



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Déardaoin, 14 Iúil 2011.

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DÁIL ÉIREANN

Déardaoin, 14 Iúil 2011.
Thursday, 14 July 2011.

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

Paidir.

Prayer.

Requests to move Adjournment of the Dáil under Standing Order 32

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

Deputy Michael Healy-Rae: Totally under the radar, the Minister for Social Protection—

An Ceann Comhairle: I ask the Deputy to please read out the notice he submitted in accordance with Standing Orders.

Deputy Michael Healy-Rae: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, that totally under the radar the Minister for Social Protection, Deputy Joan Burton, has announced €65 million in annual cuts to the fuel allowance and —

Deputy Emmet Stagg: Fianna Fáil introduced that proposed cut and the Deputy's father supported it.

An Ceann Comhairle: Order please.

Deputy Michael Healy-Rae: —free electricity and gas schemes. The fuel allowance has been cut to a standardised €20 per week, a cut of €3.90 a week. There is also to be —

(Interruptions).

An Ceann Comhairle: Please allow the Deputy speak.

Deputy Michael Healy-Rae: If a Deputy on the other side of the House has something to say to me, he should say it to me outside.

(Interruptions).

Deputy Michael Healy-Rae: I am not in the habit of interrupting other people.

An Ceann Comhairle: I am trying to get order. Please give the Deputy the respect he deserves. It is a new thing to interrupt a Deputy on a Standing Order 32 matter, and it is not the slightest bit funny.

Deputy Michael Healy-Rae: The fuel allowance has been cut to a standardised €20 per week, a cut of €3.90 per week, and there is to be a 25% cut in the free electricity-gas allowance from 2,400 to 1,800 units annually, or from 400 to 300 units per two-month billing period. There is also a cut in the free telephone allowance——

(Interruptions).

Deputy Michael Healy-Rae: ——but Eircom is absorbing the cost for its customers. Those mainly affected will be old aged pensioners, the disabled and widows. The cuts take effect as of 1 September. I call on the Government to reverse these particularly mean cuts.

Deputy Sandra McLellan: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the impending reconfiguration of pre-hospital emergency care in the Health Service Executive south area, which will result in a major skills mix deficit due to changes in service delivery rosters and will leave the town of Youghal completely without ambulance cover.

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

Order of Business

The Tánaiste: It is proposed to take No. 13, Revised Estimates for Public Services 2011 — Votes 1 to 3, Votes 5 to 23, Votes 25 and 26, Votes 28 to 38 and Vote 42, back from committee; No. 13*b*, Child Care (Amendment) Bill 2009 [*Seanad*] — motion to instruct the committee; No. 23, Child Care (Amendment) Bill 2009 [*Seanad*] — Order for Report, Report and Final Stages; No. 24, Criminal Justice Bill 2011 — Order for Report, Report and Final Stages; and No. 6, Residential Institutions Redress (Amendment) Bill 2011 — Order for Second Stage, Second and Remaining Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 4.45 p.m. tonight and business shall be interrupted on the conclusion of Question Time which shall be taken at 6.45 p.m. for 75 minutes and, in the event of a private notice question being allowed, it shall be taken after 45 minutes and the order shall not resume thereafter; No. 13 shall be decided without debate, Votes 1 to 3, Votes 5 to 23, Votes 25 and 26, Votes 28 to 38 and Vote 42, shall be moved together and decided by one question which shall be put from the Chair and any division demanded thereon shall be taken forthwith; the proceedings on No. 13*b* shall, if not previously concluded, be brought to a conclusion after 65 minutes and the following arrangements shall apply: the 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 and who may share their time and shall not exceed 15 minutes in each case; and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; Report and Final Stages of No. 23 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 2 p.m. by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Children and Youth Affairs; and Report and Final Stages of No. 24. shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 4.30 p.m. by one question which

shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Justice and Equality.

It is also proposed that the Dáil shall sit tomorrow at 10.30 a.m., shall adjourn not later than 4.30 p.m., there shall be no Order of Business within the meaning of Standing Order 26 and the following business shall be transacted: No. 6, Residential Institutions Redress (Amendment) Bill 2011 — Second and Remaining Stages (resumed); and No. 3a — Public Health (Tobacco) (Amendment) Bill 2011 [*Seanad*] — Second and Remaining Stages. It is proposed that the proceedings on the resumed Second Stage of No. 6 shall, if not previously concluded, be brought to a conclusion at 12 p.m. and the proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 1.30 p.m. by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Education and Skills; and the proceedings on Second Stage of No. 3a shall, if not previously concluded, be brought to a conclusion at 3.35 p.m. and proceedings on Committee and Remaining Stages shall, if not previously concluded, be brought to a conclusion at 4.30 p.m. by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Health.

An Ceann Comhairle: There are six proposals to be put to the House. Is the proposal that the Dáil shall sit later than 4.45 p.m. agreed to? Agreed. Is the proposal for dealing with No. 13, Revised Estimates for Public Services 2011, without debate, agreed to?

Deputy Aengus Ó Snodaigh: It is not agreed. These Revised Estimates relate to last year's budget and, in fairness, most of them have been dealt with by the relevant committees. However, at a recent meeting of the Oireachtas Committee on Jobs, Social Protection and Education, we had a discussion on the relevant Revised Estimates at which we asked the Minister whether there would be any changes to the household benefits package, fuel allowance and other allowances. She told us there would not but, two hours later, she announced, via the Department's website, changes to the household benefits package. Therefore, the committee did not have an opportunity to debate fully the outworkings of the last budget. The Minister should come into the Chamber to discuss this proposal rather than asking the House to clear these Revised Estimates without debate.

Deputy Joe Higgins: I support Deputy Aengus Ó Snodaigh. The introduction of these savage cuts affecting the most vulnerable has been done in a mendacious and underhand fashion. The very least the so-called Minister for Social Protection can do is to come into the Dáil to defend these cowardly cuts and explain the rationale of the Labour Party in now finding these reductions, which hit the old and the poor, acceptable when it would have considered them the worst evil that could be inflicted a few months ago.

An Ceann Comhairle: Deputies cannot discuss the detail of the proposal, only the reason that there should not be a guillotine.

(Interruptions).

An Ceann Comhairle: Order, please. I have called the Tánaiste.

The Tánaiste: All of these Revised Estimates, for which provision was made in last year's budget, have been discussed by the respective committees. The announcements made publicly by the Minister for Social Protection this week are in respect of measures already contained in the 2011 budget.

Question put:

The Dáil divided: Tá, 98; Níl, 38.

Tá

Barry, Tom.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Butler, Ray.
 Buttimer, Jerry.
 Byrne, Catherine.
 Cannon, Ciarán.
 Carey, Joe.
 Coffey, Paudie.
 Collins, Áine.
 Conaghan, Michael.
 Conlan, Seán.
 Connaughton, Paul J.
 Conway, Ciara.
 Coonan, Noel.
 Corcoran Kennedy, Marcella.
 Costello, Joe.
 Coveney, Simon.
 Creed, Michael.
 Daly, Jim.
 Deenihan, Jimmy.
 Deering, Pat.
 Doherty, Regina.
 Donohoe, Paschal.
 Dowds, Robert.
 Durkan, Bernard J.
 Farrell, Alan.
 Feighan, Frank.
 Ferris, Anne.
 Fitzgerald, Frances.
 Fitzpatrick, Peter.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harrington, Noel.
 Harris, Simon.
 Hayes, Brian.
 Hayes, Tom.
 Heydon, Martin.
 Hogan, Phil.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Keaveney, Colm.

Kehoe, Paul.
 Kelly, Alan.
 Kenny, Seán.
 Kyne, Seán.
 Lawlor, Anthony.
 Lynch, Ciarán.
 Lynch, Kathleen.
 Lyons, John.
 Maloney, Eamonn.
 Mathews, Peter.
 McCarthy, Michael.
 McFadden, Nicky.
 McGinley, Dinny.
 McHugh, Joe.
 McLoughlin, Tony.
 McNamara, Michael.
 Mitchell, Olivia.
 Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Dara.
 Nash, Gerald.
 Naughten, Denis.
 Nolan, Derek.
 Noonan, Michael.
 Ó Ríordáin, Aodhán.
 O'Donnell, Kieran.
 O'Donovan, Patrick.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Reilly, Joe.
 Penrose, Willie.
 Perry, John.
 Phelan, Ann.
 Phelan, John Paul.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Ryan, Brendan.
 Shatter, Alan.
 Sherlock, Sean.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Varadkar, Leo.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Browne, John.
 Calleary, Dara.
 Collins, Joan.
 Collins, Niall.
 Colreavy, Michael.
 Crowe, Seán.
 Doherty, Pearse.

Dooley, Timmy.
 Ellis, Dessie.
 Ferris, Martin.
 Fleming, Tom.
 Grealish, Noel.
 Halligan, John.
 Healy, Seamus.
 Healy-Rae, Michael.
 Higgins, Joe.

Níl—*continued*

Kelleher, Billy.
 Kitt, Michael P.
 Mac Lochlainn, Pádraig.
 McDonald, Mary Lou.
 McGrath, Finian.
 McGrath, Mattie.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín.
 Ó Cuív, Éamon.

Ó Fearghaíl, Seán.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Sullivan, Maureen.
 Pringle, Thomas.
 Ross, Shane.
 Smith, Brendan.
 Stanley, Brian.
 Tóibín, Peadar.
 Troy, Robert.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghaíl.

Question declared carried.

Deputy Éamon Ó Cuív: The Tánaiste has seriously misled the House.

An Ceann Comhairle: Would you please resume your seat? Is the proposal for dealing with No. 13*b*, Child Care (Amendment) Bill 2009, motion to instruct committee, agreed to? Agreed. Is the proposal for dealing with No. 23, Child Care (Amendment) Bill 2009 — Order for Report, Report and Final Stages, agreed to?

Deputy Caoimhghín Ó Caoláin: It is not agreed.

Deputy Éamon Ó Cuív: Can I get confirmation——

An Ceann Comhairle: Is Deputy Ó Cuív agreeing to this proposal?

Deputy Éamon Ó Cuív: I want clarification because the order says 45 minutes of debate will be allocated on Second Stage but I understand that it should be one hour. I want clarification that it will be one hour.

Deputy Caoimhghín Ó Caoláin: I wish to object——

Deputy Tom Hayes: Deputy Ó Caoláin does not, does he?

Deputy Caoimhghín Ó Caoláin: —— to the taking of the Child Care (Amendment) Bill Order for Report, Report and Final Stages. Many issues have shown major turnarounds on the part of this Government in the short time since it took office and today we have yet another example. On 18 January, the Tánaiste and colleagues from his party and the Fine Gael Party went through the division in this House in support of a key amendment to this legislation in respect of after care for children in State care. Against the backdrop of what we addressed yesterday with the publication of the Cloyne report, there can be no washing or wringing of one's hands in respect of State responsibility yet the amendment placed before the House, which was similar to the wording of amendments tabled by me and Deputy Jan O'Sullivan, was proposed by Deputy Charles Flanagan and voted on in this House. The first person recorded supporting it is the Ceann Comhairle yet this morning the same amendment, five months later, has been refused. This is an amendment the House voted on last January and it has now been refused on the basis that it involves a potential charge on the Exchequer. That was not the ruling when this legislation was addressed in the Chamber in January——

11 o'clock

An Ceann Comhairle: We are discussing the manner in which the Bill will be taken. Deputy Ó Caoláin's issue is a separate matter.

Deputy Caoimhghín Ó Caoláin: Indeed, it is not separate.

An Ceann Comhairle: It is separate.

Deputy Caoimhghín Ó Caoláin: It is the core point of what needs to be addressed in this legislation on Report Stage. It is absolutely the kernel of it, that State institutions on behalf of the State are not turning out young people on attaining their 18th birthday onto the streets to be abandoned and ignored. There is an absolute responsibility on this House——

An Ceann Comhairle: Deputy Ó Caoláin——

Deputy Caoimhghín Ó Caoláin: ——to ensure after care for young people in State institutions. The ruling this morning——

An Ceann Comhairle: Deputy Ó Caoláin——

Deputy Caoimhghín Ó Caoláin: ——will not allow a debate, never mind the potential of actually having the amendment made to the legislation before the House.

An Ceann Comhairle: —— please resume your seat.

Deputy Finian McGrath: Another broken promise.

Deputy Caoimhghín Ó Caoláin: There can be no acceptance of this methodology or of this legislation with such major deficiency and I put the House on notice that I will oppose it outright and shame on Fianna Fáil, or rather Fine Gael——

(Interruptions).

Deputy Ray Butler: Well said.

Deputy Caoimhghín Ó Caoláin: ——and the Labour Party, having supported this proposal in January when, in July, they will not even allow it to be discussed on the floor of the House.

Deputy Charles Flanagan: Politics as usual.

Deputy Caoimhghín Ó Caoláin: Deputy Charles Flanagan tabled this amendment on 18 January——

An Ceann Comhairle: Deputy Ó Caoláin——

Deputy Caoimhghín Ó Caoláin: ——and shame on Deputy Charles Flanagan for this *volte-face* six months later.

Deputy Charles Flanagan: Deputy Caoimhghín Ó Caoláin has only one agenda.

An Ceann Comhairle: I ask Deputy Caoimhghín Ó Caoláin to recognise the Chair. I am surprised at you.

Deputy Caoimhghín Ó Caoláin: I do, Deputy Barrett.

An Ceann Comhairle: It is Ceann Comhairle if you do not mind, please. I am surprised at an experienced Deputy like you totally ignoring the Chair when it calls on you to keep order.

Deputy Caoimhghín Ó Caoláin: I would not do that Ceann Comhairle.

Deputy Derek Keating: Deputy Caoimhghín Ó Caoláin did that.

Deputy Charles Flanagan: He has a narrow party agenda.

An Ceann Comhairle: I ask Deputies on the Government side also to adhere to the Chair. I call on the Tánaiste to reply to the questions posed on why this business should be taken in the way it has been ordered.

The Tánaiste: The proposals before the Ceann Comhairle are for a period of 65 minutes to deal with a number of amendments to this Bill by the Minister for Children and Youth Affairs. She will propose them in due course. The proposal is that the debate will conclude at 2.30 p.m. If we agree the timetabling for the debate, Deputy Ó Caoláin will find that the Minister will be addressing the issue raised during the course of the debate and he will find that he has no cause for the kind of indignation he has just expressed.

Deputy Michael Creed: He would not have the opportunity to grandstand.

Deputy Charles Flanagan: Deputy Caoimhghín Ó Caoláin might not be here.

Question put: Question put: “That the proposal for dealing with No. 23, Child Care (Amendment) Bill 2009 — Order for Report and Reoprt and Final Stages, be agreed to.”

The Dáil divided: Tá, 103; Níl, 28.

Tá

Barry, Tom.
Broughan, Thomas P.
Browne, John.
Bruton, Richard.
Butler, Ray.
Buttimer, Jerry.
Byrne, Catherine.
Calleary, Dara.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Collins, Áine.
Conaghan, Michael.
Conlan, Seán.
Conway, Ciara.
Coonan, Noel.
Corcoran Kennedy, Marcella.
Costello, Joe.
Coveney, Simon.
Cowen, Barry.
Creed, Michael.
Daly, Jim.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dooley, Timmy.
Dowds, Robert.
Durkan, Bernard J.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Fitzgerald, Frances.
Fitzpatrick, Peter.
Flanagan, Charles.

Flanagan, Terence.
Gilmore, Eamon.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Brian.
Hayes, Tom.
Heydon, Martin.
Hogan, Phil.
Howlin, Brendan.
Humphreys, Heather.
Humphreys, Kevin.
Keating, Derek.
Keaveney, Colm.
Kehoe, Paul.
Kelleher, Billy.
Kelly, Alan.
Kenny, Seán.
Kitt, Michael P.
Kyne, Seán.
Lawlor, Anthony.
Lynch, Ciarán.
Lynch, Kathleen.
Lyons, John.
Maloney, Eamonn.
Mathews, Peter.
McCarthy, Michael.
McFadden, Nicky.
McGinley, Dinny.
McHugh, Joe.
McLoughlin, Tony.
McNamara, Michael.
Mitchell, Olivia.
Mitchell O'Connor, Mary.

Tá—*continued*

Mulherin, Michelle.
 Murphy, Dara.
 Murphy, Eoghan.
 Nash, Gerald.
 Naughten, Denis.
 Nolan, Derek.
 Noonan, Michael.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Ó Ríordáin, Aodhán.
 O'Donovan, Patrick.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Reilly, Joe.
 Penrose, Willie.
 Perry, John.
 Phelan, Ann.

Phelan, John Paul.
 Reilly, James.
 Ring, Michael.
 Ryan, Brendan.
 Shatter, Alan.
 Sherlock, Sean.
 Shortall, Róisín.
 Smith, Brendan.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Troy, Robert.
 Tuffy, Joanna.
 Varadkar, Leo.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Collins, Joan.
 Colreavy, Michael.
 Crowe, Seán.
 Doherty, Pearse.
 Ellis, Dessie.
 Ferris, Martin.
 Fleming, Tom.
 Grealish, Noel.
 Halligan, John.
 Healy, Seamus.
 Healy-Rae, Michael.
 Higgins, Joe.

Mac Lochlainn, Pádraig.
 McDonald, Mary Lou.
 McGrath, Finian.
 McGrath, Mattie.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Sullivan, Maureen.
 Pringle, Thomas.
 Ross, Shane.
 Stanley, Brian.
 Tóibín, Peadar.

Tellers: Tá, Deputies Emmet Stagg and Paul Kehoe; Níl, Deputies Aengus Ó Snodaigh and Catherine Murphy.

Question declared carried.

An Ceann Comhairle: Before moving on to proposal No. 5 I wish to announce to the House that I have made inquiries regarding the amendment referred to by Deputy Ó Caoláin, which is amendment No. 14, and the decision has been reversed by me. The amendment will be taken.

Deputy Caoimhghín Ó Caoláin: I thank the Ceann Comhairle for that decision. I welcome it, and it allows the House the opportunity to debate the matter. I hope the House will support it.

An Ceann Comhairle: Is the proposal for dealing with No. 24, Order for Report and Report and Final Stages of the Criminal Justice Bill 2011, agreed to?

Deputy Aengus Ó Snodaigh: It is not agreed. I will not delay the House any longer than required but again the proposal is that this legislation be guillotined but as I said previously, most legislation that is guillotined ends its progress naturally without reaching the guillotine. I ask again that the guillotine be lifted in this instance and that it be allowed to proceed. A guillotine should not be put on any legislation. That would ensure that all Deputies who wish to contribute can do so and if they do not wish to do that, the Bill will pass at the relevant Stage.

The Tánaiste: As the Deputy is aware, the House is sitting a lot longer this year than it has ever done to deal with several items of legislation. The placing of the guillotine is to ensure we

get through all the legislation we need to have enacted. As Deputy Ó Snodaigh said, as it has turned out in practice the guillotine, while it has been provided for on the Order of Business, has not been used, certainly in recent weeks. I propose to leave it in place but I suggest to Deputy Ó Snodaigh and to other Whips that they might seek to reach agreement with the Government Whip on the timetabling of legislation to ensure we get it through the House. As we are making orders here for both today and tomorrow, I propose to leave it in place.

Question, “That the proposal for dealing with No. 24 — Order for Report and Report and Final Stages of the Criminal Justice Bill 2011 — be agreed to,” put and declared carried.

An Ceann Comhairle: Is the proposal for the sitting and business of the Dáil tomorrow agreed to?

Deputy Joe Higgins: No.

A Deputy: Joe wants to go home.

Deputy Joe Higgins: I know we are keeping you a little bit longer from your morning coffee than normal but it is Dáil Éireann.

An Ceann Comhairle: The Deputy should speak through the Chair.

Deputy Michael Ring: We do not have as much money to spend as the Deputy.

Deputy Finian McGrath: You do actually, Michael.

An Ceann Comhairle: I ask Members to speak through the Chair.

Deputy Michael Ring: We do not have as much money as Independents. That is for sure.

Deputy Joe Higgins: A Cheann Comhairle, I vehemently object to the fact that there will not be an Order of Business tomorrow. This Government came to power only four months ago promising to change everything in this society for the better——

Deputy Brendan Howlin: Only four months ago.

An Ceann Comhairle: Allow the Deputy to speak uninterrupted.

Deputy Joe Higgins: ——and instead, four months later, has its own trail of destruction behind it, closing accident and emergency departments, sacking special needs assistants and withdrawing resources from schools.

Deputy Simon Harris: Are we all allowed make speeches?

Deputy Joe Higgins: We now have savage cuts in the social welfare area.

Deputy Paul Kehoe: We have not cut to the leaders’ allowance.

An Ceann Comhairle: We are dealing with whether there should be an Order of Business tomorrow.

Deputy Joe Higgins: Not only should there be an Order of Business tomorrow but I ask the Tánaiste to make himself and the Taoiseach available to answer questions on the betrayal of the promises——

An Ceann Comhairle: Sorry, the Deputy is out of order.

Deputy Joe Higgins: —and these crucial issues that now confront working people, unemployed people and poor people in our society. I invite the Tánaiste to amend that proposal to make himself available tomorrow for questions—

Deputy Bernard J. Durkan: Saturday as well.

A Deputy: What about Sunday?

Deputy Joe Higgins: —and an Order of Business.

A Deputy: I hope you will be here tomorrow, Joe.

The Tánaiste: Deputy Higgins is so preoccupied with his litany of the ullogón that unfortunately he cannot see change when it happens. The first change is that this year, for the first time, we are sitting past the first week in July and will continue to sit until the end of next week. Second, we are having a sitting tomorrow, Friday — we do not normally have sittings on a Friday — and we are dealing with the Order of Business for tomorrow now. The business for tomorrow, Friday, is important legislative business which will require the attention of Members of the House. Change is happening. I am sorry to disappoint Deputy Higgins. We are meeting longer than the House has ever met and we are meeting tomorrow to deal with important legislative business.

Deputy Joe Higgins: That is not the point.

Deputy Brendan Howlin: What is the Deputy's point?

Deputy Bernard J. Durkan: Hear, hear.

(Interruptions).

The Tánaiste: The proposal before Deputy Higgins is that this House will sit tomorrow to deal with legislative business and the decision he has to make is whether he agrees that the House will sit tomorrow or not.

Deputies: Hear, hear.

Question, "That the proposal for the sitting and business of the Dáil tomorrow be agreed to," put and declared carried.

Deputy Éamon Ó Cuív: I would like to raise two issues on promised legislation, the first of which relates to social welfare legislation that arises from the announcement by the Minister for Social Protection, Deputy Burton, on the household benefits package. I would like to give the Tánaiste the opportunity to correct the record of the House by stating the previous Government never intended to reduce household benefits for the recipients. It had proposed to make savings with regard to payments to the utilities but there was no proposal at any stage to reduce—

An Ceann Comhairle: We cannot discuss the issue.

Deputy Éamon Ó Cuív: —the benefit to the recipients. The Tánaiste should correct the record of the House in that regard. A totally incorrect story has been circulated by the Government during the week.

An Ceann Comhairle: That is not relevant to the Order of Business.

Deputy Éamon Ó Cuív: The second issue concerns the anger and disgust we all share on foot of the findings in the Cloyne report. It is fair to say no politician can add to the testimony of the victims in the circumstances in question. What was done to the children was unforgivable.

An Ceann Comhairle: Has the Deputy a question?

Deputy Éamon Ó Cuív: I have. First, I assure the Tánaiste that we will continue to support any initiative that helps to ensure this never happens again.

I understand the Minister for Justice and Equality announced yesterday that mandatory reporting is to be introduced by legislation. When will the Opposition be briefed thereon? Is it proposed to introduce a mechanism by which the voice of the victims across the country can be heard on these issues? Will there be a debate on the Cloyne report in the House next week? It is imperative that it take place.

Deputy Joe Higgins: The decent people around the country, who comprise the vast majority, are throwing their hands in the air once more because of the revelations in the most recent report. It is most shocking that some of the events it covers are so recent and, therefore, the ignorance that could have been preferred in the 1980s does not feature in this instance. The bishop at the heart of the report was also at the heart of Vatican bureaucracy for so long. This goes some way towards explaining the omertà-like code of silence applied in protecting those who were abusing children and doing so at enormous expense to the victims and society. While the Government has responded to the report, it should afford us an opportunity next week to have a comprehensive debate on all that arises from this recurring sorry tale.

Deputy Mary Lou McDonald: I am sure the Tánaiste will agree the Cloyne report represents another chapter in the sordid story of the violation of children and sheltering of perpetrators of abuse by the Catholic Church. It needs to be recognised in this House that, to date, the State has failed children. It has failed in its duty to protect children from abuse, vindicate the rights of abuse victims and subject institutions, be they public, private, religious or secular, to rigorous and legally binding child-protection standards.

I welcome the Government's commitment to introducing the Children First Bill and the national vetting bureau Bill. I welcome the Government's commitment to legislating to right the wrongs of the past but, as we rise for the summer, let us not forget the urgency of the legislation. I ask the Tánaiste to reassure the House that these matters will be addressed with the utmost urgency and that the legislation will be before us at the earliest opportunity.

Deputy Aodhán Ó Ríordáin: With regard to the mandatory reporting of sex abuse, is there legislation promised to deal with the excuse that may be given about information being divulged at confession? With regard to the relationship between the church and State and the vice grip the church still has on too many of our institutions, I congratulate the Minister for Education and Skills on his work on pluralism and patronage in schools. If we are serious about breaking the link between church and State, we should not start proceedings in this House every day with a prayer.

An Ceann Comhairle: That is not relevant to the Order of Business.

Deputy Aodhán Ó Ríordáin: Many in these benches find it difficult to stand through. If we are serious about having a real republic, starting afresh and breaking the link, perhaps we will reconsider this.

The Tánaiste: The Government shares the sense of outrage over the findings in the Cloyne report. Such findings are not emerging for the first time; they are part of a sequence in that we

[The Tánaiste.]

have had the Ferns and Murphy reports also. What is involved is a betrayal of trust and of the children who were abused, not supported and ignored. It is a betrayal of the trust that Irish people placed in the church, particularly the Catholic Church and its institutions, over a long period in all their dealings with children. The Government is determined to deal with this issue very effectively.

I will set out the legislative measures that the Government intends to bring forward. The failure to report cases of child sexual abuse to the Garda is the central difficulty identified in the Cloyne report. The Government is determined to have legislation in place to ensure that such a failure to co-operate will have consequences. The Minister for Justice and Equality published yesterday the heads of the Criminal Justice (Withholding of Information on Crimes against Children and Intellectually Disabled Persons) Bill. These heads can be discussed by the appropriate committee which will deal with the issue of consultation. The Bill will make it an offence to withhold information relating to the commission of a serious offence against a person under the age of 18 or an intellectually disabled person.

For some time, work has been under way and consultation has been taking place between the Department of Justice and Equality and the Department of Children and Youth Affairs on drafting the heads of a national vetting bureau Bill, which will provide a statutory basis for the vetting of applicants for employment and employees working with children. The legislation will provide for the establishment of a national vetting bureau for the collection and exchange of both hard and soft information for vetting purposes. This Bill is being given priority and the Minister for Justice and Equality expects to be able to bring the heads to Government for approval before the end of this month. He intends to refer these to the Oireachtas Committee on Justice, Defence and Equality while work continues on the drafting of the legislation.

The Minister for Children and Youth Affairs has received Government approval to place the revised Children First national guidelines on a statutory basis. This will make compliance with the guidelines a statutory obligation and will ensure greater protection of children by strengthening the existing system for reporting and responding to suspected child abuse. It is intended to place a statutory obligation on every organisation working with children to protect and safeguard those children when in their care, including statutory, private, community and voluntary organisations. The legislation will underpin the provisions in Children First. This includes a requirement to share relevant information and to co-operate with other services in the best interests of the child. The legislative requirements therefore extend beyond reporting of suspected abuse and entail a more broad-based approach to the safeguarding of children.

Putting Children First on a statutory basis has been sought for many years and is a recommendation of the implementation plan from the Ryan report. In progressing this legislation, the Government has agreed that a range of sanctions will be developed to address any failure to comply with the Children First provisions. Later this week, the Minister for Children and Youth Affairs will publish revised Children First guidance designed to strengthen current arrangements for child protection. It is important that every possible step is taken to ensure full compliance with Children First.

In addition to the proposals to make compliance a statutory obligation, the Minister for Children and Youth Affairs will oversee an implementation framework which will set out the responsibilities of each Department and sector working with children. It will include strong emphasis on inspection and the need to provide demonstrable evidence that the guidelines are being properly implemented across all sectors. In the case of the health sector, the Minister proposes to extend the remit of the Health Information and Quality Authority, HIQA, to include oversight of the HSE's child protection services, including the operation of Children

First. HIQA will have standards in place by the end of the year, and inspections of the HSE's child protection services will begin early in 2012.

The Minister for Children and Youth Affairs has requested the HSE's recently appointed national director for children and family services to write to HSE staff setting out the HSE's responsibilities on child protection and compliance with the revised Children First guidance including on extra-familial abuse. The strong legal advice to the Government is that section 3 of the Child Care Act 1991 provides sufficient powers to the HSE with regard to its ability to investigate third party or extra-familial child sexual abuse. This position will be set out for staff by the national director to ensure there is no uncertainty on this matter in the HSE.

In addition, the national director has developed an associated child protection and welfare practice handbook to support the implementation of Children First. The two documents will provide clearer direction and support to front line staff working with children. They will clearly set out the respective roles of the statutory agencies responsible for child protection including the HSE and Garda on the handling of complaints of child sexual abuse and are designed to achieve consistent practice throughout the State.

In my capacity as Minister for Foreign Affairs and Trade, I have already expressed concern about the findings in the report with regard to the Vatican which, of course, in addition to being a church authority is also a state which enjoys diplomatic relations with this country. Later today, I will meet the Papal Nuncio to communicate these concerns and views directly to him. There will be a debate in the House on the findings of the report on Cloyne. I understand it is being discussed by the Whips and the latest information I have is that it will be Tuesday or Wednesday, depending on the availability of Ministers and spokespersons. The Government is quite happy for the Whips to agree this and to make available whatever time is necessary.

Deputy Michael P. Kitt: I very much welcome what the Tánaiste has stated.

On a different issue, I know an overall review of the Official Languages Act 2003 was promised and some changes have been made regarding the translation of documents. Today, *The Irish Times* has an article on amending legislation to give official status to Daingean Uí Chúis. Will the Tánaiste state when the overall review promised in the programme for Government will happen? These are very small changes to the overall legislation.

The Tánaiste: The Minister is working on the review and when he is in a position to bring proposals to the Government he will do so. Any legislative changes which arise from this will be brought before the House in due course.

Deputy Martin Ferris: Is the Tánaiste aware that Jane Norman Limited has effectively ceased trading and gone into pre-pack administration with Zolfo Cooper? It has kept concession shops running under administration and re-opened 20 solo shops——

An Ceann Comhairle: Will the Deputy tell us where he was going here please?

Deputy Martin Ferris: I am coming to it.

An Ceann Comhairle: Thank you. Just give us an indication.

Deputy Martin Ferris: Is the Tánaiste aware the workers in this enterprise have not been paid since 15 May and have been told by Zolfo Cooper they will have to reclaim——

An Ceann Comhairle: This sounds like a matter for the Adjournment, Deputy.

Deputy Martin Ferris: I am coming to the point if the Ceann Comhairle will allow me.

They have been told by the administrators that they will have to reclaim redundancy from the Irish Government when they are eventually made redundant. These workers find themselves——

An Ceann Comhairle: The Deputy is stretching it a bit. Come on.

Deputy Martin Ferris: They cannot get social welfare——

An Ceann Comhairle: Is there legislation promised?

Deputy Martin Ferris: ——and they are not being paid. They have been told over the telephone that they should pay themselves from the——

An Ceann Comhairle: The Deputy is out of order. He should put the matter down for the Adjournment.

Deputy Martin Ferris: I am asking——

An Ceann Comhairle: Sorry, you are not asking.

Deputy Martin Ferris: ——about the companies consolidation and reform Bill. Is there an intention to deal with this issue? The taxpayer is taking up the redundancy, lost pay and sick pay for the workers.

An Ceann Comhairle: We have much business to get through.

The Tánaiste: The companies consolidation and reform Bill is very comprehensive legislation and my information is that it will probably be the middle of next year before the Bill is ready to be presented.

Deputy Billy Kelleher: Has the Government given any consideration to introducing appropriate legislation to deal with the potential extradition of Irish citizens to the United States? The Tánaiste might be aware that Sean Garland's case is before the High Court. Will legislation be required in the event of the case being decided?

An Ceann Comhairle: Is there promised legislation?

Deputy Billy Kelleher: Has the Tánaiste used his office to indicate——

An Ceann Comhairle: That is a matter for a parliamentary question.

Deputy Billy Kelleher: ——the Government's concern at the potential extradition of an elderly man to the United States in view of the fact they were colleagues in previous times?

An Ceann Comhairle: The Deputy is out of order. Is there promised legislation?

The Tánaiste: There is no promised legislation.

Deputy Pearse Doherty: My question is on proposed legislation on upward only rent reviews. I have raised this issue on numerous occasions. Another report, the Jones Lang Lasalle report, has been referenced by NAMA on house valuations. It shows commercial property values reduced in the first six months by 7.2% but legislating for upward only rent reviews will see a further drop of between 20% and 30%, which will far surpass the most adverse criteria used

in the stress tests. Is it the Government's intention to abolish upward only rent reviews? If so, will it not acknowledge——

An Ceann Comhairle: We cannot discuss the legislation.

Deputy Pearse Doherty: ——that it will make the stress tests inadequate?

An Ceann Comhairle: A parliamentary question.

Deputy Pearse Doherty: A number of indices have already been surpassed with regard to domestic and GNP growth.

An Ceann Comhairle: Sorry, Deputy.

Deputy Pearse Doherty: It is appropriate——

An Ceann Comhairle: No, not on the Order of Business.

Deputy Pearse Doherty: ——that we suspend the transfer of money at the end of July until we decide on the issue.

An Ceann Comhairle: Is there promised legislation?

The Tánaiste: Yes, there is promised legislation.

An Ceann Comhairle: Do not deal with the content.

The Tánaiste: The Government has promised legislation to deal with the difficulties many people in commercial life and businesses face whereby they have been locked into rents which cannot be revised downwards. This legislation is being considered by the Government and I expect the Minister will be in a position to make a statement on it in the near future.

Deputy Richard Boyd Barrett: I welcome the Tánaiste's announcement which followed the comments of the Minister, Deputy Frances Fitzgerald, on putting the Children First guidelines on an legislative footing. Will this legislation provide for full implementation of the Children First guidelines?

An Ceann Comhairle: We do not deal with the content of the legislation, just when the Bill will be taken.

Deputy Richard Boyd Barrett: I want to clarify whether the legislation will deal with the issue set out in the guidelines on neglect by omission when it comes to the failure of State agencies to provide the necessary educational and intellectual stimulation to all children.

An Ceann Comhairle: The Deputy will have to table a parliamentary question or submit a matter for discussion on the Adjournment.

Deputy Richard Boyd Barrett: How will this legislation be tallied——

An Ceann Comhairle: Such matters are not dealt with on the Order of Business.

Deputy Richard Boyd Barrett: ——with cuts and quotas in the area of special needs which could cut across legislation in that regard?

An Ceann Comhairle: The Deputy must resume his seat. The Tánaiste has dealt with the proposal for next week and given——

Deputy Richard Boyd Barrett: I am asking about full implementation of a Bill.

An Ceann Comhairle: The content of legislation is not a matter for the Order of Business. Deputies who wish to raise such issues should table a parliamentary question or submit a matter for discussion on the Adjournment.

Deputy Richard Boyd Barrett: I asked about legislation.

An Ceann Comhairle: Deputies may ask when legislation will be taken but not about its content. We cannot have a debate on the Order of Business.

Deputy Richard Boyd Barrett: When will the legislation be taken?

An Ceann Comhairle: The Tánaiste has answered the question on the taking of the legislation and promised a debate next week. We will move on.

Deputy Bernard J. Durkan: I seek a brief update on the status of the mental capacity Bill, legal aid Bill, which is pressing legislation, and health insurance Bill, which is equally important in the current circumstances.

An Ceann Comhairle: When are the Bills promised?

The Tánaiste: The mental capacity Bill will be taken later this year. The legal aid Bill is being worked on as a priority and I hope it will be ready early in the next session.

Deputy Bernard J. Durkan: What is the position regarding the health insurance Bill?

The Tánaiste: I do not yet have a date for the Bill.

Deputy Noel Grealish: Does the Government propose to introduce legislation to protect sub-contractors who are not being paid? A number of builders who have been awarded State contracts have gone out of business halfway through the contract. They are then paid and subcontractors, who are left to carry the can, go out of business.

The Tánaiste: The Government is very much aware of the problem to which the Deputy refers and is conscious of the difficulties subcontractors have in this area. The Minister of State, Deputy Brian Hayes, is working on legislation which it is hoped will be introduced in the next session.

Estimates for Public Services 2011

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I move the following Estimates:

Vote 1 — President's Establishment

That a sum not exceeding €3,061,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Secretary General to the President, for certain other expenses of the President's Establishment and for certain grants.

Vote 2 — Department of the Taoiseach (Revised Estimate)

That a sum not exceeding €21,039,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries

and expenses of the Department of the Taoiseach, including certain services administered by the Department and for payment of grants and grants-in-aid.

Vote 3 — Office of the Attorney General (Revised Estimate)

That a sum not exceeding €14,360,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Attorney General, including a grant-in-aid.

Vote 5 — Office of the Comptroller and Auditor General (Revised Estimate)

That a sum not exceeding €6,844,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Comptroller and Auditor General.

Vote 6 — Office of the Minister for Finance (Revised Estimate)

That a sum not exceeding €25,857,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Finance, including the Paymaster-General's Office, for certain services administered by the Office of the Minister and for payment of certain grants and grants-in-aid.

Vote 7 — Superannuation and Retired Allowances (Revised Estimate)

That a sum not exceeding €367,775,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for pensions, superannuation, occupational injuries, and additional and other allowances and gratuities under the Superannuation Acts 1834 to 2004 and sundry other statutes; extra-statutory pensions, allowances and gratuities awarded by the Minister for Finance, fees to medical referees and occasional fees to doctors; compensation and other payments in respect of personal injuries; fees to Pensions Board; payments in respect of Pension Benefit System, miscellaneous payments, etc.

Vote 8 — Office of the Appeal Commissioners (Revised Estimate)

That a sum not exceeding €477,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Appeal Commissioners.

Vote 9 — Office of the Revenue" RHead = "Commissioners (Revised Estimate)

That a sum not exceeding €325,172,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Revenue Commissioners, including certain other services administered by that Office.

Vote 10 — Office of Public Works (Revised Estimate)

That a sum not exceeding €378,753,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of Public Works; for services administered by that Office

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including the National Procurement Service, for payment of certain grants and for the recoupment of certain expenditure, and that a sum not exceeding €5,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 11 — State Laboratory (Revised Estimate)

That a sum not exceeding €8,650,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the State Laboratory.

Vote 12 — Secret Service (Revised Estimate)

That a sum not exceeding €1,000,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for Secret Service.

Vote 13 — Office of the Chief State Solicitor (Revised Estimate)

That a sum not exceeding €34,188,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Chief State Solicitor.

Vote 14 — Office of the Director of Public Prosecutions (Revised Estimate)

That a sum not exceeding €43,263,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Director of Public Prosecutions.

Vote 15 — Valuation Office (Revised Estimate)

That a sum not exceeding €8,208,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Valuation Office and certain minor services.

Vote 16 — Public Appointments Service (Revised Estimate)

That a sum not exceeding €7,756,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Public Appointments Service.

Vote 17 — Office of the Commission for Public Service Appointments (Revised Estimate)

That a sum not exceeding €883,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Commission for Public Service Appointments.

Vote 18 — Office of the Ombudsman (Revised Estimate)

That a sum not exceeding €7,079,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries

and expenses of the Office of the Ombudsman, the Standards in Public Office Commission, the Office of the Information Commissioner and the Office of the Commissioner for Environmental Information.

Vote 19 — Justice and Equality (Revised Estimate)

That a sum not exceeding €355,194,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Justice and Equality, Probation Service staff and of certain other services including payments under cash-limited schemes administered by that Office, and payment of certain grants and grants-in-aid.

Vote 20 — Garda Síochána (Revised Estimate)

That a sum not exceeding €1,412,223,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Garda Síochána, including pensions, etc.; for the payment of certain witnesses' expenses, and for payment of a grant-in-aid.

Vote 21 — Prisons (Revised Estimate)

That a sum not exceeding €329,211,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Prison Service, and other expenses in connection with prisons, including places of detention; for probation services; and for payment of a grant-in-aid, and that a sum not exceeding €2,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 22 — Courts Service (Revised Estimate)

That a sum not exceeding €60,665,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for such of the salaries and expenses of the Courts Service and of the Supreme Court, the High Court, the Special Criminal Court, the Circuit Court and the District Court and of certain other minor services as are not charged to the Central Fund.

Vote 23 — Property Registration Authority (Revised Estimate)

That a sum not exceeding €35,172,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Property Registration Authority.

Vote 25 — Environment, Community and Local Government (Revised Estimate)

That a sum not exceeding €1,609,471,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for the Environment, Community and Local Government, including grants to Local Authorities, grants and other expenses in connection with housing, water services, miscellaneous schemes, subsidies and grants.

[Deputy Frances Fitzgerald.]

Vote 26 — Education and Skills (Revised Estimate)

That a sum not exceeding €8,279,419,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Education and Skills, for certain services administered by that Office, and for the payments of certain grants and grants-in-aid.

Vote 28 — Foreign Affairs and Trade (Revised Estimate)

That a sum not exceeding €172,506,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Foreign Affairs and Trade, and for certain services administered by that Office, including grants-in-aid and contributions to International organisations.

Vote 29 — International Co-operation (Revised Estimate)

That a sum not exceeding €522,877,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for certain Official Development Assistance, including certain grants-in-aid, and for contributions to certain International Organisations involved in Development Assistance and for salaries and expenses in connection therewith.

Vote 30 — Communications

That a sum not exceeding €253,473,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Communications, Energy and Natural Resources, including certain services administered by that Office, and for payment of certain grants and Sundry grants-in-aid, and for the payment of certain grants under cash-limited schemes.

Vote 31 — Agriculture, Fisheries and Food (Revised Estimate)

That a sum not exceeding €1,273,615,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Agriculture, Fisheries and Food, including certain services administered by that Office, and of the Irish Land Commission and for payment of certain grants, subsidies and sundry grants-in-aid and for the payment of certain grants under cash-limited schemes.

Vote 32 — Transport, Tourism and Sport (Revised Estimate)

That a sum not exceeding €1,924,047,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Transport, Tourism and Sport including certain services administered by that Office, for payment of certain grants, grants-in-aid and certain other services, and that a sum not exceeding €5,000,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 33 — National Gallery (Revised Estimate)

That a sum not exceeding €9,847,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the National Gallery, including grants-in-aid.

Vote 34 — Jobs, Enterprise and Innovation (Revised Estimate)

That a sum not exceeding €844,840,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Jobs, Enterprise and Innovation, including certain services administered by that Office, for the payment of certain subsidies, grants and a grant-in-aid, and for the payment of certain grants under cash-limited schemes.

Vote 35 — Arts, Heritage and the Gaeltacht (Revised Estimate)

That a sum not exceeding €264,099,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Arts, Heritage and the Gaeltacht, including certain services administered by that Office, and for payment of certain subsidies, grants and grants-in-aid.

Vote 36 — Defence (Revised Estimate)

That a sum not exceeding €678,730,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Defence, including certain services administered by that Office; for the pay and expenses of the Defence Forces; and for payment of certain grants-in-aid, and that a sum not exceeding €1,500,000 be granted by way of the application for capital supply services of unspent appropriations, the surrender of which may be deferred under Section 91 of the Finance Act 2004.

Vote 37 — Army Pensions (Revised Estimate)

That a sum not exceeding €201,867,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for retired pay, pensions, compensation, allowances and gratuities payable under sundry statutes to or in respect of members of the Defence Forces and certain other Military Organisations, etc., and for sundry contributions and expenses in connection therewith; for certain extra-statutory children's allowances and other payments and for sundry grants.

Vote 38 — Social Protection (Revised Estimate)

That a sum not exceeding €13,427,412,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries and expenses of the Office of the Minister for Social Protection, for certain services administered by that Office, for payments to the Social Insurance Fund and for certain grants.

Vote 42 — Public Expenditure and Reform (Revised Estimate)

That a sum not exceeding €34,840,000 be granted to defray the charge which will come in course of payment during the year ending on the 31st day of December, 2011, for the salaries

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and expenses of the Office of the Minister for Public Expenditure and Reform, for certain services administered by the Office of the Minister and for the payment of certain grants and grants-in-aid.

Votes put and agreed to.

Child Care (Amendment) Bill 2009: Instruction to Committee

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I move:

That, pursuant to Standing Order 131, it be an instruction to the Committee to which the Child Care (Amendment) Bill 2009 may be recommitted in respect of certain amendments, that it has power to make provision in the Bill to amend Part 7A of the Health Act 2004 to provide for the powers under that Act to require the Health Service Executive to furnish, in the public interest, information and documents to the Minister for Children and Youth Affairs and consequent amendments to the Long Title to reflect the content of the Bill and to section 1 to amend the citations as required.

Will the Ceann Comhairle clarify whether I should move the recommittal of amendment No. 1 or the combination of amendments?

An Ceann Comhairle: We have not yet reached the amendments. Does the Minister wish to contribute?

Deputy Caoimhghín Ó Caoláin: Perhaps there is a little confusion about this matter. There is a provision in the agreed Order of Business that the Minister and Opposition spokespersons will have an opportunity to speak for 15 minutes on the amendment on the secondary notices of motion. I am advised that the first motion is not being proceeded with while the second is being pressed.

An Ceann Comhairle: That is correct.

Deputy Frances Fitzgerald: I propose to clarify the——

Deputy Billy Kelleher: Is the Minister speaking to the motion?

Deputy Frances Fitzgerald: Yes. The motion provides for an amendment to the Health Act 2004. It is being introduced because the Child Care (Amendment) Bill 2009 has been before the Houses and the relevant provision is required urgently to ensure I can fulfil my role as Minister for Children and Youth Affairs. For this reason, I have included the motion and the amendments to the Bill at the earliest possible opportunity to enable me to legislate to provide for the powers I need. This is relevant to the Bill as, following enactment, the Child Care Acts, which will include the Child Care (Amendment) Bill 2009, will be transferred by a transfer of functions order to the Minister for Children and Youth Affairs.

The motion and amendments, on which I will speak in detail in a moment, are to ensure the Health Service Executive keeps me fully informed on all matters of which I need to be aware and furnishes to me documents and information in the public interest. I ask the Deputies opposite to support the motion. This is the earliest opportunity to deal with it. We have already had a number of transfer of functions orders in a number of areas, including education, welfare and youth justice, to enable the work of the Department to commence. The motion is important for the establishment of the Department as it ensures the HSE keeps me fully informed on all matters of which I need to be aware and furnishes me with documents and information in the

public interest. These are outlined in the legislation. The Minister for Health has similar powers and I require such powers to do my work effectively following the establishment of my Department. I need to ensure I have all the information I need from the HSE. If, for instance, there is an inquiry of which I need to be kept informed, a report is given to the HSE or a concern related to children or young people arises, I will be informed.

Deputy Billy Kelleher: We have received some of the amendments at short notice. In the context of the amendments which were not discussed and are being introduced under the motion of referral I understand their primary purpose is to assist the Minister for Children and Youth Affairs in accessing information from the Health Service Executive and they do not provide for any other substantive changes to the Bill.

Deputy Frances Fitzgerald: Yes.

Deputy Billy Kelleher: In other words, they provide for the establishment of a statutory procedure under which the HSE will furnish all relevant information to the Minister.

Deputy Frances Fitzgerald: That is correct. I will provide some further information. Amendments No. 1, 3 and 5 are technical amendments to the Long Title and section 1 of the Bill and are consequential on amendment No. 16, which introduces a new section 33. To clarify the issue once more, the purpose of amendment No. 16 is to amend Part 7A of the Health Act 2004. The amendment is being proposed in order that I will have the necessary powers under the Act to require the HSE to furnish, in the public interest, information and documents to me. The purpose of the amendment—

An Ceann Comhairle: While I do not wish to interrupt the Minister, we are dealing with No. 13b on the Order Paper, a motion to recommit. We must formally pass the motion before discussing the Bill. The Minister should speak first to the motion.

Deputy Frances Fitzgerald: I was clarifying the reason for the motion.

Deputy Caoimhghín Ó Caoláin: The motion before us relates to one particular amendment requiring the Health Service Executive to furnish, in the public interest, information and documents to the Minister for Children and Youth Affairs. That is a reasonable request with which I do not have a difficulty and will, therefore, support. I presume the motion is technically required to recommit the Bill to committee to address the particular amendment and there is some precedent in this regard. After what unfolded in the House this morning and having compared the list of amendments published yesterday to the list of amendments published on 11 January 2011, I was extremely disappointed. I have done a comparison between the amendments tabled then and those now before us. Key amendments tabled on 18 January, not only by myself but also by the then Fine Gael and Labour spokespersons on children and health and children respectively, Deputy Charles Flanagan and the Minister of State, Deputy Jan O'Sullivan, have not been retabled by the Minister in the new presentation of Report Stage of the Bill. This causes me great disappointment.

I will address those amendments when we debate amendments on Report Stage. It would have been better if the Bill were not before us today and the Minister had taken the time to revisit the amendments tabled by her own party spokesperson and by her Labour Party colleague in Government, as well as those tabled by me. Each of the three Opposition spokespersons' set of amendments strongly mirrored each others concerns. We were almost of one voice. I hoped the Minister would have made those amendments her own.

[Deputy Caoimhghín Ó Caoláin.]

People must be understanding of my distress on receiving the Ceann Comhairle's notice disallowing my amendment, which is verbatim what we discussed in January. The list of those who voted for the first of the three amendments relating to aftercare for children in state care includes all the Fine Gael Members in attendance on the day. It includes the Taoiseach, the Fine Gael health spokesperson and the Ceann Comhairle. Labour Party Deputies who voted for the amendment include the Tánaiste, the Ministers of State, Deputies Jan O'Sullivan and Kathleen Lynch, and all the Labour Party Deputies in attendance. The list includes Deputies who have long, credible and honourable records in arguing for children's rights. I speak specifically of my colleagues who served with me for more than two years on the Joint Committee on the Constitutional Amendment on Children, the Ministers, Deputies Alan Shatter and Brendan Howlin. Now, on 14 July of the same year, the amendment was not even to be allowed for discussion.

The Minister is aware that the key and crucial issue of concern to all of those who work on the front line of child care and the provision of services for children, particularly in relation to State care and support, is the welfare of vulnerable children when they have reached their eighteenth year. I found myself, effectively, gagged by the receipt of this notice this morning because amendment No. 14, the only one before us today, was being disallowed. I welcome the decision of the Ceann Comhairle to reverse that decision and I reiterate my appeal for the Minister to accept this amendment, which mirrors those placed by the Fine Gael and Labour spokespersons only a handful of months ago.

My amendment was disallowed on the spurious grounds that it would impose a charge on the Exchequer. In that regard, I cite something said by Focus Ireland that is directly relevant to this and which deserves to be quoted in relation to this Bill and for reference: "The outgoing Government maintained that it had very strong legal advice stating that the provision of aftercare is non-discretionary and must be provided when a care professional judges that there is a need." Focus Ireland argued that "may" does, in fact, mean "shall", and continued, "Whatever the lawyers say, from our experience this is not the way the system works". Focus Ireland laid emphasis on this final sentence: "If, technically, the legislation already gives these rights there can be no further costs involved in changing the wording so that the meaning is clear and all doubt is removed."

That is a very important point. As my amendment is now to be discussed, I hope the Minister will note that reference from Focus Ireland. I hope she will not make the same argument as the previous Government and will recognise the validity of the case being presented by Focus Ireland and a range of other non-governmental organisations that have long and credible records in giving voice to children's rights and needs. It is regrettable that we must come here again to argue for the statutory right to aftercare, which is the key and absolute kernel of what the Bill must be about. I will certainly continue to do so.

The provision of aftercare makes economic sense. Structured support has been shown to protect young people from becoming homeless, from the danger of addiction and from falling into a pathway of crime. I do not have to tell anyone here the huge financial cost, let alone the tragic human cost, of dealing with the consequences of drugs and crime and with their wider impact on society. A Government that claims to be a reforming Government must acknowledge, as the Government claims to do and as its spokespersons often did when in opposition, that it is far better to spend money on the care of young people, including accommodation, education and training, than to spend it building more prisons and detention centres. Very often, the absence of the first leads to the second. This is where the wider evaluation of the economic impact needs to be considered.

The absence of a statutory right to aftercare, especially in a society and economy facing the difficulties we now face, means that many young people will be thrown to the wolves. We have had far too many examples of that through the years. Many young people, having reached their 18th birthday, were shown the door. The phrase “thrown to the wolves” is not too strong to use. The Minister and other Deputies will recognise many cases from their own constituencies or from media reportage, where young people leaving State care fell into serious and dangerous lifestyle patterns as a result of the absence of aftercare.

The Minister, as will many other voices here, will all too sadly recognise many of the cases from maybe their own constituencies and from media reportage where young people leaving State care have fallen into very serious lifestyle patterns as a result of the absence of aftercare.

I appeal to the Minister not to adopt the Bill today in the absence of an amendment that enshrines the statutory right to aftercare. It is crucial and a Bill without that key component part would be seriously deficient. That said, I support the motion, which intends to ensure the

Minister can proceed. I not only welcome the establishment of the Department;

12 o'clock

I also recognise and appreciate the choice of Minister for the new Department and I wish Deputy Fitzgerald all the best. However, it was a major disappointment for many people that the broader media failed to focus and report on her first Question

Time in the House last Tuesday. That was an important engagement and an important, historic day in terms of children’s rights and needs. I was saddened that the new Minister taking her first Question Time was ignored by the popular press. I support the motion.

Deputy Mattie McGrath: On behalf of the Technical Group, I broadly support the motion. Like the previous speaker, I congratulate the Government on appointing the first ever full Minister to Cabinet for this important portfolio. I was delighted to table a parliamentary question and have it answered at an *chéad lá a bhí an Aire anseo* for Question Time on Tuesday. We cannot shoot the messenger and we cannot decide what the media want to cover. I compliment the Ceann Comhairle on reversing his decision earlier. Most people dealing with children are genuine and interested in child care and aftercare for children. There is not the usual banter about financial issues when this is debated. However, I compliment Deputy Ó Caoláin on pursuing the issue with the Ceann Comhairle and on retaining his composure during a heated debate. He made a good case, the Ceann Comhairle gave him a good ear and reversed his decision.

I am disappointed with the Government’s move. There have been many changes and U-turns on various issues in its first 100 days but that is politics and we are in a difficult period. I was on the Government benches during the previous Dáil and supported the Government at the time even though I had lost the whip. At the time Deputies Charles Flanagan and Jan O’Sullivan tabled an almost identical amendment to the one turned down earlier by the Government. We have to retain credibility among the many groups supporting children such as Focus Ireland and the many families who give unstinting service in the care of foster children and children of care. They are often ignored by all the institutions and get no support and have no groups to look after them. Nonetheless, I am glad we have had a change of tack. It is a pity that politics has been played. I acknowledge it is not the Minister’s fault and I wish her all the best because I know how suited she is to the Ministry. I hope she will be magnanimous for the sake of the children in considering the amendments.

Debate adjourned.

Visit of Armenian Delegation

An Leas-Cheann Comhairle: Before calling the Minister to reply, I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a *céad míle fáilte*, a hundred thousand

[An Leas-Cheann Comhairle.]

welcomes to His Excellency, Mr. Edward Nalbandian, Minister of Foreign Affairs of the Republic of Armenia. I express the hope that you will find your visit enjoyable, successful and to our mutual benefit.

Child Care (Amendment) Bill 2009 Instruction to Committee: Motion (Resumed)

The following motion was moved by the Minister for Children and Youth Affairs (Deputy Francis Fitzgerald):

That, pursuant to Standing Order 131, it be an instruction to the Committee to which the Child Care (Amendment) Bill 2009 may be recommitted in respect of certain amendments, that it has power to make provision in the Bill to amend Part 7A of the Health Act 2004 to provide for the powers under that Act to require the Health Service Executive to furnish, in the public interest, information and documents to the Minister for Children and Youth Affairs and consequent amendments to the Long Title to reflect the content of the Bill and to section 1 to amend the citations as required.

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I thank the Deputies for their support for the motion to give the Department the legal right to request and receive information and documents from the HSE. That is important in the context of the establishing the Department. I also thank Members for supporting motion because it allows us to proceed to discuss the four relevant amendments.

Deputy Ó Caoláin quoted some of the advice I have received. As he will be aware, it states that section 45 is legally sound and it allows for the provision of aftercare, which is not discretionary. The HSE has an obligation to provide such care where there is a need for assistance. I have emphasised the importance of this in my contacts with the executive. I agree with him that the provision of an aftercare service is a vital element in seeking to achieve positive outcomes for young people leaving care.

I am determined to oversee the successful development of a national aftercare service. That is being reflected in the national aftercare policy being developed by the HSE. It is being developed in association with key stakeholders, including Focus Ireland, which was mentioned by Deputy McGrath, the voluntary sector and other interested groups. I accept there is a need to develop policy but we will have a national aftercare service. It will be formalised, as we need more consistent practice around the country in this regard. When they leave care, their needs do not end in a similar manner to children in ordinary families. When a child reaches the age of 18, there is not an immediate cut off. Every family knows that and it is no different for young people who have been in care. They need support and help, which varies from person to person.

There is an aftercare implementation group within the HSE, which includes a representative of EPIC, the organisation that works with young people who have been in care. Its experience is invaluable in informing the group's work, as it decides on what support services are needed. It is important to recognise that ten additional aftercare worker posts are being filled and their contracts will reflect a need for flexible working hours. This additional resource will, hopefully, make a difference as we seek to roll out a national after service. The HSE has been informed that the provision of such services is not discretionary. If a discretionary approach is adopted in some areas, the clear legal advice is the provision of aftercare under section 45 of the Child Care Act 1991 provides that where there is a need for assistance, such services should be provided.

I acknowledge there are resource implications for all the services the HSE provides. All State services are subject to resource availability but, clearly, the State has an obligation to young people who have been in care to provide ongoing support when they leave care. I will ask the HSE to carefully monitor the implementation of the provision. I am intent on ensuring there is a much improved aftercare service. There is much greater understanding now about the need for such a service and that is in no small part due to the work of the young people who have been in care and who are involved in EPIC and other organisations. They were willing to come forward and speak about their experiences in care and call for and demand such a service. They have created a debate on the need for aftercare that has received more and more attention. They are getting a response now from the statutory services that was not the case previously.

I note that in the North more detailed regulations on aftercare have been built into statute. That is something I wish to examine to see whether there is a need to have further legislation on aftercare. The advice currently is that section 45 of the Child Care Act does imply the statutory right to aftercare where an assessment of need has been made. However, I wish to examine that. We are talking about people who are more than 18 years of age so we are dealing with adults. In terms of legislation there are different requirements than under child care legislation such as we are discussing today. I hope Deputy Ó Caoláin understands that.

Question put and agreed to.

Child Care (Amendment) Bill 2009 [Seanad]: Order for Report Stage

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I move: “That Report Stage be taken now.”

Question put and agreed to.

Child Care (Amendment) Bill 2009 [Seanad]: Report and Final Stages

Bill recommitted in respect of amendment No. 1.

An Leas-Cheann Comhairle: Amendments Nos. 1, 3 and 5 are consequential on No. 16.

Deputy Caoimhghín Ó Caoláin: Is a grouping sheet available?

An Leas-Cheann Comhairle: I will arrange to circulate the information.

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I move amendment No. 1:

In page 5, line 8, after “2001” to insert “; THE HEALTH ACT 2004”.

I understand amendments Nos. 1, 3, 5 and 16 are being taken together. Amendments Nos. 1, 3 and 5 are technical amendments to the Long Title and to section 1 and are consequential on amendment No. 16, which introduces a new section, namely section 33.

Amendment No. 16 is to amend Part 7A of the Health Act 2004 and is being proposed in order that I will have the necessary powers under that Act to allow the HSE to furnish, in the public interest, information and documentation to me. The purpose of the amendment is to strengthen the legislative base for the provision of information by the HSE to the Minister for Children and Youth Affairs so as to allow me fulfil my role and functions, including political accountability to the Oireachtas, and to create a safe channel of communication for sensitive information from the HSE to me.

[Deputy Frances Fitzgerald.]

The amendment achieves that by placing a duty on the HSE to provide information on its initiative and without delay to the Minister for Children and Youth Affairs; by giving the Minister for Children and Youth Affairs power to require, in the public interest, detailed information and documentation from the HSE free of legal prohibition, and to use such information and documents as necessary for the performance of my functions; and by allowing the Minister for Children and Youth Affairs to furnish such information or documents that are considered relevant to a person appointed by the Minister for Children and Youth Affairs to examine or inquire into any matter.

The amendment will ensure the HSE keeps me fully informed on all matters of which I need to be aware in a timely and appropriate manner. With the amendment, the HSE must inform the Minister for Children and Youth Affairs without delay of any occurrence or development that, in the opinion of the executive, the Minister is likely to consider significant for the performance of her functions. The executive is required to monitor and keep under review occurrences and developments concerning matters relating to its objective and functions which include child care functions. In addition, it must similarly inform the Minister for Children and Youth Affairs of any occurrences or developments that fall within a class of occurrence or development of public interest or concern that has been specified in writing by the Minister. The power to specify will ensure that the Minister can be kept informed of important issues relevant to the public interest or concern. Following the enactment and commencement of this Part, I will have the necessary powers to fulfil my role and functions should I require information and documents from the HSE.

Amendment No. 1 is the Long Title of the Bill and is required in the context of amendment No. 16 so the Long Title reflects the content of the Bill in respect of the amendment being made to the Health Act 2004. Amendments Nos. 3 and 5 are to section 1 which deals with collective citations. The amendments reflect those changes which are to be made to the Bill and which affect collective citations in respect of the Child Care Acts and the Health Acts.

Amendment No. 3 is to the collective citation for the Child Care Acts contained in section 1(2) of the Bill. The amendment is required to exclude from that citation amendment No. 16, namely, in regard to amending Part 7A of the Health Act 2004, which as previously stated will add a new section, namely, section 33.

Amendment No. 5 is the collective citation for the Health Acts and is required in order to reflect the renumbering of sections, which is required on foot of the aforementioned amendment No. 16. It is a technical amendment.

Deputy Billy Kelleher: Perhaps this is not the appropriate time to raise this particular issue, but in the context of the programme for Government there is a commitment to the abolition of the HSE itself. When the Minister amends the Health Act of 2004 to abolish the HSE, will that have implications or repercussions in terms of a requirement for further legislation in this regard to deal with the abolition of the HSE? Is it the case that we are passing legislation that we will be amending again in the near future?

Deputy Frances Fitzgerald: If the legislation underpinning the establishment of the HSE changes, as is the intention of the Government, then clearly further legislation will also be required for my Department. In the meantime we need the powers being introduced until such time as other legislation will be brought to the House.

Deputy Billy Kelleher: I welcome the amendment. The issue arose previously in the context of the previous Minister trying to access information from the HSE. The situation became

contentious at times which did not look good from the perspective of the public given that the Minister was almost being refused information by a statutory body. Was the abolition of the HSE taken into account in the drafting of the legislation? Given that the change has been signalled, is there a seamless way to proceed rather than going through a detailed amendment process?

Deputy Frances Fitzgerald: The issue arose previously. The Deputy is correct to refer to it. When, for example, an independent review of child deaths was established by the Minister of State with responsibility for children and youth affairs in March 2010 the group was furnished with preliminary information by the HSE but it was refused access to individual case files due to legal concerns identified by the HSE on the provision of information to the group. The Health (Amendment) Act 2010 was enacted to strengthen the legislative basis for the provision of information by the HSE to the Minister for Health. That is the matter to which Deputy Kelleher refers. I need to have the same powers in order to access such information. This is a reflection of the legislative power the Minister for Health already has, which was required at that time to enhance the Minister's ability to fulfil his role and functions, including political accountability to the Oireachtas, and to create a safe channel of communication for sensitive information from the HSE to the Minister. That legislation dealt with the issue at that time and now we are doing the same thing so that I have similar access to information as the Minister for Health. When legislation is introduced to change the function or formation of the HSE then the Bill will require amendment.

Deputy Mattie McGrath: I support my colleague. As a Member of the previous Oireachtas I remember the situation and the frustration we all shared, not least the then Minister of State, Barry Andrews. I hope we cover all aspects of the issue. We wish the Minister well and fully support her but I do not wish the situation to arise — we can never say never — where the Minister for Health or the Minister for Children and Youth Affairs comes to the House, with the support of the Dáil, to amend legislation to compel a statutory body to give sensitive and badly needed information. We must be sure. In line with the commitment in the programme for Government to abolish the HSE, we will have to go back to the drawing board, but it is a pity we could not get more clarity on the situation.

Deputy Caoimhghín Ó Caoláin: I understand and support the objectives of these amendments and I will support them.

Deputy Simon Harris: I welcome amendment No. 16 and echo the comments of Deputy McGrath about political accountability. We all remember when the last Minister — I mean no disrespect to the individual — was reduced to going on national television to coax the HSE to give him documents that he did not have the legal powers to demand. Once the Department of Children is established, it is important for parents to see that it has teeth and can demand the documents it requires.

To pick up on the points made by Deputies Kelleher and McGrath, while the Government cannot address today in the House the issue of what happens after the abolition of the HSE, it is a cause for concern on all sides. People want to know where child protection will fit in the overall context of the restructuring of our health service. However, that is a discussion for another day. Amendment No. 16 is strong and progressive and sends out a message that this is a new Department with teeth. I commend the amendment.

Deputy Ciara Conway: I welcome the amendment, which deals with an important issue that has been raised by all Members. However, I would like to use this opportunity to stress that there is an onus on the HSE to have the data. Now that the Minister has the power to look

[Deputy Ciara Conway.]

for it, I want to ensure the HSE will collect the information we need so that we can make decisions and know exactly what is going on, particularly with regard to the issue of child protection raised by Deputy Harris a moment ago. There is an onus on the HSE to ensure it has the information if the Minister asks for it. It has never been clear what information is available and whether it is being collected. I welcome this amendment but I emphasise the responsibility this confers on the HSE to ensure it is collecting the data, so that when we go to look for it, it will be provided to us.

Deputy Frances Fitzgerald: The collection of data has been a major issue with regard to child protection services generally. What we must achieve is consistency. Gordon Jeyes, the new director of child and family care in the HSE, is determined to ensure this because it is incredibly important. We have inconsistent data, for example, with regard to the reasons children are taken into care. We need to be clear about the thresholds that are being applied in different areas. I had a meeting last week with the regional directors of the HSE, who were supporting the director in this wish, and we are determined to work on this. I emphasised how important it was that we had a consistent approach throughout the country. That is one of the reasons we are introducing a new national guidance document, not just on its own but with an implementation plan.

An implementation plan is vital. We know the guidelines are robust in themselves — any review has found them to be so — but implementation is the key issue. We need consistency of implementation and consistency of data collection. As I have said a number of times in the House, our problem is not too much bureaucracy but the opposite: a lack of consistency in record-keeping, as we saw in the Roscommon report and other reports. We must move to a greater standardisation and consistency while keeping the interests of the child at the heart of everything.

With regard to a number of amendments we are dealing with today, when I am introducing the legislation to set up the child and family support agency later in the year, there will be an opportunity to consider the issues of children who come in contact with the criminal justice system, children who come into care and children who need aftercare. What we want is more of a continuum of care for children who access child protection services or the courts system. The needs of the child should be central in the response. We want a more cohesive approach to children who interact with our services at different points. We will have an opportunity to consider some of the legislative needs when we are establishing the new agency.

Amendment agreed to.

Bill reported with amendment.

An Leas-Cheann Comhairle: Amendments Nos. 2 and 7 are related and may be discussed together by agreement.

Deputy Frances Fitzgerald: I move amendment No. 2:

In page 5, lines 12 and 13, to delete “AND CHILDREN”.

These are technical amendments to the Long Title and section 2. The amendments are required to reflect the title change of the Minister for Health and Children to the Minister for Health, which came into effect on 4 June 2011 on foot of an order made under section 6(1) of the Ministers and Secretaries (Amendment) Act 1939.

Amendment agreed to.

Deputy Frances Fitzgerald: I move amendment No. 3:

In page 5, line 22, after “31,” to insert “33,”.

Amendment agreed to.

An Leas-Cheann Comhairle: Amendments Nos. 4 and 6 are related and may be discussed together by agreement.

Deputy Frances Fitzgerald: I move amendment No. 4:

In page 5, line 22, to delete “42 and 44” and substitute “42, 44 and 46”.

These are technical amendments to section 1, which deals with collective citations. The amendments reflect those changes made to the Bill which affect collective citations in respect of the Child Care Acts and the Adoption Acts.

Amendment agreed to.

Deputy Frances Fitzgerald: I move amendment No. 5:

In page 5, line 26, to delete “2009 and *section*” and substitute “2010 and *sections* 33 and”.

Amendment agreed to.

Deputy Frances Fitzgerald: I move amendment No. 6:

In page 5, between lines 27 and 28, to insert the following:

“(5) The Adoption Act 2010 and *section* 46 may be cited together as the Adoption Acts 2010 and 2011.”.

Amendment agreed to.

Deputy Frances Fitzgerald: I move amendment No. 7:

In page 6, line 5, to delete “and Children”.

Amendment agreed to.

Deputy Frances Fitzgerald: I move amendment No. 8:

In page 6, between lines 28 and 29, to insert the following:

4.—Section 3 of the Principal Act is amended by deleting subsection (4).

This amendment relates to section 3(4) of the Child Care Act 1991, which deals with the functions of the Health Service Executive, and connects the Child Care Act with the Health Acts. The reason for the amendment is that in the context of the establishment of the Department of Children and Youth Affairs and the transfer of the Child Care Acts to my Department, section 3(4) becomes meaningless. The Minister for Children and Youth Affairs is not provided for in the Health Acts, and in that regard, the necessary amendment is the deletion of section 3(4). It is my intention to introduce at the earliest possible date legislation to give me as Minister for Children and Youth Affairs the requisite powers and functions *vis-à-vis* the HSE to ensure the executive is properly accountable to me with respect to services it provides under the auspices of the Department of Children and Youth Affairs.

Amendment agreed to.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 9:

In page 8, line 35, to delete “detention” and substitute “placement”.

This amendment is representative only, because the requirement would be to amend the reference to the word “detention” no less than 70 times throughout the Bill. I remember that point being made by Deputy Jan O’Sullivan here on 18 January; she had gone to the trouble of counting the number of times the word appeared. Rather than putting in a large number of amendments to achieve this, I am asking that the principle be accepted.

It is important that we recognise what the word “detention” represents to people. If we talk about a child being placed in detention or about detaining a child, there is clearly a broad understanding that this is consequent on some illegal act or misdemeanour on the part of the child. There is a criminal undertone, a suggestion of wrongdoing. That is not what we are dealing with in this provision. We have exercised this argument since January. Then, the consensus between the Fine Gael, Labour and Sinn Féin Members and the non-governmental organisations which had engaged with us about this legislation was that the word “placement” was preferable. Not only did it have the negative connotations that I have already explained but it was more accurate, fitting and child-friendly.

These amendments have not just landed on the Minister. She can call on a wealth of experience in this regard and she has already raced a considerable part of this track. Back in January, we got to an advanced point with this and other amendments. This issue has been well rehearsed and discussed. There was great disappointment, subsequently, when the proposal was not accepted by the then Minister of State, Barry Andrews. At the time, he agreed with the Opposition that the use of language had an impact and it was important to pay due regard to it.

Rather than citing from the contributions on Report Stage on 18 January, I appeal to the Minister to accept this sensible proposition and amend the remaining offensive references to children in these circumstances as detainees. I hope under this Government that they will not be viewed as such.

Deputy Mattie McGrath: I commend Deputy Ó Caoláin for tabling this amendment. I followed the last Report Stage debate on 18 January. We do not want to go into what was said then by Deputies Jan O’Sullivan and Charles Flanagan. At the time, I understood the then Minister of State, Barry Andrews, had his hands tied on this matter and was frustrated by the situation. Many of the Opposition Deputies at the time — who now are in Government — were disappointed with the proposals contained in this rushed legislation.

The language used in this legislation is fundamental. There is a huge difference between the term “placement” and “detention”, especially for children who have been in care from a young age. I have a sister who has provided foster care for 30 years. Last Saturday, I attended the wedding of one her adopted children. It was wonderful to see the fruitful outcomes of foster care, the parents of which get little support from statutory authorities, who are sometimes opposed and have the heavy hand of the law placed on them.

