are not eligible for re-location; and if he will make a statement on the matter. [16340/11]

**Minister for Finance (Deputy Michael Noonan):** The question of providing cover to new policyholders or renewing it for existing ones is a matter for each insurance company to decide

on a case by case basis. This allows a company to assess properly the risk it is considering accepting. Consequently, I am not in a position to comment on particular cases as neither the Central Bank nor I, as Minister for Finance, have any influence over such matters. However, it should be noted that the industry has informed my Department that it is reluctant to discontinue flood cover for existing policyholders, and would generally only do where there have been repeated claims. The best option open to a person who is unable to get cover or to renew it is to contact the Irish Insurance Federation which operates a free Information Service in order to discuss the matter. Their service can be contacted at (01) 6761914 or by email at iis@iif.ie.

### **Tax Code**

96. **Deputy Dara Calleary** asked the Minister for Finance the position regarding the introduction of a carbon tax on coal fuel. [16381/11]

**Minister for Finance (Deputy Michael Noonan):** The section in the Finance Act 2010 that provides for the application of the carbon tax to solid fuels (coal and commercial peat) is subject to a Ministerial Commencement Order. This approach was primarily adopted by the previous Government in order to allow time for a robust mechanism to be put in place to improve the control of high sulphur coal being sourced from Northern Ireland suppliers. As the Deputy may be aware, in that context the Department of the Environment in conjunction with the National Standards Authority of Ireland (NSAI) proposed new regulations for coal which would effectively extend the existing voluntary agreement for low sulphur coal to the entire State on a regulatory basis. A stakeholder committee was established to provide an input into the proposed regulations. Under EU law dealing with technical barriers to trade, Member States are required to notify the European Commission of all draft technical regulations concerning products before they are adopted in national law. Formal notification of the proposed new standard for coal issued from NSAI to the EU Commission in November 2010.

Following acceptance of the proposal by the EU Commission, the Minister for the Environment, Heritage and Local Government has recently introduced a new specification for the sulphur content of coal placed on the market for residential use in Ireland. This has been given legal effect through the Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2011.

In light of these developments, the issue of coal with a high sulphur content potentially being sourced from Northern Ireland has been addressed. In those circumstances the timing of the application of the carbon tax to solid fuels, as had been planned, will be considered.

### **National Asset Management Agency**

97. **Deputy Clare Daly** asked the Minister for Finance the amount paid to solicitors employed by the National Asset Management Agency; the fee structure; the number of solicitors retained by NAMA and their rate of remuneration. [16393/11]

**Minister for Finance (Deputy Michael Noonan):** There are 16 solicitors or para-legal staff working in the Legal & Tax division of NAMA. The National Asset Management Agency Act 2009 (Section 42) provides that all officers of NAMA are National Treasury Management Agency (NTMA) employees. The remuneration packages of all NTMA staff are negotiated on an individual contract basis and are confidential.

NAMA has also established panels for the provision of some legal services. A total of 42 Solicitor firms were appointed to an Enforcement and Re-financing Panel for both Ireland and the UK on 29 October 2010. To date 29 firms have been assigned work from this Panel. A

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total of 64 Solicitor firms were appointed to a Legal Due Diligence Panel on 28 November 2009. To date 18 firms have been assigned work from this Panel. A number of these firms have been appointed to more than one Panel.

As regards fees and remuneration, NAMA informs me that the contractual details of all contracts between the Agency and individual service providers are negotiated on a case by case basis, are commercially sensitive and are confidential. However, the NAMA Quarterly Report for the 4th Quarter of 2010 shows an unaudited aggregate figure of €3.099 million for legal and tax fees in 2010. I also am advised by NAMA that all major contracts awarded by it since its inception have been awarded through *www.etenders.gov.ie*, the website for Irish public tenders and have been fully compliant with standard public procurement procedures, which require that the most economically advantageous bid be accepted. The names of all successful service providers to NAMA are published on the NAMA website at *www.nama.ie/TendersIntro.php*.

### Tax Code

98. **Deputy Dara Murphy** asked the Minister for Finance if he will consider a risk equalisation within the alcohol retail industry by way of a reduction in excise paid by public houses which would be offset by an increase in excise paid by off-licences to narrow the pricing gap that currently exists between the two sectors. [16409/11]

**Minister for Finance (Deputy Michael Noonan):** It is assumed that the Deputy is referring to the annual alcohol excise licence fees payable by the on- and off-trade respectively. In that context it has to be recognized that the main Exchequer receipts for the sale of alcohol arises from excise on alcohol products, which for example yielded €968m in 2009, compared to a yield of around €13.6m in respect of all alcohol excise licence fees. Off-licence owners require a licence for each type of alcohol they sell, for each premises. Excise duty on off-licences is currently set at €500 each per licence for a beer, wine or spirits off-licence, having been increased in recent years. This means that a typical off-licence premises, including a supermarket, offering the full range of alcoholic beverages for sale will have three off-licences and will be paying €1,500 per annum in duty.

Pubs have a graduated licence duty fee structure based on turnover ranging from €250 to €3,805 (total of 6 bands). However, over 70% of pubs fall within the two lowest bands and pay excise duty of €505 or less. Some 85% of pubs pay annual licence fees of €1,140 or less — i.e. well below the usual full off-licence trader at €1,500 per annum. Indeed only around 10% of pubs pay licence fees that are clearly above those of off-licence traders, but the amounts involved are minor compared to the overall tax take otherwise from alcohol. The average licence fee paid by the on-trade is around €778.

It is difficult, therefore, to accept that there is a great deal of inequity in the present arrangements, and I have no plans to change them.

### Museum Projects

99. **Deputy Eric Byrne** asked the Minister for Finance the position regarding the Irish children's museum, which is planned for a site adjacent to Heuston Station, Dublin; his plans regarding this project; when building work will commence; and if he will make a statement on the matter. [16423/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** Advancing the proposed Children's Museum project at a site at Heuston Gate, Kilmainham, Dublin, is entirely

dependent on the availability of State capital funding. In the current economic environment, I cannot state when building work will commence.

### **Financial Sector Restructuring**

100. **Deputy Michael McCarthy** asked the Minister for Finance when he expects the promised two universal full service domestic banks to be fully operational; when the re-structuring process of Irish Life and Permanent is expected to be complete; if he will publish a progress report on the planned re-organisation of the banking sector; and if he will make a statement on the matter. [16426/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will be aware from my Statement on Banking on 31 March 2011 that the future of Ireland's banking landscape will be built around the two Pillar Banks, Bank of Ireland and AIB. Each of these banks has already begun to reorganize their operations into core and non-core functions and to implement a carefully managed programme of deleveraging. Both Bank of Ireland and AIB have submitted revised deleveraging plans for consideration by the Central Bank of Ireland. It is important to note that both banks are fully operational and continue to provide an important service to their customers. In my Statement on Banking, I said that the Irish banking system needs to be reduced to a size appropriate to our economy. Our banks will become smaller, more focused on core operations, better funded and better capitalised. In that context I announced that the operations of AIB and EBS would be combined to build a second Pillar bank from the strengths of both institutions. I expect this merger to be completed in early July 2011. The Deputy will be aware that the Memorandum of Understanding between the Irish Government and the EU/IMF requires that the legal merger procedure be completed not later than end September 2011.

Irish Life and Permanent are required to submit their Restructuring Plan to the European Commission for approval by 31 July 2011 and the process to effect the sale of ILP's life insurance subsidiary, Irish Life Assurance has begun and it is expected it will be offered for sale by the end of October 2011. 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. This radical restructuring of the banking system is designed to put our banking system on a firm footing which is essential to Ireland's economic recovery.

### **Credit Union Movement**

101. **Deputy Catherine Murphy** asked the Minister for Finance the options available to the credit union movement in relation to the ratio of loan losses and the risk to the viability of some credit unions; the solutions he is considering; the details of same; and if he will make a statement on the matter. [16466/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will be aware that under the EU/IMF Programme of Support for Ireland, stress tests and loan book reviews on credit unions have been completed by the Central Bank of Ireland. The purpose of this work was to provide the Central Bank of Ireland with the necessary regulatory information to concentrate its supervisory focus and, where necessary, to take pre-emptive remedial action to maintain member confidence and protect the financial stability of the credit union sector. The Registrar of Credit Unions at the Central Bank is working closely with those credit unions that require particular



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attention at this time. More broadly, and also as part of the EU/IMF Programme, I have prepared a strategy to enhance the viability of credit unions. I intend to bring this strategy to Government shortly after which time it may be published.

The Commission on Credit Unions was established by Government on 31 May 2011 and met for the first time on 20 June 2011. The Commission will review the future of the credit union movement and make recommendations in relation to the most effective regulatory structure for credit unions. In carrying out its work, the Commission will take into account credit unions' 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. I have also asked the Commission on Credit Unions to examine the Strategy and make recommendations to me as Minister for Finance regarding any relevant proposals.

### **Tax Collection**

102. **Deputy Bernard J. Durkan** asked the Minister for Finance further to Parliamentary Question No. 245 of 12 January 2011, if contact was made with an employer (details supplied), who has failed to obtain a refund of income tax paid notwithstanding that the taxable income in respect of the relevant year was in respect of income earned in the year previous to that asserted by the Revenue Commissioners; and if he will make a statement on the matter. [16516/11]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that, as advised in our letter of 6 January 2011, contact was made with the employer in January 2011. However, the details necessary to carry out reviews have not yet been made available to Revenue. Contact has again been made, today, with the employer to obtain these details.

### **Disabled Drivers**

103. **Deputy Noel Coonan** asked the Minister for Finance if there is finance available to a person (details supplied) in County Tipperary who was refused on appeal a primary medical certificate and is seeking to purchase a specially adapted vehicle; and if he will make a statement on the matter. [16559/11]

**Minister for Finance (Deputy Michael Noonan):** The initial application for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994, is made to the Senior Medical Officer of the relevant local Health Service Executive (HSE) administrative area. If the Primary Medical Certificate is refused, the person may appeal the refusal to the Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin.

I understand the person appealed the decision of the Senior Medical Officer not to grant a Primary Medical Certificate and the appeal was subsequently refused by the Medical Board of Appeal. If the person wishes to apply again for a Primary Medical Certificate, the application to the Senior Medical Officer must be accompanied by a medical certificate from a registered medical practitioner indicating that the practitioner has formed the opinion that the medical condition of the person concerned has materially disimproved since the previous application. I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

I understand that the HSE administers both the Mobility Allowance and Motorised Transport Grant Schemes, which the person may be eligible for.

### **Departmental Staff**

104. **Deputy Michael Creed** asked the Minister for Finance if he will clarify the situation regarding the Revenue Commissioners and their engagement with public representatives on behalf of clients who have clearly authorised the Revenue to discuss details of their personal finances and tax matters with public representatives; and if he will make a statement on the matter. [16572/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that all processing of personal taxpayer information by Revenue is carried out in accordance with the Data (Protection) Acts. A general principle of Irish data protection law is that the data controller needs the consent of the data subject in order to disclose personal tax information to a third party. Revenue has a duty to protect the confidentiality of taxpayer information, both personal and commercial, which is now formalised by s.77 Finance Act 2011. Revenue staff are expected to take great care to protect taxpayers' information and accordingly, where enquiries of a general nature are made, for example, by telephone to Revenue it is not unreasonable that staff should request the appropriate evidence of consent in advance of passing on or discussing personal taxpayer information.

However, Revenue fully recognise the role of public representatives in relation to their constituents. When Deputies make representations on behalf of individual taxpayers, these representations normally contain personal information such as individual's PPS Number or other personal tax identifiers. In these circumstances there is generally sufficient evidence to reasonably support Revenue in a presumption of consent on the part of the taxpayer to third party representation on their behalf.

I am advised by the Revenue Commissioners that this approach is working well; for example, in the year 2010 more than three hundred and seventy representations were directed to the Chairman of the Revenue Commissioners by public representatives in relation to individual taxpayer issues.

The Revenue Commissioners advise me that they have a dedicated enquiry line for members of the Houses of the Oireachtas, which can be reached on (01) 6795852.

### **FÁS Training Programmes**

105. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding a national craft certificate in respect of a person (details supplied). [16512/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** My Department has been in touch with FÁS and it has set out the position below in regard to this case. The requirements for the Award of the National Craft Certificate are as follows. Those who completed an apprenticeship from 1st September 1986 must provide proof that they have: documentary evidence of registration with AnCO/FÁS; acceptable documentary evidence of having completed the appropriate period of apprenticeship; proof of having been awarded the Department of Education Senior Trade Certificate.

FÁS can facilitate those who do not meet the educational requirements above to validate their competence through the Standards Based Apprenticeship Programme. Applicants must undertake the Phase 6 examinations in lieu of the Junior/Senior Trades Examinations.

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Applicants who do not fulfil the above requirements and wish to have their competence validated are required to sit and pass the final off-the-job Phase examination of the Standard Based Apprenticeship Programme. FÁS Apprenticeship Services has not received an application from the person in question for either of these facilities.

### **Vocational Education Committees**

106. **Deputy Emmet Stagg** asked the Minister for Education and Skills if he will direct Offaly Vocational Education Committee to honour its commitments to an organisation (details supplied) for funding in 2011. [16604/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I understand from County Offaly Vocational Education Committee (VEC) that in January 2009 it notified the project referred to by the Deputy that funding would be phased out over the three years to end-2011.

By way of background, my Department funds adult and community education through annual grants to VECs which deliver these courses locally. The disbursement of funds is a matter for each VEC, which, subject to its budget, decides the nature and extent of the adult and community education courses to be provided in its area. The organisation and location of courses are also matters for decision by the VECs.

### **School Staffing**

107. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if he will examine the proposed staffing levels for September 2011 at a school (details supplied) in County Limerick, with a view to sustaining the current teacher numbers; and if he will make a statement on the matter. [16706/11]

111. **Deputy Dan Neville** asked the Minister for Education and Skills if he will ensure that a school (details supplied) in County Limerick will be retained as a four-teacher school. [16114/11]

128. **Deputy Niall Collins** asked the Minister for Education and Skills if he will grant a fourth teacher to a school (details supplied) in County Limerick; and if he will make a statement on the matter. [16404/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 107, 111 and 128 together.

The criteria used for the allocation of teachers to schools is published annually on my Department's website. The key factor for 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 allo-

cation process will be fully completed for mainstream classroom teachers and any appeals to the Staffing Appeals Boards will have been considered.

### State Examinations

108. **Deputy David Stanton** asked the Minister for Education and Skills if his attention has been drawn to the difficulties with leaving certificate, higher level maths paper 1; and if he will make a statement on the matter. [16846/11]

117. **Deputy Joe McHugh** asked the Minister for Education and Skills his views on the leaving certificate higher level mathematics paper I that was issued to students on Friday, 10 June 2011, with reference to the construction and phraseology of questions; and if he will make a statement on the matter. [16238/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 108 and 117 together.

The State Examinations Commission has operational responsibility for the certificate examinations. I have been advised that the State Examinations Commission (SEC) is satisfied that the questions asked on the Mathematics paper are within the parameters of the syllabus. In respect of specific queries which have been raised the SEC has confirmed that Question 7(b) as presented is correct and that the material examined in Question 8(c) is within the syllabus.

Comments and observations regarding test instruments are an intrinsic part of the feedback that SEC would expect to receive in any year. The well-tried methodology in place to deal with issues that arise in the course of the examination process is the development of the marking scheme by the Chief Examiner and his college of examiners in light of the circumstances of that year's examinations. All observations received in relation to a subject are reviewed by the Chief Examiner in the context of preparing the marking scheme for that subject. I am satisfied that the SEC has well-established procedures in place to ensure that assessment procedures operate in accordance with the principles of fairness, equity and quality assurance.

### Schools Building Projects

109. **Deputy Paschal Donohoe** asked the Minister for Education and Skills if his attention has been drawn to the poor physical conditions of a school (details supplied); if he will consider the use of a site (details further supplied) for a relocation of the school; and if he will make a statement on the matter. [16105/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that in recent months my Department has approved emergency funding for works to the water main, for roof repairs and for sewerage works at the school to which he refers. My Department is committed to providing a permanent building for this school and in this regard, officials in my Department have conducted technical inspections of two properties at the request of the school authority. The site referred to by the Deputy is the preferred option identified and a proposal has been forwarded to the land owner for consideration. My Department is currently awaiting a response to this proposal.

### Higher Education Grants

110. **Deputy Timmy Dooley** asked the Minister for Education and Skills if he will amend the higher education grant circular of 3 May 2011 to limit the changes in criteria to only the new

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students who are starting their academic career in September-October 2011; and if he will make a statement on the matter. [16110/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy is referring to the changes to the student grant schemes introduced under Budget 2011 by the previous Fianna Fáil-Green Party Government. I regret that the economic circumstances of the country are such that I am not in a position to reverse any of the changes or to limit them to new students.

*Question No. 111 answered with Question No. 107.*

### **Schools Building Projects**

112. **Deputy Michael Creed** asked the Minister for Education and Skills if in view of projected enrolment and the requirement for additional classroom accommodation in the near future he will review the financial allocation made to a school (details supplied) in County Cork which has been sanctioned for the purpose of the provision of a single additional classroom; if he will provide a further additional allocation in order that a school may proceed with proposals to provide two additional classrooms for which they have secured planning permission and consequently avail of economies of scale rather than reverting to him in 12 months time seeking a further allocation similar to that provided for the purposes of a second additional classroom; and if he will make a statement on the matter. [16180/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm to the Deputy that my Department has received correspondence from the school authority relating to the matter to which he refers. The correspondence is currently being considered and a response will be conveyed to the school authority as soon as this process has been completed.

113. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills if he will review a matter (details supplied) regarding the allocation of funds to a school (details further supplied) in County Kerry; and if he will make a statement on the matter. [16181/11]

122. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills if €50,000 will be provided to a school (details supplied) in County Kerry for necessary accommodation works; and if he will make a statement on the matter. [16357/11]

133. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will co-operate with the board of management of a school (details supplied) in County Kerry. [16482/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 113, 122 and 133 together.

My Department approved a devolved grant to the school referred to by the Deputy to construct a resource teaching room. The school subsequently sought additional funding and permission to increase the scope of the works beyond that approved. My Department sought additional information from the school authorities and this has now been submitted. My Department is currently liaising with the school authorities relating to the matter.

### Special Educational Needs

114. **Deputy Charlie McConalogue** asked the Minister for Education and Skills his views on the recently published circular on learning support and resource hours; and if he will make a statement on the matter. [16212/11]

115. **Deputy Charlie McConalogue** asked the Minister for Education and Skills his plans to review the circular on learning support and resource teaching hours that will now prevent principals from proceeding to attempt to organise hours for pupils; and if he will make a statement on the matter. [16213/11]

116. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if he will lift the clause in the allocation of resource hours recently published in the circular on learning support and resource teaching hours and allow principals the time necessary to sort staff for the next academic year; and if he will make a statement on the matter. [16214/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 114, 115 and 116 together.

I wish to advise the Deputy that Circular 37/2011 provides information to schools regarding the arrangements which are being put in place for the 2011/12 school year for the allocation of Resource Teaching hours for children with assessed special educational needs.

The main elements of the arrangements outlined in the Circular are that for the coming 2011/12 school year, an allocation of 90% of valid identified resource teaching allocations will be made to schools, in the first instance, to provide schools with the majority of their allocation, while also preserving enough capacity to deal with late applications and ensure that the Department of Education and Skills can remain within Employment Control Framework obligations.

The National Council for Special Education (NCSE) have now notified schools of their allocations for the coming school year, which allows schools to manage and organise staffing arrangements. Schools have also been asked to forward as soon as possible any outstanding applications, or additional outstanding materials to support incomplete applications, to the NCSE for consideration, but in any event by no later than 16th September 2011. Following consideration of all of the applications received, if the level of demand permits, the initial 90% allocation may be revisited and increased.

*Question No. 117 answered with Question No. 108.*

### European Globalisation Fund

118. **Deputy Terence Flanagan** asked the Minister for Education and Skills the position regarding the European Globalisation Fund (details supplied); and if he will make a statement on the matter. [16246/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The Irish authorities submitted the application for EGF co-financing support for redundant workers at the SR Technics aircraft maintenance facility at Dublin Airport on 9 October 2009. The European Commission subsequently sought further information on the application in January 2010 and this information was supplied by the Irish authorities in April 2010.

Under the European Commission decision of 8 December 2010 approving the Irish application submitted on 9 October 2009, measures provided in conformity with the application can

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be co-financed from 25 March 2009, the date when EGF supports commenced nationally in support of redundant S R Technics workers, and must cease on 9 October 2011.

As I have previously stated in the House on a number of occasions in recent weeks on this issue, the end date of EGF co-financing of relevant supports for these redundant workers must cease on 9 October 2011 in accordance with the European Commission decision. This end-date has always been made clear to both the providers of supports to the redundant workers including in written correspondence and to the redundant workers wishing to avail of those supports including at public meetings and at meetings with worker representatives.

In this context, it was always made clear to the former SR Technics workers and their representatives including at public meetings and at requested meetings with officials, that the full duration of the specific education course in question would not be funded through the EGF programme and that funding would end before accreditation is achieved. It was on this precise basis that what was originally a part-time course, was under the EGF programme offered by the relevant private college on a full-time basis in order to accelerate students' progress on a modular basis and maximise the scope for them to benefit from the EU funding available. Under the EGF Regulation governing the Fund, EU co-financing under the EGF programme is available for a maximum of 24 months from the date of submission of an application by a Member State. It is therefore not possible for a student to complete a four year course under any EGF programme.

As stated previously, no additional Exchequer funding is available to fund continued study on this course in this private college after 9 October 2011. It is open to the relevant students to engage with the private college to seek a reduced course fee for continuance of the course full-time but at their own expense. Alternatively, the relevant students could potentially transfer to other full-time courses in the public system which are part of the Free Fees Scheme without losing their Back to Education Allowance. In this context, in the case of a student with a higher certificate or an ordinary bachelor degree wishing to transfer onto a degree programme, procedures are not standardised between individual colleges. Students are advised in each case to make detailed enquiries at the college they are interested in entering regarding the specific transfer mechanisms. In many instances, applications are assessed individually and an interview may be required. Students are advised that the attainment of any of the qualifications outlined does not oblige a college to accept applications for entry. As the number of places is limited in many cases, intending applicants should consider applying to more than one institution. A full list of courses in higher education is available on [www.qualifax.ie](http://www.qualifax.ie).

### **Schools Amalgamation**

119. **Deputy Gerry Adams** asked the Minister for Education and Skills if small rural schools (details supplied) in County Louth will be supported in the vital work in which they are engaged, educating children. [16266/11]

127. **Deputy Seán Crowe** asked the Minister for Education and Skills if a school (details supplied) in County Westmeath will remain open during the 2011-12 academic year. [16401/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 119 and 127 together.

I take it that the Deputies' questions relate to these schools 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 Fáil — 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 schools referred to by the Deputies the existing rules and current sustainability limits will continue to apply and there are no plans at this time to close either of these schools.

### **Schools Building Projects**

120. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the position regarding building of new extensions for schools (details supplied) in County Meath; and if he will make a statement on the matter. [16305/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, building projects to provide improved accommodation for the two schools in question were included on the list of projects announced on 24th January 2011 to commence architectural planning. In the context of progressing these projects, officials from my Department's Planning and Building Unit recently carried out technical assessments of both schools. The next step is to finalise the Schedules of Accommodation and this process is currently under way. My



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Department will continue to liaise with the school authorities in the context of progressing the projects to the next stage of the architectural planning process.

### Higher Education Grants

121. **Deputy Gerald Nash** asked the Minister for Education and Skills the mechanism used to calculate distance from a qualifying third level institution for the purposes of the third level maintenance grant scheme. [16326/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The measurement of the distances in question is a matter for grant awarding bodies. I understand that a range of mechanisms can be used, for example online mapping such as AA Route Planner or Google Maps. In each case the shortest, most direct route to college is measured. If there is a dispute it may be necessary to carry out a physical measurement.

*Question No. 122 answered with Question No. 113.*

### State Examinations

123. **Deputy Michael McCarthy** asked the Minister for Education and Skills the number of errors on each leaving certificate paper that have come to light during the exam and were notified to students for each of the past three years; the procedures he is putting in place to ensure that exam papers are error-free; and if he will make a statement on the matter. [16359/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations, determining procedures in places where examinations are conducted including the supervision of examinations and making arrangements for the marking of work presented for examination.

In view of this I have forwarded your query to the State Examinations Commission for direct reply to you. My Department has published on its website ([www.education.ie](http://www.education.ie)) the reports from the State Examinations Commission relating to the preparation and productions issues which arose in the examinations in 2010, and the report in 2009 on the security breach which led to a re-scheduling of English Paper 2.

### Schools Refurbishment

124. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if he will reconsider a decision to turn down an application for funding under the summer works scheme in respect of a school (details supplied) in County Limerick. [16363/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme. A list of 453 successful schools was announced on 30 March 2011. Applications from schools for gas, mechanical and electrical works were prioritised under the Summer Works Scheme funding this year and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school.

In light of further funding being made available under the Government's Jobs Initiative, projects submitted under the 2011 Summer Works Scheme were considered further. Unfortu-

nately, due to the scale of demand for funding, it was necessary to further prioritise categories of works in respect of access for all, toilets, roofs and post primary school windows projects. I regret that the application referred to above was also unsuccessful under the Initiative.

Details of all successful schools under both initiatives may be viewed on the Department's website, [www.education.ie](http://www.education.ie).

### Primary Education

125. **Deputy Catherine Murphy** asked the Minister for Education and Skills the average cost per annum to educate a child at primary level; if he will provide a breakdown of the calculation; and if he will make a statement on the matter. [16390/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The estimated average cost per annum of a student in first-level education based on the 2010 Provisional Outturn is €6,419. The calculations are as follows:

	€m
Department Staff & Administration	43
Teachers' Pay	2,007
Teacher Education	10
Teacher Superannuation	449
Special Needs Assistants	291
School Transport	120
Capitation & Ancillary Grants	193
Miscellaneous Grants & Services	135
<b>TOTAL</b>	<b>3,248</b>
Number of Students	505,998
Estimated Average cost	€6,419

### Redundancy Payments

126. **Deputy Michael Creed** asked the Minister for Education and Skills, further to Parliamentary Question No. 70 of 4 May 2011, if a person (details supplied) in County Cork has received their redundancy payment; and if he will make a statement on the matter. [16397/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The redundancy payment for the person referred to by the Deputy will be paid to her on the 7 July 2011.

*Question No. 127 answered with Question No. 119.*

*Question No. 128 answered with Question No. 107.*

### Higher Education Grants

129. **Deputy Michael Creed** asked the Minister for Education and Skills when a person (details supplied) in County Cork will receive a decision on an appeal in respect of an application for a higher education grant; and if he will make a statement on the matter. [16410/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The appeal in question was received in my Department on 24/02/2011. On foot of the information contained in the appeal papers, my Department asked the grant awarding body to re-assess the grant application. My

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Department informed the student of this outcome on 7/3/11. The grant awarding body subsequently re-assessed the grant application and a decision issued to the student, in writing, on 30 March 2011.

### School Curriculum

130. **Deputy Paudie Coffey** asked the Minister for Education and Skills if he intends to make information and communication technology a compulsory subject for the junior and leaving certificate examinations; and if he will make a statement on the matter. [16416/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The curriculum in schools is devised on the basis that ICT is not a curriculum area or syllabus but rather a tool to be integrated into the teaching and learning of all subjects. The National Council for Curriculum and Assessment (NCCA) has developed an ICT framework which sets out a structured approach to ICT in curriculum and assessment. The Framework provides a guide to teachers for embedding ICT in curriculum and assessment across curriculum subjects. It is supported by exemplars on the NCCA Action website, and by the ongoing work of the National Centre for Technology in Education. The Scoilnet website includes a comprehensive range of digital content for use across the curriculum in schools.

Under the ICT in Schools Programme, which addresses the integration of ICT into teaching in learning in first and second level schools, the Department spent €35.172m in 2009 and €81.253m in 2010. The investment is targeted at provision of ICT infrastructure, training of teachers, the provision of curriculum-relevant digital content and a national broadband service for schools. One of the objectives of junior cycle reform is to promote increased creativity and innovation, to create space for active learning, and to better embed key skills such as ICT, teamwork and communications. I expect the National Council for Curriculum and Assessment to advise me later this year on the direction of reform.

### Schools Refurbishment

131. **Deputy Pat Deering** asked the Minister for Education and Skills his plans to make a secondary school classroom in County Carlow (details supplied) safe. [16463/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school to which the Deputy refers applied to my Department for funding under the Summer Works Scheme 2011. Unfortunately, due to the scale of demand for funding under the scheme, it was not possible to grant aid all applications. As outlined in the Circular governing the operation of the scheme, applications for works in the higher categories of eligible works were prioritised and it was not possible to include the school referred to by the Deputy in the list of 453 successful schools that was announced on 30 March 2011 and in the further list of 374 schools that were successful under the Jobs Initiative. The school has been advised accordingly.

For works that are of a very urgent nature, it is open to the school authorities to consider if the works in question, or part thereof, qualify for funding under my Department's Emergency Works Scheme. An emergency is deemed to be a situation which poses an immediate risk to health, life, property or the environment which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. Details of the Scheme, together with an application form for grant assistance, can be accessed on my Department's website at [www.education.ie](http://www.education.ie).

### Schools Building Projects

132. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will review his plans for a school (details supplied) in County Kerry. [16481/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A new 12 classroom school is currently under construction for the school referred to by the Deputy.

The school has recently made a further application for additional accommodation to cater for a future increase in enrolments and for the provision of a special class for autism. This application is currently being assessed and officials in my Department will convey a decision on the application to the school authority shortly.

*Question No. 133 answered with Question No. 113.*

### School Transport

134. **Deputy Brendan Griffin** asked the Minister for Education and Skills if free school transport will be provided in respect of persons (details supplied) in County Kerry; and if he will make a statement on the matter. [16509/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Under the terms of my Department's Primary School Transport Scheme, pupils who reside 3.2 kilometres or more from, and are attending, their nearest suitable national school as determined by my Department, are eligible for school transport.

It is open to pupils who reside less than 3.2 kilometres from their nearest school to apply for concessionary fare-paying transport to the school which they are attending. Concessionary transport is offered subject to a number of terms and conditions, including the availability of spare seating on an existing service.

The parents of the pupil referred to by the Deputy should liaise with their local Bus Éireann office regarding the availability of concessionary transport.

### Schools Refurbishment

135. **Deputy Catherine Byrne** asked the Minister for Education and Skills if he will review an application for funding in respect of a school (details supplied) in Dublin 10 under the schools summer works scheme 2011; and if he will make a statement on the matter. [16519/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme. A list of 453 successful schools was announced on 30 March 2011. Applications from schools for gas, mechanical and electrical works were prioritised under the Summer Works Scheme funding this year and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school.

In light of further funding being made available under the Government's Jobs Initiative, projects submitted under the 2011 Summer Works Scheme were considered further. Unfortunately, due to the scale of demand for funding, it was necessary to further prioritise categories of works in respect of access for all, toilets, roofs and post primary school windows projects. I regret that the application referred to above was also unsuccessful under the initiative. Details of all successful schools under both initiatives may be viewed on the Department's website, [www.education.ie](http://www.education.ie).

### Schools Refurbishment

136. **Deputy Catherine Byrne** asked the Minister for Education and Skills if he will review an application for funding for a school (details supplied) in Dublin 6W under the school's summer works scheme 2011; and if he will make a statement on the matter. [16520/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme. A list of 453 successful schools was announced on 30 March 2011. Applications from schools for gas, mechanical and electrical works were prioritised under the Summer Works Scheme funding this year and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school.

In light of further funding being made available under the Government's Jobs Initiative, projects submitted under the 2011 Summer Works Scheme were considered further. Unfortunately, due to the scale of demand for funding, it was necessary to further prioritise categories of works in respect of access for all, toilets, roofs and post primary school windows projects. I regret that the application referred to above was also unsuccessful under the Initiative.

Details of all successful schools under both initiatives may be viewed on the Department's website, [www.education.ie](http://www.education.ie).

### School Transport

137. **Deputy Seán Kenny** asked the Minister for Education and Skills the number of primary and post-primary school students who have availed of the school transport scheme from 2008 to date in 2011, inclusive; the charges for the school transport scheme in each of the years; and if he will make a statement on the matter. [16522/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The information requested by the Deputy is contained in the following tables.

Table 1: Number of Pupils availing of school transport

School Year	Primary	Post Primary	Total
2007/2008	59,599	75,526	135,125
2008/2009	60,146	75,100	135,246
2009/2010	58,922	66,021	124,943
2010/2011	59,802	65,000	124,802

Table 2: Charges

Category of pupil	Rates effective from September, 1998 (term charge)	3rd term 2007/08 school year (term charge)	1st term 2008/09 school year (term charge)	Annual charge 2009/10 school year	Annual charge 2010/11 school year
Eligible Junior Cycle pupil	€33-€99 — annual	€46-€138 — annual	€56-€168 — annual	€300 — annual	€300 — annual
Eligible Senior Cycle pupil	€51-€153 — annual	€71-€213 — annual	€78-€234 — annual	€300 — annual	€300 — annual
Concessionary primary pupil	€26-€78 — annual	€36-€108 — annual	€40-€120 — annual	€200 — annual	€200 — annual

Category of pupil	Rates effective from September, 1998 (term charge)	3rd term 2007/08 school year (term charge)	1st term 2008/09 school year (term charge)	Annual charge 2009/10 school year	Annual charge 2010/11 school year
Concessionary post-primary pupil	€51-€153 — annual	€71-€213 — annual	€78-€234 — annual	€300 — annual	€300 — annual
Maximum family contribution	€107-€321 — annual	€150-€450 — annual	€165-€495 — annual	€650 — annual	€650 — annual

### FÁS Training Programmes

138. **Deputy Seán Kenny** asked the Minister for Education and Skills the number of courses provided by FÁS in Baldoyle, Dublin 13; the courses provided within the centre; the courses which are outsourced; the number of participants availing of these courses; if he will provide the same information for each of the past three years; and if he will make a statement on the matter. [16523/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The information sought has been provided by FÁS to my Department and is contained in the following table.

Table -FÁS Baldoyle Training Centre

In Centre / Contracted	Year	Courses	Take Up	Year	Courses	Take Up	Year	Courses	Take Up
Contracted Training	2009	78	1,326	2010	96	1,632	2011	86	1,462
In Centre	2009	244	3,117	2010	273	4,001	2011	280	4,612
Total		322	4,443		369	5,633		366	6,074

### Schools Building Projects

139. **Deputy Ray Butler** asked the Minister for Education and Skills following his recent visit to a school (details supplied) in County Meath, if any further update is available on the provision of a new post-primary school building; when he expects a design team to be appointed; when will construction work commence; and if he will make a statement on the matter. [16546/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that my Department has completed the purchase of a site required for a new post-primary school in the area to which the Deputy refers.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme with due regard to the prioritisation criteria for large scale building projects and the level of additional school provision which will be required at both primary and post primary level to meet demographic increases. In light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

[Deputy Ruairí Quinn.]

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, is available on the Department's website at *www.education.ie*.

### Straitéis 20 Bliain 2010

140. **D'fhiafraigh Pearse Doherty** den Aire Oideachais agus Scileanna an bhfuil sé i gceist aige an grúpa ardleibhéil atá luaite i Straitéis 20 Bliain 2010 a bhunú go luath; agus an ndéanfaidh sé ráiteas ina thaobh. [16551/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tá mo Roinnse gafa faoi láthair le pléanna leis an Roinn Pobail, Comhionannais agus Gaeltachta faoi fheidhmiú céimnithe na Straitéise 20 Bliain don Ghaeilge.

Nuair a bheidh an chreatlach ama d'fheidhmiú foriomlán na Straitéise comhaontaithe, tionólfar an grúpa ardleibhéil atá luaite sa Straitéis. Is ceart a thabhairt faoi deara go gcomhthadhláíonn mo Roinnse ar bhonn leanúnach leis na páirtithe uile lena mbaineann.

### School Staffing

141. **Deputy Jim Daly** asked the Minister for Education and Skills the current allocation of resource teachers to a school (details supplied) in County Cork; and if he will make a statement on the matter. [16558/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the school in question currently has the support of 1 full time Resource Teaching post and 1 shared Learning Support/Resource Teacher (LSRT) as well as access to support from a LSRT post based in another school.

