



# DÍOSPÓIREACHTAÍ PARLAIMINTE PARLIAMENTARY DEBATES

## DÁIL ÉIREANN

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

*Dé Máirt, 19 Iúil 2011.*

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# DÁIL ÉIREANN

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*Dé Máirt, 19 Iúil 2011.*

*Tuesday, 19 July 2011.*

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

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*Paidir.*

*Prayer.*

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## Ceisteanna — Questions

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### EU Summits

1. **Deputy Micheál Martin** asked the Taoiseach if he will outline his approach to the need for an emergency summit of the European Council. [21084/11]

2. **Deputy Micheál Martin** asked the Taoiseach if he has contacted other heads of State or Government concerning further emergency economic matters which may require to be discussed by the European Council. [21085/11]

3. **Deputy Joe Higgins** asked the Taoiseach if he had discussions with Euro Parliament President Buzek on his visit to Ireland. [21141/11]

**The Taoiseach:** I propose to take Questions Nos. 1 to 3 together.

I was happy to welcome President Buzek to Government Buildings for a breakfast meeting last Tuesday, 12 July. Ireland is a strong supporter of the European Parliament and has many friends there. Our people have served in the parliament at its highest levels and our MEPs make an important contribution to its work.

We had a good discussion of some of the most important issues facing the Union, including the economic situation and the future of the Union's budget. I told President Buzek that Ireland is greatly looking forward to its seventh EU Presidency in the first half of 2013. Preparations are now well under way. We had a very good discussion on how the rotating presidency is working since the coming into force of the Treaty of Lisbon, and the extension in the number of areas to which co-decision applies.

I made it clear to the president that I will be stressing to all my Cabinet colleagues the importance of building good relations with the European Parliament, especially in the committees, in the period ahead. We want to do a good job for Ireland and for Europe.

We also touched on the technical process needed to give effect to the "Irish Protocol" secured ahead of the second referendum on Lisbon and I asked for the president's assistance in making this as speedy and straightforward a process as possible.

[The Taoiseach.]

I advised the House last week of the outcome of the meeting of Eurogroup Finance Ministers that took place on Monday, 11 July. Ministers reaffirmed their absolute commitment to safeguard financial stability in the euro area. This includes standing ready to adopt further measures that will improve the euro area's systemic capacity to resist contagion risk.

Ministers also tasked the Eurogroup working group with proposing measures to reinforce the current policy response to the crisis in Greece. This reinforced strategy is intended to provide the basis for an agreement in the Eurogroup on the main elements and financing of a second adjustment programme for Greece.

The Council of Finance Ministers also reviewed on Tuesday, 12 July, the availability and soundness of the backstop measures in place to address decisively any remaining pockets of vulnerability in the EU banking sector. This was ahead of publication on Friday last, 15 July, of this year's bank stress test results overseen by the European Banking Authority. President Van Rompuy has, in light of these developments, convened a meeting of the eurozone Heads of State or Government in Brussels this Thursday, 21 July. The agenda will be the financial stability of the euro area as a whole and the future financing of the Greek programme. Officials are currently working on the proposals that will be tabled at the meeting. My priority will be to ensure an outcome with positive implications for Ireland.

It will also be important for leaders to deliver a credible, workable and durable solution. In this regard, I would like to see the outcome providing us with the maximum range of options and flexibility to be deployed as future events unfold.

It is now very clear that what has been perceived by some as a set of problems affecting just a few peripheral countries is, in fact, systemic, affecting the euro area as a whole. We need an outcome that offers certainty and security for the future.

We have maintained close contact with our European partners, in both capitals and institutions, during the period since the June European Council. I look forward to meeting again with colleagues this Thursday.

**Deputy Micheál Martin:** I tabled two of the three questions in this group. This is an extremely grave moment for Europe and the reason there is a need for such a summit is that in the last four months European leaders have failed to take comprehensive action as agreed to in principle in February and formally adopted at the March Eurogroup meeting. The need for changes to debt repayment terms was agreed to, but the decision on 11 March not to finalise the terms was a major error. Finance Ministers failed in their job and the leaders carried on regardless. If the situation cannot be rescued, history may view the last two European summits as a major collective failure on the part of the leaders of Europe.

Given that the ratings agencies and bond markets are now assuming there will be debt restructuring for Greece, will the Taoiseach support such a move on Thursday? On Ireland's position, there is no question that the interest rate charged on our funding will be reduced, as agreed to in principle more than four months ago. The remaining issue concerns bank bondholders. As the Taoiseach knows but may not often acknowledge, since last year it has been the Government's position to seek to restructure substantial portions of our bank debt. However, by way of its veto, the ECB has prevented this from happening. If there is movement on the Greek debt, the principle of restructuring will have been breached. Does the Taoiseach agree that our position should be that no final agreement is possible without allowing a more significant burning of other bondholders also?

**The Taoiseach:** There is no doubt that this is a crucial time for Europe. That is why President Van Rompuy has called together the eurozone Heads of Government for a meeting on Thurs-

day. The Deputy reflected on what happened at the last two summits. It may be possible, in the event that agreement is reached on a comprehensive solution here, that Thursday's meeting could also be regarded as quite historic in the interests of dealing with Europe's fundamental problem here.

It should be acknowledged that the agenda being discussed at recent meetings, particularly by the ECOFIN Ministers, has been the agenda put forward by the Irish Government. It relates to the pricing of funding from the EFSF, the flexibility therein and the question of maturity dates. All these issues were initially tabled by Ireland and are being discussed centrally by Europe in respect of the problem affecting the eurozone.

I will not comment on what will happen in respect of the outcome of the meeting on Thursday except to say there are numerous meetings taking place today and tomorrow. Discussions are being held in different countries, institutions and parliaments about what may happen here. I wish to see a conclusion to the question of anxiety over the future of the eurozone and deal decisively with the issue of contagion spreading, essentially arising from the Greek problem but with implications for other peripheral countries.

If the Deputy has any observations or solutions, they would be welcome. This affects not just Ireland but the entire eurozone. For our part we are now working with officials and our counterparts in Europe as we approach Thursday's meeting. It is my hope — although I cannot forecast the conclusion of the meeting — that it will result in decisiveness in respect of the eurozone and the protection of the euro. I also hope it will deal with the question of anxiety and concerns over the contagion risks spreading to other areas. What has been reported and commented upon publicly would be of benefit to the country but I cannot predict the final outcome of Thursday's meeting.

**Deputy Micheál Martin:** I have put forward some issues with the questions I asked, particularly when I asked if the Taoiseach agrees that our position should be that no final agreement is possible without also allowing for significant burning of certain bank bondholders if there is movement on the Greek position and Greek debt. Given the comments of the Tánaiste on Sunday and the Taoiseach today, we should get something straight. There has been no diplomatic initiative from the Government side. Over four months the Taoiseach has not held a single bilateral meeting with a eurozone leader.

**An Ceann Comhairle:** There should be a question for the Taoiseach.

**Deputy Micheál Martin:** The Tánaiste and Minister for Finance have not increased the number of meetings with eurozone counterparts.

**Deputy Bernard J. Durkan:** What was the Deputy doing for the past five years?

**Deputy Micheál Martin:** The second question asked if the Taoiseach had contacted any other Heads of State or government with regard to further economic matters which may need to be discussed by the European Council. The Taoiseach did not answer the question in his first reply and I take it the answer is "No." The Taoiseach indicated that he looked forward to meeting such people next Thursday and there was contact between officials but the Taoiseach has clearly not picked up the phone and spoken to any eurozone leaders on this pressing issue.

**Deputy Bernard J. Durkan:** Who did the Deputy speak to for the past ten years?

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

**Deputy Micheál Martin:** I am asking if the Taoiseach contacted anybody, including Heads of State, in the past week with regard to next Thursday's meeting. I know people in the press office will argue that the campaign has been successful. Basically, the Irish Government has been a bystander.

**Deputy Simon Harris:** The Deputy wishes that were so.

**Deputy Micheál Martin:** This has evolved over the past two or three months. Listening to the Taoiseach's comments, it is like a footballer claiming credit for scoring a goal from the sidelines.

**An Ceann Comhairle:** This is Question Time.

**Deputy Bernard J. Durkan:** Perhaps it is more like a pedestrian, such as the Deputy.

**Deputy Simon Harris:** Is he talking about the Roscommon match?

**Deputy Paul Kehoe:** It is better than kicking a ball wide.

**Deputy Micheál Martin:** Will the Taoiseach explain what will be discussed relating to Ireland at the summit? How much of an interest rate reduction is being sought? Are we formally tabling the restructuring of bank debt?

**Deputy Simon Harris:** The Deputy could put on the green jersey.

**Deputy Micheál Martin:** Could we get more specifics on our approach to the meeting, which I asked about in an earlier question but to which I did not get a specific response?

**The Taoiseach:** I am not surprised at the Deputy's comments. He seems to have the bug he picked up in the Department of Foreign Affairs, when he travelled around the world. He seems to believe my job is to be on the telephone all day to other leaders around the world and to travel between European cities.

**Deputy Micheál Martin:** I did not say the Taoiseach should be on the telephone all day every day. He is never on it.

**The Taoiseach:** I remind the Deputy of what he did in lumping bank debt onto sovereign debt——

**Deputy Bernard J. Durkan:** Hear, hear.

**The Taoiseach:** ——and putting it on the backs of the citizens of this country.

**Deputy Micheál Martin:** You voted for that.

**The Taoiseach:** In my view, it was a gross act of political failure.

**Deputy Micheál Martin:** You supported it.

**The Taoiseach:** I have to deal with that at home and in Europe.

**Deputy Micheál Martin:** You voted for that and supported it as Opposition leader.

**An Ceann Comhairle:** When the Deputy asks a question, he should wait for an answer.

**The Taoiseach:** I remind the Deputy that since the Government started to pursue the issue, there has been extensive sharing of responsibility by subordinated bondholders and there is

more to come. The Minister for Finance has made it perfectly clear that in respect of senior bondholders, we regard Anglo Irish Bank as being a dead bank. It is in a different position and different circumstances from any other bank.

**Deputy Bernard J. Durkan:** Hear, hear.

**The Taoiseach:** The discussions about that will start in the autumn.

**Deputy Finian McGrath:** Get on with it.

**The Taoiseach:** It is not like a football player scoring a goal or a point from the sideline. Maurice Fitzgerald was able to do that against my county in an all-Ireland final a number of years ago.

**Deputy Finian McGrath:** The Taoiseach missed a good game last Sunday.

**The Taoiseach:** The discussions and negotiations we are involved in are aimed at finding a European solution to a European problem. That is what the Government has been pointing out for the last four or five months.

**Deputies:** Hear, hear.

**Deputy Micheál Martin:** We pointed it out for about three years, but the Deputies opposite did not acknowledge it.

**The Taoiseach:** The Tánaiste has pointed it out during meetings with foreign affairs ministers and diplomats. I have pointed it out when I have attended Council meetings. I have not been travelling around Europe. I have been going around this country telling people that we will not sink under the weight of this economic challenge. We have not been hit by an earthquake or a tsunami. We have been left with a legacy that no previous Government, or previous incumbent as Head of Government, has had to face in the history of this State. I have to face such a legacy now.

**Deputies:** Hear, hear.

**The Taoiseach:** We are going to deal with this challenge.

**Deputy Finian McGrath:** Has the Taoiseach said that to the people of Roscommon?

**The Taoiseach:** Part of that process involves getting the eurozone leaders to deal with Europe's problem, which has clear implications for Ireland, this Thursday. I do not want to go into the details of the matters that are being commented on publicly. I refer to the question of what might be decided during Thursday's meeting. As Deputy Martin is aware, questions of flexibility, pricing and maturity dates are relevant and important. Far be it from me to pronounce, on behalf of one of the eurozone countries, what the outcome of the decision-making process might be. I assure the House that we are very interested — more than interested — in ensuring that the decision which was originally made is adhered to. If a more comprehensive solution is put on the table, we will discuss that comprehensively and support it in the interests of our people who were deprived of their economic sovereignty for the first time in 90 years by the previous Government.

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Micheál Martin:** Can I ask a supplementary question relating to Question No. 2?

**Deputy Bernard J. Durkan:** The Deputy should apologise for his inaction in government.

**Deputy Micheál Martin:** Has the Taoiseach contacted any European head or leader in the last ten days to discuss the summit?

**The Taoiseach:** As I said in my initial response, I spoke to the President of the European Parliament when he was here.

**Deputy Micheál Martin:** I am not asking about the European Parliament. Did the Taoiseach speak to any European leader?

**The Taoiseach:** No.

**Deputy Micheál Martin:** I thank the Taoiseach.

**Deputy Gerry Adams:** Sinn Féin agrees with the Taoiseach that the Government inherited a mess from our friends on these benches. That is clear. I do not understand why the Government is doing exactly the same thing they did when they were in office.

**Deputy Bernard J. Durkan:** No.

**Deputy Gerry Adams:** In March of this year, there was an acceptance that the debt was unsustainable. We are now in the middle of July, and it is exactly the same as it was. Our European partners are making a profit of €10 billion. We will give millions or perhaps billions to the toxic banks. We are taking money out of our school and hospital systems, our public services and our welfare burden. The Taoiseach said he would not comment on what might happen on Thursday. I ask him to make it clear that the Government's position is there will be burden-sharing, this debt is not sustainable and the interest rate on which the Taoiseach has been majoring will be resolved. Mar a dúirt mé leis an Taoiseach cúpla uair cheana, that should be the Government's position. Tá mé an-sásta é a fheiceáil anseo inniu. Ní raibh sé anseo an uair deireanach a chuireamar ceisteanna ar an Taoiseach. Caithfidh mé a rá go bhfuil mé sásta go bhfuil sé anseo anois. Caithfidh an Taoiseach a bheith soiléir nach bhfuil seo in-buanaithe. Caithfidh sé a beith á rá sin go han-soiléir fosta.

**The Taoiseach:** Tá a fhios ag an Teachta Adams go maith céard atá méá rá anseo le cúpla mí anuas faoin deacracht atá ag Éirinn. Tá a fhios aige go maith freisin gur ndearna cinne ag an chruinniú ar 11 Márta gur chóir go mbeadh laghdú ráta úis do na tíre atá saite isteach sa chomhlacht ESFS.

**Deputy Gerry Adams:** Ach cad a tharla anseo?

**The Taoiseach:** Ba chóir go mbeadh laghdú ar an ráta úis ansin ach níor tharla an laghdú sin. Is é an t-aon tír nach raibh sásta é sin a dhéanamh ná an Fhrainc. It is not true to say, as the Deputy seems to believe, that we can act unilaterally, walk away and make decisions on our own. We are not in this alone.

**Deputy Micheál Martin:** That is not what the Taoiseach stated a few months ago.

**The Taoiseach:** We had no wish to be involved in this loan repayment scheme. We were led into it, despite the denials of the previous Government. I remind Deputies that the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Gilmore, has met his counterparts in Germany, France, the United Kingdom and Spain the past two weeks, as part of the diplomatic connection that happens on a regular basis——

**Deputy Micheál Martin:** It is ongoing.

**The Taoiseach:** —despite the fact that Deputy Martin thinks we should ring people every second minute—

**Deputy Micheál Martin:** No, just once. Even that would be a major breakthrough for the Taoiseach.

**The Taoiseach:** —stating, “How are you over there?” The point is, in answer to Deputy Adams, that there has been serious responsibility sharing with subordinated bondholders. The Government has made it clear that we are not happy with the position on Anglo Irish Bank which is an entirely different category and facing a different set of circumstances than Bank of Ireland or AIB, on which we will commence discussions early in the autumn.

The meeting is taking place on Thursday. Officials in the Department of the Taoiseach and the Department of Finance are in contact and dealing with their counterparts in a number of places across Europe on what is happening about the preparations being made for the meeting of the Heads of Government of the eurozone countries on Thursday and it is my hope agreement can be reached to bring certainty to end the problem of anxiety in respect of a second Greek bailout deal whereby a range of options will be considered, and also that the contagion consequent on what has been happening in Greece will be prevented from filtering into other countries carrying with it implications for Ireland. One should remember that the European Commission, the European Parliament, the IMF, Commissioners, many Parliaments and the troika have stated this country is meeting requirements as part of a difficult and challenging loan fund repayment scheme. I would like to think a comprehensive deal can be reached on Thursday. However, I cannot predict with certainty that such will happen because one never knows, but I would like to think it will happen and that it will benefit not only Ireland but Europe also, with obvious clear implications for the country.

**An Ceann Comhairle:** We now proceed to question No. 4 in the name of Deputy Martin.

**Deputy Micheál Martin:** May I ask one final question?

**Deputy Gerry Adams:** A Cheann Comhairle—

**An Ceann Comhairle:** Deputy Martin has had a good run. He raised a number of questions during a period of 25 minutes.

**Deputy Micheál Martin:** This is probably the greatest issue to face Europe and the country in the past few years.

**An Ceann Comhairle:** We are very strict at Question Time.

**Deputy Micheál Martin:** I just want to ask—

**An Ceann Comhairle:** No, I am moving on.

**Deputy Bernard J. Durkan:** Ten years ago it was the greatest issue.

**An Ceann Comhairle:** I am not spending all day on these questions.

**Deputy Micheál Martin:** The Taoiseach mentioned that he was leaving the Anglo Irish Bank debt issue until the autumn and stated in reply to Deputy Adams that this was not a unilateral decision that could be taken by the country. That was explained to many people six months



[Deputy Micheál Martin.]

and three months ago. We have moved from a position where it is no longer “Labour’s way or Frankfurt’s way”——

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

**Deputy Micheál Martin:** ——or where there will be unilateral bondholder burning that the Taoiseach advocated to one where we are not being told in the House.

**An Ceann Comhairle:** May we have questions, please? This is Question Time.

**Deputy Micheál Martin:** I asked a question to which I did not receive an answer. Are we, as a country, formally tabling a proposal on the restructuring of bank debt? Are we putting it formally on the table for Thursday’s meeting? The Dáil deserves to receive an answer in that regard.

**Deputy Richard Boyd Barrett:** A Cheann Comhairle——

**An Ceann Comhairle:** I call the Taoiseach.

**Deputy Micheál Martin:** It is important that we receive an answer because the Taoiseach has stated the Anglo Irish Bank bondholder issue is being put back until the autumn, even though we were told it would be dealt with in the first 100 days. The legislation is in place to deal with junior bondholders. It was in place a couple of months ago. What is Ireland tabling for the meeting on Thursday in terms of the restructuring of bank debt?

**The Taoiseach:** It seems the Deputy does not want to recognise reality. It has been some time since the Minister for Finance put it on the table that the pricing of the fund was too high in general——

**Deputy Micheál Martin:** That was agreed in March.

**The Taoiseach:** ——and that there needed to be a lowering of prices across the board and far greater flexibility and decisiveness on related elements. The question of Anglo Irish Bank has been signalled for quite some time by the Government as being the focus of discussions that will take place in the autumn.

**Deputy Micheál Martin:** Why not now?

**The Taoiseach:** We cannot and we have no intention of doing the entire programme for Government, from which the Deputy seems to pick bits, in the first 100 days.

**Deputy Micheál Martin:** The debt restructuring is on this week.

**The Taoiseach:** The question of particular issues that surround this fund and the implications for Ireland and other countries is not for this Government to decide on its own. As I speak, officials from the Departments of the Taoiseach, Finance and Foreign Affairs and Trade are in contact with their counterparts throughout Europe. The Deputy is aware of the way these things are structured and the way the preparations go for meetings of Heads of Government and for EU Council meetings in general. This work is going on now.

**Deputy Micheál Martin:** The Taoiseach talks to the leaders.

**The Taoiseach:** I am quite sure that as we stand here at 2.55 p.m. the agenda is not finalised for the meeting on Thursday. As the Deputy is aware, this evening, tomorrow and up until the

time of the meeting there will be discussions and deliberations about this. As I stated here last week I hope there will be decisiveness, clarity and a comprehensive solution on this occasion. I note that Chancellor Merkel stated in the beginning that she would be reluctant to travel to a meeting if there were to be no decision. I share this view. I am pleased that the focus now is to bring about a position where there will be decisiveness and action about something that is clearly of importance to every European citizen.

### Constitutional Amendments

4. **Deputy Micheál Martin** asked the Taoiseach if he has put in place or plans to place any administrative arrangements to facilitate the consultation by him and officials of his Department with party leaders concerning constitutional amendments similar to those followed, for example, in all recent referendums concerning the European Union. [21078/11]

**The Taoiseach:** Work is proceeding in my Department on the preparation of proposals for a referendum on the abolition of the Seanad. When these proposals are ready, they will be considered by the Government. The proposal to abolish the Seanad was signalled by the Government parties prior to the general election and the programme for Government contains a commitment to put this question to the people in a referendum. The Dáil and Seanad will have an opportunity to fully debate the necessary legislation, when it is published.

Proposals for the referendums on the other constitutional amendments promised in the programme for Government are being prepared by the relevant Ministers. Party leaders will be consulted after the relevant Bills have been drafted.

**Deputy Micheál Martin:** This is a serious issue because on all European Union treaty Bills the Opposition have been consulted, including, for example, the 2001, 2002 and 2004 referendums and other matters. There has always been prior consultation with the Opposition. As far back as 1996, the rainbow coalition consulted on divorce. For at least one and a half decades, various Governments have adopted the approach of consulting the Opposition on constitutional amendments. This is based on the solid idea that when it comes to fundamental change, in other words, change in the fundamental laws of the land, there should be an attempt to achieve agreement or as much consensus as possible across the political divide.

It has been more than three months since the Government briefed us that three constitutional amendments would be put to the people in October. This is the last week of the this session in the House. The Taoiseach promised consultation on these amendments. At this stage, the only people who have not been consulted on these amendments or on the wording of the amendments, for example, on judicial pay, are those in the Opposition. There has been no consultation. On Sunday there was a further leak about the text of two referendums being agreed this week. Again, this took place without consultation. How does the Taoiseach believe this fits with the commitment to increase the role of the Dáil? Can the Taoiseach explain how these three amendments will get proper consideration by the Oireachtas with so little time left between when the Dáil resumes in the autumn and the October timeline? These changes are fundamental to the role of the Oireachtas. Without precedent the Oireachtas has been marginalised in terms of its role in these amendments and the proposals for amendment to the Constitution to be held in October.

**The Taoiseach:** Last week, Deputy Martin's phrase was that the Oireachtas was being subverted. We will deal with that when we come to a further question. Now, the Deputy maintains the Oireachtas is being marginalised. Today in the House of Commons, a committee is dealing with issues about phone hacking in News International because it is in a position to do that.

[The Taoiseach.]

The fact is that for 14 years nothing was done in this House about accountability in respect of Dáil committees.

**Deputy Micheál Martin:** That has nothing to do with it.

**The Taoiseach:** That is why we are holding two referendums, one to deal with whistleblowers and one to deal with the consequences of the Abbeylara inquiry so those elected to the House by the people from all parties will have the authority of a referendum, if the people so decide to pass it, to call witnesses before it by compulsion, as many of them should, to answer questions about their conduct and the expenditure of public resources and so on.

That is a deliberate decision by the Government to allow for this House to be able to do its job. The Deputy's party did nothing about that for 14 years.

The third referendum to be held in October deals with the question of judicial pay. As the Deputy is aware, it is very important to highlight the difference between the Executive and Judiciary and to retain that independence. At a time of national challenge, this matter should be dealt with by the people.

In respect of the Lisbon referenda, the Deputy's question asks if the Taoiseach has put in place or plans to put in place any administrative arrangements to facilitate the consultation by him and officials of his Department with party leaders. In respect of the referenda on Europe, there was no administrative position.

**Deputy Micheál Martin:** There was.

**The Taoiseach:** There was not, and I had that confirmed by the international affairs division. There was consultation——

**Deputy Micheál Martin:** I consulted everyone.

**The Taoiseach:** Yes, but it was for information sharing only.

**Deputy Micheál Martin:** No.

**The Taoiseach:** Is the Deputy saying my information is incorrect?

**Deputy Micheál Martin:** Yes.

**The Taoiseach:** In that case, we will deal with that. The international affairs division of my Department confirmed to me that no administrative arrangements were put in place for consultations with the party leaders. We will check that as a matter of veracity. My understanding is that these were for information purposes only.

**Deputy Micheál Martin:** I met you with the outgoing Taoiseach.

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

**The Taoiseach:** Yes, but these were for information purposes only. In respect of these issues here, I am not going to get into an interminable wrangle with Deputy Martin or anybody else about wording. The Government will produce the draft Bills. I have no problem in consulting Deputy Martin, the other leaders, the Technical Group or anybody else about the issue that is at stake but I do not want to get and I have no intention of getting into a long dialogue about this or that wording.

The work is proceeding in the Department of Justice and Equality about the judicial pay referendum and, in respect of the other two referenda on whistleblowers and Abbeylara, with the Attorney General. As soon as they are drafted, I have no problem in consulting the leaders. I recognise this has to be done in September in order to hold the referenda in October in conjunction with the presidential election.

**Deputy Micheál Martin:** First, the Taoiseach was wrong in his original remarks——

**An Ceann Comhairle:** This is not conversation; this is Question Time.

**Deputy Micheál Martin:** I know. I was going to put it to the Taoiseach——

**An Ceann Comhairle:** Ask a supplementary question, please.

**Deputy Micheál Martin:** I am putting a question to the Taoiseach, which is important.

**An Ceann Comhairle:** We do not need an introduction.

**Deputy Micheál Martin:** We do, actually——

**An Ceann Comhairle:** We do not.

**Deputy Micheál Martin:** ——to set the scene and the context for the question. Of course, we do.

**An Ceann Comhairle:** No, you should read the Standing Order.

**Deputy Micheál Martin:** It is logical. I have been here for many years and I have witnessed this exchange between Taoiseach and leaders of the Opposition. It is important that I set the context to ask the question.

**An Ceann Comhairle:** No, it is not.

**Deputy Paul Kehoe:** It is not a play Deputy Martin is in.

**Deputy Micheál Martin:** All I simply say is that for the past decade and a half there was always consultation in terms of constitutional referenda. That is the point I am making. It is not true to say there has not been consultation. There has been — always. In regard to Lisbon, which you raised, do you not remember——

**The Taoiseach:** Your question asks what administrative positions were put in place to assist that consultation.

**An Ceann Comhairle:** Could we have this discussion through the Chair?

**The Taoiseach:** I had to ask the questions from over there.

**Deputy Micheál Martin:** Do you not remember, being in your current office——

**An Ceann Comhairle:** Listen, Deputy——

**Deputy Micheál Martin:** I am asking whether you remember——

**An Ceann Comhairle:** Supplementary questions elucidate further information. They are not statements.

**Deputy Micheál Martin:** I put the question for a very express purpose, namely, to try to get the Taoiseach at least to consult the Opposition.

**An Ceann Comhairle:** Well, ask it then. If he says “No”, then——

**Deputy Micheál Martin:** I cannot think why you are interrupting every single second. I should be allowed at least——

**An Ceann Comhairle:** I am obliged to interrupt when you are not in accordance with Standing Orders.

**Deputy Micheál Martin:** A Cheann Comhairle, you are trying to dictate how I ask the question.

**An Ceann Comhairle:** I am not dictating. I am applying Standing Orders.

**Deputy Micheál Martin:** I was not——

**An Ceann Comhairle:** You will not speak to me like that.

**Deputies:** Hear, hear.

**An Ceann Comhairle:** I will apply Standing Orders when they have to be applied.

**Deputy Micheál Martin:** With the greatest of respect——

**An Ceann Comhairle:** Put your question or I will ask you to resume your seat.

**Deputy Micheál Martin:** I am putting the question but I am being interrupted consistently by you, a Cheann Comhairle.

**Deputy Simon Harris:** Withdraw that remark.

**An Ceann Comhairle:** Please put the question. There are other Deputies in this House who want to ask questions.

**Deputy Micheál Martin:** I regret to have to say that.

**An Ceann Comhairle:** You do not own Question Time.

**Deputy Micheál Martin:** I have tabled questions legitimately. They are on the Order Paper as they are.

**An Ceann Comhairle:** Please put your supplementary question.

**Deputy Micheál Martin:** I was hardly standing for 30 seconds when you interrupted.

**An Ceann Comhairle:** Yes. You are supposed to ask a supplementary question to elucidate further information.

**Deputy Micheál Martin:** There is fair play on both sides, a Cheann Comhairle. I have been extremely constructive and responsible here. If you contrast how I have performed here——

**An Ceann Comhairle:** I will not take lectures from you.

**Deputy Micheál Martin:** I am not lecturing. I am just asserting my own position.

**An Ceann Comhairle:** Please put your supplementary question.

**Deputy Micheál Martin:** I am just asserting my own position as Leader of the Opposition, as I am entitled to do. I will do that. I will not be rolled over.

**An Ceann Comhairle:** You are a Deputy like every other Deputy——

**Deputy Micheál Martin:** I certainly am. I am the leader of a political——

**An Ceann Comhairle:** ——and you will apply Standing Orders like every other Deputy.

**Deputy Micheál Martin:** I am the leader of a political party.

**Deputy Dara Murphy:** A very small one.

**Deputy Micheál Martin:** I have tabled questions. I am entitled to table them and——

**An Ceann Comhairle:** So are other Deputies.

**Deputy Micheál Martin:** They will get their chance.

**An Ceann Comhairle:** There are 15——

**Deputy Micheál Martin:** I will facilitate that. I will not be long about this at all.

**An Ceann Comhairle:** There are 18 questions to the Taoiseach and we are on Question No. 4.

**Deputy Micheál Martin:** I have no intention of——

**An Ceann Comhairle:** We are 35 minutes into Question Time.

**Deputy Micheál Martin:** We are indeed.

**An Ceann Comhairle:** Please put your supplementary question.

**Deputy Micheál Martin:** If I am allowed to so do, I certainly will.

**An Ceann Comhairle:** Get on with it.

**Deputy Micheál Martin:** I did not ask the Taoiseach to have a long series of dialogues or an interminable dialogue with the Opposition.

**Deputy Simon Harris:** Ask the question.

**Deputy Micheál Martin:** There is a big difference between a long dialogue and no dialogue.

**An Ceann Comhairle:** Will the Deputy put his supplementary question?

**Deputy Micheál Martin:** On the question I wish to put to the Taoiseach, he mentioned the separation of powers. That is a fundamental issue in a democracy. Does the Taoiseach not think that at a minimum, on a question as fundamental as the separation of powers, he should already have initiated dialogue with the Opposition in respect of judicial pay? Dialogue has been initiated with the media which has received briefings on the content of that referendum.

**An Ceann Comhairle:** Will the Taoiseach reply to the supplementary?

**Deputy Micheál Martin:** Does the Taoiseach not accept there should have been consultation with the Opposition on the issue of judicial pay? I do not refer to the pay reduction itself but to the question of the separation of powers, which is a critical issue for any democracy.

**The Taoiseach:** I have no problem about maintaining the separation of powers that exists and have no intention whatsoever of interfering in any way, good, bad or indifferent, with the independence of the Judiciary which, by and large, has served our country and democracy well. The Deputy's question, he was very exact about questions last week, was:

To ask the Taoiseach if he has put in place or plans to place any administrative arrangements to facilitate the consultation by him and officials of his Department with party leaders concerning constitutional amendments.

His question is about administrative arrangements and no administrative arrangements were ever put in place for any referendum——

**Deputy Micheál Martin:** The Taoiseach is playing semantics.

**The Taoiseach:** ——other than me asking questions from the Opposition benches or Deputy Gilmore so doing as leader of the Labour Party.

**Deputy Micheál Martin:** No, I had meetings with the Taoiseach and Deputy Gilmore.

**The Taoiseach:** Moreover, when we did go to the Department of the Taoiseach with Deputy Martin, not that we got very much information——

**Deputy Bernard J. Durkan:** Hear, hear.

**Deputy Micheál Martin:** The Opposition parties got a full hearing. Taoiseach, that is not true.

**The Taoiseach:** No administrative facility was put in place other than to ask whether we were prepared to consult. I am prepared to consult with Deputy Martin and the other leaders——

**Deputy Micheál Martin:** That is unfair and not true. Deputy Gilmore knows this.

**The Taoiseach:** ——when the Bills have been drafted. Work is proceeding in the Department of Justice and Equality on the question of the referendum on judicial pay and in the Office of the Attorney General in respect of whistleblowers and the Abbeylara judgment. Moreover, the latter two questions are being asked deliberately of the people to give the Oireachtas the power to be accountable and to hold people responsible for their actions. There have been so many tribunals over the years and had compulsory powers of attendance been in place and had the question regarding the Abbeylara judgment been dealt with properly, many of them may not have been necessary at all.

**An Ceann Comhairle:** Deputy Adams, a brief supplementary.

**Deputy Gerry Adams:** I do not know about the other parties in opposition but one almost feels as though one is intruding on a domestic row when one comes in after the *rí rá* between these two parties. It is of no interest to me, except for academic and historical reasons, what happened before now.

**The Taoiseach:** The Deputy could go back down that path too far.

**Deputy Gerry Adams:** Bear with me please. What is important——

**An Ceann Comhairle:** Sorry, I ask the Deputy please to put his supplementary question.

**Deputy Micheál Martin:** The Deputy has a big interest in what happened.

**The Taoiseach:** He should not go down that road too far.

**Deputy Gerry Adams:** What is important is there has been no consultation. On one particular pressing issue for this State and across this island at this time, namely, the issue of children's rights, into which my party put a great deal of work under the leadership of Deputy Ó Caoláin, we were not consulted. Moreover, to my knowledge none of the other party leaders was consulted on any of the referendums and this is a pressing issue.

**Deputy Paul Kehoe:** And then you got rid of him.

**Deputy Gerry Adams:** Gabh mo leithscéal.

**An Ceann Comhairle:** Please Deputy, through the Chair.

**Deputy Gerry Adams:** This is part of the problem a Cheann Comhairle.

**An Ceann Comhairle:** I know.

**Deputy Gerry Adams:** That is the Government Chief Whip, who is interrupting me as I try to put a question.

**An Ceann Comhairle:** I ask him to remain silent. The Deputy should please proceed.

**Deputy Gerry Adams:** I remember reading many times, when the Taoiseach was on the Opposition benches and his party was much smaller, of his advocacy of political reform and reform of the Dáil.

**An Ceann Comhairle:** Sorry Deputy, will you please put your question?

**Deputy Gerry Adams:** I thought the Taoiseach was very serious but I see no evidence of that intent manifesting itself, given the way business is being done at present, particularly on the issue of constitutional referendums, about which my party and the other parties should have been consulted on how the Government intended to proceed.

**Deputy Ray Butler:** Believe me Deputy Adams, we will.

**The Taoiseach:** I understand where the Deputy is coming from. The nature of his question is on how the Government intends to proceed. It intends to draft the legislation that is required for the three referendums to be held in October and once that drafting has been completed, to consult with the Opposition leaders fully and completely about the Bills in question. This is how the Government intends to proceed. In respect of the referendum on children's rights, the Deputy will recall that before he entered this House, there was a great deal of discussion about this issue. An Oireachtas committee performed very valuable work and produced an agreed wording. The previous Attorney General did not agree with that wording and recommended changes. This means, to be fair about this because it is such a sensitive and complex matter, that it will not be possible to have it decided in October of this year, together with the other referendums. The Minister for Children and Youth Affairs is now dealing with this matter and is working with the Attorney General. That referendum will be held next year. We want to get it absolutely right because there are very complex arguments on either side. While the



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Oireachtas committee produced an agreed wording this was not acceptable to the then Attorney General leading to a limbo which must be dealt with.

The Deputy can be assured that there is no question of there being a secret agenda because this is in the interests of everyone in the country. As soon as we get to a point where there is a conclusion on the wording and the Bill is drafted, there will be consultation with the Opposition. There is no point in Deputy Adams and I having three months' discussion about something that has already been discussed interminably. We need to arrive at a conclusion on what can and should be put to the people and this is our focus.

**Deputy Gerry Adams:** It is a matter of “when I say so” of the Opposition having its say on priorities and urgent issues and there is no more urgent and priority issue at this time than the fact that children do not have legislative rights as they should.

**The Taoiseach:** The Deputy forgets to mention that for the first time in our history, this Government has appointed a Minister for Children and Youth Affairs with senior Cabinet rank. She is now dealing with the sensitive and very personal issue and I regard this as a signal as to how this Government views our young people and the part they have to play as they accept responsibility in the years ahead. The Minister for Children and Youth Affairs is now dealing with the question of the children's rights referendum. I am not a constitutional lawyer but given that all the parties agreed on a wording which for whatever reason the previous Attorney General did not agree with, this matter has had to take a step back. I hope we can get to a point where we can have agreement on the wording to be put to the people and that the referendum can be held next year. When I was sitting where Deputy Martin now sits I asked on many occasions as to when the Government intended to hold that referendum. It was promised on umpteen occasions but never got within sight of ballot boxes.

**Deputy Micheál Martin:** The legislation is drafted.

**The Taoiseach:** I know there were difficulties. It is in our interests to reach a conclusion and I strongly support it.

**An Ceann Comhairle:** Deputies, only two minutes remain. I am aware that the next question to be answered has been grouped with other questions. By the time the Taoiseach will have finished, there will not be an opportunity for Deputies to ask supplementary questions. It would be wise if the House agreed to delay those questions until tomorrow.

**The Taoiseach:** The Deputies can put their swords back in their scabbards.

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

**Deputy Micheál Martin:** That is a very reasonable suggestion.

**An Ceann Comhairle:** Deputy Adams has two questions in that group.

**Deputy Micheál Martin:** May I ask a final question? Is the Taoiseach satisfied that the Referendum Commission will be in a position to do its work in a timely manner to put these issues to the people?

**The Taoiseach:** As regards the October referenda, the answer is Yes.

## Priority Questions

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### Employment Support Services

19. **Deputy Willie O'Dea** asked the Minister for Jobs; Enterprise and Innovation if he has satisfied himself that the measures in place to counter unemployment and immigration are adequate; and if he will make a statement on the matter. [21221/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Government is acutely aware of the scale of the challenge we face in combating unemployment and emigration, with more than 440,000 people on the live register. This crisis was created by years of bad economic policies and it will take considerable time to correct. The new Government is committed to getting people back to work. As the Deputy will be aware, on 10 May the Government launched a range of measures under the jobs initiative to improve the competitiveness of the economy, to support the maintenance of existing jobs and the creation of new ones, and to assist those who are currently unemployed to return to work. It includes the creation of an extra 20,900 activation places for the unemployed. These places will be delivered by the Department of Social Protection, and the Department of Education and Skills.

In addition, the Government is actively working on implementing the commitment to establish a new national employment and entitlements service which will focus our system on structured activation designed to help people develop their potential and avoid losing contact with the jobs market.

The jobs initiative also included several measures to boost the domestic economy, including: the reduction of VAT on restaurant and catering services, hotel and holiday accommodation and various entertainment services; the halving of the lower rate of employer's PRSI on earnings up to €356 per week; the focusing of the State's capital expenditure towards more employment-intensive projects in the areas of education, local and regional roads, sustainable transport projects, energy efficiency schemes and so on; and the development of proposals for a partial credit guarantee scheme to improve access to finance for SMEs, and for a microfinance start-up fund.

Much more needs to be done. Job creation can only be built by growing more successful enterprises. This requires strategies to improve cost competitiveness, improve access to credit, streamline competition and regulation, improve the uptake of innovation and develop the capability of enterprises. This will be the focus of continuing work by the Government and by my Department.

There is also great potential for job creation in several emerging sectors such as cloud computing, digital gaming and a number of others listed in the programme for Government. I am working to develop the potential of these and other sectoral opportunities.

**Deputy Willie O'Dea:** I thank the Minister for his response. Will he accept that many of the 20,900 activation places he mentioned were in the pipeline and had been budgeted for by the previous Government? When will the new national employment and entitlement service, which seems to be a central piece of the Government's employment policy, be available? On numerous occasions I have asked the Minister for Social Protection about this and she has been unable to give me the slightest hint of when we might hope to see it emerge. The VAT reduction is central to the Minister's employment policy. Is he aware of anecdotal evidence suggesting that the VAT reduction is not being passed on? When the Government is deciding whether to continue this relief in the next budget, what criteria will it use? How will it judge

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whether it is being passed on? If it decides to discontinue it, what does it propose to put in its place?

**Deputy Richard Bruton:** I regret the 21,000 proposed activation places were not included in the budget and they are entirely new. As the Deputy knows — he was very critical of this — they needed to be funded by way of new sources of revenue. So these were not planned. The programme had an additional 5,000 places under Tús, which the Minister has now put into practice. That would be 5,000 in addition to the figure I gave in the reply and they were the only ones provided for.

Obviously the Minister for Social Protection is responsible for developing the national employment and entitlements service and I know she is actively working on that, which will represent a significant break. The OECD has been trenchantly critical of Ireland's approach in the past of not matching payment with activation policies and having a streamlined approach, and the Minister is determined to address that gap.

I am aware — the Deputy, himself, drew my attention to anecdotal evidence — that the VAT cuts are not being passed on. While detailed criteria against which a decision will be reached as to whether to retain this have not been drawn up by Government, we will want to see it is having an impact in terms of the competitiveness of our tourism product, activity rates in these sectors and a reduction in price. I am monitoring it closely and am asking the National Consumer Agency to monitor it, so we will gather evidence.

**Deputy Willie O'Dea:** No additional funding has been provided for the enterprise agencies. The Minister will realise that their record in net job creation in recent years has been pretty poor. There has been no appreciable improvement in the economies of the countries from which we attract much of our foreign directive investment, FDI, in particular the United States. Given the Government's projections of what is expected of those agencies during the coming years, what changes in policy or organisation does the Minister propose to get them to move from creating in net terms a couple of thousand jobs last year to creating the 100,000 or 150,000 planned for the next three to four years?

**Deputy Richard Bruton:** As the Deputy knows, the Government is developing several initiatives designed to get companies that have not been exporting to access the export market. That the Government has also taken great strides to improve access to credit for small to medium-sized enterprises, SMEs, is a significant element. The Government is examining the potential for a strategic bank to provide new sources of capital to focus on infrastructure and enterprise development.

The Government is preparing a range of proposals to address the need to drive more sustainable enterprises. It is not just about spending more money. If that were the solution, we would have solved our problem. Much of it has to do with becoming more effective and competitive, improving regulatory systems, increasing access to credit and refocusing banks on business rather than property. There will be considerable structural change in the economy. It is not just about spending more money, as key issues must be addressed.

### **Job Protection**

20. **Deputy Peadar Tóibín** asked the Minister for Jobs; Enterprise and Innovation the cost to businesses in view of the recent gas and electricity price increases; the number of jobs he expects that will be lost as a result of the price rise; his strategy to off set these costs; and the expected job losses. [21435/11]

23. **Deputy Peadar Tóibín** asked the Minister for Jobs; Enterprise and Innovation the cost to Irish businesses of the recent and proposed increase in interest rates; the number of jobs he expects that will be lost in the economy; and his strategy to off set these costs and job losses. [21436/11]

**Deputy Richard Bruton:** I propose to take Questions Nos. 20 and 23 together.

As the Minister for Jobs, Enterprise and Innovation, I am keen to ensure that the cost base for business is competitive to enable enterprises to grow and to support job creation. While there has been a welcome improvement in cost competitiveness in the past two years, including in the energy field, any reversal of these trends would be most unwelcome. However, the Government has no role in setting electricity prices and only certain segments of the market are regulated by the Commission for Energy Regulation, CER. I recently met the CER and asked that there be a clear distinction made between the elements of energy pricing within our control and those that lie outside it.

Last week, Bord Gáis Energy announced that it is to increase its residential electricity prices by 12% from 1 August due to the significant increase in the cost of commodities on the wholesale markets. As this increase relates to residential customers only, it does not require the CER's approval.

The Sustainable Energy Authority of Ireland, SEAI, published a report earlier this week on electricity and gas prices in Ireland based on EUROSTAT data. This report includes an analysis of the most recent trends in energy costs for businesses. While the report is detailed, the main findings are that, following reductions in electricity costs for businesses in 2009 and the first half of 2010, there was upward pressure on prices during the second half of 2010, with prices rising slightly faster than in the EU in general. Notwithstanding the increases, Ireland's electricity costs remained below the EU average for medium to large business consumers, but above the average for small business consumers. Gas price increases for businesses also increased in the second half of 2010, but remained below the EU average for all business customer levels.

I do not have data on the specific impact of increases in gas and electricity prices on business. The impact will vary depending on the size of the company and the nature of its activities. However, indicative data published in the National Competitiveness Council's "Costs of Doing Business in Ireland" report would suggest that, in the manufacturing and services sectors, utility costs, including water and waste as well as energy charges, account for less than 5% of companies' total costs.

It is important to point out that business and domestic customers can avail of competitive offerings from a number of electricity and gas suppliers and should seek the best value on offer in the marketplace to suit their circumstances. Competition helps to put downward pressure on energy prices, but businesses can also focus on mitigating energy costs through energy efficiency measures. The SEAI can provide advice and, subject to available resources, financial assistance in this respect. In addition, extensive tax relief is available to businesses under the accelerated capital allowances scheme for energy efficient technologies. Enterprise Ireland also works with its client companies on improving productivity and efficiency and offers a range of programmes in this regard. The home page of my Department's website includes links to the main supports available to businesses for job creation and productivity, including supports available from the SEAI and Enterprise Ireland.

The Government will do all it can to reduce the cost of doing business. We have been working on several elements, including rents, wages, commercial rates and other charges. The European Central Bank, ECB, announced an increase in interest rates on 7 July. An indepen-

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dent organisation, the ECB has sole responsibility for monetary policy decisions in the euro area and the Government has no control over setting interest rates. However, we have taken many steps to improve access for SMEs to credit, including restructuring the banks, a partial loan guarantee that is in development in my Department and other measures.

**Deputy Peadar Tóibín:** Cost competitiveness is a major issue for small businesses throughout the State. It is often the case that the Government parties focus intently on the cost of labour when considering various costs. One reason for asking this question was to try to open the Government's mind to the fact that other costs affect small businesses. High inflation is doing significant damage to the ability of such businesses to function.

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

**Deputy Peadar Tóibín:** Most of this inflation is because of increasing utility costs, not demand. The Government has control over many of these costs, but the Minister stated that it has no control over the pricing of electricity for small businesses. Can the Government start to effect such control? What mitigating activities is the Government taking to address the increasing price of oil, which is due to the weakness of the dollar? Given Germany's focus on ridding itself of the nuclear aspect of its energy resources, there will be major pressure on gas. It is important that the Government focus on a proper competitiveness policy in respect of utilities for the near future. I would like to discuss interest rates shortly.

**Deputy Richard Bruton:** I agree with the Deputy. Cost competitiveness is an issue across the range. For example, the Government is committed to tackling rents, to which end the Department of Justice and Equality proposes legislation to address the issue of upward-only rent reviews. While the cost of professional services has been decreasing, the National Competitiveness Council, NCC, has highlighted the fact that legal services are bucking the trend and their cost is increasing. The Government is committed to addressing this issue. The Government is also examining the potential for a reduction in the cost of rates, a matter I remember the Deputy being concerned with during my last Question Time.

The Government does not regulate any of the energy sector. That is the responsibility of the CER. Most of the sector, including the entirety of the electricity market, has been deregulated and the commission no longer sanctions individual increases. The only segments that remain subject to sanction by the CER are domestic gas users and, until October, small business gas users.

The policy of this and the previous Government has been to foster competitiveness in these sectors. However, costs such as the world prices of gas and oil are not within the control of the regulator or the providers. I asked the regulator to make distinctions between the elements of the cost structure that can be controlled within the State and those that cannot. As the Deputy suggested, perhaps greater attention can be applied to the elements of the energy mix that are controllable within the State. Some of these are long-term in nature, for example, the development of alternative sources.

**Deputy Peadar Tóibín:** The Government is a capable one and I understand that it will not be able to control international oil prices, but certain measures, such as creating an interconnector between Ireland and Britain and improving the grid on this island, would make the liquidity of energy more competitive and cheaper for local businesses.

The interest rates issue is a massive one for Ireland. Individual businesses are encumbered, meaning they are suffering as a result. Small businesses are not receiving loans, with 79% finding it difficult to get them. With rising interest rates, businesses consider the future will be

worse; therefore, expectations are holding them back from getting loans. The ECB is providing a pro-cyclical policy through its interest rate rises. It is bad enough that the Government is standing back and stating it cannot do anything about it; if this is such a key element of the economy, it should go to the ECB and state the economy must be taken into consideration, not just the German economy, when considering interest rates in the future.

**Deputy Richard Bruton:** The ECB, under statute from the European Union, decides its interest rates policy with an eye on inflation across the eurozone.

**Deputy Peadar Kirby:** With an eye on inflation in Germany.

**Deputy Richard Bruton:** Politicians may express their views that current interest rate policy is inappropriate for Irish circumstances — there is no doubt that rising interest rates do not suit us — but, on the other hand, the ECB is clearly established under legislation.

We can look at the issue the Deputy raised of the difficulty for Irish SMEs in getting loans. That is why the Government restructured the banks and we now have two pillar banks which are well capitalised and have low loan to deposit ratios. They are capable of advancing €20 billion in loans to SMEs in the next three years. It is important that the Government ride shotgun on the delivery by Irish banks of these loans to SMEs. We must focus on the things we can control, and that has been the focus of the Government. We recognise there has been a market failure, which is why the partial loan credit guarantee scheme will be developed later in the year.