The word “placement” is far more desirable than the term “detention”. Detention has all sorts of connotations going back to the foundation of the State and the 19th century. I appeal to the Minister to accept this amendment. The Technical Group supports this Sinn Féin proposal.

Deputy Frances Fitzgerald: When a young child is placed in care in a residential centre it is termed a “placement”. Special care involves the detention on an exceptional basis of an unoffending child for his or her own welfare and protection in a special care unit with on-site

educational and therapeutic support. It is very different to an ordinary placement. It is important this is understood from a legal point in the courts.

Thankfully, there are not that many children in such circumstances. The latest figures on 8 July show that 16 children are in special care orders. Several children, three in Scotland and one in the USA, have been placed abroad on the equivalent of special care orders, which shows it is hard to access these kind of care units in this country.

I understand the Deputies' concerns about the term. I have given much consideration to the legal advice on the use of the word "detention". The legislation must be clear that special care involves the detention of a child. Using another word could mislead and make the position uncertain in the courts and for the Health Service Executive, parents, guardians and the children themselves that special care does involve the detention of the child unlike other care services. The word "placement" does not reflect the child's situation.

The High Court makes the orders to provide special care for children which are called detention orders. In successive court judgments the term "detention" has been used. They have also been clear in their distinction between detention in a special care facility and detention under criminal statutes. Its use is not connected with any criminality on the part of the child. I accept Deputy Ó Caoláin's point about the implications of the term in common usage but it is exceptional for a child to be detained for his or her own care.

The Bill provides that the orders made by the High Court will be called special care orders. Nevertheless, the use of the word "detention" makes it clear that a child is detained under a special care order in a secure unit. There is no getting away from the fact that to provide this special care, the child requires to be detained. If this was not in place, the child could theoretically leave the care unit and would not be able to avail of the care he or she needs. From past experience we are aware that children can leave residential care and go missing.

Special care is only provided where it is in the best interests of a child and is used as a last resort when other forms of residential or community care are considered to be unsuitable in the circumstances. The Bill provides, however, that the duration of the order will be no longer than three months and that there will be a review every four weeks to ensure that a child is benefiting from being in special care. Regard is had to ensuring that a child will not be kept for unnecessarily long periods without a review taking place.

As already stated, special care is provided for children who require care to address behavioural issues, taking into account the risk of harm their behaviour poses to their life, health, safety, development, welfare and care requirements. Special care is provided for the most difficult care and welfare cases of children with the most severe social problems. The objective of special care is to provide a stabilising period of planned short-term care which will enable a child to return to less secure care as soon as possible or to return home. A special care order may be extended beyond three months on application to the High Court on two occasions only and to a maximum duration of nine months detention.

On the basis of the information I have provided, Deputies can see that special care is an extremely particular circumstance. Very few children are subject to special care orders. Where such orders are in place, they are subject to fairly rigorous review. I understand the concerns relating to this matter. However, I am strongly advised, from a legal perspective, that in the context of the courts, the Judiciary and the decision-making process relating thereto, it would cause extreme confusion if this term were not used in the Bill in this way.

Deputy Caoimhghín Ó Caoláin: At no time in the course of her response to the arguments I offered in support of my amendment did the Minister refer to detention orders or special detention placements. Rather, she referred to special placement orders and children placed in care. It was only at the very end that she utilised the term "detention". We must recognise that

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language is hugely important. Children can be made the subject of special placement orders and special care provision at the direction of the agencies of the State. However, the word “detention”, where it is used in phrases such as “detention orders” and “places of detention”, immediately suggests wrongdoing on the part of those who are being detained.

The word “detention” is offensive in the context of the cohort of young people whose interests we are addressing.

An Leas-Cheann Comhairle: I wish to point out for the information of the House that we are on Report Stage. The Deputy will have an opportunity to make a third contribution but his current contribution is limited to two minutes.

Deputy Caoimhghín Ó Caoláin: Do I have much time left for this contribution?

An Leas-Cheann Comhairle: Not too much.

Deputy Caoimhghín Ó Caoláin: We can talk our way around matters of this nature. The truth is, however, that outside this institution and in the context of the parsing of language, the understanding within the wider community is that people placed in detention are there on foot of some wrongdoing on their part. As the Minister indicated, that is not the case with the relatively small number of people about whom we are concerned.

Use of the word “detention” is wrong. It is outdated, belongs to a very different era and recalls echoes of an extremely bad past in respect of attitudes to children, mental health and a range of other areas. Thankfully, we have moved on in the context of the language employed in most of the areas to which I refer. Clearly, however, that is not the case in respect of the cohort of children to which I refer. That is a major mistake. I urge the Minister to reconsider the position.

Deputy Mattie McGrath: I understand how difficult it is for the Minister to deal with this matter, particularly as hers is a new portfolio. As stated earlier, I completely accept her bona fides.

Like Deputy Ó Caoláin, I am of the view that the word “detention” brings to mind the wrong connotations. As the Deputy stated, the majority of people outside the House would regard detention as being similar to imprisonment. The Minister obtained legal advice in respect of this matter. As everyone is aware, one can obtain legal advice from many sources. I intend no criticism of any persons who have held the office of Attorney General when I say this, but it is possible to obtain legal advice of a certain nature on one occasion and then at a later date the person offering it might put forward a different point of view.

This is an extremely sensitive matter. I am of the view that consideration should be given to changing the terminology used in the Bill in order to make it more user-friendly and get rid of the negative connotations attaching to the fewer than 20 people to which this provision relates. We are all aware of individuals who had to be detained or taken into care, sometimes for their own safety or else for that of their foster parents or members of the general public. We should try to come up with a more understanding and human description of what is involved. Incidents such as those which give rise to people either being placed in care or detained can be once-off in nature or else they can result from someone blowing off steam or whatever.

The professionals who operate in this area know best. However, we are trying to legislate in respect of the greater good of society into the future. I accept that it is difficult for the Minister but I suggest that perhaps there could be a meeting of minds on this matter.

Deputy Frances Fitzgerald: I really do not have much more to say. The word “detention” obviously has different meanings, including those to which the Deputies refer. We must consider that when it is used in the phrase “school detention” it is not assumed to imply criminality.

Deputy Mattie McGrath: The Minister is referring to buachaillí dána.

Deputy Frances Fitzgerald: I take the point Deputy Ó Caoláin makes. However, I am strongly advised that in the context of the legal definitions that are required in the legislation, the use of the word “detention” is necessary. It must be made clear that special care involves the detention of a child. To make it appear otherwise would be misleading in the context of what is actually happening. I have already outlined the kind of safeguards that are in place for the small number of children affected by this matter.

Deputy Caoimhghín Ó Caoláin: I will not belabour the point because I have already made my arguments in support of the amendment. A few months ago I reminded the Minister that this is the Child Care (Amendment) Bill 2009. It was presented to the House by the then Minister for Health and Children and the Report Stage debate is being taken by the Minister for Children and Youth Affairs. The legislation was not prepared and presented by the Minister for Justice and Equality.

The Bill relates to children and the word “detention” is simply and absolutely obsolete in the context of child care provision. The word “detention” belongs to legislation prepared by the Minister for Justice, Equality and Defence, Deputy Shatter, and his departmental officials. It is my strong opinion that it has no place in language relating to legislation overseen by the newly-established Department of Children and Youth Affairs. I again urge colleagues to support this amendment and appeal to the Minister to accede to the collective weight of the Opposition voices.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 10:

In page 45, between lines 42 and 43, to insert the following:

“(2) The Health Service Executive shall have regard to the views of the child, taking into consideration the child’s age and understanding. Prior to taking steps under this section, the court shall give such directions as are appropriate where the Health Service Executive proposes to take steps to which the child does not consent.”.

The need for this amendment is self evident and I urge the Minister to support it. The amendment addresses a significant gap in the Bill which has been identified by those working on the front line in this area. The Government needs to listen carefully to those informed concerns and needs to fill the legislative gaps and the gaps in service provision accordingly. It is not only those working at the front line who must be heard. As sought by this amendment, the child must be heard. The child must not only be heard, but must be listened to. This is an important principle which should be at the core of the legislation.

A position of unanimity on the part of the Opposition voices on children was taken on this back in January and the then Minister of State, former Deputy Barry Andrews, was strongly urged to accept this amendment. It is regrettable this amendment is necessary again. I would have hoped that some of the amendments for which both coalition parties currently in Government fought so strongly such a short time ago would now be part of the Bill, rather than a cause for argument on amendments presented at this stage. I would prefer to have turned the

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pages and found at least that this amendment was in the name of the Minister. That would have been something important.

It is important that the voice of the child is listened to. For too long, we have seen many situations where children were ignored. Critical decisions with regard to their circumstances and futures were taken without any regard whatsoever for the children's views, hopes and expectations, which were formed and based on their own experiences. We need to see a Child Care (Amendment) Bill that truly puts children at the centre of consideration but we will not do that if we perpetuate and continue a system that will not allow the child's voice to be heard and heeded.

I will conclude with these opening remarks on amendment No. 10. I strongly urge the Minister to accept the importance of this proposal.

Deputy Billy Kelleher: While I do not support this amendment, in the context of a child's age and understanding and in the context of language difficulties, for example children who may not have English as their first language, is there an obligation when assessing children to assess their understanding of what is happening? If there are language difficulties, is there an obligation on the authorities to assess the child's understanding? We could, for example, have a situation where a child has no understanding of what is happening because of language barriers or a situation where the HSE or other authorities might ignore that. Is there any obligation in the Bill to take this into consideration?

Deputy Frances Fitzgerald: I agree with Deputy Ó Caoláin it is of the utmost importance that regard should be given to the views of the child prior to the HSE taking steps under section 23ND, which includes provision where a child requires medical treatment while subject to a special care order. This Bill amends the Child Care Act 1991, where it is provided in section 3(2)(b)(ii) that the HSE in the performance of its functions to promote the welfare of children "shall, in so far as is practicable, give due consideration having regard to his age and understanding to the wishes of the child."

The point raised by Deputy Kelleher is very interesting and describes a situation that is arising more frequently, not only because of children who do not have English as a first language but also because of the sizeable number of children with speech difficulties. What the Child Care Act would say is that the best interests of the child must be at the centre of decisions. Therefore, if that is the case, the answer to the Deputy's question must be "Yes" and every effort must be made, whatever this implies in terms of interpretation. Whatever effort is needed to ensure that the best interests of the child are considered and that their wishes can be ascertained as far as possible must be made.

Section 3 has the same effect as the proposed amendment. Therefore, what the amendment proposes is already included in the Child Care Act 1991 and it applies to section 23ND. Also, under section 23ND(1)(b) of this Bill, the HSE is charged with promoting the welfare of the child. It states that the HSE should do whatever is reasonable, subject to this Part, to promote the child's health, development or welfare and to protect his or her life, health, safety, development or welfare having regard to all the circumstances of the child.

I addressed this issue of consent in my contribution on the Bill in the Seanad. On Committee Stage in the Seanad, an amendment was brought forward to insert a new subsection (3) in section 23ND, the effect of which is to ensure that any consent to medical treatment, which would have been effective if the provision had not been included, which gives the right to the HSE to consent is still effective. Thus, the HSE's right to consent does not affect the validity of any medical treatment decision which would lawfully be made by any other person, for

example, the parents, guardians or the child as appropriate. For those reasons, I do not consider it is necessary to accept the amendment.

I reiterate that the views of the child should be taken into account. It is essential that prior to the HSE taking steps under section 23ND, the wishes of the child are taken into account. This is essentially what the Deputy's amendment proposes, that the HSE should have regard to the views of the child, taking into consideration the child's age and understanding. I assure the Deputy the issue is dealt with and already covered in the legislation.

Caoimhghín Ó Caoláin: The views of the child should be regarded by the Health Service Executive prior to any steps being taken under section 23ND of the Child Care Act 1991, as inserted by section 9 of this Bill. I am not convinced by the Minister's proposition that there is absolute statutory provision for this requirement. She and I had a united position on this matter in the past, but that seems no longer to be the case. The Government parties have moved from a strong position of support and united appeal for the acceptance of this particular amendment. Can the Minister point to the section of the Bill where it is provided statutorily that the HSE shall have regard to the view of the child in these matters? I have identified no such provision. The Bill should be comprehensive, providing for all the situations that will present. The child's interest is strengthened by the inclusion of amendment No. 10.

Deputy Frances Fitzgerald: I will write to the HSE's director of child and family services regarding this matter in order to highlight again the importance of taking into account the wishes of the child, as set out in the Child Care Act 1991, and to reinforce the point that this applies in the case of special care orders. The issue the Deputy is raising is as much as practice issue as a legislative issue. It is covered from a legislative point of view, but we must ensure it becomes part of best practice. I will ask the director to bring this requirement to the notice of all persons involved in the procedures relating to special care.

Deputy Caoimhghín Ó Caoláin: I do not accept this requirement, which is imperative in addressing child care, is covered within the Bill. It is the critical additionality required in order to impose on the HSE and those working under its aegis in the area of child care an obligation that they adhere absolutely to what we are arguing for, namely, the right of children to be heard in the context of their health needs. We are leaving a weakness in a legislation by not taking on board amendment No. 10.

Deputy Frances Fitzgerald: Under section 24B of the 1991 Act, as inserted by section 9 of the Bill, in any proceedings before a court, due consideration must be given to the wishes of the child. As I said, the issue the Deputy is raising is more a question of implementing the legislation than a requirement for amendment. It is a practice issue. There is adequate provision for it in two sections in the legislation, but we must ensure it happens in practice when special care orders are being made.

Amendment put and declared lost.

An Leas-Cheann Comhairle: Amendments Nos. 11 and 12 are related and may be discussed together.

Deputy Frances Fitzgerald: I move amendment No. 11:

In page 62, line 16, to delete "a fine not exceeding €3,000" and substitute "a class B fine".

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These are technical amendments to section 23NP of the 1991 Act, as inserted by section 9 of the Bill, which provides for offences under the Bill. The amendments are proposed in accordance with section 5 of the Fines Act 2010 which provides that fines between €2,500 and €4,000 are class B fines.

Amendment agreed to.

Deputy Frances Fitzgerald: I move amendment No. 12:

In page 62, line 45, to delete “a fine not exceeding €3,000” and substitute “a class B fine”.

Amendment agreed to.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 13:

In page 64, to delete lines 1 to 8 and substitute the following:

“(a) the guardian *ad litem* appointed may appoint a solicitor to represent them in respect of those proceedings and give directions as to the performance of the solicitor of his or her duties, which may include, if necessary, having regard to the circumstances of the case, directions in relation to the instruction of counsel, and”.

This is an important proposal dealing with the statutory rights of the guardian *ad litem*. We must provide for a full understanding of the role and responsibilities of the guardian *ad litem* within this legislation in order to ensure there are no fault lines which allow for a loss of power to act in the interest of the child. The guardian *ad litem* must have full authority to seek all legal advices in the child’s interests, whether from a solicitor or a barrister, as the situation might require. It is important to have this certainty enshrined in the legislation. The interest of the child, through the role of the guardian *ad litem*, is strengthened in a clear and unequivocal way by the acceptance of amendment No. 13.

Deputy Frances Fitzgerald: The Child Care Act 1991 provides that in proceedings under Part IV, that is, care proceedings, where the child to whom the proceedings relate is not a party, the court may, if it is satisfied that it is necessary in the interests of the child and in the interests of justice to do so, appoint a guardian *ad litem* for the child. The provision of a guardian *ad litem* service is extremely helpful in terms of protecting children’s rights. Having done some work as a guardian *ad litem* when I worked as a social worker in the United Kingdom, I am aware of the importance of the service. There is a requirement for legislative change to review how the service is being operated and managed and to provide greater clarity on criteria and so on. I will consider that requirement in bringing forward legislation to establish a child and family support agency.

The guardian *ad litem* provides information to the court on what is in the best interests of the child and informs the court of the child’s view. While guardians *ad litem* are not appointed in all care cases, they are appointed in all special care cases. The initial objective of section 12 of the Bill is to provide a similar provision in regard to special care. I am sympathetic to the view that a child who is the subject of a special care application should have a right to legal representation and to a guardian *ad litem*. There are very few children in the country affected by special care orders and those who are have substantial care needs. Moreover, they are usually in a crisis situation and require the type of detention and support services we have spoken about.

I have given every consideration to the Deputy's amendment, but I cannot accept it. However, following consultation with the Attorney General's office, I propose to bring forward an amendment to section 12. The amendment I propose will in essence delete subsection (2C)(a) of section 12(c) the effect of which will be to take away the discretion of the judge in the area of the appointment of legal representatives to guardians *ad litem*. Therefore in this aspect of the guardian *ad litem* service there will be no difference to what is currently the situation. As a result of this amendment, other amendments within the section may be needed. While I am not in a position to make this amendment this morning, I will bring the amendment to the Seanad next week and I will return to the Dáil for its approval of the amendment.

I hope this goes some way to reassuring the Deputy on the matter, even if I am not accepting his amendment. I will obviously take account in drafting the alternative amendment the drafting of Deputy Ó Caoláin's amendment. I will bring it to the Seanad and it will return to the Dáil.

Deputy Caoimhghín Ó Caoláin: I thank the Minister for her response, indicating that she intends to bring forward an amendment in the Seanad. May I clarify if the Bill will come back to the Dáil before the end of the session?

Deputy Frances Fitzgerald: Next week.

Deputy Caoimhghín Ó Caoláin: Will we have the chance to conclude all stages of the Bill?

Deputy Frances Fitzgerald: Yes.

Deputy Caoimhghín Ó Caoláin: Where I stand in all of that will be reached when I table my next amendment. I welcome the Minister's willingness to take on board what I proposed in amendment No. 13, as tabled on the Report Stage amendment list. I look forward to seeing the outworking of that by the Minister.

Deputy Michael McNamara: I greatly welcome the Minister's commitment to re-examine this proposal in the Child Care (Amendment) Bill and to examine Deputy Ó Caoláin's proposed amendment which very much mirrors Deputy Flanagan's proposed amendment when this matter was discussed during the previous Dáil. We are all very aware of the importance of the guardian *ad litem* in proceedings. Indeed, the guardian *ad litem* is the only person really who acts in the best interests of the child and one of the important amendments introduced by this Bill is to define the role of the guardian *ad litem* and to state specifically that they promote the best interests of the child and convey the views of the child concerned to the court. It is, of course, increasing common practice for guardians *ad litem* to seek and be represented in court. The reality is that it is not always required for a guardian *ad litem* to be legally represented in court, much less to obtain the representation of counsel in court. I fear that were Deputy Ó Caoláin's amendment to be adopted today, the result would be that the costs incurred by a guardian *ad litem* in the reasonable discharge of their duties would be borne by the HSE, or effectively by the Exchequer. However, the effect of saying that the guardian *ad litem* may appoint a solicitor to represent them and "if necessary, having regard to the circumstances of the case, directions in relation to the instruction of counsel," would seem to run contrary to the provision that only costs in the reasonable discharge of their duty be discharged by the State because it would effectively encourage or almost require a guardian *ad litem* to be legally represented in court.

I think it would create a great deal of legal confusion and for that reason I greatly welcome the Minister's commitment to have this matter further discussed in the Seanad before its return to this House. I think that demonstrates this Government's commitment to the rights of the child and to ensure that the rights of the child are vindicated in any child care proceedings before the court. On that basis I greatly welcome it.

An Leas-Cheann Comhairle: How stands amendment No. 13?

Deputy Caoimhghín Ó Caoláin: On the basis of the Minister's indication, I am happy to withdraw it. I look forward to seeing the wording of the Minister's amendment.

Amendment, by leave, withdrawn.

Deputy Caoimhghín Ó Caoláin: I move amendment No. 14:

In page 67, between lines 25 and 26, to insert the following:

“22.—Section 45 (as amended by the Act of 2004) of the Principal Act is amended by substituting the following section for section 45—

“45.—(1) (a) Where a child leaves the care of the Health Service Executive, the Executive shall, in accordance with subsection (2), assist him or her for so long as the Executive is satisfied as to his or her need for assistance and, subject to paragraph (b), he or she has not attained the age of 21 years.

(b) Where that person attains the age of 21 years, the Executive shall continue to provide such assistance until the completion of the course of education in which he or she is engaged.

(2) (a) The Health Service Executive shall assist a person under this section in one or more of the following ways—

(i) by causing him or her to be visited or assisted;

(ii) by arranging for the completion of his or her education and by contributing towards his or her maintenance while he or she is completing his or her education;

(iii) by placing him or her in a suitable trade, calling or business and paying such fee or sum as may be requisite for that purpose;

(iv) by providing a residential aftercare programme for him or her;

(v) by co-operating with housing authorities in planning accommodation for children leaving care on reaching the age of 18 years;

(vi) by arranging for any existing or emerging health care needs to be addressed by appropriate qualified persons.

(b) For the purposes of this section, the Minister shall prescribe the manner in which aftercare may be provided.

(3) In providing assistance under this section, the Executive shall comply with any general directions given by the Minister.

(4) For the purposes of this section, the reference in subsection (1)(a) to the care of the Health Service Executive includes special care provided under Part IVA (as amended by the Child Care (Amendment) Act 2011).”.”.

This represents the key amendment required to the Child Care (Amendment) Bill 2009 [Seanad]. It addresses the need for, and I believe, the absolute right to statutory aftercare. It should be a statutory right of all young people placed in State care that provision be made for their aftercare.

I remember putting the comments of the Ombudsman for Children on record in January. They merit reiteration. The Bill needs to be amended to impose a positive obligation on the State to provide aftercare for every child in care whether they are in voluntary care or in care under a care order, supervision order or under a special care order at least until they are 21. The care plan for each child should address this issue at least two years before the child's eighteenth birthday and foster care support should be extended to cover the entire period of aftercare of the child or young person. The young person should be involved in the case review of the care plan and his or her concerns should be noted and addressed in the review prior to leaving care. Where special difficulties arise, a connection with an appropriate support agency should be made in advance of the exit from care.

That is a very strong statement from Ms Emily Logan on the requirement to amend this Bill, as amendment No. 14 seeks to do.

I referred earlier to Focus Ireland. It is important to remember that Focus Ireland is providing aftercare and dealing with the consequences of the failure of the State to provide aftercare for children attaining their eighteenth birthday. The views of the Ombudsman for Children cannot be ignored in this regard. I will give voice to the views of two young people who have benefited from Focus Ireland's support services. I refer to Focus Ireland's own website on Focus Ireland's Right to Aftercare Campaign. There were more than 5,000 e-mails lobbying the former Minister in regard to calling for a legal right to aftercare. I wonder what is the situation since the establishment of the Department of Children and Youth Affairs. I wonder if there has been extensive lobbying on this matter over the period leading to today's deliberations. The Internet campaign hosted by Focus Ireland was launched by two young people who had used Focus Ireland's aftercare services and one of the young people concerned stated:

Most people don't realise that when a young person in care reaches 18 the State no longer has any legal obligation to support them. People can be left to fend for themselves and can run into many problems including becoming homeless if they do not have any one to turn to for support

Another young woman of 19, who was previously homeless, who had recently moved from Focus Ireland's aftercare project to temporary accommodation to help her make the transition to independent living said: "I think it is really important there is a legal right to aftercare to support young people and to help prevent them from becoming homeless in the first place".

During the brief discussion on the facilitating motion at the outset of the debate, I referred to the absolute need to recognise that this is an essential part of the legislation.

I referred to the argument of the previous Government, anticipating how the Minister might respond. She is taking exactly the same position as her predecessor, the former Minister of State, Barry Andrews. He argued there was strong legal advice stating that the provision of aftercare is non-discretionary and must be provided when a care professional judges there is a need. The argument is that "may" means "shall". I wish it did but it does not, all too sadly, and because of that there is a need for a statutory requirement on the care services and the State to ensure young people in State care, on attaining their 18th year, are not left on their own facing the prospect of homelessness and facing, as some sadly have, the woes that come from an oftentimes all too short life engaging in drug misuse, crime and serious antisocial behaviour.

The current Minister was the Leader of the Opposition in the Seanad when Barry Andrews addressed the Seanad and said the provision of aftercare for young people leaving State care situations was a postcode lottery and that it needed to be worked on even if additional resources were required. It is sad that the amendments proposed by the Opposition last January were not accepted by the House. We would be compounding the hurt and disappointment if

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this amendment was to fail also at the second bite at it. The Government is now made up of the two main voices for the arguments in support of this amendment last January. I fully supported the amendment and, with minor adjustments, my wording mirrors the amendments tabled by Deputy Charles Flanagan, who was then the Fine Gael spokesperson on children, and the Minister of State, Deputy Jan O'Sullivan, who was then the Labour Party spokesperson on health and children. We made a strong argument in support of the amendment, which created a division in the House. It was defeated not by the margins we know in the House today, but by 79 votes to 67. Compared to current numbers, we ran the Government of the day close. I hope the two major parties involved in proposing that amendment, who are now in government with such a huge majority, will ensure the statutory entitlement to aftercare is enshrined in this legislation.

This is of such importance that it influences our position in regard to this legislation and its passage through this House today and next week if it is to come back, as indicated by the Minister. It is of such crucial concern that we would be failing in our duty to young people if we were not to guarantee the right to aftercare for all young people placed in State care. I again appeal to the Minister to respect the voices from the component parties previously in this House, to respect the views of the Ombudsman for Children, and to respect the views of a plethora of NGOs, including Barnardos, who have campaigned strongly to enshrine a statutory right to aftercare.

I ask the Minister to recognise the imperative because this is not just something that can be taken or not taken. This is a litmus test of how the new Department of Children and Youth Affairs will go about its work and how serious it is in ensuring the rights of children in State care are guaranteed not only in respect of time in care placements, but that they will also be cared for afterwards and given a good start in adult life.

Deputy Frances Fitzgerald: The Department will pass that test because I am committed to the provision of quality aftercare service. I mentioned how critical I believe it is and section 45, the aftercare provision, will be examined to see if there is merit in making regulations to make clear that children who require aftercare get the service they need. The legal advice is that there is an obligation on the HSE to provide the aftercare service under section 45 of the Child Care Act 1991. It is non-discretionary and my Department has been in contact with the HSE to make that absolutely clear. This is not a discretionary service but one the HSE must provide if there is a need for assistance and if the HSE forms a view to provide services in accordance with the section, subject to resources as it always will be. The Department has made it clear to the HSE on a number of occasions that an appropriate aftercare service must be developed.

A national aftercare policy is being developed by the HSE in co-operation with the stakeholders in this area. We are determined that there will be consistency. An aftercare implementation group is also working on this, with representatives of some of the organisations mentioned by Deputy Caoimhghín Ó Caoláin and from the organisation that represents young people who have been in care. Some ten additional after care posts are in the process of being filled. The contracts will include a need for flexible hours. The legal advice is that the provision of aftercare under section 45 is legally sound but I will monitor the implementation of it and, if necessary, I will introduce regulations to spell out what is implied by the legislation, as has been done in the north of Ireland. My Department will work on this and, when we introduce the new legislation to establish the child and family support agency, this is an area I will examine.

We need time to bring together practice and experience around the country in respect of aftercare. I need more information on what is happening but there is a legal obligation for young people who need aftercare. There has not been enough focus on this area and the

importance of ongoing services and support to a young person brought up in residential care is underestimated. Young people who have been in residential care are often very vulnerable. There have been dreadful instances of young people left to fend for themselves. It is very frightening and challenging for them. I listened to these young people telling the story of what happened to them. That did not happen in a State that respects the United Nations Convention on the Rights of the Child.

I was struck by the Ombudsman's report on this issue. She referred to the UN guidelines on the alternative care of children and the systematic way the State should approach helping young people who have been in care to plan for life after care. It refers to the standards and that the process of transition from care to aftercare should take into consideration the child's gender, age, maturity and particular circumstances and that it should include counselling and support, notably to avoid exploitation. It states that children leaving care should be encouraged to take part in the planning of after care life, that children with special needs need particular help and so on. There is a way that aftercare should be prepared for and implemented and every child who has been in care should have their needs for aftercare properly assessed during the course of their period in care and coming up to the time when the care period, from a legal point of view, is over. I have no problem examining whether we need regulations but the legal advice is that there is a statutory obligation on the Health Service Executive to provide this type of service.

There are practice issues. I want to examine the practice throughout the country, bring the report of that together and determine if statute and regulations would help to ensure that what exists in law is being implemented for children who are leaving care.

Deputy Caoimhghín Ó Caoláin: There is a lot in what the Minister said about her intention to examine, evaluate, check this and check that. She referred to an obligation on the HSE. What we need is a statutory responsibility on the HSE. It is not that young people leaving State care at 18 should be at the mercy and the discretion of the HSE, which has often been the case. It is fine for the Minister to say it is the practice she wants to address. It is the practice I want to address but I believe that one of the essential tools in addressing it is the statutory responsibility in the first instance and this is a golden opportunity because we are getting a second bite at it. The last Government failed to conclude its work in this regard *vis-à-vis* the passage of this Bill and we found ourselves in a general election. I would have thought, all these months later, that the suggested action the Minister is proposing to take to examine, investigate and so on would be done.

A huge amount of work, examination and exploration was done in advance of dealing with this Child Care (Amendment) Bill 2009 in advance of its address here on Report and Final Stages in January 2011 and we are still kicking the can down the road in regard to the statutory right of young people to aftercare on attaining their 18th birthday.

I read some of the contributions from the debate last January. These were good and strong voices and I wish that they were still in this House arguing and fighting these particular corners today. They are people for whom I have a long respect. I speak of the Minister of State, Deputy Kathleen Lynch, who, in response to the same position being articulated by the then Minister of State, Deputy Andrews, stated:

I cannot take seriously any proposal regarding a children's referendum if we continue to legislate to ensure that people do not have a right to after care. I ask the Minister of State to go away and think about this again. When he is framing the legislation, he should ask himself if his child would be safe on the street at 18.

I fully concur with those views.

Acting Chairman (Deputy Joe O'Reilly): Deputy Ó Caoláin must conclude.

Deputy Caoimhghín Ó Caoláin: Is my constituency colleague telling me my time is up?

Acting Chairman (Deputy Joe O'Reilly): I am afraid so.

Deputy Caoimhghín Ó Caoláin: Thank you. I did not notice the change of course in the Chair.

I ask the Minister of State to listen to all of these voices. I could cite *ad nauseam* and also from the Ombudsman for Children. These are important voices that must be respected, and kicking the can down the road is not good enough in this regard. We need to do this, and we need to do it now.

Acting Chairman (Deputy Joe O'Reilly): Thank you, Deputy Ó Caoláin. I had acted as a constituency colleague and allowed you a little extra time.

Deputy Caoimhghín Ó Caoláin: Thank you very much.

Deputy Alex White: I take the opportunity of congratulating the Minister on her appointment. I know it is some months ago now but I have not had an opportunity to do so in the House and wish her well in her new position. As she will recall, we soldiered together in the Upper House, as did the Acting Chairman, on many issues, including on this one. We were also members together on the constitutional committee dealing with the children's referendum, with others. Knowing the Minister as I do and listening to her again this morning, there could be no doubt in any reasonable person's mind of the Minister's commitment on the question of the provision of aftercare.

I do not believe there is any quarrel with anything Deputy Ó Caoláin said at some length in regard to the arguments and the rationale for aftercare provision. There is not a quibble about anything he has said. He asked where were all the voices that were here last year and in January. They are still here. Some of us were in the Upper House and are here now. There are others who have come into this House and some who were here previously. Those voices have not changed their minds on this issue, notwithstanding Deputy Ó Caoláin's attempt to portray the position otherwise. We do not need convincing in regard to the vital necessity of the provision of after care. We do not have to be persuaded, with all due respect, either by Deputy Ó Caoláin or anybody else. The argument is forceful, compelling and it cannot be denied.

The issue is the bringing about of the practice, as the Minister has said, the introduction of the service. I do not underestimate the importance of a statutory provision, and I do not criticise Deputy Ó Caoláin for making the point that if something is set out in a statute it has considerable force, but we had the argument repeatedly about "may" versus "shall" in the Seanad and it is not clear to me how productive that debate is. If Deputy Ó Caoláin genuinely felt that the continued use of the word "may" was inserted in the Bill in bad faith, in other words, to facilitate a Minister or a Government in not doing what is stated was the intention to do, I would have some sympathy with Deputy Ó Caoláin in his criticism of the use of the word "may" as opposed to "shall". The fact is that this service shall be provided and in my view will definitely be provided, given what the Minister said. If it requires statutory underpinning or underpinning by way of regulation the Minister has given a solemn undertaking to this House that she will do that. I am prepared to accept that undertaking from the Minister and from the Government. I do not see any reasonable basis for doubting that commitment the Minister has given.

I am glad Deputy Ó Caoláin has resumed his normal, more familiar reasoned stance in the course of this debate, which was absent for a little while earlier this morning, and that he is in

better form now in regard to this issue because I believe he will see, as a reasonable person, that this clear intention articulated by the Minister will be implemented.

I am aware that professionals are in the process of being recruited or are already appointed in this area. Employing people and appointing them to positions to do a job is an instance of the Government's good faith and intentions. If it was hiding behind the word "may" and pretending it would do something, saying one thing in here while intending to do something else would not be consistent with appointing people to do the job. One should not be concerned that anybody on this side of the House, be he in the Labour Party or Fine Gael, is resiling. I can only speak for myself, and perhaps my colleagues in the Labour Party, on the issue of children's rights. The Minister can speak ably on behalf of the Government thereon. There is every intention to provide the service committed to. It is a vital service.

Deputy Ó Caoláin quoted Focus Ireland. Focus Ireland has been a leader on this issue and deserves the respect of us all. It has offered advice and has lobbied, as is its right, and has continued to make its argument in a very compelling way. Its argument and lobbying have translated into a commitment on the part of the Government. That is a solemn commitment that will be honoured. I appeal to colleagues to recognise that the commitment to provide the service will be honoured and that regulations will be introduced, if necessary.

Deputy Michael McNamara: Deputy Ó Caoláin, in the course of discussing this amendment, prevailed on this side of the House to listen intently to what he had to say. We listened to his Cassandra-like outburst on the Order of Business this morning, his somewhat calmer interjection on the debate on the motion and his much-more-reasoned arguments just now. If I understand him correctly, he acknowledges there is a statutory duty to provide an after-care service but is concerned it is not being provided in practice. He accused the Government of kicking the can down the road. However, he has not listened to what we on this side of the House, particularly the Minister, have had to say. He has not noted what she has done since taking office to meet the obligation to provide an aftercare service.

I join my colleagues in the Labour Party in applauding the Minister for her efforts, which include the introduction of a national aftercare policy, the establishment of an aftercare implementation group and, in particular, the recruitment of ten new staff to deal with this very important matter, notwithstanding the public service recruitment embargo. These are not the actions of a Government that wishes to hide behind words or semantics, as was pointed out. They are the actions of a Government that is intent on vindicating the rights of children and those who are no longer children but who are still vulnerable as a result of what they experienced as children. The latter, aged between 18 and 21, are the people to whom the Deputy referred in his amendment. I suggest that Deputy Ó Caoláin recognise, as we have recognised, what the Government is actually doing. On the basis of what I have said, I believe Deputy Ó Caoláin's amendment is redundant.

Deputy Ciara Conway: I echo the words of my Labour Party colleagues in welcoming the Minister's commitment in this area. We are very fortunate to have a Minister responsible for children and who has practice experience. As a practitioner, I believe there has been a void in this regard.

The HSE has committed to providing an aftercare service for the vulnerable people but the reality is that there is no consistency in how it is applied throughout the country. It is often personality driven and *ad hoc*, which is not good enough. The Minister has committed on the floor of the House today to ensuring regulations will be introduced, if required. This is to be commended.

This Government is different from its predecessor because it has a vision on how to deal with children. There was a void in regard to child protection during the term of the last Govern-

[Deputy Ciara Conway.]

ment and there was no talk of establishing a child protection agency. The current Government has a vision; it knows where it is going and knows what it wants to do. The issue has been kicked down the road by many Governments over the years. We are committed to looking after vulnerable young people and ensuring the provision of quality aftercare. As matters stand, an aftercare worker could be assigned to a child but this would not imply the child is receiving a service. The Minister is committing, therefore, to ensuring we find out what is taking place and how children are being cared for. This is one of the strongest statements one can make, particularly in respect of an area that has been neglected in recent years.

We are very lucky to have a full Ministry for children for the first time in the State, and to have a Minister with practice experience and knowledge of this issue, which is broad and difficult to tackle. The partners in the Government are committed to dealing with this issue over the coming years.

Deputy Frances Fitzgerald: I thank the Deputies for their comments on the provision of the aftercare service. It is clear from what they said that the importance of the aftercare service is recognised. I understand Deputy Ó Caoláin's reason for highlighting this. The service is critical because the practice has not been good in the past. As my colleagues stated, there is a move towards a national implementation policy, recruiting staff, examining consistency of practice and ensuring that aftercare is regarded as critical for those who need it. Not all young children who leave care need or want such a service; some are independent and get on with their lives.

The legal advice is that the provision in question establishes a mandatory obligation to provide aftercare where a need has been established for such care on foot of an assessment. The HSE has a duty to form a view on whether each person leaving care needs assistance. It is not correct, therefore, to state legislation that puts an obligation on the HSE in this regard is missing. The UN obligations to which the Ombudsman for Children referred require that an assessment of need be carried out by the HSE in regard to all children in care. There is a need to assess whether a child or young person needs an aftercare service. The advice is very clear. I reassure Deputies that the legislation, as drafted, obliges the HSE to do what I have outlined.

To ensure there is no doubt about this matter, and to emphasise the importance of aftercare services, in accordance with subsection 45(4) of the Child Care Act a policy directive was issued to the HSE last year clarifying the issue and directing the executive to do the work required in this area. There has been contact with the relevant authorities, therefore. I have discussed the matter in the presence of the national director of children and family services of the HSE. We recently attended a conference run by young people who have been in care through EPIC, the group that supports young people who were in care and works with them highlighting this issue. There is a quantum change in the understanding of the importance of aftercare, not least because of the work young people themselves have done.

The legal advice is absolutely clear in that there is a mandatory obligation to provide aftercare. It has been provided in a discretionary manner in the past but it is now mandatory. It is now a matter of ensuring that practice reflects what the legislation stipulates. I hope this clarifies the concept of aftercare. There is no lack of support on this side of the House and no underestimation of the importance of aftercare. We want to see proper aftercare provided for young in care and those who still have needs when they leave care. The HSE has an obligation to provide such aftercare.

The issue of resources will always arise in the provision of services but there is a legal obligation to provide aftercare and there are improved actions in regard to providing and developing the aftercare service. New staff are being recruited. There is a new understanding that this is an important part of providing care to children who have been in the care of the State.

Deputy Caoimhghín Ó Caoláin: I do not know how to describe the circumstances that obtain. With respect to Deputies White and McNamara, there was an almost jocund effort to refer to my efforts this morning to ensure we had this debate. We were not to have the debate but I argued the case for it. It was only before coming into the House to deal with Report Stage of the Bill that I received notice that my amendment would not be taken. I make no apology for putting forward the strongest challenge to this decision and I have told the House twice already that I welcome the move to overturn that decision and to allow us have this debate. I hope Members recognise that it is very important that we did.

There is no unreasonableness on my part. I do not have to be convinced of the bona fides of the Minister, Deputy Fitzgerald. I have acknowledged it on many occasions and there is no stronger voice in support of the establishment of the Department in this House than mine. All that said, we are failing to recognise an important point. It is not good enough to state there is a mandatory obligation. I believe there is a mandatory obligation on the House to ensure there is a statutory requirement and an enforceable right for young people on attaining their 18th birthday to have the necessary State care and support they will need facing out into the world at that young age, coming from the circumstances they have and without many of the supports familial, community *et al* that so many of us enjoyed in embarking on those first steps into young adulthood. Making commitments, however genuinely expressed, are not enough at this point. This is a Bill which has spent two years going through various stages of address and a second bite in a six-month period and we cannot get this firmed down. The statutory right should be enshrined in the legislation and I strongly hold to this view. I will not add further to this. I have put the arguments and heard the responses.

Deputy Frances Fitzgerald: I have told the Deputy it is statutory and mandatory as it stands at present.

Amendment put:

The Dáil divided: Tá, 24; Níl, 110.

Tá

Adams, Gerry.
Collins, Joan.
Colreavy, Michael.
Crowe, Seán.
Daly, Clare.
Doherty, Pearse.
Donnelly, Stephen.
Ellis, Dessie.
Ferris, Martin.
Fleming, Tom.
Healy, Seamus.
Higgins, Joe.

McDonald, Mary Lou.
McGrath, Finian.
McGrath, Mattie.
McLellan, Sandra.
Murphy, Catherine.
Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.
O'Brien, Jonathan.
O'Sullivan, Maureen.
Pringle, Thomas.
Stanley, Brian.
Tóibín, Peadar.

Níl

Bannon, James.
Barry, Tom.
Breen, Pat.
Broughan, Thomas P.
Browne, John.
Bruton, Richard.
Burton, Joan.
Butler, Ray.
Buttimer, Jerry.
Byrne, Catherine.

Byrne, Eric.
Calleary, Dara.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Collins, Niall.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.

Níl—continued

Coonan, Noel.	McFadden, Nicky.
Corcoran Kennedy, Marcella.	McGinley, Dinny.
Costello, Joe.	McGrath, Michael.
Cowen, Barry.	McGuinness, John.
Creed, Michael.	McHugh, Joe.
Daly, Jim.	McLoughlin, Tony.
Deasy, John.	McNamara, Michael.
Deenihan, Jimmy.	Maloney, Eamonn.
Deering, Pat.	Mathews, Peter.
Doherty, Regina.	Mitchell, Olivia.
Donohoe, Paschal.	Mitchell O'Connor, Mary.
Dooley, Timmy.	Moynihan, Michael.
Dowds, Robert.	Mulherin, Michelle.
Doyle, Andrew.	Murphy, Dara.
Durkan, Bernard J.	Murphy, Eoghan.
English, Damien.	Nash, Gerald.
Farrell, Alan.	Naughten, Denis.
Feighan, Frank.	Nolan, Derek.
Ferris, Anne.	Noonan, Michael.
Fitzgerald, Frances.	Ó Fearghail, Seán.
Fitzpatrick, Peter.	Ó Ríordáin, Aodhán.
Flanagan, Terence.	O'Dea, Willie.
Fleming, Sean.	O'Donnell, Kieran.
Hannigan, Dominic.	O'Dowd, Fergus.
Harrington, Noel.	O'Mahony, John.
Harris, Simon.	O'Reilly, Joe.
Hayes, Tom.	Penrose, Willie.
Heydon, Martin.	Perry, John.
Howlin, Brendan.	Phelan, Ann.
Humphreys, Heather.	Phelan, John Paul.
Humphreys, Kevin.	Rabbitte, Pat.
Keating, Derek.	Reilly, James.
Keaveney, Colm.	Ryan, Brendan.
Kehoe, Paul.	Shatter, Alan.
Kelleher, Billy.	Smith, Brendan.
Kelly, Alan.	Spring, Arthur.
Kenny, Seán.	Stagg, Emmet.
Kirk, Seamus.	Stanton, David.
Kyne, Seán.	Timmins, Billy.
Lawlor, Anthony.	Troy, Robert.
Lynch, Ciarán.	Tuffy, Joanna.
Lynch, Kathleen.	Varadkar, Leo.
Lyons, John.	Wall, Jack.
McCarthy, Michael.	Walsh, Brian.
McEntee, Shane.	White, Alex.

Tellers: Tá, Deputies Aengus Ó Snodaigh and Catherine Murphy; Níl, Deputies Emmet Stagg and Paul Kehoe.

Amendment declared lost.

An Ceann Comhairle: As we have passed 2 p.m., the time fixed for completion of the Bill, I am required to put the following question in accordance with an order of the Dáil of this day: “That the amendments set down by the Minister for Children and Youth Affairs and not disposed of are hereby made to the Bill, Fourth Stage is hereby completed and the Bill is hereby passed.”

Question put and agreed to.

Deputy Caoimhghín Ó Caoláin: I am pleased to record that the Bill is agreed.

Criminal Justice Bill 2011: Order for Report Stage

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

Question put and agreed to.

Criminal Justice Bill 2011: Report and Final Stages

Minister for Justice and Equality (Deputy Alan Shatter): I move amendment No. 1:

In page 21, line 31, after “refused” to insert “without reasonable excuse”.

This amendment applies to section 15, which deals with court orders to produce documents or provide information. The amendment seeks to deal with a procedural issue regarding that section which has been brought to the attention of my Department. The aim of the amendment is to ensure that where a person from whom information has been requested by the gardaí puts forward an excuse for not providing the information the court will be able to consider the reasonableness of the excuse in deciding whether to make an order under section 15 requiring the person to provide the information.

This is a technical amendment.

Amendment agreed to.

Acting Chairman (Deputy Joe O’Reilly): Amendments Nos. 2 and 3 are related and may be discussed together.

Deputy Alan Shatter: I move amendment No. 2:

In page 26, line 28, after “document” to insert “(within the meaning of this Act)”.

This is an amendment to section 18. The purpose of this amendment and amendment No. 3 is to clarify the link between section 18, which provides for presumptions relating to documents, and section 5 of the Criminal Evidence Act 1992, which provides for the admissibility of certain documentary evidence compiled in the ordinary course of business.

The amendment makes it clear that for the purposes of the presumptions in subsections 18(2) and 18(3) the word “document” will mean a document as defined in section 2 of this Bill rather than the narrower meaning given to that word by the Criminal Evidence Act 1992.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 3:

In page 26, line 29, after “1992 applies” to insert the following:

“or would apply if the document were reproduced in permanent legible form”.

Amendment agreed to.

Acting Chairman (Deputy Joe O’Reilly): Amendments Nos. 4, 5 and 8 may be discussed together.

Deputy Alan Shatter: I move amendment No. 4.

In page 27, between lines 34 and 35, to insert the following:

[Deputy Alan Shatter.]

20.—(1) An employer shall not penalise or threaten penalisation against an employee, or cause or permit any other person to penalise or threaten penalisation against an employee—

(a) for making a disclosure or for giving evidence in relation to such disclosure in any proceedings relating to a relevant offence, or

(b) for giving notice of his or her intention to do so.

(2) Schedule 2* shall have effect in relation to an alleged contravention of subsection (1).

(3) Nothing in paragraphs (a), (c), (d), (e) and (f) of the definition of “penalisation” shall be construed in a manner which prevents an employer from—

(a) ensuring that the business concerned is carried on in an efficient manner, or

(b) taking any action required for economic, technical or organisational reasons.

(4) (a) If penalisation of an employee, in contravention of subsection (1), constitutes a dismissal of the employee, as referred to in paragraph (a) of the definition of “penalisation”, the employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian, with his or her consent) may institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2007 or to recover damages at common law for wrongful dismissal and, if the employee or his or her parent or guardian, as the case may be, does so, a complaint of such dismissal may not be presented to a rights commissioner under paragraph 1(1) of Schedule 2.

(b) If an employee (or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian, with his or her consent) presents a complaint to a rights commissioner under paragraph 1(1) of Schedule 2 in respect of a dismissal referred to in paragraph (a), the employee or his or her parent or guardian, as the case may be, may not institute proceedings in respect of that dismissal under the Unfair Dismissals Acts 1977 to 2007 or to recover damages at common law for wrongful dismissal.

(5) For the purposes of this section and Schedule 2, a reference to “dismissal” includes—

(a) a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2007, and

(b) a dismissal wholly or partly for or connected with the purpose of the avoidance of a fixed-term contract being deemed to be a contract of indefinite duration under section 9(3) of the Protection of Employees (Fixed-Term Work) Act 2003.

(6) In this section, section 21 and in Schedule 2—

“contract of employment” means a contract of employment or of service or of apprenticeship, whether the contract is express or implied and, if express, whether it is oral or in writing;

“disclosure”, in relation to an employee, means a disclosure by the employee to a member of the Garda Síochána of information which he or she knows or believes might be of material assistance in —

(a) preventing the commission by any other person of a relevant offence, or

(b) securing the apprehension, prosecution or conviction of any other person for a relevant offence;

“employee” means a person who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer;

“employer”, in relation to an employee, means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment, and includes—

(a) a person (other than an employee of that person) under whose control and direction an employee works, and

(b) where appropriate, the successor of the employer or an associated employer of the employer;

“penalisation” means any act or omission by an employer, or by a person acting on behalf of an employer, that affects an employee to his or her detriment with respect to any term or condition of his or her employment, and, without prejudice to the generality of the foregoing, includes—

(a) suspension, lay-off or dismissal,

(b) the threat of suspension, lay-off or dismissal,

(c) demotion or loss of opportunity for promotion,

(d) transfer of duties, change of location of place of work, reduction in wages or change in working hours,

(e) the imposition or the administering of any discipline, reprimand or other penalty (including a financial penalty),

(f) unfair treatment,

(g) coercion, intimidation or harassment,

(h) discrimination, disadvantage or adverse treatment,

(i) injury, damage or loss, and

(j) threats of reprisal.”

This very important amendment arises out of the discussion we have had on the Bill. I thank the Deputies opposite for that discussion, which was helpful in improving aspects of the Bill.

During the debates on Second Stage and Committee Stage, a number of Deputies raised the issue of whistleblower protection. I agreed that there is a need to make provision for the protection of persons who disclose information to the Garda Síochána in relation to relevant offences, as required by section 19, to ensure that such persons will not suffer penalisation in the workplace. Accordingly, I brought forward amendments to provide for protection against dismissal or other penalisation for persons who provide information to the gardaí. The provisions are similar to the whistleblower protections provided in the Prevention of Corruption (Amendment) Act 2010.

[Deputy Alan Shatter.]

The provision of whistleblower protection in the Bill does not conflict with the commitments in the agreed programme for Government relating to the introduction of whistleblowing legislation generally. There is a need to provide for specific whistleblower protection in this Bill because it is intended that it will be enacted before the summer recess and I do not wish to delay enactment of the Bill pending the enactment of the more comprehensive whistleblower protection legislation which we hope to see later this year.

Amendment No. 4 proposes to insert a new section 20 into the Bill, to provide protection for employees from penalisation for disclosing information relating to relevant offences. Subsection 20(1) prohibits an employer from penalising an employee for making a disclosure to the Garda Síochána in relation to a relevant offence, for giving evidence in relation to that disclosure in any proceedings for a relevant offence or for giving notice of his or her intention to do so. Subsection 20(2) provides that Schedule 2, to be inserted by amendment No. 8, will have effect in relation to an alleged contravention of subsection 20(1). Schedule 2 sets out the procedure for taking complaints before a rights commissioner and the Labour Court. Subsection 20(3) provides that the definition of “penalisation” in section 20 will not prevent an employer from ensuring that the business concerned is carried on in an efficient manner or from taking any action required for economic, technical or organisational reasons. Subsection 20(4) provides that where an employee wishes to seek redress for having been penalised by dismissal he or she may choose either the remedies available under this Bill or those under the Unfair Dismissals Act or at common law for wrongful dismissal, but not both. Subsection 20(5) sets out certain types of dismissal that are to be included within the meaning of the term “dismissal”. Subsection 20(6) provides for the definition of certain terms used in sections 20 and 21 and Schedule 2. The term “disclosure” is defined to clearly link the new whistleblower protection provisions to the text of section 19, which prohibits the withholding of information. Of particular importance is the broad definition of “penalisation” which includes any act or omission of an employer that affects an employee to his or her detriment with respect to any term or condition of his or her employment. The definition goes on to list specified instances of such acts or omissions.

Amendment No. 5 inserts a new section 21, which makes provision for a number of offences. Under subsection 21(1) it would be an offence for an employee to make a disclosure to the Garda Síochána in relation to a relevant offence, knowing the disclosure to be false or being reckless as to whether it is false. Under subsection 21(2) it will be an offence for an employer to contravene subsection 20(1) which prohibits the penalisation of an employee who makes a disclosure as defined in section 20. Subsection 21(3) provides for an offence in relation to false statements made under oath or affirmation by a person appearing as a witness at an appeal to the Labour Court against a finding of a rights commissioner under Schedule 2. Subsection 21(4) provides that where a person has been given notice requiring him or her to attend to give evidence at a Labour Court hearing of an appeal against a finding of a rights commissioner under Schedule 2 or to produce a document relating to the matter, it will be an offence to refuse or wilfully neglect to attend the hearing, to refuse to give evidence or to refuse or wilfully fail to produce the document. Subsections 21(5), 21(6) and 21(7) provide for penalties for persons convicted of offences under the section. Subsection 21(8) is a technical provision that provides for an evidential presumption in respect of a document from the Labour Court relating to a prosecution under subsection 21(4).

Amendment No. 8 proposes to insert a new Schedule 2 into the Bill to provide for redress for contravention of the new section 20. Paragraph 1 of the new Schedule 2 sets out the procedure for making a complaint to a rights commissioner that an employer has contravened subsection 20(1). The time limit for making a complaint is, in general, six months from the date

of the contravention to which the complaint relates. Where the rights commissioner finds that an employee's complaint is well founded, the decision may require the employer to take a specified course of action which may include reinstatement or re-engagement in a case where the penalisation has constituted dismissal. The employer may be required to pay compensation of up to two years' remuneration. Paragraph 2 provides that a party may appeal to the Labour Court from a decision of a rights commissioner under Paragraph 1 and sets out the procedure in relation to such appeals. Provision is made for an appeal from the Labour Court to the High Court on a point of law only and the determination of the High Court on any such point of law is final and conclusive. Paragraph 3 contains supplemental provisions relating to Paragraphs 1 and 2. Paragraph 4 provides for the enforcement of determinations of the Labour Court. If an employer fails to carry out a determination of the Labour Court within 28 days from the date of the communication of the determination to the parties, the employee may apply to the Circuit Court for an order directing the employer to carry out the Labour Court determination. The Circuit Court may order the payment of interest on any compensation ordered by the Labour Court. Paragraph 5 provides that an employee to whom compensation is payable under Schedule 2 will be a preferential creditor in the case of the winding up of a company or a bankruptcy. Deputy Jonathan O'Brien may note that for the second time today we are dealing with preferential creditors in legislation.

Paragraph 6 provides for the amendment of the Protection of Employees (Employers' Insolvency) Act 1984 to include compensation payable under Schedule 2 in the insolvency payments scheme. This scheme provides for the payment of certain outstanding entitlements where employment has been terminated because of an employer's insolvency. Payments are made from the social insurance fund. This is a comprehensive, all-embracing provision designed to fully and properly address the issues that arose during our discussion of the legislation to ensure employees who report to An Garda Síochána instances of white collar crime, as the Bill requires them to do, do so in a manner which also ensures that they cannot be penalised in their employment. If they are penalised, there is a protective mechanism in place and a series of options available to them regarding the road they can travel to obtain the protection to which they are entitled.

Deputy Dara Calleary: I compliment the Minister and his officials on preparing such comprehensive amendments, which I welcome. I refer to two issues. First, in anticipation of the passage of the Bill, will the Minister discuss the possibility of NERA running an information campaign regarding these new rights for employees in order that people will be aware they will be protected as whistleblowers?

Second, with due respect to the Minister's former profession, I am always wary about comprehensive legislation such as this on the basis that lawyers will find a way to abuse its comprehensive nature to get around the provisions and intentions of the Bill. Is there a provision to afford protection in order that a smart lawyer will not use an exclusion from the interpretation of the legislation to get a client off or to land a client in trouble?

Deputy Alan Shatter: The framing of these provisions has involved consultation with Deputy Bruton's Department and they have fed into the process of developing the amendments, as have the Attorney General's office, which played a substantial role in finalising them, and my Department. The Minister for Jobs, Enterprise and Innovation is aware of, and supportive of, these provisions and they will be properly publicised in a manner that, hopefully, will make people readily aware of them.

I hope in the context of us debating the matter now there will be publicity for the fact that we are introducing important procedures in the area of white collar crime. These will facilitate the Garda in accessing crucial information, whether it is held in documentary or electronic

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form, and, in the context of the new provisions that require people who are aware of individuals engaged in such criminality to inform and assist the Garda in its work, it is of huge importance that people are generally aware of the fact that there are new whistleblower protection provisions included in the legislation.

If individuals working for a company, be it a local company or a multinational, in any area of life — even if they are working in a professional firm that it is not a limited liability company whatever the nature of the work- and they know people are engaged in white collar crime and they have information that might prevent a crime being carried out or that might assist the Garda in bringing to justice those who have engaged in such criminality, they will be obliged when the legislation comes into force to furnish such information to An Garda Síochána. If they do so in good faith believing in the truth of the information they are giving, they will be fully and properly protected under this legislation. They cannot be penalised in their employment nor can they be targeted by an employer for acting in good faith and co-operating with the Garda.

These are important provisions, which will, ultimately, form part of the overall legal architecture for general whistleblower provisions. However, the amendments means they will be included in this legislation at this stage and I very much appreciate the support of the Opposition on this.

With regard to the Deputy's other question, I cannot and never try to predict what smart lawyers might do to extricate individuals from situations but these provisions have been drafted carefully. We all know that in years gone by no matter how carefully drafted was legislation passed by the House, odd interpretations emerged following court proceedings. Lacunas can be identified but, on the basis of the advice from the Attorney General's office, we believe that there are sound provisions. They provide the protection that both sides of the House believe is desirable. Should there be a gap in this when it comes to bringing together the whistleblower provisions to deal both with the public and private sectors, these provisions will be revisited but, at this stage, they provide a welcome additional protection for those who want to prevent white collar crime and assist the Garda or who want to assist the Garda in investigating such crime after it has occurred.

Deputy Jonathan O'Brien: I compliment the Minister on this comprehensive and technical amendment. The fact he was in a position to introduce it before the Bill was finalised in the House is welcome. It was probably the one area of weakness in the legislation we all identified when it was published. The description of penalisation is broad, ranging from dismissal to discrimination, which, I presume, will cover reference letters when somebody leaves employment. It is comprehensive and the message needs to go out that if individuals are involved in this activity, their colleagues will not only have a responsibility to report it but they will have protection and, therefore, there will be no excuse for not reporting white collar crime.

If legal eagles find a way around it, we can address that when we deal with the more comprehensive whistleblower legislation. It is probably not a bad thing that the provision is being included now because any discrepancies in it will be highlighted. I welcome the amendment. Is the Minister hoping to get the legislation through the other House as well before the recess?

Deputy Alan Shatter: I thank the Deputy for his contribution. If we complete Report and Final Stages today, Second Stage of the Bill will be taken in the Seanad the week after next. The House is sitting for an additional week, for which I am partly responsible I am afraid.

Deputy Dara Calleary: The Minister should not trust the Senators too much.

Deputy Alan Shatter: It is expected that Committee and Remaining Stages will be completed as well. The objective is to have the Bill enacted before August in order that it can come into force and assist the Garda not only in future investigations but also in current investigations.

I am conscious that in my opening comments on these amendments, I went through the technicalities involved but I would like to outline the detailed circumstances in which an employer can be regarded as penalising an individual, to which Deputy O'Brien referred. This broad definition is designed to ensure as comprehensive a protection as possible. Penalisation under the legislation when enacted will mean "any act or omission by an employer, or by a person acting on behalf of an employer, that affects an employee to his or her detriment". This will apply not only to the employer but also to someone in the employment of the employer who may seek to make life difficult for a whistleblower. Without prejudice to the generality of what could fall within the context of penalisation, the Bill expressly makes reference to an employee being suspended, laid off or dismissed; the threat of suspension, lay-off or dismissal; demotion or loss of opportunity for promotion; a transfer of duties; change of location of place of work; reduction in wages; change in working hours; the imposition or the administering of any discipline, reprimand or other penalty; and the unfair treatment of an employee.

Sometimes a vindictive employer might target an employee to make his or her life extremely difficult. On occasion one reads in the newspapers reports of court hearings or hearings before the Employment Appeals Tribunal where it is alleged, for example, that an employee has been bullied by an employer. That, of course, would constitute unfair treatment among a number of other possible forms of misconduct that could fall within that.

The definition also includes coercion, intimidation or harassment; discrimination, disadvantage or adverse treatment; injury, damage or loss; and — the classic thing that arises when someone might be known to be about to report something to the Garda — the threat of reprisal, which may be of a nature relating to the employment itself or the threat of other form of reprisal that would make the employee's life, or his or her capacity to undertake his or her work, extremely difficult. A comprehensive range of issues are covered in this so that anyone who meets his or her obligations, in particular, under the new section 19 of the Bill, will have all of the protections that he or she should require available to him or her.

Deputy Dara Calleary: On a procedural point, which is probably for the Acting Chairman, Deputy O'Reilly, in the event of there being amendments from the Seanad, the Dáil will not be in session to agree them and, therefore, the legislation cannot pass. We all agree that we need to get this passed. Is there any provision for the Select Committee on Justice, Defence and Equality, on behalf of the Dáil, to take any amendments that may come from the Seanad at a special meeting?

Deputy Alan Shatter: Procedurally, we cannot do that. The Bill started life in the Seanad and came back to us. It is with us now. If it goes back to the Seanad, if there were further amendments made in the Seanad, it could give rise to a difficulty in the Bill being completed by the end of this month. That is an issue that has arisen in the past. I hope the Bill will be supported in the Seanad. We very carefully teased it out in the context of this House and it is very much in the public interest that it be enacted. I hope that is not an issue that will arise. Certainly, procedurally, if the Seanad amended the Bill, we could not take it in a committee. It would have to come back in to the floor of the House.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 5:

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In page 27, between lines 34 and 35, to insert the following:

21.—(1) An employee who makes a disclosure knowing it to be false or being reckless as to whether it is false shall be guilty of an offence.

(2) An employer who contravenes *section 20(1)* shall be guilty of an offence.

(3) A person who, upon examination on oath or affirmation authorised under *paragraph 2(7)* of *Schedule 2*, wilfully makes any statement which is material for that purpose and which the person knows to be false or does not believe to be true shall be guilty of an offence.

(4) A person to whom a notice under *paragraph 2(8)* of *Schedule 2* has been given and who refuses or wilfully neglects to attend in accordance with the notice or who, having so attended, refuses to give evidence or refuses or wilfully fails to produce any document to which the notice relates shall be guilty of an offence.

(5) A person guilty of an offence under *subsection (1)* or *(2)* shall be liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine or imprisonment for a term not exceeding 2 years or both.

(6) A person guilty of an offence under *subsection (3)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(7) A person guilty of an offence under *subsection (4)* shall be liable on summary conviction to a class A fine.

(8) A document purporting to be signed by the chairperson or a deputy chairperson of the Labour Court stating that—

(a) a person named in the document was, by a notice under *paragraph 2(8)* of *Schedule 2*, required to attend before the Labour Court on a day and at a time and place specified in the document, to give evidence or produce a document, or both,

(b) a sitting of the Labour Court was held on that day and at that time and place, and

(c) the person did not attend before the Labour Court in pursuance of the notice or, as the case may be, having so attended, refused to give evidence or refused or wilfully failed to produce the document,

shall, in a prosecution of the person under *subsection (4)*, be evidence of the matters so stated without further proof unless the contrary is shown.

Amendment agreed to.

An Ceann Comhairle: Amendment No. 6 arises out of committee proceedings. Amendment No. 7 is related, therefore, amendments Nos. 6 and 7 may be discussed together by agreement.

Deputy Alan Shatter: I move amendment No. 6:

In page 28, line 16, to delete “19(1)” and substitute “19(1)(b)”.

Amendments Nos. 6 and 7 propose to clarify the references in the Schedule to offences under sections 19 and 34 of the Investment Intermediaries Act 1995. Amendment No. 6 is a technical drafting amendment to refer more clearly to the offence under section 19(1)(b) of the Investment Intermediaries Act 1995 which is the only offence contained in section 19. The offence relates to contravention of the requirement on investment business firms to keep certain books and records specified by the Central Bank.

Amendment No. 7 proposes to broaden the scope of the provision to cover all offences under section 34 of the 1995 Act. The effect of the amendment is that, in addition to the offence under subsection (1) of section 34 which relates to the making of false or misleading statements to the auditors of an investment business firm, the offence under subsection (3) of section 34 will also be a relevant offence for the purposes of the Bill. That offence relates to the failure of an officer or employee of an investment business firm to provide required information or explanations to the firm's auditors.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 7:

In page 28, line 16, to delete "34(1)" and substitute "34".

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 8:

In page 30, after line 10, to insert the following:

"SCHEDULE 2 REDRESS FOR CONTRAVENTION OF *SECTION 20(1)*

Complaints to rights commissioner

1. (1) An employee (or, in the case of an employee who has not reached the age of 18 years, the employee's parent or guardian, with his or her consent) or any trade union of which the employee is a member, with the consent of the employee, may present a complaint to a rights commissioner that the employee's employer has contravened *section 20(1)* in relation to the employee.

(2) Where a complaint under *subparagraph (1)* is made, the rights commissioner shall—

(a) give the parties an opportunity to be heard by the commissioner and to present to the commissioner any evidence relevant to the complaint,

(b) give a decision in writing in relation to it, and

(c) communicate the decision to the parties.

(3) A decision of a rights commissioner under *subparagraph (2)* shall do one or more of the following:

(a) declare that the complaint was or, as the case may be, was not well founded;

(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal, reinstatement or re-engagement;

(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances, but not exceeding 2 years'

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remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977;

and the references in *clauses (b) and (c)* to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, as references to the person who, by virtue of the change, becomes entitled to such ownership.

(4) Subject to *subparagraph (5)*, a rights commissioner shall not entertain a complaint under this paragraph if it is presented to him or her after the expiration of the period of 6 months beginning on the date of the contravention to which the complaint relates.

(5) Where a delay by an employee in presenting a complaint under this Schedule is due to any misrepresentation by the employer, *subparagraph (4)* shall be construed as if the reference to the date of the contravention were a reference to the date on which the misrepresentation came to the employee's notice.

(6) Notwithstanding *subparagraph (4)*, a rights commissioner may entertain a complaint under this paragraph presented to him or her after the expiration of the period referred to in *subparagraph (4)* (but not later than 6 months after such expiration) if he or she is satisfied that the failure to present the complaint within that period was due to exceptional circumstances.

(7) A complaint shall be presented by giving notice of it in writing to a rights commissioner and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister for Jobs, Enterprise and Innovation.

(8) A copy of a notice under *subparagraph (7)* shall be given to the other party concerned by the rights commissioner.

(9) Proceedings under this paragraph before a rights commissioner shall be conducted otherwise than in public.

(10) A rights commissioner shall furnish the Labour Court with a copy of each decision given by the commissioner under *subparagraph (2)*.

Appeals from decision of rights commissioner

2. (1) A party concerned may appeal to the Labour Court from a decision of a rights commissioner under *paragraph 1(2)* and, if the party does so, the Labour Court shall—

(a) give the parties an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(b) make a determination in writing in relation to the appeal affirming, varying or setting aside the decision,

(c) communicate the determination to the parties.

(2) An appeal under this paragraph shall be initiated by the party concerned giving, within 6 weeks (or such greater period as the Labour Court may determine in the particular circumstances) from the date on which the decision to which it relates was communicated to the party, a notice in writing to the Labour Court containing such particulars as are

determined by the Labour Court under *clauses (e) and (f) of subparagraph (4)* and stating the intention of the party concerned to appeal against the decision.

(3) A copy of a notice under *subparagraph (2)* shall be given by the Labour Court to any other party concerned as soon as practicable after the receipt of the notice by the Labour Court.

(4) The following matters, and the procedures to be followed in relation to them, shall be determined by the Labour Court, namely:

(a) the procedure in relation to all matters concerning the initiation and the hearing by the Labour Court of appeals under this paragraph;

(b) the times and places of hearings of such appeals;

(c) the representation of the parties to such appeals;

(d) the publication and notification of determinations of the Labour Court;

(e) the particulars to be contained in a notice under *subparagraph (2)*;

(f) any matters consequential on, or incidental to, the foregoing matters.

(5) The Labour Court may refer a question of law arising in proceedings before it under this paragraph to the High Court for its determination and the determination of the High Court shall be final and conclusive.

(6) A party to proceedings before the Labour Court under this paragraph may appeal to the High Court from a determination of the Labour Court on a point of law and the determination of the High Court shall be final and conclusive.

(7) The Labour Court shall, on the hearing of any appeal referred to it under *subparagraph (2)*, have power to take evidence on oath or on affirmation and for that purpose may cause persons attending as witnesses at that hearing to swear an oath or make an affirmation.

(8) The Labour Court may, by giving notice in that behalf in writing to any person, require such person to attend at such time and place as is specified in the notice—

(a) to give evidence in relation to any appeal referred to the Labour Court under *subparagraph (2)*, or

(b) to produce any document specified in the notice relating to the matter in the person's possession or power.

(9) A witness at a hearing of an appeal before the Labour Court has the same privileges and immunities as a witness before the High Court.

Paragraphs 1 and 2: Supplemental provisions

3. (1) Where a decision of a rights commissioner in relation to a complaint under this Schedule has not been carried out by the employer concerned in accordance with its terms and—

(a) the time for bringing an appeal against the decision has expired but no such appeal has been brought, or

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(b) an appeal has been brought, but it has been abandoned,

the employee concerned (or, in the case of an employee who has not reached the age of 18 years, the employee's parent or guardian, with his or her consent) or, with the consent of the employee, any trade union of which the employee is a member, may bring the complaint before the Labour Court and the Labour Court shall, without hearing the employer concerned or any evidence (other than in relation to the matters aforesaid), make a determination to the like effect as the decision.

(2) The bringing of a complaint before the Labour Court under *subparagraph (1)* shall be effected by giving to the Labour Court a written notice containing such particulars (if any) as may be determined by the Labour Court.

(3) The Labour Court shall publish, in a manner it considers appropriate, particulars of any determination made by it under any of *clauses (a), (b), (c), (d), (e) and (f) of subparagraph (4) of paragraph 2* (not being a determination as respects a particular appeal under that paragraph) and *subparagraph (2)*.

Enforcement of determinations of Labour Court

4. (1) If an employer fails to carry out in accordance with its terms a determination of the Labour Court in relation to a complaint under *paragraph 1* within 28 days from the date on which the determination is communicated to the parties, the Circuit Court shall, on application made to it in that behalf by—

(a) the employee concerned (or, in the case of an employee who has not reached the age of 18 years, the employee's parent or guardian with his or her consent), or

(b) with the consent of the employee, any trade union of which the employee is a member,

without hearing the employer or any evidence (other than in relation to the matters aforesaid), make an order directing the employer to carry out the determination in accordance with its terms.

(2) The reference in *subparagraph (1)* to a determination of the Labour Court is a reference to a determination in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought or, if such an appeal has been brought, it has been abandoned, and the reference in that subparagraph to the date on which the determination is communicated to the parties shall, in a case where such an appeal is abandoned, be construed as a reference to the date of such abandonment.

(3) In an order under this paragraph providing for the payment of compensation, the Circuit Court may, if in all the circumstances it considers it appropriate to do so, direct the employer concerned to pay to the employee concerned interest on the compensation (at the rate per annum standing specified for the time being in section 26 of the Debtors (Ireland) Act 1840) for each day or part of a day beginning 28 days after the day on which the determination of the Labour Court is communicated to the parties and ending on the day immediately before the day on which the order of the Circuit Court is made.

(4) An application under this section to the Circuit Court shall be made to the judge of the Circuit Court for the circuit in which the employer concerned ordinarily resides or carries on any profession, trade, business or occupation.

Provisions relating to winding up and bankruptcy

5. (1) There shall be included among the debts which, under section 285 of the Companies Act 1963 are, in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, all compensation payable by virtue of a decision under *paragraph 1(2)(b)* or a determination under *paragraph 2 (1)(b)* by the company to an employee, and that Act shall have effect accordingly.

(2) Formal proof of the debts to which priority is given under *subparagraph (1)* shall not be required except in cases where it may otherwise be provided by rules made under the Companies Act 1963.

(3) There shall be included among the debts which, under section 81 of the Bankruptcy Act 1988 are, in the distribution of the property of a bankrupt or arranging debtor, to be paid in priority to all other debts, all compensation payable by virtue of a decision under *paragraph 1(2)(b)* or a determination under *paragraph 2(1)(b)* by the bankrupt or arranging debtor, as the case may be, to an employee, and that Act shall have effect accordingly.

(4) Formal proof of the debts to which priority is given under *subparagraph (3)* shall not be required except in cases where it may otherwise be provided under the Bankruptcy Act 1988.