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 resource teaching support to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. Circular 37/2011 provides information to schools regarding the arrangements which are being put in place for the 2011/12 school year for the allocation of Resource Teaching hours for children with assessed special educational needs.

The National Council for Special Education (NCSE) has now notified schools of their allocations for the coming school year. Schools have also been asked to forward as soon as possible any outstanding applications, or additional outstanding materials to support incomplete applications, to the NCSE for consideration, but in any event by no later than 16th September 2011.

### Schools Building Projects

142. **Deputy Jim Daly** asked the Minister for Education and Skills if he is in receipt of an appeal of the summer works programme decision in respect of a school (details supplied) in County Cork; if his attention has been drawn to the health and safety report attached that states certain rooms in the school will have to be closed off from the students if repair works are not carried out immediately; and if he will make a statement on the matter. [16564/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that a major capital project for the school to which he refers was included on a list of projects, which were announced on 24 January 2011, for which briefs will be formulated in 2011.

In the context of progressing the project, my officials will be in contact with the school authority shortly to arrange a site visit to the school, which is the next step required to formulate the accommodation brief. When this process has been finalised, the process of appointing a Design Team can commence.

I can confirm that the school applied to my Department for funding under the Summer Works Scheme 2011. Unfortunately, due to the scale of demand for funding under the scheme, it was not possible to grant aid all applications. As outlined in the Circular governing the operation of the scheme, applications for works in the higher categories of eligible works were prioritised and it was not possible to include the school referred to by the Deputy in the list of 453 successful schools that was announced on 30 March 2011 and in the further list of 374 schools that were successful under the Jobs Initiative. The school has been advised accordingly.

My Department's priority is to advance the capital project at the school and it is intended that the works which were the subject of the Summer Works application will be dealt with in the context of this project. For works that are of a very urgent nature that cannot await the completion of the major project, it is open to the school authorities to consider if the works qualify for funding under my Department's Emergency Works Scheme. An emergency is deemed to be a situation which poses an immediate risk to health, life, property or the environment which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. Details of the Scheme, together with an application form for grant assistance, can be accessed on my Department's website at [www.education.ie](http://www.education.ie).

143. **Deputy Tony McLoughlin** asked the Minister for Education and Skills if he will reconsider his decision not to include a school (details supplied) in the summer works scheme. [16567/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme. A list of 453 successful schools was announced on 30 March 2011. Applications from schools for gas, mechanical and electrical works were prioritised under the Summer Works Scheme funding this year and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school.

In light of further funding being made available under the Government's Jobs Initiative, projects submitted under the 2011 Summer Works Scheme were considered further. Unfortunately, due to the scale of demand for funding, it was necessary to further prioritise categories of works in respect of access for all, toilets, roofs and post primary school windows projects. I regret that the application referred to above was also unsuccessful under the Initiative.

Details of all successful schools under both initiatives may be viewed on the Department's website, [www.education.ie](http://www.education.ie).

144. **Deputy Damien English** asked the Minister for Education and Skills his plans for the provision of a permanent site and building for a school (details supplied) in County Meath; and if he will make a statement on the matter. [16574/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** On foot of a request from my Department the Office of Public Works identified a suitable site for the school referred to by the Deputy. However given the sensitivities associated with land acquisitions generally, I am not in a position to comment further at this point in time. The acquisition of the site and the



[Deputy Ruairí Quinn.]

delivery of the school building project will be considered in the context of the capital budget available to my Department for school buildings generally.

### School Transport

145. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if he will review the issue of school transport in respect of persons (details supplied) in County Limerick. [16577/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Under the terms of the Primary School Transport scheme pupils are eligible for free transport if they reside 3.2 kilometres or more from, and are attending, their nearest national school or school of amalgamation.

Bus Éireann, which operates the school transport scheme on behalf of my Department, has advised that the pupils referred to by the Deputy are not attending their school of amalgamation and are therefore not eligible for school transport under the Closed School Rule (CSR).

The Deputy may be aware that the cessation of the Closed School Rule (CSR) as it relates to primary school transport eligibility was announced in the 2011 Budget by the previous Fianna Fáil — Green Party Government and derives from a recommendation in the published Value for Money Review of the scheme.

This change is scheduled to take effect in September 2012 and will apply only in the case of pupils commencing their primary education from that date.

### Third Level Fees

146. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills the amount that has been paid in student fees to the Royal College of Surgeons in Ireland for those from non-EU countries [16583/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under the terms of my Department's Free Fee Scheme the Exchequer meets the cost of tuition fees in respect of eligible students who are pursuing full-time undergraduate courses of study which are a minimum of two years duration in an approved higher education institution. The main conditions of the scheme are that students must be first-time undergraduates, hold *inter alia* EU/EEA/Swiss nationality in their own right, and have been ordinarily resident in an EU/EEA/Swiss state for at least three of the five years preceding their entry to an approved third level course.

Where undergraduate students, such as non-EU 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 such students. Funding has not been allocated to the Royal College of Surgeons in respect of fees for students from non-EU countries.

### Credit Availability

147. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the date on which the partial credit guarantee scheme will start; and if he will make a statement on the matter. [16470/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** As part of the Jobs Initiative announced in this House on, 10th May, both the Minister for Finance and I confirmed the Government commitment to initiating a tendering process for the development of a tempor-

ary partial credit guarantee scheme. A call for competition for the design of a scheme was published on e-tenders on 15 June.

The design of the scheme will draw from international experience to support new lending that would not otherwise have been extended by the banks. In this way, the scheme will be limited in its scope and will complement, rather than be a substitute for, existing lending activities by the main financial institutions. It will be designed to encourage banks to lend to these new or expanding commercially viable SMEs so that they can grow their company, develop new products or expand into new markets.

The Government's commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before committing to a roll-over of the scheme for subsequent years. It is intended that the Scheme will be in place in the autumn.

### Work Permits

148. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation the position regarding a work permit application in respect of a person (details supplied) in County Cork. [16230/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department processes applications in respect of the different types of employment permits — Green Cards Permits, Work Permits, Spousal/Dependant Permits and Intra-company Transfer Permits. All applications are processed in line with the Employment Permits Act 2006.

I wish to advise the Deputy that this specific Work Permit application was received in the Employment Permits Section on the 8th June 2011.

All applications are processed strictly in date of receipt order by permit type and the Employment Permits Section is currently processing Work Permit applications received in the week beginning the 30th May 2011. Therefore, a decision is due on this application in the next two weeks.

### Departmental Reports

149. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the position regarding the work of the sales law review group which was established in November 2008; if it has completed its work reviewing the 1893 and 1980 Sales Acts; if not, when he expects to receive a final report; and if he will make a statement on the matter. [16495/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Sales Law Review Group was established in November 2008 to review the legislation governing the sale of goods and supply of services. It was asked also to assess the implications for Irish consumer rights and Irish consumer law of the EU Commission proposal for a Directive on Consumer Rights published in October 2008. An interim report on the proposed Directive prepared by the Review Group was issued in June 2009.

The time frame set for the Review Group originally envisaged that its work would be completed by mid-2010. In September 2010, the Group's Chairman, Professor Robert Clark, wrote to the then Minister for Enterprise, Trade and Innovation advising him that, while the Group's conclusions and recommendations were substantially complete, it proposed to defer finalising and submitting its report pending clarification of the final contents of the proposed Directive on Consumer Rights. The then Minister agreed to accept this deferral given the extensive overlap between Irish and EU law in this area.

[Deputy Richard Bruton.]

Agreement has now been reached on the Consumer Rights Directive by the European Parliament and Council, and the proposal is set to be formally adopted in the near future. The Sales Law Review Group held a meeting yesterday to finalise its recommendations and I expect to receive its final report shortly.

### EU Directives

150. **Deputy Dominic Hannigan** asked the Minister for Jobs, Enterprise and Innovation the position regarding the draft EU consumer rights directive; and if he will make a statement on the matter. [16496/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Discussions on the proposed Directive have been taking place in recent months between the European Parliament, the Commission and the Council under the co-determination procedure. The commencement of the trilogue talks followed the adoption of the Directive by Member States in Council on 24 January 2011, and a plenary session of the European Parliament on 24 March at which MEPs decided to postpone a final decision on the proposal with a view to reaching agreement with the Council.

Agreement has now been reached on a compromise text of the proposed Directive. This text was endorsed by Deputy Permanent Representatives in Brussels at COREPER on 15 June 2011, and was approved by the European Parliament's Internal Market and Consumer Protection Committee on 16 June with 28 votes in favour, none against, and three abstentions. The compromise proposal is scheduled to be put to a plenary vote of the European Parliament on 23 June. If accepted by parliament, the proposed Directive will then have to be formally approved by the Council of Ministers, following which Member States will have two years in which to implement it.

### Enterprise Support Schemes

151. **Deputy Jim Daly** asked the Minister for Jobs, Enterprise and Innovation if there are any grants available to a small business in the construction sector that has increased its staffing levels from four to 17 in the past 12 months; and if he will make a statement on the matter. [16541/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Enterprise Ireland works with client companies that fall into three main categories as follows:

- Manufacturing and internationally traded services companies employing ten or more people (and with a focus on exporting) including those in the construction sector;
- Innovation led start-ups with the potential to grow on international markets (and entrepreneurs with the ability to initiate projects that can compete in international markets) including those in the construction sector;
- Irish food companies, both those home-grown in Ireland, and those that are overseas-owned or controlled.

Enterprise Ireland support is targeted primarily at exporting companies. However, the agency can assist domestically trading companies, wishing to explore new opportunities in overseas markets, with its range of funding supports and programmes for Irish companies in the manufacturing and internationally traded services sectors including the following:

- Sustained Research, Development and Innovation;
- International Sales;
- Building Leadership and Management Capabilities;
- Embedding Competitiveness Improvements through a tailored programme of Lean Initiatives;
- Financial supports — including grant aid to support business development activities in established companies. In the case of innovative start-ups, the agency takes equity positions to support the start-up business plan;
- The Going Global Fund was launched in 2009 and helps domestically focused service companies investigate the possibility of internationalising their business. This fund is specifically aimed at locally traded companies that have successfully established businesses in Ireland and wish to explore opportunities to sell abroad.

Enterprise Ireland can also help companies retain the services of a Business Accelerator — an industry expert within a specific sector and market — with the experience, knowledge and contacts to support the company's expansion and development into an export market.

### **Employment Support Services**

152. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding employment support or placements. [16137/11]

**Minister for Social Protection (Deputy Joan Burton):** A fully integrated nationwide range of services and supports is available to Employers and Jobseekers through FÁS Employment Services, responsibility for which has been transferred to the Department. Jobseekers and Job Changers can register at one of the 63 local FÁS Employment Service Offices nationwide for on-site career guidance and job placement services.

FÁS also contracts with partnership companies and community organisations for the delivery of the Local Employment Service (LES) which provides career guidance/support in a further 25 locations throughout the country. In addition, FÁS Employment Services and the LES are the 'Gateway' to all FÁS training and employment programmes for Jobseekers and Job Changers. Further information for Jobseekers and Job Changers is available online at [www.fas.ie](http://www.fas.ie), or from any one of the local FÁS Employment Service Offices nationwide.

In relation to receiving work experience, unemployed individuals will shortly be able to access the National Internship Scheme, which was announced as part of last month's Jobs Initiative. The National Internship Scheme aims to provide those seeking employment, who have been on the Live Register for at least 3 months with an internship opportunity of 6 or 9 months in an organization in the private, public or community & voluntary sectors. The internships provided under this scheme will provide individuals with valuable work experience, which will enhance their skills and improve their prospects of securing employment in the future. The National Internship Scheme is due to be operational from the 1st July.

Another similar scheme, which may be of interest to those seeking employment is the FÁS Work Placement Programme. Under this scheme individuals can avail of a work placement of up to 9 months in duration. Participation on this scheme is not restricted to those on the Live Register. Details of how to avail of this scheme are available from the local FÁS Employment Service office or the FÁS websites [www.fas.ie](http://www.fas.ie).

[Deputy Joan Burton.]

In addition to these programmes and services, my Department also operates a range of employment support measures designed to encourage and support social welfare recipients of working age to reduce their dependency on welfare payments. Supports available include the back to education programme and back to work schemes.

153. **Deputy Gerald Nash** asked the Minister for Social Protection if she intends to lift the embargo on recruitment which is in place in regard to the FÁS-operated jobs initiative scheme. [16451/11]

154. **Deputy Gerald Nash** asked the Minister for Social Protection her plans for the future of the FÁS-operated jobs initiative scheme. [16452/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 153 and 154 together.

The Job Initiative is a FÁS programme providing full-time employment for people who are 35 years of age or over, unemployed for 5 years or more, and in receipt of social welfare payments over that period. The main purpose of the programme is to assist long-term unemployed people to prepare for work opportunities. The programme achieves this by providing participants with work experience, training and development opportunities. The programme is sponsored by groups wishing to benefit the local community, namely voluntary organisations, public bodies and those involved in not-for-profit activities.

Following changes introduced to the Job Initiative scheme by the then Minister for Enterprise Trade and Employment in 2004, there is currently no recruitment onto the scheme while existing participants will have their contracts renewed. There are no plans currently under consideration to lift the embargo on recruitment or to introduce changes to the programme.

### **Pension Provisions**

155. **Deputy Jim Daly** asked the Minister for Social Protection further to Parliamentary Question No. 95 of 9 May 2011 the options available to a person (details supplied) after the Pensions Ombudsman has already made a determination order in their favour to force the company to pay the sum of pension due; and if she will make a statement on the matter. [16561/11]

**Minister for Social Protection (Deputy Joan Burton):** Where the party to a dispute or complaint fails or refuses to comply with a Determination of the Pensions Ombudsman, an application can be made to the Circuit Court to make an order directing that party to carry out the determination in accordance with its terms. Enforcement proceedings may be initiated either by one of the parties to the complaint or by the Pensions Ombudsman. In the first instance, the onus is on the party concerned to seek to have the Determination enforced through the courts. The Pensions Ombudsman may apply to the Circuit Court for an order requiring that his Determination be implemented if he is of the opinion that it is appropriate to do so having regard to all the circumstances. A case will have to involve special or unusual circumstances for him to become involved in the enforcement process.

### **Social Welfare Benefits**

156. **Deputy Jack Wall** asked the Minister for Social Protection if a person (details supplied) in County Kildare is entitled to supplementary welfare allowance in view of the fact that the

appeals officer has determined that the person is habitually resident here since 8 February 2011; and if she will make a statement on the matter. [16101/11]

**Minister for Social Protection (Deputy Joan Burton):** The supplementary welfare allowance scheme is administered on behalf of the Department by the community welfare division of the Health Service Executive (HSE). Although the person concerned has been deemed habitually resident, a number of other criteria must be also be fulfilled in order to qualify for a weekly payment of supplementary welfare allowance. The person concerned has been asked to provide further information by the community welfare office in the HSE in order that his claim for entitlements can be examined. When the information has been provided a decision will then be made on his claim.

### Social Welfare Appeals

157. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding a disability allowance appeal in respect of a person (details supplied) in County Cork. [16120/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order. In the context of dealing with the considerable number of appeals now on hand, the Department has made a further 9 additional appointments to the office in recent weeks.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but she/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.

### Employment Support Services

158. **Deputy Michael Creed** asked the Minister for Social Protection his views on the predicament of law graduates in the context of the graduate placement scheme, details of which are to be announced shortly; if private law firms will be eligible to take on law graduates under this scheme, thereby facilitating their access to legal apprenticeships; and if she will make a statement on the matter. [16135/11]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme will provide eligible participants with an internship opportunity of either 6 or 9 months in an organisation in the private, public or community and voluntary sectors. It should be noted that only individuals who are in receipt of Jobseekers Allowance/Benefit or signing onto the Live Register for at least 3 months will be eligible to participate in the National Internship Scheme. Private law firms can avail of the scheme provided that they meet the eligibility criteria for organisations and that they offer individuals a quality internship opportunity. However, it is not intended that the National Internship Scheme will provide individuals access to a legal apprenticeship. That is a matter for private law firms and the Law Society of Ireland.

### Social Welfare Appeals

159. **Deputy Dominic Hannigan** asked the Minister for Social Protection if a claim for job-seeker's allowance now under appeal will be approved and payment expedited in respect of a person(details supplied) in County Sligo; and if she will make a statement on the matter. [16141/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 30 May 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

160. **Deputy Gerry Adams** asked the Minister for Social Protection if she will ensure that part-time fire-fighters are entitled to receive social welfare payments in view of the fact that otherwise the result will be a serious diminution in the quality and the availability of firefighters working on a part-time basis. [16143/11]

**Minister for Social Protection (Deputy Joan Burton):** Part-time fire-fighters are entitled to the full range of social welfare benefits and allowances once they satisfy the statutory conditions of the scheme concerned. e.g. age, means PRSI contributions etc. Part-time fire-fighters are entitled to a jobseeker's payment in respect of days that they are engaged in fire-fighting or training. They are, however, required to satisfy the statutory conditions for the receipt of a jobseeker's payment of being available for and genuinely seeking work.

### Community Employment Schemes

161. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection the reason supervisors on a community employment scheme in Tallaght, Dublin 24, have not been paid since 18 March; and if the transfer of undertakings legislation applies in their case; and if she will make a statement on the matter. [16163/11]

**Minister for Social Protection (Deputy Joan Burton):** The Deputy will be aware that, 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 (CE) 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.

The persons referred to are supervisors with Action Tallaght Limited, a company limited by guarantee, that are the sponsors of both a community employment (CE) and job initiative (JI) scheme under a contract with FÁS. Action Tallaght Limited refused to abide by its contractual arrangements with FÁS to carry out the project in accordance with the terms and conditions. FÁS is not in a position to continue to support Action Tallaght Limited in the circumstances. As a result of this situation, FÁS, as a matter of urgency, arranged alternative work with another sponsor for the CE and JI participants. Action Tallaght Limited has responsibility as the employer to pay the supervisors concerned, to make arrangements for redundancy, or redeployment to other activities. I have been advised by FÁS that it understands that the

transfer of undertakings legislation does not apply in this case and has advised Action Tallaght Limited of its legal obligations to inform and consult with its employees regarding possible redundancy, or alternative employment within Action Tallaght Limited.

*Question No. 162 withdrawn.*

### **Employment Support Services**

163. **Deputy Terence Flanagan** asked the Minister for Social Protection the way the national internship scheme (details supplied) will work; and if she will make a statement on the matter. [16179/11]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme is a key part of the Government's Jobs Initiative. It will provide up to 5,000 places for those seeking employment with an internship opportunity of 6 to 9 months in an organisation in the private, public or community and voluntary sectors. During this time participants will receive an allowance, which will consist of a €50 per week top up on their existing social welfare entitlements.

The Internship scheme will assist in breaking that cycle whereby unemployed people cannot get a job without experience, either as new entrants to the labour market after education or training or as unemployed workers whose existing skills will not be appropriate to the types of jobs that will emerge in post-recession Ireland. The scheme will give young people a real opportunity to gain valuable experience to bridge the gap between study and the beginning of their working lives.

Work is being finalised on the development of the National Internship Scheme so that it will be ready for launch by the beginning of July. The National Internship Scheme will have its own website which will facilitate organisations applying online when they have internships to offer. However, in the interim further information is available through the following web link: [www.fas.ie/en/internship](http://www.fas.ie/en/internship). On this website, individuals and companies can register their interest in participating in the National Internship Scheme.

### **Social Welfare Benefits**

164. **Deputy Denis Naughten** asked the Minister for Social Protection if she will review the situation whereby persons in receipt of the carer's allowance who are providing care to a child are eligible for the free travel pass, however, the child is not; if she has evaluated the cost of extending this entitlement to such children; and if she will make a statement on the matter. [16185/11]

193. **Deputy Sandra McLellan** asked the Minister for Social Protection if she would consider allowing discretion on applications for free travel similar to the medical card applications to those that have serious health problems that have to travel long distances to hospitals for treatments such as chemotherapy and radiotherapy. [16498/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 164 and 193 together.

The free travel scheme is available to people aged 66 years or over, carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. In the majority of cases, persons who are being cared for will be in receipt of a payment in their own right (for example a State pension



[Deputy Joan Burton.]

or disability allowance) and will be entitled to have a free travel pass. This includes anyone aged over 16 who qualifies for disability allowance.

For a child requiring full-time care who is under age 16, a domiciliary care allowance of €309.50 per month may be paid to the parent or guardian. This payment is not means tested and is to provide for the additional costs involved in providing care and supervision that is substantially more than that normally needed by a child of the same age. This may include additional travel costs. The Health Service Executive (HSE) may also assist with transport costs in certain circumstances.

With the exception of those over 66 years of age, free travel passes are only provided when the person is in receipt of a qualifying payment from the Department. All of the Department's disability and invalidity payments carry an entitlement to a free travel pass with the exception of illness benefit which is regarded as a short-term scheme. I have no plans to extend the scheme further to provide travel passes to those who are not in receipt of a qualifying payment.

165. **Deputy Paul J. Connaughton** asked the Minister for Social Protection the reason, after a four-year delay, that she is pursuing a person (details supplied) in County Galway; and if she will make a statement on the matter. [16190/11]

**Minister for Social Protection (Deputy Joan Burton):** A review of the circumstances which gave rise to this overpayment is being undertaken. The Department will contact the person concerned shortly in this regard.

#### **Social Welfare Benefits**

166. **Deputy Tom Fleming** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Kerry. [16228/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the evidence, including that adduced at oral hearing, has allowed the appeal of the person concerned. The person concerned has been notified of the decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

167. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding re-assessment of rent supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16229/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive has advised that a rent supplement has been awarded to the person concerned from 14 April 2011. Full payment, including arrears will issue shortly.

168. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16232/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive has advised that it is awaiting outstanding documentation from the person concerned. When this

information is received a decision in relation to the person's entitlement to rent supplement will then be made.

### **Employment Support Services**

169. **Deputy Liam Twomey** asked the Minister for Social Protection the reason persons who have been trying to get full-time employment but can only get occasional work, are excluded from the Tús scheme in preference to persons who have not worked in any capacity; and if she will make a statement on the matter. [16233/11]

178. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection if she intends changing the eligibility to go on the new TÚS scheme either as a participant or a supervisor to include those who are fully unemployed and signing for credits but are not in receipt of a payment due to a spouse's or partner's income; and if she will make a statement on the matter. [16338/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 169 and 178 together.

The purpose of Tús is to focus on those people who are long-term unemployed. For this reason, eligibility is at present confined to those on the Live Register for 12 months and in receipt of jobseeker's allowance. Participants will, in the first instance, be identified by the Department of Social Protection by applying the following conditions. A person must be unemployed and in receipt of a jobseeker's payment for at least 12 months, currently be in receipt of jobseeker's allowance, and be fully unemployed.

These provisions are to ensure a targeted approach to those currently affected by long-term unemployment. I have no plans to amend the criteria at this time. The operation of Tús, including the eligibility criteria, will be kept under review and will inform the evaluation process in due course.

### **Local Authority Housing**

170. **Deputy Patrick O'Donovan** asked the Minister for Social Protection if in the interest of local authorities ability to collect overdue rent payments, an arrangement could be established whereby arrears would be deducted from social welfare payments. [16243/11]

**Minister for Social Protection (Deputy Joan Burton):** An arrangement allowing the deduction of local authority differential rents directly from social welfare payments is already provided for under the household budgeting facility operated by An Post. However, this facility is voluntary and allows the tenant to terminate the deductions with two weeks' notice.

The Department accepts that mandatory deductions of local authority differential rents from social welfare payments warrants careful consideration. However, the introduction of such a system would require significant IT development by, and incur significant costs on, both this Department and local authorities. In this regard I have asked officials from both Departments to examine any other options that might be available to address the difficulties faced by local authorities.

### **Social Welfare Benefits**

171. **Deputy Anne Ferris** asked the Minister for Social Protection when an application for domiciliary care allowance will be finalised in respect of a person (details supplied) in County Wicklow; if the matter will be expedited; and if she will make a statement on the matter. [16256/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 12 April 2011. This application was referred to one of the Department's medical assessors who found that the child was not medically eligible for the allowance. A letter issued on 17 June 2011 advising of the decision.

*Question No. 172 withdrawn.*

173. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding assistance in respect of a person (details supplied). [16296/11]

**Minister for Social Protection (Deputy Joan Burton):** Department records show that the spouse of the person concerned has applied for jobseeker's allowance on 17 May 2011. The Department's Deciding Officer will make a decision on entitlement to jobseeker's allowance in due course.

The Health Service Executive (HSE) has advised that it has awarded a basic supplementary welfare allowance (SWA) payment to the person in question while the decision on entitlement to jobseeker's allowance is under consideration.

The persons concerned should contact the community welfare officer at the local health centre should they wish to be considered for any other entitlements under the SWA scheme.

#### **Social Welfare Offices**

174. **Deputy Brian Stanley** asked the Minister for Social Protection if her attention has been drawn to the fact that persons residing within areas of Crumlin, Dublin 12, have to travel to Terenure, which has no direct bus service, to see a community welfare officer; if her further attention has been drawn to the problems this causes for persons accessing their entitlements; her plans to rectify this situation; and if she will make a statement on the matter. [16297/11]

**Minister for Social Protection (Deputy Joan Burton):** The supplementary welfare allowance scheme is administered by the community welfare division of the Health Service Executive (HSE) on behalf of the Department. Late last year agreement was reached between the HSE and unions representing the Community Welfare Officers that the staff of the Community Welfare Service (CWS) would transfer to the Department of Social Protection with effect from 1st January 2011 on a secondment basis initially. The period of secondment is to last for 9 months until the end of September 2011. From 1 October 2011 it is intended that the staff of the CWS will be transferred fully to the Department as civil servants.

In the context of the transfer of functions from the HSE to the Department a number of Transition Managers were appointed from within the CWS, to work with the Department to oversee the transfer of the service. These managers have responsibility for the day to day delivery of services.

The CWS has advised that the catchment areas for Community Welfare Officer (CWO) clinics in Crumlin and Terenure were re-configured approximately 15 years ago and that the current arrangements for the delivery of services have been in place since then.

The Department is committed to working closely with the CWS to ensure the efficient and effective delivery of services.

#### **Social Welfare Appeals**

175. **Deputy Seán Ó Fearghail** asked the Minister for Social Protection if she will expedite an appeal for carer's allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16308/11]

**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.

### Social Welfare Benefits

176. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection if she will grant an application for domiciliary care allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16310/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order. In the context of dealing with the considerable number of appeals now on hand, the Department has made a further 9 additional appointments to the office in recent weeks.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but she/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.

### Social Welfare Code

177. **Deputy Eric Byrne** asked the Minister for Social Protection if she will confirm that while cohabiting couples are deemed to be on a par with married couples for taxation purposes, if the male partner of this common-law relationship dies, that his partner would be entitled to a widow's pension and if not, why not; and if she will make a statement on the matter. [16313/11]

**Minister for Social Protection (Deputy Joan Burton):** I wish to inform the Deputy that taxation matters are primarily a matter for my colleague the Minister for Finance.

In relation to entitlement to a Widow's, Widower's or Surviving Civil Partner's Contributory Pension, to qualify for this payment, which is based on social insurance contributions, you must be a widow, widower or ( since 1 January 2011) a surviving civil partner .

[Deputy Joan Burton.]

Cohabitees do not qualify for this payment because cohabitees are not, or have not been married in the first instance and therefore do not satisfy the criteria of being a widow(er) / surviving civil partner.

While the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 creates a cohabitant's redress scheme for same-sex and opposite-sex couples giving protection to an economically dependent party at the end of a long-term cohabiting relationship, this does not extend to the provision of survivor's benefits which are payable only to those who were married or in a civil partnership.

*Question No. 178 answered with Question No. 169.*

### **Flood Relief**

179. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection if a person (details supplied) will be re-located under the flooding re-location scheme set up by the previous Government to help those affected by the floods in 2009 and who cannot get flood insurance on their houses as a result; and if she will make a statement on the matter. [16339/11]

**Minister for Social Protection (Deputy Joan Burton):** The Government has provided various types of support to people affected by the November 2009 flooding. Humanitarian Aid payments were made, both in the immediate aftermath of the flooding and subsequently to enable eligible households to resume living at their home. Flood relief works were also undertaken in some of the affected areas and other works are at an advanced state of preparation. Discussions took place with representatives of the insurance industry regarding giving households access to appropriate house insurance at a reasonable cost.

The Government is aware that for various reasons, a small number of people have been unable to resume living at their home and others, while they have resumed living at their home, are still faced with significant problems arising from the flooding. The Government is also aware that some householders who are continuing to experience significant housing problems as a result of the November 2009 flooding are considering the possibility of relocating rather than resuming living at their original home.

In light of this, the Government has decided that support may be available in such cases where:

1. Serious and permanent damage has been caused to the family home by the November 2009 flooding;
2. There is a high probability of a recurrence of serious flooding because of flood depth, duration or frequency on a scale that could further damage the family home;
3. The house cannot be protected from flooding at an economically feasible cost;
4. The household is unable to secure insurance against flooding as a result of the November 2009 floods.

Support will only be considered for relocation in cases where the cost of remedial works would exceed the cost of relocation, as determined by the Office of Public Works (OPW). The following considerations will also apply:

1. The gross cost of relocation underpinning the level of support provided will not exceed the cost of providing a reasonable home in the area in question, as determined by the local authority;

2. The existing house must be demolished and the site must be rehabilitated , which may require planning permission from the local authority;

3. If the household has settled a claim with their insurance company, the funds provided in settlement of that claim will be taken into account in determining the amount of funding, if any, provided for relocation. Beneficiaries will be required to instruct their insurance company to provide information in that regard;

The households in question have been visited by officials from the Department and a report of their individual circumstances has now been completed. The OPW were requested to provide a detailed report for each household outlining the problems in the areas in question, what works if any have been completed in the area or are planned for the area and to provide an assessment of the likelihood of future flooding having regard to the works that have already taken place or are scheduled to take place. Following a recent meeting between representatives from my Department and the OPW reports on further households have now been received from the OPW. These reports are being considered in my Department at present and any outstanding matters relating to the reports are being pursued with the OPW. When all of this information is received my Department will be in a position to make decisions on the affected households.

### **Social Welfare Appeals**

180. **Deputy Brendan Griffin** asked the Minister for Social Protection when a decision on an appeal will issue in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [16350/11]

**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 19 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 23 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 an oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 181 withdrawn.*

### **Social Welfare Benefits**

182. **Deputy Noel Harrington** asked the Minister for Social Protection if she will increase the mortgage interest relief being paid in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [16374/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned is receiving the maximum entitlement to mortgage interest supplement appropriate to her circumstances.

*Questions Nos. 183 and 184 withdrawn.*

### **Social Welfare Appeals**

185. **Deputy James Bannon** asked the Minister for Social Protection the reason an appeal over the refusal of an application for a carer's allowance has been delayed for more than nine

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months in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [16405/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

186. **Deputy James Bannon** asked the Minister for Social Protection the reason an application for a jobseeker's allowance is being refused on the grounds that the person is not an Irish citizen (details supplied); and if she will make a statement on the matter. [16406/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned submitted an application for jobseekers allowance on 4 April 2011. A condition for receipt of jobseeker's allowance is that a person must be habitually resident in the State. However, he was found not to satisfy this condition. Accordingly, the application was disallowed and he was informed of this decision on 27th May 2011 and of his right of appeal to the Social Welfare Appeals Office.

187. **Deputy Michael McCarthy** asked the Minister for Social Protection the reason a person (details supplied) has had their supplementary welfare payment withdrawn; if she will reinstate the payment in view of the fact that they have been in receipt of it for three years and their circumstances have not changed since then; and if she will make a statement on the matter. [16414/11]

**Minister for Social Protection (Deputy Joan Burton):** The supplementary welfare allowance scheme is administered on behalf of the Department by the Community Welfare Services division of the Health Service Executive (HSE). The HSE has advised that a payment of a supplementary welfare allowance was given to the person concerned from November 2009 pending the outcome of her claim for a Widow's Non Contributory Pension.

The HSE has further advised that it terminated payment of supplementary welfare allowance in this case from 17th June 2011, following the decision of the Chief Appeals Office to refuse payment of a Widows Non Contributory Pension on the grounds that the person concerned was not considered to be habitually resident in the State.

*Question No. 188 withdrawn.*

### Social Welfare Appeals

189. **Deputy Ciarán Lynch** asked the Minister for Social Protection when a decision will issue on an appeal for an invalidity pension in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [16432/11]

**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 26th May 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers

and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Benefits**

190. **Deputy Gerry Adams** asked the Minister for Social Protection if supports are being considered to alleviate the plight of former self-employed citizens; and if she will make a statement on the matter. [16457/11]

**Minister for Social Protection (Deputy Joan Burton):** Self-employed workers are not insured for short-term benefits such as illness and jobseeker's payments — these are only available to persons covered by PRSI Classes A, E, H and P. This reflects the need for coverage for various contingencies, the rate of contributions that self-employed persons pay, the practicalities of administering and controlling access to short-term payments and the annualised system of contributions applicable to self-employed contributors. A system of separate arrangements for employed and self-employed workers within a social insurance context is common in other European social protection systems.

There are no plans to extend cover for short-term benefits to this group of insured workers. Any such measure would have significant financial implications and would have to be considered within a budgetary context. Consideration would also have to be given to an appropriate increase in the rate of the PRSI Class S contribution.

Self-employed workers who do not qualify for an insurance-based benefit may establish entitlement to assistance-based payments such as Jobseeker's Allowance. They 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. In general their means will take account of the level of earnings in the last twelve months in determining their expected income for the following year. In the current climate account is taken of the downward trend in the economy. It is accepted that future earnings may be lower than those of previous years and this is factored in projecting future earnings, with account being taken of the potential for significant upward or downward variations in income from one year to the next.

### **Social Welfare Appeals**

191. **Deputy Aodhán Ó Ríordáin** asked the Minister for Social Protection the position regarding a domiciliary care allowance claim in respect of a person (details supplied) in Dublin 13; and if she will make a statement on the matter. [16465/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, including that adduced at oral hearing, disallowed the appeal of the person concerned. Notification of the Appeals Officers decision was issued on 11 April 2011. Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.



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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.

192. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will explain and review the reason it was determined that a person (details supplied) in County Cork had been unable to prove to her Department that their centre of interest is Ireland. [16479/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that a child benefit appeal by the person concerned was registered in that office on 7 December 2010 and a domiciliary care allowance appeal was registered on 26 January 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 2 and 3 June 2011 respectively.

A disability allowance appeal was registered on 2 February 2011 and the Social Welfare Appeals Office are currently awaiting the relevant papers and the comments by or on behalf of the Deciding Officer on the grounds of appeal. When received, the relevant appeals will be considered concurrently by an Appeals Officer who will decide whether the cases can be decided on a summary basis or whether to list them or oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 193 answered with Question No. 164.*

194. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payments for disability allowance and invalidity pension will be paid in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16513/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that a disability allowance appeal by the person concerned was registered in that office on 12 January 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 30 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. There is no record of an application for invalidity pension for the person concerned.

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.

195. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Question No. 206 of 7 June 2011, the way it was determined that a person (details supplied) in County Kildare was eligible for invalidity pension in 2008 but after two years was deemed ineligible despite having had no improvement in their health in the meantime and is awaiting further surgery; and if she will make a statement on the matter. [16517/11]

**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 24th 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, the invalidity pension payment was terminated from the 5th November 2009. The claimant appealed this decision and was referred for a second examination, which was carried out by a different medical assessor. The opinion of the second medical assessor also was that the claimant did not satisfy the medical criteria. Following this medical examination and having considered all the evidence, the appeals officer disallowed the appeal for the person concerned. The customer was notified of this decision and the reason for it, in writing on the 26th October 2010. The decision of an appeals officer is final and conclusive in the absence of fresh facts or evidence.

### **Departmental Expenditure**

196. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection the cost of providing the current social welfare offices in Portlaoise, County Laois, including the CWS; the cost of establishing and maintaining the new control office in Portlaoise; if any consideration has been given to integrating these offices to provide a more efficient and effective service to the persons of County Laois; and if she will make a statement on the matter. [16532/11]

**Minister for Social Protection (Deputy Joan Burton):** The annual costs incurred in providing the current social welfare office services in Portlaoise are €848,404. While staff of the CWS are currently on secondment to the Department, the costs of their accommodation are met in the first instance by the HSE, and reimbursed by the Department as part of the overall funding arrangement between the two bodies. It was not possible to disaggregate the costs of community welfare service accommodation in Portlaoise in the time available.