### State Agencies

21. **Deputy Shane Ross** asked the Minister for Jobs, Enterprise and Innovation his views on that the cost per job in Enterprise Ireland supported companies that has increased from €4,278 in the years 2000 to 2006 to €12,254 in the years 2004 to 2010; and if he will make a statement on the matter. [21595/11]

**Deputy Richard Bruton:** As part of the Forfás annual employment survey, the overall cost per job is calculated each year by reference to the cost of jobs created during and sustained to the end of a seven-year period. The accepted accounting measure for the cost per job is cost per job sustained. This is calculated by taking into account all direct agency expenditure on all Enterprise Ireland client companies in a seven year period. Only jobs created during and sustained at the end of each seven year period are represented in the calculations. The cost per job calculation takes the total grants paid to companies to undertake development projects at both start-up and expansion stages and the new jobs that arise from these projects.

Enterprise Ireland's investment policy facilitates a grant and-or equity mix. Equity investments would typically be made in early stage companies where a greater level of risk is posed. Funds realised from the sale or repayment of equity related investments are deducted in the cost per job calculations. Over time this funding policy has been a driver of the declining cost per job sustained up to 2006. This declining figure was primarily due to the impact of large financial support in 2000. Such refunds were largely attributable to the sale of shares in one company that resulted in a refund of over €100 million in 2000 and that formed part of the calculation up to 2006. The financial supports from 2000 are no longer relevant to the calculation for cost per job sustained in the subsequent seven year period.

Since 2006 the cost per job sustained has increased. Other factors resulting in the increases in recent periods include that Enterprise Ireland provided additional supports such as the Enterprise Stabilisation Fund to ensure Irish-owned companies were in a position to withstand the worst recession in decades. The fund which was introduced in 2009 made payments of €79.2

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million in the period 2009 and 2010. Also, additional supports relating to dairy, beef and sheep funds were introduced in 2008. These are administered by Enterprise Ireland on behalf of the Department of Agriculture, Fisheries and Food and form part of the calculation. A lower number of jobs was sustained for 2004-10 compared to earlier seven year periods in the context of the severe recession. The jobs sustained figure for the 2010 period was 43,800, while for the earlier period it was 48,029.

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

Enterprise Ireland is focused on the objective of increasing exports and consequently employment through a range of interventions such as driving sustained research and development and innovative activities through direct supports for in-company research and development and collaboration; international sales, including supports to drive sales and marketing capabilities of companies and the support of 31 overseas offices; building leadership and management capabilities, encompassing Enterprise Ireland's Leadership 4 Growth programme designed and run in conjunction with Stanford University; embedding competitiveness improvements through a tailored programme of lean initiatives; and financial supports which can take the form of grant aid to support business development activities in established companies. In innovative start-ups Enterprise Ireland takes equity positions to support the start-up business plan.

We must champion the cause of companies which can create good jobs in sustainable activities. Enterprise Ireland will play a vital role in contributing to the building of a strong, sustainable and innovative enterprise sector.

**Deputy Shane Ross:** To paraphrase the Minister, it seems that post-2000, particularly in the last two years when the curve got very steep, Enterprise Ireland has been supporting companies it has already supported in the past with the new Enterprise Stabilisation Fund which amounts to €80 million this year. The fund is being used to back up Enterprise Ireland's earlier judgment. What it refers to as viable but vulnerable companies have been supported. Does that not call into question the earlier judgment made? It has supported companies which would now be in trouble if it had not put more money into them. There is a new fund of €80 million for companies Enterprise Ireland has already decided to support, which was certainly a questionable judgment. Because of its Exchequer funding increases from €396 million last year to €420 million, is Enterprise Ireland costing too much to finance? Why is the Exchequer continuously putting money into this State agency which, in turn, has to put that money into companies which it has already backed and which it refers to as viable but vulnerable?

**Deputy Richard Bruton:** I do not think it is a fair judgment that these were bad choices. Internationally, the recession we have experienced has been unprecedented. Anyone who has part of his or her business in the Irish market has suffered a 20% drop, while world markets have dropped by about 10%. This has been an exceptional maelstrom for Irish business. While I was not party to the decision to provide temporary relief, if jobs were lost, each job lost would have cost the Exchequer €20,000 per person in jobs that must be judged viable before the fund is accessed. It is unfair to imply the original choices were bad; this has been an extraordinary collapse that has not stemmed from those successfully trading overseas, rather it is a domestically created crisis, coupled with the international recession. However, we could not call into question the selection of companies.

The Deputy has asked if we are spending too much on Enterprise Ireland and I do not believe we are. We must develop an engine of indigenous growth and it is a criticism of Irish industrial policy that only 10% still comes from indigenously owned companies. To be fair to

Enterprise Ireland, it has dramatically reduced in size in recent years; employment in the agency has fallen by 40%. That is not say, however, we can afford not to be vigilant. We must ensure every line in every programme delivers value for money. I will be applying such vigilance to the programmes.

**Deputy Shane Ross:** There are two interpretations and the Minister is taking the benign one, while I am taking the more critical one. There is a case for saying Enterprise Ireland is covering up its mistakes with the new money it has received in the rescue fund. It is difficult to find out what companies are involved. Enterprise Ireland costs about €94 million a year, about €2 million per week, including €4.5 million in travelling expenses. Does the Minister not view with concern that more than one third of its budget is used for administration purposes rather than for grants to SMEs?

**Deputy Richard Bruton:** This was not the subject of the question.

**Deputy Shane Ross:** Correct.

**Deputy Richard Bruton:** My understanding is that the vast majority of Enterprise Ireland's staff are customer-facing. In other words, they are dealing daily with businesses, either on their research or marketing needs. This is not a huge, top-heavy administrative operation. Obviously, every section of this Department will have to be under scrutiny. We are under an obligation to reduce the numbers employed in every section. Enterprise Ireland, as well as the rest of the Department, will see its staff reduced in the coming years. I will be determined to ensure that this does not impact on the quality of the service going to Irish business. We need to be more cost-effective and I will look for that in Enterprise Ireland, as in every other operation. However, I do not think a *prima facie* case has been made that this is an ineffective use of an organisation that is not well managed. The contrary is my view.

### SME Sector

22. **Deputy Willie O'Dea** asked the Minister for Jobs, Enterprise and Innovation if he is satisfied that the arrangements in place to provide credit to businesses, particularly small and medium enterprises, are adequate; and, if not, the measures he proposes to take. [21222/11]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** The availability of credit to viable businesses is a recurring challenge that has hampered new or expanding firms from developing new products and markets, and thereby protecting or creating jobs. This is a challenge the Government is determined to address.

With my departmental officials, I continue to work closely with our colleagues in the Department of Finance to ensure that the interests of businesses are central to Government actions in the banking sector. The recently announced plans by my colleague, the Minister for Finance, to restructure and recapitalise the banking system is the principal response to this challenge. These plans are designed to secure an adequate flow of credit into the economy to support economic recovery, even as the banking system is down-sized.

As the Minister for Finance has confirmed, the banking system restructuring plan creates capacity for the two pillar banks, Bank of Ireland and AIB, to provide lending in excess of €30 billion in the next three years. SME and new mortgage lending for these banks is expected to be in the range of €16 billion to €20 billion over this period.

In each bank, a team of senior managers will be dedicated to the task of ensuring that lending continues to grow to support economic growth. This lending capacity is incorporated into the



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banks' de-leveraging plans which allow for the repayment of Central Bank funding through asset run-off and disposals over the period to 2013.

Both pillar banks regularly provide the Department of Finance with monthly figures on balance-sheet volumes, sanctioned facilities, and geographic and industrial breakdowns of their SME lending, and for sanctions and drawdowns by SMEs. The data is monitored to ensure that the banks are compliant with the terms of the Government recapitalisation as it relates to the provision of credit for SMEs.

As part of the jobs initiative and in accordance with the commitment in the programme for Government, I am working towards the introduction of a targeted, temporary partial credit guarantee scheme, which will be in operation later in the year. Work is also under way on the establishment of a microfinance fund to provide loans of up to €25,000 to micro-enterprises employing up to ten persons for start-ups and expansions.

Businesses having difficulty with credit refusals can use the services of the Credit Review Office. With effect from 9 July, the limit for loan applications that can be reviewed by the Credit Review Office has been increased from €250,000 to €500,000.

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

As a further assistance to improving the cash flow of businesses, all Government bodies — excluding commercial semi-State bodies — are now required from 1 July 2011, to pay suppliers within 15 days of receipt of a valid invoice. Given that the public sector enters contracts with suppliers worth €15 billion each year, the importance of such a policy for all the companies that do business with the State is clear. These actions already taken will enable businesses to access credit and benefit from growth in our economic activity. I am committed to the provision of an adequate supply of credit to viable businesses and I will continue to ensure that our heavily supported banking system plays its role in supporting our enterprise sector.

**Deputy Willie O'Dea:** Did I understand the Minister of State to say that as a result of restructuring, the banks are now providing credit to businesses, particularly small businesses? The Minister of State must realise that there is a credit famine out there. The banks are not lending to businesses, particularly small businesses. The Credit Review Office is effectively a toothless tiger; it is just as good as the Press Council — useless. That is the reality, even though we set it up ourselves. The Government has various proposals concerning micro-funding for lending and taking equity in small businesses, and a credit guarantee scheme. Can the Minister of State say when we can expect both those to be in operation? The Government has been making promises about them for the past four months.

**Deputy John Perry:** I agree with the Deputy in regard to the viability of small companies. In Mr. Trethowan's defence, his office's monthly reports are clearly bench-marked on lending by the banks, which have received €3 billion each. If the Deputy studied the reports, he would see it is quite apparent that the money is being loaned out.

**Deputy Willie O'Dea:** I did, actually.

**Deputy John Perry:** As regards the 250,000 small companies, however, spending in the domestic economy has dropped considerably. Many businesses that were viable are unfortunately not so now, which is the difficulty at the moment.

The temporary loan guarantee scheme has been designed to be rolled out and we are working decisively on it. We feel it is very important and will take some of the risk. It will not be a

substitute for bank lending, but it will guarantee some sectors of the economy the possibility of getting money. It will certainly be rolled out by budget time.

The micro-finance fund is critically important as well and provides up to €25,000 for small and medium enterprises. From my own experience, I agree with the Deputy that it is disappointing that there is evidence to indicate that smaller companies are not getting loans.

**Deputy Willie O'Dea:** That is true.

**Deputy John Perry:** It is important that the State has invested heavily in the two pillar banks and is obliged to do so.

**Deputy Willie O'Dea:** The Minister of State suggests that I should read the reports. I have read them in some detail. I would like to know if the Minister of State agrees with my conclusion from having read the reports, which is that there seems to be something of a balance-sheet paradox. The actual lending to SMEs has dropped quite considerably because much of the money being loaned out, as per the balance sheet, is simply replacing or rescheduling loans that are already there. Many of these loans are being paid on an interest-only basis. They are important because they are helping people to survive a difficult period, but they are not increasing the volume of lending to small businesses.

On the credit guarantee scheme, am I correct in saying that the amount, which the Minister mentioned in committee last week, is a guarantee of about €400 million? The Minister of State says he hopes to have that in place at or before budget time, which is next December.

**Deputy John Perry:** By budget time, yes.

**Deputy Willie O'Dea:** Has the Government factored in an annual figure for how much this will cost the State?

**Deputy John Perry:** The cost will be offset by the benefits to the State. The final cost has not been fully determined, but it will certainly be value for money because the most important benefit is getting people back to work. From the level of inquiries to my Department about the lack of funding to small companies, I entirely agree with the Deputy on the role of the banks, which is a huge issue at the moment. I assure the Deputy that I will rigorously benchmark the two pillar banks to ensure that money is loaned out.

With regard to the efficacy of the €400 million fund, it could potentially create 8,500 jobs. It is absolutely essential that we deliver it instantly. I agree that, unfortunately, small companies are not currently getting the essential finance required to generate confidence and credit in the economy. It is a point I will deal with.

Question No. 23 answered with Question No. 20.

### Other Questions

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### Job Creation

24. **Deputy Robert Troy** asked the Minister for Jobs, Enterprise and Innovation his plans to develop the digital gaming sector to increase the employment it is already providing to the Irish economy. [21076/11]

**Deputy Richard Bruton:** Digital gaming is one of a number of key sectors which I see as offering strong potential for growth and increased employment in Ireland. The global video games market was valued at \$55.5 billion in 2010 and is expected to grow to \$82.5 billion by 2015, making it the fastest growing segment of the wider entertainment and media sector. It is eclipsing music and box office figures at this stage. The increasing popularity of social gaming and online play has changed the shape of the industry. This has opened up not just a global market for developers, but also opportunities for the industry to find new locations offering local talent and favourable tax regimes. It is a rapidly moving marketplace and one where Ireland could become a significant player.

The programme for Government includes a commitment to support the digital games industry and promote Ireland as a digital gaming hub. The sector directly employed 1,500 people in Ireland in 2010 in core games companies, representing a four-fold increase since 2004, with a further 1,000 employed in online gambling. There is considerable potential for jobs growth in the core video game sector, with a number of announcements by IDA and Enterprise Ireland-supported companies already in 2011. There is potential to increase employment in the sector to 4,500 by 2015, and for growth across related sectors or activities, such as eLearning and animation. Potential growth opportunities for Ireland lie in the areas of advanced game servicing, games development, games publishing and enabling technologies.

I recently met representatives from the digital gaming industry to discuss how we could work with them to further develop the sector. At present, Forfás is preparing a report for me on the potential of the sector. The report will identify key actions that need to be taken to optimise its development. IDA Ireland, Enterprise Ireland and representatives of the digital gaming sector have provided input to this process.

While focused on the electronic games industry, the Forfás study will contribute to a better understanding of the needs of the wider digital economy in Ireland and the policy framework and actions required to facilitate its growth. I expect to receive the report before the end of this month. I will give it early consideration and seek the support of my Government colleagues to take appropriate actions required to develop the sector further.

**Deputy Willie O'Dea:** As the Minister rightly says, Ireland has been very successful in this area and there is great potential in it. Does the Minister agree that the development of this important sector is hampered somewhat by the fact that there are different Government agencies and Departments dealing with different segments of the market? Does he also agree that what is key to growing the sector is a highly skilled, specialised workforce? Has the Government any plans to ensure we have that workforce to attract the opportunities that undoubtedly exist?

**Deputy Richard Bruton:** I do not really accept what the Deputy is saying. Like any business, it depends on a number of elements of government to make it right. In my discussions with representatives of the sector, it was made clear that they want to see the skills flow. The interpretation of research and development tax credits is obviously important for them as well, which is also a revenue function. Support from Enterprise Ireland and IDA Ireland for clustering and so on is also important. Like any other business, they depend on a range of factors for their success. I believe there is a determination to develop opportunities like this. When I have the report at the end of the month, we will look at issues such as skills deficits and will be working with the Minister for Education and Skills. The programmes he has been developing are aimed at converting people with other skills. That offers opportunities in this sector. This does not need a super agency for the gaming sector. We do not need an agency for every sector.

**Deputy Willie O'Dea:** I am not suggesting for a moment that we create another agency. We want to see fewer agencies and not more of them. Is the Minister aware of the recommendations for the sector in the Forfás report about making it happen? I refer specifically to the proposal that the Government should facilitate networking and collaboration across sub-sectors of the creative industries, such as digital media and design, and particularly in MNCs, SMEs, sole traders and academia. Another proposal is to develop and promote education and training initiatives to increase capacity and skills in the area of design and innovation. Will the Government accept those proposals and act on them?

**Deputy Richard Bruton:** I had a joint meeting with the Minister for Education and Skills only recently to discuss specifically education and training skills gaps. He is bringing forward proposals to increase the graduate intake into areas with skills gaps, while under the Springboard initiative he wants to switch people with different skills into these areas.

We are very conscious of the opportunity for networking in areas like digital media and where there is a convergence of technologies. Many of the research and development initiatives that have been developed by the Minister of State, Deputy Sherlock, build on the fact that we have collaboration between multinationals, SMEs and the academic community. Many of these digital gaming companies have been spun out from research activities in the higher education institutes, funded by Science Foundation Ireland, SFI. There is very fruitful investment in this area, with good spin-offs.

### **Alternative Energy Projects**

25. **Deputy Sandra McLellan** asked the Minister for Jobs, Enterprise and Innovation the steps he has taken to develop the green economy. [21162/11]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock) (Deputy Sean Sherlock):** The “green economy” is a term used to categorise a range of economic activities which contribute to lower greenhouse gas emissions, better resource usage, and respect for the environment. It covers a range of activities from carbon trading to energy efficient and environmentally friendly products, renewable energies and eco-tourism.

The programme for Government makes commitments to supporting the sector, including through increasing support for energy efficiency and renewable energy programmes, establishing Ireland as a renewable manufacturing hub to attract international and domestic investment, and expanding renewable energy generation to achieve our renewable energy targets. Clearly, implementation of this agenda spans several Departments and State agencies.

As part of the jobs initiative, the Minister for Finance announced that an additional €30 million would be invested in the national retrofit home energy efficiency and renewable energy programmes this year. The Minister for Communications, Energy and Natural Resources has indicated that this initiative will support an additional 2,000 jobs in 2011. Other measures announced in the jobs initiative help to promote jobs in green tourism, such as halving the lower rate of employer's PRSI until the end of 2013 on jobs that pay up to €356 per week, removing the travel tax and cutting the lower rate of VAT.

The green economy is an area which could become strategically important for Ireland at a global level. We have a number of particular strengths which can realise jobs and growth opportunities and contribute to export-led growth. The sector already employs 18,775 people and the value of the Irish market in these sub-sectors was estimated at €3 billion in 2010. However, the value of the sector globally is set to increase rapidly, driven by a range of factors, including EU directives and regulations, rising energy costs, increased investment in environ-

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mental services and infrastructure, consumer preferences, and climate change and international agreements.

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

The Department's agencies, namely, Enterprise Ireland and IDA Ireland, have established units dedicated to working with both indigenous and multinational companies in the so-called cleantech sector. A practical example of the success of Enterprise Ireland's supports for the sector was seen in last week's announcement of the creation of 145 jobs in County Galway in the manufacturing of wind turbines. Another notable development is that green financial services are part of the new strategy for the IFSC which was launched by the Taoiseach last week.

A number of policy issues need to be addressed to realise the potential of the sector. Some relate to planning and licensing. Others relate to the capacity of the electricity grid and the price for delivery of renewable energy. I will work with other colleagues to develop this policy framework.

**Deputy Peadar Tóibín:** The green energy sector has lost a little bit of focus owing to the current major economic turmoil around the world, and possibly due to the demise of the Green Party in this House as well. It remains an untapped resource in Ireland. There were discussions in Britain about whether that country would look to Ireland to provide some of its energy from natural resources in future. Global energy security and global climate change remain a major issue.

I missed part of the Minister of State's answer. I think he mentioned the number of jobs that were created. Could he repeat that? How many jobs does the Government seek to create over the next five years? What level of investment does it plan to make in that time?

Concerns were expressed that some organisations, due to the reduction in their industries, have been able to enjoy benefits worth about €700 million from those carbon credits. That comes from the taxpayers' pockets, so the Minister of State might comment on that as well.

**Deputy Sean Sherlock:** I agree with the Deputy on the change of emphasis over recent years, but I disagree with him on the Green Party's agenda. All parties in the House have been engaged with the agenda for a long time. An additional 2,000 jobs were created in 2011. A Cabinet sub-committee is dealing directly with this area and it gives Government impetus to it.

There is a challenge for Ireland in the next phase of commitments which we have to meet on carbon reduction. That should give rise to new opportunities in this field. It is not possible to quantify how many jobs will be created. No one can do that and it would be unrealistic to do so. However, I agree with the Deputy in another respect. A SWOT analysis was carried out and it showed that there was a lack of coherence in overall policy due to a large number of State and local agencies being involved, and there was some fragmentation of the research base. That is now being firmly taken in hand.

**Deputy Peadar Tóibín:** I understand the difficulties in putting a figure on the number of jobs to be created in any area. However, none of the parties had any problems in doing that before the election. They were very confident in telling us how many jobs would be created in each sector over the next while. While we cannot be confident about the number of jobs to be created, it is important for organisations to set objectives and targets and then work towards those.

**An Leas-Cheann Comhairle:** We are out of time, but I will allow a very brief question from Deputy Boyd Barrett.

**Deputy Richard Boyd Barrett:** I would like the Minister of State to consider a fiscally neutral proposal put to me by someone from Bettystown in County Meath, and it relates to the retrofit scheme. The proposal is that we introduce a loan scheme to cover the cost of insulating people's houses.

If we were to do this and the repayments on the loan scheme were to correspond roughly to the monthly savings achieved as a result of houses being insulated, that would make the scheme attractive and there could be a massive take-up by people to insulate their homes.

*4 o'clock* It would result perhaps in up to a 50% reduction in their energy costs, as Deputy Wallace said, not to mention the potential to create work for thousands of people in home insulation works which would substantially reduce carbon emissions and energy imports. Such a scheme would not involve a great cost.

**Deputy Sean Sherlock:** The Deputy will be aware that the Taoiseach launched the strategy for the international financial services industry 2011-16. One of the initiatives is the creation of the Green IFSC whereby we pin down areas in which there are new opportunities ranging from carbon management, IP commercialisation, private equity investment to green tech fund management. The Government is engaging in this space. It is impossible, realistically, to set a finite target for job creation. The main point is that we are setting down the policy framework by which we can drive these agendas and ensure strong political co-ordination and coherence.

On Deputy Boyd Barrett's proposal, I respectfully ask him to make contact with the Minister, Deputy Rabbitte, and that he seek to meet him to ask him to consider it.

### Job Creation

26. **Deputy Bernard J. Durkan** asked the Minister for Jobs; Enterprise and Innovation the extent to which he has had discussions with the EU Commission with particular reference to availing of every possible opportunity for job creation through the medium of innovation and research thus leading to economic recovery; the extent to which he has had discussions with the relevant EU Commissioner to this end; if specific targets have been identified or set over the next five years; and if he will make a statement on the matter. [21099/11]

**Deputy Sean Sherlock:** The Minister, Deputy Bruton, and I have had separate meetings recently with the European Commissioner for Research, Innovation and Science, Maire Geoghegan-Quinn, with a view to building strong relationships to ensure Ireland maximises the benefits of our position in the European Union in terms of jobs and opportunities to further develop the economy. Most recently, the Minister met the Commissioner on 24 June when they held an event in Dublin to highlight opportunities for Irish researchers, businesses and educational institutions under the European Union's Seventh Framework Programme for Research and Technological Development, FP7. The Commissioner highlighted the fact that upcoming calls for proposals under FP7 in July 2011 and July 2012 would be worth approximately €18 billion.

With a budget of over €50 billion in the period 2007 to 2013, FP7 is the European Union's main instrument for funding research and development in Europe. In order to extract the maximum benefit from the opportunities available within FP7, a national support network has been put in place, headed by the national director for FP7 based in Enterprise Ireland who leads a team of national contact points for various elements of the programme. This support structure ensures a co-ordinated and coherent approach is adopted towards FP7 across all the Departments, agencies and other organisations involved. Through this support structure, a mix

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of guidance, advice and financial assistance is available to encourage researchers and companies, large and small, to avail of the opportunities within the programme. The range of financial supports available includes travel support which assists researchers to meet potential partners and proposal preparation support for academic co-ordinators and companies, covering all costs included with the submission of FP7 applications. Ireland's target for the drawdown of funds from FP7 in the lifetime of the programme is €600 million. Achievement of this target is well on track, with some €300 million already awarded to date. I am determined that we will achieve the target set.

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

The next European Framework Programme for Research and Innovation, to be called Horizon 2020, will operate from 2014 to 2020, for which the European Commission has proposed a budget of €80 billion in its recently published multi-annual financial framework for the period. While no target has been set for the next framework programme which has yet to be proposed by the Commission and agreed by the Council, I am determined to ensure ambitious Government policies are in place in order that we can continue to improve our performance.

**Deputy Bernard J. Durkan:** Will the Minister of State elaborate on the degree to which specific targets have been agreed, whereby industry and academia here could capitalise on the funding available? To what extent have the various agencies engaged with each other independently of the Minister and his Department in the meantime?

**Deputy Sean Sherlock:** There is a multi-layered approach in this respect. There is clear recognition of a strong policy started by successive Governments which forms the foundation for ensuring the maximisation of the potential for the drawdown of funds. We are already involved in a research prioritisation exercise that will seek to concentrate on specific themes of research and, ultimately, commercialise that research. However, it is important to have regard to the educational aspects of basic research and the commercialisation agenda. The prioritisation exercise which involves all of the State agencies interacting with each other and the Department is about ensuring we maximise the potential to meet our targets. In regard to Horizon 2020, the process seeks to ensure we will be more ambitious and that Ireland will become an agenda setter for the programme.

**Deputy Bernard J. Durkan:** I thank the Minister of State for his comprehensive reply. Will he indicate if any deficiencies or weaknesses have been identified, which, when and if addressed, will result in a maximisation of the economic benefit for the country in terms of job creation?

**Deputy Sean Sherlock:** If I was to proffer a personal opinion, I would contend we could be doing more on the commercialisation agenda. If we were spinning out more companies, for instance, from the higher education institutes, that would ultimately lead to further job creation. It must be remembered also that our investment in research, or research, development and innovation, through the collaborative approach with all of the foreign direct investment companies housed here, ensures their continuation in the country. It also ensures greater innovation in these companies. It is a two-prong approach. It is about trying to achieve more in the commercialisation space through the creation of more companies and also about ensuring the existing foreign direct investment, FDI, infrastructure is not compromised in any way. It is also about ensuring the research component is maintained.

27. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has studied initiatives likely to create jobs leading to import substitution

with particular reference to the need to combat the outward flow of jobs and investment to low wage or more competitive economies; the degree to which consideration has been given to the reasons for such relocations in either the manufacturing or service areas; in the context of the global economy the opportunities in technology and innovation that can positively be explored to give this economy a competitive edge; and if he will make a statement on the matter. [21100/11]

**239. Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the steps he has taken or intends to take to address job losses in various locations throughout the country with particular reference to those areas that have experienced relocation of investment to more competitive economies; and if he will make a statement on the matter. [21382/11]

**Deputy Richard Bruton:** I propose to take Questions Nos. 27 and 239 together.

**Deputy Richard Boyd Barrett:** With which question is Question No. 27 being taken?

**Deputy Richard Bruton:** Question No. 239, another question tabled by Deputy Durkan.

*(Interruptions).*

**Deputy Richard Boyd Barrett:** Deputy Durkan cannot have three of them.

**Deputy Richard Bruton:** In 2009 there were major reductions in industrial jobs around the world — the number of new industrial jobs was low — and Ireland was not immune from these developments. The main cause of the job losses which occurred was excess capacity in the international recession and arose from a restructuring process which went on in industry in Ireland and around the world. Overall job numbers in individual companies have been reduced at their plants around the world. Some losses due to relocation at the lower end of the value added scale have been phased out as these activities became uncompetitive in particular locations. However, the manufacturing and internationally-traded services sectors in Ireland have begun to recover in the last two years and exports have performed strongly. They have been less affected by Ireland's difficulties in banking and the public finances than other sectors. They have been in a position to avail of improvements in competitiveness such as reductions in Irish pay costs, energy costs and rental costs.

There are many opportunities in technology and innovation which are giving Ireland a competitive edge. We have established strong clusters in innovative sectors such as medical devices, ICT and the pharmaceutical and financial sectors which continue to perform well. Ireland is well placed to exploit opportunities in new sectors such as cloud computing and digital gaming, life sciences and clean-tech industries. We are building on investments made in the research and development capability of our higher education institutes working collaboratively with industry.

Import substitution in the area of public procurement offers opportunities for some enterprises. However, to build scale most successful companies must also must develop an export market and Enterprise Ireland focuses on moving companies into a position to penetrate overseas markets.

**Deputy Bernard J. Durkan:** In view of the fact that quite a number of high-tech jobs were lost in the ten years prior to the downturn in the economy here and worldwide, has there been a specific identification of the issues which are causing some companies to relocate to other jurisdictions and have the findings been studied with a view to putting in place the necessary measures to encourage the retention of the maximum number of such jobs in this jurisdiction, while at the same time ensuring competitiveness is achieved to ensure a long-lasting impact?



**Deputy Richard Bruton:** While no specific study is being carried out at present, the turnover in companies is a feature of technology moving on. The pharmaceutical sector began by processing bulk chemicals and it gradually became more sophisticated. Ireland had the knack to continually move up the value chain. The problem that continues to arise is that the more routine elements of each sector become commodities that are no longer competitive to produce in Ireland. We are successfully moving up the value chain. Last year, half of all IDA investments included an element of research and development. The trick for Ireland is to ensure we are at the forefront of developing new products and technologies in order that we can move to higher value sectors as natural losses occur in other areas.

**Deputy Bernard J. Durkan:** I ask the Minister whether specific attention has been given to areas which have caused or are likely to cause companies to relocate. For example, how many companies in the insurance industry or high technology pharmaceuticals and electronics sectors have relocated on the basis of their inability to compete?

**Deputy Richard Bruton:** My Department and its agencies maintain an early warning monitor on issues that adversely affect sectors of the economy. Through the agencies, we ensure we are positioned to meet the rising tides either through research and development investment or by anticipating change. Ireland's offering, which used to be plentiful cheap labour and tax incentives, has become more sophisticated. We have developed clusters of skills around innovation and research and development but our challenge is to improve continually in basic areas like cost competitiveness and utilities.

**Deputy Thomas Pringle:** Has the Minister or his Department considered the development of a wood for energy industry that could offset the importation of almost €2 billion worth of home heating oil?

**Deputy Finian McGrath:** Deputy Durkan raised a relevant question. The specific issue raised in Question No. 27 and the debate about the relocation of 130 Vodafone jobs to Egypt is important because the local economy is losing €2 million. I ask the Minister to be more proactive in defending this type of job.

**Deputy Peadar Kirby:** It has been reported that the Government's €20 million jobs initiative has only created eight internships despite advertising hundreds of positions. Can the Minister clarify the matter further?

**Deputy Richard Bruton:** I understand there are approximately 1,200 placements on the internships scheme. Perhaps they have not yet been tied down and completed but the programme has been very successful and the Minister for Social Protection is pleased with the progress made thus far. It is one of our success stories. It started on 1 July and even though we are not yet three weeks into the month, there is already a significant take-up on the scheme.

The issue of wood for energy would be more appropriately addressed by the Minister for Communications, Energy and Natural Resources. Enterprise Ireland would, of course, support any initiative, however, and if the Deputy has in mind a particular company or project, I would be happy to make arrangements to discuss it with the agency. The broader policy is the responsibility of the Minister, Deputy Rabbitte.

Deputy Finian McGrath raised the issue of outsourcing. It is disappointing that any company would outsource jobs, as happened in Vodafone, but it is a large company and we need to develop opportunities in other parts of its operations. While it is always regrettable to see jobs being lost, we must work with the company to develop new areas. I met the unions recently and they expressed their concerns. I am determined to meet Vodafone to see how we can

develop opportunities with this major international company, just as we have successfully done with others. The Government is not in a position to prevent companies from making commercial decisions of that nature.

*Written Answers follow Adjournment Debate.*

### **Adjournment Debate Matters**

**An Leas-Cheann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Dara Murphy — the need to amend the planning laws in relation to the planning appeals process; (2) Deputy Thomas P. Broughan — the provision of acute psychiatric services in the north Dublin and Fingal area; (3) Deputy Mattie McGrath — sports facilities for the Abbey school in Tipperary town; (4) Deputy Brendan Griffin — the need for a new primary school building at Blennerville, Tralee, County Kerry; (5) 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; (6) Deputy Éamon Ó Cuív — the need to find innovative ways of providing school transport to small rural schools; (7) Deputy John O'Mahony — the plight of patients in County Mayo with type 1 diabetes; (8) Deputy Kevin Humphreys — to raise with the Minister for Public Expenditure and Reform the excessive cost to the taxpayer through the four local authorities in Dublin of acquiring the incinerator site on Poolbeg Peninsula — 13.4 acres — which is less than half the size of the Irish Glass Bottles site — 50 acres — and is estimated to cost €120 million or over twice the current valuation of the latter, and the need to ensure the taxpayer is not paying above market rates; (9) Deputy Eoghan Murphy — the need to consider new initiatives to address the potential emergence of a skills gap in the high technology sector; (10) Deputy Derek Nolan — the need to perform a comprehensive review of the system of direct provision accommodation; (11) Deputy Richard Boyd Barrett — a fiscally neutral proposal for a national home retrofit loan scheme that could create thousands of jobs and reduce energy use and CO<sub>2</sub> emissions; (12) Deputy Ciarán Lynch — to ask the Minister for Environment, Community and Local Government if he will amend the Litter Pollution Act 1997 which enables local authorities to take action only against properties which accumulate high densities of refuse and other waste materials in public view and prohibits action being taken in circumstances where the material is not visible, and if he will make a statement on the matter; and (13) Deputy David Stanton — to debate with the Minister for Health the need to rescind the proposal by the ambulance service to permanently remove an ambulance from Youghal, County Cork.

The matters raised by Deputies Éamon Ó Cuív, Eoghan Murphy, Derek Nolan and John O'Mahony have been selected for discussion.

### **Leaders' Questions**

**Deputy Micheál Martin:** Two months ago, the Minister for Jobs, Enterprise and Innovation received the Walsh-Duffy report on the operations of the joint labour committees, JLCs. Instead of implementing an expert report which recommended widespread reform, he followed what the Taoiseach described as his personal agenda. The objections of a small number of Labour Party backbenchers were loud but the Minister's handlers assured the media that he win through with his plans to radically wind down protections for low paid workers under the JLC scheme.

When the High Court struck down the legislation for this scheme, it was interesting to see how quickly the Government moved to rule out taking protective action. There is to be no

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notice of appeal nor will proposals be forthcoming until the autumn or winter. The judgment is not complicated and does not require lengthy study but the Minister appears to insist on restoring some of the protection for vulnerable workers only if his personal agenda is accepted. The problem with this approach is that as many as 200,000 people are currently without a wide range of employment protections and many could see major reductions in their pay and conditions before the Government legislates sometime at the end of the year. I assure the Taoiseach it is not a lifestyle choice these workers want to make.

This week my party laid before the House a Bill which would enable the introduction of employment protection orders for 200,000 workers. If the Taoiseach supports it, he can bring other reforms at a later stage but at least low paid workers will have the reassurance of protection in the meantime. Will he agree to support this Bill and protect these workers?

**The Taoiseach:** No, I will not. I am not going to oppose it. The legal advice I received is that it is not adequate. Both Fine Gael and the Labour Party agree that the JLC system should be reformed. The decision of the High Court in striking down and declaring unconstitutional the situation that existed meant that it became unconstitutional from the moment the details of the judgment were announced by the judge. That has required real analysis by the Government.

Emergency legislation was commented upon but the position is that the Minister for Enterprise, Jobs and Innovation will bring back to Cabinet a comprehensive response to the judicial decision in respect of the joint labour committees and employment regulation order system being unconstitutional. This affects a considerable number of people with existing employment protection under contracts of employment. It is not a case of coming back in the winter, as mentioned by the Deputy, but rather priority being accorded to this response, which must be adequate, comprehensive and dealt with as early as possible in the autumn session by the Minister for Enterprise, Jobs and Innovation.

**Deputy Micheál Martin:** There is an immediate emerging threat to the pay and conditions of more than 200,000 people. Whether there will be reform is not at issue, as every group, including trade unions, supports the need for a reformed system. What is at issue is why the Government is refusing to offer any protection or take any steps to guard the rights of workers in the coming months.

The relevant committee of the House has no other legislation to deal with now and could easily take up the Bill. The Government could amend our Bill if it did not agree with the entirety of our approach. This could be done quickly, allowing a definite date in September when employment protection orders could be introduced.

The Taoiseach said he would not oppose this Bill but what does that mean? Does it mean he will accept the Bill into a committee of this House for deliberation? If the Taoiseach is comfortable talking the talk about restoring this protection, why will he not walk the walk and agree to support the legislation which will achieve that aim? Will he clarify what he means when he states he will not “oppose” the measure and does this mean the Bill will go through the House and be enacted? Will it go to the committee? What is the status of the Government’s response to this party’s legislation?

**The Taoiseach:** I saw the Deputy on the plinth last week claiming credit for the troika issue here.

**Deputy Micheál Martin:** The Taoiseach should deal with this issue.

**The Taoiseach:** I accept the principle of the Deputy's actions but my advice is that the Bill as proposed is not sufficiently robust to deal with the matter. The Government sought advice arising from the decision of the court about the possibility of introducing short-term legislation, with the advice being that this would not be sufficient. The answer is that we will not oppose Deputy O'Dea's Bill and we support the principle enshrined in it. The Bill proposed for Private Members' time is not sufficiently robust to deal with the consequences of the constitutional write-down.

**Deputy Timmy Dooley:** It can be amended.

**Deputy Barry Cowen:** Amend it accordingly.

**The Taoiseach:** The Minister will come back to the Government early in the autumn session — not the winter — with a considered overall Government response to this. We share the concerns of people and the 200,000 affected people have protection under existing contracts. We do not oppose the Deputy's Bill because the principle is fine. The Bill is not sufficiently robust and it will take considerable analysis to get this right. The Deputy is free to move his Bill and have it debated and we will not oppose it. On behalf of the Government, the Minister will introduce a comprehensive response to the judicial decision early in the next session.

**Deputy Micheál Martin:** Will the Government vote for it?

**The Taoiseach:** We will not oppose it.

**Deputy Gerry Adams:** Comments by the Minister for Social Protection accusing people of making a lifestyle choice by going on the dole were disgraceful.

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

**Deputy Gerry Adams:** It smacks of the conservatism of Margaret Thatcher in the 1980s. Does the Taoiseach believe that almost 500,000 people on the dole have made a lifestyle choice?

**Deputy Derek Nolan:** She did not say that.

**Deputy Gerry Adams:** Have the people on trolleys, those who are emigrating, the low paid and people without accident and emergency services made that choice? Are the lifestyle choices of our people being made by the Government? It has a choice between giving billions of euros to toxic banks and putting it into job creation or public services. It has made a lifestyle choice to put this money into bad banks. When it looks to introduce universal social charges, water charges, property taxes and other cuts that are on the way, the Government makes that lifestyle choice. Does the Taoiseach agree that the Minister's remarks were entirely inappropriate and should be withdrawn?

**The Taoiseach:** The answer to unemployment is employment, job creation and work, which is the focus of this Government. There should be no undue pressures on employment and work, even within the constraints of the loan fund repayment, and we must bring about a stimulus of confidence within our economy. That is what the Government has done in its recent decisions.

As I stated to the Deputy last week, any small business in County Louth — a small shop in Drogheda or Dundalk — losing money week after week will not stay in business unless something happens. It is a similar position with the country, as there is an €18 billion to €20 billion deficit that must be dealt with. The Government was not elected to leave matters as they are with a mandate to sort out these problems. Central to those priorities is the creation of work

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and employment. That is why on a series of parallel fronts, including the bank issue, Europe, employment and the budgetary deficit, we must examine options in a way that can restore our country's economic independence and sovereignty. It is not an easy challenge.

Within those constraints, the Deputy can take it that the focus of the Government will be to continue to bring about a position where employment can be created. That is the solution to all employment matters. It will give an opportunity for people to get on the ladder to choose different options, such as re-training, upskilling or new opportunities. This will come about when people again have confidence in business, with banks giving credit, and life and career opportunities can best be chosen by people, and young people in particular.

We do not support a position where unemployment remains at its current level. We do not want to see it continue.

**Deputy Richard Boyd Barrett:** Why is the Minister insulting these people?

**The Taoiseach:** We must make decisions to deal with the issue. The policies being pursued by Deputies Adams and Boyd Barrett would make the problem much worse.

**Deputy Pádraig Mac Lochlainn:** The Taoiseach has no answer.

**Deputy Gerry Adams:** I asked the Taoiseach about the inappropriateness of the Minister's remarks but he did not answer. I recognise that the Taoiseach has a mandate but he also had a manifesto. Does he remember the five-point plan?

**The Taoiseach:** I do.

**Deputy Gerry Adams:** Let me remind the Taoiseach. It states:

Our five-point plan is like a five-pointed star. It gives clarity, light and direction to what will be a difficult journey to a better future ahead.

**Deputy Billy Kelleher:** The star of Bethlehem.

**Deputy Gerry Adams:** Could we have clarity, light and direction?

**Deputy Finian McGrath:** The wise men.

**Deputy Gerry Adams:** Will the Taoiseach make a lifestyle choice not to pour billions of euros into toxic banks? Will he assure the Dáil that those on social welfare or on low pay will not have benefits or pay cut further? Will he ask the Minister for Social Protection not to demonise those she is supposed to protect?

**Deputies:** Hear, hear.

**Deputy Derek Nolan:** She did not.

**The Taoiseach:** The Deputy should understand that in so far as it is possible, the opportunities for people here to have gainful employment and to carve out careers should be achieved. I would like to believe that we can rectify the problems of our country by meeting the challenges lying ahead and that this will in time provide an opportunity of return for those who had to leave our country. I come from a part of the country where involuntary emigration was endemic. I understand it. I do not want a flood of the most talented people we have to continue to leave because there are no opportunities for them here. Those opportunities will

not be here to the extent we want unless we change the structure of how things have been. On the other hand, many opportunities are being created here now. Companies are being established by bright and energetic young people who see the future with enormous excitement and enthusiasm. They see huge potential and huge opportunities in this country. It is part of the discourse of normal politics. I share everyone's concern about the requirement on the Government to do its utmost in the interests of ensuring people have a chance to live and work here if that is what they want to do. I assure the House that the Government's focus is on that. We cannot implement our entire programme in the first 100 days. The Deputy quoted from Fine Gael's five-point plan. I am glad it is up in his office.

**Deputy Timmy Dooley:** They checked the website.

**The Taoiseach:** That was the party's programme.

**Deputy Peadar Tóibín:** It was in the fiction section.

**Deputy Pádraig Mac Lochlainn:** It was written by Hans Christian Andersen.

**Deputy Peadar Tóibín:** It was a fairy tale.

**The Taoiseach:** Members should now refer to the position that was agreed by Fine Gael and the Labour Party, as set out in the programme for Government.

**Deputy Micheál Martin:** Where is the Labour Party?

**Deputy Derek Nolan:** We are here.

**Deputy Micheál Martin:** They were very late coming in today.

**Deputy Frank Feighan:** Where are the rest of the Fianna Fáil Deputies who used to sit beside Deputy Martin?

**The Taoiseach:** We are focused on implementing the programme for Government over the next five years. We genuinely believe it has the potential and the capacity to turn around the fortunes of this country and its people. Sinn Féin can draw up a three-point plan or a five-point plan ahead of the next general election, which is four and a half years away.

**Deputy Finian McGrath:** There is a man overboard already.

**The Taoiseach:** I can quote from Sinn Féin's plan if Deputies wish.

**Deputy Gerry Adams:** The Taoiseach should act on our plan.

**The Taoiseach:** Perhaps I will quote from the section of Sinn Féin's banking policy that relates to the IMF bailout.

**Deputy Aengus Ó Snodaigh:** Quote away.

**An Ceann Comhairle:** The Taoiseach can do so on another day.

**The Taoiseach:** We are focused——

**An Ceann Comhairle:** Time is up.

**The Taoiseach:** Sinn Féin said that it “would not draw down this loan from the IMF/EU” and that “we don't need these funds”.

**Deputy Leo Varadkar:** They would have had to provide for €18 billion in cuts.

**The Taoiseach:** They are living in a land of fantasy and unreality.

**Deputy Timmy Dooley:** What about those who said they would draw it down and not pay it back?

**The Taoiseach:** Sinn Féin should produce its plans. Our plan is the five-point plan and the Labour plan. It is now the programme for Government. That is what we are focusing on and implementing. Job opportunities are central to that.

**Deputy Gerry Adams:** The Fine Gael plan is the Fianna Fáil plan.

**The Taoiseach:** We want to provide work and employment for our people.

**Deputy Ray Butler:** Sinn Féin voted for it.

**Deputy Peadar Kirby:** We did not.

**An Ceann Comhairle:** Perhaps the comedians will go to the Gaiety Theatre and let Deputy Ross speak.

**Deputy Timmy Dooley:** The ringmaster is on his way.

**Deputy Shane Ross:** The Taoiseach is going to Brussels on Thursday for possibly the most important summit of his career. It could be the most important summit in the history of Ireland's relationship with the EU. Of course he will go there with the goodwill of everyone in this House. He will carry a very heavy burden of debt on his back as he goes. The news that drips to us daily indicates that the debt will be almost impossible to pay off. The Government's spin is that we are on track to pay back that debt. When the Taoiseach goes to Brussels, he must be mindful of the fact that the markets are clearly indicating we will not be able to pay back that debt. I think Irish two-year bonds were at 23% yesterday. It is clear that the markets believe the Government is in denial when it says it will pay back that debt. The Taoiseach will face a choice when historic decisions are being made at Thursday's important summit. He will have to decide whether to face the issue of default or to be in denial about it. It is a question of denial or default for this Government.

I ask the Government to consider taking up the default gauntlet, in a structured way if necessary. It should say that default is not a negative. Default is a positive because the markets believe it is inevitable. Will the Taoiseach make the point that default will lead to stronger banks? If the debt is written off in a structured way, in keeping and in tandem with other nations, that default will be recognised by the bond markets as a positive and they will be able to start lending to us again. Will the Taoiseach not consider taking that position? The Taoiseach should not come back to us on Friday——

**Deputies:** Hear, hear.

**Deputy Timmy Dooley:** We will leave him come home anyway.

**Deputy Shane Ross:** ——pleading again that he has succeeded with the interest rates, with a bigger fund and with extended maturities. He should come back with a fundamental change in our relationship with Europe and with a structured and beneficial default. The final point I would like to make is——

**An Ceann Comhairle:** You are way over time.

**Deputy Shane Ross:** It is an important point. If the Taoiseach comes back with important results, the Dáil should have an opportunity to meet next week or on Friday to allow the Taoiseach to explain what happened at the summit and answer questions on the matter.

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

**The Taoiseach:** I am not sure whether Deputy Ross has asked me to stay away entirely.

**Deputy Mattie McGrath:** For a while.

**The Taoiseach:** I know he would not want that to happen.

**Deputy Willie O'Dea:** Hurry back.

**The Taoiseach:** It is clear that this important meeting has been called by President Van Rompuy to deal with the contagion that has been spreading as a consequence of the situation that has emerged, particularly in Greece. I note Chancellor Merkel's statement today to the effect that those who want to take political responsibility — the Government wants to do that and is taking it seriously — should know that a single spectacular step will not be taken. Instead, there will have to be a controlled and composed process of gradual steps and measures. It is perfectly obvious to everyone that the markets do not have confidence in a number of countries. Obviously, Ireland is not in the marketplace. We are meeting our requirements. That has been endorsed by the troika. Deputy Martin has accepted credit for that. Our approach has had the approval of the IMF, the European Commission, the European Parliament, Commissioner Rehn and a number of European Governments.

As I said on Question Time earlier, it is fair to say there are many ongoing discussions about the situation that will emerge on Thursday. I would like to think the eurozone leaders will make a series of decisions that will start to restore the markets' confidence in a number of countries. The German Chancellor has pointed out that an overall decision, which would sort this out for once and for all, will not be taken on Thursday. We need to decide on a series of gradual steps and measures to be implemented. I will try to ensure it is a priority that the eurozone leaders are required to demonstrate that countries which are in difficulty will receive support from the fund. The issues that have been put on the table by Ireland in recent months — flexibility, overall pricing and interest rates — can be considered in that context. I hope decisions can be made on those issues, in part if not in full, on Friday. That would be a measure of demonstration to the markets that the eurozone countries are confident that the countries which are in difficulty can make their way forward.

As Deputy Ross knows, it might not be possible to bring about a series of decisions that would end all the anxiety, concern and contagion and point the way for Greece or any other country to make it way forward. Although we are not in the markets, we are meeting all our requirements. I hope the process of preparing for Thursday's meeting, which is in train, will lead to a controlled and composed process of gradual steps and measures, as Chancellor Merkel has said. I hope a number of such steps and measures can be put in place to demonstrate that the eurozone and the EU have confidence in their way of doing business and lead to confidence being restored by the markets in countries within the eurozone, one of which is Ireland.

**Deputy Shane Ross:** It sounds as if the words the Taoiseach has just read for Ms Merkel are the recipe for another postponement and a monumental fudge, which is the last thing Ireland needs. I ask that when the Taoiseach goes there he does not necessarily bow to the wishes of Ms Merkel, but puts the interests of Ireland first——

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



**An Ceann Comhairle:** The Taoiseach explained.

**Deputy Shane Ross:** —does not accept simply piecemeal measures as this seems to suggest and takes note of the fact that the market reaction to this sort of a postponement may not be favourable.

Above all, maybe the Taoiseach could answer this question, which I asked earlier. When he comes back on Friday or Saturday, will he ensure that the Dáil gets an opportunity next week to discuss what happened at this historic summit?