Amendment of Protection of Employees (Employers' Insolvency) Act 1984

6. (1) Section 1(1) of the Protection of Employees (Employers' Insolvency) Act 1984 (as amended by Schedule 2 to the Employment Permits Act 2006) is amended by the insertion of the following definition after the definition of "the Act of 2006":

“‘Act of 2011’ means the *Criminal Justice Act 2011*;”;

(2) Section 6 of the Protection of Employees (Employers' Insolvency) Act 1984 (as so amended) is amended—

(a) in subsection (2)(a)—

(i) in subparagraph (xxv), by the deletion of “and” after “of the Act of 2004,”,

(ii) in subparagraph (xxvi), by the substitution of “that Schedule, and” for “that Schedule,” and

(iii) by the insertion of the following subparagraph after subparagraph (xxvi):

“(xxvii) any amount which an employer is required to pay by virtue of a decision of a rights commissioner under *paragraph 1(2)(b)* of *Schedule 2* to the *Act of 2011* or a determination by the Labour Court under *paragraph 2(1)(b)* of that Schedule.”,

(b) in subsection (2)(b), by the substitution of “, (xxvi) or (xxvii)” for “or (xxvi)”,

(c) in subsection (2)(c), by the substitution of “, (xxvi) or (xxvii)” for “or (xxvi)”, and

(d) in subsection (9), in the definition of “relevant date”, by the substitution of “, (xxvi) or (xxvii)” for “or (xxvi)”.

Amendment agreed to.

Bill, as amended, received for final consideration.

Question proposed: "That the Bill do now pass."

Deputy Dara Calleary: I commend the Minister on the amendments he introduced, many of which came on the back of contributions on Second Stage and on Committee Stage. For Members on this side of the House, it is good to see that the inputs are carried through. I commend the Minister, his officials and everybody involved.

Deputy Jonathan O'Brien: I concur with Deputy Calleary. I will not be popular for saying this but it is important that the Bill is enacted as soon as possible because there is a number of ongoing investigations. If that means coming back a little earlier for one day, then I do not think too many Members would complain.

Minister for Justice and Equality (Deputy Alan Shatter): I thank both of the Deputies opposite for their co-operation in the enactment of this Bill, and for the constructive and helpful comments they made on Second Stage. I hope this is very much a precedent for the way we continue to deal with legislation in this House and that where there are constructive and helpful amendments proposed or suggested to future legislation, I look forward to the possibility of taking them on board.

I share the hope of the Deputies opposite that the Bill will pass through the Seanad trouble free and that we will not be faced with doing what Deputy O'Brien suggested, which is, bringing Members back in the month of August.

Question put and agreed to.

An Ceann Comhairle: The Bill will now be sent to the Seanad.

Residential Institutions Redress (Amendment) Bill 2011: Order for Second Stage

Bill entitled an Act to amend the Residential Institutions Redress Act 2002; and to provide for related matters.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I move: "That Second Stage be taken now."

Residential Institutions Redress (Amendment) Bill, 2011: Second Stage

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I move: "That the Bill be now read a Second Time."

I am pleased to bring the Residential Institutions Redress (Amendment) Bill 2011 before the House. The Residential Institutions Redress Board, established under the Residential Institutions Redress Act 2002, formed a central part of the range of measures put in place in response to child abuse in residential institutions. Set up as an independent body, the board's purpose is to provide fair and reasonable awards to victims of institutional abuse. While the redress board focuses on the injury suffered by abuse victims, the causes, nature and extent of the abuse were investigated by the Commission to Inquire into Child Abuse. The national counselling service was set up to help victims cope with their experiences, while the Origins family tracing service offered assistance to former residents wishing to trace their families of origin. The Educational Finance Board was established to pay grants to former residents and their relatives to assist them in availing of educational services. Funding was also provided to survivor groups for information and referral services. Together these measures constituted a comprehensive response to the revelations of the horror of child abuse in residential institutions.

The publication of the Ryan report in May 2009 shocked the nation, and this House expressed its revulsion at the extent, severity and nature of the abuse suffered by children in residential institutions. The commission's conclusions were unequivocal and damning, finding that:

A climate of fear, created by pervasive, excessive and arbitrary punishment, permeated most of the institutions... Children lived with the daily terror of not knowing where the next beating was coming from... Sexual abuse was endemic in boys' institutions... Children were frequently hungry and food was inadequate, inedible and badly prepared in many schools... A disturbing element of the evidence before the Commission was the level of emotional abuse that disadvantaged, neglected and abandoned children were subjected to generally by religious and lay staff in institutions... Separating siblings and restrictions on family contact were profoundly damaging for family relationships. Some children lost their sense of identity and kinship, which was never recovered.

The publication of the Murphy report into the Cloyne diocese reminds us once again of the horrors of child abuse and has highlighted the need for all involved to accept their role and responsibility. It is in this context that the Government has called on the congregations to meet the costs of the response to residential institutional abuse on an equal basis with the taxpayer. For our part, the failure of the State to protect its vulnerable children is an indictment on us all and it behoves us to ensure it is never repeated.

As others have before me, I acknowledge the courage of all those victims who went to the commission to share their stories of what they endured during their childhood. The Ryan report justified the decision to establish the Residential Institutions Redress Board to compensate survivors outside the court system. Making awards on an *ex gratia* basis, involving no finding of fault or declaration of liability, the redress board requires a much lower burden of proof than would have been required in court.

The scheme was introduced as an exceptional measure to provide compensation for people who were sent as children to, and who were victims of abuse while resident in, industrial and reformatory schools, orphanages and children's homes in respect of which a public body had responsibilities relating to inspection or regulation. As was acknowledged from the outset, it is not, and was never intended to be, a panacea for every injustice committed on children, rather it is intended to deal with a very particular circumstance. While the Schedule to the Act specified 123 institutions, section 4 enables the Minister for Education and Skills to provide for the insertion into the Schedule of "any industrial school, reformatory school, orphanage, children's home, special school which was established for the purpose of providing education services to children with a physical or intellectual disability or a hospital providing medical or psychiatric services to people with a physical or mental disability or mental illness in which children were placed and resident and in respect of which a public body had a regulatory or inspection function".

In response to requests to include specific institutions, two orders have been made in November 2004 and July 2005, specifying 16 additional institutions bringing the total number of scheduled institutions to 139. As required by the legislation, resolutions approving drafts of these orders were first passed by each House of the Oireachtas.

Religious ethos was not an eligibility criterion and while Catholic religious orders ran the majority of specified institutions, others were managed by other congregations, State bodies, voluntary bodies, management committees or pursuant to trusts. Following the publication of the Ryan report in May 2009, there were a range of demands for the redress scheme to be extended, including demands to include specific institutions and categories of institutions. Hav-

[Deputy Ciarán Cannon.]

ing considered these demands, the previous Government announced its decision not to revise the arrangements, in its press statement of 15 April 2010.

To qualify for an award, an applicant must prove his or her identity and establish to the board's satisfaction that he or she was resident in a scheduled institution while under 18 and that he or she was injured while so resident and the injury is consistent with any abuse that is alleged to have occurred while so resident.

Awards are made by the board in accordance with the framework set out in *Towards Redress and Recovery*, the report of the independent compensation advisory committee which advised on the appropriate levels of compensation. Awards are determined by the board having regard to the severity of the abuse and the severity of physical and psychological injury and loss of opportunity resulting from the abuse. The resultant weightings produce an overall assessment which the board reviews to ensure that it is reasonable in all the circumstances for the particular applicant. The amount of redress payable is then determined according to the redress bands.

Independent legal advice is available to applicants and the vast majority chose to avail of this. It is open to each applicant to accept or reject an award made by the board and the review committee provides an appeal mechanism by which an applicant can seek to have his or her award reviewed. The review committee, which is chaired by Mr. Justice Frank Murphy, can uphold, increase or decrease the amount of the award. Of the awards made to date, 78% were made following settlements with a further 19% made following hearings. The remaining 3% were made following reviews by the residential institutions review committee under the independent appeals mechanism. Applicants may also reject awards. To date, 13 people of more than 13,700 have rejected their awards. Where an applicant does not accept an award, he or she retains the option to pursue any legal avenue which may be open to him or her.

The redress board commenced making awards in May 2003. Wholly independent in the performance of its functions, the board has processed more than 14,600 cases, resulting in more than 13,700 awards to date. The redress board is currently chaired by the Mr. Justice Esmond Smyth. There are ten other members of the board, who are appointed by the Minister and drawn from the legal and medical professions.

In accordance with the terms of the 2002 Act, applicants had a period of three years in which to submit an application to the board. This meant that the closing date for receipt of applications was 15 December 2005, some five and half years ago. However, section 8(2) of the 2002 Act allows the board to extend the period for receipt of an application in exceptional circumstances while section 8(3) requires the board to extend the period when it is satisfied that an applicant was under a legal disability.

At the end of June 2011, the board had received a total of 15,173 applications and had finalised 14,645 cases. Of the total number of applications processed, 13,720 have resulted in awards being made by the board, with the remaining 925 either being refused, withdrawn or resulting in no award. In terms of the late applications, that is, those received after 15 December 2005, a total of 1,540 have been received by the board at the end of June 2011. Of these 725 have been allowed; in 494 cases, the board is awaiting further information to complete the application process; 220 have been disallowed, withdrawn or had the file closed; 36 were not valid applications; and a further 65 remain to be considered by the board

The average value of the awards made is €63,000. Up to the end of 2010, some 36% of awards were in the first redress band attracting awards of up to €50,000; 49% were in the second redress band attracting awards of between €50,000 and €100,000; 13% were in the third redress band attracting awards of between €100,000 and €150,000; while the remaining 2% of awards were in the fourth and fifth redress bands, attracting awards of between €150,000 and

€300,000. The overall cost of the redress scheme had been estimated to reach €1.1 billion and actual expenditure on the scheme and associated litigation reached €1.05 billion at the end of 2010. This figure includes some €836 million in awards made by the board and €158 million in associated medical and legal costs.

As outlined previously, while section 8 of the Act provides for the acceptance of late applications by the board, it is necessary to amend the primary legislation to provide for a final date for the receipt of such applications. The effect of the legislation before the House will be to remove the power of the board to consider applications made on or after 17 September 2011. It also requires the board to advertise this fact, at least six weeks before the effective date, in *Iris Oifigiúil*, two Irish daily newspapers and two UK daily newspapers.

The Government is satisfied that the redress board, which has been in operation since December 2002, has provided former residents of institutions with a mechanism by which they could obtain fair and reasonable financial compensation for abuses suffered while resident in certain institutions, without the necessity to pursue long and often traumatic cases via the court system. It has been accepting applications for the past eight and a half years, a period which is considered more than adequate for this purpose.

Members will be aware that my colleague, the Minister for Education and Skills, Deputy Ruairí Quinn, recently announced that the Government is proceeding with legislation to provide for the establishment of the residential institutions statutory fund to support the needs of survivors of residential institutional abuse. Such a fund was unanimously endorsed by the House in the period following the publication of the Ryan report. The fund will utilise €110 million of the contributions, essentially the cash element offered by the congregations, and will target support at survivors needs such as counselling services, psychological support services and mental health services, and such health and personal social services, educational services and housing services as the fund may determine.

The fund will also promote understanding of the effects of abuse on former residents among service providers and will evaluate the effectiveness of the approved services in meeting the needs of former residents. To date, €21.05 million of the contributions pledged have been received and lodged in a special interest bearing account in the Central Bank, pending the establishment of the statutory fund. It is hoped that the necessary legislation will be enacted in the autumn session.

The Government strongly believes that the costs of the response to residential institutional abuse should be met on a 50:50 basis by the taxpayer and those responsible for managing the institutions. Both Government parties called for the costs of redress to be shared equally between the State and the religious when the Ryan report was published. The view was adopted by the then Government in 2010 and is a fair and reasonable approach.

The final cost of the response is estimated to be in the region of €1.36 billion. However, the offers from the 18 congregations to date are significantly short of the €680 million needed to meet half of the costs. The Government believes that the transfer of school property currently owned by the congregations offers an opportunity to reach this target. The agreement of the congregations is being sought to a legal mechanism which would ensure that title to school infrastructure properties would be transferred to the State, at the State's request.

In addition, agreement is being sought that title to such properties could not be altered, whether by sale on the open market or by transfer into any trust arrangement, without the prior consent of the Department. The Government is also requesting the congregations to offer to transfer their properties that are currently rented by the State and properties that are identified as being of specific interest to the State. This overall approach aims to ensure that if the

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State were to seek the transfer of any of the school infrastructure owned by the congregations, it could then do so.

My colleague, the Minister for Education and Skills, has invited the religious congregations to meet with him later this month to pursue this goal. At the same time, the management bodies of other institutions included within the redress scheme have also been approached to make a contribution towards the costs involved and their potential to similarly transfer school infrastructure will be explored.

On behalf of the Government, I thank all those involved in the operation of the Residential Institutions Redress Board for their hard work and commitment to the performance of their duty. I look forward to hearing the views of the Members of this House on this important Bill and their assistance in facilitating its early passage into law. I commend the Bill to the House.

Deputy Brendan Smith: I welcome the outline by the Minister of State, Deputy Cannon, of what has been a comprehensive undertaking by the State, in particular by the Department of Education and Skills and the Residential Institutions Redress Board. As the Minister of State indicated, this is a short two section Bill to enable the winding up of the Residential Institutions Redress Board. The board, which has done a considerable amount of good work, was established in December 2002 pursuant to the Residential Institutions Redress Act of the same year. The original closing date for receipt of applications was 15 December 2005. However, prudently, the Government had included section 8 which allowed the redress board to extend the period for receipt of an application in exceptional circumstances and required it to extend the period when it was satisfied that an application was under a legal disability. That measure in the legislation was very good.

The Bill removes the board's power to consider applications made after 16 September 2011. I hope the Government has given final and detailed consideration and that it is satisfied that all potential applications will have been addressed. As the application process has been under way for approximately nine years I hope all outstanding and worthy applications have been dealt with. The importance of the work is clear when one considers the large number of claims and the veracity of the overwhelming majority of the claims based on the high rate of approval. In response to a parliamentary question I tabled I was informed that by the end of May of this year the board had processed 14,592 of the 15,135 applications received. A total of 13,669 awards had been made and the average payment was over €62,000. The value of the scheme, the need for it, and the fact that it was long overdue is evident when one considers that the overall expenditure has already exceeded €1.1 billion.

The Minister of State indicated that the imminent closing date for applications will be advertised in national newspapers and in some British publications as well. I hope the network of Irish communities abroad will be used to ensure that potential applicants are aware of the finalisation of the scheme. In this House and the public service in general we often think an advertisement in a national newspaper, the broadcast media or on the website of the relevant Department or agency is adequate but we must be conscious that everyone does not buy a national newspaper or have access to websites. It is important to use the best possible mechanism to disseminate the information. It is important also that the advocacy groups will be active as well. I am sure they will ensure that any of the people with whom they have been in contact who have not made an application but are potential applicants will be made aware of the closing date for applications. The Department is good at news management and I am sure it will be able to disseminate the information in the relevant print media as well.

The Minister of State, Deputy Cannon, referred briefly to the Commission of Investigation and the Report into the Catholic Diocese of Cloyne. Along with others, I compliment Judge

Yvonne Murphy and her colleagues in the commission for their detailed and painstaking work which has given us a very comprehensive report. The report is shocking. I wish to express my shock and outrage at the full horror outlined in it. Deputy Ó Cuív and the Tánaiste referred to the matter in the House this morning. One clear message that emerges from the report is that the State must find a way of hearing victims across the entire country.

There is very little that any of us in this House or any public representative can say that will add to the testimony of the victims whose experiences are laid out in the report. It had to be a very difficult exercise for all who gave their testimony. I compliment those people. It is clear that what was done to those children was shocking; it was awful and it was unforgivable. The report is deeply distressing and it is additionally shocking that these wrongs were not committed in the deep past but in relatively recent times. The effort to cover up the abuse was appalling and the pain and full horror of the abuse of trust will leave people across the country deeply upset and angry, as we are aware from speaking to people.

In January 2009 the Government extended the remit of the Dublin commission of investigation to examine the diocese of Cloyne and the terrible and welcome clarity of the report vindicates the decision to establish the enquiry in the first instance. The challenge for politicians from all parties and for all statutory agencies is to not only ensure that such an intolerable situation can never be allowed to develop again. We must build on the work that has been done and establish a framework to ensure that the voices of victims across the country can be heard. I have only had an opportunity to have a quick perusal of the Cloyne report but the three commissions to date have established the scale of the crimes within three dioceses. The voices of victims from across the country must be heard.

The Minister for Justice and Equality has stated that further investigation should be reviewed on completion of the HSE's audit of dioceses and the national review by the National Board for Safeguarding Children in the Catholic Church, both of which have been under way for some time, and when the response of the church to the commission's report can be fully evaluated. I hope those necessary evaluations can be undertaken as early as possible in the autumn and that a further investigation if necessary should be initiated without delay.

We hope further investigations will not be necessary and that the HSE's and the Catholic Church's own reports will be comprehensive, detailed and accurate.

I welcome the measures outlined by the Minister for Children and Youth Affairs, Deputy Frances Fitzgerald, and the Minister for Justice and Equality, and we look forward to getting further details on the initiatives to which they referred yesterday. The Fianna Fáil Party will continue to play its part in a constructive way, building on the work we have done to date and working in the best interests of victims while ensuring their voices are heard. I want to refer to the people who shared their experiences and made the Cloyne report possible. That had to be a difficult task for every individual involved. I also pay tribute to Judge Murphy and her fellow commissioners and all who worked on this particularly distressing report.

Some years ago, society in general would have thought the wrongs that were highlighted were committed in the deep past, but this is clearly not the case, as the Cloyne report indicates to us. The State must ensure the safety of children is not put in danger by any organisation. I welcome the Government's commitment to put the Children First guidelines on a statutory basis. All State agencies must work together with clarity in following and implementing the guidelines. There must be consistency and uniformity across the State and the guidelines must be implemented throughout the country in the best interests of children.

As I mentioned earlier, the remit of the Murphy commission, which investigated clerical abuse in the Dublin archdiocese, was extended to include Cloyne in January 2009 following publication the previous month on the Cloyne diocesan website of a report by the Catholic

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Church's own child protection watchdog, the National Board for Safeguarding Children in the Catholic Church in Ireland, which found child protection practices there to be inadequate and in some respects dangerous. The Government at that time asked the commission to investigate the handling of clerical child sexual abuse allegations in Cloyne by church and State authorities between 1 January 1996 and 1 February 2009. The timescale was based on the fact that the church's first published guidelines — its framework document — became operational in January 1996. This again demonstrates the shocking point that the period covered by that investigation is relatively recent.

The establishment of the Residential Institutions Redress Board in 2002 was a welcome development. Its purpose was to provide fair and reasonable financial awards to victims of institutional childhood abuse. I understand from a recent parliamentary question that the total expenditure approved by the board was €1.008 billion, which included €847 million in awards and €161 million in associated medical and legal costs. My understanding is that the average award was more than €62,000 and the expected expenditure, according to the Minister, is in the region of €1.1 billion. The scope of the work is clearly demonstrated by the fact that a total of 139 institutions were included in the Schedule of specified institutions to the Residential Institutions Redress Act 2002.

As public representatives, we have all been contacted by individuals who made application to the redress board or by different groups advocating on their behalf. The people who spoke to me had really distressing stories to tell, and this was the first time an opportunity had been given to them to tell their story to an agency that would listen to them — and, indeed, to the State. That process was long overdue and badly needed.

I trust the Minister and the Government, in deciding to introduce this legislation, are satisfied that this project, as such, is nearing completion and that deserving cases will not be denied their rights. I hope the Minister, in replying on Second Stage, will be able to reassure us in that regard.

The redress board was established under the Residential Institutions Redress Act 2002 to make fair and reasonable awards to persons who, as children, were abused while resident in industrial schools, reformatories and other institutions subject to State regulation or inspection. The board set about its work, dealing with applications in the strictest confidence and conducting all its hearings in private. At the time of its establishment, the board clearly specified who would be entitled to apply for redress. It stated that if a person was resident in an industrial school, reformatory school, children's home, special hospital or similar institution while under the age of 18 and was subjected to sexual, physical or emotional abuse or serious neglect while resident in that institution, that person would be entitled to compensation. The residential institutions listed in the Schedule to the Act were all over the country.

The provision in the original Act to enable the board to accept late applications was obviously a good and prudent one. Five years further on from the original deadline, a further 1,260 applications had been submitted. The Bill setting up the board was published by the then Department of Education and Science in June 2001, just two years after the then Taoiseach, Bertie Ahern, apologised to victims of physical and sexual abuse in reformatories and industrial schools for which the State had responsibility. That apology, on 9 May 1999, followed the broadcast of a television series dealing with these important and distressing issues. The legislation was described at the time as a Bill providing for the setting up of a residential institutions redress board which would pay appropriate compensation to successful applicants without the need for court appearances. Importantly, at that time, it was decided that the amount of compensation to be paid out by the redress board would be open-ended. It was not a case of dividing a finite amount of money by the total number of successful applications. I have heard

criticisms from some quarters that the numbers who made successful applications to the board far exceeded the original estimate. In fairness to the Departments and agencies involved, it would have been extremely difficult to estimate with any accuracy the likely participation in such a scheme. Of course, the establishment of the scheme was the catalyst in informing people of their rights and their entitlement to compensation.

I understand an expert committee was established to decide on the types of payment to be made, depending on the severity and extent of the abuse and its long-term effects upon the victim. It was also appropriate that provision was made to have interim payments on hardship grounds. The expert committee quite rightly stated the redress board would have to operate with sensitivity and flexibility in processing applications, and I trust this has happened.

At the time, the then Minister stated the experts' report provided a sound basis for a fair system of financial awards to people who suffered injury as a result of abuse while in care. He further added that the State incarcerated people in those institutions for very flimsy reasons — being born out of wedlock, being absent from school, or being an orphan. That background to the admission, including the compulsory admission, of so many people to institutions is shocking. Those innocent people were being admitted to dark and grey institutions, and many suffered for years. I remember speaking to a former resident of an institution in Dublin. He recalled the horrors to which he was also subjected when he was employed by private employers at Easter and Christmas and during the summer. Sadly, abuse was perpetrated in the private sector and in the community by some heartless and terrible employers.

In January 2003, the advertising campaign commenced, urging victims of institutional abuse to make contact with the redress board that had been established to assess compensation claims. My recollection is that there were radio and television advertisements and also advertisements in the print media. I know that some time later there was concern that the campaigns had not reached out adequately to the Irish population in Britain.

Many efforts were made to ensure members of that community were fully informed of the purpose of the scheme, its extent and the mechanisms to make an application to it. I also recall the various advocacy groups addressing the education committee about their experiences and assisting in getting the message out to those affected. It is hoped that information dissemination has been as successful and comprehensive as possible.

Applications for the compensation scheme exceeded the Government's original estimates less than a year into its operation. The advertising campaigns undertaken in late 2003 in Australia and the United States were adequate. I hope the relevant Irish networks in all those countries were used to bring this information to potential applicants. I note that in December 2005 one of the advocacy groups had sought an extension of three months for the deadline to submit applications. A practical and understanding approach has been taken with the completion of the scheme.

In May 1999, the then Taoiseach, Bertie Ahern, stated on behalf of the State that the Government wished to make a sincere and long overdue apology to the victims of child abuse. Too many children, he stated, had been denied the love, care and security to which they were entitled. He also said that abuse had ruined their childhood and had been an ever-present part of their adult lives. He emphasised that the Government believed they were gravely wronged and the State must do all it could to overcome the lasting effects of their ordeals.

Those statements by the Taoiseach were long overdue on the part of the State. Substantial numbers of late applications arose following the publication of the Ryan report in 2009. The then Government and the Dáil called on the religious congregations to make further substantial contributions by way of reparation. Considerable work was undertaken by an independent panel and the former Government outlined that the overall cost of the response to residential

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institution abuse should be shared on a 50-50 basis between the taxpayer and those responsible for those residential institutions. I hope the Minister for Education and Skills can make quick progress in resolving these outstanding issues.

In April 2010, the then Government announced its proposals to use €110 million of the offers of contributions to be made by the religious congregations to establish a statutory fund. A wide-ranging consultation process was undertaken with the survivor groups and the congregations with views on the scope of the fund widely sought. A diverse range of proposals were enunciated by the different groups.

An issue discussed in the House previously was the method of disposal of documentation gathered as a result of the work of the redress board. It is absolutely essential the records of the board are safeguarded and the privacy of applicants is not breached. Maintaining these records and maybe necessary access to them is an issue that needs to be dealt with in a confidential and sensitive manner.

The Ryan report made many recommendations such as the erection of a memorial and the provision of counselling, educational and family tracing services. Subsequently, an implementation plan for 99 specific recommendations was drawn up by the then Government. Will the Minister of State outline the extent of the implementation of these recommendations? I hope they are being implemented actively.

The provision of educational services for former residents is important. The Education Finance Board will be replaced under the new statutory fund. Have all the views of the different stakeholders been taken into account? Funding must also continue for the provision of counselling services, Barnardos providing its family-tracing service and the various outreach groups in Britain. This will ensure beneficial and effective support is given to those former residents. A range of views on the funding issue were expressed by the various advocacy groups at a 2010 meeting with the then Taoiseach. Will the Minister outline what progress has been made on these issues?

Survivors from Bethany Home have been active in putting forward their case to Members to be included in the redress scheme. Only a short time ago many Labour Party Members were their great advocates. Has any progress been made with the requests of this particular group?

Will provision be made in either legislation or regulation to ensure genuine and exceptional cases that arise subsequent to the final application dates can still be processed? If a statutory agency is dissolved but its functions need to be activated, the parent Department can assume them. If a provision in this regard is not contained in the Bill I am sure it could, if the Government were willing, be included in the legislation relating to the residential institutions statutory fund which, as the Minister of State indicated, is due to be published in the autumn.

The Residential Institutions Redress Board has done extremely important work. I compliment the chairman of the board, Mr. Justice Esmond Smyth, and everyone else who participated in the work to which I refer. I also compliment the advocacy groups and the many public representatives who worked with individuals and tried to assist them in dealing with an extremely difficult issue. Thankfully, the funding provided has been of great help in assisting people to return to some form of normality in their daily lives.

Deputy Seán Crowe: I wish to share time with Deputy McDonald.

An Ceann Comhairle: Agreed.

Deputy Seán Crowe: The Minister of State referred to the commission's conclusions and listed some of them as follows:

Children lived with the daily terror of not knowing where the next beating was coming from ... Sexual abuse was endemic in boys' institutions ... Children were frequently hungry and food was inadequate, inedible and badly prepared in many schools ... A disturbing element of the evidence before the Commission was the level of emotional abuse that disadvantaged, neglected and abandoned children were subjected to ... Separating siblings and restrictions on family contact were profoundly damaging for family relationships.

The one aspect of this matter which all the reports that have been compiled in recent years do not reflect is the hurt the people who were placed in the various institutions endured and the difficulties they have experienced in the context of trying to come to terms with what happened to them when they were children.

I was a Member of the Houses when the Residential Institutions Redress Board was originally established and I recall speaking to many of the victims and to the groups which represent them. I have never seen so many adults crying. A number of individuals who worked in the Oireachtas informed me that they had also gone through the institutions in question. Everyone to whom I spoke had a story to tell. All of these people talked about their frustration regarding the inadequacy of the process relating to the investigation of what occurred in the various institutions.

What the House is doing today — by means of the Bill before it — is stating that the board has done its work and that it is time to move on. I am of the view that the redress board, which has many flaws, still has work to do. The Minister of State indicated that the effect of the legislation will be to remove the power of the board to consider applications made on or after 17 September 2011. He also stated that the board has been “accepting applications for the past eight and a half years, a period which is considered more than adequate for this purpose”.

The Minister of State's comments come against the background of the publication of the Murphy report into the diocese of Cloyne. One of the people who is quoted in that report refers to the fact that it took her 40 years to come forward and tell her story. The redress board has only been in place for eight and a half years and now the Government is stating that its work is done. There is something wrong with the process in this regard. As Deputy Smith's comments indicate, everyone is concerned in respect of this matter. Is it time the board concluded its work or should we make allowances for that work to continue?

The redress board is supposed to be about more than giving people compensation. It was supposed to be motivated by compassion and concern for those who were abused while under the care of the State. In addition, it was one way of obtaining recognition for those who suffered such dreadful abuse. The board was established three years after the “State of Fear” television documentary was broadcast. The latter caused widespread public outrage and gave rise to the then Taoiseach issuing an apology. At that time I was amazed by the number of public representatives who stated that they were not aware of what had happened. I grew up in Dublin and before I ever became an elected representative I was aware of young people who had been through certain institutions. All of those individuals had stories to tell in respect of their experiences.

I am of the generation of people who were hit with leather straps, canes and fists while attending school. However, my experience pales in comparison to those of the people who went through the institutions in question. I recall speaking to one woman whose sons attended one of these institutions as day pupils. The suffering and emotional and sexual abuse those boys endured was not considered by the redress board. The woman in question informed me that she was a cleaner at the particular school which her sons attended and that she was always struck by fact that the children there were all extremely sad. She said that all she wanted to do was put her arms around them and hug them. She also indicated that she thought that all that

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was wrong with them was the fact that they needed someone to love them. Unfortunately, it later emerged that the children at the school were being sexually, emotionally and physically abused. She did not discover until many years later that her two sons were physically, mentally and sexually abused while they attended the school.

When the woman to whom I refer spoke to me, she cried because there was no recognition in respect of what she had endured. She was not seeking compensation — all she wanted was some form of recognition to the effect that what happened was not her fault. Neither the redress board nor the system we established provided an avenue for that women and the many other parents like her to seek recognition for their awful plight.

The report on the Cloyne diocese does not relate to the distant past, it refers to recent events. The scandal in respect of the reports in to the events at Cloyne, Ferns and elsewhere is that the relevant entity which ran the institutions in question protected itself with regard to the abuse, etc., which occurred in those institutions. It was considered more important that the reputation of the entity be protected. Unfortunately, the State has taken a similar approach during this entire process. Deputy Smith referred to what occurred at the Bethany Home. A woman who suffered neglect and serious injury while in the Morning Star hostel and who protested outside the gates of this institution for 18 months — she even went on hunger strike at one point — was not granted recognition under the redress board. Many people have been affected by what occurred in these institutions.

As already stated, granting compensation is not the sole purpose for which the redress board was set up. I have a number of criticisms regarding the process under which it was established. It is clear that the amount of money some people received in respect of the abuse they endured was inadequate. Individuals who brought their cases to the High Court received huge settlements. The barristers and solicitors who took these people's cases made massive amounts of money. However, many of those who were affected by what occurred in these institutions could not take proceedings in the High Court. The redress board was meant to cater for such individuals but many difficulties arose in respect of the way it operated.

The main point I wish to make relates to why the redress board's work is being brought to an end now. The board has only been in operation for eight and a half years. The report into the diocese at Cloyne took ten years to complete. The Minister of State referred to placing advertisements in certain newspapers in Britain and indicated that the wider diaspora throughout the world would also be informed in this way with regard to the fact that the board's work is coming to an end. When the Ryan report was published in 2009, many of the Irish centres in Britain were inundated with queries from people seeking to discover how they might obtain redress. The figures indicate that many applications for redress are still being processed.

According to Right of Place, at least 150,000 children and teenagers went through orphanages, industrial schools and centres for young offenders, with many suffering abuse at the hands of religious orders and others in charge of their care. An estimated 100,000 left Ireland afterwards. At least half of these individuals are believed to have travelled to the US but only a fraction of them are thought to be aware of the existence of the redress board. I do not want to be approached a year from now by someone stating he or she did not know about what is proposed in the Bill. I am sure there are people in Australia and other countries who do not have a clue about what is happening. It will be wrong if those individuals are denied a means by which they can tell their stories.

Some survivors' groups have talked about the level of compensation, but the main issue is that they want recognition of what happened to them so that they can move on from that. The difficulty I have with the legislation is that there is a cut-off date, but perhaps on Committee

Stage the Minister can expand on or explain how individuals who have been left out of the loop with regard to this redress and recognition can be part of it.

I welcome the fact that the Minister is seeking 50% compensation contributions from the religious orders. At the time the decision was made, I and many others believed it was a shoddy deal and a bad deal for Irish taxpayers. I also have difficulties with regard to many of the religious orders. My colleague, Deputy Ó Caoláin, revealed recently that three out of the four orders have received a total of €87 million from the HSE in the past five years alone. Reports have also disclosed the extent of the orders' property dealings during the so-called boom years. For example, the Sisters of Mercy made €165 million in land sales and the Sisters of Our Lady of Charity earned €61.8 million from the lands surrounding the mass grave of the Magdalene victims discovered in 1993. The contrast between these sums and the funds made available to the laundry survivors could not be starker. They received no pay for their years of forced labour, are in receipt of no pension and were excluded from claiming from the Residential Institutions Redress Board. Is there another mechanism the Minister will consider in that regard? We accept it as a given that there have been many good people in the religious orders and no one wants to bankrupt those elderly religious who have no pension or to take funds away from people in the last years of life. Clearly, there must be some balance in that regard.

The State has a huge responsibility as the representative guardian of the interests of the citizens of Ireland to ensure that victims of institutional abuse are given every opportunity to seek meaningful restitution. The fear is that the winding up of the redress scheme will prevent this from happening. I urge the Minister to reconsider this Bill and to consider ensuring the following that there be recognition from the State that victims have been wronged; that there be a public apology to all the victims; that a statutory compensation scheme mechanism will ensure appropriate levels of compensation that accord with the values of compensation obtained in the courts system; that a report and recommendation are issued and implemented in order to ensure that mistakes of the past cannot be repeated; that necessary health care treatments are provided to persons affected; that legislation is enacted to prevent a repetition of such a health care catastrophe; and that a mechanism is established to recognise what happened in the Magdalene laundries.

My concern with regard to this set-up is that people will turn up down the line who have been left out. The Minister of State said that eight and a half years is long enough, but we know that for some people who suffered through those awful days, eight, ten, 20 or 30 years will not be enough. What is to be done? Should everything be put on hold? There should be some mechanism for those people to get some kind of recognition when it suits them, not when it suits the State. We need to consider that. Despite the financial difficulties facing the country, we owe these people. We owe them answers. We turned our backs on them in the past and I believe that through this Bill we turn our backs on them again.

Deputy Mary Lou McDonald: No matter how often the issue of abuse in institutions, including religious institutions, is discussed, it is almost impossible not to be shocked and horrified all over again by the kind of nihilistic viciousness that was visited on so many innocent children, whose only crime was to be born poor, to a single parent or to be orphans. After so many years of dealing with the tragic aftermath of the systemic and endemic abuse of women and children in religious and State institutions, it is almost impossible to understand why there any survivors whose abuse has yet to be acknowledged or accepted by the State.

The debate surrounding the proposed residential institutions statutory fund highlights yet again the State's failure to tackle fully the scale and the depth of the wrong it committed against women and children over so many decades. Some survivors, even those who have received awards from the redress board, continue to feel abandoned and disenfranchised. It is

[Deputy Mary Lou McDonald.]

important we understand that support, services and redress are ongoing commitments of the State to the children and women it failed to protect.

Some hard lessons have been learned and the Government's commitment yesterday, following the publication of the Cloyne report, to do everything it can to make sure the State is doing all it can to protect children is welcome. I note that the commission of investigation into the Catholic diocese of Cloyne is not convinced the State's laws and guidelines are sufficiently strong and clear to protect children. The commitment of the Minister for Children and Youth Affairs to address this shortfall through promised legislation, enhanced co-operation from Departments and better use of existing regulations is a positive response. However the new Government's response to the Cloyne report is starkly at odds with its response to the abuse of women and children in the Bethany home and at Magdalene laundries.

The continued exclusion of Bethany Home from the redress board is wrong and the Minister for Education and Skills, Deputy Quinn's, recent rationale for maintaining this exclusion does not stand up to scrutiny. The Minister restates the position that Bethany Home did not come within the scope of the redress scheme as it operated as a mother and baby home. However, St. Patrick's mother and baby home, a Roman Catholic-run institution, was added to the redress scheme in 2004. The charge of sectarianism is a hard one for the Government to shake off. The Minister goes on to state that the redress scheme was specifically designed to deal with abuse in a range of residential institutions for which public bodies had responsibility. Between 1924 and 1965 the courts referred women to Bethany Home. Statutory inspection of maternity homes began in 1934 and Bethany Home registered in 1935. As far back as 1939, standards of care were reported within the Department with responsibility for local government and public health and public criticism of Bethany Home was published in *The Irish Times*. There is an ocean of evidence to illustrate the State's neglect to adequately protect these women and children for whom it was ultimately responsible.

In 1939, the State's deputy chief medical officer ignored the advice of a departmental inspector who wanted a Bethany Home nurse prosecuted for severe neglect. Not only did the medical officer brush off the high rate of infant mortality with a shamefully ignorant view that it was a well known fact illegitimate children were delicate, but he then went on declare that Bethany Home's problem was that it was converting Catholics to Protestantism. On that basis, on his final visit to the home it was agreed that Catholics would no longer be admitted to it. The price paid by the children the State failed to protect during this time is heartbreaking. The graves of 219 children who died there between 1922 and 1949 were found in Mount Jerome cemetery in Dublin last year. Some 54 of those children died from convulsions, while a further 41 died from heart failure and 26 from malnutrition.

The Minister of State with responsibility for equality issues, Deputy Kathleen Lynch, was absolutely correct when, as an Opposition Member, she said last May:

I believe that the Bethany Home should be included within the Irish Government's redress scheme so that people who suffered the horrors of abuse in the institution, on the wink and nod of the State, can be afforded the reparations that they deserve.

Survivors have described how the State did nothing to prevent children in that institutions being sent to dysfunctional families in the State and in the Six Counties, chosen solely for religious purposes rather than child welfare-centred criteria. Again, the State stood by and let this happen.

The Minister knows all of this, which is what makes his refusal to reverse Fianna Fáil's decision to exclude the Bethany Home from the redress scheme all the more unfathomable.

My colleague, Deputy Seán Crowe, has submitted an amendment to the Bill which would extend the closing date for applications to 2013. This would facilitate survivors of the Bethany Home in seeking redress, assuming the Government reverses its decision to exclude them from the remit of the redress board.

The plight of the survivors of the Magdalene laundries must also be addressed urgently. Evidence given recently on behalf of the State to the UN Committee against Torture regarding what went on in these institutions was nothing short of shameful and disgraceful. Fortunately, the ensuing pressure on the Government persuaded it finally to set up a statutory investigation into allegations of torture against women and children in the laundries. The interdepartmental committee, chaired by Senator Martin McAleese, to establish the facts of the State's involvement with the Magdalene laundries and to produce a narrative detailing such interaction is a step in the right direction, but only a single step. The refusal to date of the Minister for Justice and Equality, despite numerous requests, to publish the interdepartmental committee's terms of reference is again deeply disappointing. Concerns remain following the State's evidence to the UN Committee against Torture that the interdepartmental committee's investigation will not include acts of omission.

Survivors of Magdalene laundries need and deserve a separate redress mechanism. These women and children were incarcerated in institutions, often for a lifetime, and the State knowingly failed them. When in opposition, the Minister voiced his criticism of the previous Government's treatment of the Magdalene survivors. The Government is now in a position to right this wrong on behalf of the State.

Deputy Maureen O'Sullivan: I propose to share time with Deputies Clare Daly, Mattie McGrath and Thomas Pringle.

An Leas-Cheann Comhairle: That is agreed.

Deputy Maureen O'Sullivan: When Shakespeare's Hamlet remarked that there was "something rotten in the state of Denmark" he could well have been talking about several institutions in this country, including the Catholic Church, banking and education, which have let people down horrendously. This Bill should never have been required in a so-called Christian and civilised country. The abusive treatment of children in institutions represents one of the darkest periods in our history. It is difficult to find words adequate to describe the pain, horror, grief and incomprehension experienced by children over many years. The natural order is for children to trust that adults will protect and support them. Instead, these young people suffered physically, mentally, emotionally and spiritually. They were starved of love and affection, sometimes physically starved, deprived of their right to education, sexually assaulted, beaten and used as slave labour. Families were torn apart, with people often never seeing their children, siblings or parents again.

Those who survived these institutions continue to live with the trauma and are scarred in many ways by their experience. Of course there are some who managed to move on and are leading fulfilling lives, but many others are barely coping. Some have ended up homeless, for example, or have turned to alcohol and drugs to cope with their pain. Some have become abusive themselves in their own relationships, have accrued massive debts or have even chosen to end their lives. However, the pain does not stop with those who directly experienced abuse. In the north inner city we are seeing the impact on the next generation, with the children of abused survivors equally turning to drugs, alcohol and suicide.

Reading the Cloyne and other reports, it is understandable that those who were abused might wish for all priests, nuns and religious brothers to be wiped off the face of the earth. However, it is important to acknowledge the good work done by people in religious life, both

[Deputy Maureen O’Sullivan.]

in this country and abroad. One need only consider the activities of Br. Kevin Crowley and Fr. Peter McVerry in looking after the homeless in this city or Sr. Concilio’s work with those battling addiction. As someone who was taught by a religious order and has worked with members of religious orders, I find it difficult to comprehend how some of their number will not accept and acknowledge what was done in the past by their congregations and that instead of doing what is right by those who suffered horribly, they are hiding behind loopholes and legal jargon.

The redress board was set up with good intentions to make fair and reasonable awards to persons who were abused as children in residential institutions. The list of institutions is extensive, but we must acknowledge that not all residents were abused and that there were some who experienced kindness and support. Nevertheless, the board’s findings have been very disturbing, with revelations that young children were put into these institutions for the most flimsy of reasons such as being born out of marriage, being orphaned or having missed school. Also disturbing is the amount paid to legal firms for their services to the board. I am not questioning the need for legal expertise, but the amounts involved are staggering, with some firms earning millions from their work. Equally, without taking from their work, a daily rate of €800 for board members is mind-boggling.

The word “redress” means to remedy or rectify a wrong and grievance; to readjust or set straight; to make reparation; or to restore equality. No legislation, no system and no amount of money can do all of that. I wonder whether we can ever remedy, rectify, readjust or set straight the harm done to these people. Can we as a society ever make adequate reparation for the wrong done? Applying to the redress board means opening up painful wounds and, for some, this has been a positive process. For others, however, the ordeal is too much. I have met survivors whose pain is being exacerbated by the media coverage. I was particularly saddened on meeting a man who was horrifically abused and whose only escape or relief is watching television. The coverage of the various abuse scandals brought everything back to him and I am sure the latest reports are once again depriving him of his only means of escape.

In 2005, the Government, in response to calls from groups representing victims of institutional abuse, extended the deadline for the receipt of applications for compensation. The proposal in this Bill to set a new deadline is supported by some of these groups. However, it is somewhat disquieting that a time limit for compensation is being imposed given that there is no time limit on the pain and suffering of victims. People cope in different ways and need varying lengths of time to deal with their grief and pain. Some have been slow to come forward as a result of personal problems or a lack of awareness that the institution in which they resided is included or that the board’s remit extends beyond the consideration of those who suffered sexual abuse.

The Kennedy report was published in 1970, but some of the institutions dealt with it in that report continued in operation until 1990. It is horrifying to realise that people continued to suffer long after the suffering should have been brought to an end. The Cloyne report makes the same point, that procedures were in place but were not used, with the result that more people suffered needlessly.

Another disturbing aspect of this issue is the extent of the contribution from the religious orders. The question of the inclusion of the Bethany institution must also be dealt with to the satisfaction of those who resided there. The proposals regarding the residential institution statutory fund are a cause for concern.

The Minister states that it should target resources at services to support former residents’ needs — counselling, psychological services, mental health services, education, housing etc.

While that is positive for many, there are some who are critical of this and their views must be considered also. I understand there is a petition on this. We must listen to those who are hurt. We cannot be judge and jury on what is good for them. We cannot make them fit into our neat box of recovery. The trust fund may be the mechanism needed for many survivors, but we have to listen to those whose needs are not being addressed by it.

I cannot speak on this Bill today without referring to the Justice for Magdalenes group. I wish to acknowledge the painstaking work of the group with Dr. Jane Smith and others. These women endured abusive and degrading treatment and I sincerely hope that the recent decision will bring about what the Justice for Magdalenes group has been requesting for many years and for far too long. Central to that is the principle of restorative justice and a failure by our institutions to protect the constitutional and human rights of citizens. These women can never be compensated adequately. They are owed so much and it is time to take this matter in hand.

I ask that this institution and the religious institutions do what is right by those who have suffered.

Deputy Clare Daly: The background to this change in the legislation is the fact that the State has spent upwards of €1.8 billion on the victims of abuse at the hands of the religious orders in schools and institutions. It is somewhat ironic that we are having this debate against the backdrop of the publication of the Cloyne Report. It is true that a considerable amount of money was expended to produce this report, but the cost to the State in this instance is primarily because of the shoddy deal done by Fianna Fáil in government and the religious orders, allowing many of them off the hook. Significant legal fees were claimed also. It is not a great deal of money when one considers what the thousands of victims have been put through by the severe trauma of abuse and the lifetime of carrying emotional and physical scars from the abuse they experienced in their early years. I think it is relevant that we are discussing this Bill at the same time as the publication of the Cloyne Report. As Deputy O'Sullivan has said this is another report, opening up the wounds of so many victims. We see it from the increased numbers accessing the helplines to seek assistance. What that really tells us is that in the context it is not appropriate to put a deadline on these cases of preventing people from having access to the Redress Board because there are some people who will not be aware but others may not be in a position to deal with the issues, even after all these years. They still need time, given the severity of the trauma and people not dealing with it. To pick an arbitrary date is in my mind unacceptable.

It is worth talking about the money involved when this is being motivated by limiting costs. Let us look at the costs that were incurred in the publication of the Cloyne Report, €140 million in investigating one parish. It has been estimated that if they were to investigate all of the parishes the cost would run to billions. What is the point of these reports? It really is a bit of sick joke at this stage. We know what went on, we have had so many reports it is clear the abuse that took place, but when was anybody prosecuted or called to account arising from these reports and in that sense what is the point in incurring more expense on those reports? These are criminal matters. The State should be spearheading the justice system to deal with them, but not one person has been dealt with in that regard. If the State wants to save money, it should be saved by not commissioning reports and insisting that the State take action against those criminally responsible for those activities.

The reality is that the abuse scandals are embedded in the history of the State and with its links with the Catholic Church, in particular. The Catholic Church has played a dominant and influential role in Irish society over the decades from the drawing up of the Constitution to the running of schools and hospitals. It is not enough to say that the church bears sole responsibility for that situation. The State is absolutely culpable in that regard. The State bent the knee,

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quite happy to see children, the elderly the sick given over to the church, saving the State a fortune in that regard. The church was allowed to hide the unwanted, those for whom nobody wanted to take responsibility and the State did not give a damn about what happened to those people. There is no appropriate level of compensation or money that can undo the harm that was done to those people but the least we can do is give them some recognition, some apology and some assistance in their later years. Rather than shutting the door, there is a very strong argument, as other Deputies suggested, for amending the legislation in order to extend it to other victims who as yet have been outside the loop and have suffered just as much, those in the Magdalene laundries and those in institutions run by the Church of Ireland, such as the Bethany Home. I think it is galling and I do not know how Deputies in the Fine Gael and Labour Party Government have the nerve, having made public statements while in opposition, to now do the complete opposite. I am seriously embarrassed for them. This is yet another example of it. The then Opposition parties gave clear commitments on these issues and now when they have the opportunity in government to do something about it, they are walking away from it.

I will not repeat all the points made by other Deputies but there is no debate about the issue of the Magdalene laundries or the Bethany Home. There is irrefutable evidence that the State and the courts colluded in sending women to the Magdalen laundries, who suffered horrendous treatment there and whose lives have been plighted by what happened to them. We know the Government had contracts for work done by those unpaid slaves. Similarly, contrary to previous statements that the Bethany Home was a private mother and baby home and had nothing to do with the State, has been proved wrong with irrefutable evidence that the State was responsible for sending young women to these institutions and causing the horrific harm that has been outlined by other Deputies. I fully support the inclusion of the victims of those organisations under the redress scheme. Together with other Deputies, I support the idea of a statutory old age pension that would include the years worked in the laundries when contributions were not submitted as required under the Act, entitlements and other benefits due to the unpaid workers in those laundries. Obviously a lump sum in lieu of those years of unpaid labour should be paid in compensation. At this stage it is horrific that only a couple of hundred women are in this situation. It will hardly break the bank. These women more than earned that money and are entitled to it.

Similarly, the points have been well made about the Bethany Home, and I do not wish to repeat them but I fully agree with them. I agree with the points made about the statutory trust fund. There must be some element of discretion in terms of how some people get compensation. I think an area that will come under this remit, which will not be closed off with the residents of Magdalene laundries and the Bethany Home is the illegal activity which took place in the 40 mother and baby homes which were closed in 1972, the largely church-run institutions where hundreds of children were illegally adopted and where birth registrations were illegally carried out. The lives of some people are blighted when they set out to seek their parents. The name of their biological mother was never entered on the birth certificate and they were given the names of their adoptive parents, as their biological parents. The State is trying to claim that this is a private matter. That is false. These mother and baby homes which were run by the religious orders, were paid a *per capita* sum by the State for the numbers that they catered for. The nuns supposedly gave these fallen women a roof over their head and in return these women effectively worked as slaves, in laundries, kitchens and farms of these institutions, often being required to look after their children for a number of years before the children were adopted. Many of those people have been in touch with me recently. It is a crime to falsify the registration of a birth, but there is documented proof that false registration was carried out and

facilitated by adoption agencies, some of which are still accredited by the Adoption Board today.

The HSE has files of the agencies that have ceased to operate. It says it can make the files available to those who want to investigate and find their birth parents but in practice it is not happening. We were contacted last week by a gentleman who was adopted from the Bessborough Care Centre, Cork, which was closed in the late 1970s. The HSE will not give access to the files on that case. Many people have spent tens of thousands of euro trying to access what should be available from a freedom of information request. It is criminal. We are paving the way to have another layer of people, who already are abuse victims, whose needs have not been calculated in this situation.

This is an area that must be included. The Adoption Board must be proactive and the HSE also has a role to play. Ultimately, the State was culpable in colluding with the church and the role given to the church in Ireland allowed it to operate as a state within the State. It is the clearest example of why we need to have a defined separation of church and State, which must also be part of this process.

Deputy Mattie McGrath: I am pleased, if one can call it pleased, to speak on this serious issue. I feel a responsibility to speak on this. Children born into disadvantage or born out of wedlock ended up in homes and we now know about the horrors that went on there. Previous speakers referred to the need for balance. We need balance and we need to be calm on this issue. The State must recognise the victims were seriously wronged and it must, above all, ensure any future legislation will be watertight. We must acknowledge the State's abject failure to protect those children. Some of the victims have now moved on and are living fulfilling lives but many suffer from depression, alcohol-related issues and drug addiction. Many of them have struggled to build a semblance of a normal life.

I welcome the new Minister for Children and Youth Affairs and her commitment to change in this matter. I also wish the Minister of State, Deputy Cannon, the best in his portfolio. I know it is difficult when one was in opposition a short time ago. I refer to Deputy Kathleen Lynch and Deputy Joe Costello, who supported some of the people who wanted to have their cases heard by the redress board. The redress board was set up with the best bona fides, like many other boards and institutions. I acknowledge the bona fides of many thousands of decent, hard-working, honest nuns, brothers and priests who give so much to education, on missions and doing other good work. I mention Sister Veronica, who set up the Aislinn Centre in Ballyragget. We cannot throw out the baby with the bathwater. Any wrong must be rightly condemned but we cannot allow ourselves to get carried away and to deem them all to be bad.

The fees paid to legal firms under the redress board are scandalous. The fees for 12 board members amounted to €800 a day, even though it has been cut back somewhat. These fees were paid when there were also paid staff. I am not trying to lessen the impact of work they had to do but I condemn out of hand those sums. None of the people on the board are lay people or ordinary people, all of them come from the legal profession or academia. We seem to have lost sight of what ordinary volunteers can contribute to this country and that is wrong.

The arbitrary date for the conclusion is almost callous. There must be fair play and enough time although I know a lot of time has been given. Perhaps some people were not aware and were unable to get in on time.

Let Our Voices Emerge represents those falsely accused of abuse, such as ex-nun Nora Wall. The organisation believes the board is too ready to pay out to applicants and that many claimants are either lying about what happened to them or exaggerating. I will not justify that or condemn it but I know Nora Wall and I know what happened. It was outrageous and we must

[Deputy Mattie McGrath.]

be careful about going into hysterics and undue investigations. That case was brought to court and I was appalled by the actions of certain members of the Garda Síochána in Dungarvan who investigated the case.

I am also appalled to hear about the retiring superintendent Tom O'Grady. The carry-on that went on was outrageous and thankfully, on appeal after being sentenced, that woman was freed to live some semblance of a normal life after the stigma of conviction. We must be fair and balanced because there are countless victims, which is outrageous. I fully support victims but we cannot have people hijacking the board.

A former county councillor and the ex-mayor of Clonmel was on several TV stations condemning what happened to him in his time at Ferryhouse. When he was mayor of Clonmel, he offered a civic reception to the brothers and praised them to the high heavens. I do know how he can be carrying on in the media. I ask the media to be fair and responsible. He attacked the brothers a few years later when it suited him and he received the opportunity of using television and being involved. He wanted to be on the redress board and to be paid to work as an advocate. Some of those for whom he worked are not happy with what happened. We need balance. These are the facts on the record. A civic reception was rightly afforded to the brothers. He was a man who was elected and was a sensible man. How did that turnaround come about? I am concerned about these issues.

Regarding the Cloyne report, what went on is appalling but I do not want people jumping on the bandwagon and condemning every religious order and every member of the religious. There are so many good people who are friends of mine and who work in leadership roles in communities and work under the constant strain of the cloak that has come over all orders. All of us have a sense of shame about what happened but we need balance. Regarding the Garda investigations, we cannot try to right all wrongs and seek convictions at all costs. That might be dangerous and it is very unfair and wrong. Justice must be done for the likes of Nora Wall and others.

I am happy to have the opportunity to contribute and I hope the Cloyne report will get to the bottom of this matter. We have seen too many bad experiences. Today we discussed after-care but children in those homes had no aftercare. We have much evidence, anecdotal and otherwise, to make proper decisions leading to watertight legislation.

Deputy Mick Wallace: The Government's decision to look for 50% from the church was a good idea as the notion of not paying half is outrageous. If September 2011 is imposed as an end date, some people will not achieve redress. Two newspapers in England, two in Ireland and a website publicise this. Not everyone buys newspapers — I would not blame them — and not everyone has access to a website. The confidence of many of these people is low and they may not have the courage to come forward.

The confidentiality clause involved in seeking redress may be intimidating for these people. It would be good if they were encouraged more. Stopping people from speaking about their experiences in the redress scheme adds to the element of secrecy. The fact that they were victims of a secrecy set-up when they were being abused only adds to their fears. It must have been very difficult for them to come forward initially, even without that secrecy element being imposed on them. That must have been daunting for people. Even those who were never in homes have difficulty speaking about negative experiences. There are many examples throughout society of people who were sexually abused being slow to speak about it because they felt guilty. They thought it was a reflection on them that the abuse occurred, and I am sure there must be an element of that for many of these people also. An effort should be made to encourage them to have the confidence to come forward and deal with the issue. Many of them will

not come forward without some prompting, and it would be a positive step for the Government to take.

With regard to the two institutions, many of the Deputies have dealt with those already. In terms of the Bethany Home and Magdalene laundries workers, it goes without saying that it will be a serious injustice if those people are not given the opportunity for redress. It is noteworthy that people like the Minister of State, Deputy Kathleen Lynch, and Deputy Joe Costello have campaigned for that through the years. Their party is now in Government and I am sure they would wish to see that happen but the Minister for Education and Skills, Deputy Ruairí Quinn, said “No” to the Bethany Home victims. If there are people in the Labour Party who believe that is the fair approach to take, we are back to the element of money. For the amount of money that would be saved on this, and given that the State has to pay only half of it, we should include both those institutions and give people justice on the matter.

On the deadline, I agree it should not be open-ended. A deadline is necessary but the church must be able to know where it is going in terms of money. Like any business it is very difficult to plan if it does not know what is coming up in ten years’ time. The date of 13 September proposed in the Sinn Féin amendment is fair to all sides.

An Leas-Cheann Comhairle: I call Deputy Seán Kenny who I understand is sharing time with Deputies Paschal Donohoe and Mary Mitchell O’Connor.

Deputy Seán Kenny: I wish to share time with other Labour and Fine Gael Deputies.

I wish to make some comments on the statutory fund aspect of the Residential Institutions Redress (Amendment) Bill. Following on from the Ryan report of 2009, the proposal for a statutory fund was first mooted in the all-party motion passed by Dáil Éireann in May of that year, following the publication of the Ryan report. In light of the Cloyne report published this week and containing yet more horrific revelations about the behaviour of the Catholic Church and its clerics in Ireland, the question of the statutory fund must be raised again.

Apologies and pledges of future co-operation with the civil authorities by the Catholic Church have lost all credibility. The Cloyne report, the latest report by the Murphy commission, is a clear demonstration that this Government, and this House, must assert its authority and ensure the civil law prevails. It is a straightforward matter. The civil authorities oversee the rule of law in Ireland and canon law can have no place in the rule of law.

On 5 July this year, the Minister for Education and Skills, Deputy Ruairí Quinn, announced that the Government is proceeding with legislation to provide for the establishment of the statutory fund to support the victims of residential institutional abuse. That proposal follows a comprehensive consultation process undertaken by the Department of Education and Skills. That process involved meetings with the 18 religious congregations that were party to the 2002 indemnity agreement under the redress scheme, with groups representing survivors of the residential institutions where child abuse occurred, and a number of other interested parties.

To date, just over €21 million has been received and placed in a special interest bearing account in the Central Bank pending the establishment of the statutory fund. However, the remaining congregations are awaiting confirmation that the legislation will provide for the charitable status of their contributions to the fund or sight of the proposed terms and structure of the fund prior to making their final contributions. The offers of contributions envisaged that cash contributions would be made over a period of years.

In light of the Cloyne report, not only should more land should be removed from the control of the institutions that were party to the 2002 indemnity agreement around the country for the purpose of setting up the statutory fund but lands should be transferred from the control of

[Deputy Seán Kenny.]

the institutions and put under the control of the State to be used for community and social projects that cost the State money. That should be done where it is clear the land owned by the institutions is not in active use by those institutions. I am not suggesting the State should expropriate property that is in use.

By way of example I point to land owned by the Christian Brothers in my constituency for this latter purpose, namely, the former Christian Brothers novitiate building in Baldoyle. That building is still owned by the Christian Brothers. It is not used, and serves the Christian Brothers no purpose whatsoever. It is a vacant building. Fingal County Council had to contact the owners to ensure the building was properly secured. It remains unused.

I am of the view that the State should now take that building and use it for the benefit of the community in Baldoyle. Indeed, the Baldoyle Community Forum has no facility in Baldoyle village and is reduced to using a building in the nearby industrial estate. This would not be part of the statutory fund but it would relieve the State of the financial burden of the cost of providing buildings for community and other purposes.

Deputy Paschal Donohoe: About two years ago I had the opportunity to visit a building which housed one of the schools covered by this Bill. Even now, with the passage of decades, to visit one of those buildings as an adult is a searing experience. My clear recollection is of walking down very long corridors with tiny rooms off them. I went into one of the rooms which I was told was preserved in a way that kept it as it had been experienced by the children. The rooms were full of tiny beds side by side where all these children slept and as somebody who was fortunate enough to have been raised in a warm and loving environment, it gave me a glimpse of what those children must have experienced. A Bill such as this and the process we have gone through is scant compensation for what those children endured but I hope it offers a degree of recognition.

I believe it was Deputy McDonald who said earlier that words fail one when talking about this issue. I am reminded of a comment somebody once made: “Whereof one cannot speak, thereof one must be silent”. While many of the people who endured these experiences find that silence is sometimes the default setting for them, silence is not an option for the State now. Those of us who are speaking about what happened and those in the previous Government tried to bring some degree of recompense for the horrific experiences these children went through. The defining feature of this State’s history, or at least of its first half, will be how badly we treated children who did nothing more than be born into a family of a certain background or status. We have a long way to go to make recompense for the way in which these children were treated.

There are four features of this Bill on which I want to speak. Deputy Wallace referred to the confidentiality provision in the original Act. I struggle to understand why this was needed and how it operated. One lesson we have learned very well is that institutions, when threatened, look to protect themselves. Frequently, if not always, they look to protect themselves at the cost of others. One of the most important antidotes to this is transparency and giving people the confidence to talk in the knowledge that, if they do so, they will be listened to. Therefore, I struggle to understand why the State, in putting in place a mechanism to deal with this matter, felt the need to impose a confidentiality clause.

The second point concerns the deadline. Choosing a deadline is always difficult because some always meet it and others do not. For matters as sensitive as this, the choice of deadline is so difficult. It is important, however, that one be fixed. We should acknowledge that the deadline for applications was 2005, which was five and a half years ago. One should question, as other speakers have done, the way in which the deadline is advertised. The briefing material made

available to us refers to how the setting up of the fund was advertised through television, radio and a wide variety of publications. What we are now proposing by way of advertising the new deadline looks weak by comparison. It is vital that the kind of effort that went into advertising the setting up of the board be put into advertising its closure.

My final point is on how we should move forward. Sadly, the Cloyne report provides a tragic backdrop to this discussion. The most vital element of our future dealings in this area will be to ensure that the law in this State, irrespective of its flaws, remains supreme. Any ambiguity that arises if an institution believes it has the ability to counter or take the place of any law must be eliminated. Some of the measures the Government is proposing, such as putting in place codes on a statutory basis and the legislation proposed by the Minister for Justice and Equality, Deputy Shatter, will go a long way towards doing so.

Deputy Mary Mitchell O'Connor: I welcome the opportunity to speak on this Bill, which deals with the winding up of the Residential Institutions Redress Board. Section 8 of the Act allowed the board to take late applications for redress and implied it was wholly appropriate that this be the case. There was, no doubt, hesitancy on the part of some victims to come forward to discuss the unspeakable and evil abuse they suffered. In many cases, victims did not have the courage to speak out until they had seen others do so and achieve some success in their search for justice. The extension of the original deadline for applications in exceptional circumstances allowed those people the time and space they needed to tell their stories.

It is now six years, however, since the original extended deadline and the board is being wound down. I understand that, as of May 2011, the board received 15,135 applications, of which 14,592 were finalised, leading to 13,669 awards. It should be noted that many people achieved recognition from the redress board but refused their awards.

It is very welcome that the Minister for Education and Skills, Deputy Ruairí Quinn, has allowed the board to continue to accept late applications for redress in exceptional circumstances until 17 September 2011. It is planned to advertise this in two Irish and two UK daily newspapers six weeks in advance of the deadline. I ask the Minister to expand the advertising programme in recognition of the fact that not everybody affected might see these advertisements. I ask the Minister to examine the feasibility of radio and television advertising in addition to the newspaper advertisements.

I support the call of the Minister for the religious institutions to contribute to the overall bill on a 50:50 basis. Certain religious orders have made offers of property to the State and the Government is considering them. Will the Minister provide an update on progress in this regard?

Yesterday saw the publication of the Cloyne report and the release of some very distressing evidence of the abuse that has taken place in this country. We should remember the publication of reports such as this, in addition to the Ryan and Murphy reports, is a terrible reminder of the victims concerned. They should know their participation in the compilation of such reports represents a great service to the State by revealing the truth about what happened. It is beyond belief that, to this day, individuals in the Catholic Church do not understand one should not abuse children. One should not abuse children physically, emotionally or sexually; it is that simple. It is beyond belief that senior members of the church orchestrated the withholding of information from the authorities and compounded matters by making victims substantiate and prove their stories.

The church authorities should now bow their heads in shame having been dragged through the various commissions of inquiry. The Ferns, Murphy and Ryan and reports, and now the

[Deputy Mary Mitchell O'Connor.]

Cloyne report, point to disgraceful litanies of child abuse carried out by the religious. The cover-up means a crime against children was committed on the double.

I support the call yesterday by the Tánaiste for a comment from the Vatican in response to the Cloyne report. I understand Archbishop Leanza said he would immediately bring a copy of the Cloyne report to the attention of the Holy See.

Let me finish on a more hopeful note. There has been a very positive development since the publication of the various reports, namely, legislation to require statutory compliance for the first time with the Children First guidelines, as recommended in the Ryan report. The Minister for Children and Youth Affairs, Deputy Francis Fitzgerald, received Cabinet approval for this yesterday. The legislation will require all organisations and individuals working with children to share information with the statutory authorities where such information relates to child welfare or protection concerns. The message is simple: child abuse is morally wrong and will not be tolerated.

Deputy Catherine Murphy: I wish to share my time with Deputy Pringle.

Stolen innocence and a stolen childhood cannot be compensated for, no matter how much money is involved. The idea of the Residential Institutions Redress Board was to allow people to find ways to cope with the abuse they suffered.

This Bill seeks to wind down the Residential Institutions Redress Board, which has over approximately nine years paid close to €1 billion in financial awards to survivors of institutional abuse in Ireland. The board, over its lifetime, has helped to reveal an astonishing and shameful legacy of abuse across a range of institutions, particularly religious institutions. When it was first proposed as an independent mechanism for compensating abuse victims, it was envisaged that the redress scheme would cost approximately €400 million. I remember a great deal of discussion took place about the contribution that would be paid. In the years that have followed, the sum of €850 million appears to be closer to reality, which indicates the depth of the scandalous treatment of the residents of Irish institutions and the huge number of people affected, who reside in Ireland and elsewhere.

The Bill proposes to amend section 8 of the Residential Institutions Redress Act 2002 to wind up the residential institutions redress board. The board was officially established in 2002 to make awards to the victims of childhood abuse in certain designated institutions. The original closing date for applications to the redress board was December 2005 but the Act allowed for late applications in exceptional circumstances. The Bill proposes 16 September as the closing date. This has come at a very bad time when one considers we are debating this in the same week that the Cloyne report has been published. The proposal to extend the scheme to 2013 is safe and not unreasonable.

We are still waiting for belated official apologies and appropriate compensation from institutions such as the Magdalen laundries and the Bethany Home. I worry there will be a late spike in applications for compensation to the redress board. Legitimate claims will go unheard and unaddressed. For many people, this is about more than seeking financial compensation, it is about being believed. They spent most of their lives not being able to say what happened to them because they did not think they would be believed. This apology is incredibly important and the mechanism to deliver it is the redress board.

In 2002, it was expected that Catholic religious orders would pay one third of the cost of the compensation scheme but in April 2010 the then Government announced the orders which ran the institutions would pay half the overall bill. This was a welcome development and an acknowledgement of the unambiguous responsibility the religious orders bore for the horrific

abuse that took place in their institutions. However, it is clear from recent revelations that the true level of contribution offered by the religious orders falls far short of the 50:50 ratio. Based on recent estimates, it seems that €680 million will be paid by the orders and there is a shortfall of €200 million. This is a disgraceful state of affairs and it needs to be addressed.

I understand a significant amount of land and property has been sold in recent years by the religious orders. We should note they are free from paying tax because they are charitable institutions. If this money does not find its way to the State it creates a double problem.

It has also emerged that only two of the 18 congregations have made any additional offer to tackle the shortfall. The remaining congregations have made absolutely no additional offers to the Government. I find this shocking. This is about them taking responsibility and it would be a means of showing they are taking responsibility, as would a change in culture in the reporting of abuse.

The scheme has failed miserably to live up to expectations and the Minister, Deputy Quinn, has expressed disappointment at the outcome. He is seeking to implement a legal mechanism whereby the title of school properties would be transferred to the State at the State's request giving it the power to intervene and stop the sale of such properties. This is a welcome development and I support it. However, the arrangement could throw up some complex legal issues and I call on the Minister to pursue as far as possible a means of finding the €200 million shortfall and not to allow these institutions to wriggle out of their responsibilities.

It is important not to forget the context in which today's debate is taking place. Yesterday, as I mentioned earlier, the report of the commission of investigation into the Catholic diocese of Cloyne was published, illustrating once again the horrific record of abuse in the Catholic Church and its utter failure to deal with complaints and allegations. I welcome the announcement that reporting will be made a legal obligation. It is absolutely necessary that we make sure this does not happen again.

Every time we receive a report like this old wounds are opened up and people who feel they have been coping find they are struggling again. It is very important that we consider at this time the adequacy of the counselling services provided for new complainants and those who have been hurt by the opening up of old wounds. There will be an increase in the numbers who present and it is important that they are properly dealt with.

The history of industrial schools is older than the State. My grandfather, along with some of his siblings, was in an industrial school in Carriglea House, which was a sister institution to Artane. That was under British rule and I believe he was liberated in 1910. Industrial schools were carried over from a previous environment. Children were sent to these schools because a parent died. They were told they would receive an education. We carried on some terribly bad practices and trusted people we had no entitlement to trust. What has come across is that irrespective of who commits abuse there are two common aspects: one is access to children and the second is putting people above question. We see people in all types of situations who have access to children and it is essential to put systems in place, which is why I welcome criminalising people for not complaining.

I am not religious but I know many good people in religious orders who are very hurt by the revelations of this week about the handling of complaints in the Cloyne diocese. We should not treat everyone the same. The institutional failure lets down these people as much as it lets down the people who were abused.

An Leas-Cheann Comhairle: I understand Deputies Richard Boyd Barrett and Joan Collins are also sharing time in this slot.

Deputy Thomas Pringle: Yes.

An Leas-Cheann Comhairle: Each speaker will have three minutes.

Deputy Thomas Pringle: The Bill proposes to end the work of the redress board by setting 17 September as the last date for the receipt of claims for redress. I am concerned the date may be too soon and I wonder whether any date should be placed on the receipt of claims in this situation.

The redress board provides a form of compensation for the victims of the terrible abuse that was inflicted on children by religious institutions with the full compliance, and in most cases with the full knowledge, of the State. Many of the victims of the institutions are very traumatised and even the thoughts of making a claim may cause the re-opening of the serious psychological scars they suffered. This means that mentally they may not yet be in a position to make a claim. The process of going before the redress board is traumatic in itself and the Minister must take all of these pressures into account when deciding to close down the work of the board.

There are also concerns that even now there may still be survivors and their families living abroad who have not had the opportunity to make a claim. The Bill provides for the redress board to advertise for at least six weeks in advance of the proposed date of 17 September in at least two newspapers in circulation in England. This will mean the advertisements will appear in the middle of August, which is not the best time of the year to be making announcements of such importance. I appeal to the Minister at least to consider extending the proposed date in order that advertisements will appear when most people have a chance to see them.

I propose to address the refusal of the Minister to include the survivors of the Magdalene laundries and Bethany home in the terms of the redress board. The exclusion of these survivor groups from the provisions of the Bill has heaped further injustice on them. I appeal to the Minister to allow the Bethany home survivors to be included in the review chaired by Senator Martin McAleese to give them an opportunity to have their rights vindicated.

I propose to refer to the statutory trust fund proposed by the Minister to provide for the distribution of €100 million to be paid by the religious institutions. Differing views have been expressed by survivors groups on whether this is the proper way to disburse this money. Many groups and individuals believe this money should be given to the victims who have received compensation from the redress board. Not surprisingly the religious institutions and Government are happy with the proposal that the statutory fund use the money to provide services which should be provided separately by the State. Implementing this proposal will be an abdication of the State's responsibility to provide for the health and educational needs of the victims of abuse.

I call on the Minister to leave open the closing date for applications and allow the survivors of the Magdalene laundries and Bethany home the right to apply to the redress board on the conclusion of Senator McAleese's review. Failing that, I ask that the deadline be extended and a series of advertisements placed in the newspapers and on radio and television here and in Britain to ensure as many survivors as possible have a chance to have their case heard.

Deputy Joan Collins: While many of the inmates of residential institutions have been through the Residential Institutions Redress Board — representatives of One in Four informed me earlier today that the majority of those who wished to apply to the board have done so — a small number of survivors may decide later that they wish to seek redress from the board. For this reason, I concur with Deputy Pringle that the deadline for applications should be dropped or extended. It would be unfair to close off this option to those who may decide in two or

three years that they wish to come forward with their story. The Government should provide for open-ended applications to the Residential Institutions Redress Board. It is also inappropriate that such short notice — only six weeks prior to the cut-off date — will be given before the redress board stops taking further applications. Notice of a cut-off point should be withdrawn in line with a commitment to leave open the facility to make applications for redress for abuse suffered in residential institutions.

Many survivors of abuse who went before the Residential Institutions Redress Board have expressed dissatisfaction at the manner in which they were treated by the board. The adversarial approach of the religious congregations has caused distress. This approach is reflected in the payment of €200 million in legal fees from a total of €1.3 billion paid out by the redress board. The requirement that survivors discuss the details of their lives and families, the lack of consistency in the sums awards to survivors and the imposition of confidentiality agreements have also caused distress to survivors. The manner in which the Residential Institutions Redress Board has functioned places a question mark over the suitability of this type of body to address the sufferings of the inmates of the Magdalene laundries and Bethany home. The Minister must examine the issue of establishing a board to facilitate redress for these groups of victims.