My Department is working closely with the Office of Public Works (OPW) to acquire new local office and control office accommodation in a number of locations throughout the country including Portlaoise. It is intended where possible and within tight budgetary constraints that these new offices would be capable of providing fully integrated service to the public, comprising all employment and benefit support services in line with the Programme for Government.

### **Social Welfare Appeals**

197. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection when a decision on an appeal will issue in respect of a person (details supplied); and if she will make a statement on the matter. [16533/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of an oral hearing. The person concerned has been notified of the decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. If there is any new evidence or new facts pertinent to this case that was not brought to the attention of the Appeals Officer during the determination of this appeal, they may be submitted to the Social Welfare Appeals Office for further consideration.

The 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.

### Money Advice and Budgeting Service

198. **Deputy Ray Butler** asked the Minister for Social Protection further to Parliamentary Question No. 299 of 15 June 2011, if she will advise the timescale involved in the review being carried out by the Citizens Information Board regarding the processes being used by Money Advice and Budgeting Service companies with a view to reducing waiting times; the staffing issues for individual MABS companies; the financial resources available; and if she will make a statement on the matter. [16535/11]

**Minister for Social Protection (Deputy Joan Burton):** Responsibility for the Money Advice and Budgeting Service (MABS) transferred to the Citizen Information Board (CIB) in July 2009. As part of the ongoing review of its services the Board have put a new organisational structure in place, since April 2011, which enables CIB regional managers to get a greater insight into the nature of supports required by MABS companies on the ground to deliver an effective service.

The focus is in ensuring clients get the level of support they need and as such client assessments and effective case management are important components of the overall approach. During any waiting period, clients are assessed and those in need of immediate assistance are given a priority appointment, others are provided with assisted self-help to ensure that they have taken steps to assess their situation and if appropriate they are supported to take holding action with their creditors.

In 2010, the Citizens Information Board (CIB) allocated a total budget of some €18.2m for the delivery of money advice and budgeting services and this figure was increased to €18.3m in 2011. The Board monitors funding allocations across all its companies, MABS and CIS, and any company experiencing difficulties will be supported from within the current overall allocation to CIB to deliver on its commitments.

The waiting times of MABS clients for a face-to-face meeting with a money advisor and the staffing issues for individual MABS companies are monitored on an on-going basis by the Board. The review referred to in my last response is looking at the processes being used by MABS companies with a view to a consistent approach being taken to managing waiting times, taking account of service capacity across the network of companies, and in the context of the overall existing budget allocation. It is expected that this review will be concluded by the end of July 2011 and any efficiencies will be initiated before the end of the year.

I am satisfied that the CIB will continue to closely monitor the position in relation to the resources available to individual MABS companies to ensure that effective services are delivered to customers requiring assistance.

### Social Welfare Benefits

199. **Deputy John McGuinness** asked the Minister for Social Protection if domiciliary care allowance will be approved in respect of a person (details supplied) in County Kilkenny; and if she will expedite a response. [16553/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 15 March 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 24 May 2011 advising of the decision.

### Social Welfare Appeals

200. **Deputy Brendan Griffin** asked the Minister for Social Protection the position regarding an application for carer's allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [16555/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that a carer's allowance appeal by the person concerned was registered in that office on 23 August 2010. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. Following further investigations by a Social Welfare Inspector, these papers were received in the Social Welfare Appeals Office on 20 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.

### Social Welfare Code

201. **Deputy Jim Daly** asked the Minister for Social Protection the reason the standard application form for carer's allowance does not allow for deductions such as mortgage payments, tax, PRSI and other compulsory deductions; and if she will make a statement on the matter. [16560/11]

**Minister for Social Protection (Deputy Joan Burton):** Carer's allowance is a means tested social assistance scheme operated by my Department. For means test purposes, account is taken of the income and assets of both the claimant and his or her spouse/partner.

Where a spouse/partner has earnings from employment, earnings less PRSI contributions, pension contributions and trade union subscriptions are assessed as means.

The applicant is not required to identify these deductions on the application form as they are available from supporting documentation such as pay-slips.

Mortgage payments and income tax are not deducted from earnings for means assessment purposes.

There are no plans to alter these arrangements.

### Social Welfare Benefits

202. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an application for rent support in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [16620/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive has advised that the person concerned is in receipt of a rent supplement at a rate of €771 per month.

### Heritage Sites

203. **Deputy Joe Costello** asked the Minister for Arts, Heritage and the Gaeltacht his plans for the development of the 14-17 Moore Street national monument, Dublin 1; and if he will make a statement on the matter. [16154/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The position is that, in January 2007, the then Minister for the Environment, Heritage and Local Government placed a preservation order on Nos. 14 to 17 Moore St under the National Monuments Acts. The order was made on the grounds that No. 16 Moore Street is a monument, the preservation of which is of national importance by reason of its historical significance as the site of the final council of war and final headquarters of the Provisional Government, which included five of the Proclamation signatories — Pearse, Connolly, Plunkett, Clarke and McDermott.

The purpose of the preservation order is to ensure the preservation of No. 16 Moore Street in the context of wider redevelopment proposals centred on the former Carlton Cinema site. To achieve this objective, the order also covers Nos. 14 to 17 Moore Street and includes the yards to the rear of Nos. 15 and 16 Moore Street, extending to Nos. 8 and 9 Moore Lane. The effect of the order is that works affecting these properties, including any excavation or ground disturbance within, around or in proximity to them, will require my prior written consent.

In relation to the question of my plans for development work at Nos 14—17, I must point out that the buildings are in private ownership. The preservation Order does not confer on the Minister the power to carry out works to such a privately owned National Monument. The purpose of the Order is to protect the monument from any danger of being destroyed, injured or removed. In that regard any works affecting the monument will require my prior written consent under the National Monuments Acts.

The proposed development of the Carlton Cinema site, in accordance with the permission granted by An Bord Pleanála, envisages the retention of Nos. 14 to 17 Moore Street and, subject to ministerial consent under the National Monuments Acts, the development of a commemorative centre at the site. Detailed proposals in this regard were submitted to my Department last Friday. The proposals will now be carefully considered by me and by officials of my Department and my written consent will be required prior to the commencement of any works.

### **Departmental Funding**

204. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht the total funding provided by him to Waterways Ireland for 2011; the breakdown between capital and current; the mechanisms with which he monitors the spending of such funds; if Waterways Ireland has been included in the Government's current and capital review; and if he will make a statement on the matter. [16222/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Waterways Ireland is the largest of the six North-South Implementation Bodies, established in 1999 under the British-Irish Agreement of December 1999. It is responsible for the management, maintenance, development and restoration of the inland navigable waterway system throughout the island, principally for recreational purposes. Waterways Ireland has responsibility for approximately 1,000 km of navigable waterways, comprising the Shannon-Erne Waterway, the Shannon Navigation, the Barrow Navigation, the Grand and Royal Canals, the Erne System and the Lower Bann Navigation. In 2007, Waterways Ireland's remit was extended by the North South Ministerial Council to include responsibility for the restoration of the Ulster Canal between Clones and Upper Lough Erne.

The 2011 budget for Waterways Ireland is the subject of ongoing discussions with the co-sponsoring Department of Culture, Arts and Leisure in Northern Ireland and will require formal approval by the North South Ministerial Council. My Department has an estimated funding provision of €30.3m for Waterways Ireland for 2011, made up of €6m capital and

€24.3m in current funding. Funding in future years will also require formal approval by the Council.

In accordance with procedures in place, Waterways Ireland reports regularly to Ministers from this jurisdiction and Northern Ireland in the Inland Waterways Sectoral meetings of the North South Ministerial Council. Such a meeting is scheduled to take place on 7 July next.

Waterways Ireland is also subject to regular monitoring by a monitoring committee comprising officials of my Department and the co-sponsoring Department of Culture, Arts and Leisure in Northern Ireland. This committee monitors expenditure and progress against the Waterways Ireland annual business plan. The body also complies with the provisions of the Financial Memorandum agreed for it by the two sponsor Departments and the Finance Departments, which prescribes detailed financial arrangements for the body.

### Natural Heritage Areas

205. **Deputy John O'Mahony** asked the Minister for Arts, Heritage and the Gaeltacht the names and areas of designated bogs in County Mayo; and if he will make a statement on the matter. [16309/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** There are a large number of peat bogs in County Mayo. Of these, a small number have been designated for protection as National Heritage Areas (NHAs) under the Wildlife (Amendment) Act 2000 or as Special Areas of Conservation (SACs) under the European Communities (Natural Habitats) Regulation, 1997. These have been included in the table.

	County	Bog	Area
Carrowmore Lake Complex	Mayo	Blanket Bog	SAC
Glenamoy Bog Complex	Mayo	Blanket Bog	SAC
Lough Gall Bog	Mayo	Blanket Bog	SAC
Owenduff/Nephin Complex	Mayo	Blanket Bog	SAC
Slieve Fyagh Bog	Mayo	Blanket Bog	SAC
Lough Hoe Bog	Mayo & Sligo	Blanket Bog	SAC
Bellacorick Bog Complex	Mayo	Blanket Bog	SAC
Mweelrea/Sheeffry/Erriff Complex	Mayo	Blanket Bog	SAC
Ox Mountains Bogs	Mayo & Sligo	Blanket Bog	SAC
Bangor Erris Bog	Mayo	Blanket Bog	NHA
Ummerantarry Bog	Mayo	Blanket Bog	NHA
Croaghmoyle Mountain	Mayo	Blanket Bog	NHA
Cunnagher More Bog	Mayo	Blanket Bog	NHA
Doogort East Bog	Mayo	Blanket Bog	NHA
Ederglen Bog	Mayo	Blanket Bog	NHA
Forrew Bog	Mayo	Blanket Bog	NHA
Glenturk More Bog	Mayo	Blanket Bog	NHA
Inagh Bog	Mayo	Blanket Bog	NHA
Lough Greney Bog	Mayo	Blanket Bog	NHA
Pollatomish Bog	Mayo	Blanket Bog	NHA
Sraheens Bog	Mayo	Blanket Bog	NHA
Tawnymackan Bog	Mayo	Blanket Bog	NHA
Tristia Bog	Mayo	Blanket Bog	NHA
Lough Corrib	Galway and Mayo	Raised Bog	SAC

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	County	Bog	Area
Tullaghan Bay And Bog	Mayo	Blanket Bog	NHA
Derrynabrock Bog	Mayo and Roscommon	Raised Bog	NHA
Flughany Bog	Mayo and Sligo	Raised Bog	NHA
Tawnaghbeg Bog	Mayo	Raised Bog	NHA
River Moy	Mayo, Roscommon and Sligo	Raised Bog	SAC

### Departmental Schemes

206. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding an application for sale of bogland in respect of a person (details supplied) in County Leitrim. [16320/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In May 2010, the voluntary bog purchase scheme was closed to new applicants. Processing of applications on hand has been slower than anticipated due to capacity constraints in undertaking the conveyancing work involved.

The Government recently announced a number of decisions regarding the future management of peatlands in Ireland and, in particular, the protection of bogs designated as Special Areas of Conservation and Natural Heritage Areas. In addition to the establishment of an independent Peatlands Council, the Government has announced a compensation package for turf-cutters in sites where continued turf cutting is no longer possible for reasons of environmental protection. My Department will be writing to all remaining applicants under the voluntary purchase scheme in the coming weeks to outline their options in light of the availability of alternative compensation arrangements.

### Hare Coursing

207. **Deputy Maureen O'Sullivan** asked the Minister for Arts, Heritage and the Gaeltacht if he will consider refusing this year's application from a club (details supplied) for a licence to net hares for the 2011 to 2012 season of enclosed hare coursing or to at least add a number of new conditions to the licence that will eliminate much of the unnecessary suffering to which hares are subjected during the netting phase of the coursing process. [16193/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** My Department has received an application under the Wildlife Acts from the organisation in question on behalf of its affiliated clubs to facilitate the tagging and the capture of hares in relation to the holding of coursing meetings for the coming 2011/2012 season. The application is under consideration and a decision will be made as soon as possible.

### Departmental Bodies

208. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the agencies or bodies to which he provides funding or in respect of which it is administratively responsible; the bodies and agencies for which he is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2011 in tabular form; and if he will make a statement on the matter. [16501/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Details of funding allocations for the years in question to the relevant statutory bodies and national cultural institutions funded from my Department's Vote Group are listed as follows. As the Deputy will be aware, details of annual funding allocations are published in the Revised Estimates Volume.

Agency	Funding 2007 €000's	Funding 2008 €000's	Funding 2009 €000's	Funding 2010 €000's	Funding 2011 €000's
Arts Council	83,000	81,620	73,350	68,649	65,167
Irish FilmBoard	22,159	23,189	21,840	19,272	18,431
Crawford Art Gallery	1,980	2,016	1,753	1,579	1,350
Chester Beatty Library	3,208	3,488	3,083	2,714	2,579
National Gallery of Ireland*	11,735	12,455	10,640	9,826	9,847
National Library of Ireland	12,701	11,875	10,742	9,251	8,084
National Concert Hall	4,090	3,894	3,478	3,105	2,874
Irish Museum of Modern Art	8,272	8,341	7,317	6,671	6,093
National Museum of Ireland	18,332	19,017	15,415	15,125	14,240
Heritage Council	728**	817**	525 **	518*	400**
	749***	1,000 ***	400***	6***	
Waterways Ireland	36,218	38,140	34,504	32,919	30,300
Údarás na Gaeltachta	39,369	44,054	37,635	32,915	19,600
An Foras Teanga — comprising:	16,181	18,655	16,420	16,432	8,117
Foras na Gaeilge	15,149	17,592	15,482	15,459	7,743
Ulster Scots Agency	1,032	1,063	938	973	374
An Coimisinéir Teanga	694	831	831	743	670

\*Vote 33: Figures are net of appropriations in aid deductions (made up of primarily pension related deductions and a small amount of miscellaneous deductions).

\*\*Funding provided to Heritage Council relating to operation of the National Biodiversity Data Centre.

\*\*\*Funding provided to Heritage Council relating to Biodiversity Fund Grants & Local Biodiversity Action Plans scheme administered through the Heritage Council. From 2010 this scheme was administered directly by the Department. The Heritage Council itself received a grant of €6,000 under the scheme in 2010.

### Departmental Funding

209. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the amount of unspent money returned by him to the Department of Finance each year since 2007; the Departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [16502/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will be aware that my Department was established as the Department of Arts, Heritage and the Gaeltacht on 2 June 2011.

In relation to the former Department of Tourism, Culture and Sport, the surplus amounts surrendered to the Department of Finance and the departmental budgets for each year 2007 to 2010 are outlined in the table below. A detailed breakdown of the figures for 2007 to 2009 is published in the Comptroller and Auditor General's Audit of Appropriation Accounts for each year.

In relation to the projects for which the surrendered funds were originally earmarked, the capital grant schemes in the Department are demand-led and depend on projects progressing to a satisfactory level to allow payment of funding. Accordingly, the funds allocated are not



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earmarked for payment to a specific project in a given year and depend on the progress of the project.

In relation to other capital projects, the Deputy will be aware that, in accordance with Section 91 of the Finance Act 2004, capital monies unspent in a particular year can be carried forward to be spent in the following year, subject to Department of Finance approval and certain limits. This deferred expenditure was applied to some unspent capital monies in 2007, 2008 and 2010. The amounts of deferred expenditure are shown in the table and are also outlined in detail in the Appropriation Accounts and the Revised Estimates Volume for my Department's Vote for each year.

Year	Net Estimate Provision <sup>1</sup>	Surplus surrendered
2007	€670.118m	Surplus: €26.819m Less deferred surrender: €25.181m Surplus surrendered: €1.638m
2008	€725.343m	Surplus: €8.103m Less deferred surrender: €1.500m Surplus surrendered: €6.603m
2009	€525.576m	Surplus surrendered: €3.531m
2010	€464.909m	Estimated Surplus <sup>2</sup> : €19.050m Less deferred surrender: €5m Estimated surplus for surrender: €14.050m

<sup>1</sup>Includes deferred surrender of capital expenditure from previous year, where relevant.

<sup>2</sup>Estimated pending completion of C&AG annual Audit of Appropriation Accounts.

### Departmental Websites

210. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the number of Government websites operated by him including agencies under his Department; the cost of maintenance of these websites; and if he will make a statement on the matter. [16505/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The information requested by the Deputy in respect of websites operated by my Department and associated agencies is set out in the tables below.

TABLE: Department Websites

	Website Address	Maintenance Cost for 2010
Department of Arts, Heritage and the Gaeltacht	<a href="http://www.ahg.gov.ie">www.ahg.gov.ie</a>	€8,164
	<a href="http://www.irishgenealogy.ie">www.irishgenealogy.ie</a>	€5,364
	<a href="http://www.ballycroynationalpark.ie">www.ballycroynationalpark.ie</a>	€1,349
	<a href="http://www.burrennationalpark.ie">www.burrennationalpark.ie</a>	€1,349
	<a href="http://www.connemaranationalpark.ie">www.connemaranationalpark.ie</a>	€1,349
	<a href="http://www.coolepark.ie">www.coolepark.ie</a>	€ 266
	<a href="http://www.glengariffnaturereserve.ie">www.glengariffnaturereserve.ie</a>	€1,349
	<a href="http://www.glenveaghnationalpark.ie">www.glenveaghnationalpark.ie</a>	€1,349

	Website Address	Maintenance Cost for 2010
	<i>www.killarneynationalpark.ie</i>	€1,349
	<i>www.northmidlandseducationcentre.ie</i>	€ 50
	<i>www.noticenature.ie</i>	€1,905
	<i>www.npws.ie</i>	€9,345*
	<i>www.wexfordwildfowlreserve.ie</i>	€1,349
	<i>www.wicklowmountainsnationalpark.ie</i>	€1,349
	<i>www.archaeology.ie</i>	€8,319
	<i>www.buildingsofireland.ie</i>	€16,068
	<i>www.worldheritageireland.ie</i>	€7,615
The National Archives	<i>www.nationalarchives.ie</i>	€11,491
	<i>www.census.nationalarchives.ie</i>	€38,300
Culture Ireland	<i>www.cultureireland.gov.ie</i>	€10,159

\* includes costs relating to website review

TABLE: Agencies funded from the Department's Vote Group

	Website Address	Cost
The Arts Council	<i>www.artscouncil.ie</i>	€5,400
The Irish Film Board	<i>www.irishfilmboard.ie</i>	€13,517
National Museum of Ireland	<i>www.museum.ie</i>	€10,285
National Library of Ireland	<i>www.nli.ie</i>	€11,000
National Gallery of Ireland	<i>www.nationalgallery.ie</i>	€6,081
Irish Museum of Modern Art	<i>www.imma.ie</i>	€5,700
National Concert Hall*	<i>www.nch.ie</i>	0
Chester Beatty Library	<i>www.cbl.ie</i>	€5,210
Crawford Gallery	<i>www.crawfordartgallery.ie</i>	€6,000
Irish Manuscripts Commission	<i>www.irishmanuscripts.ie</i>	€2,145
Heritage Council	<i>www.heritagecouncil.ie</i>	€25,000
	<i>www.heritageweek.ie</i>	€25,000
	<i>www.heritageinschools.ie</i>	€25,000
Údarás na Gaeltachta	<i>www.udaras.ie</i>	€3,832
	<i>www.gaelsaoire.ie</i>	€4,356
	<i>www.teangafein.ie</i>	€50.00
An Foras Teanga	<i>www.forasnagaeilge.ie</i>	€1,888
	<i>www.ulsterscotsagency.com</i>	€2,416
An Coimisinéir Teanga	<i>www.coimisinéir.ie</i>	€1,319

\*Site maintained by NCH staff

### Special Areas of Conservation

211. **Deputy Sandra McLellan** asked the Minister for Arts, Heritage and the Gaeltacht the phased basis for more than 130 raised bogs conservation sites; when the phases will be imposed; and the names and locations of same. [16508/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Under the EU Habitats Directive, Ireland is obliged to protect various natural habitats which are of international importance, including through designating areas as Special Areas of Conservation (SACs). Once designated, Ireland is obliged to monitor, protect and where necessary, restore those habitats which are under threat. In addition, Ireland, under national law, has also designated Natural Heritage Areas (NHAs) for protection under the Wildlife Acts. A total of 130 sites have been designated as SACs and NHAs for the conservation of raised bog habitat.

The effective cessation of turf-cutting on 31 SAC sites was confirmed by a decision of the previous Government in May 2010 and had immediate effect. This year was also the last season of turf-cutting on the remaining 24 raised bog SACs. On the 5th April this year the Government made a number of decisions in relation to turf cutting in Ireland, including the putting in place of a compensation package for those who are required to cease cutting, the establishment of a Peatlands Council and the drawing up of a national strategy on peatlands conservation and management. In the context of the national strategy, the position regarding raised bog NHAs, which are protected under national legislation, and the Environmental Impact Assessment Directive will be examined in advance of the 2014 cutting season.

The tables set out the names of the bogs affected by these decisions.

TABLE 1: Bogs affected from 2010 (SAC Sites)

No.	Site Code	Site Name	County
1	000006	Killyconny Bog (Cloghbally)	Cavan and Meath
2	000231	Barroughter Bog	Galway
3	000248	Cloonmoylan Bog	Galway
4	000285	Kilsallagh Bog	Galway
5	000296	Lisnageeragh Bog and Ballinstack Turlough	Galway
6	000297	Lough Corrib	Galway and Mayo
7	000301	Lough Lurgen Bog/Glenamaddy Turlough	Galway
8	000326	Shankill West Bog	Galway
9	000382	Sheheree (Ardagh) Bog	Kerry
10	000391	Ballynafagh Bog	Kildare
11	000497	Flughany Bog	Mayo and Sligo
12	000566	All Saints Bog and Esker	Offaly
13	000572	Clara Bog	Offaly
14	000575	Ferbane Bog	Offaly
15	000580	Mongan Bog	Offaly
16	000581	Moyclare Bog	Offaly
17	000582	Raheenmore Bog	Offaly
18	000585	Sharavogue Bog	Offaly
19	000592	Bellanager Bog	Roscommon
20	000597	Carrowbehy/Caher Bog	Roscommon
21	000600	Cloonchambers Bog	Roscommon
22	000604	Derrinea Bog	Roscommon
23	000614	Cloonshanville Bog	Roscommon

No.	Site Code	Site Name	County
24	000641	Ballyduff/Clonfinane Bog	Tipperary
25	000647	Kilcarren-Firville Bog	Tipperary
26	000679	Garriskil Bog	Westmeath
27	001242	Carrownagappul Bog	Galway
28	001818	Lough Forbes Complex	Longford and Roscommon
29	002110	Corliskea/Trien/Cloonfolliv Bog	Galway and Roscommon
30	000457	Derrynabrock Bog*	Mayo and Roscommon
31	002298	River Moy (Tawnaghbeg Bog)	Mayo, Roscommon and Sligo

\*This site has now been subsumed into the River Moy SAC (002298)

TABLE 2: Bogs affected from end-2011 (SAC Sites)

No.	Site Code	Site Name	County
1	000595	Callow Bog	Roscommon
2	002298	River Moy	Mayo, Roscommon and Sligo
3	002331	Mouds Bog	Kildare
4	002332	Coolrain Bog	Laois
5	002333	Knockacoller Bog	Laois
6	002336	Carn Park Bog	Westmeath
7	002337	Crosswood Bog	Westmeath
8	002338	Drumalough Bog	Roscommon
9	002339	Ballynamona Bog and Corkip Lough	Roscommon
10	002340	Moneybeg and Clareisland Bogs	Meath and Westmeath
11	002341	Ardagullion Bog	Longford
12	002342	Mount Hevey Bog	Meath and Westmeath
13	002343	Tullaheer Lough and Bog	Clare
14	002346	Brown Bog	Longford
15	002347	Camderry Bog	Galway
16	002348	Clooneen Bog	Longford
17	002349	Corbo Bog	Roscommon
18	002350	Curraghlahanagh Bog	Galway
19	002351	Moanveanlagh Bog	Kerry
20	002352	Monivea Bog	Galway
21	002353	Redwood Bog	Tipperary
22	002354	Tullaghanrock Bog	Roscommon
23	002356	Ardgrague Bog	Galway
24	000440	Lough Ree	Ros/LD/WM

TABLE 3: NHA Raised Bog sites — to be examined before 2014

No.	Site Code	Site Name	County
1	000220	Lough Namucka Bog NHA	Galway and Roscommon
2	000221	Moorfield Bog/Farm Cottage NHA	Galway and Roscommon
3	000222	Suck River Callows NHA	Galway and Roscommon
4	000229	Ballygar Bog NHA	Galway
5	000235	Bracklagh Bog NHA	Galway

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No.	Site Code	Site Name	County
6	000245	Clooncullaun Bog NHA	Galway
7	000247	Slieve Bog NHA	Galway
8	000249	Cloonoolish Bog NHA	Galway
9	000254	Crit Island West NHA	Galway
10	000267	Funshin Bog NHA	Galway
11	000280	Castle Ffrench West Bog NHA	Galway
12	000281	Keeloges Bog NHA	Galway
13	000283	Kilmore Bog NHA	Galway
14	000284	Kilnaborris Bog NHA	Galway
15	000292	Leaha Bog NHA	Galway
16	000307	Lough Tee Bog NHA	Galway
17	000310	Meneen Bog NHA	Galway
18	000321	Raford River Bog NHA	Galway
19	000333	Anna More Bog NHA	Kerry
20	000337	Doon Lough NHA	Clare
21	000422	Aghnamona Bog NHA	Leitrim and Longford
22	000564	River Little Brosna Callows NHA	Offaly and Tipperary
23	000565	Clonydonnin Bog NHA	Offaly and Westmeath
24	000570	Black Castle Bog NHA	Offaly
25	000591	Bella Bridge Bog NHA	Roscommon
26	000603	Cornaveagh Bog NHA	Roscommon
27	000605	Derrycanan Bog NHA	Roscommon
28	000640	Arragh More Bog NHA	Tipperary
29	000642	Ballymacegan Bog NHA	Tipperary
30	000648	Killeen Bog NHA	Tipperary
31	000652	Monaincha Bog/Ballaghmore Bog NHA	Laois
32	000674	Ballynagrenia and Ballinderry Bog NHA	Westmeath
33	000677	Cloncrow Bog (New Forest) NHA	Westmeath
34	000684	Lough Derravaragh NHA	Westmeath
35	000691	Rinn River NHA	Leitrim and Longford
36	000694	Wooddown Bog NHA	Westmeath
37	000890	Cangort Bog NHA	Offaly and Tipperary
38	000921	Screggan Bog NHA	Offaly
39	000937	Scohaboy Bog NHA	Tipperary
40	000985	Lough Kinale and Derragh Lough NHA	Cavan, Longford and Westmeath
41	000993	Ayle Lower Bog NHA	Clare
42	001020	Loughanilloon Bog NHA	Clare
43	001227	Aughrim Bog NHA	Galway
44	001240	Capira/Derrew Bog NHA	Galway
45	001244	Castle Ffrench East Bog NHA	Galway
46	001254	Derrinlough Bog NHA	Galway
47	001255	Derrynagran Bog and Esker NHA	Galway
48	001264	Eskerboy Bog NHA	Galway
49	001280	Killaclogher Bog NHA	Galway
50	001283	Killure Bog NHA	Galway
51	001303	Moorfield Bog NHA	Galway

No.	Site Code	Site Name	County
52	001324	Jamestown Bog NHA	Meath
53	001352	Bunnaruddee Bog NHA	Kerry
54	001388	Carbury Bog NHA	Kildare
55	001393	Hodgestown Bog NHA	Kildare
56	001405	Cashel Bog (Leitrim) NHA	Leitrim
57	001420	Corracramph Bog NHA	Leitrim
58	001423	Cloonageeher Bog NHA	Leitrim and Longford
59	001448	Forthill Bog NHA	Longford
60	001450	Mount Jessop Bog NHA	Longford
61	001580	Girley Bog NHA	Meath
62	001582	Molerick Bog NHA	Meath
63	001623	Carrickynaghtan Bog NHA	Roscommon
64	001652	Tullaghan Bog (Roscommon) NHA	Roscommon
65	001684	Lorrha Bog NHA	Tipperary
66	001725	Nure Bog NHA	Westmeath
67	001812	Lough Garr NHA	Westmeath
68	001853	Nore Valley Bogs NHA	Tipperary
69	002033	Daingean Bog NHA	Offaly
70	002072	Lisnarrigh Bog NHA	Roscommon
71	002307	Cloonloun More Bog NHA	Clare
72	002323	Milltownpass Bog NHA	Westmeath
73	002344	Annaghsbeg Bog NHA	Galway
74	002355	Hawkswood Bog NHA	Offaly
75	002357	Clonreher Bog NHA	Laois

212. **Deputy Bernard J. Durkan** asked the Minister for Arts, Heritage and the Gaeltacht further to Parliamentary Question No. 95 of 2 June 2011, if alternative areas can be offered for conservation which would not impact to the same extent on traditional turf cutters; if his attention has been drawn to other countries that have sought derogation from EU directives when national tradition came into conflict with EU policy; if he will pursue such options; if he will arrange for a comprehensive review of all aspects of the way certain conservation measures conflict with tradition; and if he will make a statement on the matter. [16511/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Raised bogs in Ireland contain rare and threatened natural habitats that are protected under National and European law. A small number of raised bogs are on sites that are designated as Special Areas of Conservation (SACs) or National Heritage Areas (NHAs). Raised bogs have almost vanished due to land reclamation, drainage and turf extraction and these designated sites are among the best examples of the small proportion of such habitats left in Europe.

There are over 1,500 raised bogs in Ireland and 139 of these have been designated for nature protection within 130 sites. In area, they comprise less than 5% of the peatlands in the State where turf-cutting is feasible. My Department estimates that there are up to 2,600 active turf cutters on these bogs.

Almost all raised bogs outside these sites would not now meet the criteria for designation or restoration due to drainage, exploitation and land-use change. However, many of these bogs are suitable for turf-extraction and relocation of turf-cutters to such areas is likely to be feasible in many cases. As such, the measures announced recently announced are not incompatible with

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the continuation of traditional activities, but will necessitate a relocation of such activities to non-designated bogs.

Traditional activities in Ireland and across the EU, encompassing a range of activities such as agriculture, fishing, hunting, forestry, land use and industry, have all had to adapt to the requirements of EU Directives, including those aimed at environmental protection. Turf-cutting is no different in this regard.

My attention has not been drawn to other countries that have sought derogation from EU Directives when national tradition came into conflict with EU policy. Once adopted, Directives are binding on all Member States in accordance with the provisions of the individual Directives.

### **Energy Prices**

213. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the steps he has taken to ensure the energy market here is competitive; and if he will make a statement on the matter. [16617/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have no statutory function in the setting of energy prices, whether in the regulated or non-regulated market. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body.

The electricity retail market is now fully deregulated. CER has announced that the small to medium business segment of the gas market will be de-regulated from 1 October next.

Business and domestic customers can increasingly avail of the competitive offerings from a number of electricity and gas supply companies. The first step that business customers should take to reduce their energy costs is to work actively in securing better value offers in the market and in switching to suppliers delivering lower prices.

I acknowledge the actions taken over the last two years to bring Ireland's energy prices into line with, or below, European averages. This is resulting in positive outcomes as is evidenced by improved competitiveness in the gas and electricity sectors when compared with other European countries.

Eurostat data for the first half of 2010 showed convergence to the EU average for many categories of Irish business and residential consumer, in both electricity and gas. The data showed that in the year to June 2010, Ireland experienced the largest fall in business electricity prices in the EU for medium to large consumers. Prices fell by 20% to 36%, depending on consumption levels.

Electricity prices in Ireland were below the EU average for medium to large business customers for the first half of 2010.

Competition helps to put downward pressure on energy prices. But the focus must be kept on all possible additional actions to mitigate costs where possible for business and for domestic customers. This is essential for competitiveness, for employment and for economic recovery.

I am committed to working with enterprise and with the energy sector to ensure that the costs of energy for business are as competitive as possible through those measures at our disposal including a sustained focus on energy efficiency.

### **Broadcasting Services**

214. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the way he proposes to assist low income households with the cost of digital set up

boxes and when necessary new aerials at the digital switchover; the number of households identified to date by the digital switchover steering group as requiring these boxes and aerials and who are of low income means; and if he will make a statement on the matter. [16618/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland's national digital switchover strategy provides for the closure of the RTÉNL analogue TV network at the end of 2012 and, through the resulting 'digital dividend', paves the way for the delivery of new jobs, new mobile and broadband services and new national economic growth.

I am keenly aware of the challenges this initiative brings, in particular for Irish households which are reliant on the analogue TV network also known as the aerial TV network.

I recently published a Report on TV Viewing Methods in Ireland, which was commissioned by my Department to assist with planning for Analogue Switch-Off (ASO).

This report focuses on TV viewers who rely on the analogue terrestrial TV network and also provides useful information on the economic profile of TV households, their media preferences and preferences for receiving information about analogue switch off. This report will usefully inform the digital switchover programme.

This report is also useful in helping to estimate the number of TV households reliant on the aerial TV network backed up by other research such as the TAM establishment survey.

From the research, we can estimate that there are at least a quarter of a million households in Ireland reliant on the aerial network solely for television reception and an estimated 100,000 of these are classified as DE homes from a socio-economic perspective. That is, the Head of Household or Chief Wage Earner in 100,000 Analogue homes is either unemployed, working as an unskilled manual worker, or wholly dependent on state benefits for income.

All households reliant on the aerial TV network will need to upgrade to digital TV by the end of 2012 or they will lose access to television.

TV households can choose to upgrade to digital TV by moving to a pay TV service or by upgrading to Saorview, Ireland's national digital TV aerial network. This network was built by RTE and launched on 26th May 2011.

To upgrade to Saorview, TV households will need to purchase either a set top box to connect to their existing TV or a new Saorview digital TV. In some cases, depending on the type of aerial and the orientation and age of the aerial, TV households may also need a new aerial. The number of TV households who may need a new aerial or aerial adjustment is difficult to estimate and is expected to be at least 20,000 TV households.

Experience from other European countries indicates that the cost of set top boxes and other digital receivers reduces as the date for digital switchover approaches, and there is increased competition in the market. I look forward to RTÉ and RTÉNL working intensively with manufacturers and retailers to ensure that there is a plentiful supply of simple to use, accessible and affordable set top boxes available on the market as well as a wide range of digital televisions and digital video recorders.

To overcome the challenges that digital switchover brings, we must also assist people with information and practical assistance to ensure that no one is left behind as Ireland goes digital.

For my part, as Minister, I have promised to deliver a substantial information campaign providing households with information on the digital switchover and on their options for going digital. This information campaign will start later this year.



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In conjunction with this, my Department is currently developing plans to ensure that a range of practical assistance is made available, in particular, to address the particular needs of vulnerable households as they prepare to go digital. In this context, the expertise and local knowledge of the many voluntary and charity organisations around the country will be of critical importance to ensuring the success of the switchover process. I have asked my Department to ensure that, to the greatest possible extent, these organisations play a major part in our information and assistance campaign.

### Telecommunications Services

**215. Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which the requirement in terms of investment in communications technology such as broadband is sufficient to meet current and future requirements; if a particular strategy is required in this area; and if he will make a statement on the matter. [16144/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of electronic communications services, including broadband, is, in the first instance, a matter for private sector service providers, regulated by the independent regulator, the Commission for Communications Regulation (ComReg).

Government may intervene in the fully liberalised telecommunications market only in areas where the competitive market fails to provide service. Targeted interventions, such as the National Broadband Scheme (NBS), were introduced by my Department to deliver broadband services in areas not otherwise served due to reluctance on the part of commercial operators to invest because of inadequate financial returns. The NBS network provides a widely accessible broadband service in all of the 1028 Electoral Divisions that were identified as needing intervention. The Rural Broadband Scheme (RBS), which I announced recently, aims to provide a broadband service to a relatively small number of remaining individual unserved rural premises. Completion of the RBS will provide widespread access to broadband services across the country.

The NewERA proposals in the Programme for Government aim to deliver higher broadband speeds. There is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband to every home and business in the State. Specifically the Next Generation Broadband Taskforce (NGBT), which I chair, is now considering how best to roll out Next Generation Broadband network access. The NGBT, which includes representatives of large network owners and smaller telecommunications services providers, held its first meeting on 13 June 2011. I expect that the NGBT, which will conclude its deliberations by the end of the year, will be helpful in terms of identifying the optimal policy position to deliver wider customer access to high-speed broadband.