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

**Deputy Richard Boyd Barrett:** Hear, hear.

**The Taoiseach:** One of the problems that has led to this situation is precisely what Deputy Ross stated here, that countries were only putting their own interest first.

**Deputy Bernard J. Durkan:** Correct.

**The Taoiseach:** This country has always stated its priority is its citizens and to deal with its responsibility, but at the same time that it wants to participate in comprehensive discussions about the European situation. Deputy Ross will recall that the Minister for Finance, Deputy Noonan, on behalf of the Government, pointed out quite some time ago that the general pricing from this fund is too high and that this situation needed to be dealt with at European level. As Chancellor Merkel has pointed out, there will not be one spectacular step taken on Thursday. There will be, hopefully, a series of processes and measures taken which will lead to that situation.

**Deputy Shane Ross:** It sounds like a fudge.

**The Taoiseach:** Deputy Ross might well say that is another fudge.

**Deputy Pearse Doherty:** There are markets which will say it.

**The Taoiseach:** My point is that Europe has now got to put in place measures which will show that confidence can be had by the markets in countries as a consequence of the decisions that can be taken by Europe itself, as distinct from private investment or private involvement from that point of view.

Deputy Ross wants the Dáil to continue right through the summer. I remind him there was no break after the Government was formed, after Easter or after St. Patrick's Day. This has been one of the longest sessions of the Dáil directly after an election for many years. Obviously, Members will have an opportunity to discuss these matters, but not by Dáil session because I do not intend to bring it back next week.

**Deputy Shane Ross:** We will not be able to discuss it until September.

**The Taoiseach:** There will be opportunity at the Joint Committee on Finance, Public Expenditure and Reform. The committees will be sitting——

**Deputy Finian McGrath:** It is extreme Dáil reform.

**Deputy Richard Boyd Barrett:** Workers only get two weeks off in the summer.

**A Deputy:** It is a bit late.

**The Taoiseach:** —and Deputy Ross will have his opportunity, as will Deputy Boyd Barrett—

**Deputy Finian McGrath:** We all are around next week.

**A Deputy:** Too late.

**The Taoiseach:** —to attend at the Joint Committee on Finance, Public Expenditure and Reform—

**Deputy Pearse Doherty:** The Joint Committee on Finance, Public Expenditure and Reform is not sitting next week on this issue.

**The Taoiseach:** —to give vent to Deputy Ross's suggestions which in most cases are constructive—

**Deputy Frank Feighan:** Bring the lorry in and leave it outside.

**Deputy Finian McGrath:** Has the Deputy turned up?

*(Interruptions).*

**Deputy Finian McGrath:** The Labour Party on turn-ups.

**The Taoiseach:** —but not to take in any seriousness what I hear coming from Deputy Boyd Barrett.

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

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

**Deputy Michael Healy-Rae:** I wish to seek an adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, because of the awful financial struggle that families have to survive at present, it is only right, fair and proper, if the Government is going to go ahead in introducing a household tax, that it should be debated in the house this week, and all Members should have an opportunity to speak on the matter.

**An Ceann Comhairle:** As Deputy Catherine Murphy is not here, I call Deputy O'Dea.

**Deputy Willie O'Dea:** I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the sale of Superquinn to the Musgrave retail group, the competition issues that may arise from this agreement, the potential impact on the grocery sector across the country, the potential impact on the 2,800 workers employed by Superquinn and the need for the Minister for Jobs, Enterprise and Innovation to make this a matter of priority.

**Deputy Gerry Adams:** Iarraim an Dáil a chur ar athló chun an ceist práinneach seo a phlé, namely, in the immediate aftermath of the Cloyne report, and with the Government promising new legislation to protect children from sexual abuse and to uphold the rights of victims, it does not make sense and it is a disgraceful decision, that the HSE should impose a freeze on employing desperately needed counsellors to take up existing posts in the north-east region to provide counselling to the victims of institutional abuse.

**Deputy Bernard J. Durkan:** I seek the adjournment of the Dáil under Standing Order 32 to facilitate a debate on an issue of vital national and local importance, namely the failure by the HSE to fill adequately the necessary consultant, medical or nursing posts at hospitals or health centres throughout the country thereby creating a prelude to the emasculation of the standard, quality and availability of the services previously enjoyed by the public and to seek clarification as to the extent to which discussions have taken place——

**Deputy Sean Fleming:** Well said.

**Deputy Bernard J. Durkan:** ——or will take place between the Minister and the HSE and the various professional bodies with a view to the retention of the full extent and quality of the services provided heretofore, ensuring that health and safety issues will not be used as a vehicle to restrict or discontinue services.

**Deputy Sean Fleming:** Hear, hear.

**Deputy Micheál Martin:** Agreed.

**An Ceann Comhairle:** I thank Deputy Durkan.

**Deputy Bernard J. Durkan:** Some Members opposite should well remember——

**An Ceann Comhairle:** I thank the Deputy.

**Deputy Bernard J. Durkan:** ——when the old health board system was abolished. The abolition of the health board system——

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

**Deputy Bernard J. Durkan:** ——left us where we are now.

*(Interruptions).*

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

**Deputy Bernard J. Durkan:** In view of their——

**An Ceann Comhairle:** I call Deputy Bannon. Will Deputy Durkan resume his seat? I call Deputy Bannon.

**Deputy Bernard J. Durkan:** In view of the countless interruptions, I should be allowed read that again.

**An Ceann Comhairle:** I call Deputy Bannon. Can Deputy Bannon hear me?

**Deputy James Bannon:** Yes.

**An Ceann Comhairle:** Would he proceed? He should not mind Deputy Durkan, and just proceed.

**Deputy James Bannon:** I wish to seek the adjournment of the Dáil under Standing Order 32 to raise a matter of extraordinary national importance, namely, the fact that money is being allowed to drain from the economy, as demonstrated by the situation in which Irish construction and contractor workers are being discriminated against in the awarding of much needed building contracts——

**Deputy Timmy Dooley:** Block-layers.

**Deputy James Bannon:** —which are essential to financial recovery and stability, with one in five school building projects having gone to Northern Ireland in the past 18 months.

**An Ceann Comhairle:** I thank Deputy Bannon.

**Deputy James Bannon:** All of those were under a Fianna Fáil Government.

**Deputy Mattie McGrath:** I wish to seek an adjournment of the Dáil under standing order 32 to raise an importance matter, namely, An Post's plans to close rural post offices, particularly Bansha Post Office, County Tipperary, to the detriment of the entire community and their complete lack of—

**Deputy Micheál Martin:** Good hurling.

**Deputy Mattie McGrath:** —co-operation with the community and public representatives.

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom an Dáil a chur ar athló chun déileáil leis an gné rí-thábhachtach seo ar gá plé práinneach a déanamh ar sa Dáil, is é sin, the urgent need for the Government to reverse its plans to cut the fuel allowance and household benefits package especially considering that the cuts coincide with sharp electricity and gas price hikes and considering the impact of these cuts, in particular, on older people and those with disabilities, including a blind couple in their 50s in my constituency who are especially vulnerable to the cold and who have been hit by many other price hikes in recent times including a substantial price hike in the pet insurance for their guide dogs and many others out there with comparable needs who will be targeted by these cuts.

**Deputy Sandra McLellan:** I wish to seek an adjournment of the Dáil under standing order 32 to raise the following matter of national importance requiring urgent consideration, namely, cuts in fuel allowance and household benefits schemes which will have a devastating impact on more than 630,000 people in receipt of social welfare, particularly the most vulnerable in our society including carers, the unemployed and the elderly.

**Deputy Brian Stanley:** I seek an adjournment of the Dáil under standing order 32 to raise a matter of national importance namely, the proposed cuts in the gas allowance, from €489 to €393 per annum, while Bord Gáis and energy providers are seeking increases in charges of up to 28%, and the appalling effect of this on people, particularly older people, carers, people with disabilities and lone parents who are dependent on these already inadequate payments to heat their homes.

**Deputy Peadar Tóibín:** I wish to seek an adjournment of the Dáil under standing order 32 to raise a matter of national importance namely, the need for the Minister for Social Protection to reverse the proposed cuts in the fuel allowance and household benefits package, which will bring further financial hardship to the most vulnerable in our communities, the very people who the Labour Party promised to protect with its promise of no cuts to social welfare, the reality of which cuts were brought home to me in my constituency of Meath West when a couple who are receiving disability were contemplating cutting back on medication so they would have money for coal this winter.

**Deputy Michael Colreavy:** I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of national importance, namely, the cuts to the fuel allowance which will have

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a devastating effect on many people in my constituency of Sligo Leitrim North who are already struggling to keep their heads above water given all the Government's cutbacks.

**Deputy Dessie Ellis:** I seek the adjournment of the Dáil for a debate on an issue of national importance under Standing Order 32, namely, the cuts to the fuel allowance and household benefits which will have a devastating effect on many people in my constituency of Dublin North-West, where thousands of residents are struggling to make ends meet with higher taxes, levies, gas and electricity bills, the proposed water and household charges and now these cuts to the most basic of provisions. People will not be able to take these cuts and the Government is playing with people's lives. The fuel allowance is especially crucial to stave off fuel poverty, which presents the real possibility of people freezing in their homes this winter. We cannot allow this and this cannot be swept under the carpet and ignored.

**Deputy Mary Lou McDonald:** I seek the adjournment of the Dáil under Standing Order 32 to discuss the following matter of urgent importance, namely, the Government's decision to cut the current fuel and household allowance rates for the elderly and carers. Following the Minister for Social Protection's announcement last week, an elderly woman came into my constituency office in Cabra distraught. The combined cut to the household and fuel allowance will result in a €27 reduction in her weekly income. For this woman, like so many of our carers, disabled and elderly, costs are increasing week on week but the most fundamental of supports are slowly being withdrawn by the State. The Minister, Deputy Burton, and her Cabinet colleagues must wake up to the reality of people's lives. Cutting from the bottom up is wrong and unnecessary and the Government must reverse its decision to cut the current fuel and household allowance rates.

**Deputy Pádraig Mac Lochlainn:** I seek the adjournment of the Dáil under Standing Order 32 to discuss the following matter of national importance, namely, the critical need to reverse Government plans to cut the fuel allowance and the household benefits package which will, ultimately, further cripple many households throughout the State, including those in my constituency of Donegal North-East and especially those most vulnerable in society, namely, older people, carers, people with disability and lone parents.

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

### Order of Business

**The Taoiseach:** It is proposed to take No. 8, motion re Defence (Amendment) Bill 2011 [*Seanad*]; No. 19, Electoral (Amendment) Bill 2011 — Order for Report, Report and Final Stages; No. 9, Communications Regulation (Postal Services) Bill 2010 [*Seanad*], motion to instruct the committee; and No. 20, Communications Regulation (Postal Services) Bill 2010 [*Seanad*] — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 8.30 p.m. tonight and business shall be interrupted not later than 10 p.m.; No. 8 shall be decided without debate; the Report and Final Stages of No. 19 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 6 p.m. by one question which shall be put from the Chair and which shall, in respect of amendments, include only those set down or accepted by the Minister for the Environment, Community and Local Government; and the proceedings on No. 9 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; a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes; and in the event a division is in progress at the time fixed for taking Private Members' business, which shall be No. 3, Industrial Relations (Amendment) Bill 2011 — Order for Second Stage, Standing Order 121(3) shall not apply, the proceedings on the Second Stage shall adjourn after 90 minutes tonight and shall, if not previously concluded, be brought to a conclusion at 8.30 p.m. on Wednesday, 20 July 2011.

**An Ceann Comhairle:** There are five proposals to be put to the House. Is the proposal that the Dáil shall sit later than 8.30 p.m. tonight agreed to? Agreed. Is the proposal for dealing with No. 8, without debate, agreed to? Agreed. Is the proposal for dealing with No. 19 agreed to?

**Deputy Aengus Ó Snodaigh:** A guillotine is being imposed again. This was a habit of the previous Government. In the last week of the Dáil there was always a rush of legislation and guillotines were imposed. At that stage I argued continuously, along with the Whips who are now the Government Whips, that in most cases there was no need to impose a guillotine. Now we have a changed circumstance whereby the Government is in place and it has gone back on its previous habit of objecting to the guillotine. In fact, it is imposing more guillotines than the previous Government ever did.

In this case I am considering not dividing the Dáil on this matter so as not to waste or use up the time allocated. There will be less than one hour to deal with a substantial Bill that deals with changing the terms of reference of the Constituency Commission. It will also sets a time limit for by-elections and reduce spending. Some of the changes to the electoral system in Ireland are worthwhile and I do not oppose many of the provisions within the Bill but other matters arise. A total of nine amendments are listed on the amendments paper which deals with a range of issues to do with our electoral system. We cannot have a proper debate on this in one hour. The guillotine should be lifted and, if needs be, we should sit again next week to allow for the passage of this legislation when all Deputies have contributed to the debate to their satisfaction and when we have teased out fully the implications of the Bill and the amendments pertaining to it.

**The Taoiseach:** There was five hours of debate on Second Stage of this Bill, Committee Stage has been dealt with and the Minister is anxious to get it through and have it finished before the House rises for the Summer recess. I take the Deputy Ó Snodaigh's point about guillotines. I have objected to them in the past. We have had several occasions in recent weeks where insufficient speakers were supplied on the Opposition side. I am anxious that the Bill—

*(Interruptions).*

**Deputy Aengus Ó Snodaigh:** The Government did not put up the speakers.

**The Taoiseach:** Bills have fallen here because of a lack of Opposition speakers, despite the fact that they were looking for more time.

**Deputy Niall Collins:** It was a lack of Government speakers.

*(Interruptions).*

**The Taoiseach:** The Minister is anxious to get this Bill through and have it dealt with. I did not see Deputy Ó Caoláin in Cavan last night but I mentioned his name in his absence.

**Deputy Caoimhghín Ó Caoláin:** I did not see the Taoiseach in Roscommon on Sunday.

*(Interruptions).*

**The Taoiseach:** Deputy Ó Caoláin was well represented there and I mentioned his name in his absence.

**Deputy Caoimhghín Ó Caoláin:** I have no doubt the Taoiseach did so and I thank him very much for it.

Question, “That the proposal for dealing with No. 19 be agreed to,” put and declared carried.

**An Ceann Comhairle:** Is the proposal for dealing with No. 9 agreed to? Agreed. Is the proposal for dealing with Private Members’ business agreed to? Agreed.

**Deputy Micheál Martin:** It has been agreed that Thursday’s European summit is likely to be crucial for the country, for Europe and for the economy as a whole. I understand the summit is due to last three hours, including lunch. There is a need for clear and comprehensive action from the summit. Given the importance of the summit for Ireland time should be made available in the House, as has been the practice, for statements on the matter tomorrow. Let us consider the legislative schedule. I suggest tomorrow’s legislation is nowhere near as important as the issues on the summit agenda. I call on the Taoiseach to agree to make time available tomorrow for statements on the European summit.

**An Ceann Comhairle:** I call Deputy McDonald. Is it on the same matter?

**Deputy Mary Lou McDonald:** It is. I also have a second matter to raise.

**An Ceann Comhairle:** We will deal with the first matter first.

**Deputy Mary Lou McDonald:** To reiterate we share Deputy Martin’s view and I hope the Taoiseach will respond in a positive way.

**Deputy Richard Boyd Barrett:** To repeat the call made, the situation is getting worse all the time. Given the gravity of the circumstances surrounding this Council meeting, the Taoiseach owes it to the Dáil and the public to give us some opportunity to discuss the matter this week, either before or after the summit.

**The Taoiseach:** The procedure for years was that there statements after Council meetings and that the Taoiseach of the day would report back. There have never been pre-Council statements before. There is an emergency meeting of eurozone leaders on Thursday; it is not a full Council meeting, although I recognise its importance. Tomorrow there will be debates on the victims directive, the Cloyne report, the Communications Regulation (Postal Services) Bill, the Defence (Amendment) Bill and statements on sea fisheries. I recognise the importance of this matter and while it is not a full Council meeting — it is a meeting of eurozone leaders — we might be able to find 40 or 50 minutes which would allow for ten-minute statements. I can advise the House later.

**Deputy Micheál Martin:** We will not have a chance after Thursday.

**The Taoiseach:** We will ask the Chief Whip whether we can accommodate a series of statements some time tomorrow.

**Deputy Gerry Adams:** Cad faoi dé hAoine?

**An Ceann Comhairle:** I call Deputy McDonald on the second issue.

**Deputy Mary Lou McDonald:** The objective was to have the discussion after the summit, on Friday.

The decision of the Government not to introduce emergency legislation to protect the hundreds of thousands of low paid workers formerly covered by the JLCs is ample illustration of the utter disregard this Administration has for those on low incomes.

**An Ceann Comhairle:** We are straying a little.

**Deputy Mary Lou McDonald:** I want to ask the Taoiseach about the household charge he intends to introduce. I understand the proposals are to be brought before the Cabinet. As we adjourn for the summer break, will the Taoiseach tell the people, in particular those whose pay has been slashed and have been left in such vulnerable circumstances, when he proposes to introduce the household charge and precisely how much of a further burden he proposes to lay on already struggling families?

**An Ceann Comhairle:** Is legislation needed in this matter?

**Deputy Mary Lou McDonald:** Yes.

**The Taoiseach:** Confusion always arises from speculation.

**Deputy Aengus Ó Snodaigh:** It is speculation arising from what the Minister said.

**The Taoiseach:** This is a requirement attaching to the IMF-EU loan repayment fund, from which we are drawing.

**Deputy Joan Collins:** It is a sub-prime loan.

**The Taoiseach:** The Minister for the Environment, Community and Local Government has not yet brought the memorandum to the Government. I expect he will do so next week, probably, in which case the Government will make a decision on his proposal. That will bring certainty to the matter. This will not apply until next year.

**Deputy Timmy Dooley:** What legislation is promised to facilitate the introduction of tolls on un-tolled roads, about which we learned over the course of the weekend? In addition, the Minister for Transport, Tourism and Sport has indicated that previous Governments built motorways that were not needed. Will the Government identify these roads?

**An Ceann Comhairle:** That is not a matter for the Order of Business.

**Deputy Timmy Dooley:** I want to know if legislation is promised on the closure or mothballing of these roads.

**An Ceann Comhairle:** The Deputy is playing games. He should get on with the business of the House.

**Deputy Timmy Dooley:** The Taoiseach might enlighten us as to what his intentions are.

**An Ceann Comhairle:** Is new tolls legislation needed?

**Deputy Timmy Dooley:** Which roads are not up to standard?

**An Ceann Comhairle:** The Deputy should not be play-acting.



**Deputy Timmy Dooley:** I am responding to media reports.

**An Ceann Comhairle:** Is legislation needed? No legislation is needed.

**Deputy Timmy Dooley:** Therefore, there will be no change.

**Deputy Aengus Ó Snodaigh:** Is the Taoiseach aware of the non-adjacent grant rate for students? It will mean a cut of over €3,500——

**An Ceann Comhairle:** The Deputy is playing tricks also. This has nothing to do with promised legislation.

**Deputy Aengus Ó Snodaigh:** I am not playing tricks.

**An Ceann Comhairle:** The Deputy is and he knows it as well as I do. He is a Whip and knows it is not in accordance with Standing Orders.

**Deputy Aengus Ó Snodaigh:** It is because——

**An Ceann Comhairle:** The Deputy should table a parliamentary question.

**Deputy Aengus Ó Snodaigh:** If you let me finish the sentence, I will ask about two pieces of legislation.

**An Ceann Comhairle:** Not about that matter.

**Deputy Aengus Ó Snodaigh:** It means a cut of over €3,500 in the grant paid to many students. Has the Minister any intention of introducing a change to the Student Support Act passed earlier this year which this change might contravene?

**An Ceann Comhairle:** That is not promised legislation.

**Deputy Aengus Ó Snodaigh:** If it is in contravention of the Act and the courts find that it is, a change to the legislation will have to be introduced. Second, will the Minister use the Education (Amendment) Bill promised for publication later this year to reverse this cut on top of the 4.5% cut in student grants?

**The Taoiseach:** The heads of the Bill went through this morning and the Minister for Education and Skills will report on the matter in due course.

**An Ceann Comhairle:** I call Deputy McGrath — the Fianna Fáil McGrath.

**Deputy Michael McGrath:** I am glad you clarified that.

**A Deputy:** Do not worry, Mattie.

**Deputy Michael McGrath:** A number of finance Bills were listed for publication in the summer session, but they have not been published. I want to know whether they will be published this week or whether they have been delayed. They are the Public Service Pensions (Single Scheme) Bill and the Betting (Amendment) Bill.

**The Taoiseach:** The Public Service Pensions (Single Scheme) Bill is well advanced and expected to go before the Cabinet on 30 August.

**Deputy Michael McGrath:** What of the Betting (Amendment) Bill?

**The Taoiseach:** The same.

**Deputy Niall Collins:** Last week the environment committee was told there were 7.2 million PPS numbers in the State. With a population of 4.6 million, that means there is a discrepancy of about 2.6 million PPS numbers. Does the Taoiseach have proposals, legislative or otherwise, to deal with this matter?

**The Taoiseach:** No legislation has been promised, but the Minister for Social Protection is obviously aware of the implications of the figures mentioned by the Deputy and is taking them into account.

**Deputy Robert Troy:** The Government promised to introduce a system to allow questions to be tabled during Dáil recess periods. Will such a motion be brought before the House this week or is this another broken promise?

**Deputy Bernard J. Durkan:** They would know all about broken promises over there.

**The Taoiseach:** No, that will not happen during the summer. There will be a number of changes to the Order Paper in respect of the conduct of Dáil business which will commence when the Dáil resumes in September. The question of written answers will form part of the second phase of reforms which the Chief Whip will introduce at a later time.

**An Ceann Comhairle:** I call Deputy Mattie McGrath.

**Deputy Mattie McGrath:** I appreciate that you have tried to differentiate between the three McGraths — Finian, Michael and mé féin. On promised legislation, I want to ask the Taoiseach and the Minister for Jobs, Enterprise and Innovation about a construction contracts Bill which is badly needed. Senator Feargal Quinn had a similar Bill put through the last Oireachtas. We are crying out for such a Bill and I hope it can be progressed, as many families and small business people are in dire need of legislation in this area.

**The Taoiseach:** It is an important but complex Bill. The Minister of State, Deputy Brian Hayes, is dealing with it and we hope to have it through early in the next session.

**Deputy Richard Boyd Barrett:** As we break for the summer, I am sure the Taoiseach is aware that for the 450,000 people or so who have no jobs, this will be a difficult summer. In terms of forthcoming legislation dealing with matters such as the strategic investment bank and the McCarthy report on State assets and, more generally, job creation, will the Taoiseach indicate that as soon as we return in the autumn there will be a major debate on job creation to bring forward positive proposals to get people back to work?

**An Ceann Comhairle:** I call the Taoiseach to deal with promised legislation.

**The Taoiseach:** No such legislation has been promised. However, I assure Members I would be favourably disposed towards having a serious debate on job creation, in which the making of positive proposals would be the only criterion for Members opening their mouths.

**Deputy Richard Boyd Barrett:** Does that mean Members can have that in September?

**The Taoiseach:** Yes.

**Deputy Bernard J. Durkan:** On promised legislation and with particular reference to the protection of children, the Taoiseach correctly indicated last week the prioritisation of the national vetting bureau Bill. In view of recent revelations in the courts, would it be possible,

[Deputy Bernard J. Durkan.]

from the legislation now proposed, to put in place regulations that would have the effect of giving adequate protection to children while awaiting the passage of that legislation?

**An Ceann Comhairle:** Are regulations promised?

**The Taoiseach:** The Minister, Deputy Shatter, will bring the heads of that Bill to the Cabinet before the end of July. I will consider the Deputy's point in respect of the other measure.

**Deputy Caoimhghín Ó Caoláin:** I raise the same issue. Deputy Durkan is absolutely right and I am sure all Members share the sense of horror that is across the land that a convicted child sexual abuser was in continuing or re-engaged employment with the effect that children clearly were placed at risk. It is an absolutely outrageous example and sadly, I am sure it must not be the only one.

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

**Deputy Caoimhghín Ó Caoláin:** The urgency pertains to the promised legislation. I acknowledge the Minister and the new Department are focused on doing this but specifics are needed. Members must know for certain exactly when the national vetting bureau Bill will be in place. However, there also is the children, establishment of child welfare and protection agency, Bill and the children first Bill, formerly the Ryan implementation Bill, as the Minister has indicated her intention to put the Children First guidelines on a statutory footing. Is there something that can be done now? While Members will debate the Cloyne report tomorrow with regard to church-related abuse of young children in a variety of settings, in this instance broader civic society continues to present dangers for young people——

**An Ceann Comhairle:** We will just deal with the legislation.

**Deputy Caoimhghín Ó Caoláin:** —— and Members have a bounden responsibility to ensure all these areas are properly addressed and the legislation is in place to protect children with certainty.

**An Ceann Comhairle:** The Taoiseach, on promised legislation.

**The Taoiseach:** The Minister for Justice and Equality is in Poland to attend a Council meeting today. I understand he has asked for a report on the horrific case in County Donegal to which the Deputy referred. The Minister for Children and Youth Affairs has published the children's rights issues that will be given priority, to be backed up by legislation coming from the Department of Justice and Equality. The Minister for Justice and Equality hopes to bring the heads of the vetting Bill to the Cabinet before the end of July.

**Deputy Charlie McConalogue:** I seek clarification from the Taoiseach on when the legislation for the three referendums it is intended to hold on the same day as the presidential election will come before the Dáil. As the Taoiseach is aware, although Members have been promised the legislation in this regard, this is the final week before the summer recess and there is no sign of it. Moreover, three months have elapsed since the Taoiseach promised this legislation to Members——

**An Ceann Comhairle:** Thank you, Deputy. We will get an answer.

**Deputy Charlie McConalogue:** —— in the middle of February. No, this is a separate question. On 14 February, the Taoiseach promised to hold a Constitution day before the end of the year

in which five referendums would be held. However, much like the five-point plan, not much has been heard of it since. When will Members have sight of the legislation pertaining to the three referendums the Government is planning to hold alongside the presidential election?

**The Taoiseach:** The Constitution day to which the Deputy referred was to be held within 12 months of the date of the formation of the Government. Three referendums are to be held in conjunction with the presidential election, one in respect of judicial pay, a second on whistle-blowers and a third pertaining to the consequences of the Abbeylara judgment. I dealt with this matter with the Deputy's party leader earlier during Question Time. The Bill pertaining to the referendum on judicial pay is being processed by the Department of Justice and Equality, while work is advanced in respect of the other two in the office of the Attorney General. When these Bills have been drafted, the Government will consult the Opposition leaders and the legislation will be produced early in the new session to facilitate completion of the timeframes in order that the commissions can do their jobs and the question can be asked of the people in October.

**Deputy Charlie McConalogue:** When will the Constitution day take place?

**The Taoiseach:** As I stated, within 12 months of the formation of the Government.

**An Ceann Comhairle:** The Deputy will be obliged to wait a little while for that.

**Deputy Micheál Martin:** I would say so. I refer to No. 3 on the Order Paper, the Industrial Relations (Amendment) Bill, which has been tabled to protect the more than 200,000 workers who are vulnerable as a result of the High Court decision on the joint labour committees, JLCs. As significant vulnerability exists in this regard, I seek clarification on the Government's position on this Bill. Does the Government intend to refer it to committee or is it agreeable to the referral of the Bill to committee, in which it will be deliberated on further in the coming weeks? The Taoiseach stated earlier the Government would not oppose it and it accepted the principle.

**An Ceann Comhairle:** This matter will be debated later.

**Deputy Micheál Martin:** Consequently, I seek clarity in the context of the workings of the House. If the Bill is not voted down tomorrow night, in other words, if it is voted through, may I take it the Bill will be referred to the relevant committee for further deliberations? Is that the position?

**The Taoiseach:** I already clarified this point for the Deputy. I accept the principle behind the Bill tabled by Deputy O'Dea. However, the advice available to the Government is that the Bill is not sufficiently comprehensive or robust to deal with the consequences of the judicial decision to determine the employment regulation orders, EROs, as being unconstitutional. While the principle is fine, the Bill is not strong enough. As a result, it will not be opposed on Second Stage as I accept the principle of what Deputy O'Dea is attempting to do. However, it does not go far enough and is neither broad enough nor comprehensive enough.

**Deputy Micheál Martin:** What happens then?

**An Ceann Comhairle:** We are not having a debate.

**The Taoiseach:** This will provide an opportunity for debate. Government time will not be provided for the Committee Stage debate of that Bill because the Minister for Jobs, Enterprise and Innovation will bring forward a comprehensive response to this quite complex issue early in the autumn session.

**An Ceann Comhairle:** Thank you.

**The Taoiseach:** As for the principle enshrined in Deputy O'Dea's private Members' Bill, it does not go far enough and does not deal with the problem.

**Deputy Micheál Martin:** It would deal with it in the interim.

**The Taoiseach:** I already have pointed out that the 200,000 workers who are affected have protection under their existing contracts.

**Deputy Micheál Martin:** Many people will think the Taoiseach is engaged in a cynical effort to play himself off the Labour Party in government.

**An Ceann Comhairle:** I call on Deputy Tóibín.

**The Taoiseach:** I could shoot it down altogether but I did not do that.

**Deputy Micheál Martin:** This move tonight was absolutely cynical.

**Deputy Alex White:** The Bill would not work.

**Deputy Micheál Martin:** It will.

**Deputy Alex White:** The Bill is fundamentally flawed. I will explain to Deputy Martin later.

**Deputy Micheál Martin:** They are great people. They have no Bill at all.

**Deputy Alex White:** It is flawed.

**Deputy Micheál Martin:** The Labour Party has gone very quiet over there.

#### **Industrial Relations (Amendment) (No. 2) Bill 2011: First Stage**

**Deputy Peadar Tóibín:** I move:

That leave be granted to introduce a Bill entitled an Act to make further and better provision for promoting harmonious relations between workers and employers, to amend and extend the Industrial Relations Acts 1946 to 2004, to amend the Employment Permits Act 2006 and the Organisation of Working Time Act 1997, and to provide for related matters.

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

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

**Deputy Caoimhghín Ó Caoláin:** But will the Government facilitate it?

Question put and agreed to.

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

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

Question put and agreed to.

## **Defence (Amendment) Bill 2011: Motion to Discharge Order for Referral to Select Committee**

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

That the Order of the Dáil of 13 July, 2011, that the Defence (Amendment) Bill 2011 [*Seanad*] be referred to the Select Committee on Justice, Defence and Equality, be discharged, and that the Bill be considered in Committee of the whole Dáil.

Question put and agreed to.

## **Electoral (Amendment) Bill 2011: Report and Final Stages**

**An Leas-Cheann Comhairle:** As amendment No. 1 is consequential on amendment No. 8 and amendments Nos. 8 and 9 are related, amendments Nos. 1, 8 and 9 are to be discussed together.

**Deputy Brian Stanley:** I move amendment No. 1:

In page 3, between lines 9 and 10, to insert the following:

“2.—In this Act “Act of 2002” means the Electoral (Amendment) Act 2002.”.

I object to the fact that only 40 minutes have been allocated to discuss this important legislation. Be that as it may, I will try to make the best of it. The first amendment is technical in nature.

The Bill proposes a reduction in the number of TDs. Sinn Féin wants to make real savings in the cost of government and in our view this can best be done by cutting the wages of salary holders and officeholders, especially Ministers and senior civil servants, rather than the cosmetic exercises as proposed in the Bill. The Sinn Féin view on multi-seat constituencies is that in the past there have been constituencies with up to five seats. We favour four, five and six-seat constituencies over a larger geographical area. This would better reflect the wishes of the electorate in the representation in the Dáil. The number of people elected to the Dáil from various parties compared with the vote they achieve shows a significant discrepancy. In the past, parties with 3% of the vote have taken eight seats and parties with 7% of the vote have taken four seats.

Sinn Féin asks for the publication in full every year of the accounts of political parties, to be published not later than 31 January. Sinn Féin publishes its accounts for all to see. Political parties are now part-funded by the taxpayer in various ways and their accounts should be published.

On amendment No. 8, in the case of summer elections, many electors may be away on holidays on the polling day. It can be frustrating for electors who may have booked a holiday before an election is called and will then be absent on polling day. This is also the case for patients in hospital on polling day. At the general election, a man gave me his number one vote and he died the following weekend. One of his last acts on this earth was to put a number one beside my name on the ballot paper. The bed of heaven to him and I hope he is looked after in the next life. Facilities have been given to prisoners to vote and we should be able to find some way to facilitate people who are hospitalised on election day so that they are not disenfranchised.

Amendment No. 9 is a proposal regarding the register of electors which is currently in rag order. I do not wish to discredit the electoral system but we cannot continue to limp along from one election to the next with an electoral register which may contain names included four times while other names have been excluded as a result of an administrative error. I appeal to the Minister to use this opportunity to improve the system. My amendment on Committee

[Deputy Brian Stanley.]

Stage proposed the use of the PPS number. We must protect the integrity of PPS numbers and I refer to the information that 7.2 million PPS numbers were issued. There is clearly a problem with regard to this number of PPS numbers. Sinn Féin would like this problem resolved. Any abuse of PPS numbers or of the electoral system must be eliminated. However, we cannot stand over an electoral system where, at best, in many counties, the electoral register is 70% accurate. This situation will worsen because people move house more often than in the past, they may live in rented accommodation and others may have emigrated. It is no longer the case that people grow up in one house, get married, buy a house or move into a local authority house and stay there until they die. The population today is more transient and we must find a way of connecting the electoral register to a voter's identity rather than to his or her address. I appeal to the Minister to accept this amendment. Another simple procedure to make the electoral register more accurate would be for the local authority to remove a name automatically from the electoral register once a death certificate has been issued.

I note that the situation is exacerbated by the fact that local authority staff are not available to provide an up-to-date register. The Minister will know from speaking to county managers that most local authorities are not sending out field workers every year to check the validity of the electoral register. Political parties do not have the manpower as in previous decades because they have fewer members. The situation must be remedied. A party colleague of the Minister's, Councillor Bonham, a very good councillor, was elected to Laois County Council by one half or one third of a vote — a fraction of a vote. The count lasted for weeks and court challenges were in prospect. A book was written about it. If the outcome of elections is to be decided by such an arduous process and on the basis of a percentage of a vote and second, third, fourth, fifth and sixth preferences, the priority should be to compile an accurate register of electors.

Sinn Féin complained about inaccuracies in the register and about the multiple registration of people at a property in a county. A large number of people were registered at the same property and a certain candidate topped the poll in that area who had never come near such a result in a previous election. Sinn Féin has a genuine interest in an accurate and fair electoral register in order that every person has one vote and one vote only.

**Deputy Niall Collins:** Fianna Fáil has not re-entered on Report Stage the amendments tabled on Committee Stage. We do not propose to delay the proceedings. I agree with Deputy Stanley regarding the accuracy of the register of electors. I ask the Minister to consider — not in this Bill — issuing guidelines as to how the field workers engaged by the local authorities should go about their work of auditing and updating the register of electors. As practising public representatives we have all met people who have been removed from the register of electors, not by their own choice or their own doing. They cannot explain why they have been removed from the register, as in many instances individuals will have lived at the same address for many years. There are many examples of people who have been removed against their will. The only explanation offered by the local authority is that a field worker called to the house on a number of occasions and there was no one there. The issuing of guidelines may be a responsibility of the new electoral commission in the future but in the interim I ask the Minister to consider issuing such guidelines or a directive to the local authorities. Field workers are engaged on a temporary basis to collect the information and it seems to be a hit and miss operation which needs to be improved. We hear many examples at election time when constituents call at the last minute to say their names have been removed from the register of electors.

**Deputy Joanna Tuffy:** The section as amended by the Minister allows the commission a range of between 153 and 160 Deputies. Obviously the Minister originally intended the minimum

number to be 153, which would have clearly been unconstitutional according to the preliminary census results as it would have meant that there would have been less than one Deputy for every 30,000 people. However, the new figure of 153 comes very close to that constitutional limit as I pointed out in my Second Stage contribution. It would only take a population increase of 8,731 or more and the new range the Minister has defined would become unconstitutional. In 2006 the preliminary census results were incorrect by just under 5,000. It is quite feasible that the preliminary census results could be out by even more; they could be out by up to 10,000 this time.

A recent newspaper report indicated that the census office is still receiving a number of unreturned census forms. I know it has estimated the number of people who would be accounted for by those unreturned census forms, but that is just an estimate. The census enumerator who came to my door did not go through how many people were in my house. So I would be concerned over the reliability of those estimates. The precedent exists: in 2006 the preliminary census results were inaccurate by almost 5,000. If there is an underestimate of 8,731 or more when we get the final census results, the Bill will have been passed and have become an Act, and the commission will have been given its terms of reference. Midstream in its work, the terms of reference it will have been given will be unconstitutional and the Minister will probably need to introduce amending legislation.

There is no point in the Minister shaking his head. If the final census results show that the preliminary results underestimated the population by 8,731 or more, the range the Minister has defined in the Bill will be unconstitutional and so will be the terms of reference for the constituency commission. I will be making all these points in my submission to that commission, but it is important to point it out here. The Minister should have set the minimum number at 155 at least. On Committee Stage the Minister said he had changed the lower figure from 152 to 153 because the number of members was not feasible. If that is the case and if there is an underestimate when we get the final census results, his new figure of 153 will not be feasible either.

On Committee Stage the Minister said: "I did not expect the population to have increased by 380,000. That was a surprise to everybody." If that is the case why did the Minister only adjust the lower figure in the range and why did he not increase the upper figure in the range? If the population has increased, surely the Minister wants the people to be properly represented. If he was going to increase the lower number, the logical thing to do would have been to also increase the upper figure — if the Minister is not just doing this for populist reasons, which is what I believe.

While I am not sure if it was raised elsewhere, on Second Stage I mentioned that political scientists highly regard a formula known as the cube root law of assembly sizes. The law basically states that the lower house in a legislature should have a number of members of parliament which is the cube root of that country's population. It just so happens that the cube root of Ireland's population according to the latest census results is exactly 166. If that formula is used countries such as Britain and France are overrepresented. The author of that formula stated that: "the cube root rule should prevail because it would maximize efficiency and reduce the influence of non-elected congressional staffs". He was talking about the US Congress. Obviously the same thing applies here. He makes the point that if a parliament has too few representatives, as the population grows, there is a growth in the number of non-elected officials in political parties and all the support staff. That has been happening in Ireland. We have the same number of Deputies as we had when there were 1.2 million fewer in the population. While we have kept the same number of Deputies, there has been a twentyfold increase in the number of unelected employees associated with parliamentary duties. By reducing the number of Deputies at a time when our population is increasing, as it will continue to do, it will reduce the influence of the elected people in favour of unelected advisers, PAs etc.



**An Leas-Cheann Comhairle:** Is the Deputy speaking to amendment No. 1?

**Deputy Joanna Tuffy:** I am.

**An Leas-Cheann Comhairle:** We are on the definition.

**Deputy Joanna Tuffy:** I am talking about the numbers. The amendments are grouped.

**An Leas-Cheann Comhairle:** I believe that is on the next amendment.

**Deputy Aengus Ó Snodaigh:** It is amendment No. 2.

**Deputy Joanna Tuffy:** Other speakers have raised this issue at this stage. I can come in again if you wish and make the rest of the points then.

**An Leas-Cheann Comhairle:** I want to call Deputy Catherine Murphy.

**Deputy Catherine Murphy:** Articles by Shane Coleman in *The Sunday Tribune* a few years ago drew attention to how overstated our register of electors was. Those articles showed the potential for manipulating an election given that there were more people on the register than there were electors. After that field work was done an initiative was taken to correct it. The door-to-door arrangement might have worked fine when there was a reason for a council official to knock on every door. That tended to be at a time when people paid their domestic rates by cash to the rate collector — it might even have been done on an incremental basis. However, there is no reason now and the local government system would not have the capacity for that kind of door-to-door arrangement to take place. It is essential that we consider how we might get a correct register of electors. I believe the PPS system would be a good system. On Committee Stage we discussed the number of PPS numbers relative to the population. Clearly the number of people over 18 would be smaller than that again. If that is to be taken on board, what could be done to clean up the register of electors database?

I ask the Minister to outline what is intended to deal with the issue of people who are on holidays when an election takes place. People express pure disbelief when they discover they will miss out on voting because they have planned a holiday and had no prior knowledge of when an election was likely to take place.

**Deputy Aengus Ó Snodaigh:** I will try to be brief given that people want to deal with a number of other amendments. Two substantive amendments in the name of Deputy Stanley deal with a range of issues. One, close to my heart, is to reverse the change that happened in the supplementary register system in 2002. I have no problem with a system that would ensure everybody on the register of electors had to produce a form of identification or at the very least when it came to the supplementary register to avoid any type of electoral fraud or any kind of rush of blood to many people's heads to register several times. In many ways this year we were very lucky that the register of electors had come into being and that most people had the opportunity to be on it. However, normally elections are held in either June or October. There is a substantial period between the creation and confirmation of the register in November and February, respectively, during which time people may have reached the age of 18 years or moved house. Their only facility to register is to sign the supplementary register. However, people in working class areas are not inclined to attend Garda stations to have forms stamped. In most cases, politicians only find out that people are no longer on the register or have not submitted their forms when they knock on doors in the run-up to an election. This causes a difficulty. Every Deputy in the Chamber and everyone who took part in the general election

will have found people who were not on the electoral register and did not manage to record a vote and enjoy the benefits of citizenship.

The amendment would return us to the old method, whereby people were able to submit a form to be placed on the electoral register. The change would require everyone seeking to be placed on the supplementary register to produce identification. When the last change was made, people claimed it would prevent electoral fraud, but that has not been the case, given how some are still being arrested and charged. The mechanism proposed in the amendment would prevent it in this instance.

The other change has to do with the system of postal voting for persons away on service, in hospital or on holiday. In almost every other country there is a better and quicker mechanism that recognises that people can be absent during elections and allows them to be enfranchised in advance. People could be allowed a postal vote if they have documentation proving they have booked their holiday. Many families take their holidays in June. For example, many teachers, shift workers and so on are away for the month of June because they cannot afford to take expensive holidays in July and August. They could show that they would be travelling and convey their preference to be temporarily included in a register of postal voters. The same is true of patients in hospital. In the light of long waiting lists, one would not want to turn down the chance to undergo an operation or other medical procedure because one also wanted to cast a vote. It should not be an either-or. If one has proof that one will be confined to hospital, one should be able to enjoy the benefits of a postal vote.

The proposed changes are logical and were requested of the previous Minister. No Minister with whom I have spoken so far has opposed our proposals, although no one has ever managed to include them in legislation. Deputy Stanley's amendments would facilitate them.

On amendment No. 9, when the previous Minister for Social Protection introduced what was then the Social Welfare (Miscellaneous Provisions) (No. 2) Bill 2010, I asked her to make this facility available, as she was changing the groups which could use PPS numbers. I asked that she include local franchise offices to facilitate the proposal contained in the amendment. However, she stated that it was a rushed Bill and that the Electoral (Amendment) Bill which was to be introduced would be the appropriate place in which to include the provision. We are trying to include it, but its inclusion is being blocked. This mechanism would prevent multiple registrations because a person only has one PPS number. While there are problems with the idea, we could address them to ensure live PPS numbers were used. It would also allow automatic registration on someone turning 18 years and for automatic deletion when someone passes away. A little more work needs to be done on the mechanism, but it would form the starting point for an electoral register based on PPS numbers. The amendments should, therefore, be accepted.

**Deputy Eoghan Murphy:** I support the sentiments expressed in amendment No. 8. We all met people on the campaign trail who, for one reason or another, could not be present in the country or their constituencies at the time of the election. For example, they might have been working in Dublin while being registered at home because that was where they wanted to vote, which is acceptable. The issue needs to be examined. Simultaneously, we need to consider the case for giving a vote to people who are forced to move abroad because of the country's circumstances. If they are forced by a Government's actions to leave their country, they should have a right to vote that Government out of office from abroad in favour of another which they hope will one day make things right and allow them to return. However, this Bill is not the place for that amendment; it should be included in more appropriate legislation. The proposal should be considered. Therefore, I urge the Minister to take the idea on board to determine whether the proposal could be incorporated further down the line.

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** To reiterate my Committee Stage comments, the purpose of this short Bill is to deal with three distinct aspects of electoral law. It was never the intention to provide for a more wide-ranging review of electoral procedures or to address issues such as the register of electors. While Deputies' comments were made in good faith and I agree with the sentiments expressed by all Members who have addressed this matter, they would be more appropriate to the electoral commission legislation that I intend to introduce next year. The matters arising in respect of the register of electors are fundamental to our democracy. It would be far better to engage in a comprehensive examination of the issues, for people to have an opportunity to exercise their right to vote and to address the issues together in the context of the electoral commission proposal contained in the programme for Government. I hope to be able to introduce proposals in 2012.

To address Deputy Tuffy's points, the provisions of the Electoral Act require a constituency commission to wait until the Central Statistic Office's final results have been published and reported to the Ceann Comhairle. The matter to which she referred will not arise, as the commission must submit its report three months after the CSO's final figures have become available.

**Deputy Joanna Tuffy:** This legislation will have become unconstitutional. That will never have occurred previously.

**An Leas-Cheann Comhairle:** Please allow the Minister to continue.

**Deputy Phil Hogan:** It has nothing to do with the Constitution. The commission must finish its work not later than three months after the final census figures have been published.

**Deputy Joanna Tuffy:** I know.

**Deputy Phil Hogan:** The Deputy does not know that——

**Deputy Joanna Tuffy:** I do.

**Deputy Phil Hogan:** ——because I have just told her. Any difference that emerges between the preliminary and final census figures will be taken into account by the commission before it presents its report.

The terms of reference as set out in the Bill will require the commission to recommend a set of constituencies based on a number of Deputies between 153 and 160, but these terms of reference are subordinate to the relevant constitutional provisions. As such, a commission cannot recommend constituencies that do not meet the constitutional requirements. It will have an opportunity for three months after the final figures have been published to make any adjustments required to ensure its recommendations are within the constitutional provisions. The matter does not, therefore, arise.

Amendment, by leave, withdrawn.

**Deputy Brian Stanley:** I move amendment No. 2:

In page 3, to delete lines 23 to 28.

This amendment is intended to delete the provision in the Bill that allows for the number of Deputies to be reduced to as few as 153. It would not be correct for the number of Oireachtas Members to be reduced without a corresponding enhancement of local authority powers. This is a fundamental issue and the provision is, therefore, unacceptable.

The constitutionality of the Bill is still in question. Reducing the number of Deputies will not make the Dáil more representative or enable people to participate more effectively in democracy on this island. It will not provide for the involvement of more people from low-income or rural backgrounds, who are voiceless in political debates and depend on us to represent them. The provision is all about being seen. The image is of something occurring, but not much is happening other than a reduction in the number of Deputies.

Reducing the number of Deputies raises considerable issues, given that a further population increase between now and the next census is likely. The minimum requirement is one Deputy per 30,000 head of population. On Committee Stage, the Minister stated he did not expect there to be a further increase in population during the next two or three years. The maternity ward in Portlaoise is literally bursting at the seams. I do not know what it is like in the rest of the country——

**Deputy Phil Hogan:** I do not visit maternity wards.

**Deputy Brian Stanley:** ——but my colleague Deputy Ó Snodaigh tells me the same is happening in the Coombe hospital in his constituency. The population is increasing.

The Government has talked a lot about reducing the number of quangos and unelected officials. The Minister knows that it drives elected representatives crazy to see important decisions being made by unelected officials, regardless of whether we come from the right, left or centre of the political spectrum. At all levels, elected representatives would love more control over things. Too often, unelected bodies and unrepresentative groups make important decisions. This is an opportunity to hand more power and responsibility to TDs. We would then be accountable to the electorate for the decisions we make. Everyone in this Chamber should be busy with important decision making and there is no reason it should not happen. We could cut down on administration costs by reducing the massive outsourcing of government that has occurred in the past 15 years. We regularly hear that an issue has been devolved to some body or a commission is now making decisions on it. Why are elected Members not making decisions and taking responsibility for them?

Sinn Féin wants to reduce the cost of government and administration. If we are serious about doing that, the best way to go about it is to reduce the wages of officeholders, starting with TDs. Our salaries should be reduced along with those of Ministers, Ministers of State and senior civil servants. This State makes up three quarters of the island and there are people being paid massive salaries that are far greater than those in other European countries that have huge populations. We should look at the examples of the wages paid to senior officials in Italy, France, Holland and similar countries when they are dealing with much larger populations.

This is an opportunity to do more than window dressing, more than what looks good and gets a soundbite in the Sunday newspapers or poor quality publications. Here is an opportunity to reduce the cost of government by reducing salaries.

**Deputy Niall Collins:** We fundamentally oppose the proposals on the number of TDs. This is a dilution of democracy in the absence of total reform of how we do business in this House. We do not agree with the published band of 153 to 160 TDs.

In recent years the cost of delivering democracy has been reduced substantially. We fundamentally disagree with reducing the number of TDs for the sake of it. This should have formed part of a total reform package for the Oireachtas, be that in the context of the electoral commission or a wider reform package. The Minister himself acknowledged in his speech on Second Stage that this is a piecemeal approach and that is not the best way to do business.