The House will next week debate the Cloyne report, which will provide ample opportunities for Deputies to discuss these issues again. The Cloyne report has moved the issue of the separation of church and State further up the agenda. The Dáil must address this issue in the period ahead. The prayer at the commencement of the day's business is an affront to many people and should be replaced by a minute's silence.

Deputy Richard Boyd Barrett: The abuse of many thousands of young people in institutions run by the Catholic Church and essentially allowed by State authorities over such a long period is a great cause of shame for this State. We owe a major debt of compensation to people whose lives were utterly ruined. Listening to the tales of the suffering people endured in the industrial schools and Magdalene laundries, it is truly horrifying to think of the abuse suffered by vulnerable young people and their helplessness in the face of the institutions of our society, whether the church or State. Both the church and State professed to protect young people but were involved in horrendous abuse, either through the direct perpetration of abuse or by turning a blind eye to it for a long time.

Many of the victims of abuse are still with us and their lives have been utterly blighted. I meet people every day who endured this horror, including one man who I met randomly on Grafton Street today. Of 14 children in his family, eight had been in industrial schools where their lives were ruined. In that context, for the Oireachtas to impose a guillotine on their right to claim redress from the State and church authorities is a scandal. There should be no question of imposing such a guillotine for as long as there are people who have not had full redress for the crimes that were committed against them. We owe it them to give them every encouragement and opportunity to seek redress at a time of their choosing and not on the basis of some arbitrary date which we impose to bring to an end our responsibility for this issue. The Government must rethink its position in this matter.

It is an absolute scandal that the redress scheme does not extend to the victims of the Magdalene laundries and Bethany home. This amending legislation should provide for their inclusion in the scheme. I appeal to the Government to reconsider its position in this regard.

In the context of the publication of the Cloyne report and the terrible history of powerful institutions in this State being responsible for the most terrible abuse, the Government must exert extreme pressure on the church to open up and be held fully accountable to the victims of abuse in church institutions. The State bears some responsibility for allowing the church to act as it did. The man I met on Grafton Street earlier told me he wants the church authorities,

[Deputy Richard Boyd Barrett.]

the Papal Nuncio and representatives of the State to be brought before a public forum where it would be open to any victim of abuse in church institutions to come forward and interrogate the representatives of the institutions that were responsible for the abuse and have their stories and histories fully heard. The victims need this type of public forum to put forward their proposals for securing full redress and compensation for the terrible suffering they endured. If the Government is serious about caring for the victims of this terrible abuse, it must take action along the lines I have suggested.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I thank Deputies for their contributions over the past two hours. Thankfully, the debate was conducted in the correct spirit and was devoid of some of the naked political grandstanding that has set the tone for much of the debate in the House in recent weeks. I will address some of the points raised by Members on both sides of the House. Deputies Seán Crowe and Brendan Smith sought assurance that the Government is satisfied that the work of the board is nearing completion and that potential applicants have had an opportunity to apply for any redress to which they feel they are entitled. I assure both Deputies, and all Deputies who have raised this issue, that this is very much the case. The board has approximately 500 applications on hand to be finalised and a further 560 late applications to be considered. To date, the board has processed applications from more than 14,600 cases.

The board was established in 2002 and a very extensive advertising campaign, costing almost €1 million, was undertaken by the board at the time. In 2005, another extensive advertising campaign was undertaken to notify all concerned of the closing date, as it was at the time. The publication of the Ryan report in May 2009 afforded another opportunity to raise awareness of the scheme. The recent publication of the Cloyne report will further serve to jog the memories of some of those who were the subject of horrific abuse in the past.

Eight years after the establishment of the board, the Government is satisfied that it is time to start winding down the redress board. I am sure many of those who suffered this horrific abuse would seek to have all possible closure on the terrible memories they carry with them on a daily basis. The very act of winding down the redress board will, perhaps, help them to put the past behind them, move on, pick up the pieces of their lives and achieve whatever they can in the very difficult circumstances in which they live.

Deputy Smith raised the possibility of allowing exceptional cases to be admitted after the closing date. It is important to recognise that the original closing date was December 2005. At that point, we were moving into the phase where only exceptional cases would be considered. Since then, we have been dealing with what could be described as exceptional cases. While some Deputies are concerned that potential applicants are not aware of the right to compensation the Government believes that every reasonable effort has been made to raise awareness and that it is time to commence winding down the redress board.

The measures I outlined earlier as to raising public awareness are the minimum one would hope to set in train. I am confident that the redress board, through the strong linkages it has built up with support groups for sufferers in Ireland and with diaspora support groups globally, will be able to go beyond the formal advertising process I laid out earlier and raise significant awareness about the impending closing date. Deputy Smith raised the necessity to ensure that all channels are used to make potential applicants aware of the closing date. I assure him that all available channels will be used. The Deputy suggested some very helpful measures in which we might engage. There is a large international Irish community network which we can access. A number of legal firms have been closely involved in the redress process. They are also being advised of the closing date and will be encouraged to spread the news as widely as possible.

Deputy Smith raised the question of the records of the board. Subsection 28(7) of the 2002 Act provides that the board shall, prior to the making of an order to dissolve the board, determine the disposal of the documents concerning applications made to it. Similarly, the decisions on the commission's records are a matter for the Commission to Inquire into Child Abuse. The legislation envisages that the commission will be making as complete a record as is practicable of the proceedings of the commission. This House has noted the desirability that, in so far as possible, all documentation received by the commission be preserved for posterity and not destroyed. Both the redress board and the commission are maintaining all their documentation. My colleague, the Minister for Education and Skills, Deputy Ruairí Quinn, is anxious to retain the records of the bodies to the greatest degree possible and is liaising with the bodies in this regard.

Several Deputies raised the matter of the Bethany Home, while Deputy Clare Daly raised the wider general issue of mother and baby homes. When the redress scheme was introduced it was intended to address a particular circumstance, namely abuse in residential care. It was not intended to be a panacea for every single injustice visited on our children in the past. The scheme covers industrial schools, reformatory schools, orphanages, children's homes and special schools in which children were placed and resident and in respect of which a public body had a regulatory or inspection function. As noted by the Minister at the time, the scheme was to deal with the abuse of children while the State was acting to a significant degree *in loco parentis*, where children had been removed by the State from their parents and placed out of their protection. The scheme does not include mother and baby homes, hostels and other settings.

As Deputies will be aware, there was a range of demands for the scheme to be extended to include specific institutions and categories of institutions, following the publication of the Ryan report. The previous Government considered the matter and decided against any extension. This decision has meant the exclusion of a range of institutions which could have been considered for inclusion.

The Minister for Education and Skills recently met the Bethany survivors' group and reviewed the matter. He confirmed that the religious ethos of an institution was not a criterion for inclusion in the scheme and while the majority of institutions were managed by religious congregations others were managed by State bodies, voluntary bodies and management committees or pursuant to trusts. The perception that the redress scheme addressed only Catholic institutions is simply not true. The Minister has concluded that there is no basis to review the decision on the Bethany Home. The Minister has been proactive in meeting the Bethany survivors group. He met them on 24 May last. The group presented extensive research undertaken on their behalf. The group perceive that the exclusion of the Bethany Home from the redress scheme was on religious grounds. The Minister has confirmed that the religious ethos of an institution was not a criterion for inclusion within the scheme. The research undertaken revealed that the Bethany Home was certified by the Minister for Justice in 1945 as a place of detention under the Children's Act 1908. In this regard, the Department of Justice and Equality has advised that while it has not received any allegations of abuse from any female committed to the home it would be happy to deal with any such case on an individual basis.

Deputies also raised the question of those women and girls who were housed, for want of a better word, in Magdalen laundries. As Deputies are aware, the Government believes it is essential to fully establish the true facts and circumstances relating to the laundries. The inter-departmental committee chaired by Senator Martin McAleese is tasked with clarifying the State's interaction with the laundries. This is a necessary first step and I welcome the congregations' statement that they are willing to bring clarity, understanding, healing and justice in the interests of the women involved.

[Deputy Ciarán Cannon.]

Deputy Donohoe raised the confidentiality aspect of the original Residential Institutions Redress Act. This confidentiality clause does not prevent former residents from recounting details of their experiences while resident in scheduled institutions. It prevents them from disclosing the fact that they received an award from the board in respect of their experiences while so resident. This is in recognition of the fact that the board operated an *ex gratia* scheme with no finding of fault. The threshold of proof was lower and the range of matters requiring proof was narrower. Applicants had to prove their identity, their residence in an institution during childhood, that they were injured while so resident and that the injury was consistent with the alleged abuse.

One of the goals of the Commission to Inquire into Child Abuse was to provide those abused with an opportunity to recount their stories, which was a very important part of the healing process.

I commend all those whose testimony is reflected in the commissioner's report.

I referred earlier to an important element of the closure of this particularly horrendous episode in our nation's history. The Ryan report recommended the erection of a memorial to victims of institutional abuse inscribed with the words of an apology given by the then Taoiseach in May 1999 as a permanent and fitting public acknowledgement of their experiences. The committee appointed to oversee the memorial in October 2009 has consulted widely and the Minister has agreed to its proposal to advance the erection of the memorial to the competition stage. The committee will seek expressions of interest from those interested in designing and erecting such a memorial.

Question put and agreed.

Business of Dáil

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I move:

That, notwithstanding anything in Standing Orders or the Order of the Dáil of today, Question Time shall be taken for 75 minutes at 5.30 p.m. or on the conclusion of the Second and Remaining Stages of the Residential Institutions Redress (Amendment) Bill 2011, whichever is the later.

Question put and agreed to.

Residential Institutions Redress (Amendment) Bill 2011: Committee and Remaining Stages

SECTION 1

Acting Chairman (Deputy Michael McCarthy): Amendments Nos. 1 and 2 are related and may be discussed together.

Deputy Seán Crowe: I move amendment No. 1:

In page 3, line 15, to delete "17 September 2011" and substitute "17 September 2013".

The amendments speak for themselves, although I acknowledge the Minister of State referred to this issue in his Second Stage reply. I seeking the extension of the scheme from 17 September 2011, as proposed by him, to 17 September 2013. The redress board is still processing a backlog of more than 1,000 applications. However, late applicants can only apply for compensation if they can prove exceptional circumstances, which usually means where physical or mental illness

prevented them from applying sooner. Now even that avenue will be closed to victims if the proposal is passed. When the Ryan report was published in 2009, Irish centres were inundated with inquiries from people seeking redress. Many of them had lost all contact with Ireland. They knew nothing about the redress board and were unaware of the right to apply for compensation. Many of the people who came forward left Ireland and cut themselves off. They wanted to put Ireland behind them and, therefore, they stayed away from Irish groups and societies.

I have serious problems with how the scheme is being advertised, although I acknowledge it is a separate issue and the Minister of State said he will address it. I agree with colleagues about the cut-off date in this regard.

It is wrong to close the redress board to victims of abuse and I am seeking to extend the closing date to September 2013. I echo the calls survivors' groups made in 2009 when the Ryan report was finally released to the public. According to Right of Place, at least 150,000 children and teenagers went through orphanages and it is estimated 100,000 left Ireland afterwards, with at least half travelling to the US. There has not been a significant take-up. This September is not the right time to close the scheme, particularly in the context of the release of the Cloyne report yesterday. It took Mr. Justice Ryan ten years to produce a report. Surely, we can give the victims in this situation time to come forward. One woman mentioned in the Cloyne report said it took her 40 years to report what she had gone through.

The purpose of the amendments is to give space to victims who were clearly wronged and not to drag out the scheme. There are people out there whom we have not been in touch with. Many people have not heard about the scheme or may not be mentally in a place where they can come forward to tell their story. However, I am also conscious that we need to give space those who have not had the opportunity or who may not be in the correct frame of mind. That is where I am coming from.

Deputy Thomas Pringle: I support the amendments. It is important that the deadline be extended for the reasons Deputy Crowe outlined. People still may not know about the scheme. They are living in England and they are not part of the Irish community because of their experiences in residential institutions. We should allow time for them to avail of the scheme. If the Minister of State accepted the amendments, a rolling advertisement campaign could be run over the next two years to highlight the scheme. There would be nothing worse after 17 September if 100 or 200 people came forward who had only been made aware of its existence. I am aware of a number of victims who are unable to face up to what they went through in these institutions, even though the opportunity has been available to them through the redress board to come forward for many years. They have not mentally been able to face up to what they went through and to take the next step of acknowledging it and going before the board.

I accept the Government has to set a deadline for the scheme but it is too important an issue for these people. If we leave even a small number of people continuing to suffer without the opportunity to appear before the board and to put their story, that will be a great tragedy.

The other reason I support the amendments is that we are in the summer holiday period. People will be away and they will not read newspapers when these advertisements run over the next few weeks. People will miss them and it would be a bigger crime if they could have had an opportunity to seek redress but missed it because they were away. There is merit in extending the period of the scheme and the Minister of State should give serious consideration to it. That would not hinder, hamper or prolong unduly the work of the commission. The importance and value of that is much greater and would ensure that nobody is left out.

Deputy Brendan Smith: Previous speakers have made the point that it is not a good time of year to try to get information to the widest possible number of people. We are all aware that the activities of voluntary organisations, apart from sporting organisations, cease during the

[Deputy Brendan Smith.]

month of August. Many of the people we know who are leaders in Irish communities or voluntary organisations abroad come back home to visit during August. There is concern about the timing of the measure. I would prefer if the end date was later than September. None of us in the House would like to see any individual deprived of his or her rights. Would it not be possible for the Government to incorporate in the residential institutions statutory fund Bill the residual functions of the redress board? That would enable the work of the redress board to be activated again should applications that meet the criteria applied by the redress board arise.

To my knowledge, previously when statutory agencies ceased to exist residual functions were transferred back to the parent Department and when necessary the legislation could be invoked to deal with issues arising. When so much good work has been done under the auspices of the redress board it would be unfortunate if any one individual or a small number of people were deprived of their right to avail of the redress scheme. The measure should be incorporated in the statutory fund Bill. Hopefully, it would not need to be activated at any time but it would be a safeguard to ensure that nobody, through illness or other situation, who was not in a position to be advised or to know of the existence of the scheme would be left out. It would be a shame if in six or seven months time or later such a person became aware of the scheme and met with the criteria but was not able to avail of it.

I am pleased that the Minister of State gave an assurance that following an analysis by the Department and the relevant agencies and redress board they are convinced that the vast majority of potential applicants have made appropriate application. The establishment of the statutory fund Bill will be complementary to the work that has already taken place. I cannot see why a provision could not be incorporated by the Minister, Deputy Quinn, in the autumn to deal with any particular lacuna that might arise following the proposals contained in the legislation.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I regret that I cannot accept Deputy Crowe's amendment. As I explained on Second Stage, the Government believes that the redress board has, by and large, completed the task assigned to it. The timeframe for the receipt of applications which was set out in the original legislation provided a reasonable period within which applicants could submit their cases. The legislation also made provision for the acceptance of late applications in certain exceptional circumstances. We are now at that juncture where the original cohort of people who became aware of the supports available through the redress board accessed the provision of that support during the early stages of the board's existence. We are now finally dealing with those exceptional circumstances.

One must bear in mind that a total period of eight and a half years has been made available. It is a long time for the making of applications. I believe it is an adequate period. Deputy Crowe indicated that in 2009 the publication of the Ryan report jogged the memories or incentivised a new cohort of people to access the redress board. That in itself is reasonably sufficient for us to conclude that we are now dealing with the last few exceptional cases. It is now time to prepare for the closure of the board and the setting of a date after which it will not be possible to receive applications. It is an essential part of the winding down process. In all of the circumstances that have been voiced today, the Government is satisfied that 17 September 2011 is the appropriate cessation date. We do not believe there is any justification in extending the date further.

Deputy Seán Crowe: My argument is based on the timescale and date. It took the State years to accept its role in regard to the institutions. Brave journalists wrote about the situation and

then we woke up to the fact that a problem existed. The State apologised and tried to make restitution.

It appears that the State is trying to save money. The Minister of State accepted that a cohort of people in Britain came forward. I suggest that a significant number, perhaps up to 100,000 people went to the United States. Not many applicants have come forward from there.

In many cases information about the redress board has come about from victims talking among themselves following chance meetings and hearing about what was happening in this country. People do not put themselves in a pigeon hole. They went through a certain amount of difficulty in the institution and they find it difficult to talk to people. Many victims do not talk to their families about what happened but they may talk to other people. Many have cut themselves off. This move will be seen as the State protecting itself. What emerged in the case of the Cloyne and Ferns reports is that it was not about the victims but the institution protecting itself. I accept the board has existed for many years but I worry that we are sending out the wrong signal to those victims with the closure of the redress board within a short period. What option is there for a person who decides to seek recompense for what he or she went through, other than the courts? The only ones who will gain from such an approach are barristers and such individuals rather than the victims. It is not a great forum for people to get recognition and tell their story. The redress board was established to allow people to tell their story. On that basis I call for an extension of the redress board. I accept the Minister of State cannot do it if his hands are tied. I wish to press the amendment.

Deputy Ciarán Cannon: Deputy Crowe referred to the publication of the Ryan report. Perhaps I misunderstood him but he appeared to think that it jogged the memories of only a cohort resident in the UK. I suggest that the shock and horror we felt as a nation reverberated around the whole world at the time. While no one would claim to be 100% confident that every single person who requires redress has accessed it, the revulsion we all felt at the time did reverberate around the world and one can only conclude that the vast majority of those who intended accessing the redress board have done in the past eight and a half years.

It is also important that the winding down of the redress board does not take away the right of citizens to take a civil legal case against any institution or person whom it feels has abused them in the past. It is also important to point out that the significant psychological and counselling services that are available to every other citizen of the State are also available on an ongoing basis to the former residents of these institutions.

Question put: "That the words proposed to be deleted stand."

The Dáil divided: Tá, 94; Níl, 21.

Tá

Barry, Tom.
Broughan, Thomas P.
Bruton, Richard.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Calleary, Dara.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.
Coonan, Noel.

Corcoran Kennedy, Marcella.
Costello, Joe.
Cowen, Barry.
Creed, Michael.
Creighton, Lucinda.
Daly, Jim.
Deasy, John.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
Farrell, Alan.
Feighan, Frank.

Tá—*continued*

Ferris, Anne.
 Fitzgerald, Frances.
 Fitzpatrick, Peter.
 Flanagan, Charles.
 Flanagan, Terence.
 Fleming, Sean.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harrington, Noel.
 Harris, Simon.
 Heydon, Martin.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Keaveney, Colm.
 Kelly, Alan.
 Kitt, Michael P.
 Kyne, Seán.
 Lawlor, Anthony.
 Lynch, Ciarán.
 Lynch, Kathleen.
 Lyons, John.
 Maloney, Eamonn.
 Mathews, Peter.
 McCarthy, Michael.
 McEntee, Shane.
 McFadden, Nicky.
 McGuinness, John.
 McHugh, Joe.
 McLoughlin, Tony.
 McNamara, Michael.

Mitchell, Olivia.
 Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Eoghan.
 Nash, Gerald.
 Nolan, Derek.
 Noonan, Michael.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Ó Ríordáin, Aodhán.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Reilly, Joe.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Brendan.
 Shatter, Alan.
 Sherlock, Sean.
 Shortall, Róisín.
 Smith, Brendan.
 Spring, Arthur.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Troy, Robert.
 Tuffy, Joanna.
 Varadkar, Leo.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Collins, Joan.
 Crowe, Seán.
 Daly, Clare.
 Donnelly, Stephen.
 Ferris, Martin.
 Fleming, Tom.
 Higgins, Joe.
 Mac Lochlainn, Pádraig.
 McDonald, Mary Lou.

McGrath, Finian.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 Pringle, Thomas.
 Ross, Shane.
 Stanley, Brian.
 Tóibín, Peadar.
 Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Catherine Murphy.

Question declared carried.

Amendment declared lost.

Amendment No. 2 not moved.

Section 1 agreed to.

NEW SECTION

Deputy Seán Crowe: I move amendment No. 3:

In page 3, before section 2, to insert the following new section:

2.—The Residential Institutions Redress Act 2002 is amended in section 13, by the insertion of the following subsection:

“(4A) Where the applicant believes the Board failed to deliver appropriate levels of compensation, the applicant may appeal the decision to the High Court.”.

I noted the Minister in his Second Stage speech——

Acting Chairman: Will Members give Deputy Crowe the silence he deserves? Any Members wishing to have a conversation can do so outside the Chamber.

Deputy Seán Crowe: It is important that an appeals avenue is provided for those who believe they did not receive appropriate levels of compensation. The Minister also referred to it in his Second Stage speech. I believe this is an important proposal because there is so much confusion surrounding this issue and people must be aware of their rights in this regard. This amendment would also be helpful to those victims who are still confused by this matter.

Deputy Ciarán Cannon: I cannot accept this unnecessary amendment. The framework under which awards are made by the redress board is based on the report published in January 2002 by the independent compensation advisory committee, chaired by Seán Ryan SC, Towards Redress and Recovery, which advised on the appropriate levels of compensation for injuries relating to childhood abuse. Having reviewed international precedents, the committee concluded the best guidance as regards the amount of awards was to be obtained from within the State by reference to the level of awards made by the Irish courts for pain, suffering and the loss of amenities arising from serious personal injuries.

The committee devised a two-stage process for the board to follow in determining any redress award. First, the board assesses the weight to be attached to the different elements that go to make up the experiences of victims of abuse. The weightings produced an overall assessment which the board reviews to ensure it is reasonable in all the circumstances for the particular applicant involved.

Independent legal advice, through the redress board, has always been available to applicants. Up to 97% have chosen to avail of this independent advice. Some 75.2% of the 13,720 awards were made following settlements, while a further 18.8% were made in the aftermath of hearings. The remaining 3% were made following reviews by the residential institutions review committee under the independent appeals mechanism provided for in the 2002 Act. A tiny number of applicants — approximately 13 — have rejected their awards to date. In the light of the information I have just provided, I cannot accept the amendment.

Deputy Seán Crowe: The methodology used to calculate appropriate amounts of compensation was recognised by many individuals with a legal background as containing a number of flaws. Compensation was delivered under a points system as opposed to one based on the principles relating to the calculation of damages applied in the High Court each day.

I recall the long saga relating to a man from Tallaght who went on hunger strike outside the gates of Leinster House. The individual in question felt he had been let down by the system and was seeking a mechanism by means of which he could move his case forward. It was eventually resolved. When tabling this amendment, I was of the view that it was important that a message be sent from this House that there would be a mechanism in place to allow people to take their cases to the courts. I thought the amendment would enhance rather than detract from the Bill.

Deputy Ciarán Cannon: On foot of the provisions contained in the original Act and the extensive work done by the committee subsequently, it is safe enough to draw the conclusion that the scrutiny required and the exploration necessary of the international precedents regarding the amounts to be awarded to victims were carried out. One could conclude — reasonably fairly — that the awards offered were substantial and appropriate in respect of the levels of personal injury and abuse suffered by the victims in the relevant institutions for many years.

Amendment put and declared lost.

Acting Chairman (Deputy Michael McCarthy): Amendment No. 4 is out of order and cannot be discussed.

Amendment No. 4 not moved.

Section 2 agreed to.

TITLE

Question put: “That the Title be the Title to the Bill.”

The Committee divided: Tá, 88; Níl, 18.

Tá

Barry, Tom.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Buttimer, Jerry.
 Byrne, Catherine.
 Byrne, Eric.
 Calleary, Dara.
 Cannon, Ciarán.
 Carey, Joe.
 Coffey, Paudie.
 Conaghan, Michael.
 Conlan, Seán.
 Connaughton, Paul J.
 Conway, Ciara.
 Coonan, Noel.
 Corcoran Kennedy, Marcella.
 Costello, Joe.
 Cowen, Barry.
 Creed, Michael.
 Daly, Jim.
 Deasy, John.
 Deering, Pat.
 Doherty, Regina.
 Donohoe, Paschal.
 Dowds, Robert.
 Doyle, Andrew.
 Durkan, Bernard J.
 Farrell, Alan.
 Feighan, Frank.
 Ferris, Anne.
 Fitzgerald, Frances.
 Fitzpatrick, Peter.
 Flanagan, Charles.
 Flanagan, Terence.
 Fleming, Sean.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harris, Simon.

Heydon, Martin.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Keaveney, Colm.
 Kelly, Alan.
 Kyne, Seán.
 Lawlor, Anthony.
 Lynch, Ciarán.
 Lyons, John.
 McCarthy, Michael.
 McEntee, Shane.
 McFadden, Nicky.
 McGuinness, John.
 McHugh, Joe.
 McLoughlin, Tony.
 Maloney, Eamonn.
 Mathews, Peter.
 Mitchell, Olivia.
 Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Eoghan.
 Nash, Gerald.
 Nolan, Derek.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Reilly, Joe.
 Penrose, Willie.
 Perry, John.
 Rabbitte, Pat.
 Ring, Michael.
 Ryan, Brendan.
 Sherlock, Sean.
 Shortall, Róisín.
 Smith, Brendan.
 Spring, Arthur.
 Stagg, Emmet.

Tá—*continued*

Stanton, David.
 Timmins, Billy.
 Troy, Robert.
 Tuffy, Joanna.

Varadkar, Leo.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Collins, Joan.
 Crowe, Seán.
 Daly, Clare.
 Ferris, Martin.
 Higgins, Joe.
 McDonald, Mary Lou.
 McGrath, Finian.

McLellan, Sandra.
 Murphy, Catherine.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 Pringle, Thomas.
 Ross, Shane.
 Stanley, Brian.
 Tóibín, Peadar.
 Wallace, Mick.

Tellers: Tá, Deputies Emmet Stagg and Joe Carey; Níl, Deputies Aengus Ó Snodaigh and Catherine Murphy.

Question declared carried.

Bill reported without amendment, received for final consideration and passed.

Ceisteanna — Questions

Priority Questions

Public Sector Salaries

1. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the numbers, categories and positions of staff and personnel in the civil and wider public service who are above the salary cap figure and to whom the salary cap does not apply. [20285/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government has agreed with my proposal for the introduction of a general pay ceiling of €200,000 for future appointments to higher positions across the public service and a general pay ceiling of €250,000 for future appointments to CEO posts within commercial State bodies. I proposed this pay ceiling in the light of the decision taken by the Government on its first day in office to reduce the salary of the Taoiseach to €200,000 and apply a *pro rata* reduction to other members of the Government.

Arrangements are being made on an administrative basis to implement the pay ceiling for future appointments where that is appropriate, for example, within the Civil Service and for the heads of the four universities. Amending the salary rate for future appointments to certain statutory offices such as the Presidency, the Judiciary and the Ombudsman requires amendments to be made to the relevant legislation. I will shortly be bringing forward proposals to the Oireachtas to bring these within the pay ceilings. That legislation will also formally provide for the reduction in the salary already accepted voluntarily by members of the Government.

Based on the information available within my Department, there are 28 post holders in the public service who are paid more than the proposed pay ceiling, as well as 45 members of the

[Deputy Brendan Howlin.]

Judiciary and a number of hospital consultants. There are nine chief executive officers in the commercial semi-State sector who are paid more than €250,000.

The Government gave detailed consideration to the potential legal, commercial and contractual issues arising from the imposition of an immediate reduction of salaries on current incumbents whose salaries are in excess of the proposed salary ceilings. The Government decided to seek, in the first instance, voluntary waivers of salary of 15%, or a lesser amount where the application of the full reduction would bring the salary levels of such individuals below the proposed pay ceiling.

Additional information not given on the floor of the House

I welcome the early offer by 12 Secretaries General in the Civil Service whose pay rates were above the pay ceiling to complete a further voluntary waiver to bring their salaries in line with the ceiling. The necessary arrangements are being put in place by my Department for the other post holders concerned to complete the necessary waivers.

The salaries of 45 members of the Judiciary exceed the pay ceiling of €200,000. The salary of the President is set under statute at 10% higher than the salary rate for the Chief Justice. The Constitution affords protection to the remuneration of the serving President and of serving members of the Judiciary. It should be acknowledged that the President and many members of the Judiciary have made voluntary waivers of part of their current salary. The Government has approved the holding of a referendum in regard to the constitutional protection afforded to the remuneration of the Judiciary which will, if passed, facilitate the reduction of remuneration for current members. This matter is being pursued by my colleague, the Minister for Justice and Equality, Deputy Alan Shatter.

6 o'clock The information available to my Department is that seven university academics have been appointed under a framework agreement made under section 25(5)(a) of the Universities Act 1997. This facilitates the attraction of individuals with exceptional or scarce expertise and-or qualifications to their academic and research staff by allowing universities to offer enhanced remuneration packages, without recourse to further ministerial sanction. While the purpose of the provision remains valid, its exercise will be reviewed to ensure future appointments are made on a strictly limited and exceptional basis.

There are some 150 academic medical consultants, many of whom attract salaries in excess of €200,000. My colleague, the Minister for Health, Deputy James Reilly, proposes to address this issue in the context of his discussions with the representative associations for those public service grades on matters related to the current consultant contract.

Finally, the Government decided not to apply the pay ceilings to the Central Bank or the National Treasury Management Agency, NTMA, and my colleague, the Minister for Finance, Deputy Michael Noonan, outlined the remuneration rates in those agencies in his replies to Questions Nos. 70, 72, 74 and 75, taken together, and Questions Nos. 69, 71, 73 and 76, taken together, of 29 June. I have also written to the Minister for Finance concerning the pay arrangements, including in respect of greater transparency with regard to remuneration, within the relevant agencies. I intend to pursue this matter with him.

Deputy Sean Fleming: I am pleased to see the Minister in the Chamber to take these questions. I had intended to ask him a question regarding the remuneration of a particular individual, namely, Mr. Declan Collier, chief executive officer of the Dublin Airport Authority, DAA. Does the Minister consider it acceptable that a person in such a position should also be permitted to serve as a director of Allied Irish Banks and as a member of that bank's remuneration sub-committee? In other words, Mr. Collier is drawing a public salary from the DAA, receiving

a second payment for his membership of the board of AIB and a third payment for his role on the bank's remuneration sub-committee. Does the Minister support the practice of people in the public service not only being paid an exorbitant salary but also being paid on the double and treble? I submitted that question to the Minister's Department, but it was not accepted.

I congratulate the Minister on his press announcement today regarding his meeting with representatives of the EU-IMF-ECB troika. I submitted a question for priority answer today on the Minister's specific role in dealing with the troika. Again, somebody in the Minister's Department decided he should not be allowed answer that question in the Chamber today and that it should instead be directed to the Department of Finance. The Minister should be careful; somebody is trying to nobble him before he even gets off the ground. He should tell his officials that questions on public expenditure issues should be answered by him rather than assuming the default position of making the Minister for Finance responsible for everything.

Deputy Brendan Howlin: The Deputy will find that I am happy to answer any question. On his point regarding aggregate salaries, the individual to whom he referred was appointed to all those positions by the Government of which the Deputy was a member. Having said that, I take his point. The aggregation of salaries is an issue we will have to examine. The same issues will arise in regard to aggregation of pensions, which I will consider in the pensions Bill.

Fiscal Policy

2. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will publish in full the Comprehensive Spending Review of all Government Departments in a single document; and if so, when he will do so. [20521/11]

Deputy Brendan Howlin: Ministers have been working with their Departments in recent weeks to complete reviews of all expenditure under their auspices, including in bodies under their aegis. These reports are now being submitted to the steering committee for evaluation and finalised reports will be presented to the economic management council in September. The results of the comprehensive review process will then be brought before Government for consideration and decision in the budget and Estimates process later this year. The question of publication of the reviews will be considered in that context.

Deputy Mary Lou McDonald: We are pleased the Minister is in the Chamber to take our questions. The broad smile on his face suggests he is equally pleased to be here. The Minister has made much of the promised spending review which, by definition, will be a comprehensive process. The Minister for Finance, Deputy Michael Noonan, has made clear that not alone will the Government seek to reach the target of €3.6 billion in cutbacks in the next budget, as required under the terms of the bailout deal, but may seek to secure savings of as much as €4 billion.

In the interests of transparency, good decision-making and fair play, the Minister must publish the comprehensive spending review in full, as a single document. If the Government is asking people to shoulder the burden, to be patriotic in tolerating austerity and cutbacks, the very least to which the public and the Members of this House are entitled is full and frank information. It is very odd, given that his remit relates to transparency and reform, that the Minister would undertake such a comprehensive procedure only to shield it from the view and consideration of this House and of concerned groups and individuals. The response that it will be sent to a steering committee or sub-committee is not adequate; we take it as read that it will go through those machinations. Why can we not have sight of it in its entirety? It could be published on the Department's website, an innovation of which the Minister is rightly proud.

Deputy Brendan Howlin: I thank the Deputy for her positive comments. In terms of transparency, it is constitutionally a matter for the Government to formulate the budget and to present it to the House. All of the documentation will eventually be published, but I want to allow the broadest possible discussion and analysis within the Cabinet. I have opened up the process to ensure it is not the routine salami-slicing affair and I hope significant new approaches will emerge from that. However, all of this must be analysed by Government. It would do damage to the decision-making process if every idea were put out there, even those never likely to be acceptable to Government, until the proper constitutional role of the Government itself to make decisions is determined. After that, all the presentations to my Department will be made available for consideration by Members opposite and others.

Deputy Mary Lou McDonald: The Government has indicated that in seeking to reach its target of €4 billion in cutbacks, income tax rates and social welfare payments will not be touched. This raises the question of where the reductions will be targeted, if the money is not coming from those sources. It is unacceptable for the Minister to say that the process of analysing expenditure should not be available to people beyond a narrow grouping around the Cabinet table. The Minister and other Government members have correctly said that it is essential that we consider all options and make the right decisions, driven by the principles of fair play and transparency. If the Minister is serious about that, it is incumbent on him to publish this document in full.

Deputy Brendan Howlin: The Deputy seems to be under something of a misapprehension. The comprehensive spending review is not a document but a process.

Deputy Mary Lou McDonald: It could be presented in that format.

Deputy Brendan Howlin: It could not. It is a process, with submissions coming in and an analysis undertaken of those submissions. There is scope for external inputs. For example, I have sought views from the public and we are receiving many useful proposals from front line workers, people who know how savings and improvements can be made in their own workplace. All of this is feeding into the comprehensive review of expenditure. It is not a document being devised by some mastermind; it is a process. Constitutionally, all of this must be weighed up and decided upon by the elected Government. I want the process to be as open as possible. Ideas will be put out there, no doubt, in the course of that and I look forward to interaction with the Oireachtas committees in this regard. However, the Government itself must be in a position to make rational decisions on the basis of all of the options available to it.

Pension Provisions

3. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform in view of the fact that a pension levy was imposed on the income of ordinary public sector workers to secure their pension entitlements, if it is his intention to retain their current retirement age; if he will give an assurance that their current pension entitlements will be maintained; and if he will make a statement on the matter. [20609/11]

Deputy Brendan Howlin: The Financial Emergency Measures in the Public Interest Act 2009 introduced a number of measures in the public interest. Section 2 of the Act provided for a pension-related deduction, PRD, to be made from the remuneration of public servants who are members of public service pension schemes or who have analogous arrangements. On average, this reduced pay by approximately 7%. The PRD was introduced in the context of the priority being given to the stabilisation of the public finances and the serious crisis facing

the State. The deduction took account of the fact that public servants enjoyed relatively good pension provision in comparison with other workers.

The Croke Park agreement sets out our approach on the pension arrangements of existing public servants. The agreement makes no changes to the pension terms of serving staff. However, it provides for discussions to take place on the method of determining pension increases for existing public servants when they retire. A clarification to the agreement further provides that there will be no change in this method during the lifetime of the agreement.

The Government is preparing a single pension scheme for new entrants to the public service. This will provide career-average defined benefit pensions, inflation linkage of benefits and set pension age equal to the State pension age.

Deputy Richard Boyd Barrett: Does the Minister agree that the cut of 7% in the incomes of public sector workers as a result of the pension levy together with the universal social charge were a gross injustice, given that whatever flaws there may be in the public service, it was not public sector workers who created the economic crisis? In the context of pay, public sector workers have taken a massive hit with the result that many cannot meet their mortgage repayments and are struggling and it would be of great comfort to them to know they will not be faced with a further hit? As Deputy Mary Lou McDonald stated, the Minister outlined that there would be no tax increases or social welfare cuts, one would say there would be a fear that public sector workers might yet again be a target for possible cuts or diminutions in their conditions. I wish to ask a straight question, as it is not clear from the answer to the question, given that public sector workers have already paid the pension levies to give them their entitlements to a pension, will the age that public sector workers retire be retained or raised in line with that proposed for other workers? Does the Minister intend to raise the age of retirement for public sector workers and must they work for a longer period, having already paid the levies?

Deputy Brendan Howlin: I agree with the Deputy to the extent that a big burden is being carried by a whole cross-section of our community, public servants, workers and all taxpayers on foot of disastrous decisions that were made by bankers and policy makers in the State. It is not fair but it is necessary in order for the country to survive and to thrive and there is no way that can be 'magicked' away. Whether it is deemed to be fair or unfair, it is a burden that the population must carry because we are determined to bring about solvency again.

To answer the Deputy's specific question, the Croke Park agreement has been accepted and is being implemented by the Government. Under the Croke Park agreement, there are conditionalities that will require fundamental change in the way that public services are delivered and a downsizing of the public service. If those conditionalities that are set out in the agreement are met, the Government side and the employers have said that it will not reduce pay or have compulsory redundancies. Also implicit in that agreement is that the one potential for negotiation which is to look at increases in pension to be linked to inflation rather than linked to the grade at which the person retired. Those negotiations will not be opened until after the conclusion of the agreement in 2014.

I will be bringing in a pensions Bill, as I have indicated, to link the retirement age of civil servants in the future, not of incumbents, to the retirement age of the State pension generally.

Deputy Richard Boyd Barrett: Is it fair or even prudent, when there is significant unemployment and graduates coming out of university not being able to find jobs, to make the working life longer for people employed in the public sector or elsewhere, instead of maintaining the

[Deputy Richard Boyd Barrett.]

existing retirement age as a consequence of which there would be more jobs for the young qualifying graduates?

Acting Chairman (Deputy Michael McCarthy): Our time is up.

Croke Park Agreement

4. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform his plans to look at the issue of reimbursing public service staff for pay cuts introduced over the last year, when savings have been achieved under the Croke Park Agreement. [20295/11]

Deputy Brendan Howlin: The Financial Emergency Measures in the Public Interest Acts 2009 imposed a pension related reduction effective from March 2009 and a reduction in pay rates effective from January 2010 ranging from 5% to 15% for all public servants. The effect of these measures, combined with measures to reduce the numbers of public servants and to restrict other elements of the public service pay bill, has been to reduce the net cost of the Exchequer pay bill by some 15.5% between 2009 and 2011. The implementation body for the public service agreement in its report to Government of 15 June 2011 established that the estimated sustainable pay bill savings in the order of €289 million in the public service pay bill had been achieved in the year, March 2010 to March 2011, along with other substantial savings in the delivery of public services.

Paragraph 1.16 of the Public Service Agreement 2010-2014, Croke Park agreement, provides that the position regarding public service pay, including any outstanding adjudication findings, would be reviewed in accordance with the statutory requirement under both the Financial Emergency Measures in the Public Interest Acts of 2009 to review the operation and effectiveness and impact of the Acts before 30 June 2011. In addition to the criteria set out in those Acts, the review would take account of sustainable savings generated from the implementation of the Agreement.

The Minister for Finance in line with the requirements under the Acts completed a review of their operation in June. The reports were laid before both Houses of the Oireachtas on 30 June and have been published on the website of my Department. The reports concluded that, having regard to the overall economic conditions, national competitiveness and Exchequer commitments in respect of public service pay, the measures put in place by the Acts continue to be needed.

As required under the Croke Park agreement, there has been ongoing dialogue between representatives of public service management and the public service committee of the Irish Congress of Trade Unions in relation to the outcome of the reviews. The context is the Government's affirmation of the key commitments under the Public Service Agreement 2010-2014 to no further reductions in pay rates for serving public servants and no compulsory redundancies, save where there are existing exit mechanisms. These commitments are contingent on delivery of the necessary flexibilities and reforms to public service delivery that are required under the agreement.

The fiscal targets in budget 2011 are based in part on the reductions in the Exchequer pay bill achieved under the Acts, and can be met only through a continued policy of pay restraint. I believe that the general measures the Government is taking to reduce the overall public service pay bill are understood by the public service committee.

Deputy Sean Fleming: I really must take issue with the Minister. It is a scandal what he has done. In his reply to my question he has broken the Croke Park agreement. The Minister and I both know there is a clear commitment regarding low paid workers and that is why they

voted for the Croke Park deal. The Minister quoted from paragraph 1.16 of the Public Service Agreement 2010 — 2014 but did not quote the last two sentences of the paragraph, which state:

In the event of sufficient savings being identified in the Spring 2011 review, priority will be given to public servants with pay rates of €35,000 or less in the review of pay which will be undertaken at that stage.

Very low paid workers, those who are taking home between €400 and €500 a week, voted for this agreement on the basis that they would be the first people to get a reimbursement of salary and wages. The Minister stated that verifiable savings of €289 million in the public service pay bill had been achieved. I want the Minister to give figures for the number of low paid worker in the public service earning less than €35,000 per annum. To quote the financial emergency measures to them at this stage, 18 months after they have delivered the savings and for the Minister to thank them for the savings but in the national interest they will not be paid their increase even though they were first in line under the Croke Park agreement——

Deputy Brendan Howlin: What brass neck — I have seen brass neck in this House over the past 20 years but this is something. The objective of the Croke Park agreement and all the measures we have taken, including not resiling from the Financial Emergency Measures in the Public Interest Acts that the previous Government put in place is to restore economic solvency of our State. Deputy Fleming and his party broke that. I am glad that the arbiters of the Croke Park agreement are not Deputy Fleming and his party but those were party to the agreement.

I met the implementation body, the unions and employers organisations and, unlike the Deputy opposite, they have an understanding of where the nation is and what needs to be done. Our objective is to take the painful path for all people in the State to restore our economic sovereignty, to ensure there is a public service and that pay slips and money are available to maintain the public service into the future. We will do that. We inherited a broken, damaged economy but we will restore it. We are already taking steps to do so as the review by the troika indicated today. We will not be lectured about what we need to do by the people who were party to the damage done to our economy.

Deputy Sean Fleming: I compliment the Minister on restoring the minimum wage to people mainly in the private sector, including contract cleaners in council and local authority offices. I do not understand why they singled out the low paid workers in the public service not to receive a similar increase when it is provided for and earned under the Croke Park agreement.

5. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform his plans, if any, to review the public sector recruitment embargo in particular in relation to its impact on frontline services and its real cost savings; and if he will make a statement on the matter. [20624/11]

Deputy Brendan Howlin: The Government is committed to reducing public service numbers in accordance with the programme for Government subject to there being no compulsory redundancies and to the protection of front line staff. The recruitment moratorium is a means to this end and is being used with redeployment and increased productivity to limit the impact of necessary savings on all public services. As outlined in the Government programme, this will involve a fundamental change to the way in which the Government and the public service operates, including the rationalisation of core processes across the public service, a reduction in the number of State bodies and the elimination of non-priority programmes and outsourcing of non-core functions, where appropriate. This is being reinforced by the comprehensive expenditure review which focuses on reform and on new ways of delivering public services taking

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advantage of the opportunities and challenges arising under the Croke Park agreement. This review will identify the policy decisions within which the reduction of public service numbers will be made. These numbers reductions will be a driver for public service wide reforms. This includes reforms to the manner in which frontline and back office services are delivered across the public service. Staffing resources will be refocused on delivering priority service and programmes as set out in the Government programme.

The comprehensive review of expenditure, therefore, seeks to identify areas where reductions can be achieved and will identify areas where staffing resources can be freed up through the use of shared services. In the Croke Park implementation group's first progress report, Exchequer pay bill savings in the order of €289 million were identified as having been achieved in the 12 months to end March 2011. The provision under the National Recovery Plan 2011-14 is for a gross Exchequer paybill of almost €16 billion in 2011. When compared with the 2010 paybill, this would represent a savings target of approximately €223 million for 2011.

At this point it is expected that the target for a gross Exchequer pay bill of almost €16 billion for 2011 will be met. Current targets for staff numbers will be kept under review in the context of budgetary considerations later in the year.

Deputy Richard Boyd Barrett: The Minister is right to treat with contempt the interrogation of Fianna Fáil on the reasons why we are in this disastrous situation. Is it not the case that the Government's decision to adhere to the EU-IMF austerity programme, continuing with the public sector recruitment embargo, is not leading to reform but towards a slaughtering of public services? The figures in education indicate 1,400 jobs garnered gone out of the education sector when 10,000 extra children come into the primary schools every year. This amounts to a savage assault on our education system where services are giving way.

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

Deputy Richard Boyd Barrett: It is not the case that, with nearly 5,500 health service workers down as a result of the embargo, this is the reason or hospitals and accident and emergency services are closing down? It is not unbelievable that 13%—

Acting Chairman (Deputy Michael McCarthy): That is not a question.

Deputy Richard Boyd Barrett: That is a question. I said "Is it not the case".

Acting Chairman (Deputy Michael McCarthy): Deputy Boyd Barrett is offering a point of view and prefacing it with "Do you believe" or "Is it not the case". I ask Deputy Boyd Barrett to pose a question because otherwise time will run out.

Deputy Richard Boyd Barrett: The Acting Chairman is cutting into my time.

Acting Chairman (Deputy Michael McCarthy): Deputy Boyd Barrett is cutting into his time. I ask him to put his questions.

Deputy Richard Boyd Barrett: Is it not the case that continuing with the embargo on the slaughtering of our public services that, for example, a 13% cut in staffing in local authorities means local services are slaughtered? Is it not time for the Minister to reconsider the sanity of this embargo if we are to have any public services for the people of this country?

Deputy Brendan Howlin: Deputy Boyd Barrett is an idealist and he believes what he says. The problem is that we must pay our way. We are borrowing €18 billion to fund ourselves for this year. Do I like the memorandum of understanding we inherited from her predecessors? No, I do not, nor do I like reporting to external forces, chapter by chapter and the line by line of public expenditure. I am determined and the Government is determined to get us back to a position where those domestic decisions are made by the sovereign Government of Ireland without oversight. In order to do that, we need to make reductions in expenditure that are laid out in order to get to a balanced budget and a 3% deficit by 2015. This is our determined view.

The notion that we could abandon the memorandum of understanding and tell the Troika of the EU, the IMF and the ECB to take a hike is fine. They would happily take a hike. This would leave us with an €18 billion hole in expenditure this year. That is not having a moratorium on staff, that involves closing hospitals and schools and Garda stations. That is the slaughter of public services, the consequence of Deputy Boyd Barrett's idealism or naivety if he thinks we can simply magic away a gap in our expenditure of €18 billion.

We must be honest and truthful with people that there is no magic way of getting out of the debt burden placed upon us by previous Administrations and decisions made by them. It falls to us, those elected in this House now, to have the responsibility to face up to that and make the hard decisions.

Deputy Richard Boyd Barrett: A brief supplementary——

Acting Chairman (Deputy Michael McCarthy): The time is up and we must move on.

Deputy Richard Boyd Barrett: Just one line.

Acting Chairman (Deputy Michael McCarthy): Time is up, unfortunately. I regret that.

Other Questions

Croke Park Agreement

6. **Deputy Martin Ferris** asked the Minister for Public Expenditure and Reform if public service outputs, identified for outsourcing by Department heads on completion of the comprehensive review of expenditure, will be consistent with the Service Delivery Options Principles of the Croke Park Agreement. [20333/11]

Deputy Brendan Howlin: In line with the programme for Government, a comprehensive review of expenditure is under way across all Departments with a focus on what services the public service should provide and also how these services can be best delivered. This review will undoubtedly lead to changes in the way in which some services are delivered. The Government will make decisions on the outcome of the review in the context of the Estimates and budget of 2012. In this context, outsourcing, in appropriate circumstances, is just one of the many options available. There are many public services where the use of outsourcing would not be appropriate or the most efficient or effective way of delivering the service, and, as such, we are fully aware of the need to consider all of the possible implications.

The Government is committed to compliance with the terms of the public service agreement 2010-14. In an appendix to the agreement on service delivery options, it is recognised that some new or existing services will be provided on an outsourced basis. The appendix provides that, in advance of a decision being taken by management to proceed with outsourcing of an existing service, an evaluation will be undertaken with a view to determining whether the service can

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continue to be carried out in-house through service changes, having regard among other things to overall cost, quality of service, effectiveness and the public interest. In the event that management decide to proceed with outsourcing, commitments are given in relation to ongoing consultation with staff representatives and to job security and protection of employment terms of existing staff.

The Government's overall objective is to ensure that the cost of delivering public services is reduced further and that the public service becomes leaner, better integrated, more efficient and more effective. I am happy that the terms of the appendix to the Croke Park agreement will allow for efficient and effective delivery of public services, either directly or on an outsourced basis, while ensuring the concerns of public servants affected are taken into account.

Deputy Mary Lou McDonald: I thank the Minister for that answer. This question is interesting because not long ago the Secretary General of the Minister's Department wrote a letter or a memorandum to heads of Departments urging them to do things that "go beyond the Croke Park agreement". Those of us here have not had sight of that correspondence although it is clear Martin Wall from *The Irish Times* had. I do not know the Minister's view on his senior staffer writing such a letter, and I wonder if the Minister has seen it, but it sounded alarm bells in my head that the proposition would be made from so senior a figure to move beyond the Croke Park agreement. We need an absolute assurance from the Government that insists on delivery in terms of the Croke Park agreement that it will respect the parameters of the Croke Park agreement. It appears from the correspondence from the Minister's Secretary General that that is not the case. Can the Minister give us some reassurance on that matter?

Deputy Brendan Howlin: I have indicated already that the Government has accepted the Croke Park agreement. We will live up to our side of it. As I have indicated to the House, there is conditionality in that regard. We want an array of options available to us to ensure the review is truly comprehensive. I want people to think outside the box with ideas that I am happy to bring to the unions and to the management. I have begun my discussions with the implementation group in the abstract in terms of saying we will engage with it in regard to the outcome of the comprehensive review of expenditure. I have a simple view on this matter. Every citizen of Ireland — public servant and private worker — has an interest in this country succeeding and we all have an interest in getting the best value we can for the tax we spend.

Deputy Mary Lou McDonald: The Minister has dodged the issue. I do not doubt his commitment to recovery but we understand the most senior official in the Minister's newly established Department has written to line Ministers——

Deputy Brendan Howlin: Secretaries General.

Deputy Mary Lou McDonald: ——suggesting that they cook up different proposals beyond the Croke Park agreement. Does the Minister not find that alarming, because I do? Would the Minister publish that memorandum or letter?

Deputy Brendan Howlin: The Deputy uses nice pejorative terms like "cook up". The letter was to Secretaries General asking people to engage in the process in an open way. In the spirit of transparency, the Deputy asked me if I would publish the letters. I will. I will arrange within the next few days to have them put on my website for the Deputy to examine.

Deputy Richard Boyd Barrett: In so far as the Minister is considering the use of outsourcing agency workers, will he confirm that agency workers are being used in peak hours for processing medical cards at the centre in Finglas? In those circumstances, is the Minister quan-

tifying the cost of using agency workers as against direct employment by public servants? Also, in his comprehensive spending review are such costs and the extra burden on the social welfare system as a result of greater levels of unemployment and the public sector recruitment embargo factored in? Can the Minister tell us the savings that will result from this?

Deputy Brendan Howlin: I will tell the Deputy what the savings are when the savings are adduced and we have the process under way and done. I read out in my reply what is in the public service agreement and its appendix which requires consultation on all these matters and proper evaluation, down to the public interest evaluation. All the Deputy's concerns will be taken into account but we will do things that are efficient. I will not approach it in an ideological way, as the Deputy sometimes does. It is to determine what is efficient, what is good, and what would provide the best front-line service for people. I hope it will be new services as well and that it will not be a case of saying something was done in the past. I hope it will be new services that can be done in a different way. We are examining a range of different ways of providing better services to people as efficiently and effectively as possible.

NewERA Proposal

7. **Deputy Seamus Kirk** asked the Minister for Public Expenditure and Reform if he is represented on any groups preparing for the New ERA proposal. [20300/11]

Deputy Brendan Howlin: The Cabinet committee on economic infrastructure, of which I am a member, has been overseeing the progress of the NewERA initiative in line with the programme for Government commitments. My Department is also represented on the senior officials group on economic infrastructure which supports the work of the Cabinet committee and is charged with preparing proposals for its consideration. I expect the Government to consider the proposals prepared by the Cabinet committee in the coming weeks.

Deputy Sean Fleming: I thank the Minister for that information. I am pleased he and his officials are involved in that committee. The Minister told Deputy Boyd Barrett that we have to pay our way. This programme must be funded, and the Fine Gael proposals clearly state that it would be funded from the sale of State assets. The revised memorandum of agreement with the troika, which the Minister or the Minister for Finance re-signed today, the second time for it to be reviewed since coming into Government, specifically states that it is important to make effective use of our State assets and, where appropriate, dispose of them to help reduce our Government debt. The Minister has signed up to that statement twice since coming into office.

Deputy Brendan Howlin: You do not know that.

An Ceann Comhairle: The Minister should speak through the Chair.

Deputy Sean Fleming: Today's press release made no mention of any change in that. I understand that to be the case and if I am wrong, well and good. I am simply asking where the funding for that proposal is to come from because in the Minister's own words, all these things must be paid for.

Deputy Brendan Howlin: I do not answer questions that are not my responsibility. I am sure the relevant Minister will answer that. The infrastructure committee of the Cabinet has done a huge amount of work on this issue. It is crystallising proposals now to go to Cabinet on the establishment of the NewERA proposal. The idea is that it is to be a driver of new jobs into the future. That will be announced in due course, but as of now, no decisions have been made in regard to that. Its funding will be announced at the same time.

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I am not sure that I should mention a question that is not in front of me, that is, the contents of the memorandum of understanding. The formal memorandum of understanding that was signed off informally today will not be formally signed off until September when it goes to the principals. It has to go to the board of the European Central Bank, the board of the IMF and the European Commission, but the Deputy will find that it will reflect the programme for Government. As I indicated in informal discussions after the last troika negotiations, there is flexibility for us to engage——

Deputy Sean Fleming: We understand that.

Deputy Brendan Howlin: ——with the troika on the use of resources that are generated from the sale of State assets.

Deputy Sean Fleming: I am pleased to hear that. The Minister will be aware that I and a number of my colleagues met the troika——

Deputy Brendan Howlin: Yes.

Deputy Sean Fleming: ——and I would agree there is room for negotiation and flexibility regarding the agreement.

Deputy Mary Lou McDonald: That answer is astonishing in respect of the NewERA proposal. The Minister said that matters are at an advanced stage. The Taoiseach told me recently in this House that neither he nor the Cabinet had had sight of the Cahill report with which I am sure the Minister is familiar. It deals with the proposal to strip the ESB of its transmission assets and move them——

An Ceann Comhairle: I have to remind the Deputy of the question.

Deputy Brendan Howlin: It is not even under my remit.

Deputy Mary Lou McDonald: As the Minister is well aware, the Cahill report suggested that would be a costly and perilous venture.

An Ceann Comhairle: The question is whether the Minister is represented on any groups.

Deputy Mary Lou McDonald: How could the Minister's propositions around NewERA be at such an advanced state if it is the case, as the Taoiseach told me in this House, that neither he nor the Cabinet had seen the Cahill report? Will the Minister urge his colleague, the Minister, Deputy Pat Rabbitte, or take the initiative himself, to publish the Cahill report and put that information into the public domain?

Deputy Brendan Howlin: I will not answer any questions that are outside my function and responsibility. It is a matter for the Deputy to table a question to the appropriate Minister. All I have indicated is that the Cabinet sub-committee on infrastructure, of which I am a member, has discussed and is crystallising the NewERA proposals that will come to Cabinet in due course. When they are before Cabinet, it will make decision on them, they will be published and all the information the Deputy needs will be available at that stage, not now because it is not available now.

Departmental Staff

8. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform the person

who will be the accounting officer for actions by him and units of his Department previous to the establishment of his Department. [20306/11]

Deputy Brendan Howlin: Within the central government area, the Accounting Officer is usually the Secretary General or Civil Service head of a Department or office to whom the Minister for Finance has assigned the responsibility for preparing the annual appropriation account for Votes under his or her aegis. In addition to preparing the appropriation accounts, Accounting Officers are responsible for a range of functions within their Departments, including value-for-money initiatives, internal control and internal auditing. While most functions exercised by Secretaries General derive from the appropriate Minister to whom he or she is accountable, the responsibilities of a Secretary General as Accounting Officer are personal and derive directly from statute. Accounting Officers do not account for the actions of Ministers and in their appearances before the Committee of Public Accounts, they are prohibited from questioning or expressing an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

With regard to the Department of public expenditure and reform, Mr. Robert Watt, Secretary General of the Department, is the Accounting Officer for the Department's Vote, together with the Votes for superannuation and retired allowances, the President's establishment and the Secret Service. Prior to the establishment of the Department, the functions now assigned to the Department were within the remit of the Department of Finance, where the Accounting Officer up to the time in question was Mr. Kevin Cardiff, Secretary General of the Department of Finance.

Deputy Sean Fleming: I thank the Minister. I will not delay on this question because we had a full discussion at the Estimates debate yesterday. I accept the minor correction to phraseology in respect of action by the Minister. I meant action by his Department considering that the Minister and Department are taken to be the one entity. I will not rehash my argument because we had a big debate on this yesterday.

Consultancy Contracts

9. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform the name of his external consultants; if they are being paid at an hourly rate or temporary contract basis; the amount they are being paid; and if he will make a statement on the matter. [20371/11]

Deputy Brendan Howlin: The Government is intent on bringing about real and lasting public service reform and detailed implementation plans are being developed by my Department that will encompass the commitments to public service reform in the programme for Government. Three consultants from Deloitte Ireland and Accenture Ireland have been retained on a contract basis to assist my Department in regard to the development of these plans. Under the contract, the companies are reimbursed with the costs for the consultants on a cost-recovery basis. The total cost per month is a maximum of €24,195 plus VAT and the contract will last for no more than three months.

Deputy Richard Boyd Barrett: Why are consultants from the private sector regarded as having special qualifications in public sector reform? The EU and IMF seem to be dictating what is happening in terms of so-called public sector reform, although I believe they are simply savaging our public services. What is the precise point of bringing in consultants given that the EU-IMF deal dictates our actions?

While there is a slaughter of jobs in the public sector as a result of the recruitment embargo and cutbacks are imposed, are opportunities not opened up for private for-profit companies to

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move into the public sector space? Is this not symptomatic of what is occurring? Is this not what the reform is really about?

Deputy Brendan Howlin: No. The Deputy is absolutely wrong. I do not know whether he got the same message on the doorsteps as I got during the last general election campaign. For the first time in my political career, I noted that the demand and clamour for fundamental reform was almost as pronounced as the dismay over our economic collapse. People want fundamental institutional reform of politics, public administration, the civil service and the way in which we deliver services. This is why both parties that form the Government were determined to have reform at the heart of their agenda. We established for that purpose and for the first time a specific Department responsible for reform.

We did a lot of work on this. I prepared a document when I was in opposition last year containing 150 specific reform proposals. I realised that, in order to bring about reform, one must control expenditure. All the advices we received suggested this. I received very good advices from Deputy Calleary, who was very much a reformist in his time as Minister of State. He told me we need to have a different structure, one that will involve control of expenditure.

Why are we bringing in external help? Even those who work with me on devising reform plans say one needs somebody with experience of implementation. I want people who have experience of implementation of institutional reform to drive an agenda that is not a theory or something merely talked about as so many reform proposals have been talked about in the past. The Deputy should judge me, my Department and the Government over time to determine whether we will bring about real reform. He should not expect it all in four months.

Deputy Richard Boyd Barrett: I agree that people want public sector reform and social reform generally. However, is the real source of their anger not the massively overpaid top civil servants, politicians, bankers, who are now effectively public servants because they are paid pretty much with public money, and executives in the private sector, including those in private consultancy firms, etc.? People want reform to reduce the massively excessive salaries of those at the top of both the public and private sectors. Some are earning five to ten times what is earned by the ordinary worker, be he or she in the private or public sector.

Deputy Brendan Howlin: The vast majority of public sector workers earn nothing like the salaries to which the Deputy is referring, as he knows. Only a relatively small number of people earn big salaries in the public service. The first thing I did when I became Minister was reduce them considerably, by up to 30% and 40% in some instances. This is important but it is not the most important factor. It does not save a huge amount of money because the numbers involved are relatively small in the overall expenditure picture. What is much more important is that we continue to deliver services that people want in the areas of health and education and deliver social services in a way that is meaningful for people. People see waste and services delivered badly. They, including those delivering services on the ground, want services to be delivered better. This is what reform is about. It is a daunting and difficult task that probably will not be completed in one term of government but I am determined to put a structure in place with the plan to drive change that will be visible on the ground to people who are dependent on services.

Departmental Expenditure

10. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the minimum figure in expenditure saving proposals he has been tasked with securing by the Department of Finance before bringing the comprehensive spending review to Cabinet. [20335/11]

40. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform the date by which he expects to be in a position to know the proposed annual estimates amount within which he will prepare the 2012 estimate. [20318/11]

47. **Deputy Seán Fleming** asked the Minister for Public Expenditure and Reform in relation to the adjustment of €3.6 billion in the forthcoming budget, his role in deciding the way this will be achieved through cuts in expenditure; and the amount that will be achieved through increased taxes. [20286/11]

Deputy Brendan Howlin: I propose to take Questions Nos. 10, 40 and 47 together.

The task of settling the spending Estimates for 2012 will take place after the Government has considered the budget strategy memorandum from the Minister for Finance and a memorandum from me on the results of the ongoing comprehensive review of expenditure and the capital review. The overall target figure for the fiscal adjustment will be in line with the memorandum of understanding on specific policy conditionality of the joint EU-IMF programme of financial support for Ireland. It is much easier to refer to this as “the MOU”. The figure involved, which is well known to the House and mentioned in one of the questions, is €3.6 billion.

Deputy Mary Lou McDonald: I understand from the Minister for Finance, Deputy Michael Noonan, that up to €1.5 billion of the €3.6 billion, or perhaps €4 billion, in savings will be achieved through “revenue-raising measures” and that the remainder will be achieved through expenditure cuts. As the person responsible for public expenditure, the Minister needs to give us a much more concrete sense of how he proposes to achieve this target, particularly given that he does not intend to publish the results of the comprehensive spending review in a single document, as he made clear in his response to earlier question. Is the figure of €2.1 billion correct, or will it be €2.5 billion? Given that the Government has made a commitment not to touch welfare payments, how does the Minister envisage achieving this target?

Deputy Brendan Howlin: The Deputy will be aware that in the last published quarterly review associated with the memorandum of understanding, indicative figures were published. Those figures stand but there is an understanding that it will be up to the Government to negotiate within the parameters set. The parameter figure is €3.6 billion.

The other relevant figure is the deficit target for next year, which is 8.6%. The best estimate we have at present is that an adjustment of approximately €3.6 billion will arrive us at 8.6%. However, this is not set in stone because there are so many variables between now and the end of the year. The latter part of the year is the most important in terms of revenue, as the Deputies opposite will know. At present, revenue figures are steady and expenditure is on target as it is marginally below the indicative figures for the first half of the year by approximately 1.5%.

We need to be vigilant in terms of controlling public expenditure and looking at the tax take for the rest of the year. We will then be able to make a determination on what type of adjustment will be required to get to the target of 8.6% for next year. There is a range of variables, some of which will not be determined by the State such as the cost of the money we are getting. All of this may impact on the overall budgetary arithmetic.

The comprehensive review of expenditure is a process — not a book to be published — with many people making an input. I want to have an open process into which people input ideas without reservation so we can have all ideas properly costed. The timeframe is very short and it will not be as rigorous as I would like. The Canadians took years to do it but we do not have

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such a luxury. We will give it our best shot in the few months we have and we will then present our options to the Government and to the House.

Deputy Sean Fleming: Questions Nos. 40 and 47 are also being discussed.

Deputy Brendan Howlin: Yes.

Deputy Sean Fleming: Two figures are being quoted, the €3.6 billion in savings——

Deputy Brendan Howlin: It is an adjustment, not savings.

Deputy Sean Fleming: Yes, which includes tax and expenditure changes. Will the Minister give us an indication of his view on the €3.6 billion? The Minister for Finance mentioned that whether it was €3.6 billion or €4 billion was not the issue. The Minister also mentioned the 8.6% budget deficit target which is very important, and also brought into the debate the cost of the money we are getting. The Government is seeking a 1% interest rate reduction on the bailout fee. Is it possible there could be an increase in our interest rate in light of the recent ECB increases? The rate we are paying is linked to the ECB rate.

The Minister has two figures with which to work, namely, the 8.6% or the €3.6 billion. I ask the Government to take the lowest figure in terms of the impact on the people. Do not go for the higher figure. If the 8.6% can be achieved with €3.2 billion in cuts do it that way rather than going for a higher percent deficit just to stick to the figure of €3.6 billion.

Deputy Brendan Howlin: The Deputy is very experienced and I put weight to his suggestions. The trajectory we are on, which we must achieve and which we are determined to achieve, is a 3% deficit by 2015. It is an incremental process and the incremental target we have set is 8.6% next year. The indications were that an adjustment of approximately €3.6 billion would achieve this. Given that there are so many variables, we will have to see later in the year whether this will continue to be the case.

We need to show discipline and take control of our own economic destiny as quickly as we can. The timeframe we have set will be vigorous and difficult and it will be hard on people who are already groaning under the pressures that have been created. The Government knows this full well. It should be explained to people and we should be open with them and explain it is not a folly but a destination to get us back our economic sovereignty so we will be in charge of our own destiny. The Irish people desperately want this.

Deputy Mary Lou McDonald: The difficulty with the Minister's argument is that all the evidence to date suggests this bailout arrangement is not the route back to economic sovereignty. If we take the three months since the Troika was last here and examine what has happened since, the domestic economy is still in crisis, unemployment has increased and Irish debt has been relegated to junk status. If the game plan was for the bailout to get us fit to return to the debt markets and regain our sovereignty it is failing. All the while this failure persists, people suffer swingeing cutbacks and austerity and hardship as the Minister has acknowledged.

Here is a figure for the Minister to consider in his calculations, because he has mentioned a large amount of money. The 3% surcharge on EU moneys to the State alone will cost us approximately €9 billion. Talk about friends profiting on the hardship of their alleged friends. I know I will not convince the Minister or the Government as to the folly of their direction but at the very least they must recognise when the indicators for progress and success they establish clearly and manifestly fail.

Deputy Brendan Howlin: The analysis coming from the Deputy opposite is invariably the same. I debated this with her in advance of the election. She is great at analysing the failure of somebody else's policy but a bit weak on offering an alternative. The truth is we need to get control of our own fiscal destiny. The only way to do this is to balance our budget. We cannot continue to borrow, as we are, €18 billion this year. It is just not possible. It is worse than an illusion, it is a deception, for some of the Deputies opposite to pretend that somehow if we tell the EU and IMF we do not want their money any more or we stop paying it back that we can still borrow. Nobody else will give us money.

Deputy Mary Lou McDonald: We cannot borrow as things stand.

Deputy Brendan Howlin: We are borrowing money; we are borrowing it from the Troika, from the EU and the IMF and the European system of financial supervisors, ESFS, process—

Deputy Mary Lou McDonald: Not on the markets.

Deputy Brendan Howlin: We are borrowing it at an affordable rate. The markets are unaffordable to us, the Deputy is right. It is disappointing that one rating agency has made a decision but, as one can see from the reaction of the German Chancellor and the Commission they do not agree with it. We must stick to our purpose, which is not to despair or give the counsel of despair or say we will collapse our own economy. We will, as we have done, map a way to economic solvency.

The people of Ireland have met the targets we have set. They have carried the burden with industrial peace because people want us to succeed. They want the Government to succeed in returning us to economic solvency. This is why there is still good will for this. There is hardship and people will resist the individual measures which we will try to make as fairly as we can. However, there is no alternative way. When one sees what the cost of money would be if one could buy it or get it on the open market it is wrong to suggest that our way is a folly. It is also wrong to suggest that somehow one can magic away the debt and continue to borrow money after telling one group of people to take a hike. That is a folly.

It is unfortunate that one rating agency has made the decision it has but it will not distract the Government and the very strong support we have had from the people on whom we depend to fund us. We are completely funded well into 2013. One has seen the dramatic changes that have occurred in the past two years. Who knows what will happen in the next two years but we will, step by step, get ourselves, our country and our economy onto a good footing.

Deputy Richard Boyd Barrett: The case the Minister makes for having to impose the “adjustment” as he calls it of €3.6 billion, which means, as he acknowledges, such severe austerity for ordinary people in the country is that we must deal with the deficit problem and that we have no choice but to borrow the money.

As an aside, although I do not think the Minister will agree with me—

An Ceann Comhairle: Put a question.

Deputy Richard Boyd Barrett: Is it the case that if we repudiate the private banking debts the markets might consider lending to a State that would be in a much better financial position? Setting aside this question, which the Minister might answer briefly, is it the case that much of the deficit results from the fact that 350,000 extra people are unemployed? As a result, the burden on the State's finances adds up to approximately €7 billion. The reason we have such a big deficit is because so many people are unemployed. If we put those people back to work—

An Ceann Comhairle: Thank you Deputy, a question please.

Deputy Richard Boyd Barrett: —which would mean resisting the EU and IMF austerity programme, then our public finances would be in a much better state by approximately €7 billion. Add to that the €5 billion we must pay in interest repayments this year and a little tax on the wealthy in the country and one could make up the deficit without imposing austerity.

An Ceann Comhairle: Perhaps the Minister should ask questions and the Deputy should answer them.

Deputy Richard Boyd Barrett: I asked a genuine question.

Deputy Brendan Howlin: The Deputy has always been in fantasy land which is a comfortable place to be as it allows one to preach that people do not need to take medicine because the magic doctor has a cure and the rub of the relic will cure all. As to the notion that one can repudiate the debt by deciding to look into one's heart and refuse to pay it—

Deputy Mary Lou McDonald: You should not be facile. It would be done through a debt resolution mechanism.

An Ceann Comhairle: Deputies should address their remarks through the Chair.

Deputy Brendan Howlin: —while at the same time deciding that everyone who is unemployed should go back to work, who would pay the €18 billion we are borrowing? That is the gap that would open up instantly.

Deputy Richard Boyd Barrett: We are paying through cuts in social welfare.

Deputy Brendan Howlin: Who would pay for the schools, hospitals and gardaí? In Deputy Boyd Barrett's heart of hearts, he knows his proposition is entirely fanciful.

The Government has embarked on a path which will lead to a restoration of our finances and which has job creation at its heart. One of the first steps we took was to renegotiate the first memorandum of understanding to ensure we had up to €500 million in job focused expenditure. In the tourism sector, this expenditure has been effective from 1 July. I hope this initiative, of which we require more, will pay dividends. The more control we gain of the economy, the more decisions we can make to stimulate growth. The Deputies opposite are correct to the extent that we require economic growth to get out of the current mess we are in and that we must ensure job creation is at the heart of our decision making. However, the notion that there is some magic way of eliminating debt is a folly, as the Deputies know full well.

11. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform his target date for publishing the Estimates of Expenditure for 2012. [20317/11]

Deputy Brendan Howlin: While the exact dates have yet to be decided, budget 2012 would normally be presented to the Dáil in early December and include budget Estimates for 2012. The Revised Estimates Volume for 2012 would be published the following February and contain more detailed expenditure information on all Votes. The Estimates would then be referred to the relevant Dáil select committees on the same date, before being voted on by the House.

Deputy Sean Fleming: I thank the Minister for the information provided. I understood he and members of the Sub-Committee on Public Expenditure and Reform agreed that the Estimates for next year should be discussed before the end of this year. He has indicated that the Revised Estimates Volume will be published in February 2012, which means it will probably be discussed after St. Patrick's Day. Estimates used to be published in February because the

budget was introduced in January. That is the old approach taken in the Department of Finance. The Minister should inform the Department that the date of the Budget Statement was moved to December a couple of years ago. The only reason for publishing a Revised Estimate after the budget is to provide for budget expenditure not included in the Estimates, which used to be published in advance of the budget. As the Budget Statement and the Estimates are published simultaneously, they should be debated before the end of the year. I ask the Minister to review the matter to ensure the 2012 Estimates will not be discussed after St. Patrick's day.

Deputy Brendan Howlin: As I indicated yesterday, I do not regard the traditional Estimates process as a good one and would like to consider how the process can be reconstructed in a more useful way. The Estimates volume has become a little lost as a result of the practice of publishing it on the same day as the Budget Statement, the reason being that people focus on the fiscal and taxation measures included in the budget. I am open to ideas on how we can deal with the Estimates in a different way. Given the Deputy's experience in this area, perhaps he will produce some ideas over the summer and advise us of them after the recess. I offer the same invitation to other Deputies. Other Ministers and I would welcome a better and more open debate. My Estimates are, however, fairly rigid.