**216. Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the reason the quality and extent on mobile telephone coverage in this country is not comparable with that available in other EU member states; if a particular strategy needs to be developed to address such issues; and if he will make a statement on the matter. [16145/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of mobile phone networks and services is undertaken by telecommunications service providers who operate in a fully liberalised market.

The regulation of telecommunications service providers, including regulatory issues surrounding mobile phone network coverage and quality is the responsibility of the Commission

for Communications Regulation (ComReg), in accordance with its functions under the Communications Regulation Act 2002, as amended, and the EU Regulatory Framework for Electronic Communications.

ComReg is responsible for issuing licences to mobile phone operators and for monitoring compliance with the conditions attached to such licences. I am informed by ComReg that all of the operators have met their licence requirements in this regard.

**217. Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he will outline any issues likely to present as obstacles to the development of modern high speed broadband provision in all areas throughout the country; and if he will make a statement on the matter. [16146/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of electronic communications services, including broadband, is, in the first instance, a matter for private sector service providers, regulated by the independent regulator, the Commission for Communications Regulation (ComReg).

The NewERA proposals in the Programme for Government aim to deliver higher broadband speeds. There is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband (NGB) to every home and business in the State. Specifically, the Next Generation Broadband Taskforce (NGBT), which I chair, is now considering how best to roll out Next Generation Broadband network access. The NGBT, which includes representatives of large network owners and smaller telecommunications services providers, held its first meeting on 13 June 2011. The identification of obstacles or barriers to the widespread deployment of NGB access is among the work programmes to be pursued. I expect that the NGBT, which will conclude its deliberations by the end of the year, will be helpful in terms of identifying the optimal policy position to deliver wider customer access to high-speed broadband.

### Postal Services

**218. Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent, if any, to which he has had discussions with An Post in the aftermath of de-regulation in the context of the extent and scale of delivery and counter services throughout the country; and if he will make a statement on the matter. [16147/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** It is Government policy that An Post remains a strong and viable company, in a position to provide a high quality, nationwide postal service and maintain a nationwide, customer focussed network of post offices.

I have no function with respect to the provision of counter services by An Post. Section 12 of the Postal and Telecommunications Services Act, 1983 requires the company to provide counter services for its own and Government business and other uses that the company sees fit.

My officials and I meet regularly with An Post management to discuss issues of importance to An Post, including issues relating to market opening. The universal service obligation, enshrined in European and Irish law, provides that each Member State is obliged to provide a postal service whereby the minimum level of service that must be provided is a clearance and delivery every working day to the home or premises of every person. Under Irish regulations, An Post is designated as the Universal Service provider. The Communications Regulation (Postal Services) Bill which will put the regulatory framework in place for a liberalised sector provides for the continued designation of An Post.

### Energy Prices

219. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the action, if any, he can take to persuade the gas and electricity authorities to keep prices at the lowest possible level in order to assist economic recovery and alleviate the burden on the domestic market; and if he will make a statement on the matter. [16148/11]

220. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he will intercede with Bord Gais and the ESB with a view to ensuring that gas and electricity prices here, both to industry and the domestic market, are comparable to other EU States; and if he will make a statement on the matter. [16149/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 219 and 220 together.

I have no statutory function in the setting of energy prices, whether in the regulated or non-regulated market. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body.

The electricity retail market is now fully deregulated and CER has announced that the small to medium business segment of the gas market will be deregulated from 1 October next. Business and domestic customers can increasingly avail of the competitive offerings from a number of electricity and gas supply companies. The first step that customers should take to reduce their energy costs is to work actively in securing better value offers in the market and in switching to suppliers delivering lower prices.

I acknowledge the action taken over the last two years to bring Ireland's energy prices into line with, or below, European averages. This is resulting in positive outcomes as is evidenced by improved competitiveness in the gas and electricity sectors when compared with other European countries.

Eurostat data for the first half of 2010 showed such convergence to the EU average for many categories of business and residential consumer in both the electricity and gas sectors. Analysis by the Sustainable Energy Authority of Ireland (SEAI) shows that average residential gas prices for the majority of Irish gas consumers went from being 4% above the EU average at the end of 2009 to being 5% below the average in the first half of 2010.

SEAI analysis of Eurostat data for the electricity sector show that in the 12 months to June 2010, Ireland experienced the largest fall in business electricity prices in the EU for medium to large consumers. Prices for these consumers fell by 20% to 36%, depending on consumption levels.

Electricity prices for business in Ireland were below the EU average for medium to large customers for the first half of 2010. For the group of businesses consuming the largest amount of electricity and for which we have data, Ireland was 27% below the Eurozone average. For business customers consuming smaller amounts of electricity Ireland was ranked between 5th and 12th in Europe out of 27 countries for the same period.

Competition helps to put downward pressure on energy prices. But the focus must be kept on all possible additional actions to mitigate costs where possible for business and for domestic customers. This is essential for competitiveness, for employment and for economic recovery.

This convergence to the EU average has been an important factor in supporting greater competitiveness for Irish enterprise and foreign direct investment. Global gas and oil prices have risen sharply since the start of the year driven by events in North Africa and Japan and high demand from the emerging economies of China and India.

Markets and analysts are forecasting that international oil and gas prices will rise further over the coming months. The Energy Regulator, Bórd Gais Eireann, ESB and other energy suppliers consider that such increases will have an impact on domestic gas and electricity prices. Ireland is a price taker in the global fossil fuel market and the economy is therefore vulnerable to energy price fluctuations and price rises. Competitor countries are in many instances facing the same prospect and the objective in the context of higher global prices must be that we retain or improve our competitive position.

Ireland's concerns about high oil and gas prices are shared at EU level and fellow Member Countries of the International Energy Agency (IEA). The EU and IEA agree that high fossil fuels prices which pose a threat to economic recovery underline the need to reduce dependence on fossil fuels by radically enhanced energy efficiency measures and the development of renewable energy.

I am committed to working with the energy sector to ensure that the costs of energy for are as competitive as possible through those measures at our disposal including notably a sustained focus on energy efficiency.

### **North-South Interconnector**

221. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the position regarding the provision of gas and electricity interconnectors North, South, east and west; if it is anticipated that such facilities will contribute to a reduction in costs here; and if he will make a statement on the matter. [16150/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The enhancement of regional co-operation, including improved interconnectivity between Member States, is a key objective of both the EU Energy Third Package and the EU Regulation on Security of Gas Supply.

The vast bulk of Ireland's gas demand is supplied from Great Britain through two interconnector pipelines between Ireland and Scotland. The Scotland Northern Ireland Gas Pipeline (SNIP) brings gas from Scotland to Northern Ireland. In addition, the South-North interconnector, running from Gormanstown in County Meath to Ballyclare in County Antrim, provides security of gas supply to Northern Ireland customers in the event of a gas supply disruption.

My Department and the Commission for Energy Regulation (CER) are currently working with their counterparts in Northern Ireland to put in place an all-island gas market by October 2012. The primary objective is to ensure that all stakeholders on the island can buy, sell and transport natural gas and that the market can be operated effectively on an all-island basis for the benefit of consumers.

At the Government's request, EirGrid the State owned transmission system operator, is building the East West Interconnector between the electricity grids of Ireland and Britain. The construction and operation of the East West Interconnector is the responsibility of EirGrid. This national strategic project is on schedule and on budget for delivery by 2012. The full cost of the Interconnector is underwritten by all electricity customers under the regulatory model implemented by the CER.

Electricity interconnection between Northern Ireland and Scotland is provided by the Moyle Interconnector which has a capacity of 500MW.

The European Commission is giving particular strategic priority to strengthening electricity interconnection across Europe. The strategic importance of the East West Interconnector project was recognised by the Commission with the granting of aid of €110 million for the project in 2009 as part of the economy recovery support package for European interconnection and

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energy infrastructure. The East West Interconnector will enable the import and export of electricity between Ireland and Britain. It will underpin the progressive integration of the two electricity markets and will support the further integration of wind onto the Irish energy system. It will also bring improved security of supply and increased competition in the single electricity market.

My Department and the CER will continue to work with counterparts in Northern Ireland and Great Britain to foster greater physical connectivity in electricity, improved security of supply and increased competition in the electricity and gas markets on the two islands for the benefit of consumers. Greater competition should help to keep downward pressure on generation costs and prices. Interconnection in the appropriate market and regulatory framework may also assist in this process, depending on how the relative prices in both jurisdictions compare over time and on how they incentivise trading in either direction.

### Energy Resources

222. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent of commercially viable oil gas or other discoveries arising from exploration on or off-shore in each of the past five years to date; and if he will make a statement on the matter. [16151/11]

223. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if ongoing oil gas or other mineral exploration work has indicated commercially viable discoveries; and if he will make a statement on the matter. [16152/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 222 and 223 together.

There have been a number of discoveries of oil and gas in the Irish Offshore in recent years, however none of these has been declared commercial to date. The only petroleum discovery that has been declared commercial but has yet to be developed is the Corrib Gas Field.

With regard to non-Petroleum minerals, while no new commercially viable deposits of minerals have been discovered in recent years, there have been some encouraging results.

224. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the extent to which supply from the Corrib Gas field is likely to meet domestic or industrial requirements on an annual basis for the future; when it is expected that supply will become available; the potential economic impact; and if he will make a statement on the matter. [16153/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** It is estimated that the Corrib gas field will be capable of supplying up to 60% of Ireland's gas requirements for a period of at least five years at full production, declining thereafter.

Completion of the development works by the developer is the principal factor that will determine the date for first gas. Pending such completion, it is not possible to state a date for when gas from the Corrib gas field will become available.

In terms of the potential economic impact, there will be a substantial yield of corporation tax payable to the State at the rate of 25% over the lifetime of the project once production goes into profit.

It should also be noted that the Corrib Gas development is a critical driver of investment, job creation and economic growth. In the immediate vicinity of the development and in the

region generally, it is estimated that some 120 to 140 direct jobs will be created during the onshore construction phase of the pipeline with an approximate additional 200 support jobs. There will also be 130 high quality permanent jobs ultimately created in Erris once the development comes into operation. Indirect employment opportunities such as building suppliers, general caterers and accommodation are not accounted for in this estimate.

### Departmental Funding

225. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources the various grants currently available under Sustainable Energy Ireland; and the grants that were available at the 31 December 2010. [16206/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The table below outlines the Exchequer funded programmes for renewable energy and energy efficiency in place at 31st December 2010 and those in place in 2011. The Sustainable Energy Authority of Ireland (SEAI) manages these programmes on behalf of my Department. Details of the individual grants available to householders and organisations under the various programmes are available on the SEAI website.

The largest of the 2011 programmes is 'Better Energy: The National Upgrade Programme', which I launched on Wednesday, 11 May 2011, on foot of the Jobs Initiative. The Better Energy Programme encompasses a number of the energy efficiency and renewable energy programmes operating as of 31st December 2010, including the Home Energy Savings Scheme (HES), the Warmer Homes Scheme (WHS) and the Greener Homes Scheme (GHS).

The SEAI has recently launched the 'Better Energy Workplaces' grant scheme for sustainable energy upgrades of non-domestic buildings, facilities and services. The scheme is open for applications for projects from public sector, private sector and community organisations.

Some of the other programmes listed have been running for a number of years and having provided the impetus to develop a sustainable market are now either in their wind down phase or have been closed to new applicants.

Programme/Project	2010 Total (€m)	2011 Total (€m)
Better Energy: The National Upgrade Programme	0.000	99.869
Warmer Homes Scheme	13.051	0.00
Home Energy Savings Scheme/National Energy Retrofit Programme	74.768	0.00
Greener Homes Scheme	6.000	0.00
Industry in Business	2.722	0.00
Public Sector Energy Efficiency	0.887	0.00
Reheat Deployment	2.238	0.550
CHP Deployment	3.678	2.447
Electric Vehicles	0.00	5.000
House of Tomorrow	0.549	0.00
Renewable Energy RD&D	2.182	2.000
Micro Generation	0.481	0.700
Ocean Energy Development	7.740	7.100
RE Transport and Fuel	0.623	0.150
Smart Metering	0.650	0.450

### Public Service Obligation

226. **Deputy Robert Dowds** asked the Minister for Communications, Energy and Natural Resources if he will cap the public service obligation levy on energy bills for voluntary organisations in order that the levy, inclusive of VAT, cannot exceed the cost of the energy used for the billing period. [16250/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Public Obligation Service (PSO) levy has been in place since 2001 and is the support mechanism for peat generation and the development of renewable electricity. The PSO also supports the output of two gas fuelled power plants built in 2005 to secure much needed generation capacity at the time. The levy is designed to compensate electricity suppliers for the additional costs they incur by purchasing electricity generated by the three peat stations and renewable energy sources. The levy has supported the connection of more than 1,400 MW of renewable energy, mostly wind, to the electricity grid over the last decade. The Commission for Energy Regulation (CER) determines the PSO levy which is a charge on all electricity customers without exception. Its legal basis and method of calculation are set out in the regulations made under the Electricity Regulation Act 1999. The scheme sets out that it applies to all electricity customers. Each year the PSO Levy is calculated by CER according to the method set out in the regulations and this process is currently underway for the next PSO year starting on 1st October 2011.

The PSO levy for the current year (exclusive of VAT of 13.5%), is €32.76 for residential customers and €99.03 for small to medium sized business customers. On a VAT exclusive basis, this roughly equates to €2.73 per month or €5.46 every two months for residential customers and €8.25 per month or €16.50 every two months for small to medium sized business customers.

In general terms, the cost of the PSO levy to the consumer tends to be low or zero when gas and oil prices are high, as in these cases the market adequately rewards renewable and conventional generation including the peat stations. However, when fossil fuel prices are low, peat and renewable generators become less competitive and suppliers need to be compensated for purchasing their output. The fall in gas prices in recent years gave rise to the re-emergence of the PSO levy on all customers' bills from October 2010.

Global gas and oil prices have risen sharply since the start of the year driven by events in North Africa and Japan and high demand from the emerging economies of China and India. Markets and analysts are forecasting that international oil and gas prices will rise further over the coming months. The Energy Regulator, Bord Gáis Éireann, ESB and other energy suppliers consider that such increases will have an impact on domestic gas and electricity prices. Ireland is a price taker in the global fossil fuel market and electricity consumers are therefore vulnerable to such energy price fluctuations and price rises.

### Radio Broadcasting

227. **Deputy Dominic Hannigan** asked the Minister for Communications, Energy and Natural Resources the position regarding plans for the auctioning of 4G licences here; and if he will make a statement on the matter. [16306/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The management of the radio spectrum is a statutory function of ComReg under the Communications Regulations Act 2002. In accordance with this function and with its obligations under EU law, ComReg designs and manages the spectrum assignment process bearing in mind its objectives of ensuring the effective and efficient use of radio frequencies, promoting the harmonisation of use of frequencies across the EU, encouraging investment and promoting compe-

tition, in the interests of consumers. ComReg is independent in the exercise of this spectrum management function.

ComReg has recently engaged in consultations on the proposed assignment of spectrum in the 800 MHz, 900 MHz and 1800 MHz frequency bands by means of a competitive auction. I am informed that in the coming weeks ComReg will publish a consultation paper which will set out, amongst other things, a draft decision of its proposed method for awarding rights of use of spectrum in these bands.

While this proposal is still under consultation and no final decision has yet been made, ComReg envisages that it will complete its consultation, issue its final decision, and commence its auction by end 2011, with new licences awarded thereafter.

### **Alternative Energy Projects**

228. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources if he intends setting a national renewable target in public buildings through the introduction of a biomass public procurement policy as an alternative to burning imported fossil fuels which cost at present €600 million per annum; and if he will make a statement on the matter. [16341/11]

229. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources if he intends introducing a renewable heat incentive scheme similar to that introduced in the United Kingdom in March 2010 to stimulate the renewable heat market; and if he will make a statement on the matter. [16342/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 228 and 229 together.

The national targets for penetration of renewable energy in the electricity, heat and transport sector by 2020 are 40% renewable electricity, 12% renewable heat and 10% renewable energy in transport. These targets are commensurate with the overall mandatory target set for Ireland under Renewable Energy Directive of 16% penetration of renewable energy across the three sectors by 2020.

Schemes to date administered by the Sustainable Energy Authority of Ireland (SEAI) including the Greener Homes Scheme, Renewable Heat Deployment Programme (ReHeat) and the Combined Heat and Power (CHP) Deployment Programme, have contributed to increasing the level of renewable heat deployment. Attainment of the national target is acknowledged to pose considerable challenges.

My Department together with the Department of Agriculture, Marine and Food is progressing a national Bioenergy Strategy, which will include proposals on how best to encourage the use of renewable heating technologies in the public and private sector in the most cost effective way possible.

In that context my Department together with SEAI, will assess the cost and benefits of a scheme similar to the proposed UK Renewable Heat Incentive (RHI) Scheme.

### **Electricity Transmission Network**

230. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources if he intends directing EirGrid to halt any further work on the Meath-Tyrone interconnector until an independent analysis is carried out by qualified experts on the alternative of putting the cable underground; and if he will make a statement on the matter. [16343/11]



231. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources when he intends appointing independent international experts to examine and report on the case for and the extra costs associated with putting part or all of the Meath-Tyrone 440 kVA power line underground; and if he will make a statement on the matter. [16344/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 230 and 231 together.

The planning, development and routing of transmission line infrastructure is a matter for EirGrid, which is the State owned body responsible for the electricity transmission system. I have no statutory function regarding the planning and construction of energy networks.

The Government fully endorses the strategic national importance of investing in Ireland's electricity transmission infrastructure. In that context the Meath-Tyrone 400KV Interconnector is a key strategic project for the economies and consumers both North and South. It is also critical to ensuring energy supply adequacy on the island of Ireland.

The Programme for Government commits to the establishment of an independent international expert commission to review within six months the case for, and cost of, undergrounding all or part of the Meath-Tyrone line. The review will not consider whether the Meath-Tyrone Interconnector should be built. It will consider the case for and cost of undergrounding and will take account of the significant corpus of analysis already commissioned into the undergrounding option.

EirGrid has begun a new round of non statutory public consultation in relation to the Meath—Tyrone Interconnector preparatory to a formal new application to An Bord Pleanála. This preparatory work by EirGrid does not in anyway pre-empt or undermine the Programme for Government commitment. There is no requirement in the Programme for Government that EirGrid should halt all preparatory work and EirGrid has publicly stated that it will fully cooperate with the review and have due regard to its findings.

As soon as I am satisfied with arrangements for the proposed expert commission I will be announcing its establishment. I have asked my Department to expedite those arrangements with a view to an announcement shortly.

### **Legislative Programme**

232. **Deputy Dara Calleary** asked the Minister for Communications, Energy and Natural Resources his plans to review the Consolidated Fisheries Act 1959; and if consideration will be given to provide for nominees on licences in special tidal waters. [16382/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** My Department, in consultation with Inland Fisheries Ireland, is in the course of reviewing the existing provisions of the Fisheries Acts dating back to 1959 with a view to producing one consolidated and modernised piece of legislation for the inland fisheries sector. The structure of the existing licensing regime, including the provision of nominees on licences, is one of the aspects being reviewed by Inland Fisheries Ireland. Once they have completed their review Inland Fisheries Ireland will make recommendations to me on future management regimes in the context of any proposed legislation.

### **Telecommunications Services**

233. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources his plans to provide adequate broadband service for the Leitrim village area of County Leitrim; and if he will make a statement on the matter. [16415/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The provision of broadband services is, in the first instance, a matter for private sector service providers operating in Ireland's fully liberalised telecommunications market. Broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, fibre and satellite.

Details of broadband services available in each county can be found on ComReg's website at [www.callcosts.ie](http://www.callcosts.ie).

In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The National Broadband Scheme (NBS) and the recently-launched Rural Broadband Scheme (RBS) represent such interventions.

EU State Aid and competition rules govern how states can intervene in areas where there are existing service providers operating. Accordingly, Government sponsored interventions are prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion.

It continues to be a priority of the Government that there will be broadband coverage across the entire country. I am aware that there continues to be a small percentage of premises throughout the country that are not currently capable of receiving broadband services. This is primarily due to technical and other reasons (suitability of a telephone line, distance from an enabled exchange, no line of sight etc.).

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. Using this funding, which will be augmented by an Exchequer contribution, I have recently launched a Rural Broadband Scheme. This scheme aims to identify the remaining individual premises in rural Ireland, outside of the NBS areas that are unable to obtain a broadband service and to provide a basic broadband service to those premises, where requested.

Information in relation to acceptance of applications and the process of qualification under the scheme is available on my Department's website ([www.dcenr.ie](http://www.dcenr.ie)) or through contacting my Department on lo-call 1850 678100.

In addition, under the NewERA proposals in the Programme for Government, there is a commitment to co-invest with the private sector and commercial Semi State sector to provide Next Generation Broadband to every home and business in the State.

On 13th June, I convened a meeting of the Next Generation Broadband Taskforce (NGBT), which I chair. The Task Force comprises the CEOs of all of the major telecommunications companies currently operating in the Irish market and CEOs of some Internet Service Provider companies. Its purpose is to discuss how best to deliver the optimal policy environment and to identify a roadmap for the speedy delivery of high speed broadband across Ireland. The Taskforce will consider issues such as appropriate targets, investment plans, and the role of Government policy and actions in driving and facilitating investment.

I expect that the NGBT, which will conclude its deliberations before the end of March 2012 will be helpful in terms of identifying the optimal policy position to deliver wider customer access to high-speed broadband.

### **Warmer Homes Scheme**

234. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources if he will address a ten to 12 month waiting list for an installation service relevant to his Department (details supplied); and if he will make a statement on the matter. [16596/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The allocation of funds and resources towards the Community Employment Scheme is a matter for my colleague, the Minister for Enterprise, Jobs and Innovation and not one in which I have any function.

The Warmer Homes Scheme, now an integral element of the Better Energy programme is managed by the Sustainable Energy Authority of Ireland (SEAI). The scheme provides energy efficiency improvements to homes in, or at risk of, energy poverty. The scheme is delivered through a combination of community based organisations (CBOs) and a panel of private contractors. It was successfully delivered to over 24,000 homes across the country in 2010. The scheme has addressed over 64,000 fuel poor homes since 2000 and the extra funding allocated under the recent jobs initiative will deliver up to an additional 20,000 homes in 2011.

The success of the scheme in 2010 and the roll out on a national basis has led to increased awareness and demand. It is the case therefore that there has been an increase in waiting times. The SEAI are working to establish a national waiting list, which will assist in prioritising those homes which have been waiting for the longest periods of time. Within the existing mixed model, Donegal is currently serviced by three CBOs augmented with delivery through private contractors.

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235. **Deputy Seán Kyne** asked the Minister for Communications, Energy and Natural Resources if consideration can be given to extending the remit of the newly announced rural broadband scheme to rural areas of Galway, for example, Connemara, owing to the insufficient service provided to these locations which were covered by the national broadband scheme in view of the fact that such deficiencies in broadband access are having a detrimental effect on some Connemara based businesses with the result of jobs being under threat. [16601/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The recently-launched Rural Broadband Scheme (RBS) is specifically aimed at making a basic broadband service available to the small number of premises in rural Ireland that for a number of mainly technical reasons are unable to avail of a service from a commercial operator.

The EU Commission approved this State intervention on the basis that the premises in question had to be located in a rural non-National Broadband Scheme (NBS) area and could not currently avail of a commercial service. In those circumstances, it is not possible to extend the reach of the RBS to include NBS areas.

Under the terms of the NBS, all residents within that area are entitled to a service from the NBS service provider “3” at contractually set minimum speeds. Where customers are not receiving the contractually agreed terms and conditions they should, in the first instance, raise the matter with “3” through the company’s customer service channel. If this fails to satisfactorily resolve the matter, they can contact my Department’s NBS section who will provide assistance in having the matter settled (details of relevant contact points are available on my Department’s website [www.dcenr.ie](http://www.dcenr.ie)).

It is a fundamental part of the NBS contract that all of the contractual obligations are fully met by the NBS service provider. Where my Department receives a formal complaint from a customer it is immediately taken up with “3” with a view to resolving the matter as quickly as possible.

I would therefore urge NBS customers who are not happy with the quality of the service they are receiving to pursue the matter with “3” and, if necessary, my Departmental officials.

### International Agreements

236. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government the amount of money that is being paid by the State to Europe per annum in relation to the Kyoto agreement; and if he will make a statement on the matter. [16556/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Ireland, as a party to the United Nations Framework Convention on Climate Change and the Kyoto Protocol, makes annual contributions towards the core budgets of both the Convention and the Protocol. In addition, Ireland makes an annual contribution to the cost of the International Transaction Log, which verifies transactions by National Registries in order to ensure consistency with the rules of the Kyoto Protocol. The amount of these contributions is based on a biennial programme budget adopted by Conferences of the Parties. Ireland's contributions in the current biennium (2010-2011) to the Convention, Protocol and Transaction Log are €126,651, €94,443 and €45,656, respectively. They are paid directly to the Convention secretariat rather than through the European Union.

### Departmental Expenditure

237. **Deputy Eric Byrne** asked the Minister for the Environment, Community and Local Government if he will confirm that he will be in a position to forward funding to the community workers co-operative under the funding scheme to support national organisations in the community and voluntary sector. [16754/11]

247. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he will provide a detailed explanation for the decision by him not to award funding to the community workers co-operative under the scheme to support national organisations in the community and voluntary sector; and if he will make a statement on the matter. [16174/11]

248. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the assessment criteria used in assessing applications for funding under the scheme to support national organisations in the community and voluntary sector; if the assessment criteria has changed from 2010 to 2011; and if he will make a statement on the matter. [16175/11]

249. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the detail and operation of the marking system used in allocating funding under the scheme to support national organisations in the community and voluntary sector; if the marking system has changed from 2010 to 2011; and if he will make a statement on the matter. [16176/11]

250. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the total available funding from him for the scheme to support national organisations in the community and voluntary sector in 2011; the organisations which he has, since March 2011, decided to fund; the amounts awarded to each group; and if he will make a statement on the matter. [16177/11]

259. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the very negative impact of the decision not to fund the community workers co-operative office in County Galway under the new scheme to support national organisations in the community and voluntary sector and if he

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will ask for an immediate review of the impact of this decision at a time when demands on community and voluntary supports have increased dramatically due to the economic crisis.  
[16364/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 237 to 250, inclusive, and 259 together.

The Scheme to Support National Organisations in the Community and Voluntary Sector commenced in 2008. In total, €16 million was allocated to 64 organisations over the three year period 2008-2010. The three-year funding contracts concluded at end 2010. The total available in 2011 is €4m.

A comprehensive review of the scheme was carried out by the Department of Community, Equality and Gaeltacht Affairs in 2010. A new Funding Scheme was advertised in December 2010 which set down amended assessment criteria for applications received under the Scheme. These criteria did not change in 2011. 149 applications were received and 63 organisations were approved for funding under the Scheme, of which 46 had been funded under the previous Scheme.

The criteria used to assess applications and the markings under the Scheme were as follows:

Criteria	Marks
Extent to which proposal focuses on disadvantage;	20
Deliverables and impact of the Funding;	25
Level of added value within sector;	20
Viability, value for money and governance	20
Level of co-operation/integration/consolidation with similar/allied organisations.	15

In order to be awarded funding successful applicants had to achieve a qualifying score of at least 60. The total mark achieved by the Community Workers Cooperative did not meet the qualifying score.

The table gives details of the 63 successful applicants. Allocations under the scheme are indicative, as final allocations are subject to approval of business plans. Funding for the scheme beyond 2011 is subject to annual estimates and to the outcome of the Comprehensive Review of Expenditure as well as the ongoing monitoring of the scheme.

Organisation	Annual Amount Allocated
Children in Hospital Ireland	€100,000.00
The Irish Traveller Movement	€100,000.00
Free Legal Advice Centres (FLAC)	€100,000.00
INOUE	€100,000.00
Children's Rights Alliance	€100,000.00
The Wheel	€100,000.00
OPEN	€100,000.00
One Family	€95,000.00
Rape Crisis Network Ireland (RCNI)	€90,000.00
Irish Autism Action	€90,000.00
Safe Ireland	€90,000.00
New Communities Partnership	€90,000.00

Organisation	Annual Amount Allocated
IASE (Irish Association for Supported Employment)	€90,000.00
Simon Communities of Ireland	€90,000.00
Muintir na Tire	€85,000.00
Active Retirement Network Ireland	€80,000.00
Irish Deaf Society	€75,000.00
The Carers Association	€75,000.00
Alzheimer Society of Ireland	€75,000.00
Brí — The Acquired Brain Injury Advocacy Association	€75,000.00
Caring for Carers Ireland Ltd	€75,000.00
Dyslexia Association of Ireland (DAI)	€75,000.00
Breaking Through	€70,000.00
Irish Mountain Rescue	€70,000.00
Carmichael Centre for Vol Groups	€70,000.00
Arthritis Ireland	€65,000.00
European Anti-Poverty Network	€60,000.00
Barnardos	€60,000.00
Multiple Sclerosis Society of Ireland	€60,000.00
Neurological Alliance of Ireland	€60,000.00
Disability Federation of Ireland	€55,000.00
Irish National Community & Voluntary Forum (NCVF)	€55,000.00
Aspire	€50,000.00
The Asthma Society of Ireland	€50,000.00
Age Action Ireland	€50,000.00
National Youth Council of Ireland	€50,000.00
Acquired Brain Injury Ireland(Trading as the Peter Bradley Foundation)	€50,000.00
Irish Heart Foundation	€50,000.00
Business in the Community Ireland	€50,000.00
MOVE Ireland	€50,000.00
Centre for Independent Living	€50,000.00
Care Alliance Ireland	€45,000.00
Muscular Dystrophy Ireland	€45,000.00
Football Association of Ireland	€45,000.00
Chronic Pain Ireland	€45,000.00
National Association for Spina Bifida & Hydrocephalus Irl	€45,000.00
Open Heart House	€45,000.00
INCADDS Irish National Council of Attention Deficit Hyperactive Disorder Support Groups	€40,000.00
National Traveller Womens' Forum	€40,000.00
Inclusion Ireland -	€40,000.00
National Association of Building Co-operatives (Nabco)	€40,000.00
Foróige (NFTE)	€40,000.00
National Collective of Community-based Womens Networks	€40,000.00
Show Racism the Red Card	€35,000.00
Migraine Association of Ireland	€35,000.00
National Association for Youth Drama	€35,000.00
Irish Motor Neurone Disease Assoc (IMNDA)	€30,000.00
Irish Stammering Association	€30,000.00
Post Polio Support Group	€30,000.00

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Organisation	Annual Amount Allocated
Irish Council for Social Housing (ICSH)	€25,000.00
Huntington's Disease Association of Ireland Ltd	€23,000.00
Genetic and Rare Disorders Organisation	€20,000.00
GROW in Ireland	€20,000.00

### Radon Gas

238. **Deputy Paudie Coffey** asked the Minister for the Environment, Community and Local Government due to the fact that parts of Ireland has high levels of radon gas and that radon is considered a public health problem, his plans to make it mandatory to have each dwelling here tested for radon when they are being sold or rented, thus making it a condition of sale when buying or renting a dwelling; the changes in legislation required to ensure radon testing is carried out; and if he will make a statement on the matter. [16662/11]

239. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his plans to implement a national radon testing programme with a subsequent radon remedial action grant scheme for buildings with high radon readings, in areas such as Castleisland, County Kerry, where consistently high readings are found in buildings; and if he will make a statement on the matter. [16669/11]

240. **Deputy Arthur Spring** asked the Minister for the Environment, Community and Local Government if, in the wake of the recent report by the Radiological Protection Institute of Ireland which indicates high levels of radon gas in houses in County Kerry, if there are or there will be grants available to assist low income families test for and treat high radon levels in the home. [16675/11]

241. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding radon. [16771/11]

270. **Deputy Billy Timmins** asked the Minister for the Environment, Community and Local Government the position regarding grant aid towards the cost of remediation works to homes in which there are high levels of radon; and if he will make a statement on the matter. [16593/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 238 to 241, inclusive, and 270 together.

The extent of the radon problem in Ireland has been assessed by the Radiological Protection Institute of Ireland (RPII) over a number of years. Between 1992 and 1999, the RPII carried out a comprehensive National Radon Survey to measure radon concentrations in Irish homes. The principal objective was to assess the scale of the radon problem and, in particular, identify areas at higher risk of radon contamination above the National Reference Level of 200 becquerels per metre cubed (Bq/m<sup>3</sup>).

Through the RPII's radon advice and awareness work, my Department supports efforts to raise public awareness of the risks posed by radon in the home. Householders, particularly those in known high radon areas, have been strongly encouraged by the RPII to have their homes tested for radon and to undertake remediation works where necessary. However, I have no plans to make it mandatory to have dwellings here tested for radon as a condition of sale when buying or renting a dwelling. If a dwelling is found to have a high radon level, remediation work may be recommended. Technical guidance on radon remediation techniques is available

in a booklet issued by my Department, Radon in Buildings — Corrective Options, which is available on my Department's website at [www.environ.ie](http://www.environ.ie). The RPII has also issued guidance, Understanding Radon Remediation — A Householders Guide, which is available on the Institute's website at [www.rpii.ie](http://www.rpii.ie), together with a list of companies who can provide a radon remediation service and offer specific advice and recommendations. In addition, the RPII can be contacted for radon advice on freephone 1800 300 600.

There is no grant scheme available through my Department for household radon testing or remediation. The cost of a household radon test is typically around €55.

### **Unfinished Housing Estates**

242. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the level of funding awarded to each county council for working on unfinished housing estates; and if he will make a statement on the matter. [16104/11]

266. **Deputy Frank Feighan** asked the Minister for the Environment, Community and Local Government his plans to make funding available to Roscommon County Council for unfinished housing estates; when this funding will be made available; if the way in which the funding is used will be at the discretion of the council [16478/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 242 and 266 together.

The unfinished housing developments safety initiative was introduced earlier this year to deal with the health and safety issues presented by unfinished estates. My Department has allocated an initial €5 million to allow local authorities to identify such estates and make application for funding to alleviate the problem.

Currently, local authorities are conducting this survey and applying for funds as necessary. To date almost half of local authorities have made applications and funding has been made available in respect of 44 applications. The amount being allocated to each local authority is dependent upon the scale of the works to be undertaken.

No application for funding has been received from Roscommon County Council, but should one be submitted it will be evaluated as soon as possible.

### **Water Charges**

243. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government when water meters will be installed in each home; the date of same; if there will be a tender process to decide which water metering system will be used; the background information on same; and if he will make a statement on the matter. [16131/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Fergus O'Dowd):** The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in households and move to a charging system based on usage above a free allowance. My Department is currently preparing a strategy to implement these proposals, including the approach to be taken for the procurement of water meters. Further details will be made available when the Government has considered the proposals.



### Proposed Legislation

244. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government his plans to review the legislation regarding anti-social behaviour of persons in receipt of rent allowance and the rental accommodation scheme in line with the powers that exist in respect of local authority tenants; and if he will make a statement on the matter. [16140/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** Rent Supplement is an income support scheme operated by the Department of Social Protection in respect of persons in private rented accommodation and I have no plans to review the legislation applicable to the behaviour of such tenants.

In regard to accommodation let under availability agreements under Chapter 4 of the Housing (Miscellaneous Provisions) Act 2009, providing for the Rental Accommodation Scheme, the position is that it is intended to commence the relevant provisions in this legislation before the end of the year.

### Community Development

245. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the work carried out by the Community Workers' Co-operative funded by him and other Departments since that organisation first received State funding; and if he will make a statement on the matter. [16172/11]

246. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the amount of non-governmental funding leveraged by the Community Workers' Co-operative in every year since 2000, broken down by year on the basis of the core funding provided by him and other relevant Departments; and if he will make a statement on the matter. [16173/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 245 and 246 together.

The Community Workers Cooperative (CWC) is a company limited by guarantee. It is governed by its own Board of Directors, and my Department does not have details of all Governmental or Non-governmental funding received by the CWC over the years.

The Department of Community, Equality and Gaeltacht Affairs operated a Funding Scheme to support Anti-Poverty Networks from 2004-2007. The CWC received funding of €143,065 in 2004 and €37,555 in 2005. Under the new Funding Scheme to Support National Organisations in the Community and Voluntary Sector 2008-2010 which was also operated by that Department, the CWC received funding of €169,440. Funding under this Scheme was extended to end of June 2011 and CWC were awarded €20,476.80 for that six month period. All of this funding was a contribution towards the core cost of the organisation.