**Deputy Joanna Tuffy:** The Minister has misunderstood me. I know he said the final report will not be issued until after the final census results. My point is that he thought it necessary to change from 152 to 153 in case 152 TDs was unconstitutional. I am saying that if the final census results show a greater population, the 153 TD provision could also be unconstitutional and, therefore, the Act establishing the commission will also be unconstitutional.

**Deputy Phil Hogan:** The commission will take account of that.

**Deputy Joanna Tuffy:** The Minister will have to come back with amending legislation.

**Deputy Phil Hogan:** No, I will not.

**Deputy Joanna Tuffy:** I realise that it may not come to pass but if it did, that is what would happen. Never in the history of the State has a commission been asked to make the decision about cutting the number of TDs. It is only in the last two Electoral Acts that a range has been set. Previous commissions, however, ignored that and left the number at 166. In both 1998 and 2006, both commissions stated they had decided not to recommend a change in the numbers because they were satisfied membership levels allowed for a reasonable arrangement of constituencies in accordance with the relevant constitutional provisions and terms of reference.

The Minister is making the commission's job very difficult. Under the Constitution, the Dáil and the Seanad should set the numbers. That is my interpretation. The recent case on joint labour committees stated the Oireachtas should not hand decision-making functions to an outside body, especially without proper guidance. The Minister is not giving the commission any guidance because he does not want to wield the knife. He wants someone else to do the dirty work. The Minister is wrong in doing that. It has never been done before in the history of the State. Under the last two Acts, both commissions ignored the range that was set and left the number of TDs at 166.

A Fine Gael TD stated on Committee Stage that people want the numbers to be cut but we should not do things because the public or a focus group want them. What is the right number of TDs? What is the right kind of representation? The Minister has not analysed those questions. He is doing this purely for populist reasons and is mistaken for that reason alone.

The population has increased by 20,000 per year and everyone knows the prediction is for that to continue. In 2016 there will be another census and the Minister will have cut the number of TDs for one election only and then the cut will have to be reversed for the following election. This is a total waste of time and it will not save any money. It will only save money from the period between the next election and the follow election, which could be a couple of years. This is a totally cosmetic exercise. I will make these points to the commission but I believe the Minister is mistaken on this.

**Deputy Catherine Murphy:** The case Deputy Finian McGrath and I took sought to have preliminary figures used to start the process. I was amused that the Bill was published the day before the census figures came out, jumping the gun. The size of the population growth between now and the next census does not matter. The last census will be used to decide the number to ensure it is constitutional. I am concerned that a limit on the size will take away the option of whole county constituencies. I have issues with this that I raised on Committee Stage.

A clear vision across the entire range of representation, from local to national level, is lacking. I would like substantial, almost revolutionary, change in how we do things. People want to regain control and that will not happen unless we change the system that is at fault.

**Deputy Michael Colreavy:** It is unusual to see the name of a specific county in an amendment like this. It is, however, the only way I could raise the issue. I am not a constitutional lawyer but I know the difference between right and wrong. Attempts were made before to right the wrong whereby Leitrim was split in two, rendering it virtually impossible for the county to elect a representative. I ask the Minister to do the right thing and ensure Leitrim is never again cut, even part of it, so that it is not in a position to elect a TD.

I am therefore asking the Minister to do the right thing and ensure that in future Leitrim, or even a part of it, will never again be cut so that it is not in a position to elect a TD.

**An Leas-Cheann Comhairle:** As it is now 6 o'clock I am required to put the following question in accordance with an Order of the Dáil of this day: "That the Fourth Stage is hereby completed and the Bill is hereby passed."

Amendment put:

The Dáil divided: Tá, 96; Níl, 40.

Tá

Bannon, James.  
Barry, Tom.  
Breen, Pat.  
Broughan, Thomas P..  
Burton, Joan.  
Butler, Ray.  
Buttimer, Jerry.  
Byrne, Catherine.  
Byrne, Eric.  
Carey, Joe.  
Coffey, Paudie.  
Collins, Áine.  
Conaghan, Michael.  
Conlan, Seán.  
Connaughton, Paul J..  
Coonan, Noel.  
Corcoran Kennedy, Marcella.  
Costello, Joe.  
Creed, Michael.  
Creighton, Lucinda.  
Daly, Jim.  
Deasy, John.  
Deering, Pat.  
Doherty, Regina.  
Donnelly, Stephen.  
Dowds, Robert.  
Doyle, Andrew.  
Durkan, Bernard J..  
English, Damien.  
Farrell, Alan.  
Feighan, Frank.  
Ferris, Anne.  
Fitzpatrick, Peter.  
Flanagan, Charles.  
Flanagan, Terence.  
Gilmore, Eamon.  
Griffin, Brendan.  
Hannigan, Dominic.  
Harrington, Noel.  
Harris, Simon.  
Hayes, Tom.  
Heydon, Martin.  
Hogan, Phil.  
Howlin, Brendan.  
Humphreys, Heather.

Humphreys, Kevin.  
Keaveney, Colm.  
Kehoe, Paul.  
Kelly, Alan.  
Kenny, Seán.  
Kyne, Seán.  
Lawlor, Anthony.  
Lynch, Kathleen.  
Lyons, John.  
Maloney, Eamonn.  
Mathews, Peter.  
McCarthy, Michael.  
McEntee, Shane.  
McFadden, Nicky.  
McGinley, Dinny.  
McHugh, Joe.  
McLoughlin, Tony.  
McNamara, Michael.  
Mitchell, Olivia.  
Mitchell O'Connor, Mary.  
Mulherin, Michelle.  
Murphy, Dara.  
Murphy, Eoghan.  
Nash, Gerald.  
Neville, Dan.  
Nolan, Derek.  
Ó Ríordáin, Aodhán.  
O'Donnell, Kieran.  
O'Donovan, Patrick.  
O'Dowd, Fergus.  
O'Mahony, John.  
O'Reilly, Joe.  
O'Sullivan, Jan.  
Penrose, Willie.  
Phelan, Ann.  
Phelan, John Paul.  
Rabbitte, Pat.  
Reilly, James.  
Ring, Michael.  
Ryan, Brendan.  
Shortall, Róisín.  
Spring, Arthur.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.

Tá—continued

Tuffy, Joanna.  
Twomey, Liam.  
Varadkar, Leo.

Wall, Jack.  
Walsh, Brian.  
White, Alex.

Níl

Adams, Gerry.  
Boyd Barrett, Richard.  
Browne, John.  
Calleary, Dara.  
Collins, Joan.  
Collins, Niall.  
Colreavy, Michael.  
Cowen, Barry.  
Daly, Clare.  
Doherty, Pearse.  
Dooley, Timmy.  
Ellis, Dessie.  
Ferris, Martin.  
Flanagan, Luke ‘Ming’.  
Fleming, Sean.  
Fleming, Tom.  
Healy, Seamus.  
Healy-Rae, Michael.  
Kitt, Michael P..  
Mac Lochlainn, Pádraig.

Martin, Micheál.  
McGrath, Finian.  
McGrath, Mattie.  
McGrath, Michael.  
McLellan, Sandra.  
Moynihan, Michael.  
Murphy, Catherine.  
Ó Caoláin, Caoimhghín.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
Ó Snodaigh, Aengus.  
O’Brien, Jonathan.  
O’Dea, Willie.  
Pringle, Thomas.  
Ross, Shane.  
Smith, Brendan.  
Stanley, Brian.  
Tóibín, Peadar.  
Troy, Robert.  
Wallace, Mick.

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

Amendment declared carried.

### **Communications Regulation (Postal Services) Bill 2010 (Seanad): Motion to Instruct the Committee**

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I move:

That, pursuant to Standing Order 177, Standing Order 131 is modified to permit an instruction to the Committee to which the Communications Regulation (Postal Services) Bill 2010 may be recommitted in respect of certain amendments, that it has power to make provision in the Bill to amend the Broadcasting Act 2009 to provide for reallocation of part of the TV Licence Receipts from RTÉ to TG4 and capping of the amount paid to the Department of Communications, Energy and Natural Resources by the Department of Social Protection in respect of free television licences, thereby giving legal effect to the Budget 2011 decisions, and to render compatible with EU State Rules the wording of the Act which allows for the establishment of a Broadcasting Funding Scheme to support the development of, *inter alia*, the archiving by broadcasters of programme material, and to change the title of the Bill to take account of these provisions.

I am putting forward this motion to enable a number of important and urgent amendments to be made to the Broadcasting Act 2009, which will be taken on Committee Stage of the Communications Regulation (Postal Services) Bill 2010. That Bill is currently before the House.

**Deputy Éamon Ó Cuív:** My understanding was that this was a Second Stage debate on the Bill.

**Deputy Pat Rabbitte:** As it is a net issue, I did not think it was necessary to provide a long explanation of why we have to do this before we can recommit on Committee Stage. Deputy Ó Cuív can speak for as long as he wishes on Committee Stage.

**An Leas-Cheann Comhairle:** All I know is that we have 65 minutes to conclude this business. I am just after arriving. The Minister has moved the motion and that is all he has to say, so I call on Deputy Ó Cuív.

**Deputy Éamon Ó Cuív:** Ba mhaith liom a deis seo a thapú labhairt ar an mBille agus cuid de na moltaí atá sna leasuithe atáá moladh ag an Aire a phlé go ginearálta. Sin a dhéantar ar an Dara Chéim de Bhille.

I bprionsabal tá mé go mór i bhfabhar an méid atáá dhéanamh ag an Aire. Go deimhin is é an Rialtas deiridh a chuir an tuairim chun cinn gur cheart go mbeadh cuid den cheadúnas ar fáil le haghaidh TG4. Nuair a bunaíodh TG4 i dtosach, léirigh mé mo mhíshásamh ar an gcaoi go raibh sé le hairgeadú. Chonacthas dom i gcónaí go mbeadh contúirt ann ó thaobh airgeadú TG4 de dá mbeadh sé ag brath ar airgead díreach ón gcáiníocóir. Ag an am níor thuig mé cén fáth nach dtiocfadh an t-airgead ón gceadúnas.

Is cuid den chraoltóireacht seirbhíse poiblí TG4 agus níor cheart go mbeadh sé difriúil ar bhealach ar bith, mar shampla, ó RTE. Mar atá rudaí i láthair na huaire, tá trí ghné ag dul a bheith bainteach le craoltóireacht seirbhíse poiblí: TG4, RTE — a fhaigheann an chuid is mó den airgead, €185 milliún — agus an ciste craolacháin atá ann freisin. Má ceapadh nach rabhtas in ann an t-airgead iomlán a fháil ón gceadúnas le craoltóireacht seirbhíse poiblí a chur ar fáil, b'é mo thuairim ag an am gur cheart an t-airgead ón gcáiníocóir, an t-airgead atá ag teacht díreach on Státhchiste, a chur isteach in éineacht leis an airgead ón gceadúnas agus ansin, ag breathnú ar na riachtanais sheirbhíse poiblí, an t-airgead a dháileadh dá réir.

D'fhéadfadh duine ceist a chur cén difríocht a dhéanfaidh sé, cén buntáiste a bhainfeadh leis. Tá an ceadúnas seasta. Baineann an ceadúnas le líon na n-áiteamh sa tír, méadaithe le teilifíseáin. Ar ndóigh, ceist go lá eile an cheart go gcaithfeadh gach áiteamh an ceadúnas a íoc, mar bhí go leor airgid ag dul amú ag iarraidh oibriú amach an bhfuil teilifíseán in dteach nó nach bhfuil. Is gearr go mbeifeá in ann an teilifíseán a chur i do lámh agus é a thabhairt timpeall leat, ach fágfar sin ar leataobh. Ar an meán, ní laghdaíonn líon na n-áiteamh sa tír agus mar sin tá ioncam an cheadúnais seasta nó ag méadú an t-am ar fad gan aon athrú ag teacht ar an gceadúnas féin. Is é sin le rá, má fhanann costas an cheadúnais mar a chéile tá an t-ioncam ag méadú. Bhí sé le tuiscint i gcónaí dá dtiocfadh géarchéim airgid sa tír go dtiocfadh laghdú ar an Státhchiste, nó go mbeadh an baol sin ann agus go mbeadh sin éagcórach ar TG4 le hais iad siúd a bhí ag brath ar an gceadúnas.

Tá an rud atáá dhéanamh ag an Aire ag dul leath-bhealach. Is é atá sé ag socrú anseo ná gur féidir airgead ón gceadúnas a thabhairt go TG4, ach go praiticiúil go mbeadh an dá chiste ann i gcónaí agus go mbeadh TG4 fós ag brath, a bheag nó a mhór, ar airgead ón Státhchiste. Ní thuigim cén fáth nár shocraigh an t-Aire go gcuirfí an dá chiste in éineacht, go ndéanfaí cinnte gur aon chiste amháin a bheadh ann le roinnt agus go roinnfí an t-airgead bunaithe ar an tseirbhís poiblí a bheadh á chur ar fáil. Ar an gcaoi a bhfuilimid ag oibriú, ní léir cén córas atá ann, nó a bhéas ann, le hairgead an cheadúnais a roinnt. Mar shampla, tá sé spéisiúil sa mBille go bhfuil an t-Aire ag rá gur le haghaidh cláracha seirbhíse poiblí amháin a bhéas an t-airgead le fáil ag TG4. Ach dúirt an t-Aire sa Teach le gairid, ag caint ar RTE, gur pacáiste iomlán é RTE agus seirbhísí RTE agus nach bhféadfaí bheith ag déanamh deighilt idir na clárach tráchtála agus na clárach seirbhíse poiblí mar gur aon pacáiste amháin iad. Is léir mar sin, má tá an tuiscint cheart agamsa ar an rud atá i gceist ag an Aire, go bhfuil laicis ag dul a bheith ar TG4 nach bhfuil ar RTE mar atá i láthair na huaire.



[Deputy Éamon Ó Cuív.]

An dara rud nach bhfuil soiléir domsa ná cén chaoi a roinnfear airgead an cheadúnais idir TG4 agus RTE amach anseo. Ní raibh mé in ann briseadh síos a fháil, tar éis gur chuir mé ceist Phairliminte síos, ar an gcostas a bhaineann le clár uair a chloig teilifíse baile a chur ar fáil ag TG4 le hais uair a chloig teilifíse baile a chur ar fáil ag RTE. Bheifeá ag súil go mbeadh sé i bhfad níos chostasaí an uair a chloig a dhéanamh tré Ghaeilge seachas tré Bhéarla, ó tharla go bhfuiltear á dhéanamh i dteanga mhionlaigh, ach de réir an tuiscint atá agam, tá sé i bhfad níos saoire uair a chloig teilifíse a chur ar fáil nuair a dhéanann TG4 é le hais nuair a dhéanann RTE é. Ní thuigim ariamh cén fáth nach bhfuil benchmarking á dhéanamh de RTE leis an gcostas ar a éiríonn le TG4 seirbhísí a chur ar fáil. Ní ghéillim ar chor ar bith go bhfuil caighdeán na gcláracha ar TG4 ar aon bhealach níos lú nó níos measa na caighdeán na gcláracha a chuireann RTE ar fáil. Go deimhin, is minic a chloisim daoine, a bhfuil cuid mhaith acu ar bheagán Gaeilge, ag rá go bhfuil sár-chláracha á chur ar fáil ag TG4 agus go bhfuil caighdeán na gclár sin, go mórmhór na cláracha faisnéise, an-árd amach is amach agus nach bhfuil a mhacasamhail le fáil tré Bhéarla ar chor ar bith.

Tá muid ag fanacht agus ag fanacht ar na leasaithe seo. Tá siad ag teacht isteach dhá lá roimh dheireadh an téarma tar éis go raibh a fhios Mí na Nollag seo caite go mbeadh na leasaithe ag teastáil. Tá aiféal orm nach bhfuil beart níos raidiciúla á dhéanamh ag an Aire agus nach bhfuil sé ag cur crut nua iomlán ar an gcur chuige a bhéas ann maidir le hairgeadú na seirbhísí chraolachán phoiblí sa tír.

Aontaím leis an Aire go mba cheart go mbeadh córas láidir seirbhíse chraolachán phoiblí againn. Ní aontaím ar chor ar bith leo siúd a chreideann go bhféadfadh an earnáil phríobháideach tabhairt faoin gnó seo. Má bhreathnaítear áit ar bith ar domhan a bhfuil an cur chuige sin ann, feictear nach mbíonn mórán éagsúlacht ann agus nach bhfuil éinne sásta tabhairt faoi na cláracha ar árd chaighdeán a chuirfeadh craoltóir seirbhís poiblí ar fáil.

**An Leas-Cheann Comhairle:** Is the next speaker Deputy Ferris or Deputy Ó Snodaigh?

**Deputy Martin Ferris:** What amendment are we discussing?

**An Leas-Cheann Comhairle:** We are dealing with the motion.

**Deputy Martin Ferris:** No, I am not the next speaker

**An Leas-Cheann Comhairle:** The Deputy is not involved at this point but he can speak later. The next speaker is Deputy Joan Collins and she is sharing her time with Deputies Mattie McGrath and Luke ‘Ming’ Flanagan.

**Deputy Joan Collins:** The first point I would make is that my union, the Communications Workers Union, is opposed to the liberalisation and privatisation of our public services, particularly any aspect of a service provided by An Post, and especially on this the third stage of the liberalisation of public services. It is important to lay that on the agenda this evening. As a member of that union, I support its position on this. It is strange that the Labour Party is pushing liberalisation through the Dáil with its partners in government. That is why I support the amendment proposed by Deputy Ferris——

**Deputy Pat Rabbitte:** I do not wish to interrupt the Deputy, but we are taking a motion on the broadcasting aspect of the Bill. We are not dealing with An Post at this stage.

**Deputy Joan Collins:** I thought we are dealing with An Post.

**Deputy Pat Rabbitte:** No, we have to dispose of the motion on broadcasting beforehand.

**Deputy Joan Collins:** For the purposes of clarity, is the Bill being taken separately from the issue of An Post?

**Deputy Pat Rabbitte:** We will come to it when we dispose of the motion.

**Deputy Olivia Mitchell:** It forms part of the same Bill.

**Deputy Pat Rabbitte:** It forms part of the same Bill later.

**Deputy Joan Collins:** I was not expecting that.

**Acting Chairman (Deputy Tom Hayes):** We will deal with the Bill after we dispose of the motion.

**Deputy Joan Collins:** I wanted to speak on the liberalisation of postal services. I agree with the allocation of money to both stations, although I am not prepared to speak other than briefly on the matter. There should be a separate vote on this issue because it is important that we consider it separately from that of An Post. I would hate to oppose the liberalisation of postal services if it meant I was impacting on other aspects of the Bill.

**Deputy Luke ‘Ming’ Flanagan:** This appears to be a repeat of the debate on the Finance (No. 2) Bill 2011 when we were told we would be voting against an increase in the minimum wage if we opposed the Bill. I agree with parts of the Bill, but I do not understand why they have to be thrown in together.

When times are tough, it is usual to cut back on spending on less important items. It is fair to give the money to TG4, but I suggest we could make up the money if we stopped paying nearly €1 million per annum to some people in RTE for doing what many others could do as well, if not better, for €100,000. With the arrival of Vincent Browne’s show on TV3, what is so unique about RTE’s coverage of political issues? I do not think it adds value any longer. Given that one has to pay €160 for a television licence in tough times, there is an opportunity to reduce the licence fee while continuing to provide the necessary services through TG4. At this stage, nobody would miss RTE. What can one watch that is not available on other stations? Can one not watch “Are You Being Served” for the one millionth time on another station? In regard to current affairs, my experience is that it is highly biased against anyone on the Opposition benches. I cannot see what will be gained by keeping it.

When it comes to allocating money to TG4, I do not have a problem. It is a fantastic station which has done amazing work for the Irish language by making it relevant. One can watch snooker, golf, tennis and other sports through Irish. However, I do have a problem with RTE holding onto its money because it does not do anything unique for us. It boasts that it has 19 of the top 20 radio programmes, but is that any wonder? It has the money to buy any presenter it wants and private radio stations, whether national or local, are severely disadvantaged as a result. They also lose advertising revenue because RTE wants it all its own way. It wants the licence fee revenue as well the advertising revenue.

The only problem with giving money to TG4 is that I cannot vote for it because I would have to support a Bill which will have the result that people in my town will be lucky if post is delivered to their doors twice a week. By voting against the giving of money to TG4 at least I can make a stand against the running down of postal services in rural Ireland. If this was a restaurant, we would only be allowed to eat here if we agreed to have the entire menu on the same plate.

**Deputy Mattie McGrath:** We are discussing Radio na Gaeltachta which I wholeheartedly support. As a member of a previous committee dealing with communications, I worked hard to get answers from RTE, its ard-stiúrthóir agus daoine eile ar an coiste. The wages of public servants in RTE were like the 29th mystery of Fatima. I refer to the high flyers rather than the ordinary people looking after the grounds and doing back-up work. I do not want to name or shame anyone, but we found out that Pat Kenny had been paid €860,000 in 2006. He was working as a subcontractor.

There has to be fair play and the licence fee is €160 a year. There is choice and many in Gaeltacht areas have a huge spéis sa teanga. They would pay more than this to receive their fair share, but they are not getting it. While on the aforementioned committee, I visited the TG4 studios in Deputy Ó Cuív's constituency where "Ros na Rún" is filmed. It is located at the most western extreme point of the country agus tá an tir seo an bheag ar fad. We gained an excellent insight into its work. As a Minister, Deputy Ó Cuív was passionate about promoting the station and succeeded in getting €6 million for it this year. However, like our language, it has been discriminated against and is forced to operate on a shoestring. The playing field must be level. RTE would do well to cut out the fat in wages and other sources of waste.

When the "Liveline" programme covered Tipperary town after a moment of madness on the part of one or two people, it tried to destroy the good people of Tipperary. When we invited it back to cover Tops of the Schools which the Abbey school was organising in conjunction with St. Ailbe's, it was not interested. It wanted the sceál bocht agus olc.

Bhí TG4 i mo bhaile dúchais an tseachtain seo cáite to film "Éigse Cháislean Nua", a historical perspective on Newcastle's culture and heritage agus an scríobhneoir Seamus Mulcahy. Beidh siad ag teacht arais because they are very interested in being involved and serving the community. That should be the purpose of the national broadcaster; it should not be a self-serving organisation. For years we have seen different personalities in RTE, some of whom never seem to retire. I mean no disrespect to Gay Byrne, but when the former Minister, Noel Dempsey, appointed him as chairman of the Road Safety Authority, he did not know the roads in Newcastle or Connemara. He is fine in Dublin on his Harley Davidson. Will these people ever retire? He can whinge in a newspaper interview that he lost out in the banking crisis, and that is tough, but so did many others. RTE seems to have to get him back for every fiddle-faddle. He was a good broadcaster and I am not denigrating the man but his time has come. He was involved with the Road Safety Authority. I have eight children, ranging in age from 26 to eight, and Gay Byrne means nothing to them. Sports personalities or modern musicians would have had more of an impact.

TG4 deserves support and like Deputy Luke 'Ming' Flanagan, I would support this motion except that it is lumped in with an attack on post offices and postal services. It is a pity these issues are taken together. Deputy Tom Hayes and I will have another battle to fight in Tipperary with regard to post offices and we look forward to meeting the Minister in the near future and whatever help he can give. I would support TG4 in any possible way and it should be given a small bit of fair play.

**Deputy Martin Ferris:** When we were being briefed on the Bill, both Deputy Ó Cuív and I asked that this section would be kept separate and we were prepared to facilitate its passage through the House without debate. It would ensure funding for TG4. The station has been invaluable throughout the island over recent years, particularly with its historical perspective. There have been fantastic re-enactments of prison escapes, especially those from the past 30 or 35 years. Looking back on them, the way they were put together is absolutely fantastic for historical purposes. The GAA has also benefited from the station, as have the rural islands off the coast. I fully support any funding to ensure this necessary service.

**Deputy Pat Rabbitte:** As it is outside the remit of Standing Orders, the purpose of the motion is to recommit on Report Stage a specific matter relating to the funding of TG4. The comments of spokespersons, with the exception of Deputy Ferris, have ranged far and wide. Members are perfectly entitled to do this. The net issue is that this Bill was considered an appropriate vehicle to facilitate the TG4 issue.

As a result of the last budget, it is proposed to transfer a sum of money from the licence fee to the funding of TG4. That sum amounts to €9.245 million in 2011. In answer to the question from Deputy Ó Cuív, that will remain the position. TG4 will for the moment remain part Exchequer funded and part funded in this fashion from licence money. In addition, there is a provision to allow for the establishment of a funding scheme for public and private broadcasters relating to the archiving of programme material, which is important. The figure of €9.245 million represents approximately a third of TG4's required revenue.

There was a second budget decision for 2011 regarding television licence fee receipts, and this was to cap at 2010 levels the contribution in television licence fees to be made by the Department of Social Protection in respect of the distribution by that Department of free television licences under the household benefits package. As with the first point I mentioned, there is currently no provision in the Broadcasting Act 2009 to allow for the implementation of a cap of this nature, and the legislation must be amended as a matter of urgency to ensure the 2011 budget decision, as reflected in the Revised Estimate for 2011 for the Department of Social Protection, can be delivered.

The remaining matter is required urgently with regard to the existing provision of the Broadcasting Act 2009 relating to the establishment by the Broadcasting Authority of Ireland of an archiving scheme under the broadcasting fund. The purpose of such a scheme would be to assist both public service and commercial broadcasters to undertake the archiving of important programme material that might otherwise be lost to the people. I understand a number of broadcasters have programmes in place awaiting the initiation of this scheme. Unfortunately, the existing provision as currently worded runs counter to European Union state aid rules and must be amended as a matter of urgency in order that the draft scheme can be approved by the European Commission and put into operation by the Broadcasting Authority of Ireland.

Deputy Ó Cuív went far outside these issues to speak about his vision for the funding of public broadcasting television. He and I are *ad idem* on the value to our society of public service broadcasting. The Deputy expressed disappointment that the measure in respect of TG4, as he noted, preceded Christmas and all this time later I have not changed the entire system of broadcasting in Ireland. I might do it if I got a little time. Deputy Ó Cuív had 14 years to do it——

**Deputy Éamon Ó Cuív:** I was never a Minister with responsibility for broadcasting. Give me a year and I will do it.

**Deputy Pat Rabbitte:** ——and did not manage to implement his vision during that time. He raised a number of interesting issues.

There were wide-ranging comments from the other contributors, with the exception of Deputy Ferris. Like St. Augustine, it seems we are all in favour of TG4 but we have serious problems with RTE. I will examine the broadcasting scene and I have listened to Deputy Ó Cuív's submission in that regard. I do not know if the single fund system he envisages is in the best interests of broadcasting in Ireland, as TG4 was stripped from RTE for very sound reasons. I could not agree with Deputy Ó Cuív that it came into existence because RTE was not delivering on its objectives with respect to the Irish language. When my colleague, former

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Deputy Michael D. Higgins, founded TG4 he had more high-minded motives than simply repairing any imagined deficiencies in the coverage of the Irish language by RTE.

In the last Dáil I was privileged to be able to receive on so many occasions the wisdom of Deputy Mattie McGrath, who is uniquely talented at taking both sides of the road with him. By God, he has now met his match in Deputy ‘Ming’ Flanagan.

**Deputy Mattie McGrath:** He is a colleague.

**Deputy Pat Rabbitte:** He takes some beating. He is all in favour of TG4 and giving more money to the station but he is opposed to the Bill and RTE. Deputy ‘Ming’ Flanagan will have a very uncomfortable time in the serious matter of heavy lifting in this House and dealing with legislation rather than pontificating outside the House. If he is going to suffer this kind of pain and anguish over every measure coming before the House, he will find himself oppressed and hard put-upon. Frequently Members find themselves confronting a measure like this and they decide whether they are for or against it. I am completely mesmerised as to how, as he put it himself, “I have no problem with TG4 but the post is only delivered twice in my part of the country.”

**Deputy Luke ‘Ming’ Flanagan:** I said “It will be”.

**Deputy Pat Rabbitte:** It is delivered five days a week in his part of the country and it will continue to be delivered five days a week under the designation of An Post as the universal service operator. There will be no change in that and it does not have anything to do with TG4, the matter under debate here. Deputies ‘Ming’ Flanagan and Mattie McGrath——

**Deputy Luke ‘Ming’ Flanagan:** I have a first name.

**Deputy Pat Rabbitte:** I beg Deputy Luke Flanagan’s pardon.

**Deputy Luke ‘Ming’ Flanagan:** My name is Luke ‘Ming’ Flanagan.

**Deputy Pat Rabbitte:** The Deputy is the one who gave himself the middle name, not me.

**Deputy Luke ‘Ming’ Flanagan:** How would the Minister like to be referred to as Deputy Bunny Rabbitte?

**Deputy Pat Rabbitte:** Deputies Flanagan and McGrath took the opportunity to make a populist attack on lead personalities in RTE. The fact of the matter is that RTE is facing a significant deficit. I had a further meeting with the director general of RTE this week. The focus of the meeting was his plans to try to get the deficit under control. It is fair to point out that RTE was the first of the State companies out of the traps with regard to savings and pay reductions. It is expected that those who can best afford it will make a contribution to the future savings that will have to be made in RTE. I cannot agree with the suggestion that the quality of RTE’s public service programming is inferior. TG4 is an innovative and worthwhile station with the capacity to do a great deal to keep the language alive, which is vital in this country. I regret that the qualities in public service broadcasting that RTE strives to represent — within the budget available it, rather than that available to the BBC — are not recognised by Deputy Flanagan.

**Acting Chairman (Deputy Tom Hayes):** Is the motion agreed?

**Deputies:** Agreed.

**Deputy Luke ‘Ming’ Flanagan:** Níl. I do not want to vote for it. It is not agreed.

Question put and agreed to.

**Acting Chairman (Deputy Tom Hayes):** Is it agreed to take Report Stage now? Agreed.

**Communications Regulation (Postal Services) Bill 2010 [Seanad]: Report Stage**

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I move amendment No. 1:

In page 7, lines 27 and 28, to delete all words from and including “TO” in line 27 where it firstly occurs down to and including “ELECTION,” in line 28 and substitute the following:

“TO REGULATE THE PROVISION OF FREE POSTAGE FOR CERTAIN CANDIDATES FOR ELECTION,”.

This is a drafting amendment to the Long Title of the Bill. It has been recommended by the Parliamentary Counsel. It does not reflect any change in policy in the Bill.

Amendment agreed to.

**Acting Chairman (Deputy Tom Hayes):** Amendments Nos. 2, 3 and 35 to 40, inclusive, are being taken together. Is that agreed? Agreed.

Bill recommitted in respect of amendment No. 2.

**Deputy Pat Rabbitte:** I move amendment No. 2:

In page 7, line 40, after “INSTRUMENTS,” to insert “TO AMEND THE BROADCASTING ACT 2009”.

Amendments Nos. 2 and 3 are consequential amendments to the Long Title and to section 1 of the Bill. They arise from the inclusion in the Bill of a number of amendments to the Broadcasting Act 2009. Amendment No. 35 is of a technical nature. Its purpose is to define the term “Act of 2009” as meaning the Broadcasting Act 2009 wherever it appears throughout Part 4 of the Bill. The purpose of amendment No. 36 is to bring consistency to the provisions of sections 118(9) and 123(4) of the Broadcasting Act 2009. In essence, it seeks to ensure the obligations imposed on TG4 under section 118(9) of the 2009 Act, in regard to the uses to which it can put moneys granted to it from the Exchequer, are consistent with the wording used in 123(4) of the same Act, which provides for the payment of such moneys to TG4.

Amendment No. 37 is the principal amendment. It provides a legislative means for the payment to TG4 of moneys derived from television licence fee receipts. It seeks to amend the Broadcasting Act 2009 by inserting a reference to TG4 in section 123(1). This provision currently allows for the net licence fee receipts — the gross receipts, less any amount paid to An Post as the collection agent and the 7% paid to the broadcasting fund — to be paid to RTE only. In addition, amendment No. 37 sets out the mechanism to be used by the Minister for Communications, Energy and Natural Resources, in consultation with the Minister for Public Expenditure and Reform, in determining the precise portion of the total net licence fee receipts to be paid to each of the two public service broadcasters, RTE and TG4. I should point out that the Minister’s discretion in making this determination is subject to the need to have regard to the ability of RTE and TG4 to meet their public service objects, as set out in sections 114 and 118, respectively, of the Broadcasting Act 2009. Amendment No. 37 also seeks to ensure that the moneys provided to TG4 from television licence fee receipts are not used by TG4

[Deputy Pat Rabbitte.]

other than to pursue its public service objectives and to pay the amounts levied on it by the Broadcasting Authority of Ireland under section 33 of the Broadcasting Act 2009. This obligation is the same as that already imposed on RTE under section 123 of the 2009 Act. It ensures conformity with the state aid rules of the EU. It echoes the obligation imposed on TG4 in an earlier amendment to section 118(9) of the 2009 Act, which related to moneys paid to TG4 from the Exchequer rather than from television licence fee receipts, as is the case in this instance.

Amendment No. 38 is a consequential amendment to section 125 of the Broadcasting Act 2009 as a result of the principal amendment to section 123 allowing television licence fee moneys to be paid to TG4. Section 125 of the 2009 Act deals with the role of the Broadcasting Authority of Ireland in making recommendations to the Minister about the adequacy of public funding for the two public service broadcasters, RTE and TG4. These recommendations are made on the basis of the Broadcasting Authority of Ireland's annual review of the performance of the two broadcasters. This amendment seeks to ensure that in making a recommendation about the amount of any payment to be made to TG4, the authority can refer to both streams of funding for TG4, from the Exchequer and from television licence fee receipts.

Amendment No. 39 seeks to deal with the decision taken by the previous Government in the 2011 budget to cap at 2010 levels the contribution to be made by the Department of Social Protection in respect of the distribution by that Department of free television licences under the household benefits package. Prior to that budget decision, the Department of Social Protection was required to pay the full cost of a television licence for each free licence issued by that Department under the household benefits package. As a result of the 2011 budget decision, however, the amount paid by the Department in regard to each licence issued can differ from the actual full cost of a licence. This amendment seeks to provide a mechanism whereby the amount to be paid by the Department in respect of the issuing of free licences is determined by the Minister for Communications, Energy and Natural Resources, in consultation with the Minister for Public Expenditure and Reform. As with the previous amendment, the Minister's discretion in making this determination is subject to the need to have regard to the ability of RTE and TG4 to meet their public service objectives, as set out in sections 114 and 118, respectively.

The final part of amendment No. 39 is being introduced for purely practical and administrative purposes. It simply seeks to provide that the Department of Social Protection will maintain records and will be able to provide the Minister for Communications, Energy and Natural Resources with the relevant information on the issuing of free television licences as and when it is required.

Amendment No. 40 seeks to provide for an amendment of section 154 of the Broadcasting Act 2009 which deals with the broadcasting funding scheme. The scheme is designed to provide funding to independent television and radio programme makers for the making of a range of programme types as specified in the Act. In addition, the scheme is designed to enable the funding of archiving activities by private and public broadcasters alike.

The current wording of section 154(1)(e) was found to be incompatible with EU state aid rules. It needs to be amended to secure the necessary European Commission approval for the funding of the archive scheme. Subject to the approval by the House of this amendment, the scheme can be put in place by the Broadcasting Authority of Ireland and archiving of programmes that broadcasters have developed in anticipation of this scheme can then be initiated.

7 o'clock

**Deputy Éamon Ó Cuív:** There are many amendments in this group. We are approaching the 7 o'clock bell. In general, I welcome these proposals. However, I join Deputy Ferris in criticising on a number of grounds the means by which this is being done. I object to major broadcasting legislation being stuck in as an addendum to a postal communications Bill. I was never happy when we did it in government because it is bad practice.

The second issue is that it is becoming all too common here in the House that major changes are being made to Bills on Report Stage. It is not as if this is something urgent that came to light at the last moment. This was decided on 8 December last, it was well flagged and there was plenty of time to get these sections ready to put into the Bill when the Dáil convened after the election and when we started this session and started this Bill.

Debate adjourned.

### **Message from Seanad**

**Acting Chairman (Deputy Tom Hayes):** Seanad Éireann has passed the Finance (No. 3) Bill 2011, without recommendation.

### **Private Members' Business**

#### **Industrial Relations (Amendment) Bill 2011: Second Stage**

Bill entitled an Act to make further and better provisions for promoting harmonious relations between workers and employers, to prevent and/or settle trade disputes, to provide principles and policies to which a Joint Labour Committee must have regard when formulating proposals to submit to the Labour Court for Employment Regulation Orders, to provide for the making of an Employment Regulation Order by the Minister for Jobs, Enterprise and Innovation, to provide the Oireachtas with a power of supervision, revocation or cancellation in respect of Employment Regulation Orders, to decriminalise failure on the part of employers to comply with Employment Regulation Orders, to amend and extend the Industrial Relations Acts 1946-2004 and to provide for related matters.

**Deputy Willie O'Dea:** I move: "That Second Stage be taken now."

Question put and agreed to.

#### **Industrial Relations (Amendment) Bill 2011: Second Stage**

**Deputy Willie O'Dea:** I move: "That the Bill be now read a Second Time."

I wish to share my time with Deputies Browne and Dooley. I would prefer not to have to introduce this Bill. I have plenty of other things to be doing rather than sitting down preparing legislation, but the Minister, Deputy Bruton, gave a solemn commitment, on the morning of the High Court decision on 7 July last, to senior representatives in the trade union movement that he would introduce emergency legislation, which commitment was subsequently publicised in the media. It was not fulfilled and here we are.

This is not an anti-employer measure. I have the greatest respect for employers throughout this country, especially small employers and those trying to survive running small businesses. Without their ingenuity, drive, capacity and willingness to take risks, this economy could not function. However, as in any large group, there is a certain small minority who are not prepared to play the game on the same level playing pitch as everyone else and the difficulty is that there is a serious danger that they, by their actions, may drag their counterparts into a race to the bottom.



[Deputy Willie O'Dea.]

I asked the Minister last week at the committee why the Government did not simply appeal the decision of the High Court and use that request to ask for a stay of execution. He gave me two explanations. First, the advice from the Attorney General was that an appeal would be very unlikely to succeed, and second, also on the advice of the Attorney General, the National Employment Rights Authority, NERA, would be wary of bringing anyone to court for any alleged transgressions during that hiatus.

Both of those explanations are less than compelling, to put it at its mildest. On the first point, the Government could simply have lodged a notice of appeal as a tactic. It would not be the first time that was done and it would not be the last. I was not suggesting the Government take it to appeal as such and go all the way to a Supreme Court hearing because I happen to agree with the Attorney General. I think the chances of success would be minuscule. However, it would be well worth putting in the notice and not advancing it, which would mean the Government would have plenty of time to give thought and preparation to more comprehensive legislation. Second, regardless of what NERA decided to do or not to do in the interim period, the fact the legislation which would allow joint labour committees, JLCs, to be recreated was passed would be a deterrent to anyone who might be tempted to interfere with workers' present contracts because they would be put on notice that the system was coming back.

The decision of the High Court was based on Article 15.2.1°, which, in summary, provides that the power of making law is reserved exclusively to the Oireachtas. This Article has fallen for consideration in many cases. The courts have recognised the fact that sometimes rules are to be so detailed that the Oireachtas cannot possibly sit down and legislate for every conceivable situation. The JLCs are a perfect example. Another example that immediately springs to mind is the Private Residential Tenancies Board, which has been given certain powers, also by primary legislation. However, the courts have also decided that when power making is devolved from the Oireachtas to a subsidiary body, such as a joint labour committee of the Labour Court, the body cannot exercise that power unless there is a set of principles and policies set out in the primary legislation under which it must operate. Those principles and policies were not set out in the Industrial Relations Act 1946 which provided for the system of JLCs, which is why, in the opinion of the High Court, the system was unconstitutional.

Counsel for the State argued, cogently in my view, that it was not necessary to set out the principles and policies quite specifically, that from a general reading of the legislation one could deduce these principles. My view of the judgment, for what it is worth, is that the High Court took the view that in certain cases one can do that. It depends on the extent and the consequences of the exercise of those powers given to the subsidiary body.

In this case, the court pointed out that one of the consequences for non-compliance with an employment regulation order was a criminal conviction, which is a fairly serious matter. Another provision in the 1946 legislation was that there was no appeal from the decision of a JLC and it had to remain there in stone for six months even if it was obviously flawed, which is fairly serious. They also pointed out that there was nothing in the 1946 legislation to provide for any supervision by the Oireachtas or by the Minister. The court took the view, given all those serious consequences, that the principles would have to be set out specifically in order that anyone could refer to them.

What I am doing is setting out those principles. The previous Government anticipated the problem. Obviously, someone advised it there was a problem in this regard. It brought forward such legislation, the Industrial Relations (Amendment) Bill 2009. The relevant section was contained in that Bill, which, unfortunately, lapsed with the calling of a general election. I put that section into this new legislation. Instead of it leading automatically to a criminal conviction,

I also provide for a civil remedy as an alternative, as suggested by the Duffy-Walsh report. I also provide that these provisions can be changed, even within six months, if the circumstances warrant. We also provide that the Minister would be the final person to sign off on an employment regulatory order, ERO, and before doing so, he or she would have to place it before both Houses of the Oireachtas for the requisite period, thereby introducing ministerial and Oireachtas supervision.

The Taoiseach stated this afternoon that this legislation was not robust enough and that it does not achieve what he thinks it should achieve, but he is not absolutely clear on what it should achieve. In view of the Government's failure to appeal the matter and ask for a stay, no one can bring legislation into this House that will magically make constitutional what has been declared unconstitutional. One cannot do that. I suspect that is what the Attorney General told the Government.

However, the Bill puts in place new legislation which is constitutional which allows the process of setting up JLCs and getting EROs to start immediately. In doing that, it gives reassurance to up to 250,000 workers and their families who are anxious, worried, upset and facing a summer of uncertainty. It also puts on notice the small minority of employers who might seek to change contracts unilaterally that they are wasting their time and that the system is coming back. In case the Minister refers to it in his reply, by putting in place legislation to enable the system to be recreated I do not suggest for one moment that the old, unreformed present system should be reconstituted. Had I more time I could have written into the legislation the changes from the Duffy-Walsh report. Unfortunately, the time was not available to me. However, if the Minister accepts this legislation and allows the process to start under it, he could stipulate that he would not sign off — as he must do under the legislation — on any employment regulation order, ERO, unless it contained changes or reflected the changes set out by the Duffy-Walsh report. In other words, we would have employment regulation orders and the joint labour committee system but we would sweep away all the old anomalies and inequities of which the Duffy-Walsh committee recommended reform. We do this not for any personal gratification or glorification. As I have stated, I would prefer not to have to do this at all. We do this because there are several hundred thousand families who are very concerned by the vacuum.

Let us focus for one moment on the sort of people we are talking about. Those working in the joint labour committee, JLC, sector are, generally speaking, part-time workers, women who work in hotels or shops because their husbands have lost their jobs, migrant workers, young people, people who work in fast food restaurants and people who are extremely vulnerable and badly paid. If anyone doubts my final assertion, let us consider the figures produced by the Central Statistics Office recently in respect of pay levels in Ireland. Currently, the average rate of pay in the country, including the public and private sectors, is €675 per week gross. In the public sector, it is €871 per week gross and in the private sector it is €602 per week. This is an imbalance in itself. However, let us consider the sectors typically covered by the JLCs, including the hotel and accommodation areas and so on. The average wage in these sectors is €288 per week. These are the type of people with whom we are dealing and whom we are discussing.

Let us consider the situation they are in. As a result of the High Court decision, anyone coming to a JLC area after 7 July has no protection. The only protection he or she has is under the National Minimum Wage Act. Earlier, the Minister referred to other legislation. However, there is a great deal in JLCs which are not covered by primary legislation at all. Basically, such a person's entitlement is the minimum wage. In the case of people already in the system, if they change from one job to another within a given sector and start afresh, they have no protection. For an employer so minded, there is an obvious opportunity to remove protections

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which people allegedly have. However, the greatest canard of all is the idea that people in the system are protected by their current contracts. Some of these contracts are verbal and not written down at all. The argument on the Government side is that the terms of the employment regulation orders are imported into the contracts of people who are working in the sector and, therefore, any interference with these would be a breach of contract and would make the employer liable for breach of contract. I am unsure about this and I call on the Minister to clarify in his reply whether this applies to unwritten contracts. Even if it does, the difficulty is that up to 7 July, if a person's contract was interfered with and if a person was not getting what he or she was entitled to under his or her contract, he or she could simply make a complaint to the National Employment Rights Authority and the State would enforce the contract for such a person. Now, the National Employment Rights Authority is out of the equation and each of those vulnerable, low-paid workers has the responsibility of vindicating his or her own rights.

First, one must bring a case to the Rights Commissioner, whose decision is not binding, and from there on appeal to the Employment Appeals Tribunal. At issue are migrant workers, part-time workers and people earning approximately €200 per week. The first thing such a person would be concerned about is that they would be faced by a heavy duty lawyer, whether a solicitor or barrister, working on behalf of the employer when they go before the Employment Appeals Tribunal. Second, there is a dreadful labour market which is very difficult. Such a person would have no wish to get on the wrong side of their employer because, ultimately, if they are forced out, they would have no wish to have the name of being someone who brought an employer through the system because that would be a black mark, especially in small towns. The bargaining position between such workers and employers is grossly unequal. It is utterly unfair for any Government to expect these people to vindicate their own rights when previously it was done by the State. In the sectors covered by JLCs there is now no effective mechanism to enable employers and employees to engage in collective bargaining at local level on equal terms. The Duffy-Walsh report states the position well. Page 49 of the report states:

Trade unions and bodies representing the interest of workers contend that in the absence of any statutory framework in which collective bargaining ... can take place, JLCs provide the only mechanism by which the interests of workers can be protected and advanced in the sectors concerned. They say that the rates and conditions prescribed by EROs reflect what is regarded as reasonable in employments at the lower end of the labour market in which collective bargaining takes place. They say that the openness of our labour market makes this form of regulation particularly necessary and relevant. The unions also pointed out that many downward adjustments in rates and conditions of employment have been agreed in many JLCs, including deferral of increases in pay, adjustments in Sunday premia and lower starting rates.

There is also a good deal of evidence to support the unions' fears that those currently in employment could be pressurised into accepting lower pay and conditions from some employers or could be displaced by new employees on reduced terms. The discussion relates to extremely vulnerable people. As it stands, a return to individual bargaining could have some considerably unwelcome commercial implications. For example, with regard to internal competition in the sectors concerned, it is impossible to envisage how individual local bargaining could take place without putting those employers prepared to engage in good faith at a commercial disadvantage relative to those who are not. In other words, if there is a system in place that protects the good employers who have no wish to break the law and who wish to

do right by their employees, it protects them because other people who are not similarly minded cannot undercut them.

One advantage of accepting this Bill is that the process of recreating JLCs and the EROs which come from them can start immediately. This would remove the fear and anxiety of employees in these sectors and it would put employers on notice that a robust system was in the process of being recreated. It would deter anyone who was so minded from acting to the disadvantage of their workers in the meantime. The Government can direct that any new ERO must accommodate the changes outlined in the Duffy-Walsh report. The Bill gives the Government the ideal sanction to ensure this can take place and the Minister need not sign off on any ERO which does not incorporate such changes.

The Government can amend the Bill as it wishes. It can introduce more complex and detailed legislation later when it is ready and such legislation has been properly prepared and thought through. However, it is vital from the point of view of these vulnerable, low-paid employees not to allow a period of uncertainty. If the Minister refuses to accept this Bill, having already refused to ask for a stay of execution in respect of the High Court decision, the prospects of some of the lowest paid and most vulnerable workers in this country are ominous. They would be right to feel a sense of foreboding. I know of many JLC workers in my constituency and in the past many of them have voted for me. I could demonstrate by reference to the different areas that many of them voted for the Labour Party at the last election. They expected the Labour Party to stand by them and to protect their interests. I call on the Labour Party not to abandon those people to a summer of fear, anxiety and uncertainty in addition to all the other problems they must contend with in this era of unprecedented austerity.

There is an old adage which perhaps applies to my own party in the case of what has happened in the past. It holds that if one stands for everything, then one stands for nothing. I advocate a simpler adage: if one does not stand for something, then one stands for nothing. If the Labour Party does not stand for the poorest, the lowest paid and most vulnerable workers in this country, then I cannot know what it stands for.

**Deputy John Browne:** I am pleased to have the opportunity to comment on the legislation and to compliment Deputy Willie O'Dea on introducing the Industrial Relations (Amendment) Bill 2011. As a result of the High Court ruling on JLCs, thousands of low-paid workers face cuts in their pay and conditions. Having reneged on its promise to tackle this situation immediately, the Government now maintains it will not introduce legislation until the new Dáil term, probably sometime between September and Christmas. Fianna Fáil has therefore taken a decision to introduce this emergency legislation to allow protection of these workers. It is not good enough, as Deputy O'Dea said, that vulnerable workers will be left in this situation while the Government takes its holidays and will not return until some time in late September.

While the action related to catering workers, its outcome has implications for 200,000 or perhaps more workers whose minimum pay and conditions are set under the JLC system. All employment regulation orders, EROs, cease to have statutory effect from the date of the ruling and cannot be enforced. In theory, low paid workers already on contracts fixed under the JLC system cannot have their pay changed.