Deputy Mary Lou McDonald: I concur with Deputy Fleming and welcome the Minister's openness to suggestions. We should return to this matter when business resumes in September. I hope the Minister will make a commitment that if realisable proposals are put to him——

Deputy Brendan Howlin: They must be practical.

Deputy Mary Lou McDonald: Yes. If such proposals can accommodate a tighter arrangement for the 2012 budget and Estimates, I hope the Minister will facilitate them.

Deputy Brendan Howlin: I have sat through many debates on Estimates at committees, mainly as an Opposition Deputy, and they tend to be a little sterile. One normally examines whether a few thousand extra euro is being spent in some area and, as a result, one misses the wood for the trees. I do not know whether we could have a principled debate on Estimates expenditure. Perhaps I am not explaining myself very well. I may give some thought to the matter and we could share some ideas.

Public Service Staff

12. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform if he remains committed to the target in the Programme for Government to reduced the numbers in the public sector by 25,000 by 2015. [20296/11]

Deputy Brendan Howlin: The Government plans to bring about a reduction of between 18,000 and 21,000 in overall public service numbers by 2014, relative to the end of 2010 position, with a further 4,000 reduction in 2015, subject to there being no compulsory redundancies and to the protection of front-line services. As outlined in the programme for Government, this will involve a fundamental change to the way in which the Government and the public service operate, including the rationalisation of core processes across the public service, a reduction in the number of State bodies and the elimination of non-priority programmes and outsourcing of non-core functions, where appropriate. The measures necessary to give effect to these reductions are being developed by the Department of Public Expenditure and Reform, taking account of the existing projections for staff numbers in the coming years. The comprehensive spending review will also focus on reform and new ways of delivering public services and the opportunities and challenges arising under the Croke Park agreement. Following completion

[Deputy Brendan Howlin.]

of the comprehensive spending review and analysis of current levels of public service staffing, including natural wastage, and progress with redeployment, the Government will decide on the necessity for targeted exit mechanisms and the timing of such initiatives.

Deputy Sean Fleming: Based on the documentation provided by the Department at the meeting of the sub-committee yesterday, the reduction in public service staff numbers this year will be 3,000 compared to 5,000 last year. Given that the target for reducing public service staff numbers for the years 2011 to 2014, inclusive, is 21,000, a further 18,000 staff or 6,000 per annum will have to leave the public service in 2012, 2013 and 2014. That is double the reduction envisaged for this year. Does the public service have the capacity to cope with reductions in staff on such a massive scale? We hear there is light at the end of the tunnel, but if the Government tells us the numbers of job losses in the public service will be double what they are this year in each of the years 2012, 2013 and 2014 and that a further 4,000 public sector jobs will be lost in 2014, people will crack at some stage. Does the Minister appreciate the gravity of the figures to which he has committed?

Deputy Brendan Howlin: I may give some comfort to the Deputy on the figures. The target of 3,000 for this year is the old one. We have not yet put in place a revised target because I want to do some forensic analysis of the number of public service staff who will retire and so on. At the end of the first quarter this year there were slightly less than 304,000 employees in the public service. As the Deputy correctly noted, the published target in the documentation he has received was to reduce public service numbers to 301,000 by the end of the year. This figure will be significantly exceeded. I am working on a better target and will try to have one firmed up by the time I take questions again. I will give the House a better target as soon as I can. It is my judgment that public service numbers will have fallen below 300,000 by the end of the year.

We are examining how many staff will leave the public service voluntarily. As I indicated yesterday, the previous Government allowed those who will retire up to the end of February next to avail of the pension entitlements they would have enjoyed prior to the public service pay cuts. I decided to require three months' notice of retirement. Obviously, not everyone will retire in February and many will decide to leave at the end of the year. We should have an indication in September of the number who will take the final opportunity to avail of their pension entitlements as they stood prior to the pay cuts. I am confident the number will be significant and that the target of reducing public service numbers by 3,000 this year will be easily exceeded.

An Ceann Comhairle: Deputy Boyd Barrett may ask a quick supplementary question. We have only a few minutes left.

Deputy Richard Boyd Barrett: I apologise because I must leave in a minute to go to a housing meeting, which relates to my question about——

An Ceann Comhairle: Will you represent me at it?

Deputy Richard Boyd Barrett: I will mention you, a Cheann Comhairle. It is in The Graduate.

The meeting is about the fact that no social housing will be built directly and we are going to start leasing in Dún Laoghaire from private landlords.

Deputy Brendan Howlin: I am not sure that is relevant to the question.

Deputy Richard Boyd Barrett: It does connect. I am not playing fast and loose. Is this how to get good value for public expenditure? As we are losing 13% of local authority staff as a result of the recruitment embargo and, therefore, no longer have people to do the direct build of social housing, social housing must be provided by the private sector. Is that not more costly in the end? We get nothing at the end of it.

We are paying money to NAMA or private landlords——

An Ceann Comhairle: Please be fair to Deputy McDonald. She has tabled a question.

Deputy Richard Boyd Barrett: This is a genuine question about expenditure.

Deputy Brendan Howlin: It is a genuine question that has nothing to do with my Department. I would like to have a debate with the Deputy about that.

An Ceann Comhairle: Not at the moment.

Deputy Brendan Howlin: No, not at the moment, a Ceann Comhairle, in deference to yourself.

There has been significant downsizing in the local authority sector and there have been huge efficiencies. My own local authority published, in last week's local paper, *The Wexford People*, a two-page analysis of significant efficiencies it has brought about to give better services to people. It is not all about cutting or reducing the quality of service. Things can be done better when we look at them fundamentally.

I do not look at this from an ideological perspective. I do not think everything done by the public service is better than everything done by the private sector, or *vice versa*. There are things that are performed best by the public sector and things that are performed best by the private sector. We have to make a rational discernment about these things and not be clouded, one way or the other, by an ideological perspective.

Public Expenditure Review

13. **Deputy Sandra McLellan** asked the Minister for Public Expenditure and Reform if he will publish the terms of reference for the comprehensive review of expenditure as circulated to department heads; and if he will publish in full the recent memo circulated to department heads by his Secretary General. [20334/11]

Deputy Brendan Howlin: While no formal terms of reference were issued to Departments, I have made clear from the outset that, apart from garnering savings, the aim of reforming the public service is to deliver better results within limited resources. This is a driving force behind both the Comprehensive Review of Expenditure and the Capital Review. Both of these processes are now underway and will involve root and branch evaluations of the expenditure of all Departments and of bodies within their remit. This is at the heart of the Government project spelled out in our Programme for a National Government 2011-2016.

The objectives of the process will be to provide the Government with a comprehensive set of decision options. These include to meet the overall fiscal consolidation objectives, both as regards spending and numbers reduction targets; to re-align spending with the Programme for Government priorities; and, in this context, to consider new ways of achieving Government through public sector reform. As the Deputy mentions, my Department has been in contact with all Government Departments to re-iterate at official level the position I have already outlined above, namely, that all expenditure must be examined in this process.

[Deputy Brendan Howlin.]

As the Deputy has already asked me to do so, I will publish the letters on my Department's website as soon as I can.

Written Answers follow Adjournment Debate.

Message from Select Committee

An Ceann Comhairle: The Select Committee on Justice, Defence and Equality has completed its consideration of the Civil Law (Miscellaneous Provisions) Bill 2011 and has made amendments thereto.

Adjournment Debate Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Marcella Corcoran Kennedy — the need to publish the carer's strategy as soon as possible; (2) Deputy Aengus Ó Snodaigh — the funding in 2011 of local drug task force interim projects in the Canals Community and the South Inner City, Dublin; (3) Deputy James Bannon — the need to review the decision which has led to the suppression of the posts of resource teacher for travellers and the rural co-ordinator for disadvantage at St. Mary's national school, Edgeworthstown, County Longford; (4) Deputy Brendan Griffin — the unapproved removal of materials containing asbestos from schools and other public buildings; (5) Deputy Martin Ferris — the situation of workers in the Solus shops under liquidation; (6) Deputy Jerry Buttimer — the need to implement policy measures to address the findings of the Health Research Board's report on trends in alcohol related deaths; (7) Deputy Noel Harrington — the construction of a relief road for Bantry, County Cork; (8) Deputy Thomas P. Broughan — that the Minister for Health would urgently attend the House and report on acute psychiatric services in the north Dublin and Fingal area given the reported closure of St. Ita's Hospital, Portrane on 1 August next and if he would also report on the ongoing grave deficiencies in mental health services for adolescents in the Dublin north and Fingal region; and if he would make a statement on the matter; (9) Deputy Joe Costello — the need to install mechanisms to protect personal information on mobile telephones; and (10) Deputy Robert Troy — the need to ensure the continuation of a second year preschool place for people with special needs.

The matters raised by Deputies Robert Troy, Marcella Corcoran Kennedy, Joe Costello and Jerry Buttimer have been selected for discussion.

Adjournment Debate

Special Educational Needs

Deputy Robert Troy: I raise this very important issue, which has come to my attention of late. I understand the Minister of State will take the matter on behalf of his colleague, the Minister for Jobs, Enterprise and Innovation.

One of the best things the previous Government did was to introduce free pre-school places for all children. The Government did some wrong things but this was one of its better judgments. At the time, it was indicated that children with special educational needs would have the opportunity to have two years free pre-school. Prior to that, special needs assistants were assigned to most children with special needs in pre-schools. This was funded through the HSE budget for special supports for pre-school children with disabilities.

When the ECCE scheme was introduced, the HSE early intervention teams were told children could apply for a second free pre-school year. Exemptions were to be allowed where children had been assessed by the HSE or a treating consultant as having special needs that would delay their entry to school or if the enrolment policy of the local primary school was to accept children at an older age. Those were the circumstances in which a child could apply for a second year of pre-school.

In the wider Mullingar district and 75% of County Westmeath, only 20 children are currently waiting for their second free pre-school. When funding was cut in last year's budget it was announced that there would be a saving of €500,000. Having listened to the figures quoted by the Minister for Public Expenditure and Reform, a saving of €500,000 seems very small.

Parents of children with special needs are unable to keep their children at home and are sending them to primary school although the children are not intellectually ready for primary school. This is putting additional pressure on primary schools, and on the special needs services and general resources for primary schools. We need to revisit this because when funding was provided by the HSE in Mullingar, it was specified that it would be used for one hour of one-to-one tuition every day the child was in preschool. That hour was spent on the goals and therapies outlined by the early intervention team. The Minister of State will be aware that the early stage of childhood development is critically important to children's long-term development. This is even more so the case for special needs children. I have spoken to parents of special needs children and they have related their great joy and expectations when they see their children entering preschool. They see the work done as they progress but this is being cut back. These parents are physically and emotionally exhausted and they are unable to fight for themselves, which is why I am raising this issue.

They are falling between Departments. The HSE says preschool is not a health-related issue while the Department of Education and Skills says it has no legal obligation to children until they are aged six. In fairness to the new Government, it has created a new Department to deal with children's issues and it has a golden opportunity to put in place a comprehensive support system for children with special needs attending preschool. I would like the Minister of State to convey the message to the Minister for Children and Youth Affairs that something needs to be done in this regard. I do not want him to reply that this is all about what happened in the past. The Government has choices. Only 30 minutes ago, the Minister for Public Expenditure and Reform claimed the first thing the Government did was implement changes to the EU-IMF deal. Through these changes, I would like the Department of Children and Youth Affairs to appoint additional SNAs and to provide a second free preschool place for children with special needs. They have nothing; it is as if they do not exist. The new Department has a golden opportunity to do this. I ask the Minister of State to relay this to the Minister and to reply with some good news.

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): The Minister for Children and Youth Affairs has responsibility for implementing the free pre-school year in the early childhood care and education, ECCE, programme, which was introduced in January 2010. The programme provides for a free preschool year for all eligible children in the year prior to commencing primary school. Currently, 63,000 children availing of the preschool year. This represents 94% of all children in the eligible cohort, which is a significant success for the programme at this early stage. It is a mainstream programme, provided by almost every preschool service in the State.

These services are required, under the Equal Status Acts, 2000 to 2004, to make reasonable accommodation for children with special needs. While there is no additional provision under the ECCE programme for children with special needs, they can avail of it on a *pro rata* basis

[Deputy John Perry.]

over two years. For example, a child may attend for two days per week during the first year and for three days per week in the second year. Experience to date demonstrates that many parents find this very helpful for a range of reasons. In many cases, specialist preschool services arrange for children attending their services to also attend a mainstream service for one, two or three days a week. In other cases, children have special health needs which mean that they are unable to attend on a five-day basis each week.

There is also the reality that children who need additional supports to attend a preschool service are more likely to receive six or nine hours per week rather than the 15 hours that would be necessary if the ECCE programme were taken over one year. In addition, an exception is allowed to the upper age limit for eligibility for the programme. The age range within which children qualify for the programme is, generally, between three years two months and four years and seven months in September of the relevant year. However, where a child has been assessed by the HSE or a treating consultant as having a special need which will delay his or her entry to primary school, the upper age limit is disregarded. Experience to date again demonstrates that this exception is beneficial to many children, for whom starting school closer to six years of age is more appropriate.

The ECCE programme has transformed the landscape for preschool service provision. This change must be responded to by the support services on the ground. Support services for preschool children are provided by the HSE. The office of disability and mental health in the Department of Health has overall responsibility for these services. In February 2010, the then office of the Minister with responsibility for children and youth affairs raised this issue with the office of disability and mental health. A working group, led by the office of disability and mental health in collaboration with the HSE and the office of the Minister for children and youth affairs was set up to consider how the existing arrangements for support services for children with special needs might be revised to make better use of existing resources and achieve better outcomes. I understand that this group is expected to report shortly. The implementation of actions to improve the existing arrangements for service provision must be a key priority for the Department of Health as well as for the Department of Children and Youth Affairs to ensure equal access for all children to preschool education.

There is no entitlement under the ECCE programme to a second preschool year. Following the introduction of the programme in January 2010, it was decided to provide a second period of preschool provision in a limited number of cases, on the basis that the first period of provision was a “short year”. The second period of preschool provision year, which was allowed in September 2010, was confined to children with severe disabilities who would be expected to benefit significantly from a second period of preschool in a mainstream setting prior to going on to primary school.

The Minister for Children and Youth Affairs believes that the programme is an important development in early education and that it is particularly welcome as a universal programme which means all children have equal access and begin school on an equal footing. She is committed to continuing the programme and to improving it over time as resources allow. She believes the *pro rata* option for children with special needs is a practical and helpful option for many parents and children, as is the option for delayed entry.

While the Minister will explore ways in which the ECCE and other programmes can be improved and made more accessible for children with special needs, she believes that one of the most urgent actions that needs to be taken relates to making sure we achieve the best outcomes from existing resources to provide better supports within preschool services for children with special needs. As she indicated to the Oireachtas Joint Committee on Health, Children and Youth Affairs last week, she has asked the Department to examine options, including

the extension of a second free preschool year to children with special needs and, eventually, to all children. However, in recognition of the current fiscal constraints within which the Government must operate, any such proposals will have to be rigorously assessed in the context of the multi-year comprehensive expenditure review and future estimates processes, which is very much part of an ongoing debate.

The Minister is committed to working closely with other Departments, agencies and organisations to achieve improvements in the lives and the opportunities of all of our children and young people, including children and young people with special needs. I thank Deputy Troy for raising this important matter and I hope this reply addresses some of his concerns.

National Carers Strategy

Deputy Marcella Corcoran Kennedy: Caring is a special role that many of our citizens find themselves in suddenly without prior training, education or other supports available to them. They are a hidden workforce, saving the Exchequer significant funds by their dedicated work for the elderly, terminally ill or disabled men and women of all ages. It is estimated their work saves the State more than €2 billion annually. They are driven by a desire to ensure their loved ones remain in the comfort of their own home with their families for as long as possible. We are only in the past decade getting a picture of how many people care for family members. The 2002 census revealed a total of 148,754 carers, with 40,526 working full time and 108,228 part time. Collectively, they carry out an estimated 3 million hours of work every week. This is a staggering figure but it is an accurate indication when the 24-hour care provided replacing the care which would be provided by a hospital or other care facility is taken into account. As someone who shared the care with my siblings of our terminally ill mother for five months, I am fully aware of the fears in the early days of caring, the fatigue associated with sleepless nights and the worry that there might be some medical emergency with which one cannot deal, but it is all worthwhile to ensure that a loved one gets the type of care that comes from a family member. However, we must also recognise the impact of the stress of caring on the carer and the need for the carer to have some respite. It is vital for people to nurture themselves at such a time and it also makes them better carers.

I attended a meeting of carers in Tullamore recently. They impressed upon me the need for the publication of a national strategy for carers. The carers were aged from the mid-20s to 82 years of age. They were all in caring situations that were the same in some respects but different too. Some were caring for spouses or elderly parents with Parkinson's disease and Alzheimer's disease, while others were caring for their own children with intellectual or physical disabilities. The challenging behaviour of some children is heartbreaking for the family. The 82 year old woman is caring for her 85 year old husband.

It is well documented that there are many young carers who are having their childhood stolen by assuming adult responsibilities for loved ones. It is imperative that the strategy for carers deals with all needs of adult and child carers. Financial assistance, respite and home help are all required. The solution must involve a cross-sectoral, multi-departmental and a multi-agency approach. A vital issue which must be addressed is that caring would be recognised as work. Currently, if a person gives up work to care for a loved one he or she does not receive recognition from the Department of Social Protection that the caring is in fact work. I was given an example of a gentleman who gave up work to care for his mother and did so for five years. After her inevitable death, he went to his social welfare office and was advised that his time out of the workplace as a carer was not recognised as work and would not count towards a pension in later life.

[Deputy Marcella Corcoran Kennedy.]

Next year, 2012 is the European year of active aging and solidarity of generations. It will focus on solidarity between generations. Caring is a clear example of such solidarity. It would be a wonderful achievement if we could have a national carers strategy in place by then.

Deputy John Perry: I thank Deputy Marcella Corcoran Kennedy for raising this important issue. I am taking this Adjournment debate on behalf of the Minister for Social Protection, Deputy Joan Burton.

The programme for Government contains a commitment to “develop a national carers’ strategy to support carers and address the issues of concern”. It is important to clarify that there is not a completed draft carers strategy that is merely waiting for Government approval and ready for publication. The Government will consider how best to progress the development of the strategy, taking into account the prevailing economic realities and the work carried out previously.

As the Deputy will be aware, every Department is currently carrying out a comprehensive review of expenditure. That will help clarify the strategic priorities and the resources available within each Department. Following that, the Government will be in a position to best consider how to progress the development of the carers strategy.

A significant amount of work was done by the previous cross-departmental working group which was chaired by the Department of the Taoiseach. The Departments of Finance, Enterprise, Trade and Employment, Health and Children and Social and Family Affairs as well as the Health Service Executive, HSE, and FÁS were represented on the group. The group met on six occasions during 2008 and the expertise of other Departments and agencies was drawn on as particular issues were being considered. Discussions were also held with colleagues in Northern Ireland. A wide-ranging consultation process was also undertaken which included a meeting with the social partners, two meetings with carer representative groups and a public consultation process.

While each of the themes set out in the terms of reference was examined in terms of the current position, because of the prevailing economic situation, it was not possible to agree future targets or time limits which could be achieved. The economic difficulties have intensified and mean that while the Government is committed to developing a strategy, it will not be easy. The strategy will have to be developed and implemented within the resources available, taking into account our IMF and EU commitments, as well the outcomes of the comprehensive review of expenditure.

I acknowledge the significant role played by carers in society and reiterate the commitment the Government has to providing appropriate support to both carers and those who are being looked after. The area of caring is a complex field involving a number of Departments. Becoming a carer can have implications for all aspects of a person’s life from taxation to transport and from social welfare payments to accessing health services. Reflecting that, services and supports for carers are delivered by a variety of Departments and bodies. Many of the issues of most concern to carers are the responsibility of the Department of Health. The development of a strategy is important to carers but also other issues such as front line services and general supports for the disabled.

Carers play a significant and valuable role in the provision of care and support to older people and people with disabilities who may otherwise need care in a residential environment. It is our view that people should be encouraged and supported in their efforts to live healthy, fulfilling, independent lives in their own homes and communities for as long as possible. The model of care which favours facilitating people to reside in their own home and natural enviro-

onment for as long as possible can only be achieved if the work of carers is valued and supported through health care supports and services made available at community level.

I reassure the Deputy that the Government is committed to continuing to provide a comprehensive range of services to support people in need of care. In particular, the Health Service Executive provides, for example, home care packages which can be delivered in partnership between the HSE and certain voluntary providers and can often include a respite element at local level. Other supports are provided through programmes such as meals-on-wheels, day care or home help. Every effort is made to make each service as flexible as possible to meet individual needs.

The aim of providing services is to meet people's needs through a variety of supports, which focus on a multidisciplinary approach to deliver services to people in their own homes as far as possible. While we are faced with a period of economic and fiscal challenges and we face a period of Exchequer consolidation and new social realities, I hope these supports will continue within the resources that are available at present. The Department of Health and the HSE are committed to continue providing the supports to allow people to remain in their homes as far as possible within the resources currently available.

The Department of Social Protection provides a number of income support payments on a weekly basis and will have a role in developing and implementing a strategy. Currently, more than 51,000 people get a carer's allowance payment from the Department. That includes more than 21,000 who receive a half-rate carer's allowance in addition to another payment. There are approximately 1,700 people in receipt of carer's benefit. In addition, more than 17,000 people who are not in receipt of a carer's allowance or benefit payment received the annual respite care grant of €1,700 this month.

The estimated expenditure for carers in 2011, including carer's allowance, carer's benefit and the respite care grant is approximately €658 million. That does not include the household benefits package or free travel which carers also receive. It is not possible at this time to outline the contents of the strategy as it has not been drafted, but the commitment to develop a strategy during the lifetime of the Government is an important one. It will prompt all Departments to address the issues of concern for carers, some of which I have just mentioned.

Once again, I take the opportunity to acknowledge the significant role played by carers in society and reiterate the commitment the Government has given to providing appropriate support to carers and those who are being looked after. I thank the Deputy for raising this important issue.

Data Protection

Deputy Joe Costello: One of the indirect consequences of the recent scandalous events in the United Kingdom surrounding News Corporation, News International and the widespread mobile telephone hacking which brought Rupert Murdoch's mighty media empire to its knees, closed the News of the World and brought the entire fourth estate into disrepute was to open debate on the need for mobile telephone manufacturers and operators to protect the privacy of their customers. The act of newspaper editors and journalists paying individuals to hack into the phone messages of private citizens to glean personal and private information which was then printed as exclusive front-page news is truly reprehensible and repulsive. The hurt caused to private citizens who were coping at the time with tragic and distressing events in their lives is incalculable. They must now re-live these events and contend with the fact that their privacy and innermost thoughts were completely and comprehensively invaded. The newspapers initially targeted so-called celebrities, justifying their actions by claiming that these were public

[Deputy Joe Costello.]

figures and, as such, fair game for the media. They quickly moved on to politicians and private citizens, with no regard for their basic human rights.

It transpires that much of the hacking that was carried out was easily done because of insufficient security on mobile phone messaging systems. The mobile phone operators have simply set up a basic default password of four zeros for all phones. To access a mobile phone's voicemail, any member of the public merely needs to place a five before the telephone number when dialling, press the hash key and then enter the four-digit password. In the early days of mobile phones this was the only way to access phone messages from abroad. Now that it is possible in many countries to dial the 171 direct voicemail number, most people are not even aware of the existence of a password for accessing their voicemail. It would be interesting to ascertain how many Members of the Oireachtas, despite the recent warnings, have not changed their voicemail passwords from the default four zeros. I would love to do a little survey and find out how many are still vulnerable to hacking.

There are other sophisticated mechanisms for accessing mobile phone data. Bluetooth technology, while providing major advantages, can also allow data on mobile phones to be viewed, downloaded and even corrupted without the phone owner realising that anything is happening. Earlier in the day I Googled the phrase "mobile phone hacking" and got almost 42 million results. Incredibly, millions of websites are offering free software to enable hacking of mobile phone data. That is out there on Google; Deputies can look it up any time. There are even tutorials provided on YouTube about how to hack into phones using Bluetooth.

In these days of mobile data, so much personal information is contained in people's mobile phones — address books, diaries, e-mails, text messages. The mobile phone is for many people an extension of themselves. Unfortunately, however, it offers the peeping Tom an insight into their most personal data.

What can be done about this? I believe mobile phone companies should have an obligation to protect their customers' rights. They should be obliged to ensure each account is secure and cannot be hacked into. There are a number of basic measures, which should be standardised across all mobile phone operators, that would protect consumers. Mobile phone operators at present have a default setting that allows unanswered calls to go straight to voicemail, as I mentioned earlier. There should be a requirement for the customer to set a new password before voicemail can be activated. This would immediately eliminate the four-zero hacking option. Moreover, on phones using Bluetooth technology, the default setting should require a user to grant permission for other Bluetooth devices to connect to his or her own device. How many Members of the Oireachtas who use Bluetooth to talk on the phone in their cars think to turn off Bluetooth when they get out of their cars? If they do not, they are rendering their phones' data accessible through Bluetooth. I would say this is the case for the majority of people. Again, this leaves them vulnerable to hacking.

Mobile phone operators and manufacturers have an obligation to ensure their customers' privacy and rights are fully protected. In the first instance I am asking the Minister to examine the possibility of legislation at national level. However, mobile phones enable global communication and, as such, know no boundaries. It is therefore important that action is taken at a global level. I have already requested that this issue be placed on the work programme of the Joint Committee on European Affairs and I will be seeking a European directive to compel mobile phone operators to protect their customers' privacy.

Deputy John Perry: I thank the Deputy for raising this important issue. The protection of personal information is a matter for the Office of the Data Protection Commissioner, which falls under the remit of my colleague the Minister for Justice and Equality. However, the point

raised by the Deputy is one which is of concern across the Government, particularly following revelations in recent weeks about the unauthorised accessing of personal information via telecommunications equipment.

I assume the particular matter that is of concern to the Deputy is remote access to the voicemail service of mobile phone users by other persons and the apparent ease with which this can occur by the use of default access codes. It appears the main issue in this regard is the lack of information available to mobile phone users about such remote access and the need for users to ensure the default access code is changed to prevent unauthorised access to voice messages.

I understand the Office of the Data Protection Commissioner is having discussions with some of the mobile phone operators with a view to addressing the potential problems with the existing system. Mobile phone users also have the facility, which is easily available, of deleting messages in their voice mailboxes as a further security measure.

With the evolution of smartphones and their ever-increasing data capacities, there are also concerns about the potential for leaks of personal information from such devices. For example, some of the newer smartphones have data capacities of 2 GB or more, which in layman's terms means that they can easily store 2,000 emails and 3,000 medium-sized documents. Many of these devices have built-in privacy managers that allow the user to customise how the phone manages personal information. It is my understanding that such settings can be changed at any time and not just when an application is first installed. While the handsets provide for such privacy settings, it is ultimately a matter for the phone user to ensure they are properly activated, monitored and updated or amended as required.

More generally, mobile phone companies provide services that facilitate the storage and transmission of personal information in a number of ways. These include SMS, e-mail, social media such as Facebook and voicemail. There are a number of mechanisms in place to protect the personal information associated with these facilities. For example, the majority of handsets feature the use of PIN numbers to unlock the handset. This feature is put in place by equipment manufacturers so that access to the handset can be restricted to the user, thereby protecting the handset and preventing misuse. Encryption of messages is another security method that is frequently used, particularly for users of BlackBerry handsets. The combination of such facilities allows users to protect information stored on their phones, such as SMS messages and e-mails, as well as protecting personal information, such as voicemails, stored on the telecommunications network.

It should be noted that the Minister for Communications, Energy and Natural Resources has recently introduced secondary legislation that obliges companies providing publicly available electronic communications networks or services to safeguard the security of their services. It is an offence for such companies not to comply with these requirements. Provisions with regard to data breaches have been also strengthened.

Many mobile phone users do not seem to realise the importance of using all the readily available security mechanisms that are provided by phone operators at present. I believe the recent incidents of phone hacking, which have been widely reported in the media, will serve as a reminder to phone users that they should ensure the handsets they use and the data stored on those handsets are secure. User information and awareness is key to this issue and I look forward to the outcome of discussions between the mobile phone operators and the Data Protection Commissioner in this regard

Deputy Joe Costello: I am afraid the reply has missed the point. The onus should be on the manufacturer, not on the user, to provide security.

Deputy John Perry: It should be, absolutely.

Deputy Joe Costello: The entire response given by the Minister of State was parallel to the real issue.

Deputy John Perry: I will raise the Deputy's concerns with the Minister and safeguards should be provided by the mobile telephone companies.

Alcohol Abuse

Deputy Jerry Buttimer: The worrying extent of the impact of alcohol has been revealed by the first national report on trends in alcohol-related death. The report of the Health Research Board shows such deaths occur in all age groups, from teenagers to the elderly. The report examines alcohol-related deaths, looking at those caused by poisoning and non-poisoning deaths arising from medical and traumatic causes. It also examines causes of deaths for people who are alcohol dependent.

Almost half of the alcohol-only poisoning deaths recorded in the report occurred in the 40 to 54 age group. Two thirds of the cases were male. While alcohol is a factor in deaths in all age groups, its fatal effects are most evident in middle-aged men. Poisoning deaths caused by alcohol and other substances peaked in the 30 to 34 age group while the median age is 48. Again, two thirds of the cases were male.

Of the recorded non-poisoning deaths of people who were alcohol dependent, three quarters were male. Approximately nine out of ten cases were due to medical causes. The most common medical cause was alcoholic liver disease. One startling point is that this disease accounted for one third of deaths due to medical causes of alcohol dependent people in the 25 to 34 age group. The report also details deaths that involved alcohol among people who were not alcohol dependent. Two thirds of these deaths were due to traumatic causes which included drowning, choking and falling.

In 2009 the average adult in Ireland drank 11.9 litres of pure alcohol, double what was consumed in 1960. Clearly, with such an increase in alcohol consumption, there has been a change in our social habits. The stark reality of this change is brought into focus by this report. It shows that as a society we need to look at our lifestyle habits. The Health Research Board has shown that alcohol is having a fatal impact of the lives of many people.

In moderation alcohol is enjoyed by many people without the impact of its potential harmful consequences. For some it is a social lubricant; for others it provides a temporary escape. Unfortunately, there are those for whom alcohol becomes a crutch, upon which they become dependent. We must ensure those who suffer from the side effects of excessive alcohol consumption are provided with the appropriate health care.

Lifestyle choices do not only result in alcohol-related deaths. They can also be causes of obesity and type-2 diabetes. The stakeholders led by the Department of Health, Department of Children and Youth Affairs and the Health Service Executive, along with the drinks industry, must examine steps to reduce the impact on health of lifestyle choices.

We must also develop lifestyle awareness initiatives to show the effects of excessive alcohol consumption and to encourage social choices which are not alcohol dependent. Through education and awareness, we can reduce the consumption of alcohol which in turn will reduce the number of alcohol-related deaths. It is important we have a debate on how we consume and use alcohol. The report of the Health Research Board should be a wake-up call for all of us. This report should not be allowed to pass without considering how to minimise the negative

effects of alcohol. Will the Minister of State outline the implementation of the recommendations of the Health Research Board's report?

Deputy John Perry: I am replying on behalf of my colleague the Minister for Health, Deputy James Reilly.

Alcohol plays a significant role in society. However, it is no ordinary commodity. Alcohol is responsible for a considerable burden of health and social harm at individual and societal levels. The recent statistics published by the Health Research Board showed a rise in alcohol-related deaths between 2004 and 2008. These findings are from the first ever national report on trends in alcohol-related deaths and deaths among people who were alcohol dependent from the national drug-related deaths index. It showed there were 672 alcohol-related poisoning deaths recorded between 2004 and 2008. Two thirds of those who died were men and the majority were aged less than 50 years. The study also recorded an increase in the annual number of non-poisoning deaths of people who are alcohol dependent from 508 in 2004 to 799 in 2008. Most of these deaths were due to medical causes such as liver disease and cardiac conditions.

Irish adults drink in a more dangerous way than in many other countries. In 2009, the average Irish adult drank 11 litres of pure alcohol. Irish children are also drinking from a younger age and drinking more than ever before. Over half of 16 year old children have been drunk and one in five is a weekly drinker. The average age of first alcohol use in Ireland decreased from 16 years of age for children born in 1980 to 14 years of age for children born in 1990.

Additional significant information is that alcohol is a contributory factor in half of all suicides and is associated with 2,000 beds being occupied every night in acute hospitals. One quarter of injuries presenting to emergency departments are linked with alcohol. Many who drink alcohol also use other drugs, thus placing themselves at greater risk and complicating treatment responses.

In recent years, a significant shift has occurred in the share of alcohol sales from pubs to the off-trade sector such as dedicated off-licences and mixed traders such as supermarkets. The substance misuse strategy now being developed will focus on alcohol in particular and be taken in conjunction with the national drugs strategy as the overall national substance misuse strategy until the end of 2016. The terms of reference of the steering group include to review the evidence and best practice and decide on appropriate structures and frameworks with an effective implementation plan for the national substance misuse strategy. In particular, the strategy will address issues such as alcohol supply, prevention, treatment, rehabilitation and research. As part of an extensive consultation process, the steering group invited individuals and groups to submit their proposals on alcohol.

Given the range of health problems that can arise from alcohol consumption or where alcohol is a contributory factor, a central theme emerging is the need for a population health approach with regard to alcohol. While acknowledging that personal responsibility is important with respect to alcohol use, the State can play a crucial role by intervening to address the factors that cause difficulties and by tackling the negative consequences involved. The central aim is to reduce the amount of alcohol we drink in society. Increasing the age of initiation into drinking is seen as an important step towards achieving this.

Price, availability and marketing of alcohol are key factors in supply. Below-cost selling of alcohol should be banned. Prevention measures are also important and the strategy will consider how best to promote across society healthier lifestyle choices with alcohol. This strategy will also consider how best to develop a national integrated treatment and rehabilitation service

[Deputy John Perry.]

for alcohol-related disorders and to encourage those affected to engage with and avail of such services.

The report of the national substance misuse strategy will be finalised at the end of September 2011. Following this, the Minister for Health will bring proposals to the Government which will address the broad range of measures required to prevent and tackle the harms caused by alcohol use and misuse.

The Dáil adjourned at 8 p.m. until 10.30 a.m. on Friday, 15 July 2011.

Written Answers.

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

Questions Nos. 1 to 13, inclusive, answered orally.

Expenditure Reviews

14. **Deputy Martin Ferris** asked the Minister for Public Expenditure and Reform if he has discussed his instruction to heads of Departments, to include further human resource or structural reforms beyond the Croke Park agreement proposals for cost saving measures under the comprehensive review of expenditure, with trade unions signed up to Croke Park or with the implementation body. [20332/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Under the Comprehensive Review of Expenditure, all Departments and Offices are required to take a root-and-branch review of every line of public spending, to assess whether previous spending programmes are still required to meet public service objectives; whether those objectives are still valid and relevant; and whether new, more efficient, and more modern ways of delivering public services can be brought to bear. The Comprehensive Review will not focus solely upon cuts and service reductions; the aim of the process is to ensure that public service reform is built into the whole process of allocating public resources. This will involve using the mechanisms set out in the Croke Park Agreement, with its inherent flexibility and openness to change, and requiring public service managers and staff to think critically and creatively about new ways of doing public business and to co-operate together to deliver on them.

The Taoiseach and I took the opportunity to emphasise this point to the Implementation Body for the Agreement when we met with them on 29th June last. Building on the fundamental flexibilities around redeployment and cooperation with change that have been signed up to under the Agreement will be critical to ensuring that the public service can manage with less resources and fewer staff while at the same time protecting services to business and to citizens, including the most vulnerable in our society. The Agreement allows for the pursuit of additional measures where necessary to support the maintenance of key public services. Once Government has taken decisions on the Comprehensive Review, it will be possible to identify those measures that are appropriate to be dealt with under the Agreement and consult with the public service unions on delivering those changes in the way that the Agreement sets out.

Departmental Estimates

15. **Deputy Michael P. Kitt** asked the Minister for Public Expenditure and Reform the vote headings and sub-heading that he intends using for his own Department in the Estimates Volume; the full year baseline he is using to measure in spending under each; and if he will make a statement on the matter. [20322/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Estimate for my Department, which was this week presented by me to the Select Committee on Finance, Public Expenditure and Reform, has been restructured on a Strategic Programme basis, consistent with the presentation of the Annual Output Statements. This new format will align resources with the High Level Goals in the Statement of Strategy and the Programmes set out in the Annual Output Statement. The information has been supplemented with certain performance information — the inputs (costs), outputs and impact indicators associated with each Programme.

This new Estimates structure is intended to strengthen the type of useful information available to Dáil Committees, and help to develop a stronger focus on the performance of all organisations, including this Department, in keeping with the Government's agenda. Under this new Performance Budgeting format, there are two Strategic Programmes for my Department:

- Public Expenditure and Sectoral Policy Programme
- Public Services Management Policy Programme

Within these Programmes, the Estimate is further broken down in a streamlined subhead format, with administrative costs (both Pay and Non-pay) apportioned to each Programme, together with the more specific individual subheads of expenditure. All Deputies have received the complete Estimate for my Department, showing the full list of subheads under each Programme.

The functions reflected in the Estimate for my Department were previously performed in the Department of Finance (Public Expenditure and Sectoral Policy and Public Service Management Policy), the Taoiseach's Department (Public Service Reform) and, in the case of the centralised Employee Assistance Service, in a number of Departments. Accordingly, the 2010 Outturn for these functions will continue to be the baseline for spending comparatives. The Estimate for 2011 in respect of the Change Management Fund/Reform Agenda includes provision for a number of important (new and existing) reform-related projects, which will yield net cost efficiencies over the longer-term.

Expenditure Reviews

16. **Deputy Dessie Ellis** asked the Minister for Public Expenditure and Reform if and when he instructed Department heads to consider substantial savings in subsidised publicly provided transport and social housing supports for inclusion in the comprehensive review of expenditure; if he also instructed them to provide a risk based analysis of the social impact of such cuts on citizens. [20339/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Under the Government's Comprehensive Review of Expenditure each Minister and Department is committed to a root and branch assessment of all Departmental spending. Over the course of the next few months Government will examine the findings and this will contribute to decisions being made in Budget 2012. All aspects of government expenditure are covered by this review, and I fully expect that Departments will consider the wider impact of any proposed reductions in departmental expenditure in their analysis.

With regard to the two areas mentioned by the Deputy, I did not issue any particular instruction about spending in these areas. However, these areas are included in a list of cross-cutting issues identified in an email issued by the Secretary General of my Department to Department Heads in May. The email invited suggestions on how savings might be generated in cross-cutting areas and as such is a normal expenditure management procedure employed in previous occasions.

Departmental Staff

17. **Deputy Micheál Martin** asked the Minister for Public Expenditure and Reform if he held interviews for the position of Secretary General in his Department; the number of same; and the persons involved in conducting the interviews. [20315/11]

22. **Deputy Michael Moynihan** asked the Minister for Public Expenditure and Reform the exact procedure he followed in evaluating applications for the position of Secretary General in his Department; if he sought advice from persons outside his Department in this task; and the persons who had access to the process. [20314/11]

24. **Deputy Michael Moynihan** asked the Minister for Public Expenditure and Reform the number of applications he received for the position of Secretary General in his Department; the number of applicants from outside the staff of the Department of Finance; and the steps that he took to encourage applicants. [20313/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 17, 22 and 24 together.

The post of Secretary General, Department of Public Expenditure & Reform forms part of a small number of appointments at Secretary General level which do not come within the remit of the Top Level Appointments Committee (TLAC) and where arrangements for the filling of post are a matter for the Government. The position is that officers throughout the Civil Service were eligible to be considered for the post prior to a decision been taken by the Government. Expressions of interest were invited from senior officials in that context.

Public Service Reform

18. **Deputy John Browne** asked the Minister for Public Expenditure and Reform the work he has carried out in respect of models of corporate governance within the civil and public service; and his plans regarding same. [20308/11]

32. **Deputy Barry Cowen** asked the Minister for Public Expenditure and Reform his views on modernisation of the public sector and on the reform of the public sector. [20289/11]

42. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform the institutional reforms, if any, he intends to introduce across the civil and public service; if those reforms include taking account of service users; if there will be a consultation process for service users; if the service reform he intends will go beyond dealing with wage costs and will involve restructuring the civil and public service; if so, the arrangements that will be required between the affected Departments; if capacity assessments will form any part of any such changes; and if he will make a statement on the matter. [20323/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 18, 32 and 42 together.

[Deputy Brendan Howlin.]

As outlined in the Programme for Government, this Government is committed to the most ambitious programme of Public Service Reform since the foundation of the State. This will take place in tandem with an equally significant programme of constitutional, political and institutional reform to ensure that there is a fundamental change in democratic and public governance, and a dramatic change in the cost efficiency and methods of delivery of public services. It is clear that the cost of delivering public services must be reduced further and that the Public Service must become better integrated and more customer-focused, as well as being leaner and more efficient. The Government wants to make progress on this issue quickly and detailed implementation plans are being developed at present, which will encompass the commitments to Public Service reform in the Programme for Government and priority areas from the existing Transforming Public Services programme.

My Department has been given a clear mandate to drive and enable reform, and the focus now is on the key reforms required and how and in what sequence they will be implemented, to ensure that substantive and tangible change is delivered within clearly defined timeframes. These plans will focus on actions to improve performance by organisations and individuals; ensure greater efficiency, effectiveness and economy; and ensure flexibility in the deployment of people and resources. The performance and governance of public bodies is a key issue, and the potential to enhance corporate governance arrangements across the Public Service will be assessed in the context of the relevant commitments in the Programme for Government.

The overall reform programme, including institutional reform, will of course have regard to the needs of service users and a range of other factors. The overall objective of the reform programme is to ensure that the Public Service does better for less and delivers quality services to citizens and businesses with the resources available. The ambitious programme of reform will be overseen by the recently established Cabinet Committee on Public Service Reform, which is chaired by the Taoiseach and which I convene. In addition, it is my intention to establish a dedicated office within my Department to facilitate, drive and support the reform programme. This office will work closely with organisations across the Public Service, enabling them to drive the delivery of reform at a local level, as well as leading on cross-cutting reform initiatives. The office will include appropriate expertise in areas such as shared services, business process improvement, and others as required.

State Agencies

19. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the number of chief executives of commercial State companies that have voluntarily reduced their salary by 15%. [20293/11]

38. **Deputy Billy Kelleher** asked the Minister for Public Expenditure and Reform if he will detail any positions in which it has been identified that his recent salary announcement may cause difficulties in recruiting suitable persons to senior positions within State agencies. [20312/11]

50. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform, following his recent announcement of his intent to cap the pay of CEOs of semi-State commercial companies at €250,000, if he intends to extend the review of the current performance bonus schemes for CEOs in commercial semi-State companies to all levels of senior management; and if he will make a statement on the matter. [20326/11]

51. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the exceptional circumstances in which the new pay ceilings for chief executive officers of semi-State companies and senior public sector posts may be breached. [20294/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 19, 38, 50 and 51 together.

I have recently written to my Ministerial colleagues with Commercial State Companies under their aegis requesting that they arrange to issue letters to the Companies concerned asking that the attention of any staff with salaries in excess of €250,000 be drawn to the Government's request for voluntary waivers of 15% of salary (or by a lesser amount if the application of a 15% waiver would bring their salary level to below the new general pay ceiling). It is far too early to know what the level of response to the request will be.

Any exception to the general pay ceilings of €200,000 and €250,000 for, respectively, senior public service posts and for CEO posts in Commercial State Companies will be subject to my prior consent as Minister for Public Expenditure and Reform. I have not prescribed in advance what circumstances may give rise to such exceptions being granted as requests will be determined by the facts of each case.

It is imperative that the public service and Commercial State Companies retain the ability to be able to recruit and retain persons with the necessary skills, abilities and energy to drive the public service and such Companies forward. The potential impact of the imposition of general pay ceilings for senior public service posts and for CEO posts within Commercial State Companies on future recruitment to such posts was therefore a key consideration. However given the current economic challenges facing the country an appropriate balance must be struck. Whether the general pay ceilings will act as an impediment to the recruitment of persons of the necessary calibre or not will only become known when specific posts are advertised. Should difficulties arise they will be considered on a case by case basis.

The recent Government Decision on the introduction of general pay ceilings for senior public service posts and for CEOs of Commercial State Companies also provided for a review to be undertaken of the current system of Performance Related Award Schemes for CEOs of Commercial State Companies by my Department in conjunction with Departments with Commercial State Companies under their aegis. I would expect that the issue of PRAS for staff below this level will be informed by the outcome of this review. In this context it is to be noted that the 2006 Department of Finance Guidelines on "Contracts, Remuneration and Other Conditions of Chief Executives and Senior Management of Commercial State Bodies" states, *inter alia*, that any performance schemes of senior management below CEO level should be on similar lines to the Government policy in relation to performance pay schemes for CEOs and should not provide for greater benefits.

Public Expenditure

20. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he has identified the areas most prone to public expenditure overruns by reference to the figure for each of the past five years; the extent to which he is likely to be able to combat such excesses with the least negative impact on job retention and creation; and if he will make a statement on the matter. [20369/11]

46. **Deputy Robert Troy** asked the Minister for Public Expenditure and Reform the significant changes which he expects in the outturn of public expenditure for 2011, net and gross; and the reasons behind these changes. [20305/11]

131. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the degree to which he has identified potential overruns in public expenditure in the current year to date; his plans to address such issues; and if he will make a statement on the matter. [20640/11]

132. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform, based on the experience over the past five years, the most likely areas to incur expenditure in excess of budget; his plans to deal with any such issues; and if he will make a statement on the matter. [20641/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 20, 46, 131 and 132 together.

Revised Estimates for all Votes for 2011, updated for the restructuring of Departmental responsibilities, the *Jobs Initiative* and certain other minor technical adjustments, have been presented to the Dáil, and it is expected that the approval process for all of the Votes will be completed prior to the Dáil summer recess. In aggregate terms, the new Revised Estimates provide for gross voted expenditure of €57.5 billion in 2011, and €46.2 billion in net terms. This compares to €57.5 billion and €46.1 billion detailed in the indicative Revised Estimates Volume published in February.

These Estimates clearly set out the 2011 allocations within which all Departments must manage. A number of expenditure areas are experiencing particular challenges. These include Health, Social Welfare and Justice. Such pressures are not new from year to year. The key issue being that the pressures have to be managed effectively within the level of resources available for the relevant Vote, and I have instructed my officials to engage with the relevant Departments in identifying options to address them. It remains a matter for each Minister and their Departments to ensure that the Vote-level allocations are adhered to. I have no reason, at this stage, to believe that the overall Estimates will not come in more or less on target.

Public Service Provision

21. **Deputy Catherine Murphy** asked the Minister for Public Expenditure and Reform if he will carry out an assessment of the geographic imbalance in respect of the delivery of public services in which areas of consistent and rapid population growth are subject to the same embargo but in which front-line services are significantly below the national average; his plans regarding same; and if he will make a statement on the matter. [20324/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government is committed to reducing overall public service numbers over the period to 2015, as part of the overall drive to consolidate the public finances, and having regard to the need to protect front-line public services insofar as possible. Departments are expected to examine all aspects of public sector expenditure under the Comprehensive Review of Expenditure with a view to ensuring that, where State programmes do continue, all resources are used in the optimum manner to deliver public services to citizens. There are no intended geographical targets associated with the numbers reduction being sought. Departments retain their full flexibility to deploy their staff resources as they consider appropriate, to deliver a high standard of public service to citizens throughout the country. Sectors within the public service are expected to deliver reductions in the context of new Employment Control Framework targets.

Question No. 22 answered with Question No. 17.

Ministerial Functions

23. **Deputy Michael P. Kitt** asked the Minister for Public Expenditure and Reform the delegation orders which he intends signing in respect of any Minister of State. [20321/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Under section 9(4) of the Ministers and Secretaries (Amendment) Act 2011, the functions of the Minister for Finance in relation to the Commissioners of Public Works transferred to the Minister for Public Expenditure and Reform. In addition, specific functions of the Minister for Finance in other legislation coming within the remit of the OPW will transfer to the Minister for Public Expenditure and Reform in the Transfer of Functions Order. It is intended that the Transfer of Functions Order will be presented to Government on Tuesday 19th July and become effective from 20th July following which I will consider the appropriate delegation orders to the Minister of State.

Question No. 24 answered with Question No. 17.

Departmental Bodies

25. **Deputy Willie O’Dea** asked the Minister for Public Expenditure and Reform his involvement in the work of the tax strategy group. [20302/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Senior officials from my Department are on the Tax Strategy Group and will contribute to the deliberations of the Group.

Civil Service Recruitment

26. **Deputy Aengus Ó Snodaigh** asked the Minister for Public Expenditure and Reform the reason, despite the completion of the progress report on the Croke Park agreement which found that the total reduction in the number of public servants during the 12 months under review was 5,349, *publicjobs.ie* has in recent months embarked on a recruitment drive for temporary clerical officers across the State within the public service. [20331/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government is committed to the reduction of between 18,000 and 21,000 in overall public service numbers by 2014, relative to the end-2010 position, with a further 4,000 reduction in 2015, subject to there being no compulsory redundancies and to the protection of front line services. The measures necessary to give effect to these reductions will depend in part on the rate of natural wastage and the decisions taken under the Comprehensive Review of Expenditure on the required future size of particular sectors and bodies. This reduction in overall public sector numbers covers a range of grades and represents a permanent reduction in numbers while, in contrast, Temporary Clerical Officer appointments are of short-term duration and do not represent an ongoing cost.

Vacancies for Temporary Clerical Officers arise from time to time in various Government Departments and Offices throughout the country. Such temporary vacancies are filled by way of recruitment campaigns undertaken by the Public Appointments Service (PAS). The most recent campaign was announced on 24th February 2011 and closed on 2nd March 2011. In excess of 13,500 applications were received and processed by PAS and as of 11 July 2011, 748 candidates have taken up offers of assignment. The majority of these temporary vacancies arise during the summer period to cover peak operational needs and unpaid leave arrangements that staff can avail of such as term-time and provide necessary flexibility in managing work-flows. Vacancies may also arise at various times during the rest of the year. The duration of these temporary contracts will vary from post to post and according to the needs of the appointing Department/Office.

Ministerial Functions

27. **Deputy Timmy Dooley** asked the Minister for Public Expenditure and Reform the role he will play in representing Ireland at EU level. [20310/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): As Minister for Public Expenditure & Reform I have overall responsibility for Ireland's EU Structural Funds Programmes under the National Strategic Reference Programme (NSRF), including the co-ordination of all EU Funds and the promotion of Ireland's interests in the debate on future EU Cohesion policy. In this capacity I will be representing Ireland at meetings of Ministers with responsibility for Cohesion Policy. My officials also take part in a range of EU working groups, principally the Co-ordination Committee of the Funds and the Council Structural Action Working Party.

My Department is also responsible for engagement at EU level in relation to EU public procurement policy and legislation. In addition, it represents Ireland in eGovernment/ICT related activities at EU level, including the Interoperability Solutions for European Public Administrations (ISA) EU programme 2010-2015, and participates in the EU Commission's eGovernment Benchmarking Exercise. It also contributes to the work of the Council Working Group and related groups dealing with the Staff Regulations for Officials of the EU Institutions. Finally, it participates in the European Public Administration network (EUPAN), an informal network of Secretaries General that facilitates the exchange of experience, ideas and information on matters relating to public administration in the EU Member States and the European Commission.

28. **Deputy Willie O'Dea** asked the Minister for Public Expenditure and Reform the powers beyond those contained in the Act establishing his Department which he expects to have transferred to him in the coming months. [20301/11]

33. **Deputy John Browne** asked the Minister for Public Expenditure and Reform if he has identified any errors or omission in respect of the provisions of the Ministers and Secretaries (Amendment) Act 2011. [20307/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 28 and 33 together.

As the Deputy is aware the Ministers and Secretaries (Amendment) Bill 2011 was published on 20 May. The purpose of the Bill was to provide the legislative framework for the formal establishment of the Department of Public Expenditure and Reform, to transfer of certain expenditure and public service functions from the Minister for Finance to the Minister for Public Expenditure and Reform and to place public service reform functions on a statutory footing for the first time. The Bill passed all stages on Thursday 30 June, was signed into law by the President on 4 July and the Government meeting of 5 July approved 6 July as the appointed day for the purposes of the Act, bringing the new Department in operation.

The Explanatory Memorandum that accompanied the Bill pointed out that in most instances of transferring departmental functions, secondary legislation under section 6(1) of the Ministers and Secretaries (Amendment) Act, 1939 is sufficient. However, in the case of this new department it was considered that primary legislation would be required to affect the transfer of some functions in light of the nature of the functions transferring and to ensure that there is a sound legal basis underpinning the new departmental and ministerial responsibilities. It is intended that the remaining statutory functions which are appropriate for transfer to the Minister for Public Expenditure and Reform will be transferred by way of Transfer of Functions Order, in the coming weeks. These include, for example, functions relating to

Fees/Rates/Licences/Charges, the making of Regulations/Orders, the determination of functions of Agencies/Authorities, matters relating to audits and accounts, matters relating to state bodies etc. It is my attention that a further Explanatory Memorandum will be prepared and circulated giving more details of the powers and functions transferred by the Transfer of Functions Order, when the order is finalised.

As I have indicated already the appointed day for the Ministers and Secretaries (Amendment) Act 2011 was 06 July 2011 which is just over a week ago. I would like to assure the Deputy that, to date, I have not identified or been made aware of any errors or omission in relation to the provisions of the Ministers and Secretaries (Amendment) Act 2011.

Over time, as new legislation is introduced, amending or replacing older Acts the appropriate references to the Minister for Public Expenditure and Reform will be included from the outset. Over the course of the next few months if any issues arise in relation to the transfer of further powers these can be addressed by way of minor amendments to existing legislation or an additional Transfer of Functions Order. In the meantime, if the Deputy is aware of any errors or omissions I would be very glad if he could bring them to my attention.

Official Engagements

29. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform the meetings he has held with representatives of the trade unions and employers in the past three months. [20304/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Since my appointment as Minister for Public Expenditure and Reform in March 2011, I have met a with a number of Trade Union and Employer Bodies. Details of these meetings are set out in the following table.

Meetings

Body	Date of Meeting
ICTU	16 March 2011
SIPTU	19 April 2011
UNITE	05 May 2011
SIPTU/IMPACT	01 June 2011
IBEC	28 June 2011

In addition, I addressed the IMPACT delegate conference on 13 May 2011.

Employment of Agency Staff

30. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform the number of agency staff employed in the public sector; the agencies being used; the cost of same; and if he will make a statement on the matter. [20372/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Information on the number of agency staff employed in the public sector is not reported to the Department of Public Expenditure and Reform. However, I should point out that the employment of agency staff would be subject to the terms of the public service moratorium on recruitment. Details of numbers of agency staff should be sought from individual Departments. In relation to my own Department no agency staff are employed.

Departmental Staff

31. **Deputy Timmy Dooley** asked the Minister for Public Expenditure and Reform the name and terms for all non-established personnel in his Department. [20309/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): There are currently 24 persons working in a non-established capacity in my Department, encompassing a combination of fixed term contracts and contracts of indefinite duration. The details are as follows:

- 13 Part-time language trainers in the Civil Service Language Unit
- Sinead Kane, WAM*
- Edmond Hearne, Evaluator
- Eoin Dormer, Evaluator
- Joan Curry, Accountant
- Patricia Hennessy, Structural Funds IT Manager
- Anne Byrne, Special Adviser
- Rónán O'Brien, Special Adviser
- Eugene O'Sullivan, Civilian Driver
- Tony Brennan, Civilian Driver
- Frances Kelly, Parliamentary Assistant
- Marion Doyle, Personal Secretary

Employed under the Willing Able and Mentoring Programme

Question No. 32 answered with Question No. 18.

Question No. 33 answered with Question No. 28.

Secret Service

34. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform following the circulation of the 2011 Estimates for Public Services this week, if he will explain the reason the spend on the Secret Service is due to increase by €419,000 in 2011 in comparison to 2010; if the Secret Service will be accounted for in the comprehensive review of expenditure; and if the Secret Service has been subject to a value for money audit. [20343/11]

53. **Deputy Thomas Pringle** asked the Minister for Public Expenditure and Reform if he will explain the purpose of the Secret Service; the reason its budget increased by 72% in 2011; and if he will make a statement on the matter. [20680/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 34 and 53 together.

The 2011 Estimate for the Secret Service Vote is €1m, which is the same as the 2010 Estimate. It is not the practice to divulge information or explanations relating to expenditure or how the estimate is arrived at for this Vote. As regards reporting mechanisms, the Appropriation Account of the Vote for the Secret Service is audited by the Comptroller and Auditor General in accordance with section 3 of the Comptroller and Auditor General (Amendment) Act, 1993. The C & AG is furnished with certificates from the responsible Ministers which support the expenditure shown in the account. On the basis of these certificates, the C & AG expresses an opinion in the annual published Appropriation Accounts that the account properly presents

the expenditure of the Vote for the particular year concerned. This arrangement has been accepted by the Committee of Public Accounts of the Dáil.

Public Service Recruitment

35. **Deputy Michael Colreavy** asked the Minister for Public Expenditure and Reform in view of the negative impact the ongoing recruitment embargo is having on the public services, his views on whether the employment of temporary staff, particularly in the health services, is the most expedient and cost effective way to tackle staffing shortages; if he will quantify the numbers of temporary staff across the public service; and the section in the Estimates from which these temporary workers are paid. [20342/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The moratorium on recruitment and promotion, introduced by the Government at end of March 2009 allows for certain general exemptions in the Education and Health Sectors for the filling of certain key posts as well as Local Authorities in relation to certain key posts. Information in relation to the posts covered by these general exemptions may be sought from the relevant Minister. As part of the Employment Control Framework 2011-2014 for the Health Sector, the HSE has discretion to fill a limited number of posts on exceptional grounds to support the development of integrated health care and its transformation programme.

The Government are committed to examining all aspects of public expenditure under the Comprehensive Review of Expenditure with a view to ensuring that all resources are used in the optimum manner to deliver services to citizens. Information on the number of temporary staff across the public service and the section in the estimates that these temporary workers are paid from can be sought from the relevant Minister in each case.

Departmental Staff

36. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform the changes he has made in the staffing of the units transferred to his Department. [20303/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): There have been some recent changes in staffing assignments and responsibilities throughout the Department. The establishment of the Department also involved the integration of some former staff of the Department of the Taoiseach. However, as the Deputy will appreciate, the level of resources assigned to specific policy areas is determined by the business needs of the Department which, I can assure the Deputy, will continue to be kept under review.

Public Sector Pay

37. **Deputy John McGuinness** asked the Minister for Public Expenditure and Reform if he will give a commitment that there will be no further cuts to public service pay. [20298/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government has reaffirmed the key commitments under the Public Service Agreement 2010-2014 on pay rates and job security for serving public servants. These commitments are contingent on delivery of the necessary flexibilities and reforms to public service delivery that are required under the Agreement.

Question No. 38 answered with Question No. 19.

Public Sector Recruitment

39. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform in view of the programme for Government commitment that all appointments at principal officer Level and above will be open to external competition and at least one-third of such appointments will be reserved for candidates from outside traditional Civil Service structures, his views on the appointment of his Secretary General from the Department of Finance. [20330/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Programme for Government contains a commitment that 1 in 3 of all Principal level recruitment should be open and restricted to non-civil servants. The commitment gives rise to certain legal difficulties in the context of the Public Service Management (Recruitment and Appointments) Act 2004 and the Code of Practice of the Commission for Public Service Appointments for appointments to the civil service. Future policy on recruitment and promotions needs to take this commitment, the moratorium on recruitment and promotion and the operation of redeployment arrangements into account.

Robert Watt was appointed by the Government to the post of Secretary General of the Department of Public Expenditure and Reform on 26 April 2011 on foot of a request for expressions of interest in appointment to the post throughout the civil service. He is required to fulfil the duties of a Secretary General as set out in the Public Service Management Act, 1997 and of an Accounting Officer under the Comptroller and Auditor General (Amendment) Act 1997 and the Exchequer and Audit Departments Act 1866

Question No. 40 answered with Question No. 10

Official Engagements

41. **Deputy John McGuinness** asked the Minister for Public Expenditure and Reform the discussions he has had with the Croke Park Agreement implementation body. [20297/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I took the opportunity to meet the Chair and members of the Croke Park Implementation Body on 23rd March last, in one of my earliest engagements as Minister for Public Expenditure and Reform. It was a useful opportunity to learn at first hand about the issues arising in the context of implementing the Croke Park Agreement. I was also able to brief the Body on plans to establish the new Department of Public Expenditure and Reform and the Government's Comprehensive Review of Expenditure. I met with the Body again on Wednesday 29th June last, together with the Taoiseach. We had a constructive engagement on the key issues relating to driving the reform agenda across the public service. The meeting was a timely one in view of the recent publication of the Body's first report on progress under the Agreement.

While we welcomed the tangible progress that has been made in the first year, we were clear on the need for an acceleration of progress over the coming months. This is something the Implementation Body themselves have acknowledged in their Report. We also emphasised the need to build on the flexibilities already agreed to in the Croke Park Agreement. This is absolutely critical in view of the challenges facing the public service which will need to manage with substantially less resources and significantly fewer staff — while at the same time protecting services to business and to citizens, including the most vulnerable in our society. We made clear that the Government wishes to honour the commitments given in the Agreement but that this will only be possible if the Agreement is implemented in full. I intend to keep in close

contact with the Implementation Body as it pursues its work over the coming months and I look forward to further significant progress over the next reporting period.

Question No. 42 answered with Question No. 18.

Departmental Staff

43. **Deputy Seán Ó Fearghaíl** asked the Minister for Public Expenditure and Reform the number, grade and locations of staff in his Department and further changes to any of these details which he envisages for the next six months. [20319/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The number of Whole Time Equivalents, grades and location of staff employed in my Department is outlined in the following table.

Summary Grade	D/PER	IT **	Grand Total
Secretary General D/PER	1		1
Second Secretary	1		1
Assistant Secretary	7		7
Principal	35.7		35.7
Assistant Principal	78.6	1	79.6
Administrative Officer	18.6		18.6
Higher Executive Officer	51.53	2	53.53
Executive Officer	26.4	1	27.4
Staff Officer	10.23	1	11.23
Clerical Officer	31.9		31.9
Chief Medical Officer	1		1
Deputy Chief Medical Officer	0.6		0.6
Occupational Physician	2		2
Nurse	3		3
Driver	2		2
Grand Total	270.56	5	275.56

** Located in the Department of Public Expenditure and Reform providing a service to the Department of Finance.

In addition, certain services are provided on a shared basis by the Department of Finance e.g Corporate Services, Human Resources, Facilities Management, Press Office. I am not in a position to comment on specific changes expected in the next six months. However, staffing issues will be kept under review in the context of the Department's business needs, while having due regard to budgetary provision, moratorium on public service numbers and the limit of the Departments Employment Control Framework.

44. **Deputy Micheál Martin** asked the Minister for Public Expenditure and Reform the procedure for filling the vacant position of assistant Secretary General at his Department. [20316/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Top Level Appointments Committee (TLAC) holds competitions for, and advises Ministers and the Government, on appointments to civil service posts at Secretary General, Deputy Secretary and Assistant Secretary and equivalent levels. Since early 2007, the policy has been that open competitions are held for Assistant Secretary, Deputy Secretary and equivalent posts. More recently this policy has been extended to Secretary General posts, with the exception of a

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limited number of Secretary General posts which are filled by the Government without a TLAC competition. Where open competitions are held, the normal practice is that the Public Appointments Service holds a preliminary competition and selects a shortlist of candidates for interview by the TLAC. I am satisfied that the Top Level Appointments Committee and the preliminary interview boards under the Public Appointments Service carry out their functions in a fair and objective manner.

Departmental Properties

45. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if consideration will be given to the sale of land and buildings or the surrender of leases even where this might have implications from previous decentralisation measures. [20287/11]

Minister of State at the Department of Finance (Deputy Brian Hayes): Having regard to the management of the State's property portfolio, the Office of Public Works (OPW) advises that the sale of land and buildings is the subject of constant review. OPW operates an active approach to the rationalisation of its lease stock through the ongoing surrender of leases. Properties and leases associated with the Decentralisation programme will be subject to Government review in 2011.

Question No. 46 answered with Question No. 20.

Question No. 47 answered with Question No. 10.

Expenditure Reviews

48. **Deputy Pádraig Mac Lochlainn** asked the Minister for Public Expenditure and Reform if he will give details of the proposals sought for the rationalisation of grant and subsidy schemes to be included in the comprehensive review of expenditure. [20337/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The aim of the ongoing Comprehensive Review of Expenditure is to examine all areas of expenditure. The onus is on each Department to examine every expenditure area within its remit, including all grant and subsidy schemes, and then to identify and efficiently target savings. It is the responsibility of each Minister and Department to bring forward such proposals in the context of their Expenditure Review Reports.

These individual Departmental reports are now being submitted to the high level Steering Committee for evaluation. Once finalised, the reports will be presented to the Economic Management Council in September. The results of the Comprehensive Review process will then be brought before Government for consideration and decisions as part of the Budget and Estimates process. I do not propose to comment on individual proposals contained in the Departmental Reports until the process has been completed.

Sale of State Assets

49. **Deputy Éamon Ó Cuív** asked the Minister for Public Expenditure and Reform his plans regarding the sale of State assets; if he will provide a timeframe for same; and if the proceeds will be used to fund job measures. [20291/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): As the Deputy is aware, the Programme for Government provides for the sale of non-strategic assets up to a value of €2 billion to fund investment in key networks of the economy. This will occur when

market conditions are right and when adequate regulatory structures have been established to protect consumer interests. Following publication of the Report of the Review Group on State Assets and Liabilities in April, my Department sought the considered views of relevant Departments on the Review Group's recommendations. Having considered these views, I intend to bring proposals to Government shortly on the matter. Under the EU/IMF Programme, the Government has agreed to discuss its plans with the European Commission, the IMF and the ECB when it has finalised its response to the Review Group Report. This is to take place by the end of the year.

Questions Nos. 50 and 51 answered with Question No. 19.

Departmental Expenditure

52. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform if he will provide examples of reasonable co-payment mechanisms to offset in part costs associated with the delivery of public services, as proposed by his Secretary General in a recent memorandum to Department heads with regard to the comprehensive spending review. [20336/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): My Department has not been prescriptive in setting out specific examples of co-payment mechanisms that are expected to be considered by individual Departments and their agencies as part of their overall Review of Expenditure in each area. However there are a wide range of possible mechanisms. For illustrative purposes, Departments may be able to identify new sources of funding for their activities through levies or tolls that can be reasonably applied in the markets for the activities.

Rather than commit expenditure upfront, public bodies may be able to partner with the private sector to make the upfront investments in return for a reasonable application of some form of gain-share model. Public bodies may be able to introduce differentiated administrative charges or rates for services dependent on the channel used by the customer — in other words, self-service or electronic channels may be free or lowest cost whereas staffed or manual channels may attract an administrative fee or higher service charges to assist the public service defray the cost to the taxpayer. There is no ubiquitously correct model which is why we have asked Departments and public body to consider every possible option.

Question No. 53 answered with Question No. 34.

Passport Applications

54. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs and Trade the nature of any outstanding requirements in respect of the issue of a passport in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [20652/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The position in this case was outlined previously to the Deputy in my reply to Question No. 83 of 17 May, 2011. This stated that the Passports Act 2008 requires that before issuing a passport to a person, the Minister for Foreign Affairs shall be satisfied as to the identity of each applicant and that the person is an Irish citizen. Documentary evidence such as birth certificates are among the standard documents that are required for all applications that involve children and persons, aged 18 and over the age, who are first-time applicants. These certificates are particularly critical to the passport process in terms of identity. In the case of the person in question, his application was supported, *inter alia*, by an affidavit about his birth details. In line with passport

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policy, the Department wrote to him on 31 March, 2011 requesting him to provide his birth certificate and to provide additional ID such as his Angolan passport.

The position is unchanged from my reply on 17 May in that the details of his birth affidavit remain to be verified. The Department has inquired into the status and completeness of civil records of births in Angola with the assistance of the Irish Embassy in Maputo which is accredited to that country. These are ongoing. As soon as this information is received by the Passport Service, the application in question will be finalised and the applicant will be advised accordingly.

Overseas Development Aid

55. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs and Trade the grants available for the transportation of disused medical equipment to developing countries; and if he will make a statement on the matter. [20420/11]

56. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs and Trade if any grants are available through North South reconciliation bodies for the transportation of disused medical equipment to developing countries; and if he will make a statement on the matter. [20421/11]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Jan O’Sullivan): I propose to take Questions Nos. 55 and 56 together.

The building of health services is an important element of the Government’s aid programme, which is managed by Irish Aid in the Department of Foreign Affairs and Trade. Our support is aimed at ensuring sustainable provision of essential basic care to those most in need. Irish Aid works with a range of partners, including the Health Ministries in our Programme Countries, non-governmental organisations, mission health services, regional initiatives, UN funds and agencies and global partnerships.

Ireland has considerable experience in health development work and, based on past lessons, our programming is carefully designed to strengthen the systems in developing countries. Irish Aid works to avoid parallel and fragmented services and to fit as closely as possible with local policies and conditions. This is the best possible approach in order to ensure that improvements in health services are sustained and maintained.

I welcome the interest in the transfer of medical equipment to developing countries. Any such initiatives, however, should be based on the provision of quality equipment which is compatible with local needs and conditions. This is particularly important when dealing with sophisticated medical equipment. The provision of any equipment should be in response to a clear and explicit need. Every effort ought to be made to check compatibility with local equipment specifications and environmental conditions, including electricity, water and room temperatures. The need for servicing and re-supply of parts within the budgets of responsible authorities must also be addressed.

Irish Aid has supported a number of small health projects based in Ireland which have included transportation of decommissioned equipment to developing countries, with a fully funded and guaranteed equipment maintenance plan. Experience has shown that the more successful of these projects are based on twinning arrangements between facilities in Ireland and in the developing world.

There are no grants available either in the Irish Aid programme or through North-South reconciliation bodies specifically for the transportation of decommissioned medical equipment.

However, through a programme of collaboration between Irish Aid and the Health Service Executive, work is underway to explore the establishment of a network of twinning initiatives that may include transfer of useful equipment.

Consultancy Contracts

57. **Deputy Anthony Lawlor** asked the Tánaiste and Minister for Foreign Affairs and Trade if companies (details supplied) are employed by his Department; and if so the capacity of same. [20502/11]

60. **Deputy Shane Ross** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20909/11]

62. **Deputy Shane Ross** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20937/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 57, 60 and 62 together.

My Department does not currently employ the services of any of the four companies referred to in the questions. In the timeframe available it is not possible to provide information earlier than 2004. From 2004 to date, my Department has contracted the services of KPMG on two occasions and PwC on one occasion. In 2007 and 2008 payments of €35,406.12 and €35,978.76 respectively were made to KPMG for a Value for Money review of the Passport Service. In 2008, €995.00 was paid to PwC for a senior management workshop. In addition, Missions abroad have, from time to time, engaged the services of the local franchise partnerships of some of these international companies.

Ministerial Appointments

58. **Deputy Shane Ross** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide full details of all appointments made at his Department since he took up office. [20575/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Since taking up office as Tánaiste and Minister for Foreign Affairs, I have appointed the following staff to my Department.

Staff	No.
Temporary Clerical Officers (for the Passport Service)	85
Personal Assistants	4
Civilian Drivers	4
Interns	4
Special Advisers	3
Personal Secretaries	3
Temporary Cleaner	1

In addition to the above, in April 2011, I appointed the members of the Emigrant Services Advisory Committee (ESAC), for a term to run until 31 December 2012. The primary role of

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the Emigrant Services Advisory Committee (ESAC) is to advise on the allocation of grants to Irish community organisations in Britain under the Emigrant Support Programme.

The Committee consists of thirteen members including two officers from our Embassy in London, who act as Chair and Secretary to the Committee. The additional eleven members of the committee serve in a voluntary capacity. After consultation with our Embassy in London and the Irish Abroad Unit in my Department, I made the following appointments to the Committee:

Mr. Michael Forde — Chairman of the Irish Diaspora Foundation (first appointed 1999).

Mr. Séamus McGarry — Member of the Ireland Fund of Great Britain; Board of Irish Cultural Centre, Hammersmith (appointed 2004).

Mr. Jim O'Hara — Vice Chair, Irish Youth Foundation UK, Chair of Irish Cultural Centre, Hammersmith (appointed 1996).

Cllr. Sally Mulready - Councillor in the London Borough of Hackney; Irish Elderly Advice Network (appointed 2008).

Tony Cusack — Manager of Irish Centre in Leicester (appointed 2008).