A new Funding Scheme was advertised by the Department of Community, Equality & Gaeltacht Affairs in December 2010 and this Scheme transferred to my Department in May 2011; the Community Workers' Co-operative were not awarded funding under the new Scheme.

*Questions Nos. 247 to 250, inclusive, answered with Question No. 237.*

251. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the total available funding from the Government for the scheme to support national organisations in the community and voluntary sector in 2010; the organisations which

the Government funded in 2010 and the amounts awarded to each group; and if he will make a statement on the matter. [16178/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In 2010 the Department of Community, Equality and Gaeltacht Affairs provided just in excess of €5m on the Scheme to Support National Organisations in the Community and Voluntary Sector. This funding was a contribution towards the core costs of organisations.

The table below details the 2010 payees.

National Organisation	Total paid in 2010
Accord Catholic Marriage Care Service	€40,608.00
Active Retirement Ireland	€80,352.00
Age Action Ireland Ltd.	€45,792.00
AkiDwA (Akina Dada wa Africa — The African Women's Network (Ireland))	€45,792.00
Arthritis Ireland	€80,352.00
Barnardos	€51,840.00
Breaking Through Ltd.	€63,072.00
BRI — The Acquired Brain Injury Association	€80,352.00
Business in the Community	€68,688.00
Camphill Communities of Ireland Ltd	€39,011.00
Care Alliance Ireland	€80,352.00
Caring for Carers Ireland	€80,352.00
Carmichael Centre	€60,480.00
Cheshire Ireland	€80,352.00
Children in Hospital Ireland	€114,912.00
Children's Rights Alliance	€160,704.00
Community Workers' Co-operative	€51,840.00
Disability Federation of Ireland	€45,792.00
Dyslexia Association of Ireland	€80,352.00
European Anti-Poverty Network Ireland	€114,912.00
Free Legal Advice Centres (FLAC)	€137,376.00
Huntington's Disease Association of Ireland	€21,600.00
IASE (Irish Association of Supported Employment)	€126,144.00
Inclusion Ireland — National Association for People with an Intellectual Disability	€45,792.00
Irish Autism Action	€114,912.00
Irish Chronic Pain Association	€34,560.00
Irish Council for Social Housing	€45,792.00
Irish Countrywomen's Association	€91,584.00
Irish Deaf Society	€91,584.00
Irish Mountain Rescue Association (IMRA)	€64,800.00
Irish National Council of AD/HD Support Groups (INCADDS)	€45,792.00
Irish National Organisation of the Unemployed	€171,936.00
Irish Rural Link	€177,120.00
Irish Senior Citizens Parliament	€86,400.00
Irish Stammering Association	€45,792.00
Irish Traveller Movement	€132,192.00
Medical Research Charities Group	€45,792.00
Migraine Association of Ireland	€45,792.00

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National Organisation	Total paid in 2010
Migrant Rights Centre Ireland (MRCI)	€63,072.00
MOVE (Men overcoming Violence)Ireland Ltd	€45,792.00
Muintir na Tíre	€164,000.00
Multiple Sclerosis Society of Ireland	€51,840.00
National Association of Building Co-operatives Society Ltd. (NABCo)	€45,792.00
National Association of Traveller Centres	€45,792.00
National Collective of Community based Women's Networks	€45,792.00
National Federation of Voluntary Bodies Providing Services to People with Intellectual Disability	€45,792.00
National Traveller Women's Forum	€45,792.00
National Voluntary Drug Sector	€34,560.00
National Women's Council of Ireland	€60,480.00
Neurological Alliance of Ireland	€63,072.00
New Communities Partnership	€97,632.00
One Family	€96,768.00
OPEN (One Parent Exchange Network)	€160,704.00
Post Polio Support Group	€45,792.00
Rape Crisis Network Ireland	€91,584.00
Simon Communities of Ireland	€171,936.00
Special Olympics Ireland Ltd	€91,584.00
Suas Educational Development	€45,792.00
The Alzheimer Society of Ireland	€91,584.00
The National Network of Women's Refuges and Support Services (NNRWSS)	€91,584.00
The Older Women's Network (OWN Ireland)	€129,600.00
Unmarried and Separated Fathers of Ireland	€45,792.00
The Wheel	€120,960.00
Voluntary Drug Treatment Network	€23,400.00
<b>Total Amount</b>	<b>€5,007,355.00</b>

### Water and Sewerage Schemes

252. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government the position regarding a sewerage scheme (details supplied); and when full approval will be given to same. [16205/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Water Services Investment Programme 2010 — 2012, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Westmeath. The total value of contracts underway and those proposed for commencement during the period of the programme in County Westmeath is some €158 m.

Rathowen sewerage scheme is not included among the contracts and schemes in County Westmeath to be progressed under the Water Investment Programme over the period 2010-2012.

The development of the programme for 2010-2012, involved a complete review of all schemes which had not substantially advanced under the previous programme, to ensure that contracts

and schemes proceeding were in line with programme priorities. A key input to the development of the Programme was the assessment of needs prepared by local authorities. Rathdown sewerage scheme was not included in the assessment of need prepared by Westmeath County Council as a scheme for inclusion in this cycle of investment, and the Council has not asked for its inclusion as part of the annual review of the current programme.

### **Local Authority Staff**

253. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government when he proposes to transfer the administration of rent allowance to the local authorities; and if the local authorities will receive any additional staff to manage this service. [16207/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** As part of my review of housing policy I announced recently the Government's intention to transfer responsibility for dealing with the housing needs of persons currently in receipt of Rent Supplement from the Community Welfare Service to Housing Authorities.

I have recently set up a number of working groups to advance implementation and they will deal with all aspects of the proposed new arrangements, including resources and timing.

### **Library Projects**

254. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government when he will provide the necessary funding to Longford County Council to provide libraries at Granard and Edgeworthstown, County Longford. [16209/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department provides capital funding towards the provision and refurbishment of new and existing public libraries. In this regard, in 2008 my Department requested Library Authorities to provide details of priorities for library development within their area.

In its response, Longford County Council ranked Ballymahon branch library as its main priority, followed by projects at Granard and Edgeworthstown and the provision of a library delivery vehicle.

Grant aid of €900,000 was approved in respect of the Ballymahon project. At present €820,000 has been drawn down and final accounts, that will facilitate final drawdown, are awaited. In addition, my Department provided €80,000 for the purchase and fit out of a library vehicle in 2010.

My Department has received no applications for funding in relation to library projects at either Granard or Edgeworthstown.

### **Local Authority Housing**

255. **Deputy Brian Walsh** asked the Minister for the Environment, Community and Local Government if he will amend the terms of the recently announced tenant purchase scheme to allow for the inclusion of apartments; and if he will make a statement on the matter. [16251/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** The Regulations providing for the new tenant purchase scheme for local authority houses are made under Section 90 of the Housing Act, 1966 (as amended). This enactment, however, is not an appropriate vehicle for the sale of local authority apartments to

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tenants, due to the complexities involved. Work is proceeding on the necessary statutory instruments to enable the tenant purchase scheme for local authority apartments under Part 4 of the Housing (Miscellaneous Provisions) Act 2009 to be brought into operation as soon as possible.

### **Environmental Policy**

256. **Deputy Seán Kenny** asked the Minister for the Environment, Community and Local Government the legal decibel level pertaining to house alarms in residential areas; the length of time they are permitted to sound without an interval period; if it is possible to alter same; and if he will make a statement on the matter. [16295/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Section 107 of the Environmental Protection Agency Act 1992 provides local authorities with powers to require measures to be taken to prevent or limit noise from any premises, processes and works. The Environment Section of the relevant City or County Council is the appropriate contact point for reporting a noise nuisance in this regard. In addition, under section 108 of the Environmental Protection Agency Act 1992, where any noise is so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance, then it is open to any person, or group of persons, to bring a complaint to the District Court. The Court may order the person or body making, causing or responsible for the noise to take the measures necessary to reduce the noise to a specified level or to take specified measures for the prevention or limitation of the noise and the person or body concerned must comply with that order.

The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet outlining the legal avenues available to persons experiencing noise nuisance is available to download from my Department's website at the following address: <http://www.environ.ie/en/Environment/Noise/PublicationsDocuments/FileDownload,1319,en.pdf>

The Court may take into account whether the person alleged to have caused a noise nuisance took all reasonable care to prevent or limit the noise by using facilities, practices and methods of operation that are suitable for that purpose.

The Private Security Authority (PSA), under the aegis of the Department for Justice and Equality, is responsible for the licensing, control and supervision of all installers of security equipment. The PSA has powers to maintain and improve standards in the provision of services, including standards for intruder alarms. As of 1 August 2006, alarm installers cannot legally operate without a PSA licence, the granting of which will require that the installer is compliant with the Irish Standard for intruder alarm systems, IS EN50131.

IS EN50131 does not specify a maximum decibel level but does specify a maximum duration of 15 minutes for the sounding of external alarms on buildings, which must cease automatically after this maximum duration. This applies to all external alarms installed after 1 August 2006.

### **Waste Disposal**

257. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if there is still a need for the Nevitt Lusk dump in County Dublin, in view of the money recently invested in a similar dump in Cork; if there is the money and the continued intention for this dump to go ahead and, if not, if he will direct Fingal County Council to state that it will not be built, in view of the fact that it is a source of stress for residents in the area, some of whom will have their houses compulsorily purchased if it was to go ahead; and if he will make a statement on the matter. [16315/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In accordance with the provisions of the Waste Management Acts, the preparation and adoption of a waste management plan, including matters in respect of infrastructure provision, is the statutory responsibility of the local authority or authorities concerned, and under section 60(3) of the Waste Management Act 1996 I am precluded from exercising any power or control in relation to the performance by a local authority, in particular circumstances, of a statutory function vested in it.

Financial considerations in relation to proposed local authority waste infrastructure are primarily a matter for the relevant local authority or authorities, in this instance Fingal County Council.

### **Household Charges**

258. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government the position regarding exemptions on property and water charges in respect of a person (details supplied) in Dublin 9. [16321/11]

**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.

I will be bringing proposals to Government in the near future on the legislative and administrative requirements necessary to implement the household charge. The level at which the charge will be set and the applicability of exemptions to the charge will be considered by Government at that time and will be announced in due course. It is my intention that the revenues from the charge will support the provision of locally based services.

The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in households and move to a charging system based on usage above a free allowance. My Department is currently preparing a strategy to implement these proposals and further details will be made available when the Government has considered the proposals.

*Question No. 259 answered with Question No. 237.*

### **Planning Issues**

260. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on correspondence (details supplied) regarding re-zoning; and if he will make a statement on the matter. [16389/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** I received a copy of the correspondence in question on 10 June and issued a reply on 16 June.

[Deputy Willie Penrose.]

In my capacity as a statutory consultee in respect of certain planning functions under the Planning and Development Act 2000 (as amended), Westport Town Council has recently submitted a draft variation to its Development Plan 2009-2015 which concerns the historic setting in question. Given that the statutory process is currently under way, it would not be appropriate to comment further on the matter until the Council has had an opportunity to consider my Department's observations on the draft variation. I expect that the statutory comments provided in the Department's submission will be addressed in due course as part of the Manager's Report to the Council on all the submissions received.

Notwithstanding the above, it remains the case that I will continue to act in the public interest at all times in ensuring proper development, including in relation to the protection and preservation of our rich cultural heritage.

261. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if he is satisfied that planning authorities are facilitating the extension of planning applications in accordance with the terms of SI 406 of 2010, to those persons who have been affected by the economic recession and are as a result unable to avail of the permission within the original timeframe granted; if his attention has been drawn to the fact that planning authorities are introducing new conditions to the original grant of permission; if he will assess the implementation of the statutory instrument; and if he will make a statement on the matter. [16408/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** Section 28 of the Planning and Development (Amendment) Act 2010 amended Section 42 of the Planning and Development Act 2000 to provide that the duration of a planning permission may be extended where substantial works have not been done, or where the development has not even commenced, in cases where the planning authority is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against either the commencement of development or the carrying out of substantial works, pursuant to the planning permission (again provided that an application complying with the relevant Regulations was made before the expiration of the initial period). This latter provision is, however, subject to the following qualifications -

- that the planning authority is satisfied that there have been no significant changes in the development objectives in the development plan or in regional development objectives in the Regional Planning Guidelines for the area of the planning authority since the date of the permission such that the development would no longer be consistent with the proper planning and sustainable development of the area,
- that the planning authority is satisfied that the development would not be inconsistent with the proper planning and sustainable development of the area, having regard to any guidelines issued by the Minister under section 28, notwithstanding that they were so issued after the date of the grant of permission in relation to which an application is made under this section, and/or
- that the planning authority is satisfied where the development has not commenced, that an environmental impact assessment, or an appropriate assessment, or both of those assessments, if required, was or were carried out before the permission was granted.

In extending the duration of permission under the new provision, a planning authority may attach conditions requiring the giving of adequate security for the satisfactory completion of the proposed development, and/or may add to or vary any conditions to which the permission is already subject under section 34(4)(g).

Planning authorities are required to implement section 42, as amended. I am not aware of any instances of their not doing so.

### **Register of Electors**

262. **Deputy Paudie Coffey** asked the Minister for the Environment, Community and Local Government his plans to use the PPS number system to improve the integrity of the electoral registration system; and if he will make a statement on the matter. [16417/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In law, the preparation of the Register of Electors is a matter for each local registration authority. It is their duty to ensure, as far as possible and with the cooperation of the public, the accuracy and comprehensiveness of the Register. While there have been improvements in these regards in recent years, I am satisfied that further improvements can be made.

The Programme for Government contains a commitment to establish an Electoral Commission to subsume functions of existing bodies and my Department. An Electoral Commission will be an important element in a reformed and revitalised electoral system and I am currently giving consideration to how the necessary measures to establish such a Commission can be advanced, including its structure and functions. I will, in that context, give consideration to issues raised concerning the electoral register.

### **Forum on Philanthropy**

263. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government his plans to increase philanthropy here; and if he will make a statement on the matter. [16455/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Forum on Philanthropy was established by Government in 2006 with the core objective of developing a culture of philanthropy in Ireland. The Forum comprises representatives from a range of private philanthropic organisations, and from a number of Government Departments.

In June 2010 the mandate of the Forum was renewed by Government for a further two years. The Forum was asked to prioritise the following areas of work:

- Improved data gathering — the Forum should ensure that there is valid, timely and comparable data on philanthropy in Ireland. This will identify roles and responsibilities for private philanthropic organisations and the State;
- Mapping out an appropriate infrastructure for giving for Ireland;
- Looking at the possibilities for an Irish Giving Campaign;
- Telling the story of philanthropy — there is a need to increase public understanding and awareness of the contribution of philanthropy, to identify and implement the best way to develop case studies of philanthropy in an Irish context.

Since 1 May 2011 this area has come under my remit within the Department of Environment, Community and Local Government. I will be holding a meeting of the Forum very shortly and



[Deputy Phil Hogan.]

I intend to extend its membership and its remit. I believe there is untapped potential to increase philanthropic giving within this country.

### **Local Authority Charges**

264. **Deputy Paschal Donohoe** asked the Minister for the Environment, Community and Local Government if the non-principal private residence charge is liable to persons who own a property here but live outside the State; if the persons are liable but have not been notified of the charge, if they will become liable for any penalties accrued; and if he will make a statement on the matter. [16456/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Charges) Act 2009, which introduced the non-principal private residence charge, places the onus on individual property owners to assess their liability for the charge in the first instance. There is no obligation on local authorities to issue demands or invoices. The charge is set at €200 per dwelling and is being levied and collected by local authorities. A late payment fee of €20 for each month or part of a month the charge remains outstanding is provided for in section 6 of the Act.

A person who is ordinarily resident abroad and owns a property in the State which is not his or her main residence would be liable for the charge in the same manner as a person resident in the State.

Nationwide advertising took place in both 2009 and 2010, and is underway again this year, to ensure general awareness of the charge and the liability dates. In tandem, local authorities have undertaken their own advertising campaigns locally. In addition, local authorities have separately sent reminders to property owners registered with the Private Residential Tenancies Board (PRTB). In this regard, every effort has been made to ensure that property owners are aware of the charge and any potential liability arising therefrom.

265. **Deputy Pat Deering** asked the Minister for the Environment, Community and Local Government his plans regarding the reform of the commercial rates structure to alleviate the financial pressure on hard pressed business people. [16464/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority.

I recognise that these are difficult economic times for many businesses and I will continue to keep all matters relating to rates under regular consideration in my Department. However, I have no immediate plans to conduct a review of the rating system generally.

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.

*Question No. 266 answered with Question No. 242.*

### **Local Authority Housing**

267. **Deputy Ray Butler** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the number of local authority houses that have been built in County Meath each year for the past four years; and if he will make a statement on the matter. [16544/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** My Department collates and publishes a wide range of housing statistics that inform the preparation and evaluation of housing policy. The full range of data compiled can be viewed on my Department's website, [www.environ.ie](http://www.environ.ie), where data on Local Authority completions, broken down by county, are displayed.

### **Local Government Audit Service**

268. **Deputy Noel Coonan** asked the Minister for the Environment, Community and Local Government if the Statutory Audits of Annual Accounts and Consolidated Accounts Directive 2006, which covers quality assurance auditing for local authorities, has been implemented; if not, the reason for the delay; and if he will make a statement on the matter. [16547/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The European Communities (Statutory Audits) Regulations which were published in 2010 are to be read as one with the Companies Act, and relate specifically to the statutory audit of individual or group accounts, insofar as required by Community Law.

The audit of the accounts of all local authorities is carried out by the Local Government Audit Service, under the Local Government Act, 2001. While the above-mentioned Regulations are not directly applicable to the audit of local authority accounts, these audits are however carried out in accordance with a statutory Code of Audit Practice provided for under section 117 of the Local Government Act, thereby fostering the highest standards of financial stewardship, governance and public accountability.

### **Environmental Policy**

269. **Deputy Noel Coonan** asked the Minister for the Environment, Community and Local Government if the INSPIRE Directive, quality assurance for environmental management, as adopted in 2010 has been implemented; if not, the reason for the delay; and if he will make a statement on the matter. [16548/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** I presume the Question refers to the EU INSPIRE Directive (2007/2/EC) which entered into force on 15 May 2007 and which aims to create a European Union spatial data infrastructure to enable the sharing of environmental spatial information among public sector organisations and better facilitate public access to spatial information across Europe.

The INSPIRE Directive was transposed into Irish law on 1 August 2010. The Directive will be implemented in stages with the INSPIRE “roadmap” setting out target dates for implemen-

[Deputy Willie Penrose.]

tation of these stages: full implementation is required by 2019. My Department has prepared an INSPIRE Directive Implementation Programme to meet the roadmap deadlines and to manage the work required to develop an Irish Spatial Data Infrastructure that is both INSPIRE Directive compliant and effective.

*Question No. 270 answered with Question No. 238.*

### **Foreshore Licences**

271. **Deputy Noel Harrington** asked the Minister for the Environment, Community and Local Government when an application for a foreshore licence and or lease (details supplied) will be processed and a decision communicated to the applicant; and if he will make a statement on the matter. [16594/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** My Department informed the applicant's representative on 20 January of 2011 that the application for a foreshore lease had been approved, and the Chief State Solicitor's Office was instructed to draft the requisite lease. However, issues relating to compliance with the consent have since arisen and these have been communicated to the applicant. Legal advice is now awaited on the matter before the final lease agreement can be settled.

### **Grant Payments**

272. **Deputy Michael Moynihan** asked the Minister for the Environment, Community and Local Government if he will confirm the number of grant applications made and the number and amount of grant approvals given by each area partnership and Leader group under axes 3 and 4 of the rural development programme for ancillary services to the sport horse sector; and if he will make a statement on the matter. [16597/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information sought in the question is not readily available in my Department and its compilation would involve a disproportionate amount of time and work.

### **Departmental Funding**

273. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government the level of financial support given to An Taisce per year for the past five years; and if he will consider the removal of the preferential treatment afforded to An Taisce *vis-à-vis* the payment of fees for objections to planning applications owing to concerns that many have relating to the organisation's conduct. [16599/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** I refer to the reply to Question No. 223 of 31 May 2011 which outlines the position in relation to financial support provided to An Taisce. The Planning and Development Regulations 2001 prescribe the current planning fees. Any proposed changes to planning fees, including those payable to planning authorities in relation to the making of objections in respect of planning applications, would require the prior approval of the Oireachtas to regulations made under section 262 of the Planning and Development Acts 2000-2010. I have no plans to amend the planning fees regulations at this time.

### **Proposed Legislation**

274. **Deputy Paudie Coffey** asked the Minister for Justice and Equality his plans to reform bankruptcy laws here; and if he will make a statement on the matter. [16418/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Question Number 34 of 18 May, 2011 which indicated the following: “A Personal Insolvency Bill is in the course of being developed in my Department to provide for a new framework for settlement and enforcement of debt and for personal insolvency. It is a commitment under the EU/IMF Programme for publication in Q1 2012, however, it is my objective to publish the measure ahead of the EU/IMF deadline, if possible. In developing the Bill, account is being taken of the recommendations of the Law Reform Commission in its recent Report on *Personal Debt Management and Debt Enforcement*. That report provided an in-depth review of the personal debt regime. The economic and financial effects of certain of the new arrangements are being carefully assessed to ensure that all relevant issues are addressed and their impact is fully anticipated and understood.” I have nothing further to add to that reply other than to indicate that the Civil Law (Miscellaneous Provisions) Bill, that I expect to be in a position to publish very shortly, will contain some interim measures in relation to reform of the law on bankruptcy.

275. **Deputy Jim Daly** asked the Minister for Justice and Equality if he has any intention of reviewing the cost of special exemption orders for night clubs which cost €410 each; and if he will make a statement on the matter. [16534/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The increase in fees applicable to Special Exemption Orders provided for in the District Courts (Fees) Order 2008 (S.I. No. 202 of 2008) was the first such increase since 2004. The current court fee is €300. I have no proposals at the present time to reduce this fee.

### **Garda Stations**

276. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality if he has set aside the necessary resources to progress the refurbishment of a Garda station (details supplied) in Dublin 1; when work on this station will begin in line with agreed priorities between him and An Garda Síochána [16550/11]

**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 (OPW), who have 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 the station referred to by the Deputy to facilitate refurbishment of the premises.

I am advised by the Garda authorities that the refurbishment of Mountjoy Garda Station has commenced. The OPW have advised that the refurbished building will be available for occupation in the third quarter of 2011 and that it will accommodate the station party from the station referred to by the Deputy. Arrangements are currently being progressed to ensure that a Garda service will be maintained at the station referred to by the Deputy during the period the relevant members are stationed at Mountjoy.

### **Seirbhís Chúirteanna**

277. D’fhiafraigh **Éamon Ó Cuív** den Aire Dlí agus Cirt agus Comhionannais ar phléigh sé an cheist leis an tSeirbhís Chúirteanna faoin tábhacht a bhaineann le seirbhísí cúirteanna a bheith ar fáil, i gcomhréir le forálacha Acht na dTeangacha Oifigiúla, sa phríomhtheanga oifigi-

[Éamon Ó Cuív.]

úil; agus, má phléigh, an bhfuil sé sásta leis na pléití a bhí acu faoin gceist seo; agus an ndéanfaidh sé ráiteas ina thaobh. [16097/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Tá curtha in iúl dom go bhfuil beann ag an tSeirbhís Chúirteanna ar a cuid oibleagáidí faoi alt 8 d'Acht na dTeangacha Oifigiúla 2003. Glacann an tSeirbhís Chúirteanna cúram chun a chinntiú go gcuirtear seirbhísí cúirteanna ar fáil sa phríomhtheanga oifigiúil i gcás ina gcuireann aon pháirtí in aon imeachtaí cúirte in iúl gur mian leis nó léi a cheart nó a ceart a fheidhmiú maidir leis sin.

278. D'fhiafraigh **Éamon Ó Cuív** den Aire Dlí agus Cirt agus Comhionannais céard iad na socrúithe atá déanta ag an tSeirbhís Chúirteanna chun a chinntiú go mbeidh seirbhís cúirteanna ar fáil trí Ghaeilge i nGaeltacht Chonamara agus chun go mbeidh lárionad agus teach cúirte suite sa Ghaeltacht sin; agus an ndéanfaidh sé ráiteas ina thaobh. [16098/11]

279. D'fhiafraigh **Éamon Ó Cuív** den Aire Dlí agus Cirt agus Comhionannais céard iad na pléití a bhí aige leis an tSeirbhís Chúirteanna maidir le Teach Cúirte Dhoire Né; agus an ndéanfaidh sé ráiteas ina thaobh. [16099/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 278 and 279 together.

Is ceart dom a chur in iúl don Teachta, cé nach bhfuil amhras ar bith ná go bhfuil an Teachta ar an eolas faoi seo, go bhfuil an tSeirbhís Chúirteanna, faoi fhorálacha alt 5 den Acht um Sheirbhís Chúirteanna 1998, freagrach go neamhspleách as foirgnimh chúirte a sholáthar, a bhainistiú agus a chothabháil. Chuireas fiosrúcháin á ndéanamh, áfach, agus tá curtha in iúl dom go gcuirtear seirbhísí trí mheán na Gaeilge ar fáil faoi láthair sa teach cúirte i nDoire an Fhéich, Casla, Conamara, Co. na Gaillimhe. Suíonn an chúirt uair sa mhí agus dhéileáil sí le 607 cás i rith 2010.

Tá curtha in iúl dom thairis sin go bhfuil athbhreithniú eagrúcháin agus éifeachtúlachta á dhéanamh ag an tSeirbhís Chúirteanna ar a cuid oibríochtaí ar fud na tíre, agus é mar chuspóir ar leith ag an athbhreithniú sin a chinntiú gur féidir seirbhísí líne tosaigh a choinneáil sna cúinsí atá ann faoi láthair. Tá dearbhaithe ag an tSeirbhís Chúirteanna go bhfuil teach cúirte Dhoire an Fhéich, agus áiseanna agus oibríochtaí coimhdeacha an tí cúirte sin, san áireamh san athbhreithniú réamhluaite sin. Táthar tar éis a dheimhniú dom go bhfuil gach rogha atá ar fáil á breithniú mar chuid den athbhreithniú agus go dtuigeann an tSeirbhís ach go háirithe go bhfuil Doire an Fhéich suite i limistéar Gaeltachta agus go ndéanfar é sin a bhreithniú go cuí i gcúrsa an athbhreithnithe.

### Court Orders

280. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality the number of applications that have been made following the failure of residential parents to comply with court orders; and the number of such parents that have been sanctioned by the courts in accordance with section 5(2) of the Courts (No. 2) Act 1986 since the introduction of the Act; and if he will make a statement on the matter. [16107/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Section 5(2) of the Courts (No 2) Act 1986 makes it a criminal offence for the person having custody of a child to refuse to comply with a court order in relation to the custody of that child. The following table sets out details of applications made to the court for failure to comply with a court order made under Sections 7 or 11 of the Guardianship of Infants Act 1964 during 2009 and 2010.

	Applications	Struck out/Withdrawn	Refused	Granted
2009	591	379	10	202
2010	619	343	111	165

The Courts Service has informed me that statistics for previous years are not available.

### Visa Applications

281. **Deputy Charles Flanagan** asked the Minister for Justice and Equality if he will approve a stamp 4 visa in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [16111/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that an application for Long Term Residency was received in this Department on the 29th October 2009 in respect of the person referred to by the Deputy. This application was subsequently refused on the 10th November 2009 as the person referred to by the Deputy did not meet the qualifying criteria.

The person referred to by the Deputy has permission to be in the State on student conditions until the 16th November 2011. It is open to the person to make an application to the Irish Naturalisation and Immigration Service, 13-14 Burgh Quay, Dublin 2 for a change of status. I should remind the Deputy that queries in relation to the status of individual immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Detention Centres

282. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality the measures he has taken to end the practice of sending children to St. Patrick's Institution; and if he will make a statement on the matter. [16116/11]

283. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality the number of children currently residing at St. Patrick's Institution; and if he will make a statement on the matter. [16117/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 282 and 283 together.

The programme for Government states that we will end the practice of detaining children aged 16 and 17 years old in St. Patrick's Institution. I have been informed that as of Wednesday 15 June 2011, there were 41 males aged 16 and 17 years old residing in St. Patrick's Institution. Responsibility for the development and provision of safe, secure accommodation for all children ordered to be detained by the Courts rests with the Irish Youth Justice Service, and this service will shortly come under the remit of my colleague Ms. Frances Fitzgerald TD, Minister for Children and Youth Affairs.

Designs for the new National Children Detention Facilities to be constructed on the Obers-town campus are well advanced and Government approval to tender for the construction of the project will be required. The construction of the facilities is to take place on a phased basis.

[Deputy Alan Shatter.]

Phase 1 of the project will prioritise the provision of sufficient safe, secure detention places to allow for the transfer of responsibility for 16 and 17 year old boys from the Irish Prison Service.

### **Garda Stations**

284. **Deputy Alan Farrell** asked the Minister for Justice and Equality his plans regarding the provision of a Garda station for Donabate in North County Dublin; and if he will make a statement on the matter. [16132/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The location of Garda stations is primarily a matter for the Garda Commissioner. I have been informed by the Garda authorities that currently there are no plans to open a new station in Donabate and that the existing policing arrangements for the area make the optimum use of Garda resources.

### **Legislative Programme**

285. **Deputy Paschal Donohoe** asked the Minister for Justice and Equality if he will provide an update on the status of the Sale of Alcohol Bill and if the review of this bill has been completed; and if he will make a statement on the matter. [16134/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Government Legislation Programme provides for publication of the Sale of Alcohol Bill in late 2011. Work on preparation of the Bill is progressing within my Department and the Office of the Attorney General.

### **Garda Operations**

286. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding a family (details supplied) in Dublin 17. [16136/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Local Garda management in the Garda District where the location referred to is situated is aware of a number of incidents at the location, and they are the subject of ongoing investigation by An Garda Síochána. There is no record of any incidents or allegations concerning the person referred to being reported to An Garda Síochána.

I understand that the relevant local authority is assisting the person in relocating to different accommodation.

### **Residency Permits**

287. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if it is likely that a decision will be reached in the case of residency and leave to remain in the State in respect of a person (details supplied) in Dublin 22; if withdrawal of an application for subsidiary protection might facilitate an earlier decision for leave to remain in the State; and if he will make a statement on the matter. [16195/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The case of the person concerned has been finalised. His application for Subsidiary Protection was considered and a decision was taken to refuse that application. This position was notified to the person concerned by letter dated 13th May, 2011.

His case was then considered under Section 3 of the Immigration Act 1999 (as amended) and, as an exceptional measure, the person concerned was granted leave to remain in the State

for a one year period, to 30th May, 2012. This decision was conveyed in writing to the person concerned by letter dated 30th May, 2011.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Vetting of Personnel**

288. **Deputy Seán Kenny** asked the Minister for Justice and Equality when a certificate of character for the purpose of employment will be issued to a person (details supplied) in Dublin 13 from the Garda central vetting unit. [16196/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that a vetting application was received by the Garda Central Vetting Unit in respect of the person to whom the Deputy refers. A response to the application was returned to the registered organisation involved on 14 June 2011.

### **Court Services**

289. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the average waiting time for a High Court hearing for persons going through a legal separation; if he will provide a breakdown by County; and if he will make a statement on the matter. [16237/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Family law cases in the High Court are listed before the court within three months of the commencement of proceedings. Urgent matters can, on application, be granted a hearing within two weeks of commencement of the case. The county in which parties reside is not recorded as, under the Constitution, the High Court has full original jurisdiction in all cases.

### **Detention Centres**

290. **Deputy Clare Daly** asked the Minister for Justice and Equality if there are any opportunities for persons currently working at a location (details supplied) to be redeployed, as agreed under the Croke Park deal; and if there are opportunities for such redeployment in the area of mediation of family courts. [16239/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that, in the context of the ongoing development of a single national detention facility for children on the Oberstown campus, there is an opportunity for flexible deployment of staffing resources across the three children detention schools on the campus. This is to enable management to best utilise available skills and experience. The staffing needs of the children detention schools are kept under review and there are no plans to redeploy staff outside the schools at this time.

As the Deputy is aware the Croke Park Agreement provides the backdrop as to how staff redeployment within the public sector can be facilitated. The Deputy will note from the first progress report on the Croke Park Agreement published last week by my colleague Minister Howlin that flexible redeployment is critical to the Agreement's capacity to supporting the maintenance of essential services where significant reductions in staff numbers are to be achieved.



### Website Security

291. **Deputy Dara Murphy** asked the Minister for Justice and Equality in view of recent hackings into the IMF and the US Senate websites, the level to which Government websites are secure; the precautions that are in place to prevent this State falling victim to cyber warfare and cyber hacking; and if he will make a statement on the matter. [16253/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have no lead responsibility for the security arrangements of Irish Government websites. The specific responsibilities of each Department in this regard are a matter for the relevant Minister.

With regard to my Department's website, I am satisfied that there are sufficient perimeter and access controls in place to ensure reasonable protection. Security audits have shown no evidence of breaches of my Department's website security.

In relation to the broader issue of a cyber security strategy for Ireland, I am aware that the Department of Communications has undertaken some preliminary work in this regard.

Insofar as my Department is responsible for the development of legislation on cybercrime, the Criminal Justice (Cybercrime) Bill, which is currently being prepared, will create a range of offences relating to information systems and data, including illegally accessing a system, interference with systems or data and illegal interception of data. Offences will also be created in relation to hacker tools used for the commission of these offences. This measure will enable Ireland to ratify the Council of Europe Convention on Cybercrime. It is also intended to incorporate any legislative requirements arising from the new EU Directive on Attacks against Information Systems, which is currently being negotiated, into the Bill.

### County Registrars

292. **Deputy Pearse Doherty** asked the Minister for Justice and Equality if he will remove the moratorium when it comes to replacing a position such as that of a county registrar. [16257/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Special Group on Public Service Numbers and Expenditure Programmes recommended a reduction in Registrar numbers from 26 to 15. There are currently three County Registrar vacancies (Monaghan, Sligo and Tipperary) whose functions are being covered by neighbouring Registrars under the provisions of Section 30 of the Civil Law (Miscellaneous Provisions) Act 2008. I am informed by the Courts Service that this arrangement is working well and has resulted in savings of over €700,000 to date.

The Courts Service established a Working Group in 2009 to conduct a detailed review of the role of the County Registrar. The group, which included a number of Registrars, found that with a reorganisation of management responsibilities (which is currently underway), there was sufficient capacity and expertise to take on a range of additional functions with a view to speedier and more efficient administration of court business. I propose to include enabling provisions for a number of these functions in the Civil Law (Miscellaneous Provisions) Bill which will be published shortly. Proposals for other functions continue to receive consideration in consultation with the Attorney General.

When these additional functions have been introduced it will be possible to fully assess what the level of business is and the optimum future numbers. Pending that, I do not propose to seek to fill the three vacancies whose functions are being administered satisfactorily at present.

### Proposed Legislation

293. **Deputy Derek Keating** asked the Minister for Justice and Equality the initiatives he will take to end sex trafficking of men, women and children and prostitution in Ireland; his plans to introduce new legislation or regulation; the number of prosecutions that have taken place in the past three months; and if he will make a statement on the matter. [16262/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Over the past few years strong legislative, administrative and operational measures have been put in place to combat and prevent trafficking in persons for both sexual and labour exploitation purposes. The Criminal Law (Human Trafficking) Act 2008 with penalties of up to life imprisonment for human trafficking has greatly strengthened the law in this area. Section 5 of the Act makes it an offence to solicit or importune a trafficked person, in any place, public or private for the purposes of prostitution. A dedicated Anti-Human Trafficking Unit was established in my Department in 2008 with the purpose of ensuring that the State's response to human trafficking is coordinated and comprehensive. This led to the production of a National Action Plan to Prevent and Combat Trafficking of Persons for the period from June 2009 to December 2012 setting out 144 Actions of which 92 were completed or significantly progressed at the end of 2010 with a further 52 on-going. A mid-term review of that Plan is currently taking place and I will consider what further steps should be taken both on completion of that review and on the expiry of the term of the National Action Plan. In addition to the dedicated Unit in my Department there are 3 other dedicated Units in State Agencies dealing with the issue — the Human Trafficking Investigation and Co-ordination Unit in the Garda National Immigration Bureau (GNIB); the Anti-Human Trafficking Team in the Health Service Executive (HSE) and a specialised Human Trafficking legal team in the Legal Aid Board (LAB). Dedicated personnel are also assigned to deal with the prosecution of cases in the Director of Public Prosecutions (DPP) Office. There are a wide range of training and awareness raising activities on-going and extensive consultation structures exist with Non-governmental Organisations, International Organisations and State Agencies.