Following the ruling, IBEC sent a bulletin to member companies stating employees would continue to have the same rates of pay and conditions of employment "unless and until they agree otherwise". I wonder what IBEC meant by that statement and it certainly did not spell it out. I am sure many employers, given the High Court ruling, have decided they are not prepared to wait until staff freely agree to change their contracts. Some companies could actually use the High Court ruling as a cover effectively to demand that their staff renegotiate employment agreements and accept inferior terms and conditions. Were an employer to renege

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on a contract, how many employees would really have the resources to bring this to court? We are talking about the most vulnerable in our society, including those on the minimum wage and the low paid. With legal costs, they would not be in a position to take on some of the major employers in the courts.

It is possible that we will see a wave of employers moving together on this issue. It is also expected, as a result of this ruling, that people who take up jobs or have new contracts drawn up will face lower rates of pay and inferior working conditions. The Minister might explain the future position of people who are on contracts and then leave one employment for another. Once a person breaks a contract under the present system, given the way IBEC is talking, the person will be on the new scale of pay or whatever the employer will decide to pay. The IBEC bulletin stated:

The biggest impact will be that employers will be able to hire new employees on more competitive conditions. Until today, employers were prohibited from hiring and retaining staff at rates of pay which were less than employment regulation order rates.

It is important that the Minister carefully spells out what he would see as “more competitive conditions” given that people on minimum wage are already providing their services at a very competitive rate.

The judgment also means that the State is to discontinue 70 prosecutions against employers for breaches of JLC rules on workers’ pay. The Department of Jobs, Enterprise and Innovation and the National Employment Rights Authority, NERA, confirmed that the prosecutions, which include high profile cases, would now be abandoned. The Minister might comment on the statement by NERA. Legal and employer sources also maintain that a separate system of setting pay and conditions in more than 60 companies and industries, known as registered employment agreements, could be legally shaky based on the ruling, although they are not specifically covered by it.

As Deputy O’Dea stated, we are talking about people who are already on very low incomes. There are 19 JLCs which cover areas as varied as agricultural work; catering, excluding Dublin city and Dún Laoghaire; catering in Dublin city and Dún Laoghaire; contract cleaning in Dublin; hairdressing in Cork city; handkerchief and household piece goods; hotels in Dublin city and Dún Laoghaire; hotels in other areas, excluding Cork; law clerks; provender milling; retail, grocery and allied trades; the security industry; tailoring; and other areas of industry. When we look at that list of JLCs, we see it involves people working in the lowest paid sectors. Without the protection of the JLCs, they will find it very difficult to earn adequate wages in the future.

A study published in the *Industrial Relations Journal* in January 2011 found that two thirds of respondents surveyed considered that JLCs were still necessary, in addition to the national minimum wage, while a third thought they were not necessary. The article, “Minimum labour standards in a social partnership system: the persistence of the Irish variant of Wages Councils”, by Ms Michelle O’Sullivan and Mr. Joseph Wallace, found that the overwhelming majority of trade union and independent members believed JLCs were necessary. While employer members were most likely to hold the view that JLCs were no longer necessary, there was not a consensus among them on this issue. A substantial minority of one third of employer respondents believed JLCs were necessary. The reasons with the strongest employer support were that JLCs are necessary because they tailor minimum pay and conditions to the specific industry or employment covered — this was held by 33% of employers — and that JLCs are necessary because they try to prevent employer undercutting, which is also an important area.

The Minister spoke clearly when the ruling was published last week, stating he would act immediately, but this has not happened. He has taken advice from the Office of the Attorney General and asked her to explore all the legal options, and he might make that advice available to this House. While it is the Minister, on the advice of the Attorney General, who will make the decision that nothing will happen until later in the year, many people in the industries to which I referred will suffer very seriously in regard to their wage structure in the coming months. It is very important that the Minister would hold out some hope today and honour some of the commitments he gave immediately following the court ruling, including that he would deal with it as a matter of urgency. To wait until later in the year is not to do that. The Minister and the Cabinet are reneging on many of the promises they made in this area following the court decision.

It is also important the Labour Party would step up to the plate given its members always maintained they supported the less well-off in our community and society. If they do not support this Bill, they are reneging on the meaning of looking after the less well-off in society. I hope they will make a contribution to Deputy O'Dea's Bill in the House today and tomorrow and explain where they are coming from on this issue.

IBEC was quick out of the traps following the High Court ruling on JLCs on 7 July to advise its members that new employees might be offered rates and conditions which are not based on any employment regulation order. In my opinion, this was nothing short of appalling. It was victory for the idea of cheap labour, a return to the dark old days and an attempt to keep the less well-off just that — less well off. I am sure the head honchos in IBEC will not be on the minimum wage and will not be concerned about JLCs for their own protection. I believe IBEC has had and still has too much power, both with the last Government and with this Government. It was IBEC which stated that a reduction in the minimum wage would create hundreds of jobs, but it certainly did not do that. IBEC is now suggesting that the reduction in VAT under this Government will create hundreds of jobs. While I acknowledge the Minister dealt with this issue earlier during Question Time, how many hotels and restaurants nationwide have passed on the VAT reduction? In my home county of Wexford, it seems as though very few have done so. IBEC should also be considering this matter instead of spending all its time trying to have a race to the bottom in respect of the less well-off in society.

**Deputy Niall Collins:** I thank the Ceann Comhairle for the opportunity to contribute in support of the Bill introduced by my colleague, Deputy O'Dea, on this important matter. I was rather confused earlier today when this issue was raised during Leaders' Questions. In his response later, perhaps the Minister will attempt to enlighten Members as to what precisely is the position of the Government and Fine Gael in this regard. The Taoiseach stated he would not oppose the Bill and while he also stated it was insufficiently robust, he gave no specifics as to what he meant. He followed up by noting he had been elected with a mandate to sort out the country's problems. A number of conflicting desires are evident and when the Minister responds, perhaps he will provide Members with greater clarity in this regard.

At the heart of the intent behind this legislation is a desire to allay the fears of more than 200,000 workers, their families and the communities in which they play a vital part. This point is of key importance and if the Government is to show leadership, having espoused the virtue of demonstrating leadership upon taking office, then actions must speak louder than words. I also question the absence of the many Labour Party Members both during Leaders' Questions today when the issue was raised and at present, when this debate on such a fundamental issue is under way. Much was heard during the general election about the working classes and about representing them and at that time, a topical spin was that Fianna Fáil did not represent the views of the working classes. This is not the case and I would not be in this Chamber unless I

[Deputy Niall Collins.]

represented the views of the working classes. This also is true of my colleague in Limerick, Deputy O'Dea, and neither he nor I would be Members of this House without the support of the working classes. Consequently, we are following through on our commitment to support the working classes, who we represent.

It is important to place on record this issue does not simply concern people who are engaged in contract cleaning. People within my constituency are engaged as agricultural workers, in catering and hairdressing, as hotel workers and law clerks and in the retail and security industries. It is not simply something that happens in Dublin, which appears to have a concentration of the anomalies that obtained under the old joint labour committee, JLC, system. I agree that reform of the JLCs is necessary and I remind Members that Fianna Fáil introduced the JLC system in following through and protecting its origins as a political party and in support of the working classes. However, I agree one must move with the times. One must change and reflect the recommendations within the Duffy-Walsh report because sectoral and geographical anomalies exist and one must try to bring about uniformity and conformity across the country to achieve a level playing pitch.

Moreover, it is worth bearing in mind this proposed legislation also protects employers. While we represent workers and the working classes, we also represent employers and there often is a tendency to get carried away in respect of protecting employees while forgetting the vast majority of employers give employment, pay these people's wages, look after their welfare and are concerned about them. Such employers are protected by bringing forth this legislation because they then are protected from the rogue employers who may target these vulnerable people. Consequently, it is important that Members get clarity from the Government side.

It has been noted the Government had the option to appeal the judgment which struck down the JLCs. Had it taken that option, it would have stalled the process to introduce the Government's own proposals. However, the Government should take on board the good intent in the Bill. It should think outside the box and not simply knock it because it comes from the Opposition benches. I note the Minister recently announced his intention to streamline the employment rights agencies. This proposal is well-intentioned and has merit and it will be a positive development when the Minister fleshes out a little further his proposals in this regard. I do not believe he will be found wanting when it comes to support from this side of the House. However, my primary concern is for the protection of the vulnerable workers and the working classes I represent. Members must remove uncertainty for these people over the summer months because they are feeling the effects of the downturn in the economy most keenly. They are the workers at the lowest end of the scale and every possible measure must be taken to remove this uncertainty and to allow them have a decent summer along with everyone else, if possible.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this debate and like my colleague, I thank Deputy O'Dea for rapidly introducing what I consider to be comprehensive legislation. The Minister has indicated with the benefit of legal advice from the Attorney General that it is not sufficiently robust — I believe that was the language used — or comprehensive. While I acknowledge this is the position being taken by the Minister, nothing prevents him from allowing the Bill to proceed to Committee Stage and then introducing substantial amendments to meet the needs of the Attorney General or any other legal advice taken in this regard.

I am approaching this issue from the perspective of being Fianna Fáil's spokesperson on tourism and I look to the many people who are employed in that sector. In many cases, such people are in receipt of relatively low wages anyway. If one goes through the various different

wage structures that exist within the JLC structure, these people are not highly paid. Moreover, the people who in general are protected by JLCs effectively are in careers they have decided to follow. During the course of the election, much was made by the Labour Party, as well as by Fine Gael Members, of their intention to protect the lowest-paid workers in society. As such, they made a commitment to the people to reverse the decision taken by the previous Government on the minimum wage. As the Minister is aware, the minimum wage covers a very small group of employees who usually are people in a transient employment structure. They may be young people who are entering the workforce for the first time or those who find themselves between jobs. The JLCs protect those who I believe have taken a particular career path or career choice. From the tourism perspective, it is neither adequate nor right that the Minister would undermine that wage structure or allow certain unscrupulous employers to undermine it. People in this country, as well the tourists, greatly value the unique welcome that the Irish present and the unique work done by Irish people in the tourism sector. If the Government is prepared to allow the framework under which such people's pay is protected to drop or diminish or to lead in any way to a disgruntlement of those workers, it will damage the very face of Irish tourism and the Minister should give serious consideration to this point.

The Minister has indicated with regard to the lacuna that exists at present by virtue of the court case effectively ending the JLCs that somehow individuals who already are in a contract of employment have a degree of security of tenure. Deputy O'Dea set out clearly the nonsense of that assertion. I refer to the example of an employer who is not unscrupulous but who must remain competitive. Were such an employer to tell his or her workforce that because the nearby hotelier, restaurateur or contract cleaner who has just entered the market has taken on a new group of people, he or she has no choice but to ask the workers to change their contract, the workers would be in no position to challenge that. They would be damned glad to have any level of income, despite the impact it would have on their lifestyles and on their ability to pay their mortgages or to pay their way. Moreover, I suspect that in the case of many, the family income supplement would be their next port of call.

In conclusion, the Minister is undermining the quality of the employees by targeting them in an unfair manner, putting them at a disadvantage in respect of their lifestyles and making them more disgruntled with regard to their work. I believe this will have an impact on tourism while at the same time imposing a greater burden on the State to support their income through family income supplement. Other speakers indicated the unwillingness of some within the catering sector to honour the Minister's desire to create more turnover within the economy through a reduction of 4% in the VAT rate. He robbed the private pension plans of pensioners to support this and it has not been taken up terribly well. Somehow, he is now leaving the lives of these workers to the scruples of these individuals who have not even honoured what the Minister tried to do. I am concerned in this regard. I would have thought many more members of the Labour Party would have been in the Chamber for this debate and to support those whom they seem to indicate they will protect.

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to share time with Deputies Seán Sherlock, Olivia Mitchell, Alex White and Brendan Griffin.

**Acting Chairman (Deputy Tom Hayes):** Is that agreed? Agreed. The Minister has ten minutes and the other speakers have five minutes each.

**Deputy Richard Bruton:** I thank the proposer of this Bill, Deputy Willie O'Dea. As the Deputy knows, the Government will not be opposing the taking of Second Stage. I accept the intention behind Deputy O'Dea's Bill is in good faith and that the Bill attempts to protect vulnerable workers. However, as the Taoiseach said earlier, our legal advice is absolutely crystal



[Deputy Richard Bruton.]

clear in that the Bill as drafted is not robust enough to deal with the problem he seeks to solve. While the intentions are good, unfortunately, the Bill is not adequate.

It has been known for some time that this system has been vulnerable to legal challenge. The first challenge was commenced in 2008. This Bill is largely modelled on a Bill, the Industrial Relations (Amendment) Bill 2009, which was introduced in April 2009 by the Government, of which Deputy O'Dea was a member, following that challenge. The aim of that Bill was to protect the joint labour committee, JLC, system and to provide a robust shield. However, the Bill did not proceed beyond Second Stage which was completed in February 2010, despite the presence of the legal challenges. It is surprising it was not included in its legislative programme and the Government instead prioritised a Bill to cut the national minimum wage and this was implemented. I accept the good faith of Deputy O'Dea who is striking his chest and saying: "*Mea culpa*, we changed our minds; I was wrong then and I am a different person now". It is difficult not to be a little cynical. The Bill was in existence and could have been implemented by the previous Government but instead it decided to push ahead with a cut in the national minimum wage.

**Deputy Willie O'Dea:** The Government could push ahead with it now.

**Deputy Richard Bruton:** This Government has been clear from the outset. We sought to restore the national minimum wage and this we have done. We wanted to protect the JLC system but to reform it and to make it fit for purpose. An independent report has found that the system requires radical reform. The Government's position is clear: a reformed JLC system is required which will protect people. We have restored the national minimum wage.

The judgment is quite devastating in its impact, finding that the existing legislation is unconstitutional on several fronts. These findings are quite far-reaching. Not only does it criticise delegated functions, that it was a delegated body seeking to make orders that had criminal effect, it also found that the principles that allowed for the establishment of JLCs were not sufficient to allow an order be made that would have criminal force. It found that some elements of the orders were arbitrary in their operation and vulnerable on the grounds of property rights. It found that the exigencies of the common good were not sufficient grounds on which to defend the orders against the legal attack under way. This was a very strong judgment.

As several Deputies on the Opposition benches rightly pointed out, I promised I would explore all ways to try to protect workers from the impact of this judgment. I have not reneged on any promise. My promise was to explore all ways to protect people. I was as disappointed as anyone else that our efforts to find those protections by means of short-term measures were not possible. I have discussed this with Deputy O'Dea in committee. I had two options, one of which was to appeal the judgment and find a stay. This was very clearly shot down on legal grounds in that the grounds for making such an appeal were not robust, that such a stay would be unlikely to be granted and, even if granted, would not be legally sound. The second option was to introduce emergency legislation. This would not have been possible, even if the Oireachtas voted through those orders one by one. On legal advice, this would not be robust to legal challenge. We looked hard at those options and it was not the case that the Government was heartless, as Deputy O'Dea sought to portray it. We were anxious to protect the system and to ensure the protection remained for those who needed it. It was the legal advice that neither of those options were viable.

This Bill presented by Deputy Willie O'Dea is, unfortunately, not adequate. The policies and principles outlined are insufficient to address aspects of the judgment. This is the legal advice. I am conscious I am in the presence of lawyers with far more knowledge in this regard.

They are not sufficient to meet the flaws exposed in the court judgment. There are far-reaching issues to be considered than have been addressed in this legislation. We have yet to see the final declarations but those will be available before the end of the month.

I must advise the House that having taken legal advice, the only robust way to proceed is to reconstruct on a sound basis a system for making such orders which will be robust against legal challenge. It must protect vulnerable people who do not have the opportunity to be well organised. The Government will have to embrace the radical reforms advised by independent scrutiny of this system. This is the only way to proceed.

It would be irresponsible of me to pretend that this Bill is adequate and to create the illusion that it would be a shield against the storm or provide protection that was taken away last Thursday. Unfortunately, it would not provide such protection, although the intention of the Bill is undoubtedly good. This is the reason I am happy not to oppose the reading of the Bill. The principle is right. We want to copperfasten this system but the legislation is not adequate. The Government will have to decide on whether this Bill can proceed to Committee Stage or whether it is more likely that the changes we will introduce will be so significantly different from Deputy O'Dea's Bill that it would be only fair to the House to have a proper Second Stage debate on that Bill at that stage. Our intention is to develop legislation of architecture that will be sound and robust to deal with the legal challenges we have seen. I believe that to be the correct and valid way to proceed.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock):** The High Court indicated that it intends to grant an order declaring sections 42, 43, and 45 of the Industrial Relations Act 1946 and section 45 of the 1990 Act to be unconstitutional. In this new Bill, the response by Deputy O'Dea has been to import the exact provisions of four original sections that had featured in the now lapsed Industrial Relations (Amendment) Bill 2009. The 2009 Bill had been introduced by the last Government in the summer of 2009 but it did not proceed beyond its Second Stage reading in this House, which was completed on 11 February 2010. Regrettably that Bill failed to make any progress on the last Government's legislative programme until it eventually lapsed with the end of the last Dáil.

The only really novel provision in this Bill is at section 7, which repeals section 45 of the 1946 Act which makes it an offence for an employer to pay to a worker remuneration less than the statutory minimum remuneration, or to fail to comply with statutory conditions of employment. This section, which the High Court ruled was unconstitutional, was the subject of recommendation 19 in the independent review report, the Duffy Walsh report. That report recommended that the mechanism for enforcing EROs be brought into line with that for regulated employment agreements and that, as an alternative to a criminal prosecution, a complaint could be brought before the Labour Court. The report recommended that NERA be authorised to bring such a complaint in respect of either an REA or an ERO.

I welcome the proposal to decriminalise the initial steps in the enforcement process of EROs. It makes sense, as Kevin Duffy and Dr. Walsh had recommended, to allow room for NERA to bring a complaint to the Labour Court on behalf of an individual or group of workers rather than retain the current arrangements where enforcement is only by way of a prosecution before the District Court. Unfortunately the incorporation of the proposed amendment on the enforcement of EROs at section 7 is the only provision in the Bill that responds directly to the specific recommendations in the independent review report.

The new Bill does not contain any provisions to respond to other specific changes that were called for in the recommendations of the Duffy Walsh report. Recommendation 16 of that report called for all of the changes that were proposed in the Industrial Relations (Amendment) Bill 2009 to be enacted along with amendments to cover the additional recommendations made

[Deputy Sean Sherlock.]

in the report regarding the legislative framework within which both the ERO and REA systems operate. It makes no sense to tackle this task in a piecemeal way or to leave REAs to the mercy of some continuing legal challenges. Unfortunately this Bill does not address the significant range of changes called for by Kevin Duffy and Dr. Frank Walsh to safeguard the statutory wage-setting machinery from the threat of constant litigation and judicial review.

Recommendation 1 of the independent review report also called for an amendment to the Industrial Relations Act of 1990 to provide a means whereby the scope of the particular establishment orders of JLCs could be reviewed by the Labour Court. The report also recommended that the Labour Court be empowered to undertake periodic reviews of EROs in the interests of greater clarity as regards their purpose and the classification of the workers and the types of enterprises covered. Action with regard to these recommendations will be crucial to providing protection for EROs against further legal challenges.

Recommendation 9 of the independent review report also called for amendments to be made to the Industrial Relations Act of 1990 regarding the constitution and proceedings of JLCs. This is another critical area in which action is now required in light of the High Court ruling.

Unfortunately at a time when it is vital to provide more certainty for vulnerable workers in low-paid sectors the proposed Industrial Relations (Amendment) Bill 2011 presented by Deputy O'Dea offers only limited protection. I am convinced that the urgent preparation of substantive legislation represents the only reliable means of guaranteeing protection for vulnerable workers in low-paid sectors.

**Deputy Olivia Mitchell:** I welcome the opportunity to speak on the issue and to lend my support to the Government in its determination to introduce meaningful and fundamental reform to what is outdated labour law and wage-setting mechanisms. I completely accept the motivation of the Deputy in introducing the Bill to protect workers who as a result of the High Court decision are vulnerable to wage cutting by unscrupulous employers. However, workers are far more vulnerable to years of unreformed labour law and vulnerable to unemployment, about which we are much more concerned.

We have all been lobbied by workers in the construction, retail and hospitality sectors who have highlighted the damage of retaining special employment arrangements for these sectors. This is particularly true in the hospitality and retail sectors, both of which have seen major reductions in employment in recent years. They are also areas of great potential, in particular the tourism industry, which can bring jobs to every town and village where there may be little prospect of getting other employment. It is also a vital service export with high employment, which was allowed to become grossly uncompetitive in recent years. I do not suggest that the problems in this sector are entirely due to labour costs, but it is certainly one of the problems from which the industry suffered and it is not a cause that cannot be addressed.

I would like to see the total abolition of JLCs, EROs and REAs. Perhaps we should have used the opportunity of the High Court decision to start with a clean slate, but if that is not on the table, at a minimum we need fundamental reform of them to update the laws to meet current economic conditions. Opposition Members know that notwithstanding the court judgment, major reform was not only highly desirable — as they have admitted on many occasions in the Chamber — but it is also a condition of the bailout. Nobody can be in any doubt about the need for change. Every day we hear of a hotel or restaurant going to the wall. Profits, salaries, all input costs, rents and wages are all reducing. Trying to shelter any one sector from inevitable economy-wide trends will only impact on the workers we are trying to protect, who will lose their jobs.

We know that the construction sector pay rates have no relevance in today's climate and trying to enforce them any longer would be like trying to hold back the tide. Worse than denying reality, it is encouraging the black market for what little work there is in the sector.

In the retail sector, with the collapse of Superquinn and the need to bring in the receiver, we saw clearly the pressures on businesses and the need to stay competitive. I am delighted that the jobs of those workers seem to be secured. However, the outcome for consumers is not optimal given that an existing player has taken over. I have nothing against the Musgrave Group, which is a good business with a successful operation, but further concentration at both the retail and wholesale sector levels does not serve the best interests of consumers or producers. It would be preferable to have a new entrant in the retail trade and the Minister should consider the barriers inhibiting new retailers from entering, which are operating in virtually every other European economy.

The Opposition Bill deals with only one aspect of the fundamental reform that is now well overdue as has been acknowledged. There is little point in piecemeal reform at this stage when we have had expert reports and widespread consultation as well as the High Court ruling on the unconstitutionality of the old regime. The Deputy's Bill is not of the scope the troika had in mind when it demanded reform of our labour laws to reflect market realities. We need to get on with reform as quickly as possible as the Minister has undertaken to do.

**Deputy Alex White:** It is not unreasonable for Deputy O'Dea to introduce this Bill so we can have a debate on the issue. Apart from one or two issues that appear in the Bill, it is largely the same as the Industrial Relations (Amendment) Bill 2009, which I supported and spoke in favour of in the Seanad. The Deputy is correct in saying it was an attempt to anticipate the likely frailty and ultimate fate of a challenge that was then being brought to the orders and to the JLC system.

While I understand where Deputy O'Dea is coming from as regards the notion of the Government appealing the decision of Mr. Justice Feeney to the Supreme Court as a tactic, he will appreciate that such an approach is fraught with danger, particularly for a Government in circumstances in which — according to the Deputy if I heard him correctly —  
8 o'clock the prospect of success is minuscule. It would be wrong for the House to have the impression that bringing forth such an appeal would mean the Government would automatically obtain a stay on the orders. Obtaining a stay in the context of the High Court decision would be difficult.

It is not unreasonable for the Deputy to introduce the Bill, but the Government is right and the Minister and the Taoiseach are correct in the approach they have taken in saying the Bill is not sufficiently robust. If the legislation is to achieve what people want, a number of matters must be addressed and necessary and vital improvements must be made to make it fit for purpose.

We cannot forget that there were two essential pillars to the Feeney judgment. One was the absence of principles and policies to guide the court on the JLCs, while the other was the issue of whether property rights under the Constitution were offended by the system. As a minimum, a prudent Government and the House would want to proof legislation in the context of the latter issue. Given the fact that previous proposals on protective trade union legislation came a cropper on this issue, it presents a considerable problem to those of us who want real reform and full collective bargaining rights for trade unions. It also presents a problem in this instance, in that it would be most imprudent to rush legislation when the High Court has identified that the property rights issue must be addressed. Perhaps it cannot be dealt with in legislation. Given the nature of these rights, dealing with them solely in legislation would be difficult, but they must be addressed.

[Deputy Alex White.]

The other issue is that referred to by the Minister of State, Deputy Sherlock, and my colleague Deputy Mitchell, namely, the question of principles and policies raised in the judgment. The Minister, Deputy Bruton, has signalled an intention to introduce reforms; the Government has committed to reforming the JLC system and there have been consultation and debate on how that should be achieved and what the changes would be precisely. I imagine that agreement could be reached on this agenda, but the principles and policies resulting from the agreement should be incorporated in any new legislation. Those contained in the Bill date from 2009, relate to the interests of the workers, employers and so on, are somewhat bland and cover a bit of ground but not all of it. We should use the legislation to provide for these new principles and policies also.

I wish to make two crucial comments on the introduction of the Bill. While I am not criticising Deputy O'Dea, I ask him and the House to consider a point. It is not true to claim that were all Stages to be passed tonight, it would immediately bring about a change. As the Deputy must know, if a JLC needs to be set up again, the procedure under the 1946 Act requires an absolute minimum period of 30 days. In fact, one would need to do 24 hours of bureaucratic work first, after which there would be a 30-day period in which an inquiry into whether a JLC should be set up would be held. Having set up the JLC and on making an employment regulation order, ERO, there would be a further 30-day minimum period. A 60-day period would result the moment the Bill was passed. Meanwhile, we would have our break until the middle of September, a shorter period than 60 days, and the Minister could be working in advance with the Attorney General to introduce legislation that would function.

We were taunted somewhat by the Deputy and his colleague, Deputy Niall Collins, who asked what the Labour Party was doing and what it stood for. We stand for legislation that will work, not giving the impression to the 200,000 people we are all in the Chamber to defend and support that we can do something by way of legislation that could ultimately be faulty. Let us do it right and stop pretending that this is emergency legislation that could sort everything out in one day if passed. It cannot and will not.

If the Ceann Comhairle will indulge me, I wish to discuss another significant flaw in Deputy O'Dea's proposals to decriminalise breaches of the orders made. He is not wrong in seeking to do this, but he does not replace the provision with a proper civil enforcement mechanism. He stated an order would be made by the Labour Court. As he is aware, an order of the Labour Court stands for very little and is not enforceable in the courts. For 20 years our employment legislation has allowed people to take their Labour Court orders to the Circuit Court to have them transformed into court orders which could then be enforced against employers. I will not disrespect the Labour Court by stating one of its orders is not worth the paper on which it is written. It is important because it is an order, but it is not enforceable. The Bill's proposal to decriminalise would not replace the current measure with a proper enforcement mechanism. Clearly, the Bill must be examined and I support the Minister in what he intends to do.

**Deputy Brendan Griffin:** I welcome the opportunity to discuss this important matter and commend Deputy O'Dea for introducing the Bill. In this difficult time for the country, it is important and welcome that those on the Opposition benches are contributing to the House as constructively as possible. More than ever before, we need such an approach during the coming years. However, the Minister's legal advice on this matter cannot be ignored. When we legislate on this matter, it is important to get it right, as Deputy White stated. There can be no room in the legislation for further problems to arise.

The Minister has stated he will take steps to legislate in this regard. That effort must be supported. He has put in place plans to ensure the legislation will be before the House as soon as possible. Since the Government's early days, the Minister has shown a strong desire to reform. By its nature, reform is never easy and requires great courage, leadership and determination. I am speaking on this matter because I want to outline to the Minister my support for what he is trying to do. He deserves great credit.

The fact that so many reforms must be undertaken by the Government is an indictment of previous Administrations. If the hard decisions were taken when they were necessary, as is the Government's job, we would not need to make so many reforms now. At least we now have a Minister for Jobs, Enterprise and Innovation who is willing to take the hard decisions and make reforms. This must be recognised and supported.

In my constituency I have met workers and union members who are concerned about the reform of JLCs and what could be coming down the line. They have already been hit with many charges, taxes and levies and are concerned about the number of other plans that could impact on their livelihoods seriously. While the Government needs to take their concerns on board, the message must be sent that it is determined to work with them to ensure people's livelihoods are protected and jobs in the economy are maintained. Now more than ever, reform is necessary if we are to ensure jobs are maintained. By increasing the minimum wage, we have sent a strong message to low paid workers to the effect that the Government is determined to protect them. We acknowledge that, if people do not have disposable incomes, our economic growth projections and the economy's future development cannot be maintained. Our proposals are aimed at growing the economy.

As a Deputy from County Kerry, I must mention how important the hospitality industry is to the county. We must retain competitiveness, although it has suffered in recent decades. The Government is doing its best to ensure competitiveness is restored and has already made efforts in that respect. We have taken action on the VAT rate and are determined to ensure jobs are sustained.

I grew up in a household that was heavily dependent on the hospitality industry. My father was a hotel porter in Killarney for almost 40 years and I acknowledge that it is difficult to work on Sundays. My father was hardly ever at home on a Sunday or on Christmas day or the other days when we expect families to be together. At the same time, we were grateful we had an income in the family from the hospitality industry and we must ensure those incomes and our competitiveness are maintained and for that reason, the Minister deserves our support to ensure the long-overdue and necessary reforms are put in place to secure a brighter future for the sectors affected by JLCs.

**Deputy Martin Ferris:** I welcome this Bill and the Government indication of support in so far as it represents at least some attempt to address the issues arising from the High Court judgment. That contrasts with the response of the Taoiseach last week when he said there would be no appeal by the State to the judgment. As things stand, the way is open for employers to disregard wage agreements and orders that have been put in place and to commence hiring people at the minimum wage. Action is needed to protect the wages and conditions of the tens of thousands of mainly low-paid workers affected by the judgment. The best way to do that is through legislation and in that regard the Bill that was put forward by my party to amend the Industrial Relations Acts represents the best means to ensure existing protections are given statutory affect.

The Bill we propose was put forward by the last Government and had the support of the trade union movement and the Labour Party. Given cross-party support, it would serve as an immediate response in the interim to address the situation created by the High Court judgment.

[Deputy Martin Ferris.]

What we are proposing has the support of the union that represents many of the workers affected by the High Court judgment. It is simple; the Bill should be brought forward, debated and measures introduced to address the issues that have arisen from the court judgments. The Fianna Fáil proposals offer a similar opportunity but this needs to be acted upon immediately. Given the House will not sit after Thursday that will not happen unless other less urgent business is set aside and legislation is passed before then to address the legal issues arising from the High Court judgment.

It is interesting to look back on the circumstances in which the Industrial Relations (Amendment) Bill 2009 was let fall by the wayside by the Fianna Fáil Government, especially in the context of the Bill proposed by the party tonight. The initial text of the Bill had trade union support but there were indications that the then Minister of State who was responsible for this area, Deputy Dara Calleary, intended to amend it to allow employers a derogation from wage agreements on the basis of the inability to pay. I drew attention to that during the debate on the Bill, pointing out that such a clause would undermine the system as it stood. Since then we have seen an attack on the JLCs and the established wages and conditions. That undermining of the JLCs, now underwritten by the High Court, had the support of the Fianna Fáil-Green Government and was subsequently backed by the EU-IMF memorandum of understanding, which called for a review of the system. It appears now that it is part of the Minister for Jobs, Enterprise and Innovation's plans.

There is considerable fear among low paid workers that the Minister's response will go beyond the Duffy report and will copperfasten the demands of the employers to take the ground from under the JLCs. It is important, therefore, if this Bill is acted upon, a similar opt out clause is not included. The onslaught on low paid workers is being excused as part of the measures designed to address the financial crisis that led to the EU-IMF intervention. How taking money from the pockets and purses of those who can least afford it will help to pay back an unsustainable debt has never been explained. Indeed, common sense would suggest that further depressing the wages of tens of thousands of workers will have a negative impact on the State revenues accrued through taxation and will destroy further jobs by reducing spending power, particularly among those who spend most of their income locally and which is directly responsible for the employment of large numbers of people in retail and other sectors.

It is also clear that some employers are using the current economic and financial crisis to undermine workers' wages and conditions across the board. The myth has been created that the mess we are in was in some way caused by low paid workers and workers in general. One example of the way in which some workers are being treated at present is the situation of former employees of Jane Norman, which operates over 20 stores and concessions in this country. On 27 June, Jane Norman Limited went into administration. The administrators, Zolfo Cooper, have kept some of the shops open but have failed to pay staff, who are owed money dating back to early May. Staff have been told they will have to retain money due to them, including holiday money, from the Government, when they are finally made redundant. The workers involved are in an impossible situation. They want to remain working as long as they can, but are being retained under unacceptable conditions to earn money through sales that will go to paying off creditors and from which they might get nothing. They cannot voluntarily leave their jobs because that would create difficulties with social welfare payments and would destroy their changes of redundancy.

That situation must be addressed legally to ensure any company that continues to trade under administration is obliged to pay first what is owed to the workforce. I met the workers in Tralee two weeks ago; some of them are from Deputy Griffin's constituency. They have worked since May for no pay. They were told by the company to pay themselves from the tills

but if they do that they are guilty of fraud or a similar offences and could be brought before the courts. If they leave their jobs and try to get benefits, they will lose any chance of redundancy. They are in an impossible situation and they want to keep their jobs. The company, however, has said when the administrator has finished his work, they can claim their money from the administrator, as well as the statutory redundancy pay from the Government. That situation is untenable.

The Minister must intervene immediately to ensure former Jane Norman workers are paid what they are due prior to the administrator closing up shop for good and decamping with the proceeds made while the shops continued to operate. Government TDs must get the Minister to intervene in this issue immediately.

**Deputy Peadar Tóibín:** It is important to set the record straight and take a moment to outline how we ended up debating this Industrial Relations (Amendment) Bill. If the issue of JLCs and employment regulation orders had been properly and adequately dealt with by the previous Government, the issue would have been resolved for the 190,000 families who now face the stress of dealing with the outworking of the High Court ruling on the joint labour committees.

The previous Government, however, did what Fianna Fáil does best, and spoke out of both sides of its mouth. A Bill was drafted but was never brought to completion. Fianna Fáil, not being for real, failed to show the political will to proceed with the Bill. A vacuum was allowed develop and this was filled with a court challenge which had dire consequences for some of the most vulnerable employees in our workforce.

With the arrival of the Labour Party in Government, one might have expected a detailed and comprehensive response to the urgent problem. Shockingly, we have witnessed a Government riven by internal squabbling. Deputy Olivia Mitchell called for the complete disbanding of the JLCs. I am sure Labour Party TDs would find that difficult to swallow.

**Deputy Alex White:** It is not going to happen.

**Deputy Peadar Tóibín:** The Minister is on record saying that he wants to see a reduction in the wages of some workers covered by the JLC agreements. This policy inertia has been allowed to develop under the cover that the problem is too legally complex to deal with. The result is the Labour Party and Fine Gael will head off on their holidays while hundreds of thousands of lower income families are left to ponder their own uncertain economic future.

When the High Court made its ruling, it should have been an alarm call for the Government. Sinn Féin, realising the seriousness of the situation, immediately contacted the Minister to seek a commitment that the Government would appeal the court ruling. He refused. At that stage, we asked him to introduce legislation to shore up the JLCs and protect the workers they serve. Yet again he refused and nearly 200,000 families were let down. We raised the issue on the Order of Business and under Leaders' Questions. Earlier today, I introduced a Bill in an attempt to bring pressure to bear on the Government to do the right thing.

Every step along the way, the Government has simply refused to rise to the challenge. Sinn Féin continues to meet and engage with unions and campaign groups to ensure that our actions are guided by those most affected. I was delighted to share a platform on Saturday with UNITE, Mandate and the Migrant Rights' Centre when those groups endorsed Sinn Féin's attempts to have the issue of JLCs addressed through legislation.

There are 100,000 working poor in this State. These are people who cannot fully afford to feed their families. They have had to cut back on medication to have enough money to buy fuel in winter-time. This vacuum caused by the High Court ruling gives unscrupulous employers an opportunity to exploit workers. In addition, it gives such employers a competitive advantage



[Deputy Peadar Tóibín.]

over decent employers. Now is the time for politicians to safeguard the interests of workers. Now is the time for each TD to show leadership here and immediately enact legislation to protect the rights of employees.

Having studied the Fianna Fáil Bill, I can see clearly that it is not perfect, far from it. To vote against it, however, would be short sighted and would miss the point. Sinn Féin will therefore support this Bill on Second Stage. On Second Stage, we must ensure that the Bill is strengthened to reflect the court ruling and ensure that the strongest possible Bill is brought back to this House for a final vote. Likewise, the Sinn Féin Bill introduced to the House this afternoon can be built on and strengthened to ensure that JLCs are put on a legal footing which is beyond any further legal challenge.

The Bill before us is imperfect, but it is an attempt to deal with the problem confronting us. Sinn Féin will work with unions and campaigning groups so that the Bill, in its final form, will provide the strongest possible bulwark against any future attempt to undermine workers' pay and conditions.

**Deputy Mattie McGrath:** I wish to share time with Deputy Tom Fleming.

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

**Deputy Mattie McGrath:** I compliment Deputy O'Dea and his party colleagues for having brought this Bill before the House. I realise there is a problem with the recent court ruling but, as a small employer of five or six workers, I understand that we must have balance in this regard. We should not throw the baby out with the bath water. I support the Minister, Deputy Bruton, and I welcome the fact that the Government does not oppose this measure. This area needs to be examined because we want to protect lower paid workers at all costs. I agree with the previous speaker that there is a new group of poor who are ordinary working people, small businessmen and small farmers. Many such people are being squeezed and, with talk of new bills to face every day, they just cannot continue.

Pressure will come on the Government anyway with cutbacks in the family income supplement and community welfare officers. We must examine these JLCs and EROs. In the past ten, 15 or 20 years, we have brought in many new regulations but, unlike our neighbours in Britain, we did not repeal any of the existing labour laws. Consequently, there is a plethora of legislation and it is impossible for employers, big or small, to deal with it because of the costs involved. A small employer with five or six workers would have to employ his or her spouse, or a full-time person, to deal with the paperwork. Most employers treat their workers fairly, although there are some unscrupulous ones that we condemn out of hand. A good relationship and bond between employers and employees is part of a successful business.

I have just attended the IFA evening at the Shelbourne Hotel which featured many small businesses from all over the country. They have been promoting fabulous hospitality, food, liqueurs, sweets and other produce. It is a pity you were not up there, a Cheann Comhairle, but it is still not too late to go. I saw apple juice being promoted from my own county of Tipperary, as well as strawberries. Many local entrepreneurs have been burnt by what happened last night and this morning — the shady dealing that went on with Superquinn going into liquidation. About €1 million is owed altogether to small suppliers. These small business people should not be forgotten when we bring this legislation through the House. I hope that on Second Stage we can bring in something to help them.

I want to talk about a proud industry we have in South Tipperary, which is the capital of the equine industry. They have a major issue with JLCs because most race meetings are held on

Saturdays or Sundays. It is a matter of pride and joy for jockeys to get out and ride a horse and even more so if they can ride a winner. When they get the Sunday premium, they are happy to work for their stud and are not looking for anything extra. A large amount of training, grooming and practice goes into it so that the public can enjoy good horse racing, and those who wish to gamble can do so. Those people need to be protected. I also want to talk about members of the farming community who are trying to save their harvest. The weather is so inclement that they must work all kinds of unsocial hours. I welcome the initiatives for the tourism industry.

We must be reasonable and I think the Minister is being reasonable. I know he is under pressure in a coalition Government because I experienced the nuances of that myself. All I am seeking is fair play and an understanding that business people, especially small businesses, have to be supported. We must get rid of the shackles hindering business, such as the plethora of unnecessary legislation which is only making money for barristers who bring challenges in the High Court. We must see sense here. I am prepared to go the road with the Minister to stimulate small businesses, as well as nurturing the culture we had of employers treating their employees fairly, and of workers doing an honest day's work for an honest day's pay. Many companies need to be supported in that respect, without using a sledge-hammer to crack a nut.

**Deputy Tom Fleming:** The proposed Industrial Relations (Amendment) Bill 2011 should have been discussed well in advance with representatives of the Irish Congress of Trade Unions and the employers' group IBEC. If that had been done, they could have gone through the technical wording in detail, as well as giving written submissions to the relevant Dáil committee.

The vast majority of politicians have no experience of, or competency in the industrial relations area or human resources management. My concern is that in making any amendment to the 1946 Act to conform to the High Court judgment, the amendment framed should not only be within the parameters of that judgment but in its unambiguous wording must also be compatible with the spirit and intent of the 1946 Act. In other words, the most vulnerable 200,000 workers in our society must be protected from a small minority of employers who can exploit them, including non-union members. The amendment must be framed to ensure that the 200,000 workers covered by employment regulation orders cannot have their entitlements detrimentally affected.

Many of these 200,000 workers are not unionised and have nobody to speak out on their behalf. I urge such people to seek union membership immediately. I am calling on the Minister for Finance to reverse the clause in the 2010 budget which removed income tax relief for trade union subscriptions. We tend to forget that in private industry only a minority of the workforce is unionised, leaving a large majority with no professional union representation.

Whereas the motivation behind the Bill is probably benign, unfortunately, we cannot support anything without having a professional input from the bodies previously referred to, in order to ensure that workers do not lose out on anything they currently have.

Debate adjourned.

### **Communications Regulation (Postal Services) Bill 2010 [Seanad]: Report Stage (Resumed)**

Debate resumed on amendment No. 2:

In page 7, line 40, after "INSTRUMENTS," to insert "TO AMEND THE BROADCASTING ACT 2009".

—(Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte).

**An Ceann Comhairle:** Amendments Nos. 2, 3 and 35 to 40, inclusive, are being discussed together.

**Deputy Éamon Ó Cuív:** As I was saying when the debate adjourned, I must protest at the introduction of these amendments at this late stage of the Bill. I agree with the substance of the amendments, but I believe that if they were to be in this Bill — I do not think they should be in the Bill at all — then they should have been introduced when the Bill was published. There was plenty of time to do so. Committee Stage was missed and now we get a whole new section of the Bill on Report Stage.

Furthermore, I do not believe that this is a broadcasting Bill. The subject matter should have been the subject of a broadcasting (amendment) Bill. I have not yet heard a good explanation as to what was so complicated with bringing in a very short Bill called the broadcasting Bill and consisting of the sections, a Long Title and a Short Title. Deputy Ferris and I agree that if this were to happen, we would have facilitated the quick passage of that Bill.

As far as it goes, I welcome what we are doing here. However, I cannot agree with the Minister that Michael D. Higgins did all the work in setting up TG4. Mrs. Máire Geoghegan Quinn had done work before him and some of us were involved in the protests over many years. I remember the day I went to see my good friend Ciarán Ó Finneadhá in prison. I managed to have the honour of bringing him out of the prison that evening, because he was released from Shelton Abbey for a protest in which he had been involved looking for adequate television coverage. I cannot agree with the Minister's assertion that before the advent of TG4, RTE fulfilled its obligations in respect of the language. Anybody who tried to bring up Irish speaking children, inside or outside the Gaeltacht, would know that at that time, there were virtually no children's programmes in Irish. Children can pick up languages with no difficulty, but there were virtually no children's programmes in the Irish language.

I have often said that the greatest revolution that ever took place in the Irish language was the development of children's programme on mainstream television. A child of two or three years of age will soak up a second language like a sponge, and will learn two languages as easy as one language, and will never lose those languages if he or she keeps in contact with them. RTE, the national broadcaster, which had a statutory duty towards the language, totally neglected that duty. Many people, like myself, believe that this basic requirement of the legislation was never fulfilled.

I have always been sceptical about general good wishes in Bills that do not provide anything concrete. Fair play to Michael D. Higgins and fair play to the Christmas meeting of the Cabinet that allowed this to be slipped through. That is the type of meeting with 50 items on the agenda that Ministers want to get through without much criticism. Thanks be to God this one got through, because it was one of the best things that did happen, and TG4 has provided a magnificent service.

I welcome the Minister's statement of intention that he will look at the broadcasting issue. I do not find TG4 programmes hugely inferior to RTE 1 programmes. I asked a parliamentary question about the cost of an hour of home produced television on RTE and the cost of an hour of home produced television on TG4, which should be more expensive because it is in the minority language. I never got the answer, although I was promised that it would be supplied. My suspicion is that it is much cheaper on TG4. If it is cheaper and if we are giving out the public's money through the licence and through the Exchequer, then why is it so expensive on RTE? I cannot see the qualitative difference. A football or hurling match, the Tour de France or Wimbledon is as good on TG4 as it is on RTE. Over the years when making programmes, RTE have made a huge mystery and have had a huge staff.

I listen to “Adhmhaidin” in the morning on Raidió na Gaeltachta. Sometimes I listen to “Morning Ireland”. Raidió na Gaeltachta manages to cover the local, the national and the international and it often gets a side of the international stories that one would not get from the standard, bland stuff on RTE. I look at the staff that produce “Adhmhaidin” or similar programmes on other radio stations and then I look at the staff that it takes to produce the RTE programme, which I admit goes on a bit longer in the morning. However, when I compare the costs of the staff, it is amazing that the listeners do not seem to notice the difference because on a proportional level, allowing for the number of Irish speakers in the country, Raidió na Gaeltachta has been doing as well. It is a well known fact that the mid-morning programmes on the local radio stations compare well in their own regions for market share with RTE programmes. If we look at the resources put into the programmes by RTE, we must wonder if the whole system the Minister is tinkering with today completely flawed. I must say that I think it is.

The Minister said that there is financial pressure on RTE. I am not surprised. He mentioned the BBC. Britain has a population of 60 million, whereas we have a population on this island of 6 million people, so obviously things have to be done to scale. If we did an absolute analysis on the money spent on public broadcasting, I am not sure that we are getting value for money.

RTE phone-in programmes will have different studios, special lines and so on. Every other radio station in the country just gets its listeners on the telephone. The people seem to understand that. We should be critical and open and look for explanations. Just because RTE has moved from an outrageous position of paying outrageous money to people, with historically outrageous staffing levels, to a somewhat slimmed down version does not mean that the organisation has got to where it should be and to where the competition is. I am talking here about public service competition in the broadest sense of the term.

I will not oppose these amendments tonight because they represent a step; céim bheag sa treo cheart. However, it is only a small step in the right direction. We need a root and branch reorganisation of how we fund public service broadcasting and how we measure the value we are getting for public service broadcasting. We must also remember that public service broadcasting is for everybody in this country and does not reflect the views of a small, cosy set that seems to consist perennially of the commentators on what is right and wrong in this society. Unfortunately, the social spread leaves much to be desired. How often do we hear a person, perhaps a community worker from the Minister’s area of Tallaght, or a person from a more remote area geographically being asked for their views on the great issues of the day? From listening to many of the programmes, it seems all we get all the time are the same small, close circle who would be communing with each other here. The big fad in the past five years has been the trend whereby politicians have been pushed aside and replaced by media commentators on news programmes that we see on our television screens. Every second person who writes articles in our newspapers is on some radio or television programme giving us his or her news on that medium as well and no doubt he or she gets the appropriate fee for doing so. There are huge issues to be dealt with in broadcasting.

I accept these amendments in as far as they go but if the Minister thinks that is a full endorsement of them, it is not. This is literally a stop-gap measure and we will expect him to come back here with root and branch proposals for the broadcasting sector that will deal with issues of major public concern regarding how broadcasting is funded, how the money is distributed and whether our public service broadcasting is a mirror reflective of the totality of Irish society or of only one section of it.

**Deputy Martin Ferris:** I will not oppose the amendments. There is need to have funding available for TG4, the work it does and what it represents, which is, even though I am not a fluent Irish speaker, something that is very Irish and national.

[Deputy Martin Ferris.]

Regarding the broadcasting sector, I concur with a great deal of what Deputy Ó Cuív said, particularly regarding what is broadcast to us on a daily basis. It appears the media sector at that level is ideologically driven in that in terms of the wider capacity what comes across from RTE, and I am not questioning anything about the people involved in it, is much different from the life experience of the majority of people on the ground. TG4 is very reflective of the constituency it represents, the Gaelic cultural side of our county and of life from those on the ground.

It is necessary to examine the whole set-up in the sector and I hope the Minister will do that. When the vast majority of decent, hard-working people look at television programmes, they find that their content is far removed from the lives they live and their experience of life on a daily basis. A forum must be created within the sector to allow ordinary people to have voice in this respect. Economists, media commentators and some politicians appear on current affairs programmes but what really matters is the voice of people on the ground. They live life as it is every day. They experience the highs and lows of life and are struggling in the current economic situation. Many people, low income families, have always struggled. There is a need to have some programmes that represent their views. The nearest a programme comes to doing that is Joe Duffy's "Liveline" radio programme to which people can phone in and articulate their views. That process brings issues to the forefront. There does not appear to be any television programme that provides such an outlet for people.

We have to deal with many amendments, but, in this instance, I will not be opposing these amendments.

**Deputy Joan Collins:** Like the other speakers, I am not opposed to the amendments providing for the allocation of moneys to TG4. Perhaps the Minister would take on board a matter that has been raised with me. People in my community have expressed their anger at the wages many RTE presenters earn and they have raised the possibility of boycotting the payment of their television licence fee on that basis. That is a strongly held view of many people, particularly in these stringent times when many people are taking cuts. That issue should be examined.