Breege McDaid - Chief Executive, Irish Community Care Merseyside (appointed 2008).

Tony Corcoran — Tyneside Irish Festival and Secretary of the Tyneside Irish Centre (appointed 2008).

Des Hurley — Chief Executive, Irish Arts Foundation (appointed 2008).

Bridie Nugent - Board Member of the Irish Welfare and Information Centre in Birmingham (appointed 2009).

John Gormley - Former President of the GAA in Britain (new appointment 2011).

Joe Brown - Chair of the Irish Travellers Movement (new appointment 2011).

Departmental Properties

59. **Deputy Shane Ross** asked the Tánaiste and Minister for Foreign Affairs and Trade the total value of the property portfolio of his Department including all embassies abroad; and if he will make a statement on the matter. [20591/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): All property owned by the State in Ireland is the responsibility of the Office of Public Works. One such property, Iveagh House, is occupied by the Department of Foreign Affairs and Trade. The State owns 36 properties abroad. These premises are situated in locations where the Government considers it necessary that Ireland should be represented and where there is a clear economic advantage in owning rather than renting accommodation. Their current estimated book value is of the order of €148 million. However, I would caution that this value will have been affected by the downturn in the property market in many countries.

These properties have been acquired for use as office premises and official Residences of Heads of Mission. They provide platforms to enable our Missions to raise Ireland's international profile and fulfil their varying responsibilities. These include promoting Irish economic

interests abroad, providing services to the public and representing the State in international organisations.

Question No. 60 answered with Question No. 57.

Consultancy Contracts

61. **Deputy Shane Ross** asked the Tánaiste and Minister for Foreign Affairs and Trade the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20923/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): In the time-frame available it is not possible to provide information earlier than 2006. Since that time, my Department has engaged the services of external public relations companies for a limited number of specific projects, including assistance with events relating to the Irish Aid programme and promoting awareness of the EU. The total amount paid to these companies was €880,544.

Question No. 62 answered with Question No. 57.

Departmental Expenditure

63. **Deputy Shane Ross** asked the Tánaiste and Minister for Foreign Affairs and Trade the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21129/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): A number of trade unions and related bodies have received funding from my Department through the Irish Aid programme and the reconciliation and anti-sectarianism funds. My Department operates reconciliation and anti-sectarianism funds, the objective of which is to assist individuals and organisations involved in reconciliation work and to encourage and facilitate better relations within and between the Nationalist-republican and Unionist-loyalist traditions on the island of Ireland and also relations between Ireland and Britain. Each year, applications to the funds are received from a broad range of organisations and groups.

Over the past decade, funding has been awarded in support of ongoing initiatives by the Northern Ireland Committee of the Irish Congress of Trade Unions to promote anti-sectarianism within workplaces and at community levels, including through training of community leaders in areas of weak infrastructure. In consultation with my Department, this funding has also been directed towards other small projects, run by local community organisations, which are designed to foster reconciliation and combat sectarianism in and between communities. The total amount of funding awarded to the Northern Ireland Committee of the Irish Congress of Trade Unions since 1999 is €690,230 and the last such award from the Reconciliation Fund was made in 2010.

Further grants from the Reconciliation Fund have also been awarded to the Northern Ireland Trade Union Education and Social Centre (also incorporating Belfast Unemployed Resource Centre) as established in 1984 by the Irish Congress of Trade Unions, the Law Centre (NI), the Workers Education Association and Belfast City Council. NITUESC promotes reconciliation by offering cross community and cross-Border education opportunities in relation to common social and economic issues and specific conflict-related issues. The total amount involved is €300,000 and the last such award was also made in 2010.

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The Irish Aid programme is administered through my Department's Development Cooperation Division.

Prior to 2004, State funding for development education was provided through the National Committee for Development Education. The funding was provided to promote deeper public understanding of global development issues. It includes support for the Global Solidarity Programme of the Irish Congress of Trade Unions (ICTU) which aims to deepen understanding within the trade union movement of global development and labour-related issues, including child labour. In 2008, funding to the ICTU included an allocation of €20,000 to strengthen the capacity of trade unions in Lesotho.

Funding of €74,022.65 has been provided to the Irish National Teachers Organisation (INTO) to develop educational programmes and resources for primary schools and to deliver courses on development education for teachers on themes including child labour, human rights and trade. The INTO also received funding of €103,042 in 2005 for an education and training project in Nicaragua.

Support of €56,487.39 has also been provided through Irish Aid for the education programme of the Irish Coalition for the Campaign for Global Education. The coalition is chaired by the Association of Secondary Teachers Ireland and involves trade unions and non-governmental organisations. The aim of the education programme is to increase awareness and understanding of global issues among post-primary students and teachers with a particular emphasis on the second Millennium Development Goal — education. Other unions involved in the coalition include the INTO, ICTU and the Teachers Union of Ireland.

The International Labour Organisation (ILO) as a specialised agency of the UN works with national governments, employers' and workers' organisations to promote decent work for all. Irish Aid has had a Partnership Programme with the ILO since 2001. The overall objective of the programme has been to create greater opportunities for women and men to secure decent employment and income in developing countries. Irish Aid has provided €20.8 million to activities under the Partnership Programme since its initiation.

The first two phases of the programme (2001-2008) provided support in three key areas: women's entrepreneurship; employment and entrepreneur opportunities for persons with disabilities and action against forced labour. Support for the elimination of child labour has been added as a new element in the third phase of the programme (2008-2011). Developing countries supported under the Programme include Ethiopia, Tanzania, Zambia, Vietnam, Cambodia and Lao PDR.

Irish Aid also has had ongoing contacts with the Irish Congress of Trade Unions (ICTU) and the Irish Business and Employers Confederation (IBEC) in relation to the Partnership Programme. Further funding of €750,000 in 2009 and €1.6 million in 2010 was provided to the ILO by Irish Aid for labour market and business opportunity development programmes in Timor-Leste.

Tax Code

64. **Deputy Joanna Tuffy** asked the Minister for Finance the position regarding the reduction in VAT for Irish newspapers; and if he will make a statement on the matter. [20396/11]

Minister for Finance (Deputy Michael Noonan): The Finance (No. 2) Act 2011 provided for a second reduced VAT rate, of 9%, on a temporary basis in respect of certain services and goods, including newspapers, for the period 1 July 2011 to end 2013. All newspapers sold on

or after 1 July 2011 are subject to VAT at the new 9% rate and the total retail price charged should be inclusive of tax at that rate.

Tobacco Smuggling

65. **Deputy Patrick O'Donovan** asked the Minister for Finance the number of illegal cigarettes that were confiscated by the Customs Service in 2010 and to date in 2011; his plans to tackle the illegal importation and sale of illegal cigarettes; and if he will make a statement on the matter. [20399/11]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that 178 million illicit cigarettes were seized in 2010 and 63.8 million were seized in the period January to June 2011. I know that the Revenue Commissioners regard the tackling of the illicit trade in cigarettes and tobacco products to be a high priority. Their strategy includes the development and sharing of intelligence on a national, EU and international basis; the use of analytics and detection technologies; and the optimum deployment of resources at points of importation and inland to intercept contraband tobacco product and to prosecute those involved.

Interception at the point of importation is achieved through a combination of risk analysis, profiling, intelligence, and the screening of cargo, vehicles, baggage and postal packages. Revenue enforcement officers also target this illicit trade at the post-importation level by carrying out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises. Revenue and An Garda Síochána also carry out regular multi-agency operations, particularly in relation to large maritime importations and in checks at inland markets.

The Revenue Commissioners have established a high level internal group, chaired at Commissioner level, to examine the risks related to tobacco products tax and to oversee and optimise the detection of counterfeit and contraband tobacco products. This group has promoted a number of initiatives aimed at counteracting the illicit trade in tobacco. These include adoption of a comprehensive tobacco strategy and action plan, improved profiling of passengers and freight to identify tobacco smugglers and the establishment of a confidential tobacco hotline via which members of the public and the retail trade may report illicit trade. This group also co-ordinates national blitz-style operations. To date, Revenue has conducted six such blitz-type operations, resulting in the seizure of in excess of 31.9m cigarettes. Further large-scale nationwide operations are scheduled to take place during the second half of 2011. Additionally, an ongoing programme of regional-level operations is targeting local markets and other distribution points.

In 2010 forty-one convictions for illegal selling of unstamped tobacco products were secured by Revenue, with total fines of €107,750 together with seven custodial sentences and two community service orders imposed. There were a further ninety-seven convictions for cigarette smuggling secured by Revenue with total fines of €50,380 and fifteen custodial sentences imposed. In the period January to June 2011, nineteen court convictions for illegal selling of unstamped tobacco products have been secured by Revenue with total fines of €48,200 and two custodial sentences imposed. An additional sixty-four convictions for cigarette smuggling have been secured with total fines of €81,450 and twenty custodial sentences imposed.

Increases in penalty for tobacco smuggling for commercial purposes will be considered in the context of the Finance Bill 2012.

National Asset Management Agency

66. **Deputy Ciarán Lynch** asked the Minister for Finance his views on whether it is equitable that a company is permitted to resume development of a site under National Asset Management Agency supervision while it has debts outstanding to suppliers for a development (details supplied); his views on the implications of importing goods from abroad rather than using the Irish manufactured goods from the supplier who is owed money; and if he will make a statement on the matter. [20402/11]

Minister for Finance (Deputy Michael Noonan): There are some cases where additional monies are requested of NAMA by debtors in order to complete developments. NAMA makes the decision to advance funds to an individual development project based on its commercial viability. In these cases NAMA is typically a secured creditor as it has a mortgage charge, usually over the property that was security for a loan. That property may be land, an unfinished development of houses or offices, or some similar form.

The question appears to relate to an instance where unsecured creditors have supplied goods or services to a developer or the company of a developer. As a consequence of the economic downturn there have been instances of individuals and companies having difficulty collecting money owed to them as suppliers. Where a debtor and an unsecured creditor have an issue in dispute it is for the two parties to attempt to resolve the matter between themselves. Where that is not possible, and agreement cannot be reached, then the courts would appear to be best equipped to judge the merits of each case and determine the outcome.

NAMA was not established to settle commercial disputes or to adjudicate on the rights and wrongs in these cases. Such a role is beyond the functions of NAMA set out in statute in the National Assets Management Agency Act 2009. The prime function of NAMA is to manage acquired loans efficiently, effectively and expeditiously and in the best interests of the State. In doing so, it aims to attain the best achievable financial return subject to acceptable financial risk.

Financial Services Regulation

67. **Deputy Jerry Buttimer** asked the Minister for Finance if he will issue guidelines to the banks for dealing with residential borrowers who are in negative equity; his views on outlining to the banks the manner in which they should deal with borrowers in negative equity who wish to sell their home and provide a time-frame to the banks within which they must consider any application for a sale from a borrower who is in negative equity. [20406/11]

Minister for Finance (Deputy Michael Noonan): I would like to assure the Deputy that the Government is conscious of the difficulties that many homeowners are having in meeting their mortgage repayments in respect of their principal private residence. There are a number of existing measures in place to support those homeowners struggling with their repayments. These measures include the Mortgage Interest Supplement, the Money Advice Budgeting Services, and the Central Bank of Ireland's Code of Conduct on Mortgage Arrears.

The Mortgage Interest Supplement is managed by the Department of Social Protection and provides assistance where the mortgage relates to a person's home. The Deputy will be aware of the important support provided by the Money Advice and Budgeting Services (MABS). MABS provides a national, free, confidential and independent service operating from 53 offices nationwide. I would encourage anyone who is in financial difficulty to contact their local MABS office.

The Central Bank of Ireland's Code of Conduct on Mortgage Arrears has been substantially revised to implement the recommendations of the Mortgage Arrears and Personal Debt Expert Group which published its final Report in November 2010. The Code sets out how mortgage lenders must treat borrowers in or facing mortgage arrears with due regard to the fact that each case of mortgage arrears is unique and needs to be considered on its own merits. An important recommendation of the Expert Group was that lenders would make available a Deferred Interest Scheme (DIS) to borrowers who cannot afford to pay the full interest on their mortgages but can pay at least 66% of the amount due. The borrower would have to pay the deferred interest at some agreed future date.

Lenders representing the majority of the market have already indicated their willingness to make available deferred interest schemes. These are Allied Irish Bank, AIB Mortgage Bank, Bank of Ireland, ICS Building Society, EBS, Haven Mortgages, Irish Nationwide Building Society, Permanent TSB, Springboard Mortgages and Start Mortgages. While the making available of Deferred Interest Schemes is voluntary for all lenders, those who have signed up in support of the scheme will be monitored by the Central Bank to ensure compliance.

The Expert Group on Mortgage Arrears and Personal Debt published its final Report last November. Since the publication of the Group's Report, the Central Bank has revised its Code of Conduct on Mortgage Arrears to reflect many of the Expert Group's recommendations including key recommendations relating to the introduction by all regulated lenders of a standardized Mortgage Arrears Resolution Process (MARP). It is important to point out that borrowers who are in financial difficulties, but not in arrears, are allowed to come under the MARP.

I also refer to the Deputy to the Expert Group's comments on the potential to improve the position of some mortgage holders who are in negative equity where households would be willing to trade-down. Trading down would produce a reduction in mortgage debt and more affordable monthly payments. The Group noted that *"for some mortgage holders who are in negative equity, trading down would produce a reduction in mortgage debt and more affordable monthly payments. The Group recommends that further consideration should be given by lenders to facilitating trading down by borrowers in this situation. Such options would have to meet relevant prudential standards, with appropriate controls in place, and be in the customers' best interest."*

Trading down involves selling a current property and buying a cheaper one. Trading down may be an option to reduce the level of mortgage repayments, resulting in more affordable monthly repayments. The Group's recommendation was aimed at helping mortgage holders remain as home owners while reducing their level of repayments. There will also be situations where mortgage holders in negative equity may wish to move home, for example, to take up new employment opportunities. There is merit in facilitating house moves by those in negative equity in certain situations and subject to certain criteria set down by the Central Bank. Ultimately, these are matters for lenders and the Central Bank to decide upon. Any lender planning to provide a negative equity type product must notify the Central Bank in advance to ensure that appropriate measures and controls are taken, as the Central Bank must be satisfied that such a product meets relevant prudential standards and does not lead to consumers being over exposed.

The Programme for Government contains a commitment to help homeowners who are facing difficulty with their mortgage repayments and the Government will examine a number of proposals in relation to this commitment. In this context, the Government Economic Management Council recently asked that further work be carried out to address the situation of over indebted mortgage holders with a view to identifying a range of responses appropriate to indi-

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vidual circumstances. The work concerned will be carried out by a group chaired by Mr. Declan Keane, seconded to the Department of Finance by KPMG and will report by end September.

Consultancy Contracts

68. **Deputy Anthony Lawlor** asked the Minister for Finance if companies (details supplied) are employed by his Department; and if so, the capacity of same. [20501/11]

Minister for Finance (Deputy Michael Noonan): At present, my Department has engaged one person, from one of the companies listed by the Deputy, to provide expert advice and assistance in relation to the banking area. There are no other contracts in place at present with any of the other companies mentioned.

Tax Reliefs

69. **Deputy Stephen Donnelly** asked the Minister for Finance if he will provide a list of tax expenditures and tax breaks currently in place; the total number of tax expenditures and tax breaks; the number of tax expenditures and tax breaks for which Revenue Commissioners have accurate annual costs; the latest figures or estimates of the annual cost to the Exchequer of tax expenditures and tax breaks; his plans to amend or phase out these tax expenditures and tax breaks; if he will provide details of any that have been amended or phased out since he took office; and if he will provide details of the duration for which such tax expenditures and tax breaks typically produce cost to the Exchequer after they have expired or been withdrawn. [20531/11]

73. **Deputy Robert Dowds** asked the Minister for Finance if he will list the tax breaks which were available to Irish citizens during the period June 2009 to February 2011. [20549/11]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 69 and 73 together.

Tax Relief Provision		(i) Estimated cost for		
		2007	2008	
	€m	Numbers	€m	Numbers
<i>Exemption limits:</i>				
General Exemption (2)	0.0	0	0.0	0
Child Addition (2)	0.2	800	0.3	900
Age Exemption (2)	75.3	51,500	90.8	57,700
Married Person's Credit (3)	2,776.7	834,900	2,944.9	853,100
Single Person's Credit (3)	2,392.0	1,552,800	2,406.8	1,503,300
Widowed Person's Credit (3)	171.3	79,500	184.3	81,100
Additional Credit to Widowed Person in Year of Bereavement	4.8	4,000	4.9	4,000
Additional Bereavement Credit to Widowed Parent	6.6	2,400	6.9	2,300
Additional Personal Credit for Lone Parent	199.0	122,200	197.4	116,700
Homecarer Credit	68.5	92,200	79.5	93,100
Additional Credit for Incapacitated Child	31.7	11,700	39.0	12,300
Employee (PAYE) Credit	3,153.1	1,732,000	3,253.8	1,710,200
Dependent Relative Credit	1.8	17,600	2.0	18,700

Tax Relief Provision			(i) Estimated cost for	
			2007	2008
INCOME TAX	€m	Numbers	€m	Numbers
Person Taking Care of Incapacitated Taxpayer	4.6	1,070	5.8	1,260
Age Credit	33.7	82,900	42.3	88,100
Blind Person's Credit	2.0	1,240	2.1	1,320
Medical Insurance Premiums (4)	300.3	1,195,300	321.0	1,322,400
Health Expenses	225.7	496,300	266.8	542,600
Contributions Under Permanent Health Benefit Schemes, after Deduction of Tax on Benefits Received (5)	3.6	26,300	4.0	29,200
Employees' Contributions To Approved Superannuation Schemes (6)	590.0	708,500	655.0	792,600
Employers' Contributions To Approved Superannuation Schemes (6)	150.0	364,700	165.0	362,700
Exemption of Investment Income and Gains of Approved Superannuation Funds (6) *	900.0	N/A	685.0	N/A
Exemption of employers' contributions to Approved Superannuation Schemes from employee BIK	540.0	364,700	595.0	362,700
Tax Relief on "tax free" lump sums (6)	130.0	N/A	140.0	N/A
Retirement Annuity Premiums	407.9	121,300	352.8	116,000
Personal Retirement Savings Accounts	61.1	46,600	73.8	53,900
Interest paid:				
Loans relating to Principal Private Residence	542.7	720,000	704.6	778,100
Other (7)	46.9	5,300	48.5	5,400
Rent Paid in Private Tenancies	82.1	206,000	96.5	222,100
Expenses Allowable to Employees under Schedule E	69.8	894,400	75.2	835,900
Third Level Education Fees	18.1	34,500	19.9	36,000
Exemption of Certain Earnings of Writers, Composers and Artists	27.4	2,650	21.8	2,630
Dispositions (Including Maintenance Payments made to Separated Spouses)	20.5	7,220	22.3	7,820
Exemption of Interest on Savings Certificates, National Installment Savings & Index Linked Savings Bonds	130.3	N/A	88.1	N/A
Rent a Room	4.7	3,180	5.6	3,600
Exemption of Income of Charities, Colleges, Hospitals, Schools, Friendly Societies, etc. (8) (10)	30.7	N/A	35.8	N/A
Retirement Relief for certain Sports Persons.(9)	0.2	20	0.2	17
Exemption of Irish Government Securities where owner not ordinarily resident in Ireland (10) *	240.8	N/A	320.8	N/A
Exemption of Statutory Redundancy Payments	87.6	25,000	85.4	29,800
Service Charges	24.4	413,100	27.1	455,200
Top Slicing Relief — Reduced Tax Rate for Payments in Excess of Exemption Amounts Made as Compensation for Loss of Office	27.8	3,020	44.7	3,790

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Tax Relief Provision		2007	(i) Estimated cost for	
				2008
	€m	Numbers	€m	Numbers
INCOME TAX				
Revenue Job Assist allowance	0.3	360	0.2	330
Allowance for seafarers	0.3	170	0.3	160
Trade Union Subscriptions	20.7	316,300	26.4	341,900
Exemption From Tax of Certain Social Welfare Payments:				
Child benefit *	355.0	347,760	435.3	401,200
Early childcare Supplement*	84.3	193,200	98.3	195,200
Maternity allowance *	15.2	20,950	18.2	23,420
Foster Care Payments	29.4	3,330	28.1	3,470
Exemption of Income arising from the Provision of Childcare Services	0.7	400	0.8	440
Approved Profit Sharing Schemes *	107.6	98,870	99	111,180
Savings-Related Share Option Schemes *	11.9	2,600	1.3	2,800
Approved Share Option Schemes *	3	1,000	0.08	280
Reilief for New Shares Purchased by Employees	0.2	210	0.3	280
Investment in Corporate Trades (BES)	17.5	1,900	55.7	3,200
Investment in Seed Capital	2.3	63	1.7	56
Stock Relief *	2	N/A	2.0	N/A
Relief for expenditure on significant buildings and gardens	5.0	210	5.9	290
Donation of Heritage items	5.3	4	4.7	5
Donation of Heritage property to the Irish Heritage Trust	1.9	7	3.6	4
INCOME TAX AND/OR CORPORATION TAX (11)				
Donations to Approved Bodies	47.6	110,700	52.4	131,100
Donations to Sports Bodies. (9)	0.4	700	0.3	850
Employee Share Ownership Trusts*	4.4	26,000	8.4	29,200
Total Capital Allowances: (12)	2,019.2	270,900	2,176.6	270,200
Rented Residential Relief — Section 23 (13) *	133.6	2,920	74.7	2,429
Effective Rate of 10% for Manufacturing and Certain Other Activities (14)	406.9	2,667	160.9	1,046
Double Taxation Relief	610.8	17,600	596.5	18,000
Investment in Films*	31.1	3,000	32.8	3,200
Group Relief	254.1	1,936	450.3	2,430
Research & Development Tax Credit (15)	165.6	479	146	582

Notes on Table IT6

(1) Figures accompanied by an asterisk * are particularly tentative and subject to a considerable margin of error.

(2) The cost figures for the exemption limits are based on the excess of the exemption limits over the basic personal tax credits. They include the cost of marginal relief for taxpayers whose incomes are not greatly in excess of the exemption limits.

(3) The figures shown for the basic personal tax credits (married, single and widowed) are the costs of these tax credits as if all other tax credits and the exemption limits did not apply. They do not include individuals who are not on Revenue records because their incomes are below the income tax thresholds.

(4) Arising from the change over to Tax Relief at Source the figures relate to the number of policies issued. These include policies where subscriptions were paid by businesses on behalf of their employees.

(5) Part of the cost of contributions to Permanent Health Benefit Schemes is not identifiable as a result of the move to a “net pay” basis for contributions by PAYE taxpayers from 6 April 2001.

- (6) See the following note on “Green Paper on Pensions” for background commentary on the basis of the cost figures.
- (7) “Other” relates to borrowings for purposes such as acquiring an interest in a company or partnership.
- (8) The income on which the cost of exemption for charities, colleges, hospitals, schools, friendly societies, etc. from income tax is based includes repaid income tax that has been deducted at source on dividends, other investment income and payments received under covenant, donations and associated tax relief by the PAYE sector to approved bodies and donations by the self-employed and corporate sectors to approved bodies and approved sports bodies. Information is not available about other income received gross.
- (9) The cost figures for relief for donations to Approved Sports Bodies and for certain Sports Persons are based on self assessment returns.
- (10) In the absence of other information, tax has been assumed at the standard rate of income tax even though a different rate might be appropriate in many cases.
- (11) The costs included for corporation tax are by reference to accounting periods which ended in the years 2007 and 2008.
- (12) The cost shown for capital allowances does not include any cost associated with “unused capital allowances”, that is, capital allowances which are not absorbed by a company in the accounting period in which they arise because they exceed the amount of the company’s profits of that accounting period which are available for offset. Unused capital allowances can be offset as losses against taxable profits arising in the previous accounting period and against certain profits arising in future accounting periods and can be offset against the profits of another company in the same group of companies. It is estimated that €2820 million and €3587 million of unused capital allowances were claimed in respect of 2007 and 2008 accounting periods respectively but as the proportion of this item which is included in previous years losses and in group relief is not separately identifiable a reliable estimate of the cost of the capital allowance element cannot be provided.
- (13) The tax cost shown for section 23 type relief is the estimated ultimate tax cost relating to the total allowable expenditure in respect of claims made in 2007 and 2008 tax returns for the first time. The cost shown is for income tax cases only.
- (14) The cost shown for manufacturing relief for 2008 is compiled using the basic data available but for technical reasons associated with a system redesign it is understood to be understated by at least €100m.
- (15) The costs shown for R&D is for claims for R&D on corporation tax returns for accounting periods ending in 2007 and 2008. However, the cost includes the cost associated with claims where the company was entitled to the credit but was unable to absorb it in that accounting year.

Green Paper on Pensions — Review of Estimates of Cost

As part of the work on the Green Paper on Pensions, a review was carried out of the current regime of incentives for supplementary pension provision with a view to developing more comprehensive and reliable estimates of the cost of reliefs in this area. The review examined, among other things, the current reliefs and incentives for investment in supplementary pensions and the data available on which to base reliable estimates of the costs in revenue foregone to the Exchequer.

The review drew on newly available 2006 aggregate data on contributions to pension schemes by employers and employees arising from a P35 initiative introduced on foot of provisions that were included in Finance Act 2004 with a view to improving data quality. Estimates of the cost of tax for private pension provision updated for 2007 and 2008 are included in table IT6.

The breakdown and make-up of these estimated costs of reliefs differ from presentations of costs in this area for years prior to 2005 in a number of respects and are not directly comparable. Further details on the cost of tax and other reliefs and the changes in the methodology are contained in pages 106 and 107 of the Green Paper on Pensions which is available at www.pensionsgreenpaper.ie.

Certain property-based tax incentives and incomes exempt from tax — uptake and estimated potential cost to the Exchequer in terms of income tax and corporation tax forgone based on 2007 and 2008 tax returns

Provisions were included in the Finance Acts of 2003 and 2004 to enable new statistical data on the uptake of tax relief for certain property-based tax incentives and incomes exempt from tax to be obtained from tax returns. This information, derived from changes introduced by the Revenue Commissioners to income tax returns and corporation tax returns for 2007 and 2008, is set out in the following tables.

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The figures shown include the amounts claimed in the year but exclude amounts carried forward into the year either as losses or capital allowances, and include any amounts of unused losses and/or capital allowances which will be carried forward to subsequent years.

2007 Tax Incentive/Income Exemption	Amount Claimed €m	Assumed maximum tax cost €m	Number of claimants
Urban renewal	280.0	109.3	3,501
Town Renewal	86.1	34.6	1,128
Seaside Resorts	20.3	8.0	1,231
Rural Renewal	121.9	48.6	2,807
Multi-storey car parks	24.0	9.6	147
Living Over the shop	8.0	3.0	93
Enterprise Areas	7.0	2.8	137
Park and Ride	3.3	1.4	33
Holiday Cottages	30.7	12.4	832
Hotels	307.1	118.0	1,893
Nursing Homes	45.3	18.3	687
Housing for the Elderly/infirm	6.3	2.6	166
Hostels	1.8	0.72	24
Guest Houses	0.1	0.02	8
Convalescent Homes	1.2	0.5	27
Qualifying Private Hospitals	29.6	12.1	330
Qualifying sports injury clinics	4.3	1.8	59
Buildings Used for certain childcare purposes	24.2	9.8	420
Qualifying Mental Health Centres	0.0	0.0	1
Student Accommodation	108.7	42.0	941
Exemption of profits or gains from Greyhounds	0.4	0.1	13
Exemption of profits or gains from Stallions	59.6	11.2	226
Exemption of profits or gains from Woodlands	21.8	8.5	1,886
Exempt Patents (Section 234, TCA 1997)	528.2	90.9	1,251
Totals	1,719.8	546.5	17,841

2008 Tax Incentive/Income Exemption	Amount Claimed €m	Assumed maximum tax cost €m	Number of claimants
Urban renewal	224.6	84.5	3,271
Town Renewal	60.5	23.7	965
Seaside Resorts	14.5	5.7	1,051
Rural Renewal	84.6	34.2	2,634
Multi-storey car parks	16.8	6.6	136
Living Over the shop	6.1	2.5	81
Enterprise Areas	6.2	2.5	138
Park and Ride	1.7	0.7	19
Holiday Cottages	26.8	10.8	833
Hotels	300.6	114.7	1,966
Nursing Homes	47.6	19.4	725

2008 Tax Incentive/Income Exemption	Amount Claimed €m	Assumed maximum tax cost €m	Number of claimants
Housing for the Elderly/infirm	7.4	3.0	179
Hostels	1.62	0.66	21
Guest Houses	0.3	0.11	10
Convalescent Homes	1.3	0.5	33
Qualifying Private Hospitals	30.2	12.3	340
Qualifying sports injury clinics	3.7	1.5	58
Buildings Used for certain childcare purposes	29.9	12.0	511
Qualifying Mental Health Centres	0.1	0.0	3
Student Accommodation	58.0	22.7	790
Caravan Camps	1.5	0.6	10
Mid Shannon Corridor Tourism Infrastructure	1.8	0.7	12
Exemption of profits or gains from Greyhounds	0.0	0.0	9
Exemption of profits or gains from Stallions	91.4	14.8	183
Exemption of profits or gains from Woodlands	49.4	13.0	2,357
Exempt Patents (section 234, TCA 1997)	187.2	50.2	1,184
Totals	1,302.4	455.0	18,089

These figures do not take account of the application of the restriction of reliefs originally provided for in section 17 of Finance Act 2006 and which took effect from 1 January 2007. The restriction was extended by Section 23 Finance Act 2010.

Notes:

- The figures shown relate to the various reliefs/incentives and exemptions as specified in the 2007 and 2008 form 11 and CT1.
- There were concerns that in some instances the new, separately categorised data on property incentives may not have been correctly entered on the Tax returns. Revenue drew the attention of the relevant tax practitioner bodies to these deficiencies to rectify them in future returns and also increased awareness among its own staff involved in processing tax returns of the need to ensure, through closer examination of the returns, that they are correctly completed.
- The estimated costs have assumed tax foregone at the 41% rate in the case of income tax and 12.5% in the case of corporation tax. This means the figures shown correspond to the maximum Exchequer cost in terms of income tax and corporation tax. However, the actual Exchequer cost could be lower, particularly in relation to the exempt income items, as the income could be subject to deductions for allowable expenses and other costs thereby reducing the level of income that would be actually subject to tax.
- Some of the costs shown above are included in the costs shown for capital allowances and section 23 relief in Table IT6. For example, exempt income included above is not part of capital allowances.

Reliefs in respect of which costs are not currently quantifiable or are negligible or are not identifiable within total aggregates.

- Relief from averaging of farm profits;
- Exemption for income arising from payments in respect of personal injuries;
- Exemption of certain payments made by Hemophilia HIV Trust;
- Exemption of lump sum retirement payments;

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- Relief for allowable motor expenses;
- Tapering relief allowable for taxation of car benefits in kind;
- Reduced tax rate for authorised unit trust schemes;
- Reduced tax rate for special investment schemes;
- Exemption of certain grants made by Údarás na Gaeltachta;
- Relief for investment income reserved for policy holders in life assurance companies;
- Relief for various business related expenses such as staff recruitment, rent, legal fees, and other general expenses;
- Exemption in certain circumstances on the interest on quoted bearer Eurobonds;
- Exemption of payments made as compensation for loss of office;
- Exemption of scholarship income.

There are a number of different tax expenditures within the Irish Taxation system. These have been introduced for a number of different reasons: providing a basic level of income before taxation; correcting market failure or attracting mobile investment. The Commission on Taxation in its 2009 report made a comprehensive study of all tax expenditures. The full report is available on the Commission's website at www.commissionontaxation.ie "Legacy" property-based tax relief schemes, due to their nature, continue to impose ongoing costs on the Exchequer in terms of tax foregone. All tax reliefs and incentives are reviewed regularly, in line with the annual Budget and Finance Bill process.

Tax Code

70. **Deputy Robert Dowds** asked the Minister for Finance his views on the practice of certain newspapers of failing to pass on the entirety of the recent cut in VAT to their customers; and if he will make a statement on the matter. [20545/11]

Minister for Finance (Deputy Michael Noonan): The Finance (No. 2) Act 2011 provided for a second reduced VAT rate, of 9%, on a temporary basis in respect of certain services and goods, for the period 1 July 2011 to end 2013. This included the supply of printed matter, including newspapers, magazines, brochures, leaflets, programmes, maps, catalogues and printed music. Businesses must account for VAT at the 9% rate on these specified goods and services provided by them on or after 1 July 2011.

Where the goods and services are supplied to another VAT-registered business a VAT invoice must be issued, charging VAT at the new rate. However, where the supplies are to unregistered customers there is no obligation to show the VAT separately. Businesses dealing with unregistered customers, as would be the case with the sale of newspapers, are not legally obliged to reduce their (VAT-inclusive) pricing to reflect the post-1 July 2011 lower rate, but would be expected to do so.

The VAT reduction will be kept under review and evaluated before end 2012 in order to determine its effectiveness in aiding the industry. If it is shown that the VAT reduction has little or no effect in aiding industry then the measure is open to being reformed or abolished. In addition, checks on the correct operation of VAT, including the rates of VAT applied are integral parts of Revenue's audit and compliance programmes.

71. **Deputy Robert Dowds** asked the Minister for Finance the number of tax exiles Ireland has; the measures he may implement in order to bring them into the tax net; and if he will make a statement on the matter. [20546/11]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that there is nothing in Irish tax law that makes reference to the term “tax exile” status. I am assuming in referring to “tax exiles” the Deputy is thinking of Irish citizens or Irish domiciled individuals claiming to be non-resident for tax purposes and who are living abroad primarily for tax reasons. For the 2009 tax year, the latest year for which statistics are available, 8,493 non-resident individuals filed Irish tax returns in respect of their Irish source income or income derived from working here. However, many of these non-residents are foreign nationals or have a foreign domicile; and many of the non-resident Irish citizens or Irish domiciled individuals included in this figure may have become non-resident for reasons unrelated to taxation, but have retained Irish investments such as rental property. Such individuals could not be categorised as “tax exiles” under any reasonable definition of that term.

The taxation of individuals in the State is broadly in line with that prevailing in most other OECD jurisdictions, that is to say —

(a) Individuals who are resident in the State for tax purposes (based on the number of days of presence in the State) are taxable here on their worldwide income; and

(b) Individuals who are not resident here for tax purposes pay tax here only on income arising in the State and on income derived from working here.

In addition, in general non-resident individuals are also liable to Irish Capital Gains Tax on disposals of land, buildings in the State, or shares deriving their value from these assets and certain or other assets such as minerals in the State or other assets related to exploitation of such assets. They are not liable to Irish Capital Gains Tax on assets outside of this category, for example, share or equities in companies not deriving their value from land, buildings in the State, etc. There are variations on this position if the non-resident individual is ordinarily resident and/or domiciled in Ireland.

The Domicile Levy was introduced in Finance Act 2010 and is charged on an individual:

- who in any year is Irish domiciled and an Irish citizen,
- whose worldwide income in the year exceeds €1m,
- whose Irish located property in the year is greater than €5m, and
- whose liability to Irish income tax for the year is less than €200,000.

The levy will apply to both resident and non-resident individuals who meet the above criteria. The levy will be charged for 2010 and subsequent years, but the payment for each year can be made at any time up to 31 October in the year following the valuation date, which is 31 December of each year. The first valuation date was 31 December 2010 and the tax return and payment of the levy for 2010 is not due until 31 October 2011.

As with other areas of taxation, these rules are constantly kept under review. The level and timeframe of any taxation changes in this area will be determined in the context of Budgets over the lifetime of the Government.

72. **Deputy Robert Dowds** asked the Minister for Finance if he will estimate the amount of money the country is losing because of tax exiles; and if he will make a statement on the matter. [20547/11]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that there is nothing in Irish tax law that makes reference to the term “tax exile” status. I am assuming in referring to “tax exiles” the Deputy is thinking of Irish citizens or Irish domiciled individuals claiming to be non-resident for tax purposes and who are living abroad

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primarily for tax reasons. Individuals who are non-resident in Ireland for tax purposes are obliged to file Irish tax returns only in respect of:

- income arising in Ireland (e.g., income from directorships, a trade or profession, rented properties, etc.);
- gains from the disposal of land, buildings or shares which derive their value from these assets, and certain other assets such as minerals in the State or other assets relating to the exploitation of such assets; and
- the Domicile Levy, if it applies to them.

There is no statutory obligation on these individuals to return details of income or gains arising anywhere else in the world. Therefore, it is not possible to establish the amount of these incomes or gains, or any associated tax.

Question No. 73 answered with Question No. 69.

Tax Reliefs

74. **Deputy Robert Dowds** asked the Minister for Finance his plans to eliminate tax breaks; and if he will make a statement on the matter. [20550/11]

Minister for Finance (Deputy Michael Noonan): All tax reliefs and incentives are subject to regular review as part of the annual Budget and Finance Bill planning process. Any decisions taken by the Government in this regard are usually announced on Budget Day.

Ministerial Staff

75. **Deputy Shane Ross** asked the Minister for Finance if he will provide details of all appointments made at his Department since he took up office. [20574/11]

Minister for Finance (Deputy Michael Noonan): The following individuals have been appointed at my Department of Finance since I took office.

- Mary Kenny, Special Adviser
- Denis Dwyer, Civilian Driver
- Gerry Rigney, Civilian Driver
- Alan Kavanagh, Constituency Office (Limerick)
- John Moran, Second Secretary
- Neil Ryan, Assistant Secretary
- Aidan Carrigan, Assistant Secretary

Consultancy Contracts

76. **Deputy Shane Ross** asked the Minister for Finance if he will provide details of the total amount of money paid by the State to a company (details supplied) in the past decade; and details of the projects. [20582/11]

77. **Deputy Shane Ross** asked the Minister for Finance if he will provide details of the total amount of money paid by the State to a company (details supplied) in the past decade; and details of the projects. [20583/11]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 76 and 77 together.

The tables below show amounts that were paid to the company referred to in question 20582 by my Department and the Comptroller and Auditor General in the past decade.

Department of Finance

Year	Amount €	Detail (Company Mentioned in 20582)
2002	26,156	Training Course
2002	103,697	BFI Regulatory Structures & Disposal
2002	9,218	Change Control (9 Depts)
2002	9,095	PPP Training
2002	9,438	5% Verification Checks
2002	10,255	Peace Interreg Program
2003	3,479	Audit of Technical Assistance Measures
2003	26,620	Peace Interreg Program
2003	12,480	Training
2003	7,650	PPP Training
2004	1,785	Audit of Czech Twinning
2004	12,100	PPP Consultancy
2004	50	Progress Fee PWC Publication
2006	47,739	Risk Management Service
2006	303	Salary Survey
2007	1,885	Risk Management Service
2010*	118,050	Advice in relation to Banking
2011*	NIL (to date)	

*In 2010-2011 this company were paid 70,080 for the secondment of an external expert to the Commission of Enquiry into Banking

Comptroller and Auditor General

Year	Amount €	Detail (Company Mentioned in 20582)
2002-2007*	172,783	Software licences and support
	219,736	Audit Services
	17,952	Training
	15,252	Consultancy Services
	8,376	Internal Audit Services

In the past decade Revenue paid €3,138,939 to the company mentioned in question 20582 in respect of liquidation services, training, consultancy services and software maintenance.

The Appeals Commissioners made no payments to the companies mentioned.

The tables below show amounts that were paid to the company referred to in question 20583 by my Department and the Comptroller and Auditor General in the past decade.

Department of Finance

Year	Amount	Detail (Company Mentioned in 20583)
2002	25,774	Secondment Payments
2002	2,396	Consultancy Service
2002	70,078	HRMS Contract

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Year	Amount	Detail (Company Mentioned in 20583)
2002	23,958	HRMS Support Fees
2002	5,000	Training
2002	20,365	HRMS-CORE Install
2002	15,573	HRMS Upgrade
2002	71,390	Contract Documents for Water Services
2002	17,332	Secondment of Solicitor
2002	11,979	HRMS Post Upgrade Development
2002	2,682	People Soft Training
2002	12,952	Consultancy Fees
2003	8,591	Secondment Payment
2004	11,023	Review of CAF Resource
2005	84	Refund of FOI
2006-2011	NIL (to date)	

Comptroller and Auditor General

Year	Amount	Detail (Company Mentioned in 20583)
2002-2011	384,447	Audit of Post Office Savings Bank
	154,785	Audit Quality and Training Project

In the past decade Revenue paid €997,818 to the company mentioned in question 20583 in respect of liquidation services, training, consultancy services and software maintenance. The Appeals Commissioners made no payments to the companies mentioned.

National Asset Management Agency

78. **Deputy Shane Ross** asked the Minister for Finance if he will provide details of the up to date estimates of payments of fees to consultants, advisers and other professionals to the National Assets Management Agency over the life of the body; and if he will make a statement on the matter. [20584/11]

Minister for Finance (Deputy Michael Noonan): I am informed by NAMA 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. I am advised by NAMA that legal and consultancy fees incurred in 2009 in setting up NAMA were €1.63m and relate to legal and consultancy expenses associated with the establishment of NAMA.

The aggregate costs for the year 2010 and the first quarter of 2011 is set out in the following table:

	2010 €m	Q1 2011 €m
Financial Adviser and Consultancy Fees	5.01	0.17
Portfolio Management	5.09	0.57
Legal and Tax Fees	3.78	0.88
Consultancy incurred by NTMA in set up	0.83	-
Audit	0.70	0.54
IT Costs	-	0.29

	2010 €m	Q1 2011 €m
Treasury	-	0.18
Total	15.41	2.63

Fees and expenses incurred by NAMA are recovered through the operating activities of the agency. They are published in the quarterly reports of NAMA, which are laid before the Houses of the Oireachtas and published on the NAMA website.

The financial advisor and consultancy fees incurred in 2010 include fees paid for accounting, financial and business process advice over the period from the incorporation of NAMA to the end of 2010. NAMA employed staff seconded from external consultancy firms and financial advisers to assist in the initial set-up of business units and the development and implementation of processes and policies, until NAMA officers were recruited by the NTMA.

The portfolio management fees incurred in 2010 relate to the review of debtor business plans.

The legal and tax costs incurred in 2010 relate to fees paid to professional service firms in respect of legal and tax advice and the secondment of staff for legal due diligence.

It is expected that the level of professional and consultancy costs in future will not be as significant as the costs incurred during 2010 given that the latter included costs associated with the establishment of NAMA, particularly relating to the secondment of staff prior to the recruitment of NAMA's own staff.

In addition to the above figures, NAMA incurs due diligence costs as part of the process of acquiring loans and related derivatives from the participating institutions. These costs include legal, valuation and property due diligence fees together with the fees of the audit co-ordinator. NAMA incurred due diligence costs of €29.6 million in 2010 and €9.0 million for the first quarter of 2011. NAMA had, however, factored these costs into the acquisition price of the assets and these were recovered from the participating institutions in the form of a reduced payment for the assets.

Parliamentary Questions

79. **Deputy Shane Ross** asked the Minister for Finance the most up to date estimate of the cost of answering a parliamentary question; the estimated cost to the Exchequer of this service per annum; and if he will make a statement on the matter. [20585/11]

Minister for Finance (Deputy Michael Noonan): I am not aware of any study having been carried out into the cost to the Exchequer of answering a Parliamentary Question. Whether such a study would produce meaningful financial information is debatable. The cost of answering a Parliamentary Question will vary considerably according to the nature of the question asked. This would inevitably result in significant differences in the costs among Departments and indeed within a Department from time to time. As the processing of individual Parliamentary Questions is undertaken as part of the normal day to day work of individual sections within Departments it would be unnecessarily burdensome to isolate the administrative costs of processing Parliamentary Questions from the overall administrative costs of each Department.

Consultancy Contracts

80. **Deputy Shane Ross** asked the Minister for Finance the total cost of hiring external public relations companies to all Government Departments over the past decade; and if he will make a statement on the matter. [20586/11]

Minister for Finance (Deputy Michael Noonan): I take it that the Deputy is referring solely to public relations costs and not to advertising costs that would be incurred by my Department in the normal course of business, such as entries into telephone directories, the placing of advertisements in national newspapers, recruitment advertising, advertising associated with the national development plans, e-tenders etc. The table below outlines details of this spend from 2002-2011:

Year	Amount	Detail
2011	NIL	
2010	NIL	
2009	NIL	
2008	NIL	
2007	NIL	
2006	NIL	
2005	NIL	
2004	23,700	Q4 — PR advice for ECOFIN meeting during Irish Presidency
2003	NIL	
2002	37,394	Carr Communications — PR advice to Euro Changeover Board

Banking Sector

81. **Deputy Shane Ross** asked the Minister for Finance the reason he voted for the re-election of five directors of the Bank of Ireland at the AGM despite their service having commenced before 2008, the cut-off point chosen by him; and if he will make a statement on the matter. [20587/11]

Minister for Finance (Deputy Michael Noonan): I would point out to the Deputy that as part of the Programme for Government we committed to restructuring bank boards and to replacing all directors who presided over the failed lending practices in the period to September 2008. As the Deputy is aware, Bank of Ireland is engaged in an ongoing programme of change, including renewal at management and board level. In the interests of facilitating further board renewal and a reduction in the size of the Group board, three non-executive directors retired from the board at the conclusion of the AGC on 15 June last. Reflecting the smaller size of the board and the balance between executive and non—executive directors, it was appropriate to reduce the complement of executive directors. Consequently, two executive directors did not offer themselves for re-election to the Group board.

Following the recent AGC, four directors are still in situ who were appointed to the board before 2008 — two executive directors and two non-executive directors. The two non-executive directors remain in situ as a transitional matter given their key committee roles. I have asked the Chairman of the bank to prepare a management renewal plan which will provide for all senior management positions including the remaining executive directors. These, along with all other directors irrespective of date of appointment, who intend to be in office on 1 January 2012 will be subject, as announced by the Central Bank of Ireland, to assessment against the new fitness and probity standards for such appointments which the CBI envisages being implemented by 1 September 2011.

Departmental Bodies

82. **Deputy Shane Ross** asked the Minister for Finance the method of selection for the appointment of the Fiscal Council; the way they were chosen; if they were personally selected by him or recommended by staff at his Department; the stipend given to the members of the council; and their terms of reference. [20588/11]

Minister for Finance (Deputy Michael Noonan): The composition of a body such as a Fiscal Advisory Council is critical to its independence and credibility. A significant number of potential candidates from backgrounds such as academia and public finance was considered against a range of criteria. In this regard, appropriate technical knowledge and expertise as well as the background and experience of the potential nominees and the desirability of having a significant overseas representation on the Council were considerations. As would be normal practice, the process by which potential nominees were identified, considered and selected involved officials from my Department. The final decisions regarding the appointments were made by me following consultations with Cabinet colleagues and others.

While there have been informal contacts on the question of payment for service on the Council, this issue has yet to be formally addressed in conjunction with the Minister for Public Expenditure and Reform. I am aware that the Chairperson of the Council answered questions on this matter in a recent radio interview.

The Government decided that the Council will have a role comprising the following functions for an initial period of 2 years following its establishment:

(a) to provide an assessment of the soundness of the economic and budgetary projections and forecasts set out by the Government in the annual Budget and the Stability Programme Update,

(b) to provide an assessment of the appropriateness of the fiscal stance set out by the Government in the Budget and Stability Programme Update, including, the Government's stated medium-term budgetary objective, with particular regard to whether they are conducive to prudent economic and budgetary management, including by reference to the provisions of the European Union Stability and Growth Pact,

(c) to provide an assessment of whether the budgetary plans set out in the Budget and Stability Programme Update are consistent with the fiscal rules which it is proposed to publish as part of a Fiscal Responsibility Bill by the end of the year, and

(d) to perform such other functions, including an assessment of the implications of budgetary plans for economic growth, investment and employment, as may be assigned by the Minister for Finance.

The Government also decided that in carrying out its role, the Council will maintain within its structures a technical ability to provide an informed assessment and critique of the official macroeconomic forecasts, in line with its mandate,

The Government is satisfied that the appointed members have the ideal mix of skills and experience to ensure that the Council will be highly effective in fulfilling its mandate.

Banking Sector

83. **Deputy Shane Ross** asked the Minister for Finance the position regarding the selection process for appointment of new board directors to the banks; and if he will make a statement on the matter. [20590/11]

Minister for Finance (Deputy Michael Noonan): Some 480 expressions of interest were received by the closing date specified in response to the advertisement to the commitment in the Programme for Government to construct a pool of experienced directors to be inserted into non-executive positions in banks receiving State support. The shortlisting and evaluation work on this large volume of applications is at an advanced stage. The Deputy can expect new and fresh appointments to be made as the months progress to ensure that the boards are fit for purpose to play their vital role in the necessary restructuring of the pivotal banking sector.

Any proposed appointments will, as the advertisements stated, be subject to regulatory approval. The Deputy will be aware that the Central Bank of Ireland has announced that it intends to assess candidates, for such director appointments, against the new fitness and probity standards which the CBI envisages being implemented by 1 September 2011.

84. **Deputy Frank Feighan** asked the Minister for Finance the amount a person (details supplied) is being paid; if they are in receipt of a bonus; if so, the basis on which they have been granted same; and in view of the fact that they are a public servant being paid by the public purse and in line with recent Government recommendations in regard to transparency, if he will give full disclosure of these details. [20670/11]

Minister for Finance (Deputy Michael Noonan): At the outset, I should state that the relationship between Anglo and the Quinn Group is a commercial one. Under the Relationship Framework put in place under the Anglo Irish Corporation Act 2009, which governs the relationship between the bank and its shareholder the State, issues relating to commercial activities at the bank are a matter for the board in respect of which, as Minister for Finance, I have no role in day to day management decisions. Consequently, I am not privy to the information that the Deputy is requesting in relation to the remuneration details of the individual in question. It should also be noted that I have been advised that the person in question is not a public servant as he is not employed by a State entity. His appointment was a matter for the board of Quinn Group Ltd in conjunction with key stakeholders namely the Banks, Bondholders and Anglo.

85. **Deputy Frank Feighan** asked the Minister for Finance the cost of the entire situation that Anglo has created in regard to the Quinn Group to the taxpayer to date, including legal fees for Anglo, including those in a foreign jurisdiction, and the cost of all the consultants engaged (details supplied). [20671/11]

Minister for Finance (Deputy Michael Noonan): At the outset, I should state that the relationship between Anglo and the Quinn Group is a commercial one. Under the Relationship Framework put in place under the Anglo Irish Corporation Act 2009, which governs the relationship between the bank and its shareholder the State, issues relating to commercial activities at the bank are a matter for the board in respect of which, as Minister for Finance, I have no role in day to day management decisions. Consequently, I do not have any information in relation to Anglo's costs to date in its effort to recover the debt owed by the Quinn Group. However, I would expect Anglo to be conscious of obtaining best value and before engaging advisors to make comparative choices as part of their procurement process. In relation to the Deputy's second question, it should be noted that in assessing the bids for the business of QIL, the Joint Administrator's were required to consider how best the interests of policyholders could be protected and how the company could be returned to a sound commercial footing. These were the criteria on which the decision to opt for Liberty/Anglo deal was made by the Joint Administrators under the powers given to them by the 1983 Insurance (No. 2) Act.

Consequently, the recovery of the money owed to Anglo by the Quinn Group would not have been a factor in their considerations.

The Joint Administrators did however conclude that the Quinn proposal was highly conditional in nature as it depended, amongst other things, on the State intervening to facilitate the transfer of €2.8bn of debt from Anglo to one of the viable banks and to require that bank to provide a further €500m loan to the Quinn Group, as well as agreement with the bondholders. As such they saw no likelihood for such a proposal being facilitated in the current economic climate, as the taking on of such loans by other banks was likely to compound their already difficult position and in addition would also be likely to contravene European State Aid rules. They were also of the view that reaching agreement with the bondholders in relation to the releasing of the guarantees over QIL assets was going to be extremely difficult if not close to impossible. Accordingly, in this context it is difficult to see how the Quinn proposal could be seen to be more effective in recovering the Anglo debt.

Company Administration

86. **Deputy Frank Feighan** asked the Minister for Finance his views on a matter (details supplied) in relation to the Quinn Group. [20672/11]

Minister for Finance (Deputy Michael Noonan): The Deputy should note that the Joint Administrators have indicated to my Department that no proposal was received from the Quinn family until the 5/4/2011 nearly 6 months after the deadline for expressions of interest. The Joint Administrators responded to the family on the 11/4/2011 setting out their concerns surrounding their proposal. They say that the proposal was highly conditional in nature as it depended on amongst other things on the State intervening to facilitate the transfer of €2.8bn of debt from Anglo to one of the viable banks and to require that bank to provide a further €500m loan to the Quinn Group, as well as agreement with the bondholders. As such they saw no likelihood for such a proposal being facilitated in the current economic climate, as the taking on of such loans by other banks was likely to compound their already difficult position and in addition would also be likely to contravene European State Aid rules. They were also of the view that reaching agreement with the bondholders in relation to the releasing of the guarantees over QIL assets was going to be extremely difficult if not close to impossible.

On the question of the NTMA assessment of the Quinn proposal, it should be noted that NTMA reviewed the proposal and concluded that the assumptions within the proposal were significantly more optimistic than the Anglo base case. However, they make the point that the assessment of the bids was the business of the Joint Administrators. The NTMA role was confined to assessing and approving any proposal by Anglo to acquire the Quinn Insurance business from the Joint Administrators. The assessment and approval was conducted solely on the basis of the commercial terms of any proposed acquisition by Anglo of the Quinn Insurance business. They say their role did not extend to, nor were they mandated to, assess any bids from any other party for the Quinn Insurance business, as this was a matter for the Joint Administrators.

Banking Sector

87. **Deputy Frank Feighan** asked the Minister for Finance if he provide details of the amount that bondholders were paid (details supplied). [20673/11]

Minister for Finance (Deputy Michael Noonan): The information supplied by the Deputy is not precise enough to allow for his question to be addressed. If he wishes to be more specific in his request I will see what data can be procured for him. Whilst it is difficult to address this

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question precisely, it can be say that, as agreed with the Trokia, steps have been taken by the Department to reduce the cost to the State through burden sharing with subordinated bondholders.

Liability Management Exercises, in relation to subordinated debt, by the banks have resulted in the generation of some €4.4bn in Core Tier 1 Capital, reducing accordingly the amount required to be contributed by the State to the €24bn PCAR capital requirement. With the exception of the merged Anglo Irish Bank and INBS where the matter remains open, burden sharing with the senior bondholders of the banks does not form part of the Government's banking strategy .

Company Administration

88. **Deputy Frank Feighan** asked the Minister for Finance if he will guarantee the citizens of Ireland that proper procedures were followed at all times in relation to the take-over of the Quinn Group and the administration of Quinn Insurance and that the Financial Regulator did not inappropriately interfere with this process; and in view of the amount of taxpayers' money that is at stake, if he is confident that these procedures will stand up to any scrutiny in a court of law. [20674/11]

Minister for Finance (Deputy Michael Noonan): At the outset, it should be noted that the Joint Administrators were appointed by the High Court at the request of the Central Bank because of concerns about the solvency position of the company under the 1983 Insurance No.2 Act. These concerns have proved to be valid based on the recently published financial results for QIL for 2009 which indicated very serious losses much of which was related to underwriting. Therefore the Minister is of the view that the right decision was made by the Central Bank at the time to go to the Courts as policyholder protection is of paramount importance in such a situation. Once the Joint Administrators were appointed, it was they who were responsible for deciding on how best the interests of policyholders could be protected and how the company could be returned to a sound commercial footing. In this regard they were required to update the High Court on a regular basis. The sale of the business was an integral part of their overall strategy and as you are aware all interested parties were invited to submit bids which were duly considered leading ultimately to the selection of a preferred bidder. During this process neither the Minister nor the Government had any role in the selection of who this preferred bidder should be.

The decision in relation to the appointment of the Share Receiver by Anglo to the broader Quinn Group was very much a commercial one and I in my role as Minister for Finance had no input into this matter. My understanding is that other scenarios might well have prompted court action to put the Group into receivership with the potential for immediate significant job losses. By comparison the appointment of a Share Receiver gives the Group grounds for considerable hope of a viable future. This viable future however depends to a large degree on the willingness of everybody, particularly those engaged in several recent negative events, to engage wholeheartedly with the new ownership arrangements, because if this does not materialise then over time it is likely to have a negative impact on the trading performance of the Group.

In conclusion, I believe that the recent steps taken to sell the QIL business to the Liberty Mutual/Anglo joint venture and the decision to appoint a share receiver to the wider group were the only feasible options particularly from a job protection perspective.

Banking Sector Staff

89. **Deputy Sean Fleming** asked the Minister for Finance if, in view of the recent salary cap, he supports the position that a person who is in receipt of a substantial salary from a commercial semi-State body is also being paid additional fees by virtue of being a public interest director on the board of AIB and would be in receipt of further additional payments for serving on the board's remuneration sub-committee; and if he supports the double and treble pay for a key State employee. [20518/11]

Minister for Finance (Deputy Michael Noonan): The Deputy will be aware that the individual in question was nominated to be a public interest director by my predecessor under the provisions of the Credit Institutions (Financial Support) 2008 legislation and was subsequently appointed by AIB to their board in accordance with the rules and regulations for such appointments with effect from 22 January 2009. Eleven other public interest directors were likewise nominated and appointed in a similar fashion to the respective boards of the covered institutions around that time. These public interest directors were nominated by my predecessor on the basis of the Minister's assessment of their civic mindedness and sense of where the public interest lies to inform their view of what was in the institution's interest.

Paragraph 32 of the above Scheme stipulated that the covered institutions would remunerate these posts and that continues to be the position. The Deputy may wish to note that following the recent mergers involving EBS & INBS that six public interest directors now remain in office. The Deputy will be aware that, notwithstanding the large State shareholding, the respective covered institutions have been and continue to be run at arms length from the Government in relation to operational matters. Details for the relevant years — up to 2010 — of the fees payable to all public interest directors are available in the Annual Reports of the respective bodies.

EU-IMF Programme

90. **Deputy Sean Fleming** asked the Minister for Finance if he will provide details on his involvement in the latest quarterly review by the troika of Ireland's financial assistance package; and if he will provide details of the particular elements that were on the agenda for renegotiation. [20519/11]

Minister for Finance (Deputy Michael Noonan): Quarterly reviews such as the one which started last week are a standard feature of financial support programmes. The purpose of the reviews is to assess the progress of the programme to date, and in particular to determine if the targets for the relevant quarter had been met. It also considered progress on targets which are due in subsequent quarters, to ensure sufficient progress is being made. The review process includes a mission by the EU, ECB and IMF staff to Ireland and the preparation of reports on their findings. The disbursement of further funds is conditional on positive assessments of compliance and approval by the Eurogroup, the ECOFIN Council and the IMF Executive Board as appropriate.

The mission element of the third quarterly review of the EU/IMF Programme of Financial Support for Ireland started last week on the 6th of July and concludes today — the 14th of July 2011. The remainder of the review — the assessment and approval of our performance by the Eurogroup, the ECOFIN Council and the IMF Executive Board is expected to be completed by end August or early September this year.

I met with the Troika delegation during the current mission. The mission comprised a series of meetings to evaluate all the elements of the programme including fiscal developments, the macro-economic outlook, progress on commitments in the restructuring of the financial sector

[Deputy Michael Noonan.]

and structural reform. The meetings ranged from technical to policy discussions and were conducted, under my direction and that of the Minister of Public Expenditure and Reform and the Governor of the Central Bank as appropriate, by senior officials from my Department, the Department of Public Expenditure and Reform, the Central Bank and the Financial Regulator, the National Treasury Management Agency and the Office of the Attorney General.

The Government has repeatedly stated its commitment to the Programme targets. Meeting these conditions on time and on target, is the best way to ensure that we emerge successfully from this programme. That will mean that we can return safely to the financial markets for funding in as timely a manner as possible. This is one of the principal objectives of the programme. The Government's commitment to the Programme does not stop us from seeking and agreeing changes to aspects of the programme. We have already done this successfully. The Government will continue to do so at the appropriate time.

For the third review, the primary focus is on our performance against the targets due by the end of the second quarter of 2011 and assessing progress on targets due in subsequent quarters. I have already signalled that notwithstanding the substantial consolidation already carried out, in particular the amount being delivered by this government this year, difficult decisions in relation to future consolidations remain. There is no doubt that Budget 2012 will be another difficult Budget that will require an adjustment of a minimum of the €3.6bn already indicated. Final decisions in relation to Budget 2012 will be made by the Government in due course in the light of the latest relevant information available at that time.

Departmental Expenditure

91. **Deputy Shane Ross** asked the Minister for Finance the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21128/11]

Minister for Finance (Deputy Michael Noonan): The Department of Finance makes no payment directly to any trade union. Any funding or contribution made prior to the establishment of the Department of Public Expenditure and Reform will be covered in the response being provided by that Department. The Office of the Revenue Commissioners does not pay or supply funding directly or indirectly to trade unions or related bodies or causes. However for a number of years, a small number of staff in the Office of the Revenue Commissioners have worked without recoupment of their salary, in a liaison capacity between Revenue management and four Revenue trade unions dealing with Industrial Relations, Human Resource Management and change management matters relating to Revenue staff.

School Relocation

92. **Deputy Aodhán Ó Ríordáin** asked the Minister for Education and Skills the position regarding an application by a school (details supplied) in Dublin 1; and if he will make a statement on the matter. [20404/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The school to which the Deputy refers is located within a hospital. I understand that the school wishes to relocate to another area within the hospital building. My Department considers that it is a matter for the hospital authorities to fund any such arrangement and has conveyed this advice to the school.

School Transport

93. **Deputy Martin Ferris** asked the Minister for Education and Skills the number of school

transport routes that will be affected after September by the changes in the school transport scheme. [20411/11]

94. **Deputy Martin Ferris** asked the Minister for Education and Skills the number of school transport routes in counties Limerick and Kerry that will be affected after September by the changes in the school transport scheme. [20413/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I propose to take Questions Nos. 93 and 94 together.

Changes in the School Transport Scheme were announced by the previous Fianna Fáil-Green Party Government and derive from recommendations in the Value for Money Review of the scheme. I take it the Deputy is referring to the increase in the minimum number of eligible children required to establish or retain a school transport service.

Bus Éireann, which operates the Scheme on behalf of my Department has identified over 120 services nationally, with some 550 eligible children, where applications from eligible children have fallen below the minimum required. Six of these services are in Limerick and a further six are in Kerry. Bus Éireann are monitoring the situation and these figures may change if late applications are received or current applicants do not purchase tickets.

It should be noted that over 123,000 pupils on 6,000 routes availed of school transport services in the 2010/11 school year. As is currently the position, families of eligible pupils, for whom there is no school transport service available, may apply for the remote area grant towards the cost of making private transport arrangements.

Vocational Education Committees

95. **Deputy Frank Feighan** asked the Minister for Education and Skills the grounds on which it was decided to change the previous proposed amalgamation of Roscommon and Galway Vocational Education Committees and now amalgamate Roscommon with the two Galway VECs; the reason it was decided to cut the number of VECs in Connacht from six to two; if the headquarters will be in Roscommon; if all staff in the three VECs have to move to these new headquarters; and if there will there be sub-offices. [20417/11]

Minister for Education and Skills (Deputy Ruairí Quinn): On entering office, I invited the Irish Vocational Education Association (IVEA) to submit alternative rationalisation proposals following their expression of concerns regarding the configuration of the revised entities decided by the previous government. The IVEA subsequently submitted a proposal that involved a reduction to 20 in the number of VECs including a merger of Co. Roscommon VEC with Co. Mayo VEC. I am satisfied that having regard to cost and critical mass considerations, a reduction to 16 new entities is appropriate. Consequently, while the new configuration takes account of the IVEA submission to the greatest extent possible, a number of the new entities differ from those suggested by the IVEA.

The merger of Co. Roscommon VEC with the two Galway VECs while Leitrim is joined with Mayo and Sligo results in two VECs which are cohesive in a provincial context. This new VEC structure fits with the Government's policy of reducing the number of agencies and is consistent with the strategic objectives of the transforming public service agenda through service delivery by a smaller number of agencies, each benefiting from efficiencies of greater scale. This change will better position the sector for future development and will facilitate the required reductions, under the public service Employment Control Framework, of administrative staff employed in VECs, while protecting the services provided by VECs.

[Deputy Ruairí Quinn.]

At this point the only firm and absolute decisions taken by the Government are the decision to reduce the overall number of VECs from 33 to 16, the decision on the merger of particular counties (i.e. the revised configuration) and the decision to approve in principle the consolidation of the existing VEC legislation. I am currently giving consideration to the question of where the headquarters of the new entities will be located. The outcome of these deliberations will be announced in the coming period.

Many of the detailed aspects of the restructuring, including the deployment of staff in the new entities will fall to be considered and worked through by my Department in conjunction with the VECs involved in any one merger before decisions are taken. Implementation will involve consultation and negotiations with the unions representing employees in the sector and other stakeholders. The Croke Park Agreement provides the backdrop for these negotiations.

Schools Refurbishment

96. **Deputy Dessie Ellis** asked the Minister for Education and Skills the number of schools that were approved funding under the summer works scheme 2010 in counties Cavan and Monaghan; the number of applications received from counties Cavan and Monaghan for the 2011 summer works scheme; the number approved for 2011; the projects submitted under the 2011 summer works scheme that have been considered and will be included in view of further funding being made available under the jobs initiative; and if he will make a statement on the matter. [20426/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that a total of 68 schools in Cavan and Monaghan were approved funding under the Summer Works Scheme 2010. A total of 99 schools from Counties Cavan and Monaghan made applications under the 2011 Summer Works Scheme. I am pleased to inform the Deputy that, of these, 20 primary and post primary schools were successful under this year's Scheme and details are available on the Department's website *www.education.ie*.

I am also pleased to advise the Deputy that a further 24 schools in Counties Cavan and Monaghan were successful under the Jobs Initiative announced on 10th May 2011, details of which may also be viewed on the Department's website. The extent of funding that was made available under the Summer Works Scheme 2011 and the Jobs Initiative has already been allocated to schools and the schools have been advised accordingly.

97. **Deputy Noel Coonan** asked the Minister for Education and Skills the position regarding an application for building works in respect of a school (details supplied) in County Tipperary; when a decision will issue; and if he will make a statement on the matter. [20481/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I am please to inform the Deputy that construction work on the project referred to by him commenced at the end of June.

98. **Deputy Noel Coonan** asked the Minister for Education and Skills the position regarding funding for a resource room in respect of a school (details supplied) in County Tipperary; if same funding will be provided; when a decision will issue; and if he will make a statement on the matter. [20482/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm to the Deputy that the school to which he refers has made an application for capital funding to construct a Resource Room. The application is currently under consideration and a decision will issue shortly to the Board of Management of the school.

99. **Deputy Noel Coonan** asked the Minister for Education and Skills the position regarding an application for building works for a school (details supplied) in County Tipperary; when a decision will issue; and if he will make a statement on the matter. [20483/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to inform the Deputy that the school to which he refers has been approved funding on a devolved basis to construct two mainstream classrooms and carry out other associated works. The school authority was advised of this by letter at the beginning of June.

Schools Building Projects

100. **Deputy Noel Coonan** asked the Minister for Education and Skills if a school (details supplied) in County Tipperary has made an application for additional funding or any building works; the status of same; and if he will make a statement on the matter. [20484/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The school to which the Deputy refers has applied to my Department for large-scale capital funding for an extension. The application has been assessed in accordance with the published prioritisation criteria for large-scale building projects and assigned a Band 2 rating. 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*.

All large-scale building projects, including this project, from initial design stage through to construction phase are being progressed in the context of my Department's multi-annual School Building and Modernisation Programme and the available financial resources. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

101. **Deputy Noel Coonan** asked the Minister for Education and Skills the position regarding an application for building works in respect of a school (details supplied) in County Tipperary; if he will provide a timeframe for completion of works; and if he will make a statement on the matter. [20485/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The school to which the Deputy refers has applied to my Department for large scale capital funding for an Extension. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a Band 2 rating. 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*.

All large scale building projects, including this project, from initial design stage through to construction phase are being progressed in the context of my Department's multi-annual School Building and Modernisation Programme and the available financial resources. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Consultancy Contracts

102. **Deputy Anthony Lawlor** asked the Minister for Education and Skills if companies (details supplied) are employed by his Department; and if so the capacity of same. [20499/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The information requested is currently being compiled and will be forwarded to the Deputy shortly.

Third Level Courses

103. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills if he will assure the public that places on the springboard scheme in university are additional to previously existing college places and are not displacing places previously available to students who have completed their leaving certificate in the past; and if he will make a statement on the matter. [20530/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Springboard is a specific initiative to provide 6,000 part time higher education places targeted at unemployed people who have lost jobs in sectors where employment levels will not return and who will need new qualifications and skills to re-enter employment as the economy recovers. These part time places were selected following a competitive tender process and are being funded as part of the Government's Job Initiative. The Springboard places are being provided by a range of public, private and not for profit higher education providers throughout the country. The 6,000 places being provided through Springboard are in addition to the number of full-time higher education places available for school leavers and adults who wish to return to full time education

School Transport

104. **Deputy Ciara Conway** asked the Minister for Education and Skills if he will review the decision in relation to primary school transport charges regarding a family (details supplied) in County Waterford; and if he will make a statement on the matter. [20535/11]

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 national school as determined by my Department, are eligible for school transport. The pupils referred to by the Deputy reside less than 3.2 kilometres from their school of attendance and are therefore not eligible for school transport. It is open to ineligible pupils to apply for concessionary transport, subject to a number of conditions, including the payment of the annual charge which is currently €200. This charge is subject to a family maximum of €650 per annum and may be paid in two instalments in July and December.

School Staffing

105. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a person (details supplied) has been placed on a supplementary panel for County Kerry; and if he will make a statement on the matter. [20540/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The primary redeployment panel rules agreed between the relevant education partners and my Department provide supplementary panel rights to eligible fixed-term teachers with between three and five years reckonable teaching service. The teacher referred to by the Deputy has been offered these rights in respect of the 2011-2012 school year. The rules governing the operation of the primary panels are published on my Department's website. It is the intention of the Department to restore recruitment from fixed-term teachers on the supplementary redeployment panels and public advertisement as appropriate at the earliest possible opportunity after all the surplus permanent teachers have been redeployed.

School Accommodation

106. **Deputy Brendan Griffin** asked the Minister for Education and Skills the amount the State spends per annum on temporary school accommodation at primary and secondary level; the measures being taken to reduce this figure; if there are plans to significantly reduce this figure in the future; and if he will make a statement on the matter. [20562/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The amount spent on renting temporary accommodation at primary and post-primary level, including — but not limited to — prefabricated accommodation since 2008 is as follows:

- 2008 €53 million
- 2009: €39million
- 2010: €29million
- 2011 €29million (allocation)

My Department is currently developing new procedures and systems for the provision of temporary accommodation with a view to achieving best value for money. These include the development of standard specifications for temporary accommodation, the development of new contractual terms to incorporate buy-out and relocation options to cater for individual local circumstances and appropriately protect the interests of my Department and school authorities.

A change in policy implemented by my Department is to provide devolved grant aid for the purchase (rather than rental) of additional accommodation where the need for such accommodation is likely to exist for more than 3 years. Furthermore, since July 2008, it is also policy to offer schools being approved for devolved grant aid for additional accommodation the option to use their capital grant aid to build a permanent classroom(s) rather than purchase a prefab. These policies will reduce the usage of prefabricated accommodation and, particularly, the incidence of long term rental of prefabs.

Ministerial Appointments

107. **Deputy Shane Ross** asked the Minister for Education and Skills if he will provide full details of all appointments made at his Department since he took up office. [20572/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Since I was appointed as Minister for Education & Skills on the 9th, March 2011 the following appointments have been made at the Department:

- Legal Services Unit Mr. Ed Kent, Chief State Solicitors Office has been assigned to the Legal Service Unit of my Department.
- Minister's Office.
- Mr. John Walshe, Special Adviser.
- Ms. Deirdre Grant, Special Adviser.
- Mr. Ian O Mara, Personal Assistant.
- Mr. Neil Ward, Personal Secretary.
- Mr. Nashie Grady, Civilian Driver.
- Mr. Seamus Cosgrove, Civilian Driver.
- Minister of State's Office.
- Ms. Martina Forde, Personal Assistant.
- Ms. Niamh Lawless, Personal Secretary.

[Deputy Ruairí Quinn.]

- Mr. Liam Lawless, Civilian Driver.
- Mr. Brendan Glynn, Civilian Driver.