The Immigration, Residence and Protection Bill 2010 has been restored to the Dáil Order Paper. The Bill, once enacted, contains statutory protections for victims of trafficking and also provides for recovery and reflection periods and temporary residence permission for persons whom a member of the Garda Síochána, not below the rank of Superintendent, considers that there are reasonable grounds for believing that the person is a victim of human trafficking. These provisions are reflected in Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking which have been in place since the enactment of the Criminal Law (Human Trafficking) Act, 2008. The EU Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims was adopted by Member States on 5 April 2011. Member States (including Ireland) who opted into the Directive are obliged to bring into force any laws, regulations and administrative provisions necessary to comply with the Directive. The legislative implications of transposing this Directive in Ireland is currently being examined. The law in relation to human trafficking and prostitution is kept under continuing review in my Department.

The Garda authorities have conducted a number of operations to combat human trafficking and prostitution and will continue to do so in line with intelligence available to them. In respect of the number of prosecutions that have taken place within the past three months in relation to offences for human trafficking and prostitution, it has not been possible for the Garda authorities to supply the details requested in the time available. I will be in contact with the Deputy directly when the information is to hand.

### Public Sector Salaries

294. **Deputy Derek Keating** asked the Minister for Justice and Equality the current salary scales of the various grades of judges. [16263/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The pay scales currently applicable to the judiciary are as follows:

Post	Salary
Chief Justice	€295,916
President of the High Court	€274,779
Judge of the Supreme Court	€257,872
President of the Circuit Court	€249,418
Judge of the High Court	€243,080
President of the District Court	€183,894
Judge of the Circuit Court	€177,554
Judge of the District Court	€147,961

### Garda Recruitment

295. **Deputy Derek Keating** asked the Minister for Justice and Equality in view of the announcement that no Garda recruitment will take place for the coming years of 2011 and 2012, if he will consider increasing the Garda Reserve Force substantially to assist with traffic, crowd control and other functions of a less statutory nature; and if he will make a statement on the matter. [16264/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Authorities that as of 31 May 2011, the latest date for which figures are readily available, the number of attested members of the Garda Reserve was 761 with approximately a further 181 in training. The functions, powers and duties of members of the Garda Reserve are a matter for the Commissioner to determine.

The target strength of the Garda Reserve remains at 10% of the full time Force and I would like to assure the House that the Government are fully committed to the Garda Reserve and recruitment to it is ongoing.

296. **Deputy Derek Keating** asked the Minister for Justice and Equality in view of the announcement of the Garda recruitment moratorium for 2011 and 2012, if he will consider a media and press promotion of the neighbourhood watch system to promote greater awareness by communities of their responsibility in supporting the gardaí for minor and major crimes and to improve community safety; and if he will make a statement on the matter. [16265/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that as the current Strategy and Implementation Plan for Neighbourhood Watch, covering the period 2007 — 2011, is in its final year of operation, it is now being reviewed. Future strategies to develop Neighbourhood Watch, and similar programmes such as Community Alert, as effective crime prevention initiatives will take account of the overall policing environment.

Neighbourhood Watch is currently promoted in a variety of ways, including the Garda National Model of Community Policing, regular community safety campaigns, regional public crime prevention days, local community policing crime prevention initiatives, the CrimeCall

television programme and in conjunction with national events such as the National Ploughing Championships and the Ideal Homes Exhibition. Depending on policing needs at particular times, each of these promotion methods is developed and utilised to emphasise different aspects of Neighbourhood Watch with the goal of combating crime and promoting crime prevention awareness in the most effective ways.

The assistance of the public is crucial to reducing and preventing crime in our local communities, and An Garda Síochána has long experience in developing and carrying out cooperative initiatives with the public. Neighbourhood Watch is an important example of such processes.

An Garda Síochána will continue to deepen the involvement of the public in preventing crime through Neighbourhood Watch and Community Alert and to provide assistance in achieving this.

### **Asylum Support Services**

297. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality the reason there are hundreds of asylum seekers still living in reception centres, up to ten years in some cases, waiting on decisions regarding their status. [16353/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Applications for refugee status in the State are determined by an independent process comprising the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT) which make recommendations to the Minister for Justice and Equality on whether such status should be granted.

During 2010, the median processing time for asylum applications by the ORAC was 6 to 7 weeks from the date of application in the case of prioritised applications, and 9 weeks from the date of application in the case of non-prioritised applications.

The median processing times for RAT appeals in 2010 was 33 weeks in the case of substantive appeals (cases involving an oral hearing) and 9 weeks in the case of accelerated appeals (appeals on the papers).

I would point out that some cases can take significantly longer to complete due to, for example, delays arising from medical issues, non-availability of interpreters or because of judicial review proceedings. All asylum applications and appeals are processed in accordance with the Refugee Act 1996 and high quality and fair decision-making in all cases continues to be a key priority at all stages of the asylum process. Without getting into the specifics of individual cases I would say that the length of time spent in the direct provision system cannot be attributed to any inaction or unnecessary delays on the part of the statutory independent agencies involved in the refugee status determination process or by my own Department.

For the sake of completeness, I should also state that persons who are refused a declaration under Section 17 of the Refugee Act 1996 (as amended) enter what is commonly referred to as the “leave to remain” process which generally has two elements to it; an application for subsidiary protection and further consideration to be given under Section 3 of the Immigration Act 1999 (as amended). This is separate to the asylum or refugee status determination process.

The processing of cases at this point is also complex and extremely resource intensive given that where an application for subsidiary protection is lodged in addition to representations for consideration under Section 3 of the Immigration Act 1999 (as amended), the subsidiary protection application must be considered first to assess whether the applicant has an identifiable need for international protection. The investigation of such applications requires a fresh examination of the entire asylum file, the documentation and country of origin information submit-

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ted in support of the application, as well as an examination of objective, reputable, up to date country of origin information before a conclusion can be arrived at as to whether or not the applicant is likely to be exposed to ‘serious harm’ if returned to his/her country of origin. Where such an application is refused, consideration must then be given to the case in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), at which point the Minister must make a decision whether or not to make a deportation order in respect of the person. All of this must be done in strict compliance with the Constitution, together with relevant international law including the European Convention on Human Rights.

It will be seen that these are not quick or easy decisions to make and, given the life changing consequences for the persons involved, these are decisions which must be taken with the most scrupulous care and attention.

The Deputy might like to note that I have taken steps to speed up the processing of these applications by redeploying staff from the refugee determination bodies primarily.

The Immigration, Residence and Protection Bill 2010 which provides for the introduction of a single procedure to determine applications for protection and other reasons to remain in the State, should substantially simplify and streamline the existing arrangements. This re-organisation of the protection application processing framework will remove the current multi-layered processes and provide applicants with a final decision on their application in a more ‘straight forward’ and timely fashion. The Deputy is probably aware that I am currently developing a number of amendments to the Bill before commencing Committee Stage which I hope to be in a position to do in the near future.

298. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality the reason Ireland is not complying with EU reception directive which provides for minimum conditions for asylum seekers, including the right to work after waiting for a year for a decision.  
[16354/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Following the coming into force of the Lisbon Treaty the legal basis for Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers is Article 78(2)(f) of the Treaty on the Functioning of the European Union. Accordingly, the provisions of the EU Treaty Protocol on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice applies. The Protocol provides that Ireland may opt-in to a measure to which the Protocol applies. Ireland did not participate in the adoption and application of the 2003 Directive and there are currently no plans to exercise an opt-in in relation to it.

The principal reason for Ireland’s position is the provisions of Article 11 of the 2003 Directive which deals with access to the labour market for asylum seekers. Article 11 provides that if a decision at first instance has not been taken within one year of the presentation of an application for asylum, and this delay can not be attributed to the applicant, Member States shall decide the conditions for granting access to the labour market for the applicant.

This is contrary to the existing statutory position in Ireland which provides that an asylum seeker shall not seek or enter employment. This prohibition in Irish law is maintained in the Immigration, Residence and Protection Bill 2010, which was recently restored to the Dáil order paper.

Any change in public policy in this area would have to have regard to the very large numbers of people unemployed in this country.

299. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality the reason the average percentage of asylum seekers receiving status is 27% across Europe and only 1% here. [16355/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy refers to Ireland’s first instance recognition rate as computed by Eurostat (the EU Statistical Agency). It should be noted that this calculation is based on positive decisions as a proportion of all decisions made at first instance. This is important as the calculation for Ireland differs from that of almost all other EU Member States. The reason for this is that Ireland does not operate a single procedure. Therefore the calculation of our recognition rate at first instance does not include subsidiary protection decisions and decisions made for humanitarian reasons. When these elements are excluded, the recognition rate for other EU states at first instance is also low. Poland for example has a rate of just 6.3%.

There are a number of other reasons for Ireland’s apparently low recognition rate. Firstly, the profile of our asylum applicants differs to many other EU Member States. This is likely to be due to our geographic location and the fact that access to Ireland by persons fleeing persecution is less direct. For example, using the Eurostat figures Afghanistan and Somalia accounted for 13.6% of asylum applications across EU Member States in 2010 but less than 6% of applications in Ireland. In contrast, our largest source country historically for asylum applications is Nigeria which accounted for 20% of all asylum applications in 2010 but only 2.6% of all applications to EU Member States. The recognition rate for applications from Afghanistan and Somalia are high (44% and 66.7% respectively) across EU Member States while the recognition rate for Nigerian applications is low running at just 6.5%.

Many EU states also have particularly low numbers of decisions. For instance Portugal had just 130 decisions in 2010 with a recognition rate of 42.3%. In such cases involving low numbers of decisions it is difficult to make a meaningful comparison of recognition rates.

It must also be noted that a large proportion of Ireland’s asylum applications are also processed under the Dublin II Regulation; are withdrawn or deemed withdrawn; or are made in respect of children under 3 years of age by parents who may have failed the asylum process. In total, determinations in relation to these three categories of applicant accounted for over half of all refused applications at first instance in 2010.

Finally, I might add that the investigation of asylum applications is conducted by trained officials authorised by the Refugee Applications Commissioner under the provisions of the Refugee Act, 1996. These officials are trained according to United Nations High Commissioner for Refugees (UNHCR) programmes and are given refresher training delivered by specialist trainers from the UNHCR.

300. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality if he will consider reviewing the entire treatment of asylum seekers here in order to protect their basic human rights. [16356/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am committed to Ireland fulfilling its international obligations under the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. The Convention provides for a system of international protection for persons who are unable or unwilling to avail of the protection of their country of origin owing to a well-founded fear of being persecuted.

Ireland’s asylum system is based on a number of key principles which are common to all EU Member States. These principles are also in keeping with the highest standards as enunciated

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by the UNHCR. There is no question, therefore, of Ireland not protecting the human rights of asylum seekers. These principles include:

- meeting our obligations under international law such as the 1951 Convention;
- a fair refugee status determination process which includes a right of appeal, legal advice if required, personal interview and the possibility of judicial review.
- ensuring that we have robust systems in place to prevent abuse of our asylum system by persons who enter the State for purposes other than seeking protection from persecution and;
- ensuring that persons who are found, after a fair and efficient determination process, not to be in need of protection are returned to their countries of origin as quickly as this can be arranged.

The Government policy of Direct Provision for asylum seekers ensures that a suitable standard of accommodation, food, medical and other services is maintained. This is a fair system for meeting the needs of asylum seekers in a cost-effective manner. It is line with asylum seeker reception arrangements in other EU countries and indeed, in some cases, it is of a much higher standard.

I recently decided to restore to the Dáil order paper the Immigration, Residence and Protection Bill. The Bill, which was published in 2010, comprehensively reforms and simplifies the current refugee status determination process. It proposes, *inter alia*, the introduction of a single procedure for the investigation of all grounds for protection presented by applicants. This change of the processing framework will remove the current multi-layered and sequential process associated with the existing system. This will allow an applicant to get a final decision on their application in a more efficient manner. Together with other provisions of the Bill, it is anticipated that the time required to reach a final decision in a given case will be reduced, which can only be in the interests of the applicant and indeed the integrity of the refugee status determination process.

I am currently developing a number of amendments to the Bill before commencing Committee Stage, which I hope to be in a position to do in the near future.

### Departmental Bodies

301. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will make the Equality Authority and the Irish Human Rights Commission directly accountable to the Oireachtas as an important step in ensuring their transparent and independent functioning. [16383/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Chief Executive Officer of the Equality Authority is accountable to the Public Accounts Committee, under current legislation. I am satisfied as to the Authority's ability, under current arrangements, to discharge its responsibilities in an independent and transparent way.

I refer the Deputy to my reply below to Parliamentary Question Reference No. 9016 of 3 May 2011. The position in respect of the Human Rights Commission is unchanged since then.

*Under current legislation the Chief Executive of the Human Rights Commission is accountable to the Public Accounts Committee. The Commission can also be required to make a presentation to an Oireachtas Committee on any matter that has been considered by the Com-*

*mission. I am satisfied that the independence of the Commission and its ability under current arrangements to discharge its responsibilities in a transparent way are not in doubt.*

### **Citizenship Applications**

302. **Deputy Alex White** asked the Minister for Justice and Equality if his attention has been drawn to the problems faced by children of two naturalised parents in obtaining third level education as an Irish-EU national these children are being asked to pay international fees as they are unable to apply for citizenship prior to their 18th birthday or receive the relevant stamps from him; if he will rectify this issue; and if he will make a statement on the matter. [16392/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** In the absence of more specific information, I can only advise the Deputy that naturalised parents may make an application for Citizenship on behalf of their minor children under Section 16(c) of the Irish Nationality and Citizenship Act 1956, as amended.

### **Proposed Legislation**

303. **Deputy Eric Byrne** asked the Minister for Justice and Equality his plans to reform the Domestic Violence Act 1996 to extend its remit or to bring forward a new domestic violence Act. [16411/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The commitment in the Programme for Government is to introduce consolidated and reformed domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation in a manner that provides protection to victims. The commitment will be progressed by my Department as soon as possible. In the meantime I intend to provide in the Civil Law (Miscellaneous Provisions) Bill for a widening of the protections provided for in the Domestic Violence Act 1996. The details will be announced by way of publication of the Bill in the very near future.

### **Immigration Issues**

304. **Deputy Robert Dowds** asked the Minister for Justice and Equality in view of the fact that there is no provision in the immigration system for the proper documentation of legally resident non-EU national children under the age of 16, his plans to undertake to have the system for documentation of legally resident non-EU national children under the age of 16 reviewed in order to entitle these non-EU immigrant children to a clear legal status here. [16471/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The current situation where non-EEA national children, under the age of 16, are not required to register with the Garda National Immigration Bureau and do not receive any immigration documentation to authenticate their residence is being addressed by the Immigration, Residence and Protection Bill 2010, which the Government has restored to the Dáil order paper. The Bill in effect removes the current exemption in respect of those aged under 16.

### **Firearms Licences**

305. **Deputy Jack Wall** asked the Minister for Justice and Equality his plans, to legalise a defence product (details supplied) that is non-toxic and non-irritant and is readily available in the UK, by adjusting the relevant legislation; and if he will make a statement on the matter. [16510/11]



**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that such a product would be considered a firearm and so a firearm certificate would be required in order to possess it. As the Deputy may be aware, an applicant for a firearm certificate must have good reason for requiring the firearm and can only be permitted to possess, use or carry the firearm if there is no danger to the public safety or the peace. The Garda Authorities have further advised that possessing this product for personal or domestic security would not be seen as good reason and public safety concerns would also arise.

I have, therefore, no plans to change the legislation in this regard.

### Residency Permits

306. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [16514/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Parliamentary Question No. 397 of Tuesday, 17th May, 2011 — set out beneath. The position is unchanged since then.

*Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30th September, 2005, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him.*

*The person concerned was subsequently notified of his entitlement to submit an application for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006. The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.*

*In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.*

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Citizenship Applications

307. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the reason a person (details supplied) has not been deemed eligible for naturalisation; if they can qualify at some point in the future; and if he will make a statement on the matter. [16515/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation. In accordance with the legislation the Minister makes decisions on naturalisation applications based on all of the information available.

My predecessor decided in his absolute discretion to refuse the application of the person referred to in the Deputy's question and she was informed of that decision in a letter issued to her on 24 March 2011.

It is open to the person concerned to lodge a new application for a certificate of naturalisation at any time. I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Deployment**

308. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of gardaí stationed at each station in the Dublin region; and if he will make a statement on the matter. [16529/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Authorities that as of the 31 May 2011, the latest date for which figures are available, the number of Gardaí stationed at each station in the Dublin Region, was as set out in the table.

District	Station	Number of Gardaí
DMR East	Blackrock	96
	Dundrum	72
	Stepaside	30
	Cabinteely	39
	Dalkey	31
	Dun Laoghaire	108
	Kill-O-Grange	28
	Shankill	57
DMR North	Balbriggan	68
	Garristown	3
	Lusk	7
	Rush	5
	Skerries	11
	Ballymun	121
	Dublin Airport	25
	Santry	83
	Whitehall	45
	Coolock	119
	Malahide	37
	Swords	83
	Clontarf	77
	Howth	40
	Raheny	71

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District	Station	Number of Gardaí
DMR North Central	Bridewell	170
	Fitzgibbon Street	114
	Mountjoy	101
	Immigration D/Docks	8
	Store Street	281
DMR South	Crumlin	104
	Sundrive Road	75
	Rathmines	66
	Terenure	101
	Rathfarnham	73
DMR South Central	Tallaght	199
	Donnybrook	130
	Irishtown	50
	Kevin Street	153
	Kilmainham	81
DMR West	Harcourt Terrace	81
	Pearse Street	258
	Blanchardstown	199
	Cabra	69
	Finglas	119
	Ballyfermot	97
	Clondalkin	99
	Rathcoole	28
	Lucan	78
	Ronanstown	97

### Garda Transport

309. **Deputy Seán Kenny** asked the Minister for Justice and Equality the amount spent on petrol and diesel on Garda vehicles for the years 2008, 2009, 2010 and to date in 2011; when the tender was last put out for the contract to supply fuel to Garda vehicles; the names of companies that were awarded the contract; the length of the contract; and if he will make a statement on the matter. [16530/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the following table outlines the expenditure details sought by the Deputy from 2008 to end May 2011:

Year	2008	2009	2010	2011 (Jan-May)
Expenditure on petrol & diesel	€11,234,169	€10,877,032	€11,749,143	€4,415,399

Following a tender competition conducted by the National Procurement Service of the Office of Public Works, a contract which included the supply of automotive fuels to An Garda Síochána was awarded to Topaz Energy Ltd in May 2009. The contract is for a period of 3 years.

### **Garda Stations**

310. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of custody cells in each Garda station in the Dublin region; the number of cells reserved for females only and the number of cells reserved for persons aged under 18 years; and if he will make a statement on the matter. [16531/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that there are currently 38 stations in the Dublin Metropolitan Region (DMR) with custody cells. The total number of cells in these stations is 142. There are also 24 holding areas for juveniles in the DMR which are utilised for persons aged under 18 years.

There is one cell in the Bridewell Garda Station specifically reserved for female prisoners. The other Garda stations in the DMR do not have specifically segregated cells. However, the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations prohibit the placing of male and female prisoners in the same cell. District Headquarters stations have a holding area which is used for the detention of juveniles detained within the District.

### **Garda Transport**

311. **Deputy Robert Dowds** asked the Minister for Justice and Equality when he intends to provide three new marked Garda cars for Clondalkin Garda station in view of the fact that the current cars in the station have approximately 300,000 miles on the clock. [16536/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The detailed allocation of Garda resources, including transport, is a matter for the Garda Commissioner to decide in accordance with his identified operational requirements and priorities. At Divisional level responsibility for the efficient deployment of Garda vehicles is a matter for the Divisional Officer.

I have been informed by the Garda authorities that they are satisfied that a full complement of patrol vehicles, both marked and unmarked, is available at present within the DMR (West) Garda Division, which includes the Clondalkin Garda District, and that the current transport arrangements for the Division make the best use of available resources.

### **Proposed Legislation**

312. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality further to Parliamentary Question No 432 of 15 June 2011 wherein I asked if he proposes any legislative changes to reinforce in practice the principle of equality of all citizens before the law, including in terms of sentencing policy; and if he will make a statement on the matter. [16543/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The law already provides, in Article 40 of the Constitution, that all citizens shall, as persons, be held equal before the law and the question of legislating further on that fundamental right in our Constitution, as suggested by the Deputy, does not arise.

### **Irish Red Cross**

313. **Deputy Finian McGrath** asked the Minister for Defence his views on a matter (details supplied) regarding the Irish Red Cross. [16184/11]

**Minister for Defence (Deputy Alan Shatter):** The Programme for Government provides for the initiation of a detailed legal review of the basis, structures and governance of the Red Cross in Ireland to improve its functioning in the light of changing circumstances.

[Deputy Alan Shatter.]

I have now initiated the process to implement the commitment in the Programme and I have engaged with the Society with regard to governance matters. I am satisfied that progress is being made in reforming the Society and I intend to meet with the Chairman and the Secretary General of the Society in the near future. I do not believe it appropriate to say anything further at this stage.

### Harbours and Piers

314. **Deputy Noel Harrington** asked the Minister for Defence the position regarding transfer of Furious pier, at Millcove, Castletownbere to Cork County Council; and if he will make a statement on the matter. [16221/11]

**Minister for Defence (Deputy Alan Shatter):** Furious Pier is surplus to military requirements and has been earmarked for disposal subject to favourable market conditions. In January, 2010 the Department received a request from Beara Tourism which I understand was supported by Cork County Council, who wished to carry out a feasibility study on Furious Pier. The Department agreed to this study being carried out and is awaiting the report. My Department has not received a request from Cork County Council to transfer the property to them.

### Defence Forces Personnel

315. **Deputy Joan Collins** asked the Minister for Defence further to Parliamentary Question No. 293 of 24 May 2011 the reason he and military authorities are involving the conciliation and arbitration scheme since these personnel (details supplied) are already in receipt of this instructor's allowance on a weekly basis and their request is payment of this instructor's allowance in arrears. [16330/11]

**Minister for Defence (Deputy Alan Shatter):** The Permanent Defence Force Other Ranks Representative Association submitted a claim in relation to Instructor Allowance for six personnel serving in instructor appointments, Transport Coy 1 LSB. The claim has been dealt with at Conciliation Council and following discussions it was the subject of a disagreed report under the Conciliation and Arbitration Scheme. The Permanent Defence Force Other Ranks Representative Association sought adjudication on this issue on the 5th April 2011. The Deputy will appreciate that as discussions under the C & A scheme are confidential to the parties involved it would not be appropriate for me to comment further on this matter.

### Harbours and Piers

316. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food if he will give details of his most recent discussions with Howth fishermen regarding No. 6 West pier, Howth, County Dublin; and when this matter will be resolved; and if he will make a statement on the matter. [16171/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The property at 6 West Pier is currently the subject of court proceedings. The matter is therefore sub judice and it is inappropriate for me to comment on or engage in discussion in relation to this matter.

### Farm Retirement Scheme

317. **Deputy Charles Flanagan** asked the Minister for Agriculture, Fisheries and Food in respect of the 1994 scheme's terms and conditions, under the early retirement for farming, the reason an application in respect of a person (details supplied) in County Laois was rejected in

view of the fact that this person engaged in the letting of lands for less than 11 months which, under the regulations for the 1994 scheme, are considered to be farming; if that was the case, the person forms the view that on the date, being 10 December 1999, upon which the application was lodged, the main occupation of the applicant was farming as defined under the 1994 scheme and in view of the fact that no land was let on a continuous basis in the preceding ten years, the status of the applicant was not affected as a continuous farmer for the purpose of the application, and therefore it should not have been refused on the basis of not being a continuous farmer; and if he will make a statement on the matter. [16189/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** As outlined in the replies to Parliamentary Questions Nos. 84 of 7 April 2004, 481 of 19 October 2010 and 227 of 25 November 2010, the person named lodged an application under the 1994 Scheme of Early Retirement from Farming with my Department on 10 December 1999. Following consideration, the application was rejected for a number of reasons and the person named was informed accordingly. As officials in my Department were not aware at that time that the person named had let land for a nine-month period in two of the years before the application was submitted, this was not among the reasons for rejection of the application. Had this point been considered, it would have been an additional reason for rejecting the application.

### Grant Payments

318. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food if he will reconsider his recent decision on agri-environment options scheme top-up payments; and if he will make a statement on the matter. [16210/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** On 6 April 2011, I announced the opening of AEOS for receipt of applications in 2011 with an overall funding allocation of €25 million per annum and a maximum payment to farmers of €4,000 per annum. The funding for the scheme had to be found within the expenditure ceilings for my Department as set out in the National Recovery Plan, 2011-2014 and I was faced with very difficult choices in deciding between competing priorities in the allocation funds to AEOS. In the circumstances and in order to maximise the number of applicants who could be accommodated in the scheme, I decided that the rate of payment for Natura or designated land would be €75/ha.

The AEOS applications received are being evaluated at present and the numbers of participants that can be accepted and the overall cost of the scheme in 2011 and subsequent years have yet to be determined. Irrespective of the final outcome in relation to the 2011 applications, the budgetary constraints and pressures remain and, in aggregate terms, the demands will continue to exceed the funds available. Nevertheless, I am conducting an extensive review of all expenditure by my Department and once this is completed, I will review issues associated with AEOS, including the matter of the payments to farmers with designated land.

### Departmental Expenditure

319. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food if he will provide the expenditure figures of his Department in respect of the individual years 2004 to 2010; and if he will make a statement on the matter. [16211/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):**—Details of expenditure by my Department for the period in question is as follows: —

Year	Total	Current	Capital
	€000	€000	€000
2004	1,258,985	1,149,436	109,549
2005	1,355,518	1,220,784	134,734
2006	1,437,099	1,309,059	128,040
2007*	1,666,144*	1,339,073	327,070
2008	2,104,574	1,418,018	686,556
2009	1,937,842	1,391,978	545,864
2010**	1,763,911**	1,272,692	491,219

*\*The total expenditure in 2007 reflects the full year spend on fisheries (€100.5m.), responsibility for which was transferred to the Department in October 2007.*

*\*\* The total expenditure in 2010 reflects the full year spend on the Horse and Greyhound Fund (€59.3m.), responsibility for which was transferred to the Department in May 2010.*

In addition to Voted expenditure, my Department was responsible for the administration of the following EU funds (mainly Single Farm Payment) over the period in question: —

Year	€000
2004	1,788,137
2005	2,236,984
2006	1,779,774
2007	1,430,888
2008	1,457,338
2009	1,365,360
2010	1,157,082

### Departmental Schemes

320. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food if he will reopen the targeted agricultural modernisation scheme in view of its importance to rural economies; and if he will make a statement on the matter. [16215/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The Targeted Agricultural Modernisation Schemes (TAMS) were suspended for new applications on 8 June 2011 pending the outcome of the comprehensive review of my Department's expenditure which is currently taking place. No decision will therefore be taken on the reopening of TAMS until this review has been completed.

### Beekeeping Industry

321. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 514 of 3 May 2011, the further progress that has been made regarding the permission to use alternative products to treat varroa mites such as those licensed in other EU member states; if and when such products will be permitted for use here; and if he will make a statement on the matter. [16224/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The response to Parliamentary Question No. 514 of 3 May 2011 refers.

Currently, two products are authorised to control varroa in Irish honeybees.

Since the beginning of May, my Department has identified two more products that may be suitable for treating varroa mites in Ireland. One of these products is authorised in another EU Member State and the other is awaiting authorisation in an EU Member State.

My Department expects to be in a position to issue a special import licence permitting usage of at least one alternative product in this jurisdiction later this year, when the treatment against varroa is recommended.

### **Harbours and Piers**

322. **Deputy Michael Colreavy** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to an application made to his Department by Waterford County Council in 2009 for €1.2 million for the repair of Helvic pier; if his further attention has been drawn to indications of substantial deterioration since and if this is not arrested the consequential costs will be many multiples of the funding now sought; if he will confirm if the funding sought will be approved; and if he will make a statement on the matter. [16248/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The pier at Helvic is the property of Waterford County Council and responsibility for its repair and upkeep rests with the Local Authority in the first instance.

My Department did receive an application from Waterford County Council for funding under the 2009 Fishery Harbours and Coastal Infrastructure Development Programme for improvements at the pier, including the extension and realignment of the existing slipway. The cost of this project was stated as €300,000.

Unfortunately, given the limited Exchequer funding available it was not possible to fund any local authority managed projects in 2009 and therefore, the request for funding in respect of the pier at Helvic was not successful. My Department recently invited Local Authorities to submit applications in respect of priority harbour development projects for inclusion in the 2011 Fishery Harbours and Coastal Infrastructure Development Programme. A detailed application form in respect of Helvic Pier was issued to Waterford County Council for completion but to date no reply has been received. I should add that the deadline for receipt of completed applications was 10th June 2011.

### **Aquaculture Licences**

323. **Deputy Noel Harrington** asked the Minister for Agriculture, Fisheries and Food when he expects an application for an aquaculture licence to be processed and a decision communicated to a person (details supplied) in County Cork; and if he will make a statement on the matter. [16307/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The application referred to is in respect of a site located within Ardroom Harbour, Kenmare Bay which is designated as a Special Area of Conservation under the EU Habitats Directive (Natura 2000 site).

All applications in 'Natura' areas are required to be appropriately assessed for the purpose of environmental compliance with the EU Birds and Habitats Directives. My Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) is engaged in a comprehensive programme to gather the necessary baseline data appropriate to



[Deputy Simon Coveney.]

the conservation objectives of 'Natura' areas. This process is ongoing and significant progress has been made. This comprehensive data collection programme, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue. The Appropriate Assessment of aquaculture applications is being dealt with on a bay-by-bay basis.

My Department continues to make every effort to expedite the determination of aquaculture licence applications having regard to the complexities of each case and the need to comply with all national and EU legislation.

### Harbours and Piers

324. **Deputy Tom Fleming** asked the Minister for Agriculture, Fisheries and Food if he will provide a detailed up-to-date report on the proposed pier for Cromane, County Kerry. [16317/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Kerry County Council proposes to construct a new pier at Cromane. The proposed pier will be the property of that Local Authority who will be responsible for its development, maintenance and repair.

My Department's 2011 Fishery Harbours and Coastal Infrastructure Development Programme has made provision for limited funding for Local Authority owned harbours. No application in respect of the proposed pier at Cromane has been received from Kerry County Council for 2011.

### Aquaculture Licences

325. **Deputy Michael McNamara** asked the Minister for Agriculture, Fisheries and Food if he will provide an up-to-date list for May 2011 of all of the current offshore marine finfish aquaculture licences issued to operators here in tabular form; for each licence, if he will supply the file reference, the site name, the licensee's name or company, the current operator's name or company; if the site is being used in 2011; the tonnage, area, max smolt input; the licence expiration date; if a renewal has been applied for; the annual aquaculture licence fee; the annual foreshore licence fee and the sum of arrears owing on each licence. [16369/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The very detailed information requested by the Deputy is not readily available in full. My Department's records are currently being examined and a full reply will issue to the Deputy by my Department within two weeks.

326. **Deputy Michael McNamara** asked the Minister for Agriculture, Fisheries and Food if he will allow aquaculture activities to be carried out at an aquaculture site by a third party in view of the fact that the licensee is known to be a dissolved company (details supplied). [16370/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Current legal advice available to my Department indicates that aquaculture licences held by dissolved companies are extinguished.

Any aquaculture activity conducted by third parties can only occur with the consent of the Minister acting in accordance with the law and good public management.

My Department is currently engaged in detailed discussions with the operators associated with the licences referred to by the Deputy and with Údarás na Gaeltachta in its capacity as the relevant Development Agency.

These discussions are focussed on resolving the situation in a manner that protects the industry to the maximum extent possible while ensuring an appropriate return to the exchequer in respect of the public foreshore occupied by the operators.

### **Fish Farming**

327. **Deputy Michael McNamara** asked the Minister for Agriculture, Fisheries and Food the total number of employees and full-time equivalent directly employed in salmon farming operations here in 2010; and the total harvested tonnage of farmed salmon here each year from 2007 to 2010. [16371/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** I am advised by BIM that they estimate full time equivalent (FTE) employment in salmon farming in 2010 at 303, with a further 424 FTE indirectly employed in support activities.

BIM also advise that the quantity of farmed salmon harvested was as set out in the table.

Year	Tonnes
2007	9,923
2008	9,217
2009	12,210
2010	12,753

### **Fishing Industry Development**

328. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the reason the Irish seafood development operational programme does not allow the Irish seafood processing sector to draw down funding from Axis 2 of the European Fisheries Fund, which provides for measures in support of aquaculture, inland fishing, processing and marketing of fishery and aquaculture products. [16376/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Financial support for the development of the seafood processing sector in accordance with Axis 2 of the European Fisheries Fund is presently provided under the Exchequer funded Irish Seafood National Programme 2007-2013. I am examining the feasibility of having this Programme transferred to the EU co-funded Seafood Development Operational Programme 2007-2013, in the context of recommendations made in the recently completed interim evaluation of the Programme. Any changes to the Programme will require the approval of the European Commission and the Monitoring Committee for the co-funded Programme.

### **Aquaculture Licences**

329. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the number of aquaculture licence applications currently with him; the length of time each application has been with the Department; and the number of jobs associated with all applications. [16377/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** There are 579 aquaculture licence applications awaiting determination — this consists of 308 applications for first time licences and 271 renewal applications.

The timeframe for processing an application varies depending on location, species, scale and intensity of production, culture method, statutory status of sites, potential visual impact, access route and frequency of access to sites, other activities in the area etc. Other factors include consideration of any submissions or observations raised during the public consultation period.

In the circumstances it is not possible to indicate a specific timeframe for the processing of applications.

The critical factor in the processing of new and renewal licence applications is their location in Special Areas of Conservation under the EU Habitats Directive and/or Special Protection Areas under the EU Birds Directive (Natura 2000 sites).

In the case of aquaculture sites located within Natura 2000 areas the Department of Agriculture, Fisheries and Food, in conjunction with the Marine Institute and the National Parks and Wildlife Service (NPWS) of the Department of the Environment, Heritage and Local Government is engaged in a comprehensive programme to gather the necessary baseline data appropriate to the conservation objectives of these areas. This process is ongoing and significant progress has been made. This comprehensive data collection programme, together with the setting of appropriate conservation objectives by the NPWS, will enable all new, renewal and review applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. This work represents a significant financial, administrative and scientific investment by the State in resolving this issue. The Appropriate Assessment of aquaculture applications will be dealt with on a bay-by-bay basis.

My Department continues to make every effort to expedite the determination of all outstanding cases having regard to the complexities of each case and the need to comply fully with all national and EU legislation.

It is estimated that there are in the region of 2,800 people employed in aquaculture and support services.

### **Foreshore Licences**

330. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the number of foreshore licence applications currently with him; the length of time each application has been with him and if he is satisfied with the record. [16378/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Following enactment of the Foreshore and Dumping and Sea (Amendment) Act 2009, responsibility for all foreshore functions, with the exception of those relating to aquaculture, Fishery Harbour Centres and sea fisheries related activities, transferred to the Department of Environment, Community and Local Government (DECLG), with effect from 15 January 2010.

A total of 24 foreshore applications in respect of aquaculture / fisheries related projects are currently being processed by my Department. These include projects such as the construction of piers and slipways to facilitate the launching and retrieval of fishing boats; installation of seawater inlet and outlet pipes to fish storage units and the installation of lifeboat berthing facilities within the Fishery Harbour Centres. The length of time that these applications are on hand is indicated in a table:

Year of Receipt	Number of foreshore applications received
2004	1
2005	-
2006	1
2007	4
2008	2
2009	3
2010	9
2011	4
Total	24

The length of the application period in some of these cases reflects the complexity of the projects as property transactions and the acceptance or otherwise of valuations placed on these projects.

### Departmental Properties

331. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the monetary level of commercial rates he pays on properties in Killybegs, County Donegal. [16379/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** My Department is not liable for commercial rates in respect of its property at Killybegs Fishery Harbour Centre.