Another issue is the character of the news programmes on RTE. The coverage should include more debate and the views of people on the ground. I agree with Deputy Ferris on this point.

On many news programmes, the views presented are only those of economists and other professionals. These people have huge earnings and their views reflect their lifestyles. They talk down to people and challenge the politics and ideas of people like ourselves on the left and other small groups yet these commentators are the people who earn a huge amount of money. In many ways they protect their status by challenging people like ourselves. There is a mood among the people in regard to RTE. I believe there should be a television licence and a free-to-air television station.

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte)**  
**(Deputy Pat Rabbitte):** I thank the Deputies for their support for these amendments. There is no other purpose in terms of the explanation Deputy Ó Cuív seeks about why this provision is included in a communications Bill. It is a communications Bill——

**Deputy Éamon Ó Cuív:** A communications and postal services Bill.

**Deputy Pat Rabbitte:** ——and the only reason for adding this amendment is to ensure that TG4 does not run out of money. If, once the committees had been set up, I had had to introduce stand-alone primary legislation and compete with my colleagues for time on the floor of the

House, I would not have been able to enact this in time for the July deadline. At the end of July, TG4 will run out of money. We are now in the final week of the sitting of this House before the summer recess and I will be dealing with the Bill in the Seanad next week. I am sure Deputy Ó Cuív would not want to have situation where TG4——

**Deputy Éamon Ó Cuív:** If the Minister had introduced it in time, we would have had all the time in the world to deal with it.

**Deputy Pat Rabbitte:** ——would have run out of funding, which it would have if we had not dealt with this in the manner we have.

I do not disagree with Deputy Ó Cuív. I am not claiming that this is anything, as he put it, but a céim bheag i dtreo ceart. I am not disputing that this is but a small step but it is an important one. On the question raised by the Deputy about the comparison between what it takes to make an hour of current affairs broadcasting, any kind of broadcasting or sports broadcasting in TG4 as compared to RTE——

**Deputy Éamon Ó Cuív:** I asked the Minister that question but I did not get an answer to it.

**Deputy Pat Rabbitte:** ——I do not know the answer to that but now that the Deputy has raised it, I will examine it. I imagine that it comprises many factors. TG4 has its own culture, its own way of doing things and its own way of managing and staying within its budget. As the Deputy will know from what I have said, I do not believe its work is in any way inferior. On the contrary, I believe there is some very innovative programming on TG4. The Deputy might have been more generous about his constituency colleague, former Deputy Michael D. Higgins. I acknowledge the campaigning and agitating undertaken by Deputy Ó Cuív and Máire Geoghegan Quinn for TG4 but it was Michael D. Higgins who established the station when he was Minister in the Government in which the Ceann Comhairle and I also served. The vision has been delivered on since. Deputies Ferris and Collins have acknowledged that TG4 does a good job.

Deputy Ó Cuív has stated parents of Irish speaking children are not facilitated by RTE. My children speak Irish as well as they speak English and I wonder about the deficiency in RTE in the sense that there are deficiencies in children's programming in this regard. TG4 has embarked on what is undoubtedly a valuable exercise and I would like it to be imitated by RTE. It is a fact of life that TG4 seeks to reflect the culture of its audience's community.

Deputy Ó Cuív's contribution belied an underlying resentment of RTE with which I am not minded to share. The comparison he made with the position on the neighbouring island works both ways in terms of economies of scale. A country with 60 million people is able to contribute a level of resources for public service broadcasting that is simply not possible on this island. That has to be accepted. RTE has specific public service broadcasting objectives which are laid down by law. It is unlikely we would be to be able to enjoy Radio na Gaeltachta, Lyric fm and the RTE Concert Orchestra were they not supported by public service goals. The Deputy will be aware that the 2009 Act charges the Broadcasting Authority of Ireland with the task of reviewing how both stations meet their public service objectives, as well as the adequacy of funding. I understand the authority has completed one report, while a second is in progress and will be presented to me before the end of the year.

It would not greatly advance the narrow purpose of passing this legislation to follow Deputy Ó Cuív down every boreen in terms of broadcasting policy. He raised interesting points and I am more than willing to see what can be done to improve the position. He believes too many panellists in RTE are drawn from the same stables and says they spend their mornings writing columns and the rest of the day regurgitating them on radio and television. He may have a

[Deputy Pat Rabbitte.]

point on the proliferation of panellists who do not appear to have anything more original to offer than a regurgitation of what is written in the morning's newspapers. I presume, however, that RTE will argue it does what it can within its budget.

In response to the criticism made by Deputies Collins and Ó Cuív of the outrageous salaries paid at RTE, I assure them the era of outrageous salaries is over.

Amendment agreed to.

**Deputy Pat Rabbitte:** I move amendment No. 3:

In page 8, line 6, to delete “(other than sections 62 to 65)” and substitute

“(other than sections 62 to 65 and Part 4)”.

Amendment agreed to.

**An Ceann Comhairle:** Amendments No. 4, 27 and 28 are related and may be discussed together.

**Deputy Martin Ferris:** I move amendment No. 4:

In page 9, between lines 11 and 12, to insert the following:

““inward mail centre” is the last centralised automated processing location prior to transmission to the distribution centre;”.

As the Minister did not accept this amendment on Committee Stage, I am tabling it again on Report Stage to ensure post will be delivered to recipients rather than taken from a centre and dropped off in post offices. I am concerned that An Post and other postal services may cherry-pick the easy options. I propose to close this loophole by inserting amendment No. 4.

**Deputy Éamon Ó Cuív:** On amendment No. 28, I welcome the addition of the phrase “the capital investment in the postal network made by the universal postal service provider concerned”. This shows that the Minister at least took this much from the debate on Committee

Stage. However, I share Deputy Ferris's concern that the Bill will lead us down the short road to cherry-picking and diminished services in the long term. This small state cannot maintain a variety of postal services on a uniform basis and the inevitable outcome of the Bill will be the destruction of the service we know. It is under enough pressure owing to falling means without the additional burden the Bill represents. For whatever reason, the European Union believes the competition agenda offers the solution to all problems, even though unbridled cross-border competition in the banking system became the source of the current chaos by allowing money to flow in an unregulated manner.

**Deputy Pat Rabbitte:** The Bill requires that access to a universal service provider network should be agreed in the first instance on a commercial basis. I stated on Committee Stage that I did not believe legislation which restricted legitimate commercial activity would best serve the needs of postal users, the economy or An Post. Especially in the context of a contracting market and the need for flexibility in meeting challenges, I do not propose to accept the Opposition amendments. However, I did accept that Deputy Ferris had raised legitimate concerns on Committee Stage regarding access and undertook to explore with the Office of the Parliamentary Counsel the possibility of drafting an amendment that would add to the list of issues mentioned in section 33(8) that ComReg had to consider in settling disputes around

access. I now propose an amendment to section 33(8) to the effect that it must also consider the capital investment made by a universal service provider in arriving at any decision in resolving disputes around access.

The effect of this provision is that it will be an explicit requirement that the capital investment made by a universal service provider must be factored into ComReg's considerations when resolving a dispute relating to downstream access. A number of Deputies have raised that with me across all sides of the House and as Deputy Ó Cuív admitted earlier, this goes some way to addressing the concerns of colleagues.

Amendment put and declared lost.

**An Ceann Comhairle:** Amendments Nos. 5 and 12 are related. Amendments Nos. 13 to 15, inclusive, are also related and are alternative to amendment No. 12. The amendments will be discussed together.

**Deputy Martin Ferris:** I move amendment No. 5:

In page 10, to delete lines 17 and 18 and substitute the following:

““universal social provider” means An Post and that An Post is retained as the only provider of the collection and delivery of letters.”.

There is much concern throughout rural Ireland, particularly among those of us who live there, about the potential downgrade of An Post. There is a dependency on An Post in rural Ireland, not just as the service providing delivery of letters but as a social contact. Many areas from the tip of Donegal right around the coast have elderly people and there is no public transport or real connection with the outside world for them in particular. They are very dependent on the local postman for groceries and other connections in daily life.

That is the reason I want to see An Post retained as the only provider of the collection and delivery of letters. An Post has served us well and given fantastic service through the years. To tinker with it now and put it into competition with other providers will effectively lead to other companies cherrypicking more lucrative routes. Less profitable routes will be left to An Post, which will be strapped for cash, leaving a reduced and watered down service. I hope the Minister will take this on board and retain An Post as the main provider.

**Deputy Éamon Ó Cuív:** I have submitted amendments Nos. 13 and 14. There should really be a Government amendment in this regard because the programme for Government states:

A universal postal service is an essential public service, in particular for rural communities and those disadvantaged communities affected by digital divide. A publicly owned, commercially viable, profitable and efficient An Post is critical to the long-term viability of the postal market. We will enact into law the postal services Bill which opens postal market to competition. We will protect universal service obligation by assigning it to An Post for at least 20 years, make provision for State subvention and require that any decision by ComReg to reassign or scrap USO is subject to ministerial approval. We will ensure that the network of post offices around the country is maintained and that the communities have access to adequate postal services in their locality.

When one reads a quote, people wish to know the source. The document is called the Statement of Common Purpose, which was published in March 2011. Solemn commitments were given in that document.



[Deputy Éamon Ó Cuív.]

My amendment, which I have no doubt the Minister will accept is fully in line with what was promised, gives exactly what was promised in the document, no more and no less. I have gone to the minimum of what is in the document, which states “at least 20 years” and my amendment stipulates “20 years”. I ask the Minister, in the interests of credibility in politics, to reflect deeply on the amendment before him. I hope that when we get to section 17 and amendments Nos. 13 and 14, the Minister will accept those as being in line with the programme for Government. I am not asking the Minister to act in a way other than that which he promised a short few months ago as a member of the Government and of the team which accepted the Statement of Common Purpose to be implemented.

My heart lies with Deputy Ferris’s amendment and I regret that European law requires us to introduce this Bill, whether it is good, bad or indifferent. I have no doubt that the Minister will probably argue that Deputy Ferris’s amendment is out of order because the sector would not be opened to competition as a result, which we have been bound to do since 1 January 2011. The Government has probably researched the area well before writing the programme for Government, and it knows the service could be assigned to An Post for 20 years.

My mind boggles at the logic of arguing that in a market which is under pressure and which faces declining volumes because of electronic mail, it would make the service better to create more players. For those who believe competition is the spice of life, we have seen that in a contracting market there is normally fewer rather than more players getting into that market. The logic dictating that the answer to this declining market is to create more players fighting for what will inevitably will be less post — and that this will provide a better and more economic universal service — blows my mind.

We all know what will really happen. There will be competition in Dublin 2 or Dublin 4, the business parts of town, as virtually all mail is generated by businesses. Even in west Dublin, where there are not so many businesses, will the housing estates enjoy the same service in ten or 15 years that they have today? There are people who are very dependent on An Post as a way of getting a parcel. We have liberalised that element of the service but in the far removes of the country people are still dependent on An Post to get parcel mail because it is the only available service. In the more rural parts of the country, in the midlands, south, north or west, despite all the fine talk in Europe about universal services, we will inevitably see an accelerated destruction of the five-day delivery week for every house.

If these amendments are not accepted and these safeguards are not provided for, in a few years the private companies will take the most lucrative parts of this service. The universal service provider — An Post, which is the only company with the infrastructure to get into the far reaches of this country — will be left with the less lucrative parts. Some Minister will then try to implement the part of the Bill that provides for money to be charged to the profitable companies to ensure a universal service is provided.

Community interest dictated that the same thing be done in the case of the VHI in order to maintain universal health insurance coverage. In this case, just as in that case, the private companies will bring us down to the Four Courts, at the very least. The private operators will find then some means of holding this up for years. An Post will then demand money from the Exchequer. That is another promise that was made in the document I mentioned but is not included in this Bill. We will be told that it is not legally possible and that we do not have the money. Something will have to give at that stage. I suggest it will be the quality of the service.

The last time we discussed this legislation — we are at the heart of it tonight — I suggested some changes should be made. I was told this Bill was for the long term and I was reminded

that circumstances change. I take it that it has been decided, again contrary to the programme for Government, that no provision for State subvention will be made. The programme for Government included a commitment to make such a provision. If the Government was concerned about the long term in this instance — we have been told everything else in the Bill is for the long term — State subvention would be provided for in it.

I will press my amendments on the basis that the Government has reneged on a promise it made a few months ago. It could easily have introduced an amendment in order to keep that promise. If the amendment to provide for a 20-year universal service is not accepted, we will vote against this Communications Regulation (Postal Services) Bill 2010 at its conclusion. I know the Minister has the numbers to carry such a vote. There is no question about that. He could probably carry it with half the Government's numbers. That makes no difference. It is important to give every Deputy on the Government side an opportunity to state whether he or she will honour the commitments outlined in the document I mentioned. The commitments in question have no connection with money or anything else. Can we take it that the document in question is now dead and that the promises in it were not worth the paper they were written on?

**Deputy Joan Collins:** As I said earlier, I am a member of the Communications Workers Union, which opposes the liberalisation of the postal market and, in particular, the third postal directive. I am sure the point that one shoe size does not fit all has been made to the Minister on many occasions in recent months. He may have made a similar argument when he was on this side of the fence not so long ago. This EU regulation might suit bigger countries like Germany and France, but it does not fit the needs of the economy of a small state like Ireland, where 40% of the people live in rural communities.

It has already been mentioned tonight that many postal workers were encouraged by their union to vote for the Labour Party in order to protect their jobs, conditions and pay. We know what the outcome has been for many workers in Eircom and what some workers in Bord Gáis Éireann and the ESB are facing. While these jobs might not always have been well paid, at least the companies in question were strong. Postmen and postwomen are not well paid, but at least they have a job with a pension at the end of it. The Celtic tiger passed the average postal worker by. People in other industries were well paid but the pay increases of postal workers were limited by the partnership system. They did not even get some of the pay increases due to them in more recent years. Post office workers will be disappointed when they see how the Labour Party is pushing this measure through.

I will support amendment No. 5, in the name of Deputy Ferris. If that is not carried, I will support the amendment that seeks to extend to 20 years An Post's period as a European postal service provider. I will leave it at that. I just wanted to make those points.

**Deputy Sean Fleming:** The Minister will understand where I am coming from on these amendments. I have spoken trenchantly on certain aspects of this legislation. I am pleased that the Minister has decided to make some improvements to the Bill that was published when we were in government. All legislation that goes through the Dáil is changed significantly between its publication and its finalisation. Substantial changes would have been necessary even if there had not been a change of Government. That is why we are proposing the amendments in Deputy Ó Cuív's name. We must reiterate where we stand on this issue. This is about An Post, but it is also about integrity and honesty. Can people believe what we say?

The Minister will be aware that I represent the Portlaoise area. I think he visited the mail centre in Portlaoise recently. He will appreciate that it is an efficient organisation. Its costs have been cut to the bare minimum. It is based in a high-tech building. Those who sort the

[Deputy Sean Fleming.]

mail will probably arrive for the night shift shortly. They will work through the night so that everyone gets their mail tomorrow morning.

I would like to remind the House of what the programme for Government says about the issue that this group of amendments attempts to address. The Fianna Fáil amendments were drafted to give full support and co-operation to what the Government parties signed up to a few months ago in the programme, which states:

A universal postal service is an essential public service, in particular for rural communities and those disadvantaged communities affected by digital divide. A publicly owned, commercially viable, profitable and efficient An Post is critical to the long-term viability of the postal market. We will enact into law the Postal Services Bill which opens postal market to competition. [We] will protect universal service obligation by assigning it to An Post for at least 20 years, make provision for state subvention and require that any decision by ComReg to reassign or scrap USO is subject to ministerial approval.

That is what Fine Gael and the Labour Party agreed to do when they signed the programme for Government earlier this year. If the financial world had fallen in, I could understand it if the Minister came in to say “we are broke, we cannot afford to do it any more”. The Government cannot argue that these matters are outside its control. These specific matters are within the control of the Government. An extension in the relevant period from seven to 12 years was provided for on Committee Stage. It was rolled back on to a certain extent when it was decided that the regulator would review it after seven years. There is room for the Minister and the Government to reconsider that aspect of the matter through the regulator.

The commitment that was made was not even an election promise. The Taoiseach said recently that election promises are not personal commitments. We all know that election promises are not legally binding. That was found to be the case by Mr. Justice Denning in Britain years ago. A manifesto is a general offer, rather than a legally binding contract to each voter. The Government made commitments after the general election when there was no need to do so. It was not out there hunting for votes. There was no prospect of it gaining extra seats when it knew in its heart of hearts that some accident and emergency units could not be kept open. It made promises to get extra seats.

Some Government backbenchers have been asking senior Ministers why they made all the promises which are now causing such difficulty. I understand some of them have been told by their parliamentary colleagues that if the parties in question had not made the false promises, they might not have won so many seats. That is from where the Fine Gael Party is coming. However, that was during the heat of an election. We make no excuse for that, but I am merely pointing it out.

After all of that, when the Government has more than 100 seats, in the cool light of day when it sits down behind closed doors, is not facing the public for years to come and has the biggest Government majority, nobody forced it to sign this. The Government signed it in negotiations behind closed doors and then came out and published it. They stated they would have their review within 100 days. I do not understand why they went so far as to make this commitment only a few short weeks ago and within weeks utterly renege on it here in legislation. No good reason has been given for that.

I support the amendments and the thrust of what has been stated here. Everyone knows An Post provides an efficient service. All of these European competition issues are necessary but Ireland is a more rural country than most other European countries. We are not Birmingham or London where there is a population of 4 million and 12 million, respectively, within a couple

of hundred square miles. Our population is well dispersed. People will see that density of population will become a more difficult issue, and we will deal with the downstream access into the postal system and the man in the van stating he is an operator when we come to those particular amendments. In general, I fully support my colleague, Deputy Ó Cuív, in putting down the amendment to extend the designation period for An Post to 20 years in line with the programme for Government. I look forward to the Government agreeing to accept the amendment which is in line with the programme for Government and approving this.

**Deputy Pat Rabbitte:** There was quite a substantial debate on this at Committee Stage. As we discussed then, I moved an amendment to extend the designation period for An Post from seven years to 12 years with the Minister now having a consenting role in a decision made by ComReg in the designation process.

I cannot accept Deputy Ó Cuív's proposal to extend further the 12 year period to 20 years and Deputy Martin Ferris's proposal to designate An Post permanently with a monopoly on letter post. As I stated previously, a reliance on legal protections that shield An Post from competition will not ensure it is in a position to face the various challenges that lie ahead, and providing for the continuation of its legal monopoly is expressly prohibited by the directive.

The challenges facing the company include not only the opening of the market, but the much more significant one of electronic substitution and also the ongoing effects of the recession. In light of these significant changes that the sector is rapidly experiencing, it would be inappropriate to designate, that is, to impose obligations on, An Post for any longer period. As Deputy Harrington, who contributed at Committee Stage and who has first-hand experience of the postal system, correctly pointed out on the last occasion, a period beyond 12 years could be onerous on An Post. However, the Bill provides that ComReg may designate a universal postal service provider after an initial 12 years and An Post could, if ComReg so decides, be designated beyond that period.

It seems, in terms of the opinions expressed by the Deputies on the other side, they do not really accept competition. They do not really accept that the State is compelled by the European directive to open the market. As a result, arguments are made such as those we heard from Deputies Fleming and Ó Cuív. Deputy Martin Ferris wants it left as is permanently. Whether one agrees with that, it is not a choice that we have given the European directive. That is simply a fact of the matter.

It is a fact of the matter that is accepted by the Communications Workers' Union as well. I took care to meet the union, formally and informally. I have gone out of my way in the Bill to address key points that it raised, for example, the extension of the universal service obligation, the fact that, legally, it is maintained into the future. I dealt with the downstream access in so far as I require ComReg to take into account the investment to which Deputy Fleming referred in the case of Portlaoise. It has just been accepted in the previous amendment that that is a substantial change in terms of a concern that the union had on behalf of its members.

When I inherited the Bill, it provided for seven years of designation with the universal service obligation. It is now 12 years and ComReg at the end of that period can, if it so deems, continue it for as long as appropriate thereafter. Contrary to allegations of departing from the programme for Government, we did well to negotiate this being accepted elsewhere. The fact that it is now 12 years is a generation in the context of the changes we have seen in An Post.

Some Deputies think that designation confers a monopoly. That is not the case. We have retained the universal service obligation here, which means that if the horrors that Deputy Ó Cuív envisages happen there is a provision for sharing in terms of the other competitors in the marketplace.

[Deputy Pat Rabbitte.]

I do not argue with Deputy Martin Ferris in seeking to explain the social role of An Post. I accept that. I understand well that there is a social role. I even understand it, I think, better than Deputy Ó Cuív given that I was born there and he was born Dublin 4. I understand it, but at the end of the day I must say it is not the role of the postman to buy the groceries. It is good that in the community the postman services the role he does, but in all fairness to those who are employed in An Post we cannot ask a commercial State company to run itself into the ground when it is competing with unprecedented developments in recent years. It is not this Bill and the opening of the market that is the threat of further decline in An Post, rather it is the question of electronic substitution and the recession.

The decline that An Post is experiencing is not due to lack of investment, as Deputy Fleming correctly stated. I did visit the Portlaoise centre and I agree it is a model of its kind. An Post management is to be commended for the investment it has made in the mail centres, and the workers for the job that they do. I saw it at first hand. That is not the issue.

The issue is that volume of mail is down dramatically. I stated half-jokingly somewhere that the only ones who write letters anymore are TDs. That is a bit of an exaggeration, but the volume is down significantly. Electronic substitution is the norm today and the post office organisation must cope with that situation.

We have gone a long way here to meet the demands. Deputy Ó Cuív stated that his mind boggles at the notion of us allowing competing players into the marketplace in the climate that I have described.

**Deputy Éamon Ó Cuív:** And then say it solves the problem instead of making it worse.

**Deputy Pat Rabbitte:** He either accepts that the directive requires me to do that on behalf of the Government of this member state or he does not. If he accepts that I am required to do it, then I have done it in the most considered way feasible.

I must oppose the amendments.

**Deputy Éamon Ó Cuív:** Can we come in once more?

**An Ceann Comhairle:** You can.

**Deputy Martin Ferris:** If my recollection is correct, during the debate on Committee Stage the Minister stated that after seven years he would have the power to extend the timescale to 12 years provided ComReg held a different view. I made the argument then and I make it again now that this is dependent on the ideological view of whoever the Minister happens to be. I recall the views of a former Minister when the current Minister, Deputy Rabbitte, sat on this side in the Opposition benches with Sinn Féin, the Labour Party and the Technical Group. At the time, there was a most right-wing Minister with no concept or understanding of social ownership or the role such a social connection has with the people. My great fear is that the proposal is dependent on the Minister of the day, irrespective of who he or she is.

The Minister remarked that the decrease in the volume of mail was one of the reasons for the opening up of the service. I believe this strengthens the argument. If the volume of mail is down, it is inevitable that whatever service or company is operating other than An Post will cherry-pick the most lucrative areas for its programme. As a result, on the social side there will be considerable detrimental effects.

The Minister also stated that the EU directive is compelling. Is the same European directive applicable to Holland? I am open to correction but my understanding is that Holland has a

derogation. If this is the case, it will continue to have a universal provider under the auspices of the State.

The Minister also made the point, perhaps in a jovial way, that the postman is not obliged to deliver groceries. Where I come from, we are a community and any service in place has to it a social connection. In his day, the Minister would have been very strong in his views in this regard. It is not simply about showing vast profits at the end of the day. It is about providing a social connection with people who are less well off, more in need, incapacitated, isolated or whatever. If the postal service can help people in such situations it is providing a great service. It may not be rewarded but it is rewarding for its recipients. There is a great deal more to it than simply applying a directive and then manipulating it away from a programme for Government, in which the Minister's party and Fine Gael agreed on a timescale of 20 years. If there was a commitment to 20 years it would greatly strengthen my argument.

**Acting Chairman (Deputy Joanna Tuffy):** Deputy, your time is up. You can reply at the end of this section if you wish. Your time is well up. You had only two minutes.

**Deputy Martin Ferris:** Is that all?

**Acting Chairman (Deputy Joanna Tuffy):** You can come back in at the end.

**Deputy Martin Ferris:** Was I speaking for two minutes?

**Acting Chairman (Deputy Joanna Tuffy):** You have been speaking for more than two minutes, for almost three and a half minutes.

**Deputy Joe O'Reilly:** I had the privilege of speaking to this legislation on Second Stage in the Seanad and Dáil. I do not propose to repeat the Second Stage arguments except to say that I am a firm admirer and I have a firm realisation of the wonderful, socially constructive role An Post has played in our society throughout the years. I am acutely aware of the universal service An Post has provided, what this has meant to people in isolated places and the role of individual personnel in An Post in reaching out to people in difficult situations, often serving as their only human contact. I made these points on Second Stage and I do not propose to regurgitate them unnecessarily save to state that they merit re-emphasis.

On Second Stage in the Seanad and Dáil I made the point that An Post should have the opportunity to be the universal service provider for the longest possible time and that the time proposed in the original legislation should be extended. I continue to firmly hold this view. The Minister is providing for the reasonable proposition to extend the period to 12 years. Initially, the period is seven years and there is a prerogative to extend it to 12 years. After 12 years, ComReg can make further changes if it sees fit and if several of the prevailing conditions that apply now, including the increase in electronic mail, the new emphasis and the new forces bearing in on An Post, continue.

It is a likely proposition that after 12 years ComReg will deem it necessary to extend the period. That is a reasonable proposition. In purist terms allowing for 12 years and for the possibility of even more may fall short of the 20 year period but effectively it is reaching a long spell and is well in excess of the original proposal of seven years. That is a reasonable proposition.

The debate is worthwhile and the arguments made on the Opposition benches which extoll the virtue of the services provided by An Post are valid. They are also valid because they lauded the work of individual An Post people throughout the county and the social service provided by them. They also highlighted the right of people in isolated places to the same

[Deputy Joe O'Reilly.]

postal service as anyone in a built-up area in the middle of our cities and that argument is altogether valid. However, where the Opposition become disingenuous, unreasonable and begin to engage in a ridiculous form of debate is to state that to allow An Post 12 years to provide the universal service is less than reasonable. It is perfectly reasonable to hold that the possibility of extending the period still exists. The Minister has come on a great journey to improve the original legislation and it is right that he has so done because we should put nothing before the provision of the universal service. No one is in a better position to provide it than An Post.

The Minister is correct to identify electronic media and the new acceptance of same coupled with the recession as great and significant challenges to An Post. The Minister is also correct to establish that we have a legal obligation to accept the EU directive. These things have a relevance to what we are doing today. Given the legal obligation to impose the directive and the external threat to the work of An Post, the 12 year timescale for An Post to be the universal provider is reasonable, as is the potential for the extension of this period. It is a reasonable recognition of the role of An Post and of the difficulties under which it labours.

This is a worthwhile debate and we cannot over-estimate the importance of the service to so many people in the country. We should never fail to recognise the absolute right of everyone in the country to receive mail on the same basis as people in a different part of the country, no matter where one lives and regardless of one's personal circumstances.

**Deputy Éamon Ó Cuív:** I am unsure if I heard the Deputy correctly. Through the Chair, did the Deputy say that the amendment for 20 years is unreasonable?

**Deputy Joe O'Reilly:** I said what is being done is reasonable.

**Deputy Éamon Ó Cuív:** Is the Deputy suggesting the 20 years is unreasonable? I thought I heard him say it was unreasonable for us to push a 20-year period.

**Deputy Joe O'Reilly:** I am saying that at this stage the Deputy is just playing politics.

**Deputy Éamon Ó Cuív:** No. If the Deputy says it is unreasonable to push 20 years, what he is saying is that the programme for Government is unreasonable. The programme for Government is explicit in referring to "at least" 20 years — it does not refer to "up to" 20 years but to "at least" 20 years. I am going to the minimum——

**Deputy Acting Chairman (Joanna Tuffy):** The Deputy should not invite contributions at this point. It is not Committee Stage.

**Deputy Éamon Ó Cuív:** I apologise to the Chair. I could not be sure my ears were hearing properly what was coming from the Government benches. We have had a very clear admission from a Deputy that, in his view, the programme for Government is unreasonable. I actually think it is reasonable.

The Minister, Deputy Rabbitte, said we cannot do this and spoke of big, bad Europe. However, I understand the Netherlands has done it. The Minister might explain how there is one European rule for the Netherlands and another for bold, bad little Ireland out on the edge. It is important that we start explaining to Europe that we are an island off an island, with a total population of approximately 6 million people. Therefore, the rules that apply in central Europe do not suit in this jurisdiction.

The Minister is right about one thing, namely, I was brought up in Dublin 4. I am very proud of Dublin 4 and I am a good supporter of the Dubs. However, the Minister is wrong about one

other thing, which is that because he was brought up in the country, he has a better understanding of the country than I have. I believe that, to a certain extent, those who were brought up in the country often accepted inferior services because that was what was outside the door, whereas growing up in Dublin 4 I presumed there was a telephone, water, sewerage schemes, street lights and that the road was paved. I have to say it was a little bit of a shock when I went to the west to find that it took me a year and a half to get a telephone. In fact, to get a telephone for the business I was running, I had to put the telephone in the lodgings I was staying in — I had a very kind landlady and landlord.

**Deputy Pat Rabbitte:** Mr. Mark Killilea used to deliver them out of the boot of the car at that time.

**Deputy Éamon Ó Cuív:** To be fair to Mr. Albert Reynolds, he was the first one who really gave a push to the provision of telephones. It was also a shock for me to find that piped water was a problem, which it is even to this day as there are still a few tail-ends to be finished, despite the huge progress made during our last period in government. I hope this Government continues with the CLÁR programme but we are told it is cancelled in regard to getting the last mile of piped water into houses for the people.

Yes, it was a shock. Perhaps it was because I was used to these things as just being given, as most city people were, that it was a shock that they did not exist for everybody, and services that were taken as basic in the city were not available universally on this very small island. Therefore, I am not sure the Minister has the monopoly of wisdom about rural Ireland.

I can tell him one thing about running businesses in rural Ireland with the services that were there. We move slowly and while we have the rural broadband scheme, we are still very deficient in broadband because, again, competition has not worked in that area. If we want a model of how not to do it, it is there. For example, we have three masts in one area and no mast in another area, with a very bad service in one area and duplicate and triplicate services in other areas.

**Acting Chairman (Deputy Joanna Tuffy):** The Deputy's time is up.

**Deputy Éamon Ó Cuív:** I must once again plead with the Minister on the grounds of integrity and a commitment to his own programme that, when we get to the amendments I have put down, he will accept them. Please God, we will not get to those amendments until tomorrow. I hope that overnight the Minister will have time to reflect on his commitment and that he will come to the House tomorrow and have the good grace to say "Having reflected overnight, I am now satisfied that the proposal we put forward in the programme for Government was a serious proposal and one that we intend to implement". I look forward to hearing those words from the Minister tomorrow.

**Deputy Sean Fleming:** I thank the Acting Chairman again for the opportunity to contribute on some of the issues that have been raised. The role of An Post and its universal service obligation is one of the crunch issues in regard to the legislation.

We must remember the position of the Department of Posts & Telegraphs before the telegraphs end was ultimately privatised as Eircom. We know what competition does. We are subject to the private market and I understand private industry works on the basis of operating for profit rather than providing a service. If a service is an obligation, industry will do it at the minimum cost possible but its heart is not in it, nor the capital investment that will be required going forward over a period of, say, five years with regard to the renewal and updating of



[Deputy Sean Fleming.]

plant, equipment and delivery, distribution and collection vehicles. This can only be done if there is a strong central organisation that has the funding to provide all of those services.

We have seen when the private sector gets hold of an organisation that it will be bought out. If some of the operators get bigger or are designated a universal service operator, they will be bought out, and it is only a matter of how many years this will take, whether 18 months or two years, for example. Then, after that operator builds up a big debt in the organisation, some other company from another part of the world, whether Australia, the United States or otherwise, will buy it out in a further two years. After several years, we will see a big debt loaded onto these companies, with no funding for capital investment and development of the business.

Ireland has a population of less than 2% of the EU population so the issue of ensuring competition is brought in immediately is not core to the European position. We are not rich pickings for anyone at EU level or for any of the major competitors. Even a company such as DHL has stated An Post is one of the most efficient operators in Europe at present but I am fearful that if the universal obligation gets stretched, it will cause difficulties.

The time people receive their post is an issue, although this might not be understood. It is fine for people in towns. One can send private personal correspondence and find that people in urban areas get that post at 8 a.m. or 9 a.m., before they go to work. However, many areas do not get post at that early stage and it can be 11 a.m., noon or sometimes into the early afternoon before the post is delivered. This is the situation at present. Can one imagine the situation if there is cherry-picking, with An Post providing the infrastructure but not the last mile of the delivery? It could be well into the evening before post is delivered. Not only will rural areas suffer a loss of service but they will be lucky to get their post before Angelus time at 6 p.m.

I am concerned that people will see a deterioration in the service. The point about the postman delivering groceries was a throwaway comment, and we all know they do not do that. They are not running other errands in rural areas but they are out there, meeting the people and providing a service and an interface for An Post with its own customers, which is very important.

**Deputy Pat Rabbitte:** It would appear, listening to Deputies Fleming and Ó Cuív, that Fianna Fáil has now come out against privatisation. That may be a very good thing but the Deputies are entirely wrong when they ask me to look at the Telecom Éireann experience as being evidence of where competition does not work. It is not competition that has led to the situation we have in telecoms, it is the asset stripping that went on after privatisation, and it was you fellows who did the privatising.

I remember very well former Deputy Mary O'Rourke going up and down O'Connell Street like Molly Malone, selling shares out of a wheelbarrow during the privatisation at that time. The problem was the ensuing rip-off, under successive owners, that led to the strangulation of the broadband roll-out at the time. Competition is not the problem in this regard. The problem, unfortunately, is there has been an 18% drop in the volume of mail since 2008 and a 6% drop thus far this year. This is how serious the situation is and there is no point in reverting to a discussion on opening the market. It is neither my decision nor a decision of this Administration but a European directive. As for Deputy Sean Fleming keeping a straight face while suggesting to me we should be different because we are an island on the periphery of mainland Europe, that kind of talk went out 20 years ago. The Deputy is well aware of the position. Moreover, I am afraid Deputy Ó Cuív is misinformed. Holland does not have a derogation and I am unsure from where he picked up that suggestion because it is not true.

**Deputy Éamon Ó Cuív:** I did not say anything about a derogation.

**Deputy Pat Rabbitte:** The Government has done about the best job one can do in this regard. As Deputy O'Reilly noted, I have taken a Bill with which Fianna Fáil was satisfied that included a seven-year derogation. There was not a peep out of Deputy Ó Cuív then. I checked because I thought he might have made observations on the memorandum.

**Deputy Éamon Ó Cuív:** How can the Minister check that?

**Deputy Pat Rabbitte:** However, he made no observations on the memorandum at the time. I must explain to Deputy Martin Ferris that when a Cabinet Minister sends around a memorandum for the Cabinet, his or her colleagues have an opportunity to make observations on it.

**Deputy Éamon Ó Cuív:** Alternatively, one can make one's observations at the Cabinet meeting.

**Acting Chairman (Deputy Joanna Tuffy):** Perhaps the Minister can return to the matter under discussion.

**Deputy Pat Rabbitte:** The then Minister, Deputy Ó Cuív, did not do that. I have taken the aforementioned seven years and have converted it to 12 years. Moreover, I have left the option for ComReg to extend it thereafter if it believes this should be done. I believe that is about right.

**Deputy Martin Ferris:** Members have argued this point with the Minister up and down and over and back. As I disagree with him on it, I intend to call a vote.

Question put: "That the words proposed to be deleted stand."

The Dáil divided: Tá, 84; Níl, 29.

Tá

Bannon, James.  
Barry, Tom.  
Breen, Pat.  
Broughan, Thomas P.  
Buttimer, Jerry.  
Byrne, Eric.  
Carey, Joe.  
Collins, Áine.  
Conaghan, Michael.  
Conlan, Seán.  
Connaughton, Paul J.  
Coonan, Noel.  
Corcoran Kennedy, Marcella.  
Costello, Joe.  
Creed, Michael.  
Deasy, John.  
Deenihan, Jimmy.  
Deering, Pat.  
Doherty, Regina.  
Dowds, Robert.  
Doyle, Andrew.  
Durkan, Bernard J.  
English, Damien.  
Feighan, Frank.  
Ferris, Anne.  
Fitzpatrick, Peter.  
Flanagan, Charles.  
Flanagan, Terence.

Griffin, Brendan.  
Hannigan, Dominic.  
Harrington, Noel.  
Harris, Simon.  
Hayes, Tom.  
Heydon, Martin.  
Hogan, Phil.  
Humphreys, Heather.  
Humphreys, Kevin.  
Keaveney, Colm.  
Kehoe, Paul.  
Kelly, Alan.  
Kenny, Seán.  
Kyne, Seán.  
Lawlor, Anthony.  
Lynch, Ciarán.  
Lynch, Kathleen.  
Lyons, John.  
McCarthy, Michael.  
McEntee, Shane.  
McFadden, Nicky.  
McGinley, Dinny.  
McHugh, Joe.  
McLoughlin, Tony.  
McNamara, Michael.  
Maloney, Eamonn.  
Mathews, Peter.  
Mitchell, Olivia.

Tá—*continued*

Mitchell O'Connor, Mary.  
Mulherin, Michelle.  
Murphy, Dara.  
Murphy, Eoghan.  
Nash, Gerald.  
Neville, Dan.  
Nolan, Derek.  
Ó Ríordáin, Aodhán.  
O'Donnell, Kieran.  
O'Donovan, Patrick.  
O'Dowd, Fergus.  
O'Mahony, John.  
O'Reilly, Joe.  
O'Sullivan, Jan.

Phelan, Ann.  
Phelan, John Paul.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Ring, Michael.  
Ryan, Brendan.  
Spring, Arthur.  
Stagg, Emmet.  
Stanton, David.  
Tuffy, Joanna.  
Varadkar, Leo.  
Wall, Jack.  
Walsh, Brian.  
White, Alex.

Níl

Adams, Gerry.  
Browne, John.  
Calleary, Dara.  
Collins, Joan.  
Colreavy, Michael.  
Cowen, Barry.  
Crowe, Seán.  
Doherty, Pearse.  
Dooley, Timmy.  
Ellis, Dessie.  
Ferris, Martin.  
Flanagan, Luke 'Ming'.  
Fleming, Sean.  
Kitt, Michael P.  
Mac Lochlainn, Pádraig.

McGrath, Finian.  
McGrath, Mattie.  
McLellan, Sandra.  
Martin, Micheál.  
Moynihan, Michael.  
Murphy, Catherine.  
Ó Caoláin, Caoimhghín.  
Ó Cuív, Éamon.  
Ó Snodaigh, Aengus.  
O'Brien, Jonathan.  
Pringle, Thomas.  
Smith, Brendan.  
Stanley, Brian.  
Tóibín, Peadar.

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

Question declared carried.

Amendment declared lost.

Debate adjourned.

### Message from Seanad

**An Ceann Comhairle:** Seanad Éireann has passed the Residential Institutions Redress (Amendment) Bill 2011, without amendment.

### Adjournment Debate

### School Transport

**Deputy Éamon Ó Cuív:** I thank the Minister for Education and Skills, for coming to the House to join in what I hope will be a constructive debate on rural school transport. I am more than aware of the cost of rural school transport but I am also aware of its importance. I also know that we were forced to change the rules on school transport in the budget for 2011 due to the financial situation in which the country finds itself.

As the Minister is aware, the school transport system as we know it dates back many years to its introduction in the 1960s. The way it operates is that a pupil, who, depending on his or her age, is a certain fixed distance from the school, gets free transport. Up to now that transport was provided as long as there were seven pupils on the bus route. In recent years we reduced it from three miles to two miles for the younger cohort and made it one seat for one student. They were two very expensive changes, but very good changes. After two major steps forward, the budget introduced one step back, which was the requirement to have ten students on a bus route before a service will be provided. The reality is that this change will predominantly affect small rural schools with two or three teachers.

I believe we should consider a different way of providing the same service at the same cost to the Exchequer. In other words, there can be a win-win situation if we get our head around it. I propose that on a pilot basis and on a voluntary basis, small rural schools could apply to the Minister to get a block grant that would be approximately equivalent to the remote area grant the Department pays for the students who are too far away from the school and are entitled to free transport but are not on the school run. That would be added to the cost of the current arrangement for that school with the savings that were built in and the Department would agree to give that as a lump sum to the school. It would administer that fund, but schools would not do it on their own.

At the moment the scheme is run by the Department of Education and Skills and Bus Éireann, and it is all very rigid and fixed. In this way the parents, school management and the companies that provide the rural transport service generally would get together and regard it as an adjunct to the rural transport service in their area. With that money they would set about creating a service designed by the school management and parents, and delivered by the school in conjunction with the rural transport companies. I suggest this be done on a pilot basis with no school being forced into this new arrangement. Knowing the fabric and attitudes of rural areas, I have no doubt that kind of self-help approach would be taken up in quite a number of the more rural areas where it is much easier to do but where the problem is now much more acute for the Minister.

This is not a major problem in the big schools in the peri-urban areas. This problem is most acute for the very small schools, but their strength is knowledge of their people, co-ordination and their ability to get things done. If this proposal is accepted, we could get a win-win in the situation in which we find ourselves. We could make the savings and provide an even better service that works well and is utterly to the satisfaction of the parents and teachers in the school. I would not suggest this if we did not have rural transport companies that know the game, know how to tender, know how to do their work and have experience in this area. Many of these rural transport companies provide a service to the elderly in the middle of the morning. They could reorganise their business so that they are free at school times. I suggest we should start doing this with the small national schools and I believe we would get the synergies. When we were in government, some pilot work was done between the HSE and the rural transport companies. I had been very anxious that this would proceed much faster than it did. Even if the Minister cannot give me a positive response, I hope he will seriously consider implementing this on a pilot basis to see if it can work and become the new template.

For many years we were told that only the Department of Education and Skills could design and do all the background work for small schools. Parents used to come to us and ask that they just be given the money and they would do it cheaper and better. There was enormous resistance to this devolving of power to local boards of management. It was the best thing that ever hit rural schools.

**Acting Chairman (Deputy Joanna Tuffy):** The Deputy's time is up.

**Deputy Éamon Ó Cuív:** It meant a great amount of work for parents and boards of management but they did it willingly. In many cases, when they did up the school, they went out and collected considerable extra money that allowed them to provide libraries, extensions and all sorts of other things that were never planned by the Department of Education and Skills. There are now fantastic facilities in schools because we looked to the very ethos of those communities, which is “give us the money and we will spend it efficiently and in a satisfactory way”.

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am replying on behalf of my colleague, the Minister of State at the Department of Education and Skills, Deputy Ciarán Cannon, who has responsibility for school transport among other things. I thank the Deputy for raising this matter as it provides me with an opportunity to outline the general position regarding school transport services.

School transport is a very significant national operation involving the transportation of more than 123,000 children each day to primary and post-primary schools, including more than 8,000 children with special educational needs. Furthermore, it involves approximately 42 million journeys and more than 82 million km on 6,000 routes every school year. These services are delivered using a mix of Bus Éireann, both school transport and road passenger vehicles, private contractor vehicles, including private operator scheduled services, and Dublin Bus, Irish Rail, DART and Luas where practicable.

The Deputy will be aware that the value for money review of the school transport schemes, which was published last March, considered a number of possible approaches through which the State can seek to support school transport in line with the overall objectives of the scheme. The report concluded that, particularly in the context of complexities of deciding on eligibility for school transport, procuring school transport and developing networks for school transport, a single national organiser with a regional dimension to operate the scheme is required.

The report further concluded that in the medium term the single national organiser should continue to be Bus Éireann. Bus Éireann is well placed to offer the possibility of integrating local transport services with the rural transport network to achieve significant economies of scale and the organisation and administration of school transport scheme services offers a successful model to follow and build upon.

The Department is co-operating fully in the development of practical initiatives, led by the Department of Transport, Tourism and Sport, to promote co-ordination of State supported transport services such as school transport, rural transport and the Health Service Executive transport services. Bus Éireann is also involved in this process. The Minister's priority is not only to ensure optimum efficiency and effectiveness between all programmes which receive State support, including school transport which, with a budget of €180 million is a significant area of expenditure, but also to establish how this work can assist in meeting the €17 million savings target in respect of the school transport budget by 2014.

The safety of school children, travelling on school transport services is of paramount importance to the Department and Bus Éireann. Not only does the company plan and manage the countrywide network applying a range of safety checks, it places onerous obligations and standards on contractors, drivers and vehicles used on school transport services, including the arrangement of random vehicle checks and maintenance audits conducted by independent experts, and the assessment of all routes and pick up points for suitability. In addition, the company assesses pupil eligibility, collects and accounts for pupil contributions, issues tickets or passes to pupils and provides day-to-day supervision and monitoring of service performance and standards. The company also manages the vetting of all personnel involved in school transport duties in conjunction with the Garda Síochána central vetting unit.

Given the practical issues which need to be undertaken, the reality is that it would not be possible or feasible for school managements, nor indeed would they have the expertise required, to assume the role of deciding on eligibility and procuring school transport on top of fulfilling their key roles in ensuring the education of each child.

In acknowledging our existing resource constraints, it is more important than ever that we streamline our processes and procedures to the greatest extent possible and help ease the administrative burden on schools. I again thank the Deputy for raising this matter and I will bring it to the attention of the Minister of State, Deputy Cannon.

### **Skills Shortages**

**Deputy Eoghan Murphy:** I had hoped to address this issue with the Minister for Jobs, Enterprise and Innovation, but I appreciate the attendance of the Minister for Education and Skills as this matter is relevant to his Department and he is fully aware of the importance of the high-tech sector to the economy. Considering the attention the Government has given to the sector, be it in terms of gaming, research and development, digital design or cloud computing, it is clear that the Government understands its importance and is fully committed to it. From speaking to people in the industry, they are happy about this as it is a new approach.

I attended the Dublin web summit in June, at which a speaker addressed approximately 1,000 people working in the sector who were there to network, hear new ideas and get investments. The organisers had invited successful entrepreneurs from abroad to speak and pass on some of their knowledge. At a questions and answers session, someone asked how an entrepreneur decided where to set up and what his first consideration was. His answer was that he went where the developers and talent were. A friend of mine who works in the area looked over his shoulder and gave me a knowing look.

I have discussed in the House the need to incentivise foreign entrepreneurs to set up companies in Ireland, especially in the high-tech sector, as part of the three pillar approach. We could cut all the red tape we desire, but entrepreneurs and foreign companies will not come to Ireland if they cannot get the staff. In July, a significant international player and large employer in Ireland briefed the Cabinet on its concern that the Irish system was not producing enough high-end, high-skilled graduates. This is a worrying development. The secondary effect is that, when this player can find the relevant employees, it hoovers them all up and smaller and start-up companies cannot get the staff because they cannot afford to hire any from abroad. Those companies end up relocating abroad, which means we lose them, the staff and the revenue.

I do not want to overstate the case, but it is important that we address it. The previous Government never did when it had the chance and knew it needed to. To our cost, that Government did not engage in future proofing, but we must consider what is necessary now and in future. Last week, the Irish Internet Association, IIA, told us that there were 2,500 unfilled jobs in the high-tech sector. If the Government continues focusing on this sector, trying to create jobs and trying to position Ireland as a digital or Internet capital for Europe, it will create further jobs. This is a good measure and we do not want to turn a positive into a negative.

We must examine the education system and get more children studying mathematics and science at a high level all the way through school, into relevant university courses and on into the industry. That is a longer-term solution, but we must act now. The battle to establish ourselves as European leaders in cloud computing, gaming, research and development and so on will take place in the next three to five years. That is when we will win or lose. For this reason, it is imperative that we examine immediate solutions.

The Minister will be interested in a number of near-term proposals, given his architectural background. For example, unemployed architecture and engineering graduates could be

[Deputy Eoghan Murphy.]

retrained as web developers. This idea has a great deal of potential and should be discussed by the House at another time. I wish to address a more immediate-term initiative proposed by the IIA in the context of the Government's wider jobs initiative. Under the latter, taxation measures will be used to increase employment levels in sectors where there is a need. The Minister has been briefed on the association's initiative, as I sent his Department the details. It is proposing a programme to identify the critical skills required, the areas of greatest skills shortage and the number of people available in the marketplace and to use this information to target and fill gaps by rewarding people financially, whether in terms of tax credits, PRSI initiatives or repatriation grants for those who are abroad. It is about providing financial incentives to those with the relevant skills who want to stay in or return home to Ireland to do so. It is an encouraging proposal.

The jobs initiative is not the solution, but it is a first step in underlining our commitment to making the sector a cornerstone of our future economy and a first step in rebuilding our international reputation for producing high-end graduates. It is about getting more of them, attracting them back from abroad and getting them working in our economy. It is also another crucial step in returning people to work.

**Deputy Ruairí Quinn:** I thank the Deputy for raising this matter on the Adjournment and for speaking directly to my office about it. I understand that he wished to discuss the recently published IIA report and proposals to provide incentives for people to work in the IT sector. As most such proposals would fall under the responsibility of the Department of Jobs, Enterprise and Innovation, I will for the most part restrict myself to comments on how the Department of Education and Skills is working to increase the ICT skills set of our population.