School Staffing

108. **Deputy Pearse Doherty** asked the Minister for Education and Skills if his attention has been drawn to the fact that a school (details supplied) in the Donegal Gaeltacht is unable to provide the Sruth Gaelach for the school year 2011-12; if this is of concern to him in view of the Straitéise 20 Bliain don Ghaeilge; and if he will make a statement on the matter. [20598/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Teacher allocations to secondary school are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In addition to this, schools can be allocated concessionary posts for a number of reasons eg., curricular concessions, special needs, language support etc. The Post Primary Allocations section of my Department have allocated one teaching post to Pobalscoil Chloich Cheannfhaola in respect of the Sruth Gaelach in the school. Four additional hours have also been allocated to the school in respect of the “Muinteoir i bhFeighil” post of responsibility attached to the Sruth Gaelach. I understand that this allocation was notified to the school in a revised staffing schedule which issued in late June.

Higher Education Grants

109. **Deputy John Paul Phelan** asked the Minister for Education and Skills if he has any plans to increase vocational education committee grants for mature students in view of the fact that the grant as it stands does not cover expenses incurred by students and as a result many are dropping out of college or not taking up places. [20610/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I regret that the economic circumstances of the country are such that I am not in a position to alter the rates of grants paid to students. However, students on particularly low incomes will continue to receive a “top-up” in the special rate of grant and the Student Assistance Fund at some €5 million continues to be made available through the access offices of third-level institutions to assist students in exceptional financial need. The access offices themselves will also provide support and advice to students to help them to continue with their studies.

Schools Refurbishment

110. **Deputy Pearse Doherty** asked the Minister for Education and Skills if his attention has been drawn to the current classroom overcrowding problem at a school (details supplied) in County Donegal; the reason this school has not to date been provided with the necessary funds for a extension and/or refurbishment; when such funds will be provided; and if he will make a statement on the matter. [20619/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that the school to which the Deputy refers applied for significant capital funding for the provision of an extension and refurbishment of its existing accommodation. As this is a major capital project, further information has been sought from the school to allow the application to be assessed and considered in the context of my Department’s Building and Modernisation Programme having regard to competing demands on the available capital budget. In the meantime, funding was approved in February last for the provision of a resource room which represented the immedi-

ate deficit of accommodation at the school. No funding has been drawn down by the school to date in respect of this grant.

Departmental Bodies

111. **Deputy Michael McCarthy** asked the Minister for Education and Skills if he will provide a breakdown of the number of quangos which are currently affiliated to his Department; the name and location of each in tabular form; the amount of funding awarded to each in the years 2009, 2010 and 2011 separately; the number of staff in each; the pay levels and pension structures in each quango; and if he will make a statement on the matter. [20636/11]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department's officials have confirmed that the Deputy is referring to bodies under the aegis of my Department. I attach for the Deputy's information the details requested relating to funding and staff numbers for these bodies. With regard to the location of each of bodies under the aegis of my Department details are available from agency websites. As matters relating to pay and pensions are an administrative matter for the bodies themselves the information requested by the Deputy is not collated centrally.

The table below provides (a) a breakdown on funding provided by/through the Department and (b) staffing level details (WTE) for bodies currently under the aegis of the Department. The funding figures provided cover the operating costs of the individual agencies and in some instances may include other costs such as payments of awards, scholarships, etc.

Body Name	€000s (Outturn)			Staffing Levels (WTE) Qtr 1 2011
	2009	2010	2011 Estimate	
An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta	1,194	1,715	2,300	3.00
Commission into Child Abuse	3,570	2,261	3,800	7.20
Education Finance Board (See Note 1)				3.60
Foras Áiseanna Saothair (See Note 2)	1,019,325	1,030,150	472,088	1939.71
Further Education & Training Awards Council	5,900	5,200	5,168	37.00
Grangegorman Development Agency	1,032	1,042	2,080	4.00
Higher Education and Training Awards Council	5,900	5,200	5,168	28.80
Higher Education Authority (See Note 3)	1,032	1,042	2,080	53.20
Irish Research Council for Science, Engineering & Technology (See Note 4)	26,100	21,800	22,600	5.00
Irish Research Council for the Humanities and Social Sciences (See Note 4)	14,400	11,200	10,400	4.60
Léargas — The Exchange Bureau	1,195	1,195	1,195	34.00
National Centre for Technology in Ireland	5,449	5,581	5,612	17.00
National Centre for Guidance in Education	775	775	712	6.00
National Council for Curriculum and Assessment	4,637	3,837	3,812	25.80
National Council for Special Education	9,250	8,216	9,015	107.60
National Qualifications Authority of Ireland	2,579	2,438	2,533	25.00
Residential Institutions Redress Board (See Note 5)	95,244	43,193	45,000	28.90
Skillnets Ltd	16,595	14,330	14,500	19.00

[Deputy Ruairí Quinn.]

Body Name	€000s (Outturn)			Staffing Levels (WTE) Qtr 1 2011
	2009	2010	2011 Estimate	
State Examinations Commission (See Note 6)	56,943	54,286	54,310	153.30
The Teaching Council (See Note 7)				34.50

Note 1: The operation of the Education Finance Board is funded by €12.7 million of the original contribution made by the religious congregations in the context of the 2002 Indemnity Agreement. The only financial contribution that the Department has made to the EFB relates to monies paid in respect of Travel & Subsistence due to some Board Members.

Note 2: The Department of Social Protection will also provide €481.697 million to FÁS in 2011 in respect of Employment Services and Employment Programmes.

Note 3: These figures relate only to the administrative costs of running the Higher Education Authority.

Note 4: Figures provided for both of the Irish Research Councils relate primarily for research scholarships.

Note 5: Residential Institutions Redress Board (inclusive of Residential Institutions Review Committee, Board awards and 3rd Party Legal Costs and payments under the Indemnity Agreement). WTE figure of 28.9 includes 2 staff relating to Review Committee.

Note 6: The figures from the State Examinations Commission are net of income from fees.

Note 7: The Teaching Council has been self-financing since 28th March 2008.

Note 8: Both FÁS and Skillnets Ltd were under the aegis of the then Department of Enterprise, Trade & Employment until May 2010.

Special Educational Needs

112. **Deputy John McGuinness** asked the Minister for Education and Skills the number of special needs assistants employed by schools in counties Carlow and Kilkenny; if he will provide the list of these schools; the number of SNAs that will lose their jobs or will be cut; the schools at which they are currently employed; the number of appeals to retain the SNA he has received; the time frame for a decision in each case; and if he will make a statement on the matter.

[20676/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The information requested by the Deputy on the number of Special Needs Assistants (SNAs) employed by schools in Counties Carlow and Kilkenny is not readily available.

Firstly, I wish to clarify for the Deputy that SNAs are recruited specifically to assist in the care of pupils with disabilities in an educational context. SNA allocations are not permanent as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school or where a child's care needs may have diminished over time. The allocation of SNAs in each school can therefore alter from year to year. The National Council for Special Education (NCSE) is responsible for allocating SNAs to schools.

10,575 whole time equivalent posts are being provided for the coming school year. To manage this limited resource, 475 of these posts will be retained for allocation over the coming school year to address significant emergency cases; new entrants with special needs; or new assessments or injuries acquired during the school year. The NCSE will advise schools early in the new school year of a review process to review allocation decisions to ensure that correct procedures were followed and that they comply with my Department's policy. The merits of individual allocation decisions will not be open to appeal under this mechanism. It will be expected that schools, before requesting a review, will be in a position to demonstrate that they have made every effort to manage their allocation of SNA posts to best effect.

Consultancy Contracts

113. **Deputy Shane Ross** asked the Minister for Education and Skills if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20906/11]

115. **Deputy Shane Ross** asked the Minister for Education and Skills if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20934/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 113 and 115 together.

As my Department's current Financial Management System was introduced in June 2003, the information requested by the Deputy prior to this date is not readily available and would involve a very significant amount of administrative time to compile. Accordingly, the relevant information for the period from June 2003 to date is being compiled and will be forwarded to the Deputy as soon as possible.

114. **Deputy Shane Ross** asked the Minister for Education and Skills the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20920/11]

Minister for Education and Skills (Deputy Ruairí Quinn): As my Department's current Financial Management System was introduced in June 2003, the information requested by the Deputy prior to this date is not readily available and would involve a very significant amount of administrative time to compile. The relevant information for the period from June 2003 to date is currently being compiled and will be forwarded to the Deputy as soon as possible.

Question No. 115 answered with Question No. 113.

Departmental Expenditure

116. **Deputy Shane Ross** asked the Minister for Education and Skills the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21126/11]

Minister for Education and Skills (Deputy Ruairí Quinn): In 2001, my Department agreed through the Teachers Conciliation Council to provide £7,500 annually to each of the three teacher unions towards the cost of substitution, enabling the release of executive members to conduct union business. This payment is reviewed in line with pay movement affecting teachers' salaries. The total cost of this measure from 2001 to date is €283,300. My Department funds professional development courses for teachers organised by teacher unions. The total cost of this funding from 2001 to date was €1.9 million. The amounts paid in each year to each union are in the attached document. It has not been possible in the time available to include details for FÁS which will be supplied to the Deputy in the near future.

Details of Funding provided to Unions for the Provision of continuing Professional Development

Year	Union	Amount €
2003	INTO	205,000
2004	INTO	150,000

[Deputy Ruairí Quinn.]

Year	Union	Amount €
2005	INTO	300,094
2006	INTO	400,000
2007	INTO	413,710
2008	INTO	42,172
2009	INTO	12,500
2003	ASTI	79,305
2004	ASTI	30,000
2005	ASTI	90,000
2008	ASTI	63,391
2004	TUI	58,356
2005	TUI	60,000

Employment Rights

117. **Deputy Joanna Tuffy** asked the Minister for Public Expenditure and Reform the position regarding plans by him to bring about an increase in inspections by the National Employment Rights Authority in respect of compliance by contractors employing workers to carry out publicly funded building projects, it being vital that if State money is paid to such contractors that the contractors should be fully compliant in respect of their obligations and that sufficient oversight is exercised in regard of their obligations and sufficient oversight is exercised in that regard on behalf of the State; and if he will make a statement on the matter. [20532/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The National Employment Rights Authority which has responsibility for monitoring employment conditions through its inspection services and which can enforce employment rights compliance and seek redress — comes under the aegis of my colleague the Minister for Jobs, Enterprise & Innovation. If anyone is aware of specific instances where firms may not be complying with relevant statutory pay and conditions of employment, the matter can be referred to NERA for investigation.

Under the Public Works Contracts there are provisions which impose an obligation on Contractors and their sub-contractors to comply with the legal requirements in relation to the pay and conditions of all employees working on a public sector project. Main contractors are required to provide a certificate of compliance (titled ‘Rates of Pay and Conditions of Employment Certificate’) with each interim statement submitted (normally on a monthly basis). Failure to provide this compliance certificate will result in payment not being made by the contracting authority. If a main contractor provides a certificate of compliance and it is subsequently found to be untrue or partly untrue the contracting authority has the right to deduct the money relating to the work or part of the work covered by the certificate from any sums due to the main contractor. This money can be withheld until the pay and conditions of employment issue is made right. The ultimate sanction if a main contractor continues to be non-compliant is for the main contract to be terminated.

Also under a Public Works Contract a contracting authority has the right, whenever it is deemed necessary, to access data and records on pay and conditions for work persons employed on the site. In the case of capital works projects in excess of €30 million and with a contract duration in excess of 18 months, contracting authorities provide in their contracts for random checks of the records of contractors and sub-contractors to assess compliance with the requirements of the Registered Employment Agreement, as appropriate.

Departmental Expenditure

118. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [20594/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Department of Public Expenditure and Reform makes no payment directly to any trade union. Since 1982, a small annual contribution has been made towards the operating expenses of the Civil Service General Council Staff Panel. The Staff Panel is the umbrella body for all the civil service unions who participate in the Civil Service Conciliation and Arbitration Scheme (C&A scheme), through which civil service industrial relations matters are handled. It performs a co-ordinating function in relation to civil service union representation at the Civil Service General Council. Details of the contributions to the Civil Service General Council Staff Panel are set out in the following table:

Year	2001-2004	2006-2007	2008-2010
Annual contribution	€15,237	€20,000	€22,000

The Department also supports the operation of the implementation mechanism under the Public Service Agreement 2010-2014. The cost of that amounted to €8,738 in 2010. In addition, under an EU Technical Assistance Programme 2000-2006, a contribution was made to the Irish Congress of Trade Unions. The funding was provided for training, etc. on Public Private Partnership (PPP) for the social partners (ICTU and IBEC). A total of €20,390 was paid in 2004 and €27,214 was paid in 2005.

I am aware that the Special EU Projects Body, a North/South Body established under the Good Friday Agreement, has provided EU funding to trade union organisations under the PEACE and INTERREG programmes. In relation to trade union organisations in the South, the following is the position in relation to funding provided to organisations which acted as the lead partner:

Programme	Round	Lead Partner	Project	Amount
INTERREG IIIa	2000-2006	ICTU	New Pathways to Essential Skills	€195,033
PEACE III	2007-2013	ICTU	May Festival	£24,780

Consultancy Contracts

119. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20908/11]

121. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20936/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 119 and 121 together.

[Deputy Brendan Howlin.]

In the past decade, my Department has not made any payments to the companies mentioned in the Deputy's Questions. With regard to the Agencies under the aegis of my Department, I am informed that the State Laboratory, the Office of the Ombudsman and the CPSA also made no payments to the companies covered by the Deputy's question. The Public Appointments Service has made payments to the company mentioned in Question 20908 of €192,000 in 2005 and 2006 for Executive Recruitment Services.

The tables below show amounts that were paid by the Office of Public Works to each of the companies in question during the years 2002 — 2011 together with the details of each project.

Year	Amount €	Detail (Company Mentioned in Question 20908)
2002	19,748	Consultancy Preparing Fin Statements
2002	30,805	Consultancy
2003	1,275	Training
2004	7,373	Consultancy
2004	1,815	Manual — Personnel
2004	7,575	Consultancy Corporate Services
2004	65,741	Risk Assessment Workshops
2004	45,139	Consultancy Dublin Castle
2005-2007	NIL	
2008	5,050	Consultancy Internal Audit
2009-2011	NIL	

Year	Amount €	Detail (Company Mentioned in Question 20936)
2002	1,515	Consultancy Canteen Tax Issues
2002	2,788	Review of Procurement Practice Projects
2003-2004	NIL	
2005	16,554	Advice on wind up of Public Property Development Ltd
2006	1,854	Advice on wind up of Public Property Development Ltd
2007	8,430	Advice on wind up of Public Property Development Ltd
2008-2011	NIL	

120. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20922/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I take it that the Deputy is referring solely to public relations costs and not to advertising costs that would be incurred by my Department in the normal course of business, such as entries into telephone directories, the placing of advertisements in national newspapers, recruitment advertising, advertising associated with the national development plans, e-tenders etc. My Department has had not incurred expenditure in this area over the past decade.

Question No. 121 answered with Question No. 119.

Departmental Functions

122. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform the division of responsibilities between his Department and the Department of Finance. [20520/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Under the Ministers and Secretaries Act, 2011, the Department of Public Expenditure and Reform was formally established on 6th July. Broadly, the responsibilities of my Department include:

- Functions relating to gross voted expenditure management and general sanctioning powers in relation to expenditure
- Functions relating to public service functions i.e. superannuation, remuneration, terms and conditions, appointments
- New statutory powers relating to public service reform functions
- Functions relating to borrowing by State bodies, with a consent role for the Minister for Finance (exceptions include borrowing by the Housing Finance Agency and matters relating to the Local Loans Fund)
- Functions relating to bodies under the aegis of the Department
- A role for the Minister for Public Expenditure and Reform in requesting or approving payments which will be made by the Minister for Finance from the Central Fund.
- Functions in relation to economic and social planning and development, previously assigned to the Minister for Economic Planning and Development are vested in both Ministers
- Functions relating to shares in State bodies

The responsibilities of the Minister for Finance include:

- All Functions relating to Financial Services, Banking, Budget & Economic matters, Taxation, Treasury matters, etc.
- Functions relating to borrowing guarantees
- Functions relating to bodies under the aegis of the Department of Finance in relation to superannuation or remuneration, with the exception of those bodies where the Minister for Finance will now be required to consult with the Minister for Public Expenditure and Reform.
- Functions relating to the Revenue Commissioners.

Question No. 123 withdrawn.

Departmental Expenditure

124. **Deputy Michael McGrath** asked the Minister for Public Expenditure and Reform, further to Parliamentary Question No. 79 of 30 June 2011, the items procured for the establishment of his Department under the heading fit-out of office at a cost of €31,350; and if he will make a statement on the matter. [20395/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The items procured by me in relation to the fit-out of my office, to which the reply to Parliamentary Question 79 referred are set out in the following table.

[Deputy Brendan Howlin.]

Description

4 LCD TV sets	3 TV Cables	2 x Mount Walls for TV sets
3 x LG DVD Players	2 x Stereos	Espresso machine
New Kettle	Photo Copier	Carpet for one room
New Furniture charges; supply and deliver of Tambour Units with 4 File Chassis and 2 Shelves	New Tea Station	4 Mobile phones

The total cost of €31,350 included the cost of electrical, plumbing, painting and other work related to the installation of these items.

Consultancy Contracts

125. **Deputy Anthony Lawlor** asked the Minister for Public Expenditure and Reform if companies (details supplied) are employed by his Department; and if so the capacity of same. [20508/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): At present, my Department has engaged one person, from one of the companies listed by the Deputy, to provide expert advice and assistance in relation to the public sector reform agenda. There are no other contracts in place at present with any of the other companies mentioned.

Semi-State Bodies

126. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform if he will specify the number of semi-State companies that paid bonuses to second-tier management staff in each of the years 2009, 2010 and 2011 separately; if he will outline on an annual basis the full name of each company concerned, the corresponding individuals who each received bonuses, their title within the company, the amount of each bonus paid, the date on which the bonus was paid and if any bonuses which were approved by boards were subsequently turned down by individuals in tabular form; and if he will make a statement on the matter. [20513/11]

135. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent he has reviewed performance related payments throughout the State and semi-State sectors; and if he will make a statement on the matter. [20644/11]

136. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform if performance related payments have been made in cases in which the performance was below par; and if he will make a statement on the matter. [20645/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 126, 135 and 136 together.

Performance Related Award Schemes for the Civil Service, the Permanent Defence Forces, An Garda Síochána, the Health Service and the Local Authorities were suspended in 2009. In relation to those Non Commercial State Sponsored Bodies (NCSSBs) who have approved PRAS in place, decisions on performance-related bonuses for chief executives and, where relevant, other senior staff are a matter for the Boards concerned. However, Secretaries General of Government Departments were informed (April 2009) that, notwithstanding the contractual issues involved, it would be appropriate that consideration of any bonus payments should be suspended. Secretaries General were asked to convey this position to the bodies and agencies

under the aegis of their Departments. The suspension of such schemes was subsequently agreed in the overwhelming number of cases. Where suspended, PRAS may not be reintroduced without my prior consent.

In relation to the position of PRAS for CEOs in Commercial State Companies, my Department is in the process of writing to all Departments with Commercial State Companies under their aegis in the context of conducting a review of the current system. In the interim the position of this Government that — notwithstanding the contractual issues involved — performance payments are not appropriate in the current climate is well known.

As I have no direct role in the making of awards under any PRA Scheme, I am not aware of any awards having been made where the relevant Board/Remuneration Committee considered that an individual's performance was below par. As all PRA Schemes are, and where suspended were, based on achieving pre determined performance targets and goals, awards should not arise in such circumstances. In the case of , for example, CEOs of Commercial State Companies, the “Guidelines on Contracts, Remuneration and Other Conditions of Chief Executives and Senior Management of Commercial State Bodies” (March 2006) provide *inter alia* for performance related payments to be paid only where the performance criteria set by the relevant Boards have been met in full, that such criteria must impose challenging and demanding performance standards on the CEO and that a CEO should not be rewarded for results which are attributable primarily to external factors. As I have no statutory role in the remuneration, including the provision or otherwise of PRAS, for 2nd tier management in Commercial State Companies I do not have the information requested.

Departmental Staff

127. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform if he will provide full details of all appointments made at his Department since he took up office. [20581/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The following individuals have been appointed at my Department since I took office:

- Anne Byrne, Special Adviser
- Rónán O'Brien, Special Adviser
- Eugene O'Sullivan, Civilian Driver
- Tony Brennan, Civilian Driver
- Marion Doyle, Constituency Office (Wexford)
- Frances Kelly, Parliamentary Assistant
- Robert Watt, Secretary General
- Deirdre Hanlon, Assistant Secretary.

Public Service Staff

128. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform if it is expected that budgetary requirement appertaining to the public service in terms of employment levels are likely to be met by natural wastage and voluntary redundancy; and if he will make a statement on the matter. [20637/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government are committed to reducing public service numbers in accordance with the Programme for Government. From a budgetary point of view we have already achieved 40% of the required

[Deputy Brendan Howlin.]

numbers reduction for 2011 in the first quarter of the year. The targets set to date are achievable by the mechanisms of natural wastage and voluntary redundancy. I will, of course, be reviewing these targets at Budget time to see if further reductions are necessary. The Comprehensive Expenditure Review will inform our policy decisions in this regard.

Public Sector Reform

129. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform his priorities in respect of public sector reform; and if he will make a statement on the matter. [20638/11]

134. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which he has identified areas of public sector reform likely to yield greatest benefit with minimum negative impact; and if he will make a statement on the matter. [20643/11]

137. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the practices identified by him as being most in need of reform; and if he will make a statement on the matter. [20646/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 129, 134 and 137 together.

As outlined in the Programme for Government, this Government is committed to the most ambitious programme of Public Service Reform since the foundation of the State. This will take place in tandem with an equally significant programme of constitutional, political and institutional reform to ensure that there is a fundamental change in democratic and public governance, and a dramatic change in the cost efficiency and methods of delivery of public services. It is clear that the cost of delivering public services must be reduced further and that the Public Service must become better integrated and more customer-focused, as well as being leaner and more efficient.

The Government wants to make progress on this issue quickly and detailed implementation plans are being developed at present, which will encompass the commitments to Public Service reform in the Programme for Government and priority areas from the existing Transforming Public Services programme. The focus is on the key actions now required and how they will be implemented to ensure that substantive and tangible change is delivered within clearly defined timeframes.

These plans will focus on actions to improve performance by organisations and individuals; ensure greater efficiency, effectiveness and economy; and ensure flexibility in the deployment of people and resources. Particular priority areas will include eGovernment, shared services, public procurement, and business process improvement. The priorities and practices to be addressed will, of course, also be informed by the Comprehensive Review of Expenditure which is underway across all Government Departments.

This ambitious programme of reform will be overseen by the recently established Cabinet Committee on Public Service Reform, which is chaired by the Taoiseach and which I convene. In addition, it is my intention to establish a dedicated office within my Department to facilitate, drive and support the reform programme. This office will work closely with organisations across the Public Service, enabling them to drive the delivery of reform at a local level, as well as leading on cross-cutting reform initiatives. The office will include appropriate expertise in areas such as shared services, business process improvement, and others as required.

Public Service Staff

130. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the extent to which reduction in the number of public sector employees as intended by the previous administration is on target to date; and if he will make a statement on the matter. [20639/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): Based on the information supplied to this Department, staff numbers have been reduced by almost 16,500 between the end of 2008 and the end of March this year. The breakdown across each sector is set out in the table and shows considerable progress has been achieved across the public service during this period. The Government is committed to achieving the targets set out in the Programme for Government over the period 2011 — 2015 as a minimum requirement towards achieving a modern, efficient and cost effective Public Service which can continue to deliver a high quality of public services.

Public Sector Numbers Quarter 1 2011 vs Quarter 4 2008

	2008	2011	
	Qtr4	Qtr1	Change from Q4 2008 to Q1 2011
Civil Service	38,817	36,763	-2,054
Defence Sector	11,265	10,445	-820
Education Sector	95,024	93,607	-1,417
Health Sector	111,025	105,664	-5,361
Justice Sector	15,692	14,686	-1,005
Local Authorities	35,008	30,416	-4,591
NCSA	13,060	11,876	-1,185
Total	319,891	303,457	-16,434

Questions Nos. 131 and 132 answered with Question No. 20.

133. **Deputy Bernard J. Durkan** asked the Minister for Public Expenditure and Reform the degree to which he intends to review personnel numbers throughout the public sector with a view to ensuring that such redeployments take place as required in order to protect the integrity of the services, that areas or sectors experiencing greatest natural wastage or voluntary redundancy can be met with such reorganisation as necessary; and if he will make a statement on the matter. [20642/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Government are committed to the reduction in public service numbers in accordance with the programme for Government. The actual exit mechanisms to be used will depend in part on the rate of natural wastage and decisions taken under the Comprehensive Review of Expenditure on the required future size of particular sectors and bodies. In regard to the redeployment of staff in order to ensure continuity regarding the provision of essential public services, the Public Service Agreement 2010-14 (Croke Park Agreement) sets out separate redeployment arrangements for the Health, Education, Local Authority, Civil Service and non-commercial semi-State body sectors. In general, redeployment opportunities are to be sought first within each sector and thereafter in the wider public sector. The Health, Education and Local Authority redeployment processes are managed by the relevant line Department or agency. The Agreement envisages

[Deputy Brendan Howlin.]

redeployment taking place for a number of reasons mainly related to rationalisation and reorganisation.

Under the Agreement, the Public Appointments Service (PAS) operates a system of Resource Panels for the Civil Service and State Bodies to support redeployment within and between those sectors. The system itself is now available to employers within those sectors. The PAS is currently developing a supporting website to include background and explanatory material for employers and staff.

Significant redeployment of staff and reassignment of work has already taken place within Departments and other bodies to meet operational priorities in response to the reduction in staff numbers. In addition, redeployment is ongoing within and between the Civil Service and other sectors. To date, this has largely been in the context of structural re-organisation or levies, both of which are specifically recognised in the Agreement. For instance over the past two years or so almost 500 staff transferred, mainly under levies and trawls for volunteers to the Department of Social Protection and the Central Statistics Office (CSO) for Census 2011. A further 2,000 or so HSE and FÁS staff are transferring to the Department of Social Protection with their functions.

Question No. 134 answered with Question No. 129.

Questions Nos. 135 and 136 answered with Question No. 126.

Question No. 137 answered with Question No. 129.

Health and Safety Regulations

138. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn to the danger posed to young children from looped cord window blinds which have resulted in the deaths of children here and worldwide; if he will consider recommending restrictions on the sale of such blinds on health and safety grounds, up to and including an outright ban; if his attention has been drawn to any such restrictions in other States; and if he will make a statement on the matter. [20446/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The EU's General Product Safety Directive (2001/95/EC), transposed into Irish law by S.I. No. 199 of 2004, places the onus on all operators, manufacturers, distributors, importers etc. to ensure that only safe products are placed on the market. If operators become aware that products on the market present a potential hazard they must take appropriate measures up to and including recall of the items, to ensure that the risk is removed. Any action taken by an operator must be notified to the relevant Market Surveillance Authority: in Ireland this is the National Consumer Agency (NCA).

On the specific issue of window blinds a new European standard has been in place since February 2009 which has been adopted as 'Irish standard I.S. EN13120 — Internal blinds — Performance requirements including safety'. As well as specifying the requirement for the fitting of internal blinds, this standard deals with the construction, transport, installation, operation and maintenance of window blinds. If operators are compliant with the safety measures built into this European standard they would be regarded as meeting the safety requirements of the General Product Safety Directive and in these circumstances there would be no grounds for introducing a ban.

The NCA has produced a useful ‘Consumer Guide to the Safety of Window Blinds’ which includes advice on making blinds and curtains safe in order to minimise risk of accident as well as guidance on ensuring that blinds or curtains being purchased comply with the Irish standard I.S. EN13120. This leaflet is available on the NCA’s website: *www.nca.ie*

Work was initiated by the European Committee for Standardisation (CEN) in 2010 to revise the European Standard EN 13120 in order to strengthen requirements in relation to risks of strangulation by young children. Ireland has actively participated in the working group responsible for this revision. More recently work has taken place to draw up a parallel support-standard relating specifically to the testing of such products. Both the revised standard EN 13120 and the new support-standard are expected to be published in 2012.

In order to take account of national concerns in this area it is proposed that a national standard, more comprehensive than the European standard, will be published late in 2011 on providing guidance for manufacturers and installers as well as consumers on safe window blind products. This standard will include other important guidance such as installation of corded window products and information on installation, including safety aspects, as well as training requirements for installers, manufacturers and sales representatives. To this end a committee has been established by the National Standards Authority of Ireland (NSAI) comprised of representatives of the manufacturing and installation sectors as well as the NCA. A draft standard will be available for public consultation in the forthcoming weeks.

Industrial Relations

139. **Deputy Catherine Murphy** asked the Minister for Jobs, Enterprise and Innovation the specific concerns that were voiced at his recent meeting with the Communications Workers’ Union; the specific actions that he will commit to undertake to address these concerns; and if he will make a statement on the matter. [20398/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I met with representatives of the Communications Workers’ Union on 4th July regarding the Union’s concerns around the recent announcement by Vodafone to offshore 139 jobs from its Irish call centres. I understand that Vodafone Ireland, which is not an IDA or EI client, has announced this as a part of a review of its European operations and which will also impact on its operations in other EU Member States. I am advised, as part of this process, that the company has been in discussions with unions and its Irish Call Centre contract partner, Rigney Dolphin. I am aware that Vodafone has decided that a portion of the existing contracted call centre operations in Dundalk and Dublin will be moved to other locations — Egypt and India — within the Vodafone Group and to other specialist contractors in Ireland.

This decision will impact 45 Vodafone roles and 139 in Rigney Dolphin — the 139 staff are employed by Rigney Dolphin but are in-sourced to Vodafone and are based at its sites in Dublin and Dundalk. I have been assured that Rigney Dolphin will work through the implications of the redundancies with their employees.

I also understand that all impacted Vodafone employees will be offered the opportunity to transfer to alternative roles within Vodafone Ireland, and voluntary redundancy packages will be offered. A consultation process is now underway with all Vodafone employees affected by the decision to finalise the alternatives available. The changes to Vodafone Call Centre operations will take place in late 2011 and early 2012. My officials and Minister of State Sean Sherlock recently met with Vodafone. The company explained that in the current market environment, cost efficiencies are a prerequisite so as to ensure their continued ability to compete in the Irish market where they employ over 1,000 people.

[Deputy Richard Bruton.]

While Vodafone is not an IDA Ireland client, I understand from IDA Ireland that it has an ongoing relationship with Vodafone Ireland with a view to identifying potential corporate opportunities to expand the Irish operation, and that IDA Ireland's London office is fostering relationships with Vodafone at a corporate level. In support of these efforts to attract new employment opportunities from Vodafone, I am myself meeting with the Vodafone Group CEO next week.

Consultancy Contracts

140. **Deputy Anthony Lawlor** asked the Minister for Jobs, Enterprise and Innovation if companies (details supplied) are employed by his Department; and if so the capacity of same. [20503/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): None of the named companies are currently employed by my Department.

Job Creation

141. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the way ready access to the provisions of the jobs initiative can be made in the case of a person (details supplied) to create a number of jobs which will involve import substitution; and if he will make a statement on the matter. [20523/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Jobs Initiative, which was announced by the Government on 10 May, represented a positive intervention to support those entrepreneurs and business people that will create jobs and rebuild our economy. The measures announced in the Jobs Initiative included the halving of Employer's PRSI on employee earnings up to €356 per week, reductions in the lower rate of VAT from 13.5% to 9%, and commitments on access to credit, procurement and microfinance. The extent to which these measures impact on a particular enterprise will depend on the nature and specific situation of the enterprise in question.

I also indicated, as part of the Jobs Initiative, that I would will be seeking to increase the awareness and take up of existing State supports to businesses, including Revenue's Job Assist and the Employers PRSI Incentive Scheme. In this context, my Department's website, www.djei.ie, now includes links to some of the main supports available to businesses for job creation and productivity. Some of these supports are available from the County and City Enterprise Boards (CEBs) and Enterprise Ireland, both of which come under my Department's remit.

With regard to the specific enquiry made by the Deputy, I would advise the promoter in question to contact his local CEB — the Kildare County Enterprise Board — in the first instance, to discuss what options may be available to him and his proposed business venture. Kildare County Enterprise Board is located at:

The Woods,

Clane,

Co. Kildare.

Phone No: 045-861707, Fax No: 045-861712:

Email: info@kildareceb.ie

Website: www.kildare.ceb.ie

The core activities of the Board include:

- provision of financial interventions to support business development;
- provision of business advice and mentoring;
- delivery of programmes aimed at improving the skills of owner managers so as to assist business survival rates and facilitate future growth;
- creating local enterprise awareness and developing an enterprise culture.

The criteria under which financial assistance is available is based on factors such as the sector of the economy in which an enterprise is operating or intends to operate, and the size, or proposed size, of the enterprise. The enterprise must be in the commercial sphere, must demonstrate a market for the proposed product/service, must have a capacity for growth and new job creation and must not employ more than 10 people. Kildare County Enterprise Board must give priority to enterprises in the manufacturing or internationally traded services sector and must always give consideration to any potential for deadweight and displacement arising from a proposed enterprise. The provision of non-financial assistance can take the form of a wide range of business advice and information services, management capability training and development programmes, e-Commerce training initiatives etc.

Ministerial Staff

142. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation if he will provide full details of all appointments made at his Department since he took up office. [20576/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Since taking up office on the 9th March 2011 the following appointments have been made at my Department.

Appointments made by Minister Richard Bruton

Name	Appointed	Title	Salary Scale
Mr. Patrick Cluskey	9th March 2011	Personal Assistant	€43,715 — €52,925 (Personal Assistant payscale)
Ms Gabrielle Noble	9th March 2011	Personal Secretary	€456.50p.w — €880.41p.w (Personal Secretary payscale)
Mr. Conor Quinn	30th March 2011	Press Adviser	€80,051 — €92,672 (Principal Officer payscale)
Mr. Sean Divilly	6th May 2011	Civilian Driver	€631.75 per week
Mr. John Murray	16th May 2011	Civilian Driver	€631.75 per week

Appointments made to Minister Sean Sherlock's Office

Name	Appointed	Title	Salary Scale
Ms Davina Hickey	10th March 2011	Personal Assistant	€43,715 — €52,925 (Personal Assistant payscale)
Ms Úna Willis	10th March 2011	Personal Secretary	€456.50p.w — €880.41p.w (Personal Secretary payscale)
Mr. Liam Carroll	11th April 2011	Civilian Driver	€631.75 per week
Mr. Dan Ryan	9th May 2011	Civilian Driver	€631.75 per week

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Appointments made to Minister John Perry's Office

Name	Appointed	Title	Salary Scale
Mr. Francis Brennan	10th March 2011	Personal Assistant	€43,715 — €52,925 (Personal Assistant payscale)
Mr. Peter Gerard Mullin (.5 work/sharing)	10th March 2011	Personal Secretary	€456.50p.w — €880.41p.w (Personal Secretary payscale)
Mr. Christopher Murphy (.5 work/sharing)	10th March 2011	Personal Secretary	€456.50p.w — €880.41p.w (Personal Secretary payscale)
Mr. Dermot Browne	11th April 2011	Civilian Driver	€631.75 per week
Mr. Thomas Walsh	18th April 2011	Civilian Driver	€631.75 per week

Skill Shortages

143. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation the number of US multinationals that have expressed concern about the lack of adequate training in the science, innovation and mathematics area; and if he will make a statement on the matter. [20589/11]

Minister of State at the Department of Jobs; Enterprise and Innovation (Deputy Sean Sherlock): Ireland is a successful major centre for Industrial operations. In the ICT sector nine of the top ten software companies in the world have substantial operations here. The ready availability of top quality talent has been an important contributing factor to the success of both multinational and indigenous companies in Ireland. The cluster of internationally renowned firms and smaller Irish companies offer a range of attractive career opportunities for professionals.

I am aware of the skills shortage currently being experienced by industrial employers, and particularly within the ICT industry. As part of frequent discussions which I and my Department and agencies have with Industry, I recently met with ICT Ireland, the ICT arm of IBEC along with my colleague, Mr Ruairi Quinn, T.D., Minister for Education and Skills. Industry representatives outlined their concern at the shortage of skilled graduates for the vacancies that currently exist in this industry.

The Minister for Education and Skills outlined his plan for meeting the needs of the ICT Sector in the short and medium term. This includes the Springboard programme, which will provide approximately 6,000 part time higher education places for unemployed people. The programmes are in areas where skills shortages or potential employment growth opportunities have been identified by the Expert Group on Future Skills Needs (EGFSN). Nineteen public and private higher education providers will offer a total of 65 ICT courses, with a target enrolment of 2,074 students. This is the single biggest area of provision (31%) supported through Springboard.

I also met on 11 July with the American Chamber of Commerce Ireland, which represents US Business in Ireland, and this was one of the issues raised. The Chamber has recently done a survey of its members which indicates a number of vacancies which are difficult to fill, arising mainly from skill shortages in the ICT and Engineering fields. The number of vacancies revealed in this survey was similar to the number identified by the EGFSN. The Chamber had

also discussed the matter with the Minister for Education and Skills. It very much welcomed Minister Quinn's proposed Action Plan on the issue, and indicated that industry is anxious to play its part in implementing this. The Chamber also expressed the view that, for the longer term, initiatives in second level education in mathematics and science would be crucial to addressing the matching of skills with Science, Technology and Engineering employment opportunities.

Consultancy Contracts

144. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation if he will provide details of the total amount paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20910/11]

146. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation if he will provide details of the total amount paid by his Department to a company (details supplied) in the past decade; the details of the projects.. [20938/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 144 and 146 together.

In the time available since this Question was tabled my Department was unable to compile the information requested, which extends back ten years. Once my staff have collated the information I will forward it to the Deputy.

145. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20924/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Answering this question will involve an extensive check of the Department's records over the past 10 years which it is not possible to complete in the time available. I will communicate with the Deputy further when this exercise is complete.

Question No. 146 answered with Question No. 144.

Departmental Expenditure

147. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21130/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The information requested is as follows.

Year	Beneficiary	Purpose	€
2000-2003*	ICTU	Project Funded through National Framework Committee for Work Life Balance Policies	202,154
	SIPTU	Project Funded through National Framework Committee for Work Life Balance Policies	10,300
2001	ICTU	Grant towards Education, Training and Advisory Service	1,008,172
2002	ICTU	Grant towards Education, Training and Advisory Service	1,043,000

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Year	Beneficiary	Purpose	€
2003	ICTU	Grant towards Education, Training and Advisory Service	1,043,000
2004	ICTU	Grant towards Education, Training and Advisory Service	1,080,000
2005	ICTU	Grant towards Education, Training and Advisory Service	1,773,000
	ICTU	Project Funded through National Framework Committee for Work Life Balance Policies	247
2006	ICTU	Grant towards Education, Training and Advisory Service	1,801,000
	ICTU	Project Funded through Workplace Innovation Fund	153,104
2007	ICTU	Grant towards Education, Training and Advisory Service	1,827,000
	Impact	Grant towards expenses incurred in amalgamation/transfer of engagements	42,937
	ICTU	Project Funded through National Framework Committee for Work Life Balance Policies	192
2008	ICTU	Grant towards Education, Training and Advisory Service	1,510,000
	Independent Workers' Union & Seamen's Union of Ireland	Grant towards expenses incurred in connection with amalgamation efforts of IWU and SUI	9,737
	ICTU	Project Funded through National Framework Committee for Work Life Balance Policies	5,000
2009	ICTU	Grant towards Education, Training and Advisory Service	1,200,000
	ICTU	Project Funded through Workplace Innovation Fund	231,788
2010	ICTU	Grant towards Education, Training and Advisory Service	804,750
	Independent Workers' Union & Seamen's Union of Ireland	Grant towards expenses incurred in connection with amalgamation efforts of IWU and SUI	14,780

* The Committee's activities were funded from the Department of Justice, Equality and Law Reform Vote from 2000 to end 2003.

Civil Registration

148. **Deputy Aodhán Ó Ríordáin** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in Dublin 5; and if she will make a statement on the matter. [20403/11]

Minister for Social Protection (Deputy Joan Burton): The procedures for registering births in the State are contained in the Civil Registration Act 2004. Under that Act, there is no provision to provide for the amendment of an existing birth entry, or for the creation of a new birth entry to reflect the acquired gender of persons who wish to have their new gender recognised in the State. The provision of birth certificates to transgendered persons reflecting their acquired gender will have to be catered for in legislation.

The matter was the subject of consideration by the Gender Recognition Advisory Group which was established to advise on the legislation required to provide for legal recognition of the acquire gender of transsexual or transgendered persons. The report of the Group, which I received on 15 June 2011, was submitted to the Government this week and is being published

today. I cannot be definitive at this stage about when I will be in a position to introduce legislation to give legal recognition to transgendered persons, but I would hope to do so later in the year.

Social Welfare Benefits

149. **Deputy Brendan Griffin** asked the Minister for Social Protection if a person (details supplied) in County Cork will be awarded rent by the Health Service Executive; and if she will make a statement on the matter. [20415/11]

Minister for Social Protection (Deputy Joan Burton): The purpose of rent supplement is to provide short-term support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. Under the legislative provisions governing rent supplement, the Department's relationship is with the tenant; the tenant makes the application for rent supplement and payment is made to the tenant. Rent supplement is specifically for the benefit of tenants to assist them with their accommodation needs. There is no direct relationship between the landlord and the Department in the administration of the scheme.

It is open to the landlord to bring to the attention of the HSE any instance where a tenant is receiving Rent Supplement but is not paying their rent. Where a Community Welfare Officer becomes aware that a person receiving Rent Supplement is not using that supplement to meet housing costs, payment of the supplement is suspended and the matter investigated. Any overpayment of Rent Supplement incurred in circumstances of this kind may be recoverable from the tenant.

Where a landlord has a grievance in relation to the non payment of rent by a tenant, s/he may apply to the Private Residential Tenancies Board to have the dispute resolved through the board's dispute resolution process. The tenant of the landlord concerned may contact the Community Welfare Services if he wishes to pursue an application for rent supplement.

Social Welfare Benefits

150. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when a back to education allowance will be approved in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20665/11]

Minister for Social Protection (Deputy Joan Burton): According to the records of the Department no application for a back to education allowance has been received from the person concerned.

Question No. 151 withdrawn.

Pension Provisions

152. **Deputy Jack Wall** asked the Minister for Social Protection the reason a person (details supplied) in County Kildare is on a reduced rate of pension; and if she will make a statement on the matter. [20409/11]

Minister for Social Protection (Deputy Joan Burton): The qualifying conditions for State pension (contributory) require the applicant to have entered insurable employment before attaining the age of 56 years; have at least 260 paid contribution weeks, from employment or self-employment, since entry into insurance and; satisfy the yearly average condition.

[Deputy Joan Burton.]

The person concerned satisfies the above conditions and has a total of 884 reckonable (paid and credited) social insurance contributions. When this total is divided by 51 (the number of years from date of entry into insurance to the end of the last tax year prior to reaching age 66), this gives a yearly average of 17 contributions, and entitles her to a reduced State pension (contributory) of €172.70 per week (75% of the maximum rate). In order to qualify for a maximum rate pension, a yearly average of 48 or more would be required.

Question No. 153 withdrawn.

Social Welfare Appeals

154. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when an appeal for disability allowance will be finalised in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [20425/11]

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 9th March 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 21st April 2011 and the appeal will be referred to an Appeals Officer, in due course, who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

155. **Deputy Tom Fleming** asked the Minister for Social Protection when a person (details supplied) in County Kerry will be awarded rent allowance. [20428/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that it has awarded a rent supplement of €61.00 per week to the person concerned from 6th June 2011 and that payment will issue in due course.

156. **Deputy Robert Troy** asked the Minister for Social Protection if a claim for supplementary welfare allowance and rent allowance will be expedited and approved in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [20433/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive (HSE) has advised that it has received no application for rent supplement from the person concerned. However, the HSE has stated that the person concerned has recently provided documentation requested in relation to her application for a mortgage interest supplement under the supplementary welfare allowance scheme. A decision on entitlement will be made shortly. The HSE has further advised that it has no record of any other application from the person concerned for assistance under the supplementary welfare allowance scheme.

157. **Deputy Robert Troy** asked the Minister for Social Protection if a claim for the back to school clothing and footwear allowance will be expedited and approved in respect of a person

(details supplied) in County Westmeath; and if she will make a statement on the matter. [20436/11]

Minister for Social Protection (Deputy Joan Burton): The administrative arrangements for the 2011 Scheme differ from those that applied in previous years. For this year, the majority of back to school clothing and footwear allowance entitlements were fully automated with no application form required from customers. According to the information available to the Department the person in question has already been paid their full entitlement under the 2011 scheme.

Question No. 158 withdrawn.

159. **Deputy Robert Troy** asked the Minister for Social Protection if a claim for the back to school clothing and footwear allowance will be expedited and approved in respect of a person (detail supplied) in County Westmeath; and if she will make a statement on the matter. [20438/11]

Minister for Social Protection (Deputy Joan Burton): The administrative arrangements for the 2011 back to school clothing and footwear allowance scheme differ from those that applied in previous years. For this year, the majority of back to school clothing and footwear allowance entitlements were fully automated with no application form required from customers. Those customers who did not receive an automated payment are required to complete an application form that is available for download from *www.welfare.ie* or by texting “Form BTSCFA”, followed by their name and address to 51909.

Processing has begun on the manual applications already received and it will take 4-6 weeks to process applications. In all cases a letter will issue to applicants informing them of the decision and, where payment has been awarded, when and where they can collect the payment. In the case of refusal of the allowance the procedures for review of the decision will be outlined to customers. Due to the large volume of applications received, information regarding the receipt or progress of individual applications will not be available until such time as the applications have been examined and a decision taken.

160. **Deputy Robert Troy** asked the Minister for Social Protection if a claim for supplementary welfare allowance will be expedited and approved in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [20439/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive (HSE) has advised that the person concerned made an application for a Travel Supplement on 7 July 2011. The HSE further advised that a decision on this case will be made shortly.

Social Welfare Appeals

161. **Deputy Patrick O’Donovan** asked the Minister for Social Protection the position regarding an appeal on a recent decision regarding illness benefit in respect of a person (details supplied) in County Limerick. [20452/11]

Minister for Social Protection (Deputy Joan Burton): Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was registered on 12 July 2011 and the Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer’s comments on the grounds of the appeal. In

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that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed. 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.

Consultancy Contracts

162. **Deputy Anthony Lawlor** asked the Minister for Social Protection if companies (details supplied) are employed by her Department; and if so the capacity of same. [20506/11]

Minister for Social Protection (Deputy Joan Burton): The Department has a major programme of business, organisational and technological change underway to enable it to modernise the services which it provides to its customers. The Department uses external consultancy firms to assist with information technology work. The Department also engages consultants for work which comes within the definition of ‘consultancy’ set out in Department of Finance guidelines — where a person or organisation provides intellectual or knowledge based services (e.g. expert analysis and advice) through delivering reports, studies, assessments, recommendations, proposals, etc. that contribute to decision making or policy making. The information requested by the Deputy is set out in the attached table. KPMG or PwC are not presently engaged by the Department in a consultancy capacity.

Company	Consultancy
Deloitte & Touche	Provision of Information Systems internal audit services
Deloitte & Touche	Provision of Forensic Investigation Services
Ernst & Young	Provision of assistance in the development and implementation of various information security projects and protocols

Social Welfare Benefits

163. **Deputy John Lyons** asked the Minister for Social Protection if she will confirm that an application for back to school clothing and footwear allowance has been received in respect of a person (details supplied) in Dublin 11. [20512/11]

Minister for Social Protection (Deputy Joan Burton): The administrative arrangements for the 2011 back to school clothing and footwear allowance scheme differ from those that applied in previous years. For this year, the majority of back to school clothing and footwear allowance entitlements were fully automated with no application form required from customers. Those customers who did not receive an automated payment are required to complete an application form that is available for download from www.welfare.ie or by texting “Form BTSCFA”, followed by their name and address to 51909.

Processing has begun on the manual applications already received and it will take 4-6 weeks to process applications. In all cases a letter will issue to applicants informing them of the decision and, where payment has been awarded, when and where they can collect the payment. In the case of refusal of the allowance the procedures for review of the decision will be outlined to customers. Due to the large volume of applications received, information regarding the receipt or progress of individual applications will not be available until such time as the applications have been examined and a decision taken.

164. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when it is likely an application for jobseeker's allowance will be assessed in respect of a person (details supplied) in County Kildare; if the application has been urgently considered with a view to payment; and if she will make a statement on the matter. [20514/11]

Minister for Social Protection (Deputy Joan Burton): The inspector's report in this case has been forwarded to a deciding officer for decision and the person concerned will be notified of the decision shortly.

165. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the extent, if any, to which rent support entitlements have been reviewed in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20515/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that on 24 May 2011, the designated Appeals Officer upheld the decision of the Community Welfare Officer not to award a rent supplement to the person concerned on the grounds that the rent payable was in excess of the prescribed limit for a single person.

Proposed Legislation

166. **Deputy Stephen Donnelly** asked the Minister for Social Protection if she has brought the report of the gender recognition advisory group to the Cabinet this week; if a timetable has been agreed for its publication; and if she will provide a provisional estimate of when the resulting legislation will be drafted [20525/11]

Minister for Social Protection (Deputy Joan Burton): The Gender Recognition Group was established last year to advise on the legislation required to give legal recognition to the acquired gender of transsexual or transgendered persons. The report of the group, which I received on 15 June, was submitted to Government this week and is being published today. I cannot be definitive at this stage about when I will be in a position to introduce legislation to give legal recognition to transgendered persons but I would hope to do so later on in the year.

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167. **Deputy Robert Troy** asked the Minister for Social Protection if an application for the back to school clothing and footwear allowance will be expedited and approved in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [20529/11]

Minister for Social Protection (Deputy Joan Burton): The administrative arrangements for the 2011 back to school clothing and footwear allowance scheme differ from those that applied in previous years. For this year, the majority of back to school clothing and footwear allowance entitlements were fully automated with no application form required from customers. Those customers who did not receive an automated payment are required to complete an application form that is available for download from www.welfare.ie or by texting "Form BTSCFA", followed by their name and address to 51909.

Processing has begun on the manual applications already received and it will take 4-6 weeks to process applications. In all cases a letter will issue to applicants informing them of the decision and, where payment has been awarded, when and where they can collect the payment. In the case of refusal of the allowance the procedures for review of the decision will be outlined to customers. Due to the large volume of applications received, information regarding the

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receipt or progress of individual applications will not be available until such time as the applications have been examined and a decision taken.

Ministerial Staff

168. **Deputy Shane Ross** asked the Minister for Social Protection if she will provide full details of all appointments made at her Department since she took up office. [20579/11]

Minister for Social Protection (Deputy Joan Burton): Details in respect of all staff who have been assigned to my Department since my appointment as Minister for Social Protection in March 2011 are as follows:

The position in relation to permanent staff is that 68 staff have transferred to the Department from other Government Departments with a further two staff transferring from public sector organisations to fill critical vacancies. Two Medical Assessors have also been recruited to fill critical vacancies.

The position in relation to temporary staff is that 60 temporary clerical officers have been recruited to provide cover for staff availing of statutory leave such as maternity leave, carers leave and long-term sick leave. A further 287 temporary clerical officers have been recruited to provide cover for staff who are availing of unpaid leave under the shorter working year scheme.

In addition to the staff outlined above I have appointed, for the duration of my term of office as Minister for Social Protection, a Personal Secretary, a Personal Assistant and 2 civilian drivers. In my role as Deputy Leader of the Labour Party I also have a further support person, employed by the Labour Party. Also, arrangements are at an advanced stage to appoint a Special Advisor and a Press Advisor.

The three statutory bodies operating under the aegis of my Department are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of this Department. Since my appointment as Minister for Social Protection I have not made any appointments to the boards operating under the aegis of my Department.

Social Welfare Benefits

169. **Deputy Pearse Doherty** asked the Minister for Social Protection the number of applications for the respite grant to date in 2011; the number of applications which have not been processed and awarded; the average time it is currently taking her to process respite grant applications; and if she will make a statement on the matter. [20596/11]

Minister for Social Protection (Deputy Joan Burton): The Respite Care Grant is an annual payment made to all persons providing full-time care, regardless of means or PRSI contributions, but subject to certain conditions. The grant is payable from the first Thursday in June of the year in question.

Details of the number of stand-alone applications, from carers not in receipt of Carer's Allowance, Carer's Benefit or Domiciliary Care Allowance, for the period January 2011 to end-June 2011 are set below. In addition to these cases payments have been made in respect of the circa €75,000 people in receipt of carers allowance / carers benefit and domiciliary care allowance. The average time taken to process an application in this period was 19 weeks.

Stand-alone Respite Care Grant applications 2011

Month	Undecided at start of month	Received	Decided	Undecided at end of month
January	361	89	219	231
February	231	123	107	247
March	247	141	160	228
April	228	2,254	87	2,395
May	2,395	2,258	72	4,581
June	4,581	551	2,144	2,988

Civil Registration

170. **Deputy Seán Kyne** asked the Minister for Social Protection the position regarding the review of the Civil Registration Act 2004 to enable the registration of the deaths of Irish persons abroad; and if she has examined the legislation as it stands in the UK which was suggested during the adjournment debate of 24 May 2011 on the issue. [20617/11]

Minister for Social Protection (Deputy Joan Burton): The provisions and procedures governing the registration of deaths in Ireland are contained in Part 5 of the Civil Registration Act, 2004 and these are as follows.

Where a death occurs in the State it is the duty of a qualified informant (normally a relative of the deceased) to attend at a registrar's office and register the death on foot of a certificate of cause of death supplied by a registered medical practitioner. Where a death is referred to a coroner, the death is registered by a registrar on foot of a coroner's certificate. In general, only deaths which occur within the State are registerable. However, Section 39 of the Act, provides for the following exceptions:

1. deaths of members of the Garda Síochána or the Permanent Defence Force or of the spouse or specified members of the family of such a member outside the State while the member is serving outside the State as such member,
2. deaths of persons on board an Irish aircraft or an Irish ship,
3. deaths of Irish citizens on board a foreign ship or a foreign aircraft travelling to or from a port, or an airport, as the case may be, in the State.

Section 38 of the Act makes provision for the registration of a death of an Irish citizen domiciled in the State in certain specific circumstances. Where the death of an Irish citizen domiciled in the State occurs abroad, the death may be registered here if there was not at the time of the death a system of registration of deaths in the place where the death occurred, or such a system that applied to such a death, or it is not possible to obtain copies of or extracts from civil records of the death ie. a death certificate. In other words, if the death could not be registered or if a death certificate could not be obtained, the death can be registered here. Although the number of such cases is extremely small it is considered reasonable to make provision for them.

The reasoning behind these provisions is simply to ensure that where deaths cannot be registered abroad, they can be registered here and that in all cases the relatives of the deceased have available to them a certificate of the death for personal, legal and administrative purposes. Usually, when an Irish citizen dies abroad, the death is registered by the civil authorities of the place where the death occurred, and a certified copy of the death registration is obtainable. This certificate, translated, if necessary, is normally sufficient for all legal and administrative

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purposes here and for these reasons alone there is no necessity for the death to be registered in the State.

Any broadening of the current provisions will require careful consideration. It will be appreciated that the number of people who live and die in other countries and who have or are entitled to have Irish citizenship is very large. This would have implications both for the registration process itself and for the vital statistics relating to deaths which are derived from registered events.

A death certificate is readily available in the overwhelming majority of these cases. However, I do appreciate that many families of the deceased feel strongly that by registration of the death, the person's death is given recognition in his/her own country and also that this fact would assist during a period of considerable grief.

The Department will therefore have this matter reviewed in the context of future amendments to the Civil Registration Act, 2004. A general review of the provisions of the Civil Registration Act, 2004 is expected to be completed later this year. The procedures and legislation on this issue, as it stands in the UK, will be considered as part of the review.

Questions Nos. 171 to 173, inclusive, withdrawn.

Social Welfare Benefits

174. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if she will review proposals to recover over-payment of social welfare payments in view of the fact that the person (details supplied) in question was entitled to a higher level of payment based on the number of dependants, such payments being about equal to amount of alleged over payment; and if she will make a statement on the matter. [20662/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned had been assessed with an overpayment of one parent family payment for the amount of €14,226.60 in respect of the period from 27 October 2005 to 20 June 2007. She subsequently claimed one parent family payment from 24 September 2009 until she withdrew her claim with effect from 5 May 2011. However, a payment up to 11 May 2011 had issued to the person concerned resulting in an overpayment of €289.70.

The person concerned was informed of her right to appeal the decision to assess this latter overpayment but no appeal has been received to date. In any such appeal, it is open to her to provide any new facts or evidence to support her contentions. The combined overpayments assessed against the person concerned total €14,516.30 and she has been requested to make arrangements for the repayment, over a period if necessary, of this sum.

Consultancy Contracts

175. **Deputy Shane Ross** asked the Minister for Social Protection if he will provide details of the total amount of money paid by her Department to a company (details supplied) in the past decade; and details of the projects. [20913/11]

177. **Deputy Shane Ross** asked the Minister for Social Protection if she will provide details of the total amount of money paid by her Department to a company (details supplied) in the past decade; the details of the projects. [20941/11]

Minister for Social Protection (Deputy Joan Burton): It is proposed to take Questions Nos. 175 and 177 together.

The following payments were made to PriceWaterhouseCoopers in the past decade in respect of projects:

Year	Projects	€
2001	Child Benefit Review	23,797
2002	Child Benefit Programme — Service Delivery Model Project	494,363
2003	Financial Management System	153,670
2005	Officer Identity & Access Management policy	29,040
2005	Embedding a structure, methodology and tools for managing Information Risk	50,000
2006	Consultancy regarding level of risk posed by the Department's critical IT-based information systems	257,047

There were other non-project payments made to PriceWaterhouseCoopers as follows:

Year	Projects	€
2002	Software Support & Maintenance— Appeals Office	72,460
2003	Publication of (Technology Forecast 2003-2005) — Reach Unit	50
2007	Risk Assessment Workshop	12,100
2008	External Training	1,990
2008	Senior Management Accountability Workshop	2,786

There were no payments made to KPMG in the past decade.

176. **Deputy Shane Ross** asked the Minister for Social Protection the total cost of hiring external public relations companies by her Department over the past decade; and if she will make a statement on the matter. [20927/11]

Minister for Social Protection (Deputy Joan Burton): Over the past decade, expenditure of some €6,500 was incurred by my Department on the hiring of public relations companies. This arose in 2002 when my Department's Press Office engaged the services of a public relations company to give advice on a public relations strategy. The Department's press office generally deals with all media queries and public relations matters.

Question No. 177 answered with Question No. 175.

National Parks

178. **Deputy Michael Healy-Rae** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding repairs to roadways to Muckross House (details supplied) in County Kerry; and if he will make a statement on the matter. [20555/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The works referred to by the Deputy are included in the programme of capital works planned for Killarney National Park this year. Having completed a number of the necessary stages of the normal procurement procedure, this project has now gone to tender and it is hoped that it will commence very shortly. These works follow on from considerable work undertaken over recent years on the maintenance and improvement of the extensive network of paved and unpaved roadways in Killarney National Park.

179. **Deputy Brendan Griffin** asked the Minister for Arts, Heritage and the Gaeltacht if he will prioritise the repairing and resurfacing works for a park (details supplied) in County Kerry; and if he will make a statement on the matter. [20416/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The works referred to by the Deputy are included in the programme of capital works planned for Killarney National Park this year. Having completed a number of the necessary stages of the normal procurement procedure, this project has now gone to tender and it is hoped that it will commence very shortly. These works follow on from considerable work undertaken over recent years on the maintenance and improvement of the extensive network of paved and unpaved roadways in Killarney National Park.

Consultancy Contracts

180. **Deputy Anthony Lawlor** asked the Minister for Arts, Heritage and the Gaeltacht if companies (details supplied) are employed by his Department; and if so the capacity of same. [20495/11]

184. **Deputy Shane Ross** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20902/11]

186. **Deputy Shane Ross** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20930/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I propose to take Questions Nos. 180, 184 and 186 together.

My Department was established on 2 June 2011 and, therefore, the Deputy will appreciate that the information sought by him can only be provided from this date. I am advised the companies referred to are not employed by my Department and that no payments were made to them since the establishment of my Department.

Turbary Rights

181. **Deputy Charles Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht regarding Coolrain or Windsor Bog, County Laois, in view of the fact that the site was adopted by the European Commission on 7 December 2004 and notified through publication in *The Official Journal of the European Union* on 29 December 2004, having regard to SI No. 94/1997 European Communities (Natural Habitats) Regulations 1997, when and the means by which the owners and/or occupiers were notified of the candidate status of the bog in question; when and the means by which the owners and/or occupiers were notified of the decision that the site was so adopted; the date the notification of the designation was published in *Iris Oifigiúil*; and if he will make a statement on the matter. [20522/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The then Minister's intention to designate Coolrain Bog in County Laois as a Special Area of Conservation (SAC) was originally notified in December 2002. Landowners were notified directly at that time and, in addition, the proposal to designate the site was advertised in the Leinster Express on 21 December 2002 and displayed in public access points throughout the County. Protective mechanisms in respect of SAC sites are effective from the date of initial notification of these sites. My Department is currently in the process of drafting Statutory Instruments for each of

the SAC sites and Coolrain Bog, along with the other SACs, will be put on a statutory basis with individual instruments drafted for each site. Landowners will then be notified of the designation of the site and public notice will be given in Iris Oifigiúil and by other means.

Ministerial Appointments

182. **Deputy Shane Ross** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide full details of all appointments made at his Department since he took up office.

[20568/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I assume that the Deputy is referring to appointments made by me to state bodies funded from my Department's Vote Group since I took up office. Details of these appointments are reflected in the following table.

Board	Name	Date of Appointment
National Gallery of Ireland	Fred Krehbiel	7th June 2011
National Concert Hall	Dearbhla Collins	11th July 2011
	John McGrane	11th July 2011
	Laurie Cearr	11th July 2011
	Gina Menzies	11th July 2011
	Bruce Arnold	11th July 2011
	Margaret Ryan	11th July 2011
	Ray Bates	11th July 2011
	Alma Hynes	11th July 2011
	Artemis Kent	11th July 2011
	Deborah Kelleher	11th July 2011
	Peter McEvoy	11th July 2011
	Pat Heneghan	11th July 2011
	Rachel Holstead	Re-appointed 11th July 2011
	Patricia Slavin	Re-appointed 11th July 2011

School Curriculum

183. **Deputy Pearse Doherty** asked the Minister for Arts, Heritage and the Gaeltacht if his attention has been drawn to the fact that a school (details supplied) in the Donegal Gaeltacht is unable to provide the Sruth Gaelach for the school year 2011-12; if this is of concern to him in view of the Straitéise 20 Bliain don Ghaeilge; and if he will make a statement on the matter. [20597/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I understand that this matter is one for the Minister for Education and skills. A reply will issue from him today to an identical question from the Deputy.

Question No. 184 answered with Question No. 180.

Consultancy Contracts

185. **Deputy Shane Ross** asked the Minister for Arts, Heritage and the Gaeltacht the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20916/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department was established on 2 June 2011 and, therefore, the Deputy will appreciate that the information sought by him can only be provided from that date. I am advised that a payment of €5,445 was made since the establishment of my Department to Zoetrope PR for the provision of press and communications services in respect of Culture Ireland's *Imagine Ireland* initiative in the United States.

Question No. 186 answered with Question No. 180.

Departmental Funding

187. **Deputy Shane Ross** asked the Minister for Arts, Heritage and the Gaeltacht the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21122/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department was established on 2 June 2011 and, therefore, the Deputy will appreciate that the information sought by him can only be provided from that date. I am advised that no funding of the nature referred to by the Deputy was provided by my Department since 2 June.

Consultancy Contracts

188. **Deputy Anthony Lawlor** asked the Minister for Communications, Energy and Natural Resources if companies (details supplied) are employed by his Department; and if so the capacity of same. [20496/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Of the companies listed, KPMG is currently employed by my Department for the provision of a professional accountant, on a full time secondment basis, to provide financial advice across a range of issues.

Ministerial Staff

189. **Deputy Shane Ross** asked the Minister for Communications, Energy and Natural Resources if he will provide full details of all appointments made at his Department since he took up office. [20569/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The following appointments have been made at my Department since I took up office:

Name	Position	Appointed By	Date of Appointment
Mr Finbarr O'Malley	Special Adviser to Minister Rabbitte	Government	28 March 2011
Mr Simon Nugent	Special Adviser to Minister Rabbitte	Government	11 April 2011
Mr Stephen Nolan	Personal Assistant	Minister Rabbitte	10 March 2011
Ms Linda Brien	Personal Secretary	Minister Rabbitte	10 March 2011
Mr John Kennedy	Civilian Driver	Minister Rabbitte	2 May 2011
Mr Kevin Eager	Civilian Driver	Minister Rabbitte	2 May 2011
Ms Marie Cullen	Personal Assistant	Minister of State O'Dowd	10 March 2011
Ms Geraldine Meegan	Personal Secretary	Minister of State O'Dowd	10 March 2011
Mr Michael Foley	Civilian Driver	Minister of State O'Dowd	18 April 2011

Name	Position	Appointed By	Date of Appointment
Mr Andrew Hewitt	Civilian Driver	Minister of State O'Dowd	18 April 2011

Exploration Licences

190. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the processes that would have to be gone through and the permissions that will have to be granted to enable a company (details supplied) to extract natural gas in County Leitrim and the body that will grant such permissions; if fracking will be considered a suitable method of extraction in principal; and if he will make a statement on the matter. [20605/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The principal authorisations required from my Department for a petroleum production project would be a Petroleum Lease and an approval for the developer's plan of development. The plan of development would set out the basis for the project and the rationale for the selection of the appropriate development option. The Plan of Development would be subject to an Environmental Impact Assessment including a public consultation phase. In preparing an Environmental Impact Statement to support a plan of development application, the developer would have to assess the potential environmental impacts of the proposed project.

A petroleum production project would also be likely to require consents from other statutory authorities including the planning authorities and the Environmental Protection Agency. With regard to the licensing options issued in respect of the Northwest Carboniferous Basin, it is too early to conclude whether or not these authorisations will proceed to the exploration licence stage and it is certainly too early to anticipate a commercial discovery that would potentially lead to a petroleum production project.

Remediation Works

191. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources if it is intended to carry out further remedial works at the old Silvermines site in County Tipperary; if the €10.6 million provided by the previous Government is still available for this work; and if he will make a statement on the matter. [20606/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): By decision dated 28 June 2005 the then Government agreed that the State would undertake rehabilitation of the former mine sites at Silvermines County Tipperary, and in 2008 the Minister advised Government of the updated cost estimate of €24 million, which would be incurred over a number of years. By end 2011, expenditure on the project will have amounted to approximately €11.3m.

In the context of decisions in Budget 2011, which provided for an overall reduction of nearly €49 million in the Department's capital provision for 2011, funding for Silvermines has reduced and in consequence necessitates a rephrasing of previously anticipated project elements, particularly the Garryard element of the project, which amongst other things would, once started, have to be brought to completion as a single phase whereby guaranteed financing of the entirety of the works would be necessary. Officials of My Department will continue to engage with Tipperary North County Council, the State's agent for the project, to ensure the protection of the investment already made, the bringing of conclusion of current elements and the long term approach to the project.

Consultancy Contracts

192. **Deputy Shane Ross** asked the Minister for Communications, Energy and Natural Resources if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20903/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The total amount of money paid to PWC by my Department since the formation of the Department in June 2007 is €242,600. This expenditure was incurred in respect of financial and economic advice received in the following areas:

Project	Amount
Communications	€15,125
Broadcasting	€114,043
Natural Resources	€103,532
Administration	€9,900

193. **Deputy Shane Ross** asked the Minister for Communications, Energy and Natural Resources the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20917/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): As my Department was established in its present form in 2007, the identification of records prior to January 2007 cannot be facilitated without undue commitment of staff resources and administrative cost. However, if the Deputy has a question in relation to a specific item I will make appropriate enquiries. The total amount paid to external public relation companies from 2007 to date, by my Department is €399,729. The bulk of this expenditure (€370k) was in relation to the Power of One (The National Energy Efficiency Awareness campaign) during 2007 and 2008. That campaign has been managed by the Sustainable Energy Authority of Ireland, since 2009.

194. **Deputy Shane Ross** asked the Minister for Communications, Energy and Natural Resources if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20931/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The total amount of money paid to KPMG by my Department since the formation of the Department in June 2007 is €516,671. This expenditure was incurred in respect of financial and economic advice received in the following areas:

Project	Amount
Communications	€56,621
Natural Resources	€181,500
Administration	€278,550

The expenditure on Administration in the table above relates to a professional accountant seconded to the Department on a full-time basis to provide financial advice across a range of issues.

Departmental Funding

195. **Deputy Shane Ross** asked the Minister for Communications, Energy and Natural Resources the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21123/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): As my Department was established in its present form in 2007, the identification of records prior to January 2007 cannot be facilitated without undue commitment of staff resources and administrative cost. However, if the Deputy has a question in relation to a specific item I will make appropriate enquiries. Since its establishment my Department has not provided monies to fund trade unions, related bodies or trade union interests or causes.

Departmental Agencies

196. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government the number of persons employed by the Environmental Protection Agency who had a basic salary in excess of €100,000, €150,000, €200,000, €250,000 in 2009 and 2010; the bonus payments that were payable to these staff; the remuneration packages available to the chief executive officer and board members; and if he will make a statement on the matter. [20414/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The number of persons employed by the Environmental Protection Agency (EPA) (including the Director General and members of the Executive Board) who had basic salaries in excess of the amounts referred to in the Question are as follows:

Year Ending	>€100,000	>€150,000	>€200,000	>€250,000
2009	9	2	1	0
2010	6	1	0	0

The EPA does not pay any bonuses to staff. The board of the EPA is executive in nature and its members are full time salaried positions. Members are appointed by the Government under section 24 of the Environmental Protection Agency Act 1992. The current salary of the Director General is €182,787 and the salary scale for Directors is €127,588 to €145,952.

Waste Management

197. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government the grants available for organisations to remove disused or obsolete medical equipment from the State; and if he will make a statement on the matter. [20424/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Medical equipment, with the exception of implanted or infected medical devices, relying for its functioning on a source of electrical energy or any source of power, other than that directly generated by the human body or gravity, at end of life is categorised as Waste Electrical and Electronic Equipment (WEEE) and is subject to the provisions of the Waste Management (Waste Electrical and Electronic Equipment) Regulations 2005, as amended. Under the terms of the WEEE Regulations, financing the environmentally sound management, including recycling, of waste electrical and electronic equipment is solely a producer responsibility.

[Deputy Phil Hogan.]

There are no grants available from my Department for organisations to remove disused or obsolete medical equipment. Where an end-user of obsolete medical equipment under the scope of the WEEE Regulations is replacing it with new equipment, the producer of the new equipment must provide free take back for the end-of-life equipment, and finance its environmentally sound management as WEEE. This requirement stands irrespective of the brand of the old equipment or the brand of the new equipment being supplied. In the case of such replacements, it also does not matter when the old equipment was originally placed on the market.

There may be situations where a final end-user of the equipment may wish to discard it and not replace it with new equipment. In such situations, the final end-user is responsible for ensuring that the end-of-life equipment is managed properly as WEEE, where the equipment was originally placed on the market before 13 August 2005. My Department does not have a role in regard to the disposal of non-electrical or non-electronic medical equipment.

Fire Services

198. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if the fire fighting services for the community of Castlegregory, County Kerry, that covers the environs of Stradbally, Brandon and surrounding areas, will be restored in order to protect the lives of persons in these communities; and if he will make a statement on the matter. [20440/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981. Accordingly, the question of whether the voluntary fire service referred to in the question should be restored is a matter for the Kerry fire authority.

Kerry County Council's fire services are provided by a retained staffing system. Retained fire-fighters are employees of fire authorities, and are organised to provide a full professional fire service throughout the county, including for the communities referred to in the question. The retained fire services are appropriately trained, equipped, supervised and operate to proper procedures. Volunteer fire units operate in a relatively small number of areas, but outside the direct control of the fire authority. The volunteer unit in question does not have the requisite training to attend certain types of incidents. While it has received some training, equipment and funding from the Council in the past, it does not report to and is not under the control of the Council's Fire Section.

I would again like to re-iterate that the most effective measure to protect the lives of persons in these, as in all communities, is to ensure that each dwelling is fitted with proper smoke alarms. I encourage all households in Kerry, as throughout the country, to ensure that this is the case.

Consultancy Contracts

199. **Deputy Anthony Lawlor** asked the Minister for the Environment, Community and Local Government if companies (details supplied) are employed by his Department; and if so the capacity of same. [20500/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In the context of relevant commitments in the EU/IMF Programme of Financial Support and the Programme for Government, Price Waterhouse Coopers have been engaged as part of a consortium contracted to provide consultancy services on the establishment of a National Water Utility. This contract runs from June 2011 to end October 2011 at a cost of €118,580. None of the other companies referred to in the Question is contracted to my Department.