### Afforestation Programme

332. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the number of acres applied for forestry premium by a person (details supplied) in County Cork; the number of acres rejected in this application and the acreage approved; and if he will make a statement on the matter. [16400/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Approval of an application from the person named under the Afforestation Scheme issued in April 2010 for an area of 7.21 hectares. The application for payment in respect of the area actually planted, submitted by his approved forester, was for a plantation of 5.15 hectares. Following digitising of the area planted, the Department made payment in respect of a slightly higher area of 5.17 hectares. Payment can only be made for the area actually planted, subject to an upper limit of the area approved.

### Suckler Cow Quota

333. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food if a decision has been made on an appeal against a decision to refuse a suckler cow grant in 2009 in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [16412/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named registered seventeen animals under the 2009 Suckler Welfare Scheme. The same weaning date was recorded in respect of all these calves and, therefore, these animals were rejected for payment as this practice contravened the Terms and Conditions of the Scheme. The person named subsequently appealed this decision, which was successful following consideration by my Department. Payment will issue to the applicant in respect of the seventeen animals shortly.

### Legislative Programme

334. **Deputy Michael McCarthy** asked the Minister for Agriculture, Fisheries and Food when he expects that the Sea Fisheries and Maritime Jurisdiction (Amendment) Bill to be published; and if he will make a statement on the matter. [16427/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The Programme for Government committed to replacing the criminal sanctions system for minor fisheries offences with administrative sanction system to bring Ireland into line with other European jurisdictions.

I sought the advice of the Attorney General on the matter. The Attorney General has responded with a detailed advice on the issue which I am currently examining. The advice highlights the difficulties in relation to the Constitution and in relation to the laws of the European Community relevant to the question of implementing a system of administrative sanctions for fisheries.

There are many significant differences between the legal systems in Ireland and that of other EU Member States. Ireland's constitutional and legal position provides certain basic rights which must be respected within our system of justice.

Furthermore, European Union legislation requires that penalties for fisheries offences must be "*effective, proportionate and dissuasive*". That is, they must act as a deterrent and they must also ensure that there is no benefit gained by infringing the rules.

Given the nature of the penalties involved, there is a general requirement under the Constitution that alleged breaches of fisheries control regulations must be tried in a court of law. I am continuing to actively examine the issue in the context of the Attorney General's advice in relation to the Programme for Government commitment.

Irrespective of the outcome of the administrative sanctions situation, it will be necessary to bring forward legislation to amend the Sea Fisheries and Maritime Jurisdiction Act, 2006 in relation to the implementation of a penalty points system for serious fisheries infringements as required under EU Regulation 1224/2009, which establishes a community control system for ensuring compliance with the rules of the Common Fisheries Policy. In addition to this requirement, a number of minor amendments of a corrective nature are necessary. It is my intention to introduce an amendment to the Sea Fisheries and Maritime Jurisdiction Act, 2006 in autumn 2011 in this regard.

### Milk Quota

335. **Deputy Pat Deering** asked the Minister for Agriculture, Fisheries and Food the requirements for a person (details supplied) in County Carlow to acquire milk quota. [16460/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The primary means of acquiring milk quota is through the Milk Quota Trading Scheme. The Trading Scheme is run twice annually in respect of each Co-op collection area, and is comprised of a priority pool and a market exchange. A maximum of thirty per cent of the quota offered for sale is sold into the priority pool at a maximum price set by the Minister, and the remainder is traded through an exchange at prices set by sellers and buyers themselves. The next Trading Scheme will take place in the autumn, and will be followed by a further Scheme in early 2012, both of which will make quota available to buyers with effect from 1 April 2012. I hope to announce the Scheme details in the second half of August.

Under the recent Scheme for the Allocation of Milk Quota to New Entrants, the eligibility criteria for brand new entrants to dairying required that each applicant must:

- satisfy certain education and training qualifications,
- have no milk quota, nor have been a producer previously,
- have/will have a holding comprised of lands owned and/or leased,
- have/will have a separate independent herd number in which the dairy animals will be registered,
- have/will have separate milking and milk storage facilities.

Further schemes are planned for 2012 and 2013, and I hope to announce details of the 2012 Scheme early next year.

The other means by which milk quota may be acquired are through the purchase of land and quota on the open market or through the leasing of land and quota from a qualified relative.

### **Regulatory Bodies**

336. **Deputy Jim Daly** asked the Minister for Agriculture, Fisheries and Food if he has received an application from a company (details supplied) in County Cork to be regulated by his Department in respect of hygiene and animal by-products instead of being regulated by the local council; and if he will make a statement on the matter. [16540/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** My Department has received an application for approval from the company in question. The application is currently under examination. In the meantime, the company remains under Local Authority approval and supervision.

### **Departmental Agencies**

337. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the date on which she will establish the new child welfare and protection agency; if she will provide an update on the preliminary work which has been undertaken in relation to its establishment; the legal framework that will be necessary; and if she will make a statement on the matter. [16118/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Government is committed to fundamental reform of the delivery of child protection services. A number of significant structural and legislative changes are key to effecting such reform. This includes the establishment of a new agency with dedicated responsibility for the delivery of child welfare and protection services, separate from the HSE.

Preliminary work on the establishment of the new child welfare and protection agency has been undertaken and this project will now be accelerated. Issues which are being progressed include the legislative and governance arrangements necessary to underpin the establishment and operation of the agency. My Department is also working closely with the National Director for Children and Families Service within the HSE on associated matters, including, inter alia, the need to disaggregate the existing resource base for children and family services from the HSE in advance of the establishment of the agency.

### **Health Services**

338. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs the reason the Health Service Executive has not taken action to assist a family (details supplied) in Dublin 17. [16121/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter it has been referred to the HSE for direct reply.

### **Children's Rights Referendum**

339. **Deputy Dominic Hannigan** asked the Minister for Children and Youth Affairs her plans to hold the proposed referendum on children's rights in 2012; the stage the new wording is at; if there is a team within her Department which has been assigned responsibility for the revised wording and subsequent planning for a referendum; and if she will make a statement on the matter. [16198/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Programme for Government 2011 states that the referendum on Children's Rights is a priority, and that the wording will be along the lines of that proposed by the All Party Oireachtas Committee. The Department of Children and Youth Affairs has commenced discussions with the Attorney General, with a view to preparing a draft wording which will more closely reflect the work of the Committee, than that which the previous government approved in draft form. Following these deliberations, the Minister for Children and Youth Affairs intends to bring the matter to Government for approval to draft a bill and hold a referendum.

A small team within the Department is working on this issue. Arrangements for holding a referendum will be primarily a matter for the Department of the Environment, Heritage and Local Government, and staff from my Department will liaise with that Department as appropriate.

The Referendum will not take place on the same day as the presidential election as to do so may unnecessarily and unhelpfully politicise children's rights.

### **Child Care Services**

340. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs if grant assistance is available to develop childcare facilities, particularly when demand for such services has been identified; and if she will make a statement on the matter. [16431/11]

341. **Deputy Robert Troy** asked the Minister for Children and Youth Affairs if there are any schemes in her Department to grant aid childcare facilities. [16454/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 340 and 341 together.

Preschool services can apply to participate in the free Preschool Year in Early Childhood Care and Education (ECCE) scheme, which was introduced by my Office of the Minister for Children and Youth Affairs in January 2010. Under the scheme, in return for providing the free Preschool Year to eligible children, a preschool service will be paid an annual capitation for each eligible child enrolled. The standard capitation rate is €2,450 per annum and a higher capitation rate of €2,850 per annum is payable to services with more highly qualified staff.

Children are eligible to participate in the scheme when they are aged between 3 years 3 months and 4 years 6 months in September of the relevant year. At September 2010, some 4,300 preschool services, or 95% of all such services, are participating in the scheme. 63,000 children, or 94% of all eligible children are availing of the free Preschool Year. The ECCE scheme cost approximately €154 million in 2010 and is expected to cost €166 million in 2011. Applications for new services to enter the scheme from September 2011, will be available shortly from the local City or County Childcare Committee.

The Childcare Education and Training Support (CETS) programme was introduced in September last year and is also implemented by my Department, on behalf of FAS and the Vocational Educational Committees (VECs). Under this programme, which is open to full day-care and part-time services, qualifying students and trainees can avail of childcare places free of charge, with my Office paying providers a weekly capitation rate of €170 for each full-time childcare place contracted in their service, €95 for each half day care place and €50 for an after school place.

My Office also has responsibility for the implementation of the National Childcare Investment Programme (NCIP) which includes a capital grant programme to develop childcare facilities. However, as this programme closed to new capital grant applicants in 2009, I regret to advise the Deputies that capital expenditure in 2010 and 2011 is confined to existing capital grant commitments.

### **Preschool Services**

342. **Deputy Olivia Mitchell** asked the Minister for Children and Youth Affairs the reason preschools and crèches are now being required to charge no more than a €92 voluntary top-up fee when such a charge has no implications for the Exchequer but is likely to result in crèche closures; and if she will make a statement on the matter. [16571/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The free Preschool Year in Early Childhood Care and Education (ECCE) programme was introduced in January 2010 and provides a free preschool year to all eligible children.

The standard capitation fee paid to childcare services participating in the ECCE programme is €2,450 per annum or €64.50 per week over 38 weeks, or €48.50 per week in the case of full day services open 50 weeks per annum. A higher capitation fee of €2,850 per annum or €75 per week is available to sessional playschool services with more highly qualified staff. Participating services may charge parents for additional services provided they are clearly optional and children not availing of such services continue to receive an appropriate programme based provision.

Services participating in the scheme are required to provide the preschool year provision to the parent free of charge. A full day-care service which operates for 50 weeks of the year must provide 2 hours 15 minutes per day free under the scheme but can charge parents for the additional hours availed of. A sessional playschool providing the preschool provision for 3 hours each day over 38 weeks can offer parents, on a strictly optional basis, an additional 30 minutes per day in return for an additional fee. Each participating service is required to provide a fee policy to its local City or County Childcare Committee (CCC) including details of fees charged in respect of non-qualified children and details in regard to optional additional fees. This information is required to ensure that services are compliant with the terms and conditions of the scheme.

It is a fundamental principle of the ECCE programme that the preschool year is provided free of charge to the parent whose child qualifies under the programme. Any additional services or time provided to ECCE qualifying children must be clearly optional and the overall cost of the child's attendance must not exceed the cost of providing the same service to a parent whose child does not qualify under the scheme. While the ECCE programme does not set maximum and minimum levels of fees for additional services, in some cases services have tried to vary their fees for qualified and non-qualified children, in order to reduce the economic benefit of the programme for parents, and to increase their benefits in respect of children qualified under the programme. For example, if the price of a daily 5 hour place is €120 per week and ECCE



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capitation amounts to €48.50, the price for an ECCE qualified child in such a place should not exceed €71.50.

In order to ensure the programme benefits parents as intended, the City and County Child-care Committees (CCCs) verify the Fees Policies of participating services, to ensure that the full benefit of the capitation paid is reflected in the price of additional hours provided. I can confirm, however, that there is no €92 cap and many creches charge a higher top-up in the context of Full Daycare places, where the top-up would often exceed €100.

### **Assisted Human Reproduction**

343. **Deputy Terence Flanagan** asked the Minister for Health his views on a matter (details supplied) in view of the recent European Court of Human Rights decision in *A,B and C v. Ireland*.; and if he will make a statement on the matter. [16155/11]

**Minister for Health (Deputy James Reilly):** The Action Plan submitted on 16th June to the Committee of Ministers of the Council of Europe in response to the *ABC v Ireland* judgment commits Ireland to setting up an Expert Group, drawing on appropriate medical and legal expertise, with a view to making recommendations to Government on how this matter should be properly addressed. This commitment is in line with the Programme for Government.

In relation to the Commission on Assisted Human Reproduction (AHR), I am pleased to inform the Deputy that my officials are indeed developing policy proposals to regulate this area with the intention of finalising them this year. These proposals will form the basis of legislation in the area of AHR and related practices and are informed by the recommendations of this Commission.

### **Health Services**

344. **Deputy Joe Costello** asked the Minister for Health his views on a matter (details supplied) regarding full-time residential care; and if he will make a statement on the matter. [16737/11]

351. **Deputy Maureen O'Sullivan** asked the Minister for Health if a full-time residential place can be secured in respect of a person (details supplied) in Dublin 9. [16138/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 344 and 351 together.

As the Deputies questions relate to service matters I have arranged for the questions to be referred to the Health Service Executive for direct reply to the Deputies.

### **Hospitals Building Programme**

345. **Deputy Brian Stanley** asked the Minister for Health the date on which he will announce the details of the review of the National Children's Hospital project; the scope of this review; and if he will make a statement on the matter. [16113/11]

**Minister for Health (Deputy James Reilly):** On the 12th of May 2011 I announced the details of an independent review of the National Children's Hospital project.

When I have received the expert report I will carefully consider the next steps in building the national children's hospital. I do not intend to comment on any aspect of the project until the Report and expert recommendation have been received. This is an independent Review and I would not wish to influence them in the deliberations.

The Programme for Government contains a commitment to building the National Children's Hospital. It is the Government's intention to achieve the best possible clinical outcome for children within the resources available. It is essential that all the facts are considered before a final decision is taken on the best approach to delivering this important project.

### **National Lottery Funding**

346. **Deputy John O'Mahony** asked the Minister for Health when a decision will issue on a application for a national lottery grant in respect of a group (details supplied) in County Mayo; and if he will make a statement on the matter. [16119/11]

**Minister for Health (Deputy James Reilly):** My Department has no record of an application from the Group referred to by the Deputy. If the organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on my Department's website — *www.dohc.ie*

### **Patient Private Property Fund**

347. **Deputy Denis Naughten** asked the Minister for Health further to Question No. 228 of 6 July 2010, the value of payments made to date; the payments made in 2010; the number of payments which have been issued; when repayments will commence in the western region; the timetable for the completion of this process; the total number of persons to be refunded and the value of the refunds; the provision made in the 2011 estimate for administration and for payments; and if he will make a statement on the matter. [16123/11]

**Minister for Health (Deputy James Reilly):** This question refers to retained interest on Patient Private Property Accounts. To date payment to the value of €66,946 has issued in respect of 1,120 patients to date, an average payout of €59.77. The HSE advise that no payments issued during 2010. The identification of the total number of people to be refunded and the value of such refunds are yet to be established from records retained at each individual care centre, and is part of a significant workload involved in completing payments. There is no specific provision for administration. It is hoped to progress payments in 2011, including in the western region, but this is subject to resources being available to do so. Interest retained since 2005 is lodged in the Central PPP Fund for distribution and is managed and audited separately from all other HSE accounts. There is no requirement on clients or next of kin to make an application for this payment. The HSE have again expressed their willingness to provide full briefing on PPP related issues to the Deputy, or to meet with him to answer his queries, if he so wishes.

### **Medical Cards**

348. **Deputy David Stanton** asked the Minister for Health the changes that have been made recently regarding the number of years that medical cards remain valid; and if he will make a statement on the matter. [16124/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The review process is an important quality assurance aspect of the management of the GMS. Three months before a medical card is due for renewal a reminder notice is sent to the person alerting them to the fact that their circumstances are due for review.

349. **Deputy Niall Collins** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Limerick. [16126/11]

**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.

350. **Deputy Alan Farrell** asked the Minister for Health his plans to address the nine month waiting list for elderly medical card holders (details supplied) to receive a hearing aid from the Health Service Executive; and if he will make a statement on the matter. [16133/11]

**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. 351 answered with Question No. 344.*

### **Gambling Impact Study**

352. **Deputy Maureen O'Sullivan** asked the Minister for Health when the national gambling impact study, as recommended by the Public Health Institute, will take place; and if it is known, the number of persons addicted to gambling here. [16187/11]

**Minister for Health (Deputy James Reilly):** My Department does not have any plans at present to undertake an impact study on gambling. No gambling prevalence data is available for Ireland but use of international data from other countries suggests approximately one per cent of the population experiences gambling problems which would represent approximately 40,000 individuals in Ireland.

### **Suicide Incidence**

353. **Deputy Charles Flanagan** asked the Minister for Health if statistics are compiled in respect of the number of former psychiatric inpatients who commit suicide shortly after their release from psychiatric care; if he is satisfied with the suicide risk assessment procedures in place; and if he will make a statement on the matter. [16188/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The mental health services report all deaths of patients in Approved Centres. When persons are discharged from an Approved Centre they may continue to avail of a range of community-based mental health services. All sudden, unexplained deaths of persons attending a day hospital or a day centre, or other mental health service (including out-patient departments, resource centres, group homes, out-reach teams and other service types) or living in 24 hour staffed community residences are required to be notified to the Mental Health Commission within 7 days of the death occurring.

In 2010, the Commission was notified of 75 deaths in this category, however, based on the information provided, it was not apparent in all instances that a sudden unexplained death had occurred. The Inspector of Mental Health Services examines all death notifications and in cases suggestive of suicide or violent death requests a review be carried out by the service concerned and a copy of the review is sent to the Inspectorate. These reviews are analysed to identify opportunities for improvement in patient safety, care and treatment and form part of the ongoing dialogue between the Inspectorate and services.

The admission and discharge of service users to and from an acute in-patient unit is a clinical decision by a consultant psychiatrist and follows a clinical assessment which includes a risk assessment for self harm prior to discharge. Service users are offered a follow up service in the community and many will have had an opportunity for home leave to prepare for discharge. Internationally, the first 48 hours post discharge from acute in-patient care is recognised as a time of elevated risk and the mental health services will work with family members and com-

munity supports to continually assess and support the individual and to ameliorate the risk. I am satisfied with these procedures.

### Medical Cards

354. **Deputy Dessie Ellis** asked the Minister for Health the waiting times for appeal in respect of medical cards in the Health Service Executive Dublin north east region; and if he will make a statement on the matter. [16191/11]

**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

355. **Deputy Olivia Mitchell** asked the Minister for Health if he envisages the introduction of a neurological care programme along the lines suggested by the Neurological Alliance of Ireland; and if he will make a statement on the matter. [16192/11]

**Minister for Health (Deputy James Reilly):** The Office of Clinical Strategy and Programmes in the HSE has established three key national programmes in relation to neurological care which shows the HSE's commitment to improving access to neurological services and gives these services a major focus in the HSE.

The first programme deals with neurology out patient departments and aims to provide standardised care for neurology patients and to increase access so that patients will not wait more than 30 days for an appointment. The programme is due to establish referral guidelines and encourage the increased use of neurolink. The second programme deals with epilepsy services and aims to introduce rapid access clinics to assist with admission avoidance and reduce the number of attendances to emergency departments. The third programme deals with stroke services and aims to establish robust clinical governance systems for stroke care, including local stroke teams and regional stroke networks.

I welcome the action plan for neurological care by the Neurological Alliance of Ireland, which emphasises the importance of neurological care and raises many issues that these Neurology programmes will address, including a comprehensive plan for improving neurological care including acute services and increasing staffing.

The HSE has emphasised to my Department that all national programmes, including those concentrating on neurology, will have a focus on patient advocacy. These inter-related programmes aim to improve service quality, effectiveness and patient access and to ensure that patient care is provided in the service setting most appropriate to individuals' needs. I believe that the clinical programmes being developed by the HSE are vital to ensuring the most appropriate organisation of acute services.

356. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health if he will provide a breakdown by county of the number of youths the Health Service Executive has funded to go to an inpatient rehabilitative centre (details supplied) in County Kilkenny; and the costs of same. [16199/11]

**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.

### Medical Cards

357. **Deputy John McGuinness** asked the Minister for Health if he will expedite and approve

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applications for medical cards in respect of persons (details supplied) in County Kilkenny [16220/11]

**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.

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358. **Deputy Charlie McConalogue** asked the Minister for Health if he will provide additional funding to the Health Service Executive to permit clients and patients to avail of free transport services attending day centres, day hospitals and other services; and if he will make a statement on the matter. [16223/11]

**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.

### Nursing Homes Support Scheme

359. **Deputy Robert Dowds** asked the Minister for Health the number of persons accessing care in nursing homes under the fair deal scheme; and the total public expenditure on this form of care. [16234/11]

360. **Deputy Robert Dowds** asked the Minister for Health the number of persons accessing care that is provided in their own homes under the fair deal scheme; and the total public expenditure on this form of care. [16235/11]

361. **Deputy Robert Dowds** asked the Minister for Health his views that by encouraging more persons to access care that is provided in their own homes under the fair deal scheme, rather than accessing care in nursing homes, there could be scope for savings to the Exchequer without compromising in any way the standard of the care provided. [16236/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 359 to 361, inclusive, together.

On the 13th May 2011 there were 22,277 people in receipt of support from the State towards long-term residential care. Of these, almost 12,800 people were in receipt of financial support under the Nursing Homes Support Scheme. The balance were 'saver' cases in public nursing homes (i.e people who were in public beds prior to the commencement of the scheme and opted to remain there), and contract beds or were in receipt of support under the Nursing Home Subvention scheme. The baseline funding for long-term residential care in 2011 is €963m. The Nursing Homes Support Scheme only applies to long-term nursing home care. It does not cover care in a person's home.

### Departmental Expenditure

362. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the annual sums spent by the Health Service Executive in each of the past five years on fluoridation of the public water supply under the Health (Fluoridation of Water Supplies) Act 1960; and if he will make a statement on the matter. [16244/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The estimated annual expenditure by the HSE on fluoridation is as follows:

Year	€m
2006	3.25
2007	3.39
2008	3.56
2009	3.9
2010	4.78

The costs include hydrofluorosilicic acid — the chemical used for fluoridating water, operational and some minor capital costs.

### **Nursing Homes Support Scheme**

363. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of persons waiting for approval of applications under the fair deal scheme as of 13 June 2011; and if he will make a statement on the matter. [16245/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** Data for June is not yet available. At end-April there were 2,920 applications in progress nationally. However, these were at varying stages in the process, e.g. some applications would be incomplete and the HSE would have been awaiting further documentation in order to progress them. As of the 13 May, the HSE had approximately 1,500 applications which had been processed to final stage on hand.

### **Services for People with Disabilities**

364. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of speech and language classes and courses being provided to children during each of the months June, July, August, and September broken down by Health Service Executive region; the number of teachers providing these courses and classes broken down by HSE region; the number of children on waiting lists to avail of these classes broken down by HSE region; and if he will make a statement on the matter. [16247/11]

**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 transferred to the Health Service Executive for direct reply.

### **National Treatment Purchase Fund**

365. **Deputy Michael Creed** asked the Minister for Health the position regarding the operation of the National Treatment Purchase Fund; the recourse persons have who are on a public waiting list in excess of three months; and if he will make a statement on the matter. [16267/11]

**Minister for Health (Deputy James Reilly):** I announced the establishment of the Special Delivery Unit (SDU) earlier this month. The SDU is a key part of the Government's plans to radically reform the health system in Ireland, with the ultimate goal of introducing a system of Universal Health Insurance (UHI).

The SDU will work to unblock access to acute services by improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU will work closely with the HSE, building on initiatives already underway. These include the clinical programmes developed by the HSE's National Directorate for Clinical Strategy and Programmes.

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The SDU's priorities will encompass:

- Emergency Departments — waiting times for admission have been unacceptably high in a number of hospitals, often breaching the current 6-hour maximum waiting time target
- In-patient waiting times — the trend has been upwards recently, despite the work of the NTPF
- Out-patient waiting times — the time from GP referral to an appointment with a consultant is unacceptably long in many specialties
- Access to diagnostics — this forms an essential part of the patient journey for all of the areas of access above

The SDU will be a crucial “agent for change” allowing for a transformation in the operation of structures across the system. Its success will allow for an alteration in the current role of the NTPF. Its resources will be re-focused to align closely with the work of the SDU, and crucially will allow for a progressive improvement in the performance of the nation's hospitals. The NTPF has welcomed the new initiative and has confirmed it will work proactively with the Unit to achieve the best possible result for patients.

In the interim the NTPF will continue to operate as normal accepting applications from persons who have been waiting for over three months for treatment.

### **Health Services**

366. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if it is the case that blood samples from patients at risk of genetic blood disorders can be only be referred to the National Centre for Medical Genetics by consultants; if so, the reason samples taken by general practitioners, GPs, cannot be referred directly for testing at the NCMG; and if he will make a statement on the matter. [16269/11]

**Minister for Health (Deputy James Reilly):** The information requested by the Deputy is not immediately available and will be forwarded to the Deputy upon receipt.

### **Accident and Emergency Services**

367. **Deputy Simon Harris** asked the Minister for Health his plans to reduce the practice of hospital patients having to lie on trolleys in accident and emergency departments rather than being admitted to hospital wards; and if he will make a statement on the matter. [16298/11]

370. **Deputy Simon Harris** asked the Minister for Health his views whether accident and emergency departments in our hospitals are adequately resourced to meet the needs of patients and to provide a safe working environment for staff; and if he will make a statement on the matter. [16301/11]

371. **Deputy Simon Harris** asked the Minister for Health his plans to ensure that the Health Service Executive ensure a co-ordinated approach to ensure that patients who have been admitted to hospital are not left in the accident and emergency department on a hospital trolley and that they can access a hospital ward; the length of time he believes it is acceptable that any patient should have to lie on a hospital trolley in the accident and emergency department when

he or she has been admitted to stay in the hospital; and if he will make a statement on the matter. [16302/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 367, 370 and 371 together.

I have stated many times that the waiting times for admission for patients attending Emergency Departments in many hospitals are unacceptable. I am determined that this situation should be addressed. In this regard the Deputy will be aware that I have recently established the Special Delivery Unit and assigned to it as a priority the task of addressing the issues arising in Emergency Departments.

The difficulties in Emergency Departments cannot be resolved solely within the EDs themselves and must be addressed on the basis of a health-system wide approach. In particular, overcrowding in the Emergency Department is multi-factorial in origin and any solution to problems that may arise from this issue must reflect this reality. Any solution must start with ensuring that patients are treated in the most appropriate way in the most appropriate location. This means that where and whenever possible patients who can be treated in the primary care setting receive that treatment in a timely manner. This will ensure that patients can be confident of receiving the necessary treatment on time and that there is less need for patients to attend at EDs.

The issue of staffing levels in Emergency Departments, as in other areas of hospitals, is a matter for the management of the hospitals and the HSE in the first instance. I am aware that concerns have arisen in relation to certain hospitals in advance of the next rotation of Non-Consultant Hospitals Doctors (NCHDs). My officials are in contact with the HSE and relevant authorities to ensure that the necessary steps are being taken to ensure ongoing safe delivery of service in hospitals and in Emergency Departments in particular.

I am confident that with careful planning, with leadership from the Special Delivery Unit, the implementation of the HSE's Emergency Medicine Programme and related clinical programmes and the roll-out of Acute Medicine Units we will be in a position to reassure patients that the difficulties in Emergency Departments will be addressed.

368. **Deputy Simon Harris** asked the Minister for Health his views regarding the risk of cross-infection resulting from overcrowding in accident and emergency departments in our hospitals; if he has discussed this issue with the Health Service Executive and with the Health Information and Quality Authority; if he proposes to take any actions to reduce this risk; and if he will make a statement on the matter. [16299/11]

369. **Deputy Simon Harris** asked the Minister for Health the number of incidents of cross-infection that occurred in accident and emergency departments over the past 12 months; and if he will make a statement on the matter. [16300/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 368 and 369 together. Healthcare Association Infections (HAIs) continue to be a challenge for healthcare systems worldwide. Ireland is not unique in this regard and tackling HAIs here continues to be a priority for the Government and for the Health Service Executive (HSE).

Healthcare associated infection, including MRSA, is a challenge for all health systems across the world as healthcare becomes more intensive, complex and invasive. In 2007, the HSE launched its strategy "Say No To Infection" for prevention and control of healthcare-associated infection.. A HSE HCAI Governance Group was established to lead on the implementation



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of this strategy and to monitor progress. Local implementation teams were also established to drive change at a local level.

As part of the governance and performance management regarding this issue the HSE is committed to ensuring that infection control is an integral part of clinical and corporate governance within every healthcare institution and hospital in Ireland and an acceptance that the prevention of infection is every healthcare worker's responsibility.

Overcrowding in the Emergency Department is multi-factorial in origin and any solution to problems that may arise from this issue must reflect this reality. The recently established Special Delivery Unit is the primary way I have chosen to address this.

This can be achieved by improving options for patients to avoid hospital attendance and facilitating hospital discharge. The HSE clinical care programmes including the chronic disease programmes, elective surgery, emergency medical care and acute medical programme when implemented will facilitate many aspects of this.

In addition the focus of the HSE prevention of healthcare-associated infection clinical programme is to prevent cross infection by improving hand hygiene, antibiotic prescribing and indwelling device care (e.g. prevent urinary catheter and IV line infections) and monitoring compliance with National Infection Prevention and Control Standards.

I have been in touch with the Health Information Quality Authority (HIQA) on this important issue of the risk of cross-infection resulting from overcrowding in accident and emergency departments in our hospitals. The Authority's National Standards for the Prevention and Control of Healthcare Associated Infections and National Standards for Safer Better Healthcare are available to support and guide providers on the quality and safety of care they provide. These standards outline what a good, safe, service looks like and what the public can expect in terms of standard of care.

However, I remain concerned at the potential risk to patients if in overcrowded Emergency Department's and have discussed this with my Department and the HSE to see what further immediate action can be taken to reduce this potential risk.

*Questions Nos. 370 and 371 answered with Question No. 367.*

### **Nursing Home Services**

**372. Deputy Seamus Kirk** asked the Minister for Health the percentage of persons at any given time who are in nursing homes but are capable of independent living; and if he will make a statement on the matter. [16303/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** On the 13 May 2011 there were 22,277 people in receipt of support from the State towards long-term residential care. Of these, almost 12,800 people were in receipt of financial support under the Nursing Homes Support Scheme.

The Nursing Homes Support Scheme encompasses a Care Needs Assessment which identifies whether the individual has sufficiently high care needs to warrant nursing home care or whether their care needs can be met in the community. The purpose of the assessment is to ensure that long-term nursing home care is the most appropriate option for that particular individual. The Care Needs Assessment is carried out by appropriate healthcare professionals appointed by the HSE. An assessment may be completed in a hospital or community setting and includes consideration of the following:

- the individual's ability to carry out the activities of daily living, e.g. bathing, shopping, dressing,
- the medical, health and personal social services being provided to the person or available to the individual at the time of the assessment and generally,
- the family and community support available to the individual, and
- the individual's wishes and preferences.

It is not possible, based on the information available, to estimate with any degree of certainty the percentage of people in nursing homes prior to the introduction of the Nursing Homes Support Scheme who may have been capable of independent living.

**373. Deputy Gerald Nash** asked the Minister for Health the steps being taken by the Health Service Executive to ensure appropriate oversight at a nursing home (details supplied) in view of an inspection report undertaken by the Health Information and Quality Authority in 2010. [16312/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Deputy's question refers to a matter that is currently subject to court proceedings. It would therefore be inappropriate for me to comment at this time.

#### Health Services

**374. Deputy Seán Ó Fearghail** asked the Minister for Health if he will investigate the circumstances in which the family of a person (details supplied) in County Kildare has been told that the Health Service Executive has no resources to provide additional supports for this person, who is to be discharged from hospital to home in which he lives alone; and if he will make a statement on the matter. [16318/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### Nursing Homes Support Scheme

**375. Deputy Catherine Murphy** asked the Minister for Health in his examination of the fair deal scheme, the cost for drugs to both medical card and non-medical card holders; and if he will make a statement on the matter. [16329/11]

**376. Deputy Catherine Murphy** asked the Minister for Health the budget within the Health Service Executive from which ancillary services, such as physiotherapy, occupational and speech and language therapy will be provided to those with medical cards availing of the fair deal scheme; if the extent of need has been evaluated from the recent examination of the scheme; if so, the details of same; if there are sufficient staff resources to meet basic needs; and if he will make a statement on the matter. [16331/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 375 and 376 together.

The examination of funding for the Nursing Homes Support Scheme identified that €48 million of Ancillary Services, e.g. therapies and drugs, were charged to the Long-term Residential Care subhead. The HSE is not in a position to break this down further. The money in respect of Ancillary Services will be transferred to subheads B1 to B4 (the Regional subheads)

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and, in future, such services will be charged to these subheads. The examination of funding did not extend to the level of requirement for therapies. Therapy services are allocated having regard to demand, availability of resources and on a priority basis based on clinical need

377. **Deputy Catherine Murphy** asked the Minister for Health if the resource cap associated with the fair deal scheme includes an average time spent in a nursing home; if so the timeframe for same; his plans to revisit the calculations underpinning the scheme; and if he will make a statement on the matter. [16332/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The cost estimates for the Nursing Homes Support Scheme are underpinned by a number of assumptions, i.e. the number of people that will require long-term nursing home during the year, the average weekly price of long-term nursing home care, the average income of older people, home ownership rates for older people, the level of married and single applicants and an average length of stay.

When the scheme was originally drawn up and costed, the average length of stay, based on information available at the time, was three years. During 2010, the Department was informed that this now appeared to have increased to five years and costings were prepared on that basis for 2011. However, we are now informed that the average length of stay is approximately four years. The Minister for Health is anxious to identify the reasons behind increase in the average length of stay in nursing homes. He is, therefore, requesting that the HSE undertake a clinical audit on the appropriateness of care and admission. The Minister is also requesting that the HSE commission an audit of circa 300 residents in public and private nursing homes to ascertain if there are differences in dependencies and in the average length of stay between both, and reasons for same. The results of these audits will inform cost estimates going forward.

### Medical Cards

378. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the reason a person (details supplied) in County Kilkenny is no longer receiving a full medical card, only a general practitioner visits card, and if a full medical card will be made available to them [16351/11]

**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 Staff

379. **Deputy Michael McCarthy** asked the Minister for Health the number of certified non-consultant hospital doctor posts in the country's hospitals at present; if he will provide a breakdown of the number of vacancies per hospital; the length of time each post has been vacant; the discipline or department in which each vacancy exists; and if he will make a statement on the matter. [16367/11]

**Minister for Health (Deputy James Reilly):** Following the January 2011 rotation, there are approximately 150 Non Consultant Hospital Doctor (NCHD) vacancies. While these vacant posts include both training and service posts, the large majority of vacancies are in purely service settings in small to medium size hospitals.

The HSE has taken a range of actions to address Non-Consultant Hospital Doctors (NCHDs) vacancies over the past two years, to ensure that any resulting impact on services is minimized and patient safety maintained. In many instances these vacancies are filled by locums or by other short-term contractual arrangements. In addition, the full extent of NCHD vacancies has

changed as a number of NCHD posts have been suppressed to allow introduction of additional Consultant posts as provided for under the Employment Control Framework.

Approximately 450 posts will need to be filled shortly in the context of the July 2011 rotation. This represents a significant challenge and my Department is currently engaged in discussions with the HSE and Medical Council in relation to the recruitment issues involved.

I will revert to the Deputy as soon as the detailed information he has requested is received from the HSE.

### **Accident and Emergency Services**

380. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the timetable for the threatened removal of 24-hour accident and emergency services from St. Colmcille's Hospital, Loughlinstown, County Dublin; the steps he will take to prevent this removal of services; and if he will make a statement on the matter. [16368/11]

400. **Deputy Billy Timmins** asked the Minister for Health if there are any proposals to reduce the service at a hospital (details supplied) in view of recent statements regarding the emergency service; and if he will make a statement on the matter. [16587/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 380 and 400 together.

I have made it clear that I expect to be briefed by the HSE regarding proposals to withdraw services from individual hospitals.

While there is no plan to cease any of the current services at St. Columcille's Hospital, the configuration of services is constantly reviewed and from time to time re-arranged to improve access and quality of service and minimise risk to patients. In relation to Accident and Emergency Services, a trauma by-pass arrangement was introduced in recent years which allows for such patients to be brought directly to St. Vincent's University Hospital to ensure the most appropriate treatment.

This programme of realignment of services has received recent impetus from HIQA in relation to the need to implement the recommendations from the Ennis and Mallow reports. The reports deal in particular with the type of services that can safely be provided in smaller hospitals, and with the structures required for good governance and accountability. The HSE must ensure that this happens and I will be monitoring the situation closely in conjunction with HIQA. I can clearly assure the public that no hospitals will close, regardless of the difficult economic situation we find ourselves in. However, ongoing reform of the system may result in some changes in how care is delivered in any particular location across our health system.

With regard to the Emergency Department at St Columcille's Hospital, I am in ongoing discussions with the various stakeholders in order to identify a solution to the recruitment of NCHD's nationwide. I will have greater clarity on this issue in the next few weeks.