The ICT sector plays a critical role in the economy. It is composed of more than 8,000 foreign and Irish-owned companies, including 780 foreign-owned companies that employ 65,000 staff with exports valued at nearly €50 billion per annum and 400 Enterprise Ireland-assisted software companies that employ 8,000 staff and generate €1 billion in export sales per annum.

While the downturn has impacted significantly on levels of employment across the economy, significant employment opportunities are emerging in export-led sectors such as ICT. At a time of strong demand globally for graduates with high-level ICT skills, the sector in Ireland is also experiencing difficulties in filling some vacancies. In recent months, departmental officials have been working closely with the secretariat to the expert group on future skills needs, EGFSN, the Higher Education Authority, HEA, and the Department of Jobs, Enterprise and Innovation to clarify issues more precisely in respect of skills gaps in the sector and how they might be addressed. Discussions have taken place with more than 25 foreign-owned and indigenous companies to establish information on the scale and nature of positions involved and the reasons for reported difficulties.

The skills needs of the ICT sector are not uniform and are continually evolving. A key issue that has been identified is a shortage in the domestic supply of honours degree level computing and electronic engineering graduates. This stems from the fall-off in demand from students for ICT related programmes following the dotcom collapse, allied with the significant recent growth and expansion of the sector. While it is positive that third level enrolments in these disciplines have increased by some 30% since 2008, there will be a time lag before this increased demand from students feeds through into increased graduate output.

The Minister has met representatives of the ICT sector in recent weeks and has confirmed his commitment to working collaboratively with them on measures to increase the numbers and quality of graduates in the longer term and to address the skills needs of the sector in the interim through an expansion of conversion and reskilling opportunities.

A key initiative that can make a contribution in the short term is Springboard, which is providing 6,000 part-time higher education places for unemployed people as part of the Government's jobs initiative. The tendering documentation for Springboard was developed in close collaboration with the EGFSN and with input from industry representatives to ensure programmes would be provided in areas where future employment opportunities are expected to arise. The selection criteria for Springboard took account of the extent to which providers engaged with employers in the development of their programmes. A number of the programmes also provide work experience opportunities with employers.

More than 2,000 of the Springboard course places are on ICT programmes ranging from certificate to masters degree level. Some 65 separate ICT programmes are being funded in areas such as computer programming, cloud computing, computer game design and digital forensics. A number of the programmes being offered are designed to build on and support the conversion of existing graduate skills in engineering and other disciplines, as the Deputy mentioned. A further 1,400 Springboard places are being provided on programmes designed to address cross-sectoral skills needs, including programmes on Six Sigma, Lean manufacturing, technology commercialisation and entrepreneurship, with the balance in other areas of potential growth, including the bio-pharma, medical devices and food sectors. Applications for places on all of these programmes can be made through the *www.bluebrick.ie* website.

A key priority for the Government and the Department is to continue to work with the ICT sector to identify measures to increase the domestic supply of graduates with the appropriate levels of skills to support the expansion and growth of the ICT sector.

### **Asylum Support Services**

**Deputy Derek Nolan:** I take the opportunity to acknowledge the commitment given in the programme for Government to “introduce comprehensive reforms of the immigration, residency and asylum systems”. This is certainly an area in urgent and dire need of such reform. I hope this commitment includes as a given the reform of the system of direct provision. In Galway city alone there are three direct provision centres and although the residents are not permitted to vote in general elections, I interact with them on a weekly basis: they visit me at my clinic; I meet them at community events and encounter some of them who have even ventured further and become politically active. What is so obvious to me and what I find lacking so often in the debate on these matters is that the residents in these centres — refugees and asylum seekers — are normal people with hopes, dreams and ambitions, as well as problems, troubles and challenges, just like every other human being.

There is a political difficulty in raising this issue because of a backlash from sections of the media, rage among small elements of the public and stark indifference on the part of many. I have received hate mail only once in my life in response to a letter I wrote to a local Galway newspaper on this topic. In the letter I cited as an example a middle aged woman whom I had met the previous weekend. She was from central Africa and had been in the asylum system for three years. She did not know how long her application would take to be processed or what her future might be and she was frightened. She shared what was once a small hotel room with two other women whom she did not know and she had no personal space or privacy. Her life was tedious; she could not work or afford to access education and her allowance of €19.10 a week did not allow her much scope when a return bus fare to the city centre cost €3.20. For three years she did little or nothing, the only exceptions being taking English lessons and interaction with fellow residents. Comprehending a life of doing nothing for a prolonged period is all but impossible. The very tedium, nihilism and pointlessness of it all has huge implications.



[Deputy Derek Nolan.]

During a visit to one centre in Galway I witnessed a fist fight, the cause of which was the rota for access to the communal washing machines. I am told by residents that such outbursts are a regular occurrence, the result of built-up tension, frustration and aggravation. They are also worried about the prevalence of depression, but they are often very dubious about reporting problems or concerns. They are afraid to report matters for fear their application might be prejudiced.

I am certainly not alone in having concerns. The Free Legal Advice Centres argue that the system of direct provision does not adequately meet the health, legal, social and cultural needs of residents. The Jesuit Refugee Service warns of the long-term negative institutional effects of direct provision centres. Human rights academics question the dubious legal standing and human rights implications of their operation. There are seriously worrying reports from agencies such as the Galway Rape Crisis Centre on the exploitation of women and children both within and without the centres. I sometimes wonder if we are looking at the source of the Cloyne reports of ten or 15 years time.

It is not true to say there is no function or use for the system of direct provision. For many of those entering the system it provides a welcome immediate environment in which to base oneself, engage with health and legal services and acclimatise oneself to the country. That period, however, should not be excessive and a maximum limit should be imposed. The system was introduced with the intention of housing people for no more than six months and that limit should be enforced. We cannot continue to institutionalise people in these circumstances indefinitely. For these reasons, I am calling for a comprehensive review of the system of direct provision to address the concerns I have raised, including a statutory maximum stay of six months; the introduction of an independent complaints body to hear and investigate the concerns of the residents of these centres; and an overhaul of the immigration and asylum process in order that people receive quick, just and fair decisions in a transparent manner.

**Deputy Ruairí Quinn:** I am responding on behalf of my colleague, the Minister for Justice and Equality. I propose to explain what the direct provision system is; how it came about; why it remains a necessary feature of the State's asylum and immigration system; and why legislative proposals before the House will, if passed, of necessity reduce the length of time persons stay within the system.

The accommodation of asylum seekers through the direct provision system is the responsibility of the Reception and Integration Agency of the Department of Justice and Equality. Direct provision means that the State, through the RIA, assumes responsibility for providing for asylum seekers suitable accommodation and certain other services on a full board basis. All accommodation costs, together with the cost of meals, heat, light, laundry and maintenance, are paid directly by the State. Asylum seekers in direct provision accommodation also receive a weekly cash allowance which takes account of board and lodgings and other ancillary benefits provided through the direct provision system. Asylum seekers can also apply to community welfare officers for assistance to meet a particular once-off need by way of an exceptional needs payment under the supplementary welfare allowance scheme. Payments under this category cover once-off costs such as back-to-school clothing and footwear.

In addition to full board accommodation, the RIA co-ordinates, through other Government bodies, a number of ancillary services for asylum seekers in direct provision accommodation. All asylum seekers are offered free medical screening on arrival in the State which provides access to health services for asylum seekers on the same basis as for Irish citizens. Asylum seekers in direct provision accommodation will generally qualify for a medical card whereby they are eligible to receive a wide range of health services free of charge, including GP services

and prescribed medicines. Other HSE provided supports include the public health nurse service, as well as a dedicated asylum seeker psychological service.

Asylum seeker children are entitled to access free primary and post-primary education on the same basis as an Irish citizen. In addition, English language supports are made available to adult asylum seekers; in some cases, facilities are provided on-site in RIA accommodation centres for such classes. At a number of centres the RIA has provided facilities for on-site pre-school services.

As of today, the RIA has 45 asylum seeker accommodation centres across 18 counties accommodating just over 5,700 residents. The system is constantly evolving, taking account of the ebb and flow of residents and the financial resources available to the RIA. Overall, demand for RIA services is declining. At the beginning of 2009 the RIA was accommodating an overall number of 7,002 asylum seekers. Today it is accommodating just over 5,700 persons, a reduction of 18% during this period.

The direct provision system did not come about by accident. It was a necessary response to the increasing number of asylum seekers arriving in the State. Before 1999 asylum seekers were treated as homeless under the structures then in place. These structures were entirely unsuited to the situation facing Ireland; the homeless service of the then Eastern Health Board could not cope and there was a serious prospect of widespread homelessness among asylum seekers. In response to this serious and unprecedented challenge the organisation subsequently named the Reception and Integration Agency was established to co-ordinate the scheme of dispersal and direct provision for asylum seekers

The direct provision system is only one element of the State's response to its international obligations on the asylum issue. As well as educational, health and welfare costs, there is the asylum determination system, as well as the downstream judicial and policing costs. In the past five years the total amount spent across government on asylum seekers was €1,275.31 million, of which €424.43 million was spent on the direct provision system. Clearly, meeting our international obligations in this respect consumes considerable public moneys. Ireland is not unique in this respect. All countries which take their responsibilities in this regard seriously are faced with similar calls on their financial resources.

On the matter of application processing times and consequent length of time spent in the direct provision system, the Minister has asked me to point out that some cases can take significantly longer to complete owing to, for example, delays arising from medical issues or because of judicial review proceedings. All asylum applications and appeals are processed in accordance with the Refugee Act 1996 and high quality and fair decision-making in all cases continues to be a key priority at all stages of the asylum process.

For the sake of completeness, the Minister has asked me to point out that persons who are refused a declaration under section 17 of the Refugee Act 1996, as amended, enter what is commonly referred to as the "leave to remain" process which generally has two elements to it: an application for subsidiary protection and further consideration to be given under section 3 of the Immigration Act 1999, as amended. This is separate from the asylum or refugee status determination process. The processing of cases at this point is also complex and extremely resource intensive and there are no quick or easy decisions to make. Given the life changing consequences for the persons involved, these are decisions which must be taken with the most scrupulous care and attention.

The Deputy might like to note that the Minister has taken steps to speed up the processing of applications by redeploying staff from the refugee determination bodies primarily. The Immigration, Residence and Protection Bill 2010 which the Minister recently restored to the Dáil Order Paper provides for the introduction of a single procedure to determine applications

[Deputy Ruairí Quinn.]

for protection and other reasons to remain in the State. This should substantially simplify and streamline the existing arrangements. This reorganisation of the protection application processing framework will remove the current multi-layered processes and provide applicants with a final decision on their applications in a more straightforward and timely fashion. The Deputy is probably aware that the Minister is developing a number of amendments to the Bill before commencing Committee Stage which he hopes to be in a position to take in the near future.

### Health Services

**Deputy John O'Mahony:** I thank the Ceann Comhairle for selecting this matter for discussion. It is by no means an exaggeration to use the word "plight" when describing the way in which people with type 1 diabetes deal with their condition. It is a difficult task for them. In County Mayo alone, there are approximately 100 children and adolescents living with the condition. That figure increases to 400 when the counties of Galway and Roscommon are factored in. In County Mayo, an average of one person per month is diagnosed with diabetes.

Many people living with type 1 diabetes receive their care locally but others travel to Dublin to access intensive treatment as the local diabetic care teams are under-resourced and under-developed. Nonetheless, I cannot speak highly enough of the under-resourced staff in Mayo General Hospital, which includes one paediatrician with an interest in diabetes and two specialist nurses to cater for those 100 people.

However, while the access to the treatment in Dublin is of benefit to patients, because of how it is resourced and the amount of technology available, it is far from an ideal solution. Children with diabetes, who should be seen four or five times a year in hospital to help limit the damage which high blood sugars can cause to the eyes, kidneys, nerves and smaller blood vessels in adulthood, are not seen as often as recommended.

As we all know, if diabetes is not well managed, it will cost a huge amount in future health care. In an attempt to address this issue, Diabetes Action has proposed a reorganisation of diabetic paediatric services in eight networks. It is envisaged that one of those networks would serve the 400 affected children in Mayo, Roscommon and Galway, so that they could avail of intensive therapies locally.

To ensure the equal availability of life-changing intensive treatments for those living with the condition, seven of the networks outside Dublin would require additional staff. I am aware that money is not available at the moment, but there are huge amounts of money in the health service. If reconfiguration took place there would be a lot of money saved down the line. The financial cost is estimated to be approximately €750,000 per annum but research has proven that by making the appointments, the potential is there to reduce the development of complications in adulthood by as much as 76%. That is a hugely significant figure, given that the treatment of diabetes complications normally account for 60% of the diabetes care budget, while the budget for diabetes care itself can account of as much as 15% of Ireland's health budget.

The central message of Diabetes Action is that people with diabetes have not been helped or served well by the generalist health policy. Instead, it proposes that the various issues need to be addressed by a national diabetes strategy. If the Government were to implement such strategic policies, the health of those living with diabetes would be greatly improved while simultaneously saving the State hundreds of millions of euro each year caring for people who will develop health complications in their diabetes care over the next decade.

I was speaking this evening with the parent of a ten-year-old child with diabetes. The parent went through the care the child needs, including five injections per day. The mother has to

administer one injection in school at lunchtime. Technology is available in some areas, including, for example, an insulin pump that is available in Cork and Dublin, but not in Mayo General Hospital. The pump used to cost €5,000 but now costs only €2,500. The cost of some such technology and the appointment of an endocrinologist would make more sense. It would amount, in other words, to a centre of excellence. I acknowledge that one cannot have it in every hospital, but it could be in some hospitals to serve the regions so that people with diabetes would not have to travel to Dublin where facilities are totally overrun.

**Deputy Ruairí Quinn:** I thank Deputy O'Mahony for raising this matter on the Adjournment which I am taking on behalf of my colleague, the Minister for Health, Deputy James Reilly.

It is estimated that there are currently between 3,000 to 4,000 children and young adults under 16 years of age with diabetes in this country. Over 90% of patients have type 1 diabetes but, unfortunately, there are an increasing number of young patients developing type 2 diabetes. The incidence of type 1 diabetes is also increasing by about 2% to 3% per year and experts anticipate that over the next ten to 15 years the incidence of type 1 diabetes will double.

Type 1 diabetes is a particularly complex condition in children and young adults and so it is recommended that their care be delivered in a multidisciplinary setting with access to a consultant paediatric endocrinologist, paediatric diabetes specialist nurse, paediatric specialist dietitian, psychologist and social worker. Given the complexity of the condition and the significant dangers of hypoglycaemia, there can be a clinical advantage in having continuous subcutaneous insulin infusion therapy for children and young adults with type 1 diabetes.

The HSE established a national clinical programme for diabetes in 2010 with the express aim of defining the way diabetic clinical services should be delivered, resourced and measured. One of the key priorities is to facilitate future organised care and screening for diabetes-related complications.

A clinician was appointed to take the lead on the diabetes clinical programme. He has engaged with all stakeholders, including the Diabetic Federation of Ireland, clinicians and podiatrists, to establish a multidisciplinary package for diabetic patients. A multidisciplinary working group is currently working through a number of key projects.

There are two proposed models of care to improve the situation for paediatric diabetes care. The first is based on eight to ten regional networks, with the three existing Dublin centres acting as a tertiary hub of excellence and continuing to see one third of the national paediatric/adolescent diabetes population. This model has been proposed by the Diabetes Federation of Ireland.

The second model came from the HSE's expert advisory group. This proposes that care be centralised for each region in a dedicated paediatric/adolescent diabetes centre looking after at least 150 children or adolescents. Ideally, the centre should be in a regional hospital that has an adult diabetes centre to facilitate transition to adulthood.

The national clinical leads for diabetes and paediatrics are to meet in the next couple of weeks to assess current services across the country, to agree a model of care, and to standardise these across the country. They will also develop criteria for use of CSII therapy — that is, insulin infusion — in children and adolescents with type 1 diabetes, and work on policy to prevent and aid the early detection of diabetes in young children and adolescents.

Ultimately, the function of the HSE national programme for diabetes, among others, is to consider which model is most appropriate and it is working to this end. In parallel, the Department of Health and the HSE will be meeting the Diabetes Federation of Ireland with a view to progressing the issues around the appropriate model of care for children and adolescents with diabetes.

[Deputy Ruairí Quinn.]

Diabetes service implementation groups have been established countrywide, including in HSE West. The group's regional work plan includes a focus on primary care, hospitals, children and adolescents, support services and linkages to the local diabetes implementation groups. The group is supported by three local diabetes services implementation groups

Services are provided for children and adolescents with diabetes in all the major hospitals across HSE west. These services are provided by paediatricians with a special interest in diabetes in Galway University Hospital, Portiuncula Hospital and Mayo General Hospital. The consultants are supported by clinical nurse specialists in diabetes and the diabetes teams have access to dieticians, psychologists and social workers. In addition, transitional clinics are provided across HSE West for adolescents who are transferring from the paediatric service to the adult service.

Nationally, the diabetes working group has undertaken to roll out a diabetic retinopathy screening service for all diabetics over the age of 12 years in 2012 to ensure early detection and treatment of diabetic eye disease, thus helping to prevent blindness due to the complications of diabetes. The group is also working closely with the chronic disease watch programme to increase GP awareness of diabetes.

Paediatric care is recognised as an important element of the diabetes programme required to maintain the health of the diabetic population. Taken together it is envisaged that the services planned, once operational, will enhance overall diabetes care for children and adolescents.

The Dáil adjourned at 10.50 p.m. until 10.30 a.m. on Wednesday, 20 July 2011.

## Written Answers.

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

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*Questions Nos. 1 to 4, inclusive, answered orally.*

*Questions Nos. 5 to 18, inclusive, resubmitted.*

*Questions Nos. 19 to 27, inclusive, answered orally.*

### **Wage-Setting Mechanisms**

28. **Deputy Joan Collins** asked the Minister for Jobs, Enterprise and Innovation the stakeholders with whom he met while consulting on the proposed changes to the joint labour committees; and if he will make a statement on the matter. [20127/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** On 24 May last, the Government decided to publish the Report of the Independent Review of Employment Regulation Orders and Registered Employment Agreement Wage Setting Mechanisms.

The Report's overall finding is that the basic framework of the current JLC/REA regulatory system requires radical overhaul so as to make it fairer and more responsive to changing economic circumstances and labour market conditions.

To coincide with the publication of the report, I immediately requested meetings with the Irish Congress of Trade Unions, IBEC and the Construction Industry Federation to hear those organisations' views on the Report and to outline my proposals to address the report's recommendations and other issues raised in the report. Those meetings took place in early June.

I also held discussions with other employer interests in the sectors covered by statutory wage fixing mechanisms, including Hairdressing and the Hospitality and Retail sectors. Officials from my Department have held discussions with employer representatives in the Security and Agriculture sectors, as well as TASC, the independent think-tank dedicated to economic equality issues. In accordance with the terms of the EU/IMF programme, discussions have also taken place with representatives of the troika.

These discussions enabled me to hear at first hand the views of the main representative bodies and stakeholders on how a meaningful and overdue reform might be implemented in these wage-setting mechanisms, which would strike a balance between protection of the rights

[Deputy Richard Bruton.]

of vulnerable workers and ensuring businesses could weather the difficult economic conditions and open up new job opportunities.

As the Deputy knows, this Government has been determined to protect vulnerable workers by restoring the National Minimum Wage and by retaining the JLC mechanism but in a substantially reformed framework. The recent High Court judgment has made reform imperative and urgent. The Government is determined to proceed with urgency to undertake a substantial reform of the current JLC / REA regulatory system. This work will simultaneously address the weakness identified by the High Court judgment and the issues raised by the independent Report and by the discussions with the various stakeholders.

The drafting of the necessary legislation will be given the highest priority. My intention is that the new legislation will be introduced to the Dáil very early in the next term, with prioritised enactment to follow thereafter.

### **Industrial Development**

29. **Deputy David Stanton** asked the Minister for Jobs, Enterprise and Innovation if there have been any expressions of interest in the former Amgen site outside Carrigtwohill, County Cork; the efforts that he and bodies under his aegis are making to attract industry and enterprise to this site; and if he will make a statement on the matter. [21120/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Carrigtwohill East site consists of approximately 54 hectares located in a high profile position on the eastern side of Cork City on the Main Waterford-Cork Road.

All of this land forms part of IDA's property portfolio. IDA Ireland maintains a property portfolio specifically to support the promotion of Ireland and its regions as a suitable location for FDI by providing tailored property solutions. Since the 1950's it has been an integral part of industrial policy that the State, through the industrial development agencies, will have available land that is suitable, zoned and serviced for industrial purposes, so as to ensure that industrial projects will not be prevented or delayed in setting up operations.

Through its network of overseas offices, IDA continues to market the Carrigtwohill site, together with its other strategic sites throughout the country to prospective client companies, mainly the pharma, biopharma and ICT sectors.

Cork, has grown over the past decade into a globally recognised location for foreign direct investment, attracting several billions of euro in investment by overseas companies. Over recent years, direct employment in IDA supported companies in Cork City and County has grown and today there are 20,491 people employed in 130 companies.

IDA Ireland continues to actively promote Cork and its advantages, including a young skilled workforce with a student population of over 30,000, the presence of a University and an Institute of Technology, the availability of first class business parks, good infrastructure and an international airport.

Announcements of new and expansion investments in Cork this year include EMC, McAfee, Easylink Services and Quest Software. These projects will significantly add to the value and depth of the overseas industry in Cork.

### **Credit Guarantee Scheme**

30. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation when he will introduce a credit guarantee scheme; the amount of money that will be invested in this scheme; and the criteria that will be applied. [21157/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Deputy will be aware that as part of the Jobs Initiative announced in this House on 10 May, both the Minister for Finance and I confirmed the commitment given under the Programme for Government to initiating a tendering process for the development of a temporary partial credit guarantee scheme. A call for competition for the design of a scheme was published on e-tenders on 15 June 2011, closing on 7 July. Arising from this process, formal tenders should be received early in August and on completion of the procurement process, contract commencement is envisaged to be the last week in August. The completion date for the scheme design is scheduled for early October.

The design of the scheme will draw from international experience to support new lending that would not otherwise have been extended by the banks. In this way, the scheme will be limited in its scope and will complement, rather than be a substitute for, existing lending activities by the main financial institutions. It will be a targeted scheme aimed at new companies or expanding companies trying to develop new products or markets that can demonstrate repayment capacity for the additional credit facilities but which cannot secure credit facilities, due to insufficient collateral or a lack of familiarity or understanding of the new industry, the new product or the potential of new markets. The amount of money that will be invested in this scheme and the criteria that will be applied are intrinsic elements of the scheme design, which is the subject of the current tendering process.

The Government's commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before any commitment to a roll-over of the scheme for subsequent years. The temporary partial credit guarantee scheme will complement the Government plans on the restructuring and recapitalisation of the banking system which seek to secure an adequate flow of credit into the economy to support economic recovery.

### **Enterprise Support Services**

31. **Deputy Jonathan O'Brien** asked the Minister for Jobs, Enterprise and Innovation the actions he will take to promote the use of co-operatives in order that they reach their full potential; if his attention has been drawn to the fact of the important role that the co-operative model has played in our economy. [21159/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The co-operative model is one of a number of legal options that are available to those considering establishing themselves in business, and the different models have their own distinct characteristics. It is of course up to each individual operation to choose the model that best suits the nature of the business and the desired ethos of the entity.

Insofar as the direct promotion of co-operatives is concerned, I believe that this is properly a matter for the co-operative movement, and indeed it is ably done by the three main umbrella groups for co-operatives: the Irish Co-operative Organisation Society (ICOS) — which developed predominantly in the dairy industry but has branched out to the wider food, agribusiness and rural sectors in Ireland; the National Association of Building Co-operatives (NABCO), which deals with housing co-operatives; and the National Federation of Group Water Schemes (NFGWS), which deals with group water schemes.

The co-operative sector in Ireland is strong and the consultation paper issued by my Department on the legislation that governs the majority of co-operatives in Ireland, the Industrial and Provident Societies Acts, recognised the importance of co-operative societies and organisations to the economic and social fabric of Ireland over the last century.



[Deputy Richard Bruton.]

Arising out of this consultation process I recently announced that I had obtained approval from Government for the drafting of a Bill that will address a range of issues raised by the sector. I hope to publish the Draft Bill early next year. I expect that the amendments I am proposing will make the co-operative model more attractive for those wishing to use it.

By introducing these legislative changes for co-operatives, the Government is recognising the value of the co-operative business model to our economy, particularly at the present time.

### **Proposed Legislation**

32. **Deputy John Browne** asked the Minister for Jobs, Enterprise and Innovation if he will provide a timeline for the introduction of fair trade legislation. [17629/11]

48. **Deputy Michael Colreavy** asked the Minister for Jobs, Enterprise and Innovation when the promised legislation to ban a number of unfair trading practices in the retail sector, such as “hello money” from food suppliers, will come into force. [17618/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 32 and 48 together.

The Programme for Government contains a specific commitment to “*enact the Fair Trade Act, which will ban a number of unfair trading practices in the retail sector such as ‘hello money’ which suppliers have to pay to secure a place for their goods on supermarket shelves*”. It is my intention to give effect to the commitment in the Programme for Government by including a specific enabling provision in the legislation, currently being prepared to merge the National Consumer Agency and the Competition Authority. Government gave its approval to draft this legislation at its meeting on 5 July 2011 and I hope to publish it and present it to the Oireachtas before the end of this year.

On 6 July 2011, I also published the report and draft outline code of practice, which was submitted to me by Mr John Travers, the facilitator appointed to explore the possibility of agreeing a voluntary code. His view was that agreement on such a voluntary code was not achievable at present. Thus, in preparation for introducing a statutory code, I have initiated a consultation process in relation to the draft outline code prepared by Mr. Travers. I have asked that submissions be made to my Department by 1 September 2011 at the latest.

The Government is strongly committed to ensuring that Ireland continues to have vibrant agri food and retail sectors, particularly given the importance of these sectors to the national economy. The Government considers it important, therefore, that there is balance in the relationship between the various players in the grocery goods sector. The introduction of a Code of Practice is intended to achieve such a balance taking into account the interests of all stakeholders in the grocery goods sector including the interests of the consumer and the need to ensure that there is no impediment to the passing on of lower prices to consumers.

### **Departmental Responsibilities**

33. **Deputy Barry Cowen** asked the Minister for Jobs, Enterprise and Innovation the division of responsibilities for foreign trade between his Department and the Department of Foreign Affairs; the number of officials that have been transferred from his Department to the Department of Foreign Affairs to help it to carry out its role; the new initiatives in the foreign trade area that have resulted from this division of responsibilities; and if he will make a statement on the matter. [21074/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The new arrangements provide specifically for the transfer of responsibility to the Department of Foreign Affairs and Trade of certain trade promotion functions, including, specifically, management of the Export Trade Council, as well as responsibility for Joint Economic Commissions.

The new Export Trade Council, being established following the commitment in the Programme for Government and which subsumes the role of the former Foreign Trade Council, will oversee the implementation of the recommendations in the *Strategy for Trade, Tourism and Investment to 2015*, which was launched in September last. The Council will now to be chaired by the Minister for Foreign Affairs and Trade and I will also be a member, together with the Minister for Transport, Tourism and Sport, Deputy Leo Varadkar, the Minister for Research and Innovation Deputy Sean Sherlock and the Minister for Trade and Development, Deputy Jan O'Sullivan.

Responsibility for the organisation and management of Joint Economic Commissions, and for setting up any new Joint Economic Commissions, is now also a matter for the Department of Foreign Affairs and Trade. Joint Economic Commissions are formal Intergovernmental bodies that provide a forum for discussing issues that relate to the development of economic and business cooperation and scientific and technological cooperation. Ireland currently operates Joint Economic Commissions with five key growth markets.

In relation to leading Trade Missions to foreign export markets, the specific circumstances of the target market and of the company sectors involved, will influence Ministerial participation. My intention is to maximise the potential of these events to bring Irish businesses into direct contact with business opportunities abroad, by targeting sectors and countries where there is significant potential. While the programme of trade missions for the remainder of 2011 has yet to be finalised, I can confirm that I and the Minister of State in my Department will participate in missions to the Southern U.S., the U.K., and Australia before the end of the year, facilitated by Enterprise Ireland and Science Foundation Ireland.

The Government is very committed to developing Trade with the BRIC countries (Brazil, Russia, India and China), which are exciting export markets with high potential for growth.

My Department retains lead responsibility for Trade Policy including policy within the framework of the EU Common Commercial Policy and the World Trade Organization. Discussions on free trade agreements, liberalization of world trade in the context of the WTO's Doha Round or using other avenues to expand opportunities for our exporters are directly linked to the sectoral enterprise and investment policies that are being developed by my Department and its Agencies. It is therefore essential that I ensure a coherent approach between export strategies, investment policies and the broad trade policy agenda. Export control licensing for the export of military or dual use goods will remain in my Department. In addition, my Department will continue to manage the compilation and analysis of detailed trade statistics, and will continue to be active on relevant other Bilateral Trade promotion issues.

Three officials, who had been working in the Bilateral Trade Unit of my Department, transferred to the Department of Foreign Affairs and Trade last month. The transfer of these trade promotion functions, which took effect just last month, will seek to enhance the levels of cooperation and coordination of the relevant State bodies with the presence abroad provided by the Department of Foreign Affairs and Trade. That Department's Embassy and Consulate network, which is the largest overseas representation of Ireland's resources, will play an important role in facilitating trade and building linkages worldwide, and builds on the existing high level of official coordination in the promotion of Ireland's economic interests overseas. The new enhanced arrangements for trade promotion activities will be provided for in a Memorandum of Understanding between both Departments and the agency.

### Enterprise Support Services

34. **Deputy Sandra McLellan** asked the Minister for Jobs, Enterprise and Innovation if he has taken any initiatives to facilitate the development of energy co-operatives. [21161/11]

233. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation if he will urgently review the legislation prepared by the previous Government to update the ancient law governing co-operative societies with a view to making provisions for energy co-operatives. [21021/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 34 and 233 together.

Following a wide consultation by my Department with all interested parties in relation to the existing legislation pertaining to co-operatives, I recently announced that I had obtained Government approval for the preparation of new legislation aimed at addressing some of the practical difficulties faced by the co-operative sector.

Among the issues raised by the co-operative sector was a concern that a current statutory limit on individual shareholdings in societies — there is a limit of €150,000 or 1% of the total assets of a society, whichever is the greater — acts against renewable energy co-operatives, where quite intensive capital requirements apply. To address this concern, and to encourage the growth of energy co-operatives, one of the legislative changes I am proposing is the abolition of the limit on individual shareholdings. I hope to introduce this legislation early next year.

My responsibility lies in the legislative provision for co-operatives in general. Any initiatives to facilitate the development of energy co-operatives in particular would be a matter for my colleague, the Minister for Communications, Energy and Natural Resources.

### Legal Fees

35. **Deputy Aengus Ó Snodaigh** asked the Minister for Jobs, Enterprise and Innovation the actions he will take to reduce costs to local businesses in view of the fact that the legal system is now 12% more expensive than it was in 2006 and that Ireland is now the fourth most expensive location for fees. [21146/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I am keen to ensure that all costs that impact on businesses, including legal costs, are kept as low as possible in order to enhance the competitiveness of enterprises in Ireland. Improved competitiveness will help businesses to retain existing jobs, create new ones, and contribute to economic recovery.

The National Competitiveness Council monitors and analyses costs and other competitiveness issues in the Irish economy. The “Costs of Doing Business in Ireland 2011” report published last month, shows that Ireland has regained some of its international cost competitiveness which is now at a level comparable to prices in February 2003. It also pointed to sectors where challenges to our competitiveness remain, including tackling legal costs. The report shows that Ireland is the fourth most expensive location of 18 benchmarked countries for the legal cost of contract enforcement. The countries benchmarked include a number of EU countries, as well as Korea, the US, China, Singapore and India.

The cost of legal services has been consistently cited by both the NCC and the Competition Authority in recent years as uncompetitive, and they point out that the delivery of legal services in Ireland is in need of reform. It is for this reason we made the commitment in the Programme for Government to establish independent regulation for the legal professions to improve access and competition, to make legal costs more transparent and to ensure adequate procedures for addressing consumer complaints.

My colleague, the Minister for Justice and Equality, Alan Shatter T.D., is in the process of preparing a Legal Services Bill, due to be published in the autumn, which will address these issues. I will continue to liaise closely with Minister Shatter on this matter to ensure the better regulation of legal services that will lead to greater transparency in costs and increase competition in the sector.

### **Enterprise Support Services**

36. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation the action he has taken to construct a microfinance start-up fund. [21158/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** As Minister for Jobs, Enterprise and Innovation, I recognise the importance of supporting business start-ups if we are to encourage entrepreneurship and create more jobs. I also acknowledge that micro enterprises can find it very difficult to access funding from traditional sources, particularly at start-up phase.

For this reason, the Minister for Finance and I confirmed on the 10th of May last, as part of the recent Jobs Initiative, that the Government is committed to setting up a dedicated Microfinance Start-Up Fund that will provide start-up and expansion loans to potentially viable businesses at the micro level. Microfinance applies to businesses with up to 10 employees and individual loans cannot exceed €25,000, although average loans will be significantly less. The Fund, including scheme design and appropriate delivery mechanisms, will be developed with a view to formalizing proposals in the context of Budget 2012.

My Department is taking the lead on this initiative and has almost concluded detailed discussions with relevant stakeholders, including the Department of Finance, the Department of Public Expenditure and Reform and the European Investment Bank and other organisations with experience in the area. Work is currently progressing on the development of a suitable model for delivery.

### **Public Procurement**

37. **Deputy Billy Kelleher** asked the Minister for Jobs, Enterprise and Innovation his plans to improve access by small and medium enterprises to public procurement. [21070/11]

47. **Deputy Pádraig Mac Lochlainn** asked the Minister for Jobs, Enterprise and Innovation the reforms he plans and when he proposes to introduce assurances that public procurement can become a tool to support innovation and allow greater access to small and medium-sized businesses. [21156/11]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):** I propose to take Questions Nos. 37 and 47 together.

Public procurement is governed by a complex set of EU rules to ensure fairness and transparency. However, given the size of the market, and the predominance of small and medium sized enterprises in Ireland, public procurement can be an important source of business for SMEs within the context of EU and national tendering rules. According to the latest data available to me from the National Procurement Service, the value of the public procurement market in Ireland in 2009 was €16 billion.

The Programme for Government includes a commitment to reform public procurement so that it supports innovative firms and allows greater access to public procurement by SMEs. The Minister for Finance, in introducing the Jobs Initiative to the Dáil on 10May last, also indicated that the Government will build on existing initiatives to promote greater access to

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procurement opportunities for SMEs, including through identifying and overcoming barriers to their participation in the procurement process.

The Jobs Initiative also includes a commitment that the Government will seek to foster greater SME engagement in developing innovative products and services to meet the needs of public bodies within the framework of EU law, and will explore schemes in other EU countries in that regard.

It is worth acknowledging that there have been some recent developments aimed at improving access by SMEs to public procurement. These measures include:

- The publication by my Department in 2009 of a *10-Step Guide to Smart Procurement and SME Access to Public Contracts*. This Guide provides practical advice to public bodies on measures which could boost the involvement of SMEs in public procurement.
- In August 2010, the Department of Finance issued new guidelines to public contracting authorities, aimed at ensuring that tendering processes operate in a manner that facilitates increased participation by SMEs. These guidelines include practical suggestions to facilitate access to procurement by SMEs, such as reducing the level of administrative requirements in the early stages of the tendering process, ensuring that pre-qualification criteria are proportionate, and sub-dividing contracts into lots.
- Enterprise Ireland has a dedicated Public Procurement Team to focus on procurement opportunities in Ireland and abroad for indigenous companies, including SMEs, and to accelerate knowledge within contracting authorities in the public service of the potential of these companies.

Building on these initiatives, and to drive forward the Government's commitments in the Programme for Government, a Steering Group on SME Access to Public Procurement has been established by my Department to examine what more can be done to improve SME participation in tendering for public contracts and to recommend actions that will deliver results.

The Steering Group will also examine the potential for developing a new scheme that provides opportunities for SMEs to provide innovative solutions to public sector requirements, based on schemes operated in other countries. The Group will make recommendations on foot of its considerations.

The Steering Group consists of the key players in the public procurement area, including the National Public Procurement Policy Unit of the Department of Public Expenditure and Reform, the National Procurement Service, Enterprise Ireland, InterTradeIreland, and my own Department which chairs the Group.

The Steering Group's inaugural meeting took place last week. The Group is now drawing up a work programme which will identify specific actions to be taken within clear timeframes to improve SME access to participation in public procurement. The Group will report regularly to me and to Minister Bruton on progress.

### **Wage-Setting Mechanisms**

38. **Deputy Seán Crowe** asked the Minister for Jobs, Enterprise and Innovation the steps he has taken to date and the steps he will take in the immediate and longer term to ensure that the JLCs are put on a legal footing in view of the recent High Court judgement on JLCs. [21147/11]

43. **Deputy Willie O'Dea** asked the Minister for Jobs, Enterprise and Innovation the measures he plans to introduce to protect vulnerable workers following the recent High Court ruling on joint labour committees. [21066/11]

50. **Deputy Richard Boyd Barrett** asked the Minister for Jobs, Enterprise and Innovation if he will give any assurances to low-paid workers covered by the JLC/REA system before the summer recess that their incomes and conditions will not be reduced as a consequence of the legislation that he is preparing in this area; and if he will make a statement on the matter. [21133/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 38, 43 and 50 together.

On 7 July, the High Court issued its ruling in a legal challenge, taken by John Grace Fried Chicken Ltd and others, to the Joint Labour Committee system and the 2008 Employment Regulation Order (ERO) covering the Catering Sector outside of Dublin. The High Court ruled that certain provision of the Industrial Relations Acts of 1946 and 1990 governing the making of EROs are unconstitutional and that the 2008 ERO constituted an unlawful and disproportionate interference in the property rights of the plaintiffs.

The High Court ruling does not prevent the establishment under law of Joint Labour Committees for the purpose of setting minimum wage rates and terms and conditions of employment for vulnerable categories of low-paid workers. Nor does it affect the operation of the 13 already established Joint Labour Committees. What has been declared to be invalid is the power of these JLCs to make regulations in relation to remuneration and conditions, as well as the power of Labour Court to make EROs on foot of an application made by a JLC, and the enforcement of all the Orders in place up until now.

Immediately following the judgment, I engaged in urgent consultations with the Attorney General and her Office to explore all legal options available so as to provide protection for workers previously covered by EROs. In particular, two possibilities were examined: enacting emergency legislation to provide temporary protection for workers pending enactment of comprehensive reforms, and appealing the judgment with the possibility at the same time of securing a stay of execution on its effects.

The fact that the process of making EROs has been found by the High Court to be unconstitutional together with the lack of adequate Oireachtas scrutiny of this process only underscores the need for reform proposed by the Independent Review Report on these statutory wage setting mechanisms.

The overall finding of the Report of the Review was that the basic framework of the current JLC/REA regulatory system requires radical overhaul to improve competitiveness. The purpose of the recommendations of the Report is to create a framework within which greater efficiencies and necessary adjustments in payroll costs can be achieved in the affected sectors.

As the Deputy knows, this Government has been determined to protect vulnerable workers by restoring the National Minimum Wage and by retaining the JLC mechanism but in a substantially reformed framework. The recent High Court judgment has made reform imperative and urgent.

The Government is determined to proceed with urgency to a substantial reform of the current JLC/REA regulatory system in order to restore protection to vulnerable workers and at the same time introduce necessary reforms to ensure that business can adapt to the difficult economic conditions and open up new job opportunities for people who have been particularly badly affected by unemployment.

The comprehensive reform proposals that have already been the subject of discussions with stakeholders and at Government will address the weaknesses identified in the High Court judgment, and will restore protection for workers in the relevant sectors.

The drafting of the necessary legislation will be given the highest priority.

[Deputy Richard Bruton.]

My intention is that the new legislation will be introduced to the Dáil very early in the next term, with prioritised enactment to follow thereafter.

### **Enterprise Support Services**

39. **Deputy Martin Ferris** asked the Minister for Jobs, Enterprise and Innovation his plans to develop a vibrant and effective social enterprise sector; and the number of persons that will be employed in this sector. [21163/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The enterprise agencies under the aegis of my Department do not have a specific role in the provision of supports to the social enterprise sector. Rather, the agencies are focused on assisting enterprises in the commercial sphere to create employment with a central focus on export-led growth.

In both the Programme for Government and in the recently announced Jobs Initiative, the Government signalled that it is committed to setting up a dedicated Microfinance Start-Up Fund that will provide start-up and expansion loans to potentially commercially viable businesses at the micro level, who have been refused credit by the banks. Microfinance applies to businesses with up to 10 employees, individual loans cannot exceed €25,000 and the business must demonstrate commercial viability.

The Programme for Government also sets out a commitment to promote the development of a vibrant and effective social enterprise sector, which is a separate, although very important, sector. Initiatives in this area will be of primary concern to my colleague Ministers responsible for promoting community activity and the social economy. The Minister for Environment, Community and Local Government now has responsibility for the Rural Development Programme 2007-13 and the Local and Community Development Programme. Responsibility for the Community Services Programme, which supports local community activity that addresses disadvantage, is the responsibility of the Minister for Social Protection.

As Minister for Jobs, Enterprise and Innovation, I will, of course, work with my colleagues around the Cabinet table in implementing this Programme for Government commitment.

### **Economic Competitiveness**

40. **Deputy Billy Kelleher** asked the Minister for Jobs, Enterprise and Innovation the proportion of Ireland's loss of competitiveness in recent years that was due to currency fluctuations; and his immediate priorities in tackling the problem of cost competitiveness in the economy. [21068/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Ireland experienced a significant loss in cost competitiveness as measured by the real Harmonised Competitiveness Indicator over the past decade, reflecting a combination of an appreciation of the Euro against the currencies of many of our trading partners and higher price inflation in Ireland. Between 2002 and early 2008, our cost competitiveness declined by almost a third. Adverse exchange rates accounted for about three quarters of this decline, with the rest due to higher rates of inflation in Ireland compared with our main trading partners.

Since 2008, however, we have regained some of this lost competitiveness and Irish competitiveness is now back to 2003 levels. This has been driven almost equally by favourable exchange rate movements and lower rates of inflation compared with our competitors.

Ireland's competitiveness has also been improved through a reduction in the costs of doing business. Improvements have been seen in relation to labour costs, property costs, utilities and

business services, as highlighted in the recent Cost of Doing Business report published by the National Competitiveness Council.

To continue to build on this improvement in our competitiveness, however, the Government recognises that it must put in place structural reforms to our cost base, to ensure that the gains we make are permanent and will not be eroded by a resumption in growth or exchange rate movements.

In this context, I am have been in contact with my Ministerial colleagues, highlighting the issues which the National Competitiveness Council believes must be addressed to strengthen the competitiveness of our cost base, and asking them to consider those recommendations.

I am also continuing to develop proposals for substantial reform of our sectoral wage agreements and I am working with my Government colleagues, through the Cabinet Committee structure, to identify actions that can be taken to reduce costs in other areas, such as commercial rates, legal costs and administrative burdens.

The High Level Group on Business Regulation, which is chaired by the Minister of State for Small Business, John Perry T.D., works to fast-track simplifications to specific red-tape issues identified by business. In addition, an Inter Departmental group of officials from all Departments responsible for regulation affecting business, co-ordinates the measurement and reduction of administrative burdens in a systematic manner, based on the internationally recognised standard cost model.

To date, the High Level Group has processed 48 specific red-tape issues brought to its attention by business, and continues to drive progress on a further 20 items. The Group continues to work with business interests to identify new opportunities for simplification.

My Department has already reduced measured burdens by 22%, which is an annual saving of almost €187 million for business. I expect to be in a position to announce further initiatives in this area before the end of the year.

### **Industrial Development**

41. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation the efforts that will be made to bring jobs to County Kerry (details supplied). [21135/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Job creation is central to our economic recovery and the Programme for Government has job creation at its core. The role of my Department is to ensure that we have the right policies in place that will support and grow our enterprise base in order to facilitate both job creation and job retention. The Jobs Initiative announced on 10 May focuses our limited resources on measures that offer the greatest potential for expansion and employment creation in the domestic economy. The initiative has a significant focus on tourism and the reduction in the VAT rate and the abolition of the travel tax will provide an important stimulus to tourism businesses in Kerry and around the Country.

IDA Ireland promotes Kerry for new inward investment across the ICT, International Financial Services and Globally Traded Business sectors. As well as attracting new foreign direct investment, IDA works closely with its existing clients in Kerry to encourage them to expand their operations in the County. IDA continues to market all available land and buildings in the county including its Business and Technology Park at Tiernaboul, Killarney. In Tralee, IDA is also marketing the Kerry Technology Park, which is owned and managed by Shannon Development in partnership with the Institute of Technology Tralee. In selecting locations to show companies, IDA Ireland seeks to include locations, which have been affected by closures and job losses. While IDA Ireland seeks to influence the selection of location, the final decision is



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taken in all cases by the promoter. At present there are 15 IDA Ireland-supported companies in Co. Kerry employing more than 1,300 people.

Enterprise Ireland continues to support job creation through a number of interventions, such as supporting the establishment and growth of high potential start-up companies and supporting companies to target new opportunities in overseas markets. At present there are 133 Enterprise Ireland client companies in Co. Kerry employing more than 3,000 people in full time jobs. In 2010, Enterprise Ireland paid out over €3.2m in financial support to its client companies in Co. Kerry. In addition, the agency has been providing support to six community enterprise projects since 2006. The agency aided the development of the Tom Crean Centre in the Institute of Technology Tralee, which currently houses 19 start-up businesses. In addition, the Shannon ABC — Applied Research Enhancement Centre in the Institute of Technology Tralee, received funding from Enterprise Ireland and has a total of 23 industrial collaborations to date.

The role of Kerry County Enterprise Board is to provide a source of support for micro-enterprise in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level. Business growth, job creation and retention are central to its activities. Since its inception in 1993 to end 2010, Kerry CEB has issued almost €7.1m in grant assistance to 888 clients. So far this year, Kerry CEB has paid out over €173,000 in grant support to 32 micro-enterprise project promoters in the County, with an associated job creation figure of 31. There are approximately 1,300 people employed full time in companies assisted by Kerry CEB. Throughout 2011, Kerry CEB will continue to be actively involved in the economic development of the County and will be actively engaged in supporting job creation and retention through its range of supports to the micro-enterprise sector.

In regard to regulation, the previous Government committed in 2008 to reducing administrative burdens by 25% by 2012. The work to reduce administrative burdens on business in Ireland is being progressed on two fronts. The High Level Group on Business Regulation, chaired by Minister of State Perry, works to fast-track simplifications to specific red-tape issues identified by business. In addition, an interdepartmental group of officials from all Departments, having regulation affecting business, co-ordinates the measurement and reduction of administrative burdens in a systematic manner, based on the internationally recognised standard cost model. My Department has already reduced measured burdens by 22%, or 90% of the target to be achieved, which is an annual saving of almost € 187 million. I expect that I will be in a position to announce the initiatives that will make up the remaining 3% before the end of the year.

### **Information Technology Sector**

42. **Deputy Willie O'Dea** asked the Minister for Jobs, Enterprise and Innovation the action he proposes to take to enable Ireland to realise the full economic benefits of cloud computing in view of his recent statements about its potential. [21067/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Ireland is extremely well-placed to take advantage of the rapidly-growing international potential of cloud computing. A recent report commissioned by Microsoft has estimated that by 2014 the cloud computing industry in Ireland could be worth €9.5 billion and employ 8,600 people. Now more than ever we must do everything we can to seize opportunities like this. I do not believe that these jobs will be created automatically, and the Government must act decisively and urgently if we are to position Ireland as a world leader in this high-growth sector.

The commitment in the Programme for Government on Cloud Computing sets out the Government's intentions in this important area of the ICT industry. The commitment provides

that we will make Ireland a leader in Cloud Computing by promoting greater use of cloud computing in the public sector, organising existing State supports for cloud computing into a package to promote Ireland as a progressive place for I.T. investment, establishing an expert group to address new security and privacy issues arising from the use of cloud computing and reviewing the adequacy of current legislation and identify what steps need to be taken to ensure a supportive regulatory environment.

In May I announced the establishment of a €5 million applied research centre in cloud computing, which will bring industry and researchers in this sector together in order to turn good ideas into good jobs

I also recently announced the establishment of the Cloud Computing Implementation Group. Last week I met with those members of the Group from my own Department and the Agencies under the aegis of my Department. The first meeting of the full group is scheduled to take place this Wednesday. Aside from my own Department and its agencies, the group includes representatives of the Data Protection Commissioners Office, the Department of Justice, Equality and Defence, the Department of Communications, Energy and Natural Resources and the Department of Public Expenditure and Reform.

Ireland already has a considerable presence in the Cloud Computing market with both multinational and indigenous companies actively engaged. The sector has the support of the full range of the programmes of the industrial development agencies, notably IDA, Enterprise Ireland and Science Foundation Ireland.