Unfinished Housing Estates

200. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government in relation to circulars HFDP and PSSP2/11 Unfinished Estates and Public Safety, if he will confirm the allocation and breakdown to Monaghan County Council under Category 4 estates. [20510/11]

Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose): The table below sets out details on funding sought by Monaghan County Council for public safety measures to be undertaken on Category 4 developments.

Development	Location	Funding Sought	Recommendation
Forest Walk	Monaghan Town	€3,405	Full amount
Chapel Court	Carrickroe	€5,700	Full amount
Wylies Hill	Ballybay	€211,715	See Note below

Note: Further information has been sought in respect of this application. A decision will issue promptly following consideration of this information, when received.

Mortgage Schemes

201. **Deputy Ray Butler** asked the Minister for the Environment, Community and Local Government the number of mortgages provided and the total amount of mortgage funding lent through the home choice mortgage scheme; the total cost of establishing this scheme; the running costs to date, inclusive, of salaries paid; and if he will make a statement on the matter. [20524/11]

Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose): To date 10 Home Choice Loans have been issued, with a total value of €2,007,080. A further 6 Home Choice Loans have been approved but not yet drawn down, with a total value of €1,192,840.

The total cost to date of administering the scheme is approximately €305,925. These costs include the setting up of the central processing unit (CPU) within the Housing & Sustainable Communities Agency (HSCA), formerly the Affordable Homes Partnership. The costs were met fully from within existing resources within the HSCA. A significant element of the staffing costs was incurred in the development of the loan processing model which applies to the Home Choice Loan but which has also now been used in the development of revised systems for processing and credit checking of standard local authority house purchase loan applications under other schemes such as tenant purchase, shared ownership etc. The HCL scheme is intended to be a temporary one which will be withdrawn once conditions in credit markets return to normal patterns.

Planning Issues

202. **Deputy Joe Carey** asked the Minister for the Environment, Community and Local

[Deputy Joe Carey.]

Government the rationale behind the provision of the facility whereby under the planning and development regulations 2001-10, only an applicant and not an observer or objector may submit unsolicited additional information on a planning application before decision; and if he will make a statement on the matter. [20526/11]

Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose): Section 33(2)(c) of the Planning and Development Act 2000 makes provision for a person to make a submission or observation on a planning application on payment of the prescribed fee and within the prescribed period. Under the Planning Regulations the prescribed fee is €20 and the prescribed period is 5 weeks beginning on the date of receipt of the planning application by the planning authority. Where a submission or observation (other than from a prescribed body) is received outside of this period, or is not accompanied by the €20 fee, the planning authority return the submission and notify the person that his or her their submission or observation cannot be considered. I have no plans to amend the Regulations in this regard at present.

203. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government in view of the fact that current legislation states the removal of site planning application notices is at the discretion of the applicant, if he has any plans to provide legislation for the removal of site planning notices after the period of planning application has elapsed and a decision on the application has been taken by the local authority; and if he will make a statement on the matter. [20543/11]

Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose): Article 20 of the Planning and Development Regulations 2001 provides that a site notice shall be maintained in position on the land or structure concerned for a period of 5 weeks from the date of receipt of the planning application by the planning authority, shall be renewed or replaced if it is removed or becomes defaced or illegible within that period and shall be removed by the applicant following the notification of the planning authority decision on the planning application under article 31. I have no proposals to amend the legislation in this regard.

Local Authority Funding

204. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government in view of the extraordinarily high rate multiplier being applied by Kerry County Council, which is by far the highest in the country by a county council, and the relatively high multipliers applied by Tralee and Killarney Town Councils, if he will review the level of funding being provided to Kerry County Council and Tralee and Killarney Town Councils in order to allow these councils to make a significant reduction in rates for business or if he will explore other options that would allow for reduced rates for business in these council areas; and if he will make a statement on the matter. [20560/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The levying and collection of rates are matters for each individual local authority. The Annual Rate on Valuation (ARV), which is applied to the valuation of each property to obtain the amount payable in rates, is decided by the elected members of each local authority in the annual budget and its determination is a reserved function of a local authority. However, I have urged local authorities to exercise restraint in setting the ARV in this and previous years and they have responded positively in this regard. In this context, both Kerry County Council

and Tralee Town Council have not increased their ARVs since 2009 while Killarney Town Council has reduced its ARV in 2011 to a level below that which pertained in 2008. I recognise that these are difficult economic times for many businesses and I will continue to keep matters relating to commercial rates under regular consideration in my Department.

Significant levels of funding continue to be provided to local authorities by central government, including through General Purpose Grants from the Local Government Fund. In 2011, General Purpose Grants of €23,238,216 have been allocated by my Department to Kerry County Council, while €1,603,506 has been allocated to Killarney Town Council and €2,694,458 to Tralee Town Council. These grant allocations are determined having regard to a wide range of factors, including the overall level of funding available, the cost to each authority of providing a reasonable level of service, the income that should accrue to each authority from local services and specific grants and the need to ensure that each authority will receive a grant that will ensure financial stability in all local authorities.

These significant grant allocations have reduced the burden that would otherwise have fallen on local charges and commercial rates and have ensured that the funding needs of local authorities have been met in a balanced way. Other sources of local revenue include the non-principal private residence charge, housing rents, environmental and other waste charges and charges for non-domestic water services which, together with commercial rates, provide over half the current funding needs of local authorities. The balance of funding is provided through specific State Grants, the most important of which are local and regional road grants through the Department of Transport, Tourism and Sport.

It is a matter for each local authority to determine its own spending priorities in the context of the annual budgetary process having regard to locally identified needs. I am satisfied that the level of funding provided to these local authorities through their general purpose grant payments, together with the income available from other sources, makes a significant contribution towards enabling the Councils to provide a reasonable level of services to the public. Unfortunately, and in light of the current financial situation, there is no additional grant funding available for these local authorities in 2011.

Proposed Legislation

205. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if he will provide a timeframe for the passage of the environment Bill through the Oireachtas; the implications of the environment Bill for the restoration of the bilingual name of Dingle-Daingean Uí Chuis; and if he will make a statement on the matter. [20564/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): It is my intention that the Environment (Miscellaneous Provisions) Bill will proceed through all stages in both the Dáil and Seanad before the end of July. I intend introducing an amendment to the Bill at Dáil/Report stage to substitute a revised and updated Part 18 of the Local Government Act 2001 which sets out the procedures for changing the names of towns, townlands, non-municipal towns, streets and localities.

The new Part 18 will restate large elements of the existing Part 18 but with significant changes and some new provisions. It will provide that any proposal adopted by a local authority to change a placename must specify the proposed name in Irish only or in English and in Irish; there will be an explicit requirement that any plebiscite held must be by way of secret ballot; and it will provide that any change of placename made under local government law will supersede any order made by the Minister for Arts, Heritage and the Gaeltacht under section 32 of the Official Languages Act 2003.

[Deputy Phil Hogan.]

In relation to Dingle/An Daingean, the amendment will undo the impact of the Placenames (Ceantair Ghaeltachta) Order 2004 made under the 2003 Act, as it applies to An Daingean, and will provide that the official name of the town in the Irish language will be Daingean Uí Chúis and in the English language will be Dingle.

Ministerial Staff

206. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government if he will provide full details of all appointments made at his Department since he took up office. [20573/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I appointed Ms Claire Langton as Special Adviser to my office with effect from 10 March 2011 with an annual salary of €80,051 and I am currently arranging for the appointment of a second Special Adviser. In addition, with effect from the 10 March 2011, I appointed a Personal Secretary and Personal Assistant, both with an annual salary of €51,365, and two Civilian Drivers, each with an annual salary of €32,965, were appointed in May 2011.

My colleague, Minister of State Mr Willie Penrose, appointed Mr Aidan Culhane as his Special Adviser on 23 May 2011 with an annual salary of €80,051. In addition, with effect from the 10 March 2011, he appointed a Personal Secretary and Personal Assistant with an annual salary of €47,755 and €52,925 respectively. One Civilian Driver on an annual salary of €32,965 was appointed on 21 March 2011 and a second driver, on the same salary, was appointed on 9 May 2011. There have been no appointments in respect of Minister of State Mr Fergus O'Dowd.

Other appointments made in my Department since March 2011 include a Meteorological Officer with an annual salary of €27,464, Assistant Director of Met Éireann with an annual salary of €94,770, and Meteorologist with an annual salary of €30,218. Also, and subject to sanction from the Department of Finance, a variable number of seasonal staff, mostly based in the National Parks, are recruited annually mainly for guiding and park maintenance work. Responsibility for the heritage function, including the National Parks, has now transferred to the Department of Arts, Heritage and the Gaeltacht.

Departmental Agencies

207. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government if he is satisfied with reports of wasteful spending by the Environmental Protection Agency; and the measures he intends to take to end such extravagance. [20592/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Environmental Protection Agency (EPA) is a statutorily independent body which receives funding from my Department through the Environment Vote and from the Environment Fund. The EPA also derives income directly from some of its activities, particularly licensing activities.

The Agency is subject to the requirements of the Code of Practice on the Governance of State Bodies. It is statutorily required to prepare an annual report of its activities each year and to present this to me with its annual accounts, which are subject to external audit by the Comptroller and Auditor General. In this regard, the Comptroller and Auditor General has not identified any issues for concern in regard to the Agency's financial management and it is understood that the 2010 audit process is almost complete. Following submission of the annual

report and accounts to the Government, they are then laid before the Houses of the Oireachtas. The Director General of the Agency is also accountable to the Public Accounts Committee.

One of the Agency's many important functions is to inform and educate the public, including young people, about Ireland's environment in order to achieve behavioural change in key areas such as waste minimisation, water conservation and climate change. This is a particularly challenging role given our changed economic environment and the EPA does this through various awareness-raising initiatives which aim to promote thought, debate and action on the environment. I believe awareness-raising initiatives and programmes, particularly for primary and secondary schools, are the way forward in addressing attitudes and behaviour in Ireland today and for its future generations. I will be asking the EPA to prioritise its core funding for 2012 and in that context to consider the usefulness of expenditure on awareness-related and promotional materials.

The changed economic circumstances and the application of the Employment Control Framework arrangements have affected all public bodies, including the EPA. Nonetheless, the EPA has continued to deliver a vital service with fewer resources in recent years and to meet its obligations under a wide range of EU and national legislation.

Building Regulations

208. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if he intends amending the building regulations to ensure that providers of waste water products will be responsible for the design and supply of same and to ensure consumer protection in this area; and if he will make a statement on the matter. [20604/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The design and installation of wastewater treatment systems for single houses is addressed in the Environmental Protection Agency's (EPA) Code of Practice in respect of Wastewater Treatment and Disposal Systems Serving Single Houses (2009). Part H — Drainage and Wastewater Disposal — of the Building Regulations has recently been amended to reflect relevant parts of the EPA's Code of Practice. The accompanying Technical Guidance Document (TGD H 2010) further stipulates that the design and commissioning of wastewater treatment systems should be carried out and/or supervised by a suitably qualified person and that the owner of the building should be provided with sufficient, clear and comprehensive information on any continuing maintenance required to facilitate the effective operation of the system in order to protect human health and the environment.

Meitheal Forbartha na Gaeltachta

209. **D'fhiafraigh Éamon Ó Cuív** den Aire Comhshaoil, Pobail agus Rialtais Áitiúil an bhfuil feidhmeannach neamhspleách ainmnithe do MFG mar a sonraíodh i bhFreagra Scríofa Parlaiminte den 10 Bealtaine 2011, an tréimhse a bhfuil sé ceaptha ina leith, na socrúithe gearrthéarmacha airgid atá socraithe idir Pobal agus MFG; agus an ndéanfaidh sé ráiteas ina thaobh. [20607/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Is eol don Teachta go ndearna Pobal, a dhéanann reachtaíocht ar an gClár Forbartha Áitiúil agus Pobail ar son mo Roinn, iniúchadh ar Meitheal Forbartha na Gaeltachta(MFG) i Mí Eanáir 2010. Cé gur cuireadh toradh an iniúchadh agus na moltaí gaolmhara in iúl do MFG i Mí Meitheamh 2010, tá aghaidh le tabhairt ag MFG fós ar chuid de na ceistanna a ardaíodh sa tuairisc.

[Deputy Phil Hogan.]

Ceapadh feidhmeannach neamhsplách do MFG ar an 30ú Meitheamh 2011 chun scrúdú a dhéanamh ar na ceisteanna atá fós gan réiteach agus le meicníochtaí feiliúnach a aitheant leis na gceisteanna seo a réiteach. Tá sé i gceist ag an gcoiste a gcinntí eatramhacha a chur ar faoi bhráid Pobal i lár Mí Lúnasa 2011.

Tá maoiniú sealadach faoin gClár Forbartha Aitiúil agus Pobail curtha ar fáil do MFG (go dtí Meán Fómhair 2011) chun tacú le críochnú na tuairisce eatramhach. Cuirfidh Pobal togra faoi bhráid mo Roinn bunaithe ar an méid atá le rá sa tuairisc sin. Tá suíl le tuairisc deiridh an choiste faoi dheireadh Mí Meán Fómhair 2011, nuair a chuirfear faoi bhráid Bord Pobal é. Cuirfear moltáí i leith na tuairisce in iúl do mo Roinn ina dhiaidh sin.

Waste Disposal

210. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government the position regarding steps he has taken to ensure that household waste collectors, including private companies and local authorities, that weigh the waste, comply with any legal requirements including those provided for under the Synopsis of Metrology Act, including section 26; and if he will make a statement on the matter. [20628/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Part IV of the Waste Management Act 1996 and associated secondary legislation provides for the regulation of household waste collection services. However, the Legal Metrology Service of the National Standards Authority of Ireland is the statutory body responsible for regulating and supervising weights and measures.

Measuring instruments used by private companies or local authorities for waste weighing are subject to the Metrology Act 1996 as instruments in trade use. The Metrology Act provides that such instruments must be designed, approved and individually verified at all times. Verification requires the application of seals, the removal of which for repair or adjustment requires a further verification of the instrument. Instruments in use are inspected from time to time by Legal Metrology Service inspectors of the National Standards Authority of Ireland.

Where a measuring instrument is provided so that it can be used by a member of the public at their request, e.g. to determine the weight of a vehicle for tax purposes, and where a charge is made for providing such a facility, Section 26 of the Metrology Act requires that the operator of the instrument must hold a certificate of competency under the Act. Waste collection services using trucks that weigh domestic waste when collecting such waste from households do not fall within the provisions of Section 26 of the Act.

I have recently published a discussion document to help inform a public consultation process on the Government's commitment to introduce competitive tendering for household waste collection, whereby service providers will bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service. The discussion document, which is available on my Department's web site, provides details of how such a reorganisation of household waste collection might work, identifies potential benefits and presents some questions to which it is hoped consultees will respond. The document also makes reference to fee structures, including pay by weight pricing. I look forward to all relevant interests engaging with the consultation process, which is open until 2 September 2011.

Consultancy Contracts

211. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local

Government if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20907/11]

213. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20935/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 211 and 213 together.

Information in relation to these Questions is currently being compiled by my Department and will be forwarded to the Deputy as soon as possible.

212. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20921/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Information in respect of my Department is being compiled and will be forwarded to the Deputy as soon as possible.

Questions No. 213 answered with Question No. 211.

Departmental Expenditure

214. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21127/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information requested is set out in the following table.

Year	Amount €	Organisation	Reason for Funding
2003	15,000	SIPTU funding via the Local Authority National Partnership Advisory Group (LANPAG)*	Training of SIPTU trade union representatives in areas relevant to the partnership process. These funds were paid by LANPAG into the SIPTU National Health and Local Authority Levy Fund Account.
2004	10,000		
2005	91,857		
2006	179,264		
2007	271,564		
2008	181,746		
2009	39,273	Congress Centres Network	Social partnership related funding in respect of the Community and Voluntary Pillar
2007	55,000		
2008	55,000		
2009	52,800		
2010	48,576		

* The payments to SIPTU include €200,000 which was granted to the organisation for the purposes of training in relation to the introduction and use of PPPs and which has since been refunded.

Ground Rents

215. **Deputy Aodhán Ó Ríordáin** asked the Minister for Justice and Equality the position regarding the issue of existing ground rents; and if he will make a statement on the matter. [20405/11]

Minister for Justice and Equality (Deputy Alan Shatter): The position is that section 2 of the Landlord and Tenant (Ground Rents) Act 1978 prohibited the creation of new leases

[Deputy Alan Shatter.]

reserving ground rents on dwellings. As regards existing leases, Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 made provision for a statutory scheme whereby any person could, at reasonable cost, acquire the fee simple in his or her dwelling. The scheme is operated by the Property Registration Authority and over 80,000 applicants have availed of it since 1978 to acquire the freehold title to their property.

As regards property other than dwellings, the Landlord and Tenant (Ground Rents) Act 1967 contains provisions which allow individuals, on application to the Circuit Court, to acquire the fee simple in their property subject to the provisions of that Act. A High Court judgment upholding the constitutionality of the ground rents legislation was delivered in early 2006 but was subsequently appealed to the Supreme Court. The appeal has since been heard and the Supreme Court has reserved its judgment. The operation of the law in this area continues to be monitored in my Department.

Citizenship Applications

216. **Deputy Jack Wall** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20397/11]

Minister for Justice and Equality (Deputy Alan Shatter): A valid application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in July 2010. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

In that context, I can inform the Deputy that I recently announced a series of measures within my Department to provide for speedier processing of citizenship applications to bring about a substantial reduction in the processing timescale. The new arrangements include improved application forms that came into force on Friday, 24th June 2011, and are currently available online with an associated online residence checker, streamlined and accelerated procedures for certain types of application and plans to recruit interns under the new Internship Programme. These measures are targeted at clearing the backlog of applications awaiting a decision in excess of six months by spring of next year and from that time on the aim is, save in exceptional circumstances, that persons applying for citizenship will be given a decision on their application within six months.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Proposed Legislation

217. **Deputy Eric Byrne** asked the Minister for Justice and Equality when it is expected that

the Sale of Alcohol Bill will come before Dáil Éireann; and if it is envisaged that a minimum pricing clause will be put in place in relation to the sale of alcohol. [20401/11]

Minister for Justice and Equality (Deputy Alan Shatter): The position is that the Government Legislation Programme provides for publication of the Sale of Alcohol Bill in late 2011. As regards the introduction of minimum pricing for alcohol products, the position is that the Steering Group which is developing proposals to integrate alcohol into the National Substance Misuse Strategy has been examining a range of issues relating to alcohol pricing. The Group, which operates under the aegis of the Department of Health, is due to submit its report, including policy recommendations, later this year.

Citizenship Applications

218. **Deputy Seán Crowe** asked the Minister for Justice and Equality the reason the process of naturalisation for non-Irish citizens can take up to 26 months to process. [20429/11]

Minister for Justice and Equality (Deputy Alan Shatter): The average time taken to process applications for a certificate of naturalisation has been impacted by the substantial increase in the volume of applications over recent years. Upon coming into office I immediately commenced a review of the system of processing naturalisation applications and in that regard I recently announced a series of measures to bring about a substantial reduction in the processing timescales.

The new arrangements include improved application forms that came into force on Friday, 24th June 2011, and are currently available online with an associated online residence checker, streamlined and accelerated procedures for certain types of application and plans to recruit interns under the new Internship Programme. These measures are targeted at clearing the backlog of applications awaiting a decision in excess of six months by spring of next year and from that time on the aim is, save in exceptional circumstances, that persons applying for citizenship will be given a decision on their application within six months.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

Legal Services

219. **Deputy Pat Deering** asked the Minister for Justice and Equality when he will appoint an ombudsman for the Bar Council and the Law Society. [20442/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Government Legislation Programme indicates that a Legal Services Bill expected to be published in 2011 will provide for regulation of the legal professions and give effect to the Report of the Competition Authority on Solicitors and Barristers and the Report of the Legal Costs Working Group. Since the Legal Services Bill will have substantial implications for the Legal Services Ombudsman provided under legislation in 2009 to, amongst other matters, oversee the handling by the Law Society and Bar Council of complaints against solicitors and barristers, I have delayed the appointment of a person to that Office.

Proposed Legislation

220. **Deputy Pat Deering** asked the Minister for Justice and Equality when he will bring the Judicial Council Bill before Dáil Éireann. [20443/11]

Minister for Justice and Equality (Deputy Alan Shatter): As indicated in the Government Legislation Programme for the Summer Session announced by the Chief Whip on 5 April 2011, the Judicial Council Bill is in the course of being drafted with a view to being published in late 2011.

Legal Services

221. **Deputy Pat Deering** asked the Minister for Justice and Equality his plans to deal with the number of complaints against solicitors and their reluctance to comply with section 68 of the Solicitors (Amendment) Act 1994; and if he will make a statement on the matter. [20444/11]

Minister for Justice and Equality (Deputy Alan Shatter): Under the law as it stands a breach of the requirement of a solicitor to provide details of charges to his or her client under section 68 of the Solicitors (Amendment) Act 1994 constitutes misconduct for which a solicitor can be subject to disciplinary proceedings by the Law Society or the Solicitors Disciplinary Tribunal. A function of the Legal Services Ombudsman, provided under legislation of 2009, is to oversee the handling by the Law Society and Bar Council of complaints against solicitors and barristers respectively. However, the Legal Services Bill, the proposals for which are at an advanced stage of development in my Department, will have substantial implications for the Office of the Ombudsman and regulation of the legal professions. I have, therefore, delayed the appointment of a person to the Office.

222. **Deputy Pat Deering** asked the Minister for Justice and Equality his plans to deal with the consistent refusal of barristers to disclose their charges prior to taking a case; and if he will make a statement on the matter. [20445/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Code of Conduct for the Bar of Ireland requires a barrister, on taking instructions, to provide an instructing solicitor, or the client in the case of access under the Direct Professional Access Scheme, with particulars of charges in writing. Contravention by a barrister of any provision of the Code may result in disciplinary proceedings by the Bar Council's Professional Conduct Tribunal. A function of the Legal Services Ombudsman, provided under legislation of 2009, is to oversee the handling by the Bar Council and Law Society of complaints against barristers and solicitors respectively. However, the Legal Services Bill, the proposals for which are at an advanced stage of development in my Department, will have substantial implications for the Office of the Ombudsman and regulation of the legal professions. I have, therefore, delayed the appointment of a person to the Office.

Citizenship Applications

223. **Deputy Noel Coonan** asked the Minister for Justice and Equality when an application for naturalisation will be finalised in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [20468/11]

Minister for Justice and Equality (Deputy Alan Shatter): A valid application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in February, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

In that context, I can inform the Deputy that I recently announced a series of measures within my Department to provide for speedier processing of citizenship applications to bring

about a substantial reduction in the processing timescale. The new arrangements include improved application forms that came into force on Friday, 24th June 2011, and are currently available online with an associated online residence checker, streamlined and accelerated procedures for certain types of application and plans to recruit interns under the new Internship Programme. These measures are targeted at clearing the backlog of applications awaiting a decision in excess of six months by spring of next year and from that time on the aim is, save in exceptional circumstances, that persons applying for citizenship will be given a decision on their application within six months.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Consultancy Contracts

224. **Deputy Anthony Lawlor** asked the Minister for Justice and Equality if companies (details supplied) are employed by his Department; and if so the capacity of same. [20505/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that none of the companies (as per the details supplied) are employed by my Department.

Legal Costs

225. **Deputy Anthony Lawlor** asked the Minister for Justice and Equality if he will provide details of the average cost of judicial reviews for decisions made in District and Circuit Courts; the number of such judicial reviews undertaken in 2009, 2010 and to date in 2011; and if he will list the judges against whom decisions have been fought. [20516/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Courts Service that statistics on Judicial review applications and orders are not compiled on the basis of the respondent details. However, the table below sets out details of Judicial reviews generally (excluding asylum related matters) for 2009, 2010 and 2011 to date. A more detailed breakdown is available in the annual reports of the Courts Service.

	2009	2010	2011 (to end June)
Applications received	568	645	201
Final Orders made	183	165	88

Costs in the case of Judicial reviews are spread across a wide range of public bodies including the Office of the Director of Public Prosecutions, Government Departments and State agencies. The costs obviously vary depending on the nature of the particular case. Since the information required by the Deputy is not readily available it would require a disproportionate amount of staff time and resources across many organisations to compile the information.

Citizenship Applications

226. **Deputy Tom Fleming** asked the Minister for Justice and Equality when an application

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for a certificate of naturalisation will be processed in respect of a person (details supplied) in County Kerry. [20556/11]

Minister for Justice and Equality (Deputy Alan Shatter): A valid application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in June, 2009. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

In that context, I can inform the Deputy that I recently announced a series of measures within my Department to provide for speedier processing of citizenship applications to bring about a substantial reduction in the processing timescale. The new arrangements include improved application forms that came into force on Friday, 24th June 2011, and are currently available online with an associated online residence checker, streamlined and accelerated procedures for certain types of application and plans to recruit interns under the new Internship Programme. These measures are targeted at clearing the backlog of applications awaiting a decision in excess of six months by spring of next year and from that time on the aim is, save in exceptional circumstances, that persons applying for citizenship will be given a decision on their application within six months.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. I 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.

Ministerial Appointments

227. **Deputy Shane Ross** asked the Minister for Justice and Equality if he will provide full details of all appointments made at his Department since he took up office. [20578/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that since I took up office have made the following appointments:

Judicial Appointments Advisory Board

Dr. Simon Boucher

Ms. Karen Dent

Dr. Valerie Bresnihan

All of the above have been appointed for a period of three years with effect from 7 June, 2011.

Criminal Assets Bureau

Mr. Francis Cassidy, appointment made to extend term as Bureau Legal Officer.

Confidential Recipient under the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007

Mr. Oliver J. Connolly was appointed as the Confidential Recipient with effect from 1 July, 2011.

Internal Audit Committee Ms. Carol Bolger was appointed on 20 June, 2011 for a period of 3 years

The Thornton Hall Prison Review Committee

Mr. Tom Cooney, Lecturer in Law, UCD (and now advisor to me at my Department — see also below)

Mr. Brendan Murtagh, Partner in LHM Casey McGrath, Chartered Accountant

Mr. Brian Purcell, Director General of the Irish Prison Service Judge Catherine McGuinness, retired President of the Law Reform Commission and former Judge of the Supreme Court, High Court and Circuit Court.

This Committee was appointed on 5 April, 2011 to examine the need for new prison accommodation and to advise by 1 July, 2011 on whether work on Thornton Hall should proceed.

Investigation and Report

Judge Michael Reilly, Inspector of Prisons was appointed on 28 March, 2011 to investigate an issue of concern and produce a report on the matter.

Inter-departmental Committee to establish the facts on the Magdalen Laundries

Senator Martin McAleese was appointed as Chairperson of this Committee on 1 July, 2011. The Committee is charged with establishing the facts in respect of any possible involvement on the part of the State, including State interaction, with the Magdalen Laundries.

Property Registration Authority

Mr. Frank Branigan (staff representative)

Ms Teresa Pilkington (Bar Council nominee)

Citizenship Ceremony

Justice Bryan McMahon agreed to my request to be the presiding officer at the recent pilot event held in Dublin Castle.

My Private Office at my Department

Ms Jane Lehane as Special Advisor with effect from 10 March, 2011

Ms Cleo Lambert as Personal Secretary with effect from 10 March, 2011

Mr. Tom Cooney as Special Advisor with effect from 4 April 2011

In addition, Ms. Lorraine Hall's appointment as my Personal Assistant is still pending.

Private Security

228. **Deputy Finian McGrath** asked the Minister for Justice and Equality the percentage of intruder alarm installations that are carried out by installers in each of the turnover bands in 2010. [20629/11]

232. **Deputy Finian McGrath** asked the Minister for Justice and Equality if any efforts are being made to reduce the cost of compliance for small operators in regard to licence costs under the Private Security Authority similar to the situation in the United Kingdom where the regulatory body has been abolished and the costs of the licence are significantly less than here. [20633/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 228 and 232 together.

[Deputy Alan Shatter.]

The Private Security Authority, an independent body under the aegis of my Department, is responsible for the licensing and regulation of the Irish security industry. I have been informed by the Authority that it does not receive data on the number of intruder alarm installations undertaken by alarm installers and therefore the information sought by the Deputy in this regard is not available. I understand, however, that approx. 95% of contractors are in the under 625,000 euro turnover per annum bracket. Included in this figure are new entrants to the industry who do not yet have a turnover and who account for 20% of contractors.

With regard to licensing costs, the licence fee, which is valid for a two year period, was set by the Authority in 2005 and has not been increased since that time. The provision of a regulatory environment understandably has cost implications but the public and the industry itself both benefits from regulation and it is in line with Government policy that industry should fund such regulation. The licence fee is, however, monitored on a regular basis and the Authority has taken every effort to ensure that costs are kept to a minimum. In order to assist contractors with paying their licence fee, the Authority has also introduced an instalment payment option.

On the matter of costs and the regulatory environment in the United Kingdom, I think it is important for the Deputy to note that the Security Industry Authority (SIA), the regulatory authority in the United Kingdom, has not been abolished and continues to function. Furthermore, it would be inappropriate to compare the licensing costs associated with the private security industry in the State with those in place in the United Kingdom, given the significant differences that exist in the regulation of security contractors in each jurisdiction. In comparison to the mandatory licensing system which is operated by the Private Security Authority, the SIA operates a voluntary scheme of registration for contractors in the security industry.

This voluntary scheme is not in fact open to contractors involved in the installation of intruder alarms as this sector was precluded from the legislation establishing the SIA. Any direct comparison of costs between the two schemes would therefore be fundamentally flawed, when one considers the voluntary nature of the SIA scheme against the standards based mandatory licensing scheme administered by the Private Security Authority, with its associated regulatory responsibilities, including substantial enforcement costs.

Private Security Authority Licences

229. **Deputy Finian McGrath** asked the Minister for Justice and Equality the number of persons licensed by the Private Security Authority in each of the years 2007, 2008, 2009 and 2010 that were nationals; and the number that were non-nationals. [20630/11]

233. **Deputy Finian McGrath** asked the Minister for Justice and Equality the vetting that has taken place by the Garda in regard to applications from Irish nationals for Private Security Authority licences, and in regard to non-nationals for Private Security Authority licences. [20634/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 229 and 233 together.

The Private Security Authority, an independent body under the aegis of my Department, is responsible for the licensing and regulation of the Irish security industry. I have been informed by the Authority that there are currently 26,780 individuals licensed to provide certain security services. The first licences for individuals were issued by the Authority in 2008. The table below outlines the number of licences in operation at the end of each year between 2008 and 2010 and the breakdown of licences between Irish nationals and non-nationals.

Individual Licences in operation between 2008 and 2010

Year	Irish Nationals	Non Nationals	Total
2008	12,116	5,863	17,979
2009	17,203	9,739	26,942
2010	16,458	8,894	25,352

The vetting of applicants is an integral part of the licensing system provided for in the Private Security Services Act 2004. All applicants for a licence, both Irish nationals and non-nationals, are vetted by the Central Vetting Unit of An Garda Síochána. In the case of those applicants who have resided outside of the State for a period of six months or more, a criminal record certificate from the foreign jurisdiction is also required. This condition applies to both Irish nationals who have lived abroad and to non-nationals who come to this country. It is a condition of licensing that this requirement is fulfilled before a licence is issued. The domestic and foreign criminal record requirements also apply to sole traders, partnerships, company directors and shareholders with a holding of 20% or more in the case of applications for contractor licences.

I am informed that the Authority has robust procedures in place for dealing with information which comes to light arising from both domestic and foreign criminal record checks. These procedures include the application of the Authority's guidelines on criminality, with applications being refused where convictions are deemed relevant in accordance with the guidelines.

Departmental Agencies

230. **Deputy Finian McGrath** asked the Minister for Justice and Equality the salary of the chief executive officer of the Private Security Authority; and the salary scale of inspectors of the Private Security Authority. [20631/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Chief Executive Officer of the Private Security Authority is remunerated at the level of a Principal Officer Higher (€85,957 — €105,429) plus a Director's allowance of €11,978 per annum. The Inspectors in the Private Security Authority are Executive Officers on a salary scale of €29,024 — €47,975. They also receive an annual flexibility allowance ranging from €8,484 to €8,930 in respect of the requirement to carry out inspections outside normal office hours.

Proposed Legislation

231. **Deputy Finian McGrath** asked the Minister for Justice and Equality when the new legislation on the new private securities Act will be published. [20632/11]

Minister for Justice and Equality (Deputy Alan Shatter): I assume the Deputy is referring to the Civil Law (Miscellaneous Provisions) Bill 2011 which is in fact currently before this House. Part 4 of this legislation amends certain parts of the Private Security Services Act 2004 which will, once enacted, improve the effectiveness of the Private Security Authority. The Bill was published on 24th June 2011.

Question No. 232 answered with Question No. 228.

Question No. 233 answered with Question No. 229.

Citizenship Applications

234. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and

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likely position in regard to determination of citizenship in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [20647/11]

Minister for Justice and Equality (Deputy Alan Shatter): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in March 2008 and the Minister decided in his absolute discretion to refuse the application. The person concerned was informed of this in a letter issued on 30th November, 2010. It is open to the person concerned to lodge a new application for a certificate of naturalisation if and when she is in a position to meet the statutory requirements.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Residency Permits

235. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency and/or citizenship entitlement in the case of a person (details supplied) in Dublin 15; when he expects matters to be concluded; and if he will make a statement on the matter. [20648/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned is the subject of a Deportation Order, signed on 9 July 2008, following a comprehensive and thorough examination of their asylum claim, and a detailed examination of the representations submitted by the applicant for consideration under Section 3 of the Immigration Act 1999 (as amended). The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau. Officials in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) inform me that there is no record of an application for a certificate of naturalisation from the person referred to by the Deputy.

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.

236. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding determination of residency status and future likelihood in this regard in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [20649/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned has been granted Leave to Remain in the State for the period to 5th September, 2011. This decision was conveyed in writing to the person concerned by letter dated 6th October, 2010. The person

concerned is required to apply in writing for the renewal of this permission. My Department's records show no evidence of such a renewal application having been made to date. As a result, it is recommended that the person concerned should do so in the coming weeks.

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

237. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and/or anticipated residency and citizenship status and entitlement based on the progress to date in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [20650/11]

Minister for Justice and Equality (Deputy Alan Shatter): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in January, 2010. The application is at an advanced stage of processing and will be finalised as expeditiously as possible.

In that context, I can inform the Deputy that I recently announced a series of measures within my Department to provide for speedier processing of citizenship applications to bring about a substantial reduction in the processing timescale. The new arrangements include improved application forms that came into force on Friday, 24th June, 2011, and are currently available online with an associated online residence checker, streamlined and accelerated procedures for certain types of application and plans to recruit interns under the new Internship Programme. These measures are targeted at clearing the backlog of applications awaiting a decision in excess of six months by spring of next year and from that time on the aim is, save in exceptional circumstances, that persons applying for citizenship will be given a decision on their application within six months.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

238. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the determination of residency and/or citizenship entitlement in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [20651/11]

Minister for Justice and Equality (Deputy Alan Shatter): Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 21st March, 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting

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to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. Representations have been received on behalf of the person concerned.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations 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.

239. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the progress made to date in the matter of determination of citizenship in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20653/11]

Minister for Justice and Equality (Deputy Alan Shatter): An application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Section of the Irish Naturalisation and Immigration Service (INIS) in May, 2011. On examination of the application it was determined that the person concerned did not meet the statutory requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. A letter informing the applicant of this was issued on 7th June, 2011. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

240. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current position on determination of entitlement in respect of residency and/or citizenship in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [20654/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy claimed asylum in the State on 20th March, 2000 and had their claim examined by the Office of the Refugee Applications Commissioner who recommended that they be recognised as a refugee. Based on this recommendation, a formal declaration of refugee status was issued on 20th March, 2002 and the person concerns continues to hold the status of refugee in the State. Full details in relation to the eligibility criteria for naturalisation including recently introduced streamlined application forms and a naturalisation residency calculator are available on the INIS website (www.inis.gov.ie).

241. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding determination of citizenship in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [20655/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised that an application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in February, 2006 and the Minister decided to refuse the application on 22nd July, 2008. The person concerned was informed of this and the reasons for it in a letter issued on 28th July, 2008. It is open to the person concerned to lodge a new application for a certificate of naturalisation if and when they are in a position to meet the statutory requirements. However, in doing so they should bear in mind the reasons for refusal of his previous application.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Residency Permits

242. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position on an application for family reunification in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [20656/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy made an application for family reunification which was approved in July, 2004. I am further informed that there are no further applications for family reunification outstanding in respect of the person concerned.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Criminal Prosecutions

243. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the present location, status and future intentions in regard to the use, ownership or disposal of the motor vehicle owned by a person (details supplied); and if he will make a statement on the matter. [20657/11]

Minister for Justice and Equality (Deputy Alan Shatter): The vehicle in question was used in the commission of an offence under the Misuse of Drugs Acts and is the subject of forfeiture proceedings currently before the Courts. In such circumstances it would be inappropriate to comment further on the matter.

Prison Education Service

244. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if or when it might be possible for a person (details supplied) to avail of training, educational facilities or appropriate duties to facilitate the person's proposal to commence a four year open university course; and if he will make a statement on the matter. [20658/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Prison Service that applications for Open University courses are reviewed twice a year. The next review will take place in September and an application on behalf of the person referred to will be assessed at that point. The final selection of candidates will take into account the availability of funding and overall demand for courses.

Consultancy Contracts

245. **Deputy Shane Ross** asked the Minister for Justice and Equality if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20912/11]

Minister for Justice and Equality (Deputy Alan Shatter): Total payments by my Department to PWC in the period 2004 to 2011 was €9.2m. These payments were primarily in respect of IT services and support.

246. **Deputy Shane Ross** asked the Minister for Justice and Equality the total cost of hiring external public relations companies by his Department during the past decade; and if he will make a statement on the matter. [20926/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that the information requested is not readily available. Given the period of time concerned and the fact that my Department neither classifies nor records companies by type, for example, public relations, the information requested could only be compiled by the use of a disproportionate and inordinate amount of staff time and effort.

247. **Deputy Shane Ross** asked the Minister for Justice and Equality if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and the details of the projects. [20940/11]

Minister for Justice and Equality (Deputy Alan Shatter): No records of any payments to KPMG by my Department were found in the period 2004 to 2011.

248. **Deputy Anthony Lawlor** asked the Minister for Defence if companies (details supplied) are employed by his Department; and if so the capacity of same. [20498/11]

Minister for Defence (Deputy Alan Shatter): None of the companies listed by the Deputy are currently engaged to provide services by my Department.

Ministerial Appointments

249. **Deputy Shane Ross** asked the Minister for Defence if he will provide full details of all appointments made at his Department since he took up office. [20571/11]

Minister for Defence (Deputy Alan Shatter): Since I took up office, my Department has engaged two civilian drivers to assist the Minister of State, Mr. Paul Kehoe T.D., in carrying

out his official duties. These appointments are to temporary, unestablished positions in the Civil Service on a fixed-term contract basis.

Consultancy Contracts

250. **Deputy Shane Ross** asked the Minister for Defence if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20905/11]

252. **Deputy Shane Ross** asked the Minister for Defence if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and the details of the projects. [20933/11]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 250 and 252 together.

None of the companies listed by the Deputy are currently engaged to provide services by my Department.

251. **Deputy Shane Ross** asked the Minister for Defence the total cost of hiring external public relations companies by his Department during the past decade; and if he will make a statement on the matter. [20919/11]

Minister for Defence (Deputy Alan Shatter): It has not been possible in the time available to compile the information requested by the Deputy. The information will be forwarded to the Deputy as soon as possible.

Question No. 252 answered with question No. 250.

Departmental Expenditure

253. **Deputy Shane Ross** asked the Minister for Defence the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21125/11]

Minister for Defence (Deputy Alan Shatter): Details of assistance provided by my Department to the public service unions and military representative associations are as follows. In accordance with Partnership arrangements, from February 2001 to February 2002 and from February 2003 to July 2006 my Department bore the salary costs for one member of staff seconded to the Civil and Public Services Union on a non-recoupment basis. These salary costs totalled approximately €100,000 for the duration of the secondment. Since 2006, the salary costs of staff on secondment have been recouped from the Union.

With regard to the military representative associations, in accordance with Agreed Arrangements under the Conciliation and Arbitration Scheme my Department provides the Representative Association of Commissioned Officers (RACO) with serviced office accommodation without charge and access to the Department's telephone network without charge. The Permanent Defence Force Other Ranks Representative Association (PDFORRA) receives an annual subvention of €68,568.

In addition to the above payments, personnel are seconded to RACO and PDFORRA on a non-recoupment basis. Currently there are two officers seconded to RACO and three enlisted personnel to PDFORRA. During the past decade, there was an additional officer seconded to RACO up to 31 January, 2009 and an additional enlisted person seconded to PDFORRA up

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to 31 October 2008. The Reserve Defence Forces Representative Association (RDFRA) is provided with office accommodation and receives an annual subvention of €52,694.31.

Consultancy Contracts

254. **Deputy Anthony Lawlor** asked the Minister for Agriculture, Fisheries and Food if companies (details supplied) are employed by his Department; and if so the capacity of same. [20494/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The appointment of an independent Certifying Body to annually certify the Department's European Agricultural Guarantee Fund (EAGF) and European Agricultural Fund for Rural Development (EAFRD) accounts is required under EU Regulations. Following an open tender, Deloitte were appointed as Certifying Body for this Department for the period 2010-2013. My Department employs contracting computer programmers from a company called Curach which was acquired by Deloitte in December 2010.

Deloitte is currently examining, on a *pro bono* basis, the recommendations in the Report of the Review Group on State Assets and Liabilities, as they apply to State Sponsored Bodies under the aegis of my Department. KPMG is also examining the administration of the Direct Payment Scheme on a *pro bono* basis. The other two companies mentioned are not employed by the Department.

Departmental Agencies

255. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Fisheries and Food the progress made to date with the Department of Finance in lifting the moratorium on Teagasc hiring extra staff; and if he will make a statement on the matter. [20534/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The moratorium on recruitment in the public service remains in place in line with commitments made in the National Recovery Plan and the Programme for Government to reduce public service numbers by 2015. Any exceptions to the moratorium can only be considered in very limited circumstances in respect of mission critical posts and in full compliance with annual ceilings on staff numbers. In that regard, I have had discussions with the Minister for Public Expenditure and Reform in relation to the impact of the moratorium on the delivery of the Teagasc education programme. Following consultations, I have agreed to prioritise six new contract teaching posts in the Agricultural Colleges for a three year period as an exception to the moratorium.

Third Level Courses

256. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Fisheries and Food his plans to deal with the 700 applicants who have been turned away by agricultural colleges; and if he will make a statement on the matter. [20536/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Following consultation with the Minister for Public Expenditure and Reform, I have agreed to prioritise six new contract teaching posts in the Agricultural Colleges for a three year period as an exception to the moratorium. I expect that this exceptional approval of new posts will be matched by further initiatives by Teagasc to devote more resources to the Agricultural Colleges including redeploying staff from other areas of the organisation, examining class sizes in certain programmes and use of remote teaching. I am confident that the combined impact of these measures

will allow Teagasc offer a significant number of additional places to students over the coming weeks.

Irish Horseracing Industry

257. **Deputy Robert Dowds** asked the Minister for Agriculture, Fisheries and Food the amount of State financial support going into horse racing; the reasons for such State support; and if he will make a statement on the matter. [20548/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The horse racing industry received €47.4m in financial support from the State in 2010 through funding provided to Horse Racing Ireland (HRI) via the Horse and Greyhound Racing Fund. HRI is a commercial State company, established under the Horse and Greyhound Racing Act 2001. HRI has a regulatory and developmental role in the thoroughbred industry.

The functions of HRI are defined in The Horse and Greyhound Racing Act 2001 (in addition to its functions under The Irish Horseracing Industry Act 1994) and include: the overall administration of Irish horseracing, the development and promotion of the Irish horseracing industry (including the development of authorised racecourses, the guaranteeing of prize money at race-fixtures and the costs of integrity services), the control of the operations of authorised book-makers, the allocation of race-fixtures and the setting of race-programmes, the operation of racecourses which are owned or leased by HRI, the promotion of the Irish thoroughbred horse, the making of grants or loans to authorised racecourses and to any subsidiary of HRI, Registry Office functions in accordance with the Rules of Racing, the provision and maintenance of track equipment, representing Irish horseracing internationally in respect of its functions, negotiating all income from media rights, the provision of any financial support for purposes specified in legislation.

The activities of Horse Racing Ireland activities are very broadly based and encompass all elements of horse racing in Ireland. In addition to the above functions HRI also negotiates contracts in relation to income from media rights and represents Irish horseracing internationally in respect of its functions.

State Funding is pivotal to the survival of the horse racing industry. Monies from the Horse and Greyhound Racing Fund have facilitated Ireland develop into a world centre of excellence for horseracing and has allowed HRI to undertake a capital investment programme that has underpinned growth in the sector.

Horse racing and breeding is a very significant industry in rural Ireland, supporting approximately 16,000 private sector jobs, often in areas where alternative employment opportunities are limited. The industry has a regional spread with 26 racecourses, over 780 licensed trainers and some 7,700 breeders spread throughout the country. Each of these generates direct employment and supports a diverse network of local suppliers, including vets, farriers, feed merchants, transporters, grooms, jockeys etc.

Ireland is the third largest producer of thoroughbreds in the world; exports of thoroughbred horses to over 35 countries are worth some €149 million in foreign earnings. The industry's value to the economy is estimated at €0.9 billion per annum and the industry generates very significant foreign investment in this country.

Ministerial Appointments

258. **Deputy Shane Ross** asked the Minister for Agriculture, Fisheries and Food if he will provide full details of all appointments made at his Department since he took up office. [20567/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I appointed Philip Meaney chairman of Bord na gCon on 12th April 2011, pursuant to Section 8 of the Greyhound Industry Act, 1958, after consultation with the Minister for Finance. This is the only appointment I made, since taking office, to any of the State Bodies that come within the aegis of my Department.

Grant Payments

259. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Fisheries and Food when agri-environment options scheme payments for 2010 will be made; the reason for the delay; and if he will make a statement on the matter. [20603/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Under the EU Regulations governing the Agri-Environment Options Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. I expect that payments to participants in the scheme in respect of the first year will commence in August and that payments in respect of year two will commence in October. I am working with my officials to bring the payments forward if at all possible as I can understand the need for expediency.

Bovine Disease Controls

260. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the criterion in place for the allocation of bovine herd numbers in cases where the herdowner is deceased and is not the owner of the relevant farmland; if he will set out the usual requirements in order to obtain a herd number by the landowner or others in such circumstances; and if he will make a statement on the matter. [20666/11]

261. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the conditions under which a person may apply for or obtain or both a temporary or caretaker herd number in circumstances when the registered herdowner, not the landowner is deceased; if the landowner is contacted or notified regarding the issue of a herd number in such circumstances; if the landowner or representatives of the registered herdowner is the appropriate person to make an application for a herd number in such circumstances; and if he will make a statement on the matter. [20667/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I propose to take Questions Nos. 260 and 261 together.

A herd number is an administrative arrangement under the disease eradication schemes and does not denote ownership of stock or lands. Thus the person in whose name the herd number is registered, being the (nominated) keeper of the animals, may or may not be the legal owner of the animals held under that herd number or the holding where the animals are held.

In cases where a herdowner is deceased, it is necessary first for my Department to establish the legal succession in respect of the herd before assigning the herd number role to another person. Where the successor is identified through grant of probate or letters of administration, the herdowner role can be assigned to the applicant subject to the necessary evidence being provided. Where legal succession is not established, such as where there is an absence of a Grant of Probate or Letters of Administration because of a delay in processing, in exceptional circumstances the applicant can be nominated in writing by a Solicitor as the herdowner if evidence is produced that the applicant is entitled to be assigned the herd number for the animals, for example, by way of a Solicitor's letter informing my Department that he/she is

acting as representative of the deceased and that Probate or Letters of Administration are being taken out in favour of the applicant and indemnifying the Department against any damages or claims arising from the assignment of the herd number to their client. However, if there is any doubt as to the legal succession, the role of herdowner cannot be assigned until all legal documentation is submitted to the DVO.

With regard to the condition under which a person may apply for and or obtain a temporary or caretaker herd number in circumstances when the registered herdowner, not the landowner, is deceased, the procedure for issuing a herd number for use on a temporary or caretaker basis is the same as outlined above regarding the legal succession. The legal representative or the legal successor of the deceased herdowner is the appropriate person to make an application for a herd number for the herd concerned. In these circumstances, it is normal practice for my Department to contact the personal representative of the deceased in order to nominate a keeper of the animals and establish who has the use of the lands. The issues raised by the Deputy are complicated in view of the fact that the owner of the holding (land) is not the owner or keeper of the herd in question and herd numbers are issued in respect of animals in relation to a particular holding. If the Deputy has a particular case in mind, he should ask the person concerned to seek advice from my Department's District Veterinary Office in the area concerned. Further, my Department has set up an Inheritance Enquiry Unit for dealing with any payments from my Department due to the estate following the death of a farmer.

Consultancy Contracts

262. **Deputy Shane Ross** asked the Minister for Agriculture, Fisheries and Food if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20901/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): It is not possible to provide this information in the required time. I will forward it to the Deputy as soon as it is available.

263. **Deputy Shane Ross** asked the Minister for Agriculture, Fisheries and Food the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20915/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My Department does not employ external public relations companies and has not for the years in question. Public relations advice, where required is provided by my Department's Press Office. It is not possible to provide costs for this service, as the work is carried out as part of the standard duties of the staff involved.

264. **Deputy Shane Ross** asked the Minister for Agriculture, Fisheries and Food if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20929/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): It is not possible to provide this information in the required time. I will forward it to the Deputy as soon as it is available.

Departmental Expenditure

265. **Deputy Shane Ross** asked the Minister for Agriculture, Fisheries and Food the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies

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or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21121/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My Department part funds the secondment of a full time officer from this Department to the position of Branch Secretary with IMPACT. The cost of funding this secondment for the last 10 years (2001-2010 inclusive) was €127, 585. Also, during the past ten years a total of €14,254,152 was paid to unions/staff associations in respect of subscriptions deducted from staff pay on my Department's payroll.

Youth Services

266. **Deputy Ciarán Lynch** asked the Minister for Children and Youth Affairs if her attention has been drawn to any application for the establishment of a community café in Carrigaline, County Cork; the procedures that are necessary to make such an application; and if she will make a statement on the matter. [20432/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Office of the Minister for Children and Youth Affairs (OMCYA), now Department of Children and Youth Affairs (DCYA), operated a specific competitive youth café funding scheme in 2010, jointly with POBAL. Applications for the scheme closed in June 2010 and all awards made under the scheme were announced in December 2010. My Department does not currently operate any new specific youth café funding schemes.

My Department also funds a Local Youth Club Grant Scheme which is administered by the relevant Vocational Education Committees (VECs) around the country. The allocation for this scheme is €1.035m in 2011 and VECs have been notified of their particular allocations this week. The scheme will be advertised by the VECs over the coming two months. The maximum grant available under this scheme is €3,000 per club.

National Lottery Funding

267. **Deputy Brendan Griffin** asked the Minister for Children and Youth Affairs if a charity (details supplied) in County Kerry will qualify for national lottery funding in order that it can continue its valuable work; and if she will make a statement on the matter. [20563/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department has received an application for funding from the 2011 National Lottery allocation from the organisation in question. This is one of a large number of applications currently being assessed by my Department. The Deputy will be informed of the outcome of the application as soon as a decision has been made.

Consultancy Contracts

268. **Deputy Anthony Lawlor** asked the Minister for Children and Youth Affairs if companies (details supplied) are employed by her Department; and if so the capacity of same. [20497/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The information sought by the Deputy is being collated by the Department of Health and Children and I will write to the Deputy in this regard.

Ministerial Staff

269. **Deputy Shane Ross** asked the Minister for Children and Youth Affairs if she will provide full details of all appointments made at her Department since she took up office. [20570/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Since 09 March 2011, I have appointed the following staff at my Department:—

Job Title	Numbers (whole time equivalent)
Special Advisor	1.5
Personal Assistant	1
Civilian Driver	2

Adoption Services

270. **Deputy Catherine Murphy** asked the Minister for Children and Youth Affairs the reason the Health Service Executive has refused to accept adoption files from a centre (details supplied) in County Cork; if she will undertake to make these files available in order that the adoptees are given the opportunity to trace their birth parents; and if she will make a statement on the matter. [20612/11]

271. **Deputy John McGuinness** asked the Minister for Children and Youth Affairs if she or the Health Service Executive control the adoption files relative to a centre (details supplied) in County Cork; if the files will be made available to persons who wish to access their personal information; if the State can arrange such access; and if she will make a statement on the matter. [20675/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 270 and 271 together.

My Department has concluded talks with the HSE on the issue of adoption files from Bessboro and the HSE has agreed to take responsibility for these files. Accordingly, this question has been referred to the HSE for direct reply.

Consultancy Contracts

272. **Deputy Shane Ross** asked the Minister for Children and Youth Affairs if she will provide details of the total amount of money paid by her Department to a company (details supplied) in the past decade; and details of the projects. [20904/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As the Department of Children and Youth Affairs was only established in June of this year I have no information relevant to the Deputy's question.

273. **Deputy Shane Ross** asked the Minister for Children and Youth Affairs the total cost of hiring external public relations companies by her Department over the past decade; and if she will make a statement on the matter. [20918/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As the Department of Children and Youth Affairs was only established in June of this year I have no information relevant to the Deputy's question.

274. **Deputy Shane Ross** asked the Minister for Children and Youth Affairs if she will provide details of the total amount of money paid by her Department to a company (details supplied) in the past decade; the details of the projects. [20932/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As the Department of Children and Youth Affairs was only established in June of this year I have no information relevant to the Deputy's question.

Departmental Expenditure

275. **Deputy Shane Ross** asked the Minister for Children and Youth Affairs the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if she will make a statement on the matter. [21124/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As the Department of Children and Youth Affairs was only established in June of this year I have no information relevant to the Deputy's question.

Medical Cards

276. **Deputy Jim Daly** asked the Minister for Health the position regarding a medical card which was cancelled in respect of a person (details supplied); and if he will make a statement on the matter. [20669/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Nursing Homes Support Scheme

277. **Deputy Heather Humphreys** asked the Minister for Health when a person (details supplied) in County Monaghan will be allocated a nursing home bed under the fair deal scheme; and if he will make a statement on the matter. [20394/11]

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.

278. **Deputy Emmet Stagg** asked the Minister for Health when a decision will issue under the nursing home support scheme in respect of a person (details supplied) [20400/11]

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.

Driving Licences

279. **Deputy Ciarán Lynch** asked the Minister for Health his views that the costs associated with obtaining a medical certificate in order to obtain a driving licence for a person over 70 years of age should be covered by the medical card scheme; and if he will make a statement on the matter. [20423/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): Under the General Medical Services (GMS) contract, a general practitioner (GP) is expected to provide his/her patients who hold medical cards or GP visit cards with all proper and necessary treatment of a kind generally undertaken by a GP. The contract between the HSE and GPs under the GMS Scheme stipulates that fees are not paid to GPs by the HSE in respect of certain medical certificates which may be required, for example, "under the Social Welfare Acts or for the purposes of insurance or assurance policies or for the issue of driving licences". I have no plans to alter this provision.

Consultation fees charged by general practitioners to private patients and to GMS patients outside the terms of the GMS contract are a matter of private contract between the clinicians and the patients. While I have no role in relation to such fees, I would expect clinicians to have regard to the overall economic situation in setting their fees. I should add that General Practitioners who hold GMS contracts with the HSE must not seek or accept money from medical card or GP visit card holders in respect of routine treatment.

Mental Health Services

280. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if it is the case that St. Ita's, Portrane, County Dublin, has been instructed that there can be no further admissions for acute mental health care after 31 August 2011; if this has arisen because planned development work to upgrade the admissions unit was not done; the contingencies in place to meet the needs of service users from the populous catchment area of the hospital if such cessation of admissions proceeds; the steps he will take to prevent this loss of service taking place and to ensure that the facilities at Portrane meet the required standards to allow admissions to continue or to ensure that equivalent or improved facilities are made available; and if he will make a statement on the matter. [20447/11]

281. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health when the psychiatric unit at Beaumont Hospital, Dublin 9, will be developed, now that the planned co-location development on the site which delayed the development of the unit has been set aside; and if he will make a statement on the matter. [20448/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 280 and 281 together.

The Mental Health Commission has attached a condition to the registration of St. Ita's Hospital which requires the closure of the existing Male and Female Acute Units by 31st August 2011. Officials and Clinicians from North Dublin Mental Health Services had meetings with the Commission regarding requirements to address this condition and a plan involving the refurbishment of part of an existing building at the hospital was developed as an interim solution pending the completion of the new Acute Unit at Beaumont Hospital. The refurbishment work has not yet been undertaken and I understand that the HSE is in discussions with the Commission with a view to agreeing alternative arrangements for patients. The HSE has assured me that access to appropriate Acute Mental Health Services will continue to be provided for the people of North Dublin beyond 31 August 2011. The contract for the new Acute Admissions Unit at Beaumont Hospital has been awarded subject to planning approval. It is hoped that construction will commence in the last quarter of 2011.

Consultancy Contracts

282. **Deputy Anthony Lawlor** asked the Minister for Health if companies (details supplied) are employed by his Department; and if so the capacity of same. [20504/11]

Minister for Health (Deputy James Reilly): The information requested by the Deputy is currently being collated within my Department and will be forwarded as soon as it is available.

Health Services

283. **Deputy Terence Flanagan** asked the Minister for Health the position regarding orthodontic treatment in respect of a person (details supplied) in Dublin 17; and if he will make a statement on the matter. [20527/11]

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 to the Deputy.

Hospitals Building Programme

284. **Deputy Joan Collins** asked the Minister for Health the long-term plans for Our Lady's Hospital for Sick Children, Crumlin, Dublin, if the new proposed children's hospital at the Mater Hospital, Dublin, site goes ahead to competition; and if he will make a statement on the matter. [20537/11]

Minister for Health (Deputy James Reilly): The Deputy will be aware that I announced the outcome of the Independent Review of the location of the National Paediatric Hospital on 6 July 2011. The decision to locate the new children's hospital on the Mater Campus has been confirmed and I have requested the National Paediatric Hospital Development Board to submit a planning application to An Bord Pleanála.

At the time of announcing my decision I also stated that the Government will make a final decision on proceeding with the project in the context of its overall review of capital spending, which will be completed in September. In the meantime I have asked the three children's hospitals in Dublin to work very closely together, and to continue their discussions on forming a single governance structure well in advance of the opening of the new hospital. Until such time as a final decision is made on the project I do not intend to comment on long term plans for Crumlin Children's Hospital.

Hospital Services

285. **Deputy Robert Troy** asked the Minister for Health his plans as part of the rationalisation of hospitals to provide additional funding to the remaining hospitals that will be providing the services to increased numbers. [20541/11]

Minister for Health (Deputy James Reilly): The HSE National Service Plan 2011 which was approved in December 2010 requires the HSE to operate within the limits of its voted allocation of €13.456 billion. This represents a net reduction of €683m on the 2010 provision. The HSE National Service Plan also commits the HSE to delivering service levels for 2011 which are broadly in line with 2010 levels. All hospitals are required to operate within their allocated budgets for 2011 and to meet the service level activity targets that the hospital has agreed for 2011.

Nursing Homes Support Scheme

286. **Deputy Robert Troy** asked the Minister for Health when the fair deal scheme will be fully functional again in view of the fact that inpatient beds are currently being used in various hospitals for patients waiting approval onto the fair deal scheme. [20542/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The HSE is currently clearing the backlog of applications that accrued while the Nursing Homes Support Scheme was suspended. Approvals are being issued to those applicants processed to final stage in the chronological order in which they were received in the Central Office in Tullamore. Almost 500 applications were dealt with in June and a further 504 applications have been dealt with since the 1st July. There are approximately 360 further applications awaiting funding approval. It is, therefore, anticipated that the number of delayed discharges in acute hospitals will decrease over the coming weeks. The latest Delayed Discharge Report already shows a reduction in the number of delayed discharges nationally.

Medical Aids and Appliances

287. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding children with special needs; and if he will make a statement on the matter. [20557/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Requests for funding for footwear are made by Health Service Executive (HSE) approved clinicians on a standardised application form on behalf of clients with medical cards or long-term illness cards. Approval for funding is based the detailed information received and prioritised to ensure that people with the most urgent assessed needs have their needs met first, within budget. The HSE has informed the Department that, the current waiting time for priority cases is 13 months.

The National Procurement department of the HSE is currently reviewing its contracts arrangements for the supply of orthoses, footwear and orthopaedic appliances. As a result of this review, the HSE will present to the market as a single entity, harnessing the purchasing power of individual locations. This approach will facilitate the introduction of standardised pricing across the HSE within orthotics ensuring that value for money is achieved whilst maintaining quality standards and clinical choice in compliance with international best practice. The provision of new contracts will in turn ensure that waiting times for the supply of devices will be reduced.

Accident and Emergency Services

288. **Deputy Brendan Griffin** asked the Minister for Health if he will provide a progress report on the building of the new accident and emergency unit at Kerry General Hospital; the position regarding staffing levels in the existing accident and emergency unit; if the current complement of staff will be sufficient to fully operate the new accident and emergency unit; when the new accident and emergency unit is expected to become operational; and if he will make a statement on the matter. [20559/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Services

289. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health the cost to Letterkenny General Hospital, County Donegal, of securing laundry services including collection and distribution throughout the hospital from the private sector as opposed to the previous in-house laundry operation. [20565/11]

Minister for Health (Deputy James Reilly): As this is a service issue, it has been referred to the HSE for direct reply.

Ministerial Staff

290. **Deputy Shane Ross** asked the Minister for Health if he will provide full details of all appointments made at his Department since he took up office. [20577/11]

Minister for Health (Deputy James Reilly): Since 09 March 2011, I have appointed the following staff at my Department:—

[Deputy James Reilly.]

Minister Reilly's Office

Job Title	Numbers (whole time equivalent)
Special Advisor	1
Press Advisor	1
Personal Assistant	1
Personal Secretary	2*
Civilian Driver	2

* One Personal Secretary is employed on a temporary contract to cover absence on sick leave

Minister of State Róisín Shortall

Job Title	Numbers (whole time equivalent)
Personal Assistant	1
Personal Secretary	1

Minister of State Kathleen Lynch

Job Title	Numbers (whole time equivalent)
Personal Assistant	1
Personal Secretary	1
Clerical Officer (on secondment)	1
Civilian Driver	2

General Medical Services Scheme

291. **Deputy Clare Daly** asked the Minister for Health the amount paid by the Health Service Executive to health centres (details supplied) for general medical card services under the primary care reimbursement service for each of the years 2007, 2008, 2009 and 2010; and the number of medical card holders registered at each of those clinics in the respective years. [20601/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

292. **Deputy Clare Daly** asked the Minister for Health if he will reassure us that the deficit of €5.1 million for Tallaght Hospital, Dublin 24, year to date will be bridged from the €16.4 million reported to be owed to Tallaght Hospital by private medical insurance companies; and if he expects most of the money owed to be paid up in the next few months. [20602/11]

Minister for Health (Deputy James Reilly): The hospital raises charges for private patient treatments which are later reimbursed by the relevant private health insurance company. There is a timing difference between the bills being raised by the hospital and reimbursement by the private insurance companies. The €16.4m represents the bills raised on private health insurers that are due for payment but not yet paid. The income for private patient treatments has already been taken into account when arriving at the €5.1m.

Hospital Waiting Lists

293. **Deputy Jack Wall** asked the Minister for Health when a person (details supplied) in County Kildare will receive a hospital placement; and if he will make a statement on the matter. [20614/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Health Service Staff

294. **Deputy Pearse Doherty** asked the Minister for Health his views on the fact that a community hospital (details supplied) in County Donegal run by the Health Service Executive is operating at half its capacity due to the public sector recruitment embargo; his further views that this service is acceptable; and if he will make a statement on the matter. [20615/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Under the Health Act 2004 the day to day operational responsibility for the management and delivery of health services is a matter for Health Service Executive. As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

295. **Deputy Bernard J. Durkan** asked the Minister for Health if and when a medical card will issue in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [20663/11]

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.

296. **Deputy Bernard J. Durkan** asked the Minister for Health when a medical card will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20664/11]

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.

Consultancy Contracts

297. **Deputy Shane Ross** asked the Minister for Health if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20911/11]

298. **Deputy Shane Ross** asked the Minister for Health the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20925/11]

299. **Deputy Shane Ross** asked the Minister for Health if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; the details of the projects. [20939/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 297 to 299, inclusive, together.

[Deputy James Reilly.]

The information requested by the Deputy is currently being collated within my Department and will be forwarded as soon as possible.

Departmental Expenditure

300. **Deputy Shane Ross** asked the Minister for Health the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21131/11]

Minister for Health (Deputy James Reilly): Officials in my Department are currently gathering this information in conjunction with the Health Service Executive. I will respond to the Deputy directly when this material is collated.

Search and Rescue Service

301. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will co-ordinate a multi-departmental approach to financing Mountain Rescue Ireland, in view of the recent significant increase in mountain climbing here; and if he will make a statement on the matter. [20008/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I wish at the outset to acknowledge the excellent work done by voluntary rescue organisations which include Mountain Rescue Ireland. (MRI). The Department of Transport, Tourism and Sport is responsible for administering payment of grants to all the mountain rescue teams in Ireland. This scheme is managed by the Irish Coast Guard as Chair of the National Co-ordinating Committee for Mountain and Cave Rescue. The Coast Guard similarly administers payments of grants to other rescue organisations such as the Community Rescue Boats of Ireland (CRBI) and the Irish Cave Rescue Organisation (ICRO).

In some instances organisations such as Mountain Rescue Ireland (MRI) can make applications to other Departments and agencies under various funding schemes. I understand, for example, that the MRI will received significant funding this year from the Department of Community, Equality & Gaeltacht Affairs under the framework for supporting voluntary activity, in addition to the €191,000 received from my Department. It is important that voluntary organisations that meet qualifying criteria can seek funding from a variety of sources. As such I do not see an advantage for MRI in changing the current arrangements.

Departmental Agencies

302. **Deputy Ciarán Lynch** asked the Minister for Transport, Tourism and Sport the number of persons employed by the National Roads Authority who had a basic salary in excess of €100,000, €150,000, €200,000, €250,000 in 2009 and 2010; the bonus payments that were payable to these staff; the remuneration packages available to the CEO and board members; and if he will make a statement on the matter. [20419/11]

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. Salary levels of staff employed by the Authority is a matter for the National Roads Authority under the Roads Acts 1993 to 2007.

I understand from the NRA that the number of persons employed by the NRA who had a salary in excess of €100,000 in 2009 and 2010 was 22 and 7 respectively. With the exception of the Chief Executive Officer no staff employed by the Authority had a salary in excess of

€150,000 in 2009 or 2010. I also understand from the NRA that no bonus payments were made to such staff in either year. The remuneration package for the Chief Executive Officer in 2009 was €385,857, including a salary of €302,121 and in 2010 was €330,208, including a salary of €257,301. The Chief Executive voluntarily waived his contractual entitlement to a bonus payment for 2009 and subsequent years.

Fees payable to Board members in 2009 were €9,000 reduced to €8,100 (May 2009) and €7,695 in 2010. Fees payable to the Chairman in 2009 were €14,000 reduced to €12,600 (May 2009) and €11,970 in 2010. In accordance with government policy, I have written to the CEO requesting that he take a further pay cut.

Sports Funding

303. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport if he is satisfied that there is no conflict of interest on the board of the Irish Sports Council and the National Sports Campus Development Authority arising either from the employment of an individual board member within a sports organisation or having any contract arrangement with any sports organisation funded by him or the Irish Sports Council; and if he will make a statement on the matter. [20430/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In addition to the requirements under the Ethics in Public Office Act 1995 and the Standards in Public Office Act 2001 the Code of Practice for the Governance of State Bodies states that:

“On appointment, each Board member should furnish to the Secretary of the body details relating to his/her employment and all other business or professional interests including shareholdings, directorships, professional relationships etc., that could involve a conflict of interest or could materially influence the member in relation to the performance of his/her functions as a member of the Board.”

All Members of the Irish Sports Council (ISC) and the National Sports Campus Development (NSCDA) are required to furnish this information. Both Bodies have written Codes of Business Conduct for their directors which includes procedures for addressing conflict of interest.

Rail Services

304. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the method of booking seats on Irish Rail inter-city trains; if his attention has been drawn to the difficulties that passengers have with the seat reservation system; the steps being taken to rectify these problems; and if he will make a statement on the matter. [20449/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): 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.

Public Transport

305. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the method of fare calculation on Dublin Bus; and if he will make a statement on the matter. [20450/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The issue raised is an operational matter for Dublin Bus. I have referred the Deputy's question

[Deputy Alan Kelly.]

to the company for direct reply. Please advise my private office if you do not receive a reply within ten working days.

306. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport if it will be possible for Dublin Bus to make it more convenient for their customers by allowing surplus fare tickets to be redeemed at authorised Dublin Bus ticketing agents; and if he will make a statement on the matter. [20451/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The issue raised is an operational matter for Dublin Bus. 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.

Consultancy Contracts

307. **Deputy Anthony Lawlor** asked the Minister for Transport, Tourism and Sport if companies (details supplied) are employed by his Department; and if so the capacity of same. [20507/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Deloitte and Touche are currently engaged by my Department to undertake a financial and economic appraisal of the implications of an aviation growth incentive scheme at a cost of €35,000 (ex VAT). Deloitte and Touche are also currently engaged to produce a report on the adequacy of existing procedures relating to the procurement of goods and services for the National Vehicle and Driver File in Shannon (NVDF) at a cost of €9,850 (ex VAT).

Anti-Social Behaviour

308. **Deputy Joanna Tuffy** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the recent increase in anti-social behaviour incidents on the Luas red line; if his further attention has been drawn to the urgent need to increase security on this line for the safety and protection of passengers using this form of travel; and if he will make a statement on the matter. [20509/11]

309. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport his plans to have security improved on the Luas red line in view of the reports of anti-social behaviour seriously intimidating passengers; and if he will make a statement on the matter. [20544/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 308 and 309 together.

The safety and security of passengers and staff including arrangements to deal with anti-social behaviour on the Luas is a matter for the transport operator (Veolia) in conjunction, as appropriate, with the Gardaí. I have referred the Deputy's question to the Railway Procurement Agency, who have contracted Veolia to operate Luas services, for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Tourism Industry

310. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if Iarnród Eireann will investigate the possibility and viability of running return trips on a steam locomotive out of Killarney railway station, on the existing line through the Kerry countryside, as a visitor attraction; and if he will make a statement on the matter. [20561/11]

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

311. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if statistical data exists for the number and types of vehicles travelling each way on the N22 from Ballyvourney to Ballincollig, Coolcour, on a daily basis; and if he will make a statement on the matter. [20566/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter 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.

Ministerial Staff

312. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport if he will provide full details of all appointments made at his Department since he took up office. [20580/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The details of the appointments made in my own office and those of the two Ministers of State in my Department are set out in Table 1. The appointments are in keeping with the Department of Public Expenditure and Reform Guidelines on the staffing of Ministerial Offices. In the case of one of the Ministers of State, the Personal Assistant post is filled by 2 work-sharing staff and counts as one post.

Table 1 — Appointments to non-established posts February to June 2011

Position	Minister Leo Varadkar	Minister of State Micheal Ring	Minister of State Alan Kelly
Special Advisors	2	0	0
Personal Assistant	1	1	0.75/0.25
Personal Secretary	1	1	1
Civilian Drivers	2	2	2

Semi-State Bodies

313. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport the measures he intends to take to ensure that the accounts of CIÉ, Iarnród Éireann and Dublin Bus are more transparent in the future; and if he will make a statement on the matter. [20593/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The legislation establishing CIÉ and its subsidiaries requires that their accounts be audited annually by an auditor or auditors appointed by their Boards with my consent. The report and accounts of State bodies must also comply with the Code of Practice for the Governance of State Bodies issued by the

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Department of Finance. If the Deputy has any suggestions regarding the form of the accounts of CIÉ, Iarnród Éireann and Dublin Bus I would be happy to receive them.

Consultancy Contracts

314. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and details of the projects. [20914/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The information requested by the Deputy is being compiled and will be forwarded as soon as possible

315. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport the total cost of hiring external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20928/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The information requested by the Deputy is being compiled and will be forwarded as soon as possible

316. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport if he will provide details of the total amount of money paid by his Department to a company (details supplied) in the past decade; and the details of the projects. [20942/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

Departmental Funding

317. **Deputy Shane Ross** asked the Minister for Transport, Tourism and Sport the amount of State funding directly or indirectly that has been paid to fund trade unions, related bodies or trade union interests or causes in the past decade; and if he will make a statement on the matter. [21132/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The information requested by the Deputy is being compiled and will be forwarded as soon as possible.