### **Health Service Executive Contracts**

381. **Deputy Joe McHugh** asked the Minister for Health if he will provide information on a matter (details supplied) relating to a Health Service Executive contract; and if he will make a statement on the matter. [16391/11]

**Minister for Health (Deputy James Reilly):** I have referred this matter to the Health Service Executive for direct reply.

### Hospital Acquired Infections

382. **Deputy Clare Daly** asked the Minister for Health the measures taken by the Health Service Executive to combat the reported occurrence of the super bug CRE, Carbapenem Resistant Enterobacteriaceae, in St Vincent's Hospital, Dublin, two months ago. [16394/11]

**Minister for Health (Deputy James Reilly):** As these are service matters, they have been referred to the Health Service Executive for direct reply.

### Nursing Homes Support Scheme

383. **Deputy Patrick O'Donovan** asked the Minister for Health in view of recent reports in regard to funding originally intended for the fair deal scheme, if he will consider the appointment of auditors to examine Health Service Executive expenditure to ensure that those areas identified for funding are in receipt of the amounts that are budgeted for; and if he will make a statement on the matter. [16407/11]

**Minister for Health (Deputy James Reilly):** The Health Service Executive is subject to full audit by the Comptroller and Auditor General in relation to both its Annual Financial Statements and its Appropriation Account. The Annual Report of the Comptroller and Auditor General reports on the audited accounts and any specific matters which arise from the audits. In addition, the Comptroller and Auditor General may undertake in-depth examinations of specific issues or general matters arising from audits, inspections or examinations carried out by his Office.

However, notwithstanding the Comptroller and Auditor General's role, I have previously indicated, in the context of the recent issues surrounding the Nursing Home Support Scheme, that I will consider whether external auditors should be used to bring greater clarity in respect of that particular situation. Further enquiries are now being made as to whether it is necessary to appoint an external auditor for this purpose.

### National Disability Strategy

384. **Deputy Eric Byrne** asked the Minister for Health his plans for the delivery of the national disability strategy. [16413/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy will be aware, the National Disability Strategy, launched in September 2004, supports and reinforces equal participation in society of people with disabilities. The Strategy comprises of a number of elements, including the Disability Act 2005; the Education for Persons with Special Educational Needs (EPSEN) Act 2004 and the Citizen's Information Act 2007.

Under the terms of the Disability Act, six Government Departments, including the Department of Health, are required to prepare and publish Sectoral Plans, setting out the actions they will take to meet their obligations under the Act. The Department of Health and Children's Sectoral Plan was published in 2006 and was the first step in a complex process to establish a baseline for access to health services and for service delivery. In December 2009, following an extensive stakeholder consultation process, the Department finalised a Year 3 progress report. This progress report was published in February 2010, in conjunction with those of the five other Departments required to publish sectoral plans.

This report comes ahead of the finalisation of a very significant strategy and policy review currently under way in my Department — the Value for Money and Policy Review of Disability Services. This review will inform the development of my Department's approach to fulfilling

its commitments under the Strategy going forward. It is expected to be completed by the end of the year.

### Health Service Staff

385. **Deputy Michael McCarthy** asked the Minister for Health if a national investigation he promised to examine the number of unregistered nurses working in the Health Service Executive has begun; the scope and reach of the investigation in terms of the healthcare facilities that will be looked at and in terms of the actual timescale that will be studied; and if he will make a statement on the matter. [16419/11]

**Minister for Health (Deputy James Reilly):** Arising from notification of a nurse practising without registration, I instructed my officials last month to write to the Health Service Executive (HSE), asking them to confirm that arrangements are in place to ensure that there is compliance with the various registration requirements, and where any HSE employee is found to be in breach of this compliance, procedures are in place to ensure that employment ceases/is suspended in each case immediately. Any decision in relation to re-employment/reinstatement is a matter for the HSE once all the necessary registration requirements are complied with. The HSE have confirmed that procedures are in place in relation to the registration of health professionals who are subject to statutory registration and that these arrangements are currently under review.

### Nursing Homes Support Scheme

386. **Deputy Catherine Murphy** asked the Minister for Health in the context of the fair deal scheme, the way the €30m savings in non-service related spending will be achieved; and if he will make a statement on the matter. [16420/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The key focus of the Minister for Health is to ensure that those who require nursing home care will be able to access it and, to this end, the Department estimates that almost 24,000 people will be in long-term nursing home care by year end. This would mean a net increase of around 1,700 people between now and the end of the year.

In order to fund this increase, and to offset other pressures on the subhead such as increases in average length of stay, cost increases etc., the Minister identified a range of savings and income sources, one of which is a potential saving of up to €30 million in non-service related spending. This funding will come primarily from capital spending which is running significantly behind budget so far this year.

387. **Deputy Catherine Murphy** asked the Minister for Health the intended increases in charges for long-stay patients in the context of the fair deal scheme; if legislation will be required; the categories of patients that will be affected; and if he will make a statement on the matter. [16424/11]

**Minister for Health (Deputy James Reilly):** Charges for long stay in-patient services are provided for under Section 53 of the Health Act 1970 (as amended by the Health (Amendment) Act 2005). Under current Regulations pursuant to the Health Act 1970 (as amended), different rates of charges are levied on those patients where 24 hour nursing care is provided and those where nursing care is provided on less than a 24 hour basis. The charges were last revised with effect from 1 January 2009. I intend to shortly bring forward Regulations to give effect to revised rates of charges.

388. **Deputy Pat Deering** asked the Minister for Health the amount of Health Service Executive money that was contributed towards the cost of nursing home beds in County Carlow in 2010. [16461/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

#### Medical Cards

389. **Deputy Michael McGrath** asked the Minister for Health the position regarding an application for a medical card for a person aged over 70 years (details supplied) in County Cork. [16469/11]

**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.

#### Primary Care Strategy

390. **Deputy Seán Kenny** asked the Minister for Health the number of primary care teams currently in the Dublin north east region; the number of staff by grades and services available at each primary care team; the number of patients treated by each PCT in 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [16524/11]

**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.

#### General Practitioner Co-operatives

391. **Deputy Seán Kenny** asked the Minister for Health the number of doctors and other non-frontline staff currently working for D-Doc; the numbers of drivers and vehicles that are currently in use for D-Doc; the number of patients treated for the years 2008, 2009, 2010 and to date in 2011; the amount generated through the call-out charges in each of these years; his plans to expand this vital service; and if he will make a statement on the matter. [16525/11]

**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.

#### Ambulance Service

392. **Deputy Seán Kenny** asked the Minister for Health the number of Health Service Executive ambulances, advanced paramedic vehicles and motorcycle paramedics in the Dublin north east region; the number of emergency medical technicians, advanced paramedic and other non-frontline staff; the number of emergency calls dealt with in 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [16526/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

#### Hospital Accommodation

393. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will secure and advise the number of inpatient acute hospital beds across our public hospital network; the number of day case beds across our public hospital network in each of the years 2006, 2007, 2008, 2009 and 2010 and to date in 2011; and if he will make a statement on the matter. [16542/11]

**Minister for Health (Deputy James Reilly):** The national average number of acute hospital beds and day places available in public hospitals for the years 2006 — 2010 is set out in the following tables. Acute bed numbers in public hospitals are counted as an average of beds available over each year, given that the number of beds available in each hospital can vary over any year for operational reasons. This data includes acute psychiatric beds.

The HSE has indicated that the latest year in respect of which national data on the average available acute hospital beds and day places has been compiled is 2010. The data for 2010 is provisional and is subject to validation.

The emphasis for the HSE in 2011 continues to be to make the most effective use of acute bed capacity through shorter length of stay, increased rates of day-of-surgery admission and more day surgery. In this way the acute hospital system can ensure that, within the level of resources available, it facilitates the maximum number of patients with safe, effective and efficient care.

Available In-Patient Beds 2006 -2010

Year	Total #
2006	12,110
2007	12,123
2008	11,847
2009*	11,538
2010*	11,335

Available Day Case Beds 2006 -2010

Year	Total #
2006	1,418
2007	1,545
2008	1,737
2009*	1,772
2010*	1,845

# Data for 2006, 2007 and 2008 — Health in Ireland Statistics — Key Trends

\* Data for 2009 and 2010 supplied by BIU — HSE (Data for 2010 is provisional)

### Services for People with Disabilities

394. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health if his attention has been drawn to the charge applied to disabled persons in County Donegal for travel to their training day or day centres under the rural transport initiative; and his plans to either remove or advise removal of this additional financial burden on them following repeated budget cuts to their income. [16549/11]

**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.



### Departmental Expenditure

395. **Deputy Pearse Doherty** asked the Minister for Health if he will provide details of the capital investment for each unit that will be required with upgrading community hospitals and nursing homes in County Donegal in order to ensure that they comply with the legal provisions on residential care; and if he will make a statement on the matter. [16557/11]

**Minister for Health (Deputy James Reilly):** Under the Health Act 2007 statutory responsibility is given to the Chief Inspector of Social Services, part of the Health Information and Quality Authority (HIQA), for the independent inspection and registration of certain categories of designated centres. This includes residential care settings for older people. Since 1 July 2009 all nursing homes, public and private, are registered under the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009, as amended, by the Chief Inspector. All nursing homes (public and private) are inspected under the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009, as amended, and must meet the *National Quality Standards for Residential Care Settings for Older People in Ireland*.

The Chief Inspector has the power to refuse to register, attach conditions to a registration or cancel the registration of a designated centre in the event of non-compliance with the regulations or the standards. There are separate criteria for designated centres which were in operation when the new regime commenced on 1 July 2009 and for new centres that have opened since that date. Designated centres which were in operation at the commencement of the new regime have up to six years from that date to meet the criteria for new centres.

Any capital development, including grants for the refurbishment of nursing homes, must be considered in the context of the overall HSE Capital Plan. In drawing up its multi-annual capital programme for the current 2011-2015 period the HSE is required to prioritise capital infrastructure projects within the overall capital funding allocation. The HSE has submitted its draft capital plan. This draft plan is under consideration and requires my approval together with the consent of the Minister for Finance. Details of the plan will be published by the HSE following its approval.

Details of the capital investment that will be required to upgrade community hospitals and nursing homes to ensure compliance with the legal provisions on residential care will be provided by the Health Service Executive. I have requested the Executive to reply directly to you.

### Departmental Bodies

396. **Deputy Derek Keating** asked the Minister for Health the terms of reference and membership of the special action group on obesity; when he expects it to report; and if he will make a statement on the matter. [16576/11]

**Minister for Health (Deputy James Reilly):** The purpose of the Special Action Group on Obesity is to examine and progress a number of issues, including nutritional labelling, calorie posting on restaurant menus and the treatment of obesity. The Group will liaise with other Departments and organisations as required. They are to report to me on an ongoing basis. Membership of the Group is as follows:

Members	Departments
Dr John Devlin	Department of Health
Professor Donal O'Shea	Health Service Executive
Dr Nazi Eldin	Health Service Executive

Members	Departments
Dr Mary Flynn	Food Safety Authority of Ireland
Dr Cliodhna Foley Nolan	Safefood
Ursula O'Dwyer	Department of Health
Sandra Barnes	Department of Health
Bríd O'Higgins	Department of Health

### General Practitioner Services

397. **Deputy Brendan Smith** asked the Minister for Health if he will ensure that GP services are restored, without delay, to a health centre (details supplied) in County Cavan; and if he will make a statement on the matter. [16578/11]

**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.

### Care of the Elderly

398. **Deputy Catherine Murphy** asked the Minister for Health the number of referrals of elder abuse the Health Service Executive received in 2008, 2009 and 2010; the action he will take regarding the fact that persons who are over the age of 80 years are three times more likely to experience abuse than other elderly age groups; and if he will make a statement on the matter. [16585/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The number of referrals of elder abuse received by the HSE Elder Abuse Service in the last three years were as follows:

Years	No. of referrals
2008:	1,508
2009:	1,916
2010:	2,110

Policy in relation to elder abuse is derived from Protecting our Future, the Working Group on Elder Abuse Report 2002, which defined and set out a framework and programme of work to address elder abuse, and the 2009 Review of that Report. The HSE's Elder Abuse Service is comprised of a dedicated staffing structure throughout the country, unified data collection, national and regional oversight mechanisms, a research facility based in UCD and awareness and training programmes. The staffing structure provides for 32 Social Workers (Senior Case Workers) and 4 Dedicated Elder Abuse Officers. 30 out of 32 Senior Case Workers (including one temporary agency officer) are in position and HSE plans to fill the remaining vacancies are well underway. Systems to manage elder abuse referrals have been set up in areas where Senior Case Worker vacancies exist. Among the responsibilities of the Senior Case Worker, in conjunction with the appropriate health service providers, is the assessment/investigation and provision of supports where necessary, in relation to suspected cases of elder abuse. The duties of Dedicated Elder Abuse Officers include overseeing, reviewing and development of policies at local and national level.

At national level, the HSE publishes an annual report of the activities of the elder abuse service. The most recent report, concerning activities in 2010, was published on 15 June 2011 to coincide

[Deputy Kathleen Lynch.]

with World Elder Abuse Awareness Day. The report contains comprehensive information in relation to the wide range of activities undertaken by the HSE to address elder abuse in all its forms and outlines in detail the nature and scope of referrals received by the service during 2010. The report and a number of other relevant resources are available on the HSE website at <http://www.hse.ie/eng/services/Find—a—Service/Older—People—Services/Elder—Abuse/>.

While it is evident that those over 80 are three times more likely to experience abuse, this is a function of the increased vulnerability, diminished capacity and increased reliance on others experienced by some people over 80. As the most recent HSE Report on the Elder Abuse Services points out, elder abuse and neglect are the potential outcomes of complex interactions between a multiplicity of social, economic, health, social isolation, education, environmental and individual characteristics.

The complexity of elder abuse underlines the need for a multi-agency, multifaceted approach that makes the prevention of such abuse a primary focus. It also emphasises that the responsibility for tackling elder abuse must be shared across the whole of society amongst all who are concerned with the well-being of older people in Ireland and particularly with those that are most vulnerable. The HSE, in partnership with many statutory and non-statutory organisations, is engaged in a wide range of activities to combat elder abuse and to respond to allegations in an appropriate and sensitive manner. The National Elder Abuse Steering Committee has multi-agency and multi-disciplinary representation in order to address complex issues often beyond the scope of the HSE. Further details are available in the report referred to above.

### Employment Rights

399. **Deputy Nicky McFadden** asked the Minister for Health the rights that are in place for women in the workplace who wish to breast-feed their children by expressing; and if the current legislation in a private sector job to be provided with a private room up until the baby is six months old will be extended to two years, as recommended by the World Health Organisation. [16586/11]

**Minister for Health (Deputy James Reilly):** The legislation to which the Deputy refers falls within the remit of my colleague, Mr Alan Shatter T.D., Minister for Justice and Law Reform.

*Question No. 400 answered with Question No. 380.*

### Primary Care Strategy

401. **Deputy Billy Timmins** asked the Minister for Health the position regarding the establishment of a primary care health centre in Bray, County Wicklow; and if he will make a statement on the matter. [16588/11]

402. **Deputy Billy Timmins** asked the Minister for Health the position regarding the establishment of a primary care health centre in Blessington, County Wicklow; and if he will make a statement on the matter. [16589/11]

403. **Deputy Billy Timmins** asked the Minister for Health the position regarding the establishment of a primary care health centre in Carnew, County Wicklow; and if he will make a statement on the matter. [16590/11]

404. **Deputy Billy Timmins** asked the Minister for Health the position regarding the establishment of a primary care health centre in Baltinglass, County Wicklow; and if he will make a statement on the matter. [16591/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 401 to 404, inclusive, together.

As these are service matters they have been referred to the Health Service Executive for direct reply to the Deputy.

### **Ambulance Service**

405. **Deputy Billy Timmins** asked the Minister for Health the position regarding the ambulance service in County Wicklow; the number of ambulances based in County Wicklow; the areas of County Wicklow in which they are based; the areas that are served from which location; the hours the service is provided in each area; the number of persons employed in each area; and if he will make a statement on the matter. [16592/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### **Domestic Abuse**

406. **Deputy Tony McLoughlin** asked the Minister for Health if he will consider reversing his decision to cease funding Safe Ireland and to ask for a commitment to continue funding the network since it serves as infrastructure in Ireland which supports the Government response to domestic violence. [16600/11]

**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. The review of these changes is ongoing.

### **Health Services**

407. **Deputy Seán Kyne** asked the Minister for Health, further to Parliamentary Question No. 487 of 17 May 2011, if the Health Service Executive has responded to the nature of the current arrangements for diabetic health care and if he intends to implement all or any of the proposals for improved child and adolescent diabetes services put forward by the Diabetes Action group. [16603/11]

**Minister for Health (Deputy James Reilly):** The working group is made up of a multi-disciplinary team with representation from a number of Nursing and Allied Health Professionals, Podiatrists, GPs etc. The Diabetes Federation of Ireland is also a member of this working group. The National Diabetes Working group is working through a number of key objectives, including the implementation of projects such as Diabetes Retinopathy Screening and a multi-disciplinary Footcare package for patients with diabetes.

The National Clinical Programme for Diabetes — which is working on care for children and adolescents with diabetes to be considered for inclusion in the 2012 HSE Service Plan — is also actively designing an Integrated Care solution, for inclusion within the Chronic Disease Watch process in collaboration with the Primary Care National Clinical Programme. With a newly established National Clinical Programme for Paediatrics, the whole area of improved services for children and adolescents with diabetes will be examined in detail and solutions worked through.

### **Taxi Regulations**

408. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the names of the persons being assigned to the taxi review steering group. [16122/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):**

I am currently completing the process of inviting nominations for membership of the Taxi Regulation Review Steering Group that I announced on 8 June last. When its membership is finalised, I will arrange for a media statement to be placed on my Department's website.

**Rail Services**

409. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the number of passengers who travelled on the rail services commencing in Galway and terminating in either Ennis, Limerick or Limerick Junction and the number of passengers who travelled on services commencing in Limerick or Limerick Junction and terminating in either Ennis or Galway; and if he will make a statement on the matter. [16165/11]

410. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the details of all passenger movements in and out of Athenry station, County Galway; and the services that these passenger used; and if he will make a statement on the matter. [16166/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 409 and 410 together.

The issues raised are operational matters for Iarnród Éireann. I have referred the Deputy's questions to the company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

**Rail Network**

411. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport when a decision will be made to grant funding for the design of the second phase of the western rail corridor between Tuam and Athenry, County Galway; the reason for the delay in progressing this project; and if he will make a statement on the matter. [16167/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As the Deputy is aware the Government recently announced a comprehensive review of capital spending which is now underway. The Deputy will be further aware of the necessity of such a review, given the poor fiscal position this State was left in due to the mismanagement of the State's finances by the outgoing Fianna Fáil led government. This position means that there will be, over the coming years, a substantial reduction in the finance available to fund capital projects. As such, the comprehensive review will examine all future capital projects and establish a set of priority projects and programmes that will support economic recovery and provide new employment opportunities. The results of this will form the basis of a new National Development Plan.

The preparation of the new framework requires that my Department review all existing projects and programmes. The review will also need to take account of new funding realities. A major priority will be to ensure funding to protect and maintain investment made to date and to maintain high safety standards. This will of necessity restrict the funding for new projects with only those offering the highest return having any prospect of being prioritised. No decision will be made on funding the design of the second phase of the western rail corridor until the capital review is complete. A new National Development Plan arising from the capital review is expected to be published in September.

### Public Transport

412. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the funding that will be provided by him this year to Bus Átha Cliath; the population that this company serves; the basis on which the subsidy is calculated; and if he will make a statement on the matter. [16168/11]

413. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the funding that will be provided by him this year to Bus Éireann; the population that this area serves; the basis on which the subsidy is calculated; and if he will make a statement on the matter. [16169/11]

414. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the number of passengers who travelled on the services of Iarnród Éireann last year broken down by route; the subsidy given to Iarnród Éireann in 2010; the basis on which this was calculated; and if he will make a statement on the matter. [16170/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 412 to 414, inclusive, together.

The funding of Public Service Obligation (PSO) services is governed by Public Transport Contracts between the National Transport Authority (NTA) and the three CIÉ operating companies. I have referred the Deputy's questions to the NTA for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### Taxi Regulations

415. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if he will review the nine year rule in respect of hackney and taxi drivers; and if he will make a statement on the matter. [16182/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The regulation of the taxi industry, including matters related to vehicle standards, is a matter for the National Transport Authority (NTA) under the Taxi Regulation Act 2003. The NTA is currently reviewing the small public service vehicle standards and will commence a public consultation on proposed measures this year with a view to advancing new regulations to come into force in early 2012. As part of the review of the taxi sector announced by me on the 8th June last, the current NTA examination of appropriate vehicle standards including the nine year rule will be taken into account in the course of the wide ranging issues to be addressed in the review.

### Rail Services

416. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport his plans regarding the ongoing problem with non-functioning power sockets on intercity trains as this has been reported statewide on numerous routes. [16197/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational 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.

### Road Network

417. **Deputy Robert Troy** asked the Minister for Transport, Tourism and Sport the current status of the N4 Mullingar to Drommod upgrade; and when this project will proceed. [16208/11]

**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. 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.

### Taxi Regulations

418. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if the old yellow hackney plate will be re-introduced to make it easier to identify hackneys at night time; and if he will make a statement on the matter. [16335/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The regulation of the taxi industry, including rules pertaining to identification, is a matter for the National Transport Authority (NTA) under the Public Transport Regulation Act, 2009. In relation to hackneys specifically, I would advise the Deputy that, unlike taxis, hackneys must be pre-booked and may not be hailed on the street or stand for hire at a taxi rank. The question of taxi and hackney identification is one of a range of matters that the new taxi review group I announced earlier this month will be examining.

### Sustainable Transport

419. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the progress in the smarter travel scheme selection of towns for the scheme; and when prospective towns will be made aware of their selection. [16372/11]

420. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the progress made in the smarter travel scheme of an application by a town council (details supplied). [16373/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 419 and 420 together.

The future of the Smarter Travel Areas Programme is being considered in the context of the available budget for 2011 and the National Recovery Plan. While the scope and scale originally envisaged for the scheme is no longer possible given the current fiscal situation, there may be some scope to proceed with a scheme scaled back in size. The local authorities concerned will be notified of the outcome in due course.

### Emergency Management Plan

421. **Deputy Maureen O'Sullivan** asked the Minister for Transport, Tourism and Sport the extent of oil and chemicals currently in Dublin Port; if there is an adequate protocol for transporting hazardous chemicals; if there is a comprehensive evacuation plan in the event of an accident; and the extent of the training for port staff in emergency situations. [16375/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Dublin Port Company has storage capacity for approximately three hundred thousand tons of oil. The volume on site can vary on any given day. The port does not accept chemicals in bulk and has advised that there are adequate procedures in place for the transportation of hazardous chemicals through the Port.

Dublin Port currently has in place an Emergency Management Plan. This plan is publicly available on Dublin Port Company's website *www.dublinport.ie*. The plan covers major fire within the port, major oil spill, major spill of hazardous material, a vehicle accident involving hazardous material, chemical incidents (e.g. toxic cloud) and major incidents in storage areas. Plans for evacuation in the event of an accident are an integral component of the Emergency Plan and training is conducted annually to ensure all staff receive training in relation to their role in an emergency situation and are familiar with the plan. It is the responsibility of each tenant company in Dublin Port to have in place an emergency plan for their own facility.

Dublin Port is located within the Dublin City Council administrative area. The Framework for Major Emergency Management 2006 details the emergency management process for co-ordination of response to any major incident by the Principal Response Agencies (An Garda Síochána, the Health Service Executive, and the local authorities, including fire brigade). In September 2008 all Principal Response Agencies adopted new major emergency plans in accordance with the Framework. The emergency services regularly carry out exercises with the Dublin Port Authority and Port Companies to test preparedness measures.

### **Marine Safety**

422. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport the reason he has not given approval to the man overboard guardian system which was launched in December 2007. [16380/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Department of Transport, Tourism and Sport has implemented, in consultation with the fishing industry, a comprehensive safety regime for all fishing vessels. The safety standards applied are in line with International practice and deal with and all aspects of fishing vessel safety. Specifically, it requires all fishing vessels to carry an Emergency Position Indicating Radio Beacon (EPIRB) in compliance with International standards in order to notify the Coast Guard of a distress situation and activate an emergency response. Should a notification be received from a commercial supplier of a man overboard system (MoB) that an event has taken place, the Coast Guard will respond as if it has received an emergency 112 call. Tracking information from the Guardian MoB system will not be supplied directly to the Irish Coast Guard but will be relayed by the commercial provider directly to the Royal National Lifeboat Institution (RNLI) Headquarters in the United Kingdom and onwards to the Irish Authorities. This is not considered the optimum approach in responding to an emergency situation here.

The Department has been engaged in discussions with the RNLI regarding their Guardian MoB system. This system was developed by the RNLI and two commercial companies, McMurdo and AWS. Internationally, concerns have been expressed about such MoB systems as there is no recognised standard for them to comply with. Without recognised standards the Department is unable to approve any such systems nor can it recommend any one supplier over another. In accordance with International recommendations the Department has issued a Marine Notice No. 33 of 2010 — Commercially Available Locating, Tracking and Emergency Notification Devices — advising of the issues associated with such systems.



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The Department has no objection in principle to the voluntary carriage of non-statutory equipment like the Guardian MoB system so long as fishing vessels carry all of the legally required statutory equipment and that the voluntary carriage of non-statutory equipment does not interfere with the safety of vessels.

### Road Traffic Collisions

423. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport when the statistics for the years 2006 to 2010 in relation to alcohol and drug-related collisions will be published (details supplied); and if he will make a statement on the matter. [16385/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Collection and dissemination of statistics in relation to motor accidents and the incidence of the influence of alcohol and drugs is a matter for the Road Safety Authority (RSA). I have requested the RSA to respond to the specific aspect of the Deputy's question. If you have not received a response within ten days, please contact my office.

424. **Deputy Thomas P. Broughan** asked the Minister for Transport, Tourism and Sport if nine out of ten surviving drivers in fatal road collisions are still not being tested for alcohol or drugs; and if he will make a statement on the matter. [16387/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Arising from the commencement of all provisions of the Road Traffic Act 2011 on 1 June 2011, it is now mandatory for a member of An Garda Síochána to test for the presence of alcohol where a driver has been involved in a road traffic collision where injury has been caused. Under the same commencement order, Statutory Instrument No. 253 of 2011, mandatory breath testing now also applies where a member of the Gardaí is of the opinion that a driver has consumed intoxicating liquor.

In addition to the breath testing provisions, the Medical Bureau of Road Safety carries out analyses on specimens of blood and urine provided by the Gardaí to determine the presence of alcohol or drugs. Since 1 July 2008, all samples found under the legal limit for alcohol were automatically tested by the Bureau for the presence of a drug or drugs. In addition, Gardaí can also request that a test for drugs be undertaken where the alcohol level is above the legal limit.

### Departmental Funding

425. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the agencies or bodies to which he provides funding or in respect of which he is administratively responsible; the bodies and agencies for which he is responsible in respect of his policy; the amount of funding provided in each of the years 2007 to 2011 in tabular form; and if he will make a statement on the matter. [16499/11]

426. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the amount of unspent money returned by him to the Department of Finance each year since 2007; the departmental budget for each year since 2007; the projects for which this money was originally earmarked in tabular form; and if he will make a statement on the matter. [16500/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 425 and 426 together.

My Department was established in its present form on 1 April 2011. Previous to that the functions were undertaken by the Department of Transport and the Department of Tourism, Culture and Sport. The estimates and expenditure relating to these functions is set out in two publications — the Revised Estimates Volume for Public Service Expenditure (REV) and the Appropriation Accounts. The REV sets out the estimated expenditure for the current year and the provisional outturn for the previous year and is usually presented to the Dáil and published early in the year. The Appropriation Account sets out the Department's previous year's actual spend alongside the final estimate and is usually published in August.

A REV has been published for the years 2007 to 2010, with the 2011 REV due to be published shortly. The Appropriation Account has been published for the years 2007 to 2009. I will arrange for my Office to forward copies of the relevant extracts to you. The following table lists the Agencies which are currently the responsibility of my Department. Details of funding provided is available in the publications mentioned above.

#### CIE Group

Railway Safety Commission

Railway Procurement Agency

National Roads Authority

National Transport Authority

Road Safety Authority

Medical Bureau of Road Safety

Marine Casualty Investigation Board

Fáilte Ireland

Tourism Ireland Limited

Shannon Free Airport Development Company Limited

Irish Sports Council

National Sports Campus

#### National Lottery Funding

427. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the amount of national lottery funding he expects to be allocated from the Department of Finance in 2011; the amount of this allocation that will be spent on the provision of sports and recreational facilities; and if he will make a statement on the matter. [16503/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The distribution of the proceeds of the National Lottery is the responsibility of the Minister for Finance. A sum of €33m is being provided in the Estimates for grants for sporting bodies and the provision of sports and recreational facilities. This is part funded by the National Lottery, but the annual Estimates do not include a breakdown of the subhead between National Lottery and Exchequer funding.

#### Parliamentary Questions

428. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the number of written and oral questions submitted to him in the period 9 March 2011 to 9 June

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2011; the number of these questions referred to another agency or Department for answer; and if he will provide a breakdown of the number of these answers in tabular form. [16504/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The number of written and oral questions submitted to me and the number of these referred to another agency or Department for reply for the period 9 March 2011 to 9 June 2011 are detailed in the following table.

Date	Number of Written PQs	Number of Oral PQs	Referred to Agency or another Department
22/03/2011	11		2
23/03/2011	2		1
24/03/2011	3		1
29/03/2011	7		3
31/03/2011	4		1
05/04/2011	9		1
06/04/2011	5		0
07/04/2011	3		3
12/04/2011	43		11
13/04/2011	4		0
14/04/2011	8		1
19/04/2011	21		4
20/04/2011	8	46	8
21/04/2011	6		2
03/05/2011	27		7
04/05/2011	6		0
05/05/2011	11		4
10/05/2011	29		13
11/05/2011	10		4
12/05/2011	4		1
17/05/2011	31		8
18/05/2011	8		5
19/05/2011	8		3
24/05/2011	28		9
25/05/2011	6		3
26/05/2011	7		0
31/05/2011	16		8
01/06/2011	23	45	13
02/06/2011	2		2
07/06/2011	12		6
08/06/2011	7		3
09/06/2011	8		2
TOTAL	377	91	129

Where questions are referred to an Agency, they are requested to reply directly to the Deputy within ten working days and the Deputy is asked to notify my Office if they do not receive a response within that time-frame. It should be noted that this represents a considerable departure from previous practice. The practice of my predecessors with regard to the state agencies

was to seek the disallowance of questions relating to areas for which government agencies have been delegated authority by primary legislation. This was incredibly frustrating for deputies who were seeking to hold the Government to account.

The Programme for Government explicitly recognises this and contains the following commitment:

“We propose a radical extension of the parliamentary question system, so that it shall be a statutory duty on any body established by or under statute, or with a majority ownership or funding by the State, to submit to the same parliamentary questions regime as applies to Government departments. This will involve a liability to provide answers to written questions within a specified number of Dáil sitting days. (We will however recognise the special position of bodies with a commercial mandate operating at arm’s length from Government.)” I understand that this proposal is currently being advanced. However, rather than wait for these change to be implemented I sought to be proactive on this matter. Given the framework of legislation that underpins the relationship between departmental agencies, the Department and myself as Minister, it would not be appropriate or possible for questions directed to an agency to be answered by myself as Minister. Rather, I brought in a system whereby any questions directed to such an agency would be responded to noting that the question was a matter for a government agency, stating that they government agency was being forwarded the question and that if no answer was received within ten working days, to inform my office of such. I understand that questions being directed to agencies are being responded to within that timeframe in the vast majority of instances.

If the Deputy has any suggestions to make with regard to how this interim process is working, I would be grateful if she could make them known to myself or my office. I am keen to facilitate Deputies to the greatest extent possible in seeking to hold the Government and its agencies to account.

### Departmental Websites

429. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport the number of Government websites operated by him including agencies under his Department; the cost of maintenance of these websites; and if he will make a statement on the matter. [16506/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I refer the Deputy to PQ 477 answered on Wednesday, 12th January 2011, as follows:

Details of publicly facing websites provided by my Department, approximate annual costs and averaged amount of unique site visits per month can be found in the following table.

Website	Site Reference	Number of unique visits per month (approx)	Annual Cost (inc VAT)
Department of Transport	transport.ie	11,500 In December 2010 number was 133,000	€12,200 (This figure covers the first five sites)
Road Haulage	roadhaulage.ie	Not available	
Air Accident Investigation Unit	aaiu.ie	Not available	
Irish Coastguard	irishcoastguard.ie	Not available	
Safety On the Water	safetyonthewater.ie	Not available	

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Website	Site Reference	Number of unique visits per month (approx)	Annual Cost (inc VAT)
Online motor tax	motortax.ie	344,000	€300,000 (This figure covers four sites)
	motarchain.ie	650	
Change of vehicle ownership	motortrans.ie	35,000	
End of Life Vehicle	motorelv.ie	500	
Transport 21	transport21.ie	7,100	€774
Sustainable Transport	smartertravel.ie	1,182	€1,735
National Bike Week	bikeweek.ie	2,364	€13,049

In 2010 the motortax.ie site processed 2 million applications and collected over €438 million. This represents almost 43% of overall motor tax receipts. The figure for unique visits per month for transport.ie refers to January to October 2010. During the severe weather in November 2010 this figure was over 62,000 and in December 2010 climbed to just over 133,000. In 2010 bikeweek.ie was upgraded to enable event organisers submit details of some 400 events directly to the site and allow management of the Bike Week Facebook page which has attracted over 1,200 followers.

Following the restructuring of Government Departments in March, the transport.ie site has been replaced by dttas.ie which includes material relating to the tourism and sports functions which are in the expanded portfolio. The transport.ie domain name will be retained for use in weather emergencies. The Transport 21 site is being retired.

Websites operated by agencies under the remit of my Department is a matter for the agencies themselves and I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

### Ministerial Meetings

430. **Deputy Sandra McLellan** asked the Minister for Transport, Tourism and Sport if he will accept an invitation from the 16 Moore Street committee to take part in a tour of the site at a time and date of his choosing before 31 July 2011. [16507/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I wish to advise the Deputy that all requests I receive for meetings are considered in the context of their relevance to me as Minister for Transport, Tourism and Sport and on my diary availability. It should be noted that my private office has not received such a request from the 16 Moore Street Committee since my appointment.

### Driving Tests

431. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport his plans to change the status of a driving centre (details supplied) in County Limerick. [16518/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The subject matter of this question, which relates to the operation of the driver testing service, is a matter for the Road Safety Authority, and I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

### Road Network

432. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport when he expects the construction works on the M11 Gorey to Enniscorthy, N24 Carrick-On-Suir bypass, N3 Belturbet bypass, and N18 Gort to Crusheen to commence; the length of time each project will take to complete; the final cost of each project; and if he will make a statement on the matter. [16527/11]

**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. 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 10 working days.

### Driving Tests

433. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the number of persons on the waiting list for each category of driving test in each driving test centre in Dublin; the average waiting time for each category of driving test; and if he will make a statement on the matter. [16528/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The subject of this question, i.e. management of driver testing, is the responsibility of the Road Safety Authority, and I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

### Rail Network

434. **Deputy Ray Butler** asked the Minister for Transport, Tourism and Sport if he will provide a detailed breakdown of the funding allocated for the Navan to Dublin rail link; and if he will make a statement on the matter. [16545/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. Following the establishment of the National Transport Authority (NTA) on December 2009, the implementation and development of infrastructure projects in the Greater Dublin Area (GDA), including detailed funding arrangements, such as Phase 1 of the Navan Rail line, comes under the remit of the NTA. The legislative basis for this is Section 11 (1) (e) of the DTA Act 2008 "Principal Functions of Authority — The principal functions of the Authority are to secure the- provision of public transport infrastructure".

Noting this I have referred the Deputy's question to the NTA for direct reply. Please advise my private office if you do not receive a reply within 10 working days

435. **Deputy Olivia Mitchell** asked the Minister for Transport, Tourism and Sport if, in outsourcing engineering functions previously carried out in-house, Iarnród Éireann has sought tenders in the normal way; if Irish companies are being given the opportunity to tender for this work; and if he will make a statement on the matter. [16584/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational 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.