The implementation group will set out and implement a work programme under headings such as Enterprise Supports, Telecommunications Infrastructure, Data Protection and Information Security Legislation, Public Procurement, Skills, Energy and the Business Environment. The aim is to ensure that our arrangements are as favourable as we can make them to ensure Ireland becomes a leader in Cloud Computing.

*Question No. 43 answered with Question No. 38.*

### **Foreign Direct Investment**

44. **Deputy David Stanton** asked the Minister for Jobs, Enterprise and Innovation if an audit has been carried out of ready-to-go advance buildings suitable for the location of foreign direct investment enterprises; if he has satisfied himself that the stock of suitable buildings is adequate in this respect; if any deficit has been identified; and if he will make a statement on the matter. [21119/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Both IDA Ireland and Shannon Development maintain a property portfolio of land and buildings specifically to support the promotion of Ireland and its regions as a suitable location for FDI by providing tailored property solutions. The Agencies acquire and sell land and buildings at market prices and grant support for industrial projects is a separate issue.

On an ongoing basis, both agencies review the availability of suitable property solutions, including advance buildings. In the main, however, buildings are provided for rent by the private sector or are built and owned by the industrial company operating in them.

IDA Ireland informs me that it concentrates its marketing effort mainly in the Gateway locations in Ireland and that it has an adequate stock of suitable advance buildings that are in line with its marketing needs in most of these locations. However, the Agency does foresee a need to work with the private sector to deliver quality advance solutions to meet the needs of FDI into the future.

[Deputy Richard Bruton.]

As regards Shannon Development, that Agency has informed me that it has identified a range of good quality vacant offices, which are available for small to medium sized FDI projects from the International Traded Services sectors. In addition, Shannon Development has a range of manufacturing and warehouse space available, which is suitable for FDI projects in the manufacturing and logistics sectors.

### **Credit Guarantee Scheme**

45. **Deputy Seán Crowe** asked the Minister for Jobs, Enterprise and Innovation the actions he has taken on the commitment in the programme for Government to ensure that an adequate pool of credit is available to fund small and medium-sized businesses; and his views on whether the creation of a loan guarantee scheme will be of benefit to small and medium businesses. [21148/11]

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry):**  
I refer the Deputy to my reply to Question No. 22 of today.

The availability of credit to viable businesses is a recurring challenge that has hampered new or expanding firms from developing new products and markets and thereby protecting or creating jobs. This is a challenge the Government is determined to address.

I, together with my Departmental officials, continue to work closely with our colleagues in the Department of Finance to ensure that the interests of businesses are central to Government actions in the banking sector.

The recently announced plans by my colleague, the Minister for Finance, to restructure and re-capitalise the banking system is the principal response to this challenge. These plans are designed to secure an adequate flow of credit into the economy to support economic recovery, even as the banking system is downsized.

As the Minister for Finance has confirmed, the banking system restructuring plan creates capacity for the two Pillar Banks, Bank of Ireland and AIB, to provide lending in excess of €30 billion in the next three years. SME and new mortgage lending for these banks is expected to be in the range of €16 billion to €20 billion over this period.

In each bank, a team of senior managers will be dedicated to the task of ensuring lending continues to grow to support economic growth. This lending capacity is incorporated into the banks' deleveraging plans which allow for repayment of Central Bank funding through asset run-off and disposals over the period to 2013.

Both pillar banks regularly provide the Department of Finance with monthly figures on balance sheet volumes, sanctioned facilities and geographic and industrial breakdowns of their SME lending and for sanctions and drawdowns by SMEs. The data is monitored to ensure that the banks are compliant with the terms of the Government recapitalisation as it relates to the provision of credit for SMEs.

As part of the Jobs Initiative and in accordance with the commitment in the Programme for Government, I am working towards the introduction of a targeted, Temporary Partial Credit Guarantee scheme which will be in operation later in the year. A call for competition for the design of a scheme was published on e-tenders on 15 June 2011, closing on 7 July. Arising from this process, formal tenders should be received early in August and on completion of the procurement process, contract commencement is envisaged to be the last week in August. The completion date for the scheme design is scheduled for early October.

The design of the scheme will draw from international experience to support new lending that would not otherwise have been extended by the banks. In this way, the scheme will be

limited in its scope and will complement, rather than be a substitute for, existing lending activities by the main financial institutions. It will be a targeted scheme aimed at new companies or expanding companies trying to develop new products or markets that can demonstrate repayment capacity for the additional credit facilities but which cannot secure credit facilities, due to insufficient collateral or a lack of familiarity or understanding of the new industry, the new product or the potential of new markets. The amount of money that will be invested in this scheme and the criteria that will be applied are intrinsic elements of the scheme design, which is the subject of the current tendering process.

The Government's commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before any commitment to a roll-over of the scheme for subsequent years. The temporary partial credit guarantee scheme will complement the Government plans on the restructuring and recapitalisation of the banking system which seek to secure an adequate flow of credit into the economy to support economic recovery.

Work is also underway within my Department on the establishment of a microfinance fund to provide loans of up to €25,000 to micro-enterprises employing up to 10 persons for start-ups and expansions. These initiatives are not to replace lending through the normal banking system but to provide additional lending where specific measures are warranted.

Businesses having difficulty with credit refusals can use the services of the Credit Review Office which will carry out an independent and impartial review of a bank's decision to refuse or reduce credit. With effect from 9 July, the limit for loan applications that can be reviewed by the Credit Review Office has been increased from €250,000 to €500,000.

As a further assistance to improving the cash flow of businesses, all Government bodies (excluding commercial semi state bodies) are now required from 1st July 2011, to pay suppliers within 15 days of receipt of a valid invoice. Given that the public sector enters contracts with suppliers worth €15bn each year, the importance of such a policy for all the companies that do business with the State is clear.

These actions already taken will enable businesses to access credit and benefit from growth in our economic activity. I am committed to the provision of an adequate supply of credit to viable businesses and I will continue to ensure that our heavily supported banking system plays its role in supporting our enterprise sector.

### **Enterprise Support Services**

46. **Deputy Éamon Ó Cuív** asked the Minister for Jobs, Enterprise and Innovation when he plans to implement the promise of the programme for Government to allow small businesses to restructure debt without recourse to expensive court proceedings; and the priority that he is affording this matter. [21071/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Government has published a comprehensive programme setting out its goals over the full range of policy concerns. The Government will address this programme over its term of office in a measured and prioritised way.

Sections 201 to 204 of the Companies Act 1963 provide a structure for the negotiation of a scheme of arrangement or compromise between a company and its creditors under the supervision of the court. Upon application being made to the court, section 201 empowers it to order the convening and holding of meetings of creditors or members and, where a majority representing 75% in value at those meetings approves the scheme, the court is empowered to subsequently order that the scheme is binding, even on dissenting or untraceable members or

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creditors. The fact that a scheme of arrangement has been approved by the court must be adequately publicised.

There are also existing provisions in relation to examinership, and these are contained primarily in the Companies (Amendment) Act 1990. The fundamental principle of the examinership mechanism is that it offers protection for a short period to a company which is considered by the court to have a “reasonable prospect of survival”. I would stress the importance of this test — the remedy of examinership is only intended to be availed of by a company which has a reasonable prospect of continuing on an ongoing basis after the examinership, and which has an underlying sound business model to continue.

In addition, it is already the case that, under private contract law, creditors and debtors can agree to restructure their debts on a voluntary basis, without recourse to the courts. Such arrangements can also be legally binding.

In determining the scope for any possible extension of the provisions which I have outlined above, it will be necessary to assess the proper role of the courts, and the need to respect the interests of preferential creditors and of small creditors. I will consider these aspects carefully in determining how best to proceed.

I have recently met with interests advocating a new form of “Company Voluntary Arrangement”, or “CVA”, which is based on the comparable model which exists under U.K. law. I will reflect on the suggestions which have been made in this context as part of my overall consideration of the matter.

Finally, I remain open to any suggestions that could improve the effectiveness of the process.

*Question No. 47 answered with Question No. 37.*

*Question No. 48 answered with Question No. 32.*

### **Industrial Development**

49. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Jobs, Enterprise and Innovation if he will consider buying a factory (details supplied) at Boyle, County Roscommon, and making it available to a new processor or to several new start-ups within the food processing sector. [17992/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** In relation to the factory referred to, I am informed that Enterprise Ireland has been monitoring the situation closely and continues to actively pursue a replacement enterprise for these particular premises. I have been further advised that the company has advertised the premises for sale.

While Enterprise Ireland has no property portfolio, it did approve financial support for Community Enterprise Centres in five locations in Co. Roscommon including Arigna, Boyle, Ballaghaderreen, Castlerea and Roscommon Town. While Boyle Chamber of Commerce was approved funding for the construction of an Enterprise Centre, the Chamber advised that work on their project had been delayed indefinitely in 2009. Subsequently, Boyle Chamber of Commerce reviewed their plans and a revised proposal for the purchase of an existing building in Boyle was received by Enterprise Ireland. This revised plan has now been approved and approval has been given for eligible expenditure towards the development of an Enterprise Centre in Boyle, which will provide enterprise space for small companies. While funding was approved for a Community Enterprise Centre in Castlerea, I am informed that the promoters have now reviewed their project and are now pursuing a lease/purchase arrangement which may not be eligible for EI funding.

Currently, Enterprise Ireland (EI) activity is focused on the creation of new jobs through supporting entrepreneurs setting up new High Potential Start-Up Companies, the retention and creation of new jobs in existing companies and enhancing the innovation capability of Ireland at a national and regional level through support of research in companies and Third Level institutions. At present, there are over 60 Enterprise Ireland client companies in Co. Roscommon, employing almost 1,200 people and in 2010 the agency approved over €1.5m for client companies in the county.

The creation of jobs in Roscommon is also supported by the activities of the Roscommon CEB through a series of programmes and both financial and non-financial assistance are available to a project promoter. In 2010, Roscommon CEB provided over €340,000 to 16 projects and assisted more than 500 people in their training and mentoring programmes. During 2011, the Board has continued to support enterprise development in Boyle and throughout the County and will ensure that available funds are targeted to maximise entrepreneurial development.

In relation to potential Foreign Direct Investment (FDI) based job creation for the area, IDA Ireland's strategy for Roscommon is to promote the County as part of an integrated Midlands Region. In line with the National Spatial Strategy, IDA is committed to marketing the County town of Roscommon as a location for FDI. To this end, IDA Ireland works closely with educational institutions in the Region, in developing the best fit between their programs and the skill sets necessary to attract high value added employment to the county. At present, there are six IDA Ireland-supported companies in Roscommon employing approximately 755 people.

*Question No. 50 answered with Question No. 38.*

### **Europe 2020 Strategy**

51. **Deputy Dessie Ellis** asked the Taoiseach the recommendations submitted by him for a national reform programme under the Europe 2020 strategy for jobs and growth; and if he will make a statement on the matter. [21410/11]

**The Taoiseach:** The Europe 2020 Strategy has been adopted as a successor to the Lisbon Strategy for Jobs and Growth and aims to enable Europe to emerge stronger from the current economic crisis and to turn the European Union into a smart, sustainable and inclusive economy.

As part of the strategy each member state is required to prepare a National Reform Programme (NRP) for submission to the European Commission. Ireland's NRP was laid before both Houses of the Oireachtas on Friday 29 April and subsequently submitted to the European Commission, and is also available on my Department's website.

Ireland's NRP sets national targets in the five headline areas of (i) employment, (ii) research and development, (iii) climate change, (iv) education and (v) poverty.

(i) Employment — to increase the employment rate to 69-71% for women and men aged 20-64, including through the greater participation of young people, older workers and low-skilled workers and the better integration of legal migrants, and to review the target level of ambition in 2014, in the context of a proposed mid-term review of the Europe 2020 Strategy.

(ii) Research and Development — to raise combined public and private investment levels in this sector to 2.5% of GNP (approximately equivalent to 2.0% of GDP).

[The Taoiseach.]

(iii) Climate Change — to reduce emissions in the non-traded sector by 20% compared to 2005 levels; to increase the share of renewables in final energy consumption to 16%; and to move towards a 20% increase in energy efficiency.

(iv) Education — to reduce the percentage of 18-24 year olds with at most lower secondary education and not in further education and training to 8%; and to increase the share of 30-34 years olds having completed tertiary or equivalent education to at least 60%.

(v) Poverty — To reduce the number experiencing consistent poverty to between 2-4% by 2012, with the aim of eliminating consistent poverty by 2016, which will lift at least 186,000 people out of the risk of poverty and exclusion. The Government proposes to initiate a comprehensive review of the national target in 2011.

The NRP complements the Stability Programme Update prepared by the Minister for Finance as part of the European Semester, and the commitments of countries participating in the Euro Plus Pact.

An assessment of Ireland's NRP published by the European Commission in June, and endorsed at the June European Council, recommends continued implementation of the measures agreed as part of the EU-IMF Programme of Support.

*Question No. 52 transferred to the Minister for Arts, Heritage and the Gaeltacht.*

### **Census of Population**

53. **Deputy Aengus Ó Snodaigh** asked the Taoiseach if his attention has been drawn to the fact that the census protocols in place to respect prisoners' privacy were routinely set aside by the Irish Prison Service during the recent census; the steps he will take to ensure that in any future census all privacy protocols are fully complied with; and the further action he will take against those agencies which do not comply with them in the future. [20726/11]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** Following contacts with the Irish Penal Reform Trust in advance of the Census field operation, the Central Statistics Office in consultation with the Irish Prison Service agreed a policy to be put in place for the enumeration of prisoners. The policy, which was not legally binding, was devised to ensure, as far as was practicable given potential security concerns, that prisoners had the opportunity to complete their own census form in confidence.

The legal obligations applying to managers of communal establishments, such as prisons, were as set out in the Statistics (Census of Population) Order 2010. The CSO is satisfied that, with the co-operation of prisoners and the Irish Prison Service, a census form was completed in respect of every person who spent Census night in a prison and that the requirements of the Statistics (Census of Population) Order 2010 were observed.

The Office has received a written complaint from a prisoner in a particular prison regarding the enumeration of prisoners in that establishment on Census night. The Central Statistics Office is following up on this complaint with the Irish Prison Service.

Regarding plans for any future census, the CSO will again work with the relevant stakeholders to ensure that prisoners have the opportunity, insofar as possible, to complete their census return in confidence.

### **Constitutional Convention**

54. **Deputy Eoghan Murphy** asked the Taoiseach the mechanisms that are to be established

to involve persons who are interested in assisting with the constitutional convention. [20774/11]

**The Taoiseach:** Work has commenced on the preparation of detailed proposals for the establishment of the Constitutional Convention and, when ready, these will be considered by Government. The proposals will address matters such as the structure, composition and working methods of the Convention.

### Departmental Contracts

55. **Deputy Anthony Lawlor** asked the Taoiseach if companies (details supplied) are employed by him; and if so, the capacity of same. [20896/11]

**The Taoiseach:** The aforementioned companies have not been engaged by my Department since my appointment as Taoiseach.

### Departmental Appointments

56. **Deputy Shane Ross** asked the Taoiseach if he will provide full details of all appointments made at his Department since he took up office. [20898/11]

**The Taoiseach:** A full list of the appointments made by me in my Department since I took up office as Taoiseach are detailed in the table beneath:

Name	Grade
Mark Kennell	Chief of Staff
Andrew McDowell	Special Adviser
Paul O'Brien	Special Adviser
Angela Flanagan	Special Adviser
Mark O'Doherty	Special Adviser to the Government Chief Whip
Eoghan O Neachtáin*	Government Press Secretary
Feargal Purcell	Government Press Secretary
Cathy Madden	Deputy Government Press Secretary and Head of GIS
Joanne Lonergan	Assistant Government Press Secretary
Sarah Moran	Personal Assistant
Gerard Deere	Personal Assistant
Teresa Diskin	Personal Assistant
Pauline Coughlan	Personal Assistant
Colum Coomey	Personal Assistant to the Government Chief Whip
AnneMarie Durcan	Personal Secretary
John Lohan	Personal Secretary
Claire Urquhart	Personal Secretary to the Government Chief Whip

\*Eoghan O Neachtáin's contract of employment terminated on 30 June 2011.

### Departmental Contracts

57. **Deputy Shane Ross** asked the Taoiseach the amount of money paid by his Department to a company (details supplied) in the past decade; and the details of the projects. [20973/11]

**The Taoiseach:** The table below details the payments made to the company in the past decade by my Department.



[The Taoiseach.]

Year	Total Payments	Details
2002	€78,221	Implementation of HRMS Peoplesoft
2003	€96,351	Implementation of HRMS Peoplesoft and provision of training

58. **Deputy Shane Ross** asked the Taoiseach the cost of hiring of external public relations companies by his Department over the past decade; and if he will make a statement on the matter. [20974/11]

61. **Deputy Derek Keating** asked the Taoiseach the cost to him of the hiring of public relations companies and external advisors by the previous Governments between the years 1998 and 2011 in tabular form; the persons that initiated these contracts; if they were given out to tender; and if he will make a statement on the matter. [21411/11]

**The Taoiseach:** I propose to take Questions Nos. 58 and 61 together.

The table below details the expenditure on Public Relations by my Department from July 2002 to end of June 2011. The spend primarily relates to the National Forum on Europe and the Taskforce on Active Citizenship which were both discontinued in 2009.

Year	Spend on Public Relations
July-Dec 2002	€95,167
2003	€54,666
2004	€88,858
2005	€93,143
2006	€72,661
2007	€150,524
2008	€6,245
2009	Nil
2010	Nil
Jan-June 2011	Nil

The information for 1998 to June 2002 is not readily available.

59. **Deputy Shane Ross** asked the Taoiseach the amount of money paid by his Department to a company (details supplied) in the past decade; and the details of the projects. [20975/11]

**The Taoiseach:** The table below details payments made to the said company in the past decade by my Department:

Year	Total Amount Paid	Details
2001	€78,317	Provision of consultancy service in respect of eCabinet Project
2002	€35,365	Provision of consultancy service in respect of eCabinet Project

### Social Partnership

60. **Deputy Shane Ross** asked the Taoiseach if any savings have been made as a result of the

collapse of social partnership networks and bodies and reductions in related expenditure; and if he will make a statement on the matter. [20595/11]

**The Taoiseach:** While it is clear that the traditional model of formal agreement with the Social Partners is not appropriate to the current circumstances and issues we face, it is not correct to say that Social Partnership has collapsed. The Government continues to value dialogue with the social partners, and recognises the contribution that social dialogue can make to maximising common understanding across all sectors of society as we respond to the challenges facing the country.

Social dialogue continues to take place in different ways and through different fora. In particular, the National Economic and Social Council, which comes under the remit of my Department, provides a forum for consideration of strategic economic and social issues.

My Department has traditionally had limited expenditure relating to Social Partnership and, as such, the changes in how Government engages with the social partners has not impacted significantly on my Department's expenditure.

However, to maximise both effectiveness and value for money, the work of National Economic and Social Development Office (NESDO) has been streamlined through absorbing the appropriate functions of the National Economic and Social Forum (NESF) and the National Centre for Partnership and Performance (NCPF) into the National Economic and Social Council (NESC). As a result, the 2011 Grant-in-Aid allocation to NESDO was reduced by 30% on 2010.

*Question No. 61 answered with Question No. 58.*

### **Semi-State Bodies**

62. **Deputy Pearse Doherty** asked the Taoiseach the savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22634/11]

**The Taoiseach:** The National Economic and Social Development Office (NESDO) is the only agency under the aegis of my Department. The savings in a full year for NESDO if the maximum salary were capped at €100,000 would be just over €67,000.

### **Passport Service**

63. **Deputy Joe McHugh** asked the Tánaiste and Minister for Foreign Affairs and Trade his views on the provision of Irish passports to adopted children, with reference to section 3 of the Irish passport application, which notes whether a person was born abroad and adopted under Irish law by an Irish citizen, and the explanatory notes which refer to documentary evidence that establishes the Irish citizenship of an adoptive parent at the time of adoption; and if he will make a statement on the matter. [21250/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Passports Act 2008 provides, *inter alia*, that the Minister for Foreign Affairs shall be satisfied that a person is an Irish citizen before a passport is issued to him/her. The Minister has no discretion in awarding a passport to an individual who is not an Irish citizen. Any person who was born abroad and whose citizenship basis is directly linked to an Irish adoptive parent must provide with his/her passport application his/her original certificate of entry in the Irish Adoption Board's Register of Foreign Adoptions plus documents, such as birth and marriage certificates,

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that show that at least one of the adoptive parent(s) was an Irish citizen at the time of the adoption.

This practice by the Passport Service ensures that the adoption itself is legal in terms of Irish law and that the applicant has demonstrated his/her entitlement to Irish citizenship in accordance with the requirements of the Passports Act 2008.

### Foreign Conflicts

64. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will support UN membership for a Palestinian state. [20883/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I refer the Deputy to my reply to Priority Questions Nos. 9 and 10, answered on 13 July 2011, which follows.

The continuing Israeli military occupation of the Palestinian Territories is at the heart of the unresolved Arab-Israeli conflict. The issues which have been critical for Israel for most of its history — the existence of the State of Israel and its right to live in peace and security — have for many years now been accepted in principle by most Arab and Palestinian opinion. It is the continuing Occupation, and the creation and growth of illegal settlements on the occupied lands, which are now the major obstacles to peace. I consider it an urgent priority objective, both for Ireland and the EU, to help achieve the end of the Occupation and the establishment of a sovereign Palestinian state, living in peace alongside Israel. This has been the consistent view of Irish Governments since 1980. It is indeed long overdue. It remains my view that there should be a State of Palestine, and very soon.

It is widely expected, if the negotiations process remains effectively suspended, that the Palestinians will in the autumn seek some form of recognition at the UN for Palestinian statehood. They have made clear that for them this is very much a second choice, and that what they really want to be engaged in in the autumn is serious negotiations with Israel to achieve their objective of statehood through a comprehensive agreement. They are, as I am, more interested in achieving a state that exists in reality, rather than only in a UN Resolution, which will not of itself bring that state about.

It is also important to note that the Palestinians themselves have not yet decided exactly what, if any, action they will seek to take at the UN. This could range from full entry as a UN member state, to a General Assembly Resolution which could take many forms. Some of these possibilities would principally involve the Security Council, of which Ireland is not currently a member. There is thus no proposal on the table on which we can take a view, although our general support for the establishment of a Palestinian State is well known. In discussions at EU level, however, I have agreed with the view that assuring either side now of our support would be premature, and simply reduce the incentive on them to return to real talks, which is the more important objective.

As I have stated in answer to previous Questions, if the issue of recognition arises at the United Nations in the autumn, the Government will consider Ireland's response very carefully. We will take into account factors such as Ireland's long-standing support for the achievement of a Palestinian State, the exact terms and nature of what may be proposed, the positions of EU partners and other friends, the progress on the wider peace process, and our assessment of the practical impact of any such decision.

### Emigrant Support Services

65. **Deputy Brendan Griffin** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will put in place additional supports for Irish emigrants, particularly in the areas of further education while abroad and notification of employment opportunities here; and if he will make a statement on the matter. [20948/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Emigrant Support Programme, administered by my Department, provides funding to non-profit organisations and projects to support Irish emigrant communities overseas and to facilitate the development of more strategic links between Ireland and the global Irish. Since 2004 over 80 million Euro has been provided to organisations which provide culturally sensitive, front-line welfare, information and advocacy services to Irish emigrants.

Whilst the provision of education opportunities is not a core function of the Department of Foreign Affairs and Trade, many of the organisations which receive funding through the Emigrant Support Programme assist Irish emigrants in accessing information on both educational and employment opportunities. These services have made a substantive difference to the lives of Irish people living abroad, including through tackling social isolation, and enabling Irish emigrants to access their local, statutory entitlements.

In addition to the grant funding provided to services abroad, the Emigrant Support Programme supports the Crosscare Migrant Project. Crosscare works with intending, existing and returning Irish migrants to assist them in accessing information and services on opportunities and entitlements, before they travel, whilst they are abroad and on return to Ireland. FÁS, the national training and employment authority, provides an online jobs vacancy service through its Jobs Ireland Website [www.jobs.ie](http://www.jobs.ie). This site is available worldwide and can be accessed by Irish emigrants abroad seeking work in Ireland. Our Missions abroad will also provide information to Irish people wishing to access job opportunities at home.

Further, it may be of interest to the Deputy to know that the Department of Foreign Affairs and Trade has provided support to the The Farmleigh Fellowship. The Fellowship is an initiative to emerge from the Global Irish Economic Forum in September 2009. It was developed by a number of Global Irish Network members based in Singapore and provides opportunities for up to 25 Irish graduates to work in Asia on placement with a broad range of international companies for four months and to participate in a joint MSc degree from University College Cork and the Nanyang Business School of the Nanyang Technical University in Singapore. There are 23 students currently undertaking the first year of the three year programme which received grant funding of €135,000 under the Emigrant Support Programme.

### Tax Code

66. **Deputy Peter Mathews** asked the Minister for Finance his view on a policy (details supplied); and if he will make a statement on the matter. [20735/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the possibility of an arrangement of the kind referred to by the Deputy has been examined in the context of substituting marked diesel with a general excise repayment scheme for qualifying consumers across all sectors. It was considered, however, that it would impose significant cashflow and administrative costs on businesses and consumers, pose serious control and enforcement risks and have substantial resource implications for Revenue.

In relation to substituting marked diesel with a VAT-only rebate scheme specifically for the agricultural sector as suggested, this has not been considered. However, it should be noted that

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VAT-registered operators in the agricultural sector are entitled to a VAT input credit for diesel purchased for purposes of their trade and for VAT-unregistered farmers, the farmers' flat-rate credit is already designed to compensate farmers, on an overall basis, for VAT suffered on their inputs, including diesel, used for farming purposes.

While there are no proposals to introduce a system along the lines suggested, this whole area is being kept under review in light of the increasing evidence of fuel laundering. Discussions are taking place with business representatives with a view to improving controls, and Revenue is working closely with Her Majesty's Revenue and Customs in Northern Ireland to manage the risk on an all-island basis.

### Energy Conservation

67. **Deputy Eoghan Murphy** asked the Minister for Finance, further to Parliamentary Question No. 177 of 7 July 2011, if he has communicated these initiatives to other Departments; and if he will keep indicators of their performance in this area. [20785/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** The Office of Public Works has involvement with energy conservation initiatives in the various buildings in its portfolio. A State-wide energy conservation campaign entitled "*Optimising Power @ Work*" was launched in January 2008. The aim of the initiative was to achieve a reduction of 15% in energy consumption in each of approximately 250 large buildings located throughout the country, which are owned/leased by the OPW for use by Government Departments and Agencies. The main focus of the project was the implementation of an intensive staff energy awareness campaign in each building, at the same time ensuring that the buildings were being operated in the most efficient manner possible with respect to all energy consuming processes, while maintaining or improving comfort conditions. The project also included basic energy audits of the buildings.

The initiative delivered average total savings of approximately 12%, €2.6 m annually, taking account of non-participating buildings. A second phase of the *Optimising Power @ Work* campaign was launched in late 2010 and the target for this programme is to achieve a 20% energy saving over a 2 year period. In general Phase 2 of the project involves intensively targeting buildings, which under-performed in the first phase. We continue to work with the established energy teams in all the buildings to optimise their energy performance and identify areas where further improvements can be made.

Savings to date of approximately 14% have been achieved. This figure however reflects additional buildings that have only recently joined the project and have not yet shown savings. It is expected that the savings will improve considerably over the coming months as the new energy teams in these buildings become established and proactive. Data for both electrical and heating fuel consumption is automatically collected from each building in the campaign, using a dedicated monitoring system. As part of *Optimising Power @ Work*, using this data, each building is provided with a monthly energy report, which provides information on their current energy performance compared to the target and recommendations on how it can be improved.

### Pension Provisions

68. **Deputy Peadar Tóibín** asked the Minister for Finance if former miners will have their pensions reduced by 10% as a result of the 0.6% Government pension levy; the number of other pension plans and persons affected in such a manner; if it is legal that there is such a large pension reduction; if there is scope for the pension firms to take on some of this cost; and the steps he will take to help pensioners in this situation. [20856/11]

**Minister for Finance (Deputy Michael Noonan):** The stamp duty levy of 0.6% applies to the market value, on the valuation date, of assets under management in pension funds and pension plans approved under Irish tax legislation. I cannot say what the precise impact of the levy will be on individual funds, schemes or members as this depends on whether and to what extent pension fund trustees and Life Offices decide to pass on the levy to individual members, given the particular circumstances of the pension funds or pension plans that they are responsible for. I can say that the Finance (No. 2) Act 2011 provisions which introduced the levy include certain safeguards in this area.

The payment of the levy is treated as a necessary expense of a scheme and the trustees or insurer, as appropriate, will be entitled where needed to adjust current or prospective benefits payable under a scheme to take account of the levy. However, should the option of reducing scheme benefits be taken, it must essentially be applied in an equitable fashion across the different classes of scheme members that could include active, deferred and retired members. In no case may the reduction in an individual member's or class of member's benefits exceed the member's or class of member's share of the levy. The Revenue Commissioners are also afforded oversight authority to review instances where benefits are adjusted as a result of the payment of the levy to ensure that any such adjustment is made in accordance with the requirements of the levy legislation. In undertaking any such review Revenue may consult with appropriate experts as they see fit.

I take the view that there is scope for the pension fund industry to absorb the impact of the temporary pension scheme levy by way of a reduction in the fees and charges made on those schemes. I have made that clear in this House and I have conveyed that view to representatives of the pension fund industry at face-to-face meetings and in writing. I will await developments in the coming months to see if, in fact, the pension fund administrators and providers have absorbed any of the pension fund levy this year. In the light of those developments, I would intend to pursue the matter further with them in the autumn.

69. **Deputy Michael McGrath** asked the Minister for Finance the rules governing access to an approved minimum retirement fund before the age of 75 years; and if he will make a statement on the matter. [21088/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that Approved Minimum Retirement Funds (AMRFs) are part of the Approved Retirement Fund (ARF) regime introduced in 1999. The ARF regime gives a considerable degree of control, flexibility and personal choice to certain categories of individuals in relation to the drawing down of benefits from their pension plans. Access to the ARF regime was extended to all main benefits from retirement benefit schemes (other than Defined Benefit arrangements) in Finance Act 2011.

Under the regime an individual can take his or her retirement lump sum and, other than immediately purchasing an annuity from a life assurance company, use the remainder of the pension fund to:

- receive the balance of the pension fund in cash (subject to tax, as appropriate), or
- invest in an ARF.

These latter options are subject to conditions. The conditions include the requirements that the individual be over 75 years of age or, failing that, that the individual has a guaranteed level of pension income (specified income) actually in payment for life at the time the option to effect the ARF or cash option is exercised. Finance Act 2011 increased the guaranteed level of pension income required from the previous fixed amount of €12,700 to a variable amount equal

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to 1.5 times the maximum annual rate of the State Pension (Contributory) bringing the “specified income” limit to €18,000 per annum at present.

Where the minimum specified income test is not met, then an AMRF must be chosen into which a “set aside” amount must be invested from the pension fund equal to 10 times the maximum annual rate of State Pension (Contributory) — €119,800 at present — or the remainder of the pension fund, after taking the tax-free lump sum, if less. Prior to Finance Act 2011, the “set aside” amount was fixed at the first €63,500 of the pension fund or the remainder of the fund after the tax-free lump sum, if less than that amount. As an alternative to going the AMRF route, an annuity can be purchased with the first €119,800 of the pension fund and the balance placed in an ARF or taken as cash subject to tax. The Finance Act 2011 changes in this area were signalled in the National Pensions Framework report which was published in March 2010.

Prior to Finance Act 2011, if the minimum specified income test was not met at the time the option to effect the ARF or cash option was exercised and the individual placed a “set aside” amount in an AMRF, that capital sum was effectively “locked in” and could not be accessed by the individual, other than to purchase an annuity, until he or she reached 75 years of age (at which point the AMRF automatically becomes an ARF) though any income generated by the fund could be drawn down subject to tax. This was the position even if the minimum specified income test was met after retirement. Finance Act 2011 changed this rule so that where the minimum specified income test is met at any time after retirement and before age 75, the AMRF automatically becomes an ARF with full access to the funds.

As a transitional measure, Finance Act 2011 allows the previous lower guaranteed income requirement of €12,700 per annum to continue to apply for a period of 3 years from the date that Act was signed into law (6 February 2011) for:

- individuals who had retired before that date and who already had an AMRF, and
- individuals who availed of the deferred annuity purchase option\*, had exercised the ARF (or cash) option within one month of the date of passing of Finance Act 2011 and who in exercising that option had transferred the requisite amount to an AMRF within that one month period.

This means that if such individuals satisfy the guaranteed income requirement of €12,700 within that three-year period their AMRF becomes an ARF. After this three-year period expires, the new higher guaranteed income test will have to be satisfied before the AMRF can become an ARF. The amount of guaranteed income required to meet the test will change in line with any future change in the maximum annual rate of State Pension (Contributory). *\*The deferred annuity purchase option was introduced with effect from 4 December 2008 for members of defined contribution occupational pension schemes and allowed them to defer the purchase of an annuity for an initial period of 2 years, in light of the fact that pension funds had been adversely affected by the falls in equity markets and the more general falls in assets values. The deferral option was operated administratively by the Revenue Commissioners. The period of deferral was subsequently extended to 6 March 2011 i.e. one month beyond the passing into law of the Finance Act 2011.*

### Tax Code

70. **Deputy Joe McHugh** asked the Minister for Finance if any tax or charge is envisaged on a product (details supplied); and if he will make a statement on the matter. [21284/11]

**Minister for Finance (Deputy Michael Noonan):** Wood chips for domestic fuels are liable to VAT at the rate of 13.5%, as is the case with the supply of all fuel products used for home heating or light. No further tax is payable on the product. In addition, the supply and installation of wood pellet burners also apply for the most part at the 13.5% rate. In order for the reduced rate to apply the VAT-exclusive cost of the burner must not exceed two-thirds of the total VAT-exclusive charge to the customer. The bulk of supply and install contracts generally meet this two-thirds rule. It should be noted that Chapter 3 of Part 3 of the Finance Act 2010 provides for the introduction, subject to a Ministerial commencement order, of a carbon tax on solid fuel supplied in the State. However, wood chip and other fuel wood are not included in the scope of this tax.

71. **Deputy Patrick O'Donovan** asked the Minister for Finance if changes are proposed to the current tax arrangements for capital transfers within families; and if he will make a statement on the matter. [20745/11]

**Minister for Finance (Deputy Michael Noonan):** The tax code currently provides for various reliefs — from Capital Gains Tax, Capital Acquisitions Tax and Stamp Duty — on capital transfers within families.

*Capital Gains Tax (CGT):*

Transfers of assets between spouses do not give rise to a chargeable gain for CGT purposes. Instead the asset is treated in the hands of the receiving spouse as having the cost and acquisition date of the spouse from whom it was acquired.

Retirement relief is a very significant CGT relief. It applies to assets that have been owned and used for the purposes of a trade or for farming for the ten years immediately prior to the disposal. It applies to a disposal of shares in family companies where certain proportions of shareholding exist. Where disposals are to unconnected persons there is a limit of €750,000 to lifetime disposals. However, where the qualifying conditions are met and the disposal is to a child of the disponent or to a nephew who has worked in the trade for the preceding 5 years, there is no limit — a full CGT exemption applies, regardless of the value of the business or farming assets transferred to the child or qualifying nephew.

There is a relief from CGT where a parent transfers a site of not more than an acre to a child. The child must build a house on the site and live in it as a principal private residence for three years. If the site is disposed of by the child without the conditions having been met, then the relief is withdrawn. There is also a relief from CGT where there is a partition, subject to conditions, of jointly owned farming partnership assets. This relief is not restricted to family members only.

*Capital Acquisitions Tax (CAT):*

There is a complete exemption from CAT in respect of all capital transfers by way of gifts and inheritances transferring between spouses. Apart from this overall spouse's exemption, for the purposes of CAT, the relationship between the person who provided the gift or inheritance (i.e. the disponent) and the person who received the gift or inheritance (i.e. the beneficiary) determines the maximum tax-free threshold below which gift or inheritance tax does not arise on capital transfers. Currently, there are, in all, three separate tax-free thresholds, known as group thresholds:

*Group A: €332,084* — applies where the beneficiary is a child (including adopted child, step-child and certain foster children) or minor child of a deceased child of the disponent. Parents also fall within this threshold where they take an inheritance of an absolute interest from a child. A nephew or niece who has worked full-time with a disponent in a trade, business



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or profession may qualify for the Group A threshold in respect of the property of that business, provided certain conditions are met.

*Group B: €33,208* — applies where the beneficiary is a brother, sister, a nephew, a niece or lineal ancestor or lineal descendant of the disposer.

*Group C: €16,604* — applies in all other cases.

If the value of gifts and inheritances received by a beneficiary exceeds his or her tax-free Group threshold, then a rate of CAT of 25% will apply on the difference.

The CAT code also exempts a gift or inheritance of a dwelling house completely from gift or inheritance tax in certain circumstances. The main conditions attaching to the dwelling-house exemption are that the beneficiary of the dwelling-house must have resided in the dwelling-house for a minimum of three years prior to the gift or inheritance and must not have an interest in any other dwelling-house. Family members can also claim agricultural relief or business relief from CAT, if the property gifted or inherited qualifies as agricultural or business property respectively.

*Stamp Duty:*

All transfers of property between spouses are exempt from stamp duty. Apart from this exemption, the stamp duty payable on transfers of non-residential property between family members is reduced by 50%. There is also an exemption from stamp duty on the transfer of agricultural land to a farmer who is under 35 years of age and who is the holder of certain educational qualifications. This exemption is not restricted to family members only.

A number of possible changes to the CAT and CGT provisions are under consideration as part of the proposed reform of capital taxation as outlined in the EU-IMF programme. The Deputy may be aware that the CAT Group tax-free thresholds were reduced by approximately 20% in Budget 2011. The nature, level and timeframe of any changes will be determined in the context of the Budget following the comprehensive expenditure review.

**72. Deputy Eric Byrne** asked the Minister for Finance the estimated cost to the Exchequer in 2010, 2011 and 2012 of granting deductions for interest against rental income for residential and commercial properties to individual taxpayers. [20794/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that based on personal income tax returns filed by non-PAYE taxpayers for the year 2008, the latest year for which this information is available, the amount of tax foregone by allowing a deduction for interest on borrowings to be offset against rental income assessable under Case V, Schedule D is estimated to have been of the order of €1,150 million. This estimate is based on assuming that tax relief was allowed at the top income tax rate of 41% and the figure provided could therefore be regarded as the maximum Exchequer cost in respect of those taxpayers. I am advised by the Revenue Commissioners that they are not in a position to provide data for 2009 and later years as the tax returns for that year and subsequent years are not yet due. The figures for 2008 are subject to adjustment in the event of late returns being filed or where returns already filed are subsequently amended.

It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return form 12 is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return form 11. This return is the source of the figures provided in this reply. The Deputy will no doubt be aware that the level at which interest repayments can be claimed against tax for

residential rental properties was reduced from 100% to 75% in section 5 of the Finance Act 2009 at an estimated full year yield of €95 million.

73. **Deputy Eric Byrne** asked the Minister for Finance the estimated cost to the Exchequer in 2010, 2011 and 2012 of granting deductions for interest against rental income for residential and commercial properties to companies. [20795/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that as the rental income of companies is returned as *net* of interest on borrowings the figures for interest are not separately distinguished in corporate tax returns. There is, therefore, no basis on which an estimate of the cost of tax relief involved could be provided.

74. **Deputy Eric Byrne** asked the Minister for Finance the expected cost to the Exchequer of tax forgone in 2010, 2011 and 2012 on property-related tax schemes, including legacy schemes that are now closed. [20797/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the relevant information available on the cost to the Exchequer of all property related tax schemes is based on personal income tax returns filed by non-PAYE taxpayers and corporation tax returns filed by companies for the year 2009, the latest year for which this information is available. These are set out in the table below:

Scheme	2009
	€m
Urban Renewal	93.1
Town Renewal	18.3
Seaside Resorts	5.3
Rural Renewal	28.0
Multi-storey car parks	5.2
Living over the Shop	1.7
Enterprise Areas	2.1
Park and Ride	0.8
Holiday Cottages	13.9
Hotels	102.1
Nursing Homes	21.6
Housing for the Elderly/Infirm	2.8
Hostels	0.30
Guest Houses	0.10
Convalescent Homes	0.5
Qualifying (Private) Hospitals	12.5
Qualifying Sports Injury Clinics	1.5
Buildings Used for Childcare Purposes	12.5
Mental Health Centres	0.0
Student Accommodation	19.1
Registered Caravan Parks	0.2
Mid-Shannon Corridor Tourism Infrastructure	0.2

It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return (Form 12) is not captured in the Revenue computer system. However, any PAYE tax-

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payer with non-PAYE income greater than €3,174 is required to complete an income tax return (Form 11).

The estimated relief claimed has assumed tax forgone at the 41% rate for 2009 in the case of individuals and 12.5% in the case of companies. The figures shown correspond to the maximum Exchequer cost in terms of income tax and corporation tax.

The figures for 2009 are subject to adjustment in the event of late returns being filed or where returns already filed are subsequently amended. Corresponding data cannot yet be provided for 2010 and later years as the tax returns for that year and subsequent years are not yet due.

75. **Deputy Eric Byrne** asked the Minister for Finance the Revenue Commissioners' best estimate of the amount of Schedule D Case V losses being carried forward by individual taxpayers based on 2009 tax returns, or the latest year available. [20799/11]

76. **Deputy Eric Byrne** asked the Minister for Finance the Revenue Commissioners' best estimate of the amount of Schedule D Case V losses being carried forward by companies based on 2009 tax returns, or the latest year available. [20800/11]

77. **Deputy Eric Byrne** asked the Minister for Finance the Revenue Commissioners' best estimate of the amount of unused capital allowances being carried forward by persons for offsetting against future Schedule D Case V income based on 2009 tax returns, or the latest year available. [20801/11]

90. **Deputy Eric Byrne** asked the Minister for Finance the Revenue Commissioners' best estimate of the amount of unused capital allowances being carried forward by companies for offsetting against future Schedule D Case V income based on 2009 tax returns, or the latest year available. [20814/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 75 to 77, inclusive, and 90 together.

I am informed by the Revenue Commissioners that on the basis of Form 11 tax returns for 2009 the amount of Schedule D Case V losses brought forward by individual taxpayers is €2.1 billion. Based on CT1 tax returns filed by companies for 2009 the corresponding amount of Schedule D Case V losses brought forward by companies is €265.5million. On the basis of the 2009 tax returns the amount of unused capital allowances carried forward by individuals for offset against future Schedule D Case V income is €1.8 billion. As there is no requirement to provide the necessary information in corporate tax returns, it is not possible to provide an estimate of the amount of unused capital allowances being carried forward by companies for offset against future Case V income.

### **Tax Yield**

78. **Deputy Pearse Doherty** asked the Minister for Finance the number of persons who paid capital acquisitions tax in the years 2005, 2006, 2007, 2008, 2009 and 2010; and if he will analyse the numbers in each year based on whether they fell within group threshold A, B or C. [20802/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the information available in respect of numbers of persons who paid Capital Acquisitions Tax is as follows:

Year	Number
2006	11,058
2007	12,320
2008	12,963
2009	11,910

A breakdown for 2009 by Group Threshold A, B and C of numbers who paid Capital Acquisitions Tax is as follows:

Group Threshold — relationship to Disponor	Number
A — Son/Daughter	1,358
B — Parent/Brother/Sister/Niece/ Nephew/Grandchild	7,241
C — Relationship other than Group A or B	3,311

Details from returns are not maintained in such a way as to provide a basis for compiling this information for earlier years.

79. **Deputy Pearse Doherty** asked the Minister for Finance the estimated cost of the tax foregone for thresholds A, B and C to capital acquisitions tax for the years 2005, 2006, 2007, 2008, 2009 and 2010. [20803/11]

80. **Deputy Pearse Doherty** asked the Minister for Finance the likely additional yield of capital acquisitions tax in the years 2009 and 2010 if the thresholds had been €200,000 for group A and €20,000 for groups B and C. [20804/11]

81. **Deputy Pearse Doherty** asked the Minister for Finance the likely additional yield of capital acquisitions tax in the years 2009 and 2010 if the thresholds had been €250,000 for group A and €25,000 for groups B and C. [20805/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 79 to 81, inclusive, together.

I am advised by the Revenue Commissioners that the relevant information on the cost of tax foregone in respect of group thresholds for Capital Acquisition Tax (CAT) is only available for the year 2009. The estimated tax foregone in that year for group threshold A is €134m, group threshold B €79m and group threshold C €17m. It is assumed the Deputy is asking for the potential yield if there were no tax free thresholds and gifts and inheritances were taxable in full. Revenue do not receive information on gifts and inheritances which currently do not have to be declared so it is not possible to estimate the potential yield if such benefits were brought into the tax net.

The group tax free threshold amounts for 2009 and 2010 were:

- From 1 January 2009 to 7 April 2009: €542,544 for group A, €54,254 for group B and €27,127 for group C.
- From 8 April 2009 to 31 December 2009: €434,000 for group A, €43,400 for group B and €21,700 for group C.
- From 1 January 2010 to 7 December 2010: €414,799 for group A, €41,481 for group B and €20,740 for group C.

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- From 8 December 2010 to 31 December 2010 (and to date) the thresholds are €332,084 for group A, €33,208 for group B and €16,604 for group C.

The additional yield from reducing the thresholds for CAT to €250,000 for Group A and €25,000 for Groups B and C, as compared with the actual thresholds, is estimated to be of the order of €97 million for 2009 and €75 million for 2010. On the same basis the corresponding yields from reducing the thresholds to €200,000 for Group A and €20,000 for Groups B and C are estimated to be €121 million for 2009 and €100 million for 2010.

The proposed group C threshold of €25,000 is greater than the group C thresholds which applied in practice from 8 April 2009 to 31 December 2010 (and to date). The proposed group C threshold of €20,000 is greater than the actual group C threshold for the period 8 December 2010 to 31 December 2010 (and to date). Implementing these thresholds would have given rise to an Exchequer cost, not a yield, amounting to €2.5 million in 2009 and €3.6 million in 2010 if the Group C threshold had been €25,000; and €0.2 million in 2010 if the Group C threshold had been €20,000.

All estimates are based on transactions recorded in 2009. It should be noted that these estimates are based upon an assumption that there would be no behavioural impact of the suggested changes, which could lead to a less than expected result from a change to the tax base. In addition, the realisation of any estimated yield from an increase in taxation on assets relating to property is subject to movements in the value of such assets which are currently occurring in the economy.

82. **Deputy Pearse Doherty** asked the Minister for Finance the effect to the capital acquisitions tax yield in tax forgone for the years 2005, 2006, 2007, 2008, 2009 and 2010 of the following exemptions: dwelling house, heritage property, retirement benefits and charities. [20806/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that estimates of the cost to the Exchequer of Capital Acquisitions Tax (CAT) forgone arising from reliefs for dwelling houses, heritage property, retirement benefits and charities are as shown in the following table to the extent that they are available:

Exemption	Year	Cost €m
Dwelling house	2008	43
	2009	36
Heritage Property	2003 to 2008	1
Retirement benefits		Not Available
Charities		Not Available

83. **Deputy Pearse Doherty** asked the Minister for Finance the estimated additional tax yield arising in 2011 if the imputed distribution from approved retirement funds (details supplied) was set up. [20807/11]

84. **Deputy Pearse Doherty** asked the Minister for Finance the current number of approved retirement funds in existence; and the number of funds falling within each of the following categories (details supplied). [20808/11]

127. **Deputy Pearse Doherty** asked the Minister for Finance the estimated total value of approved retirement funds on which the 0.6% pension levy does not apply. [21049/11]

128. **Deputy Pearse Doherty** asked the Minister for Finance the number of approved retirement funds created in the State since their inception; and the average value of each ARF. [21050/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 83, 84, 127 and 128 together.

These four questions all relate in one way or another to Approved Retirement Funds or ARFs. There is no requirement on qualifying fund managers who hold ARFs on behalf of the individuals entitled to the assets in those funds to provide data to my Department or to the Revenue Commissioners in relation to the value of assets in ARFs or on the numbers of ARFs held by them. I am not, therefore, in a position to provide the statistical data on ARF values and numbers requested by the Deputy.

As regards the imputed or notional distribution from ARFs, Budget and Finance Act 2006 introduced this measure at a rate of 3% of the value of the assets of an ARF on 31 December each year, which distributions are taxed at the ARF owner's marginal income tax rate. Funds actually drawn down from ARFs by ARF owners are already subject to tax at the marginal rate and such draw downs are credited against the imputed distribution in the year to arrive at a net imputed amount, if any, for the year. This measure was introduced to encourage the use of ARFs as intended — that is to fund an income stream in retirement.

The rate of notional distribution was increased in Budget and Finance Act 2011 to 5% and the increase applies to asset values at 31 December 2010 and future years.

Since detailed data on ARF values and numbers are not available to my Department, for the reason already explained, I am not in a position to provide an estimate of the additional tax yield based on the incremental ARF value and notional distribution rate approach set out in the details supplied with the question. I have indicated previously that I intend to examine, as part of my preparations for Budget 2012, how best to amend the existing arrangements insofar as higher value ARFs are concerned while ensuring that more modest ARFs are protected.

85. **Deputy Pearse Doherty** asked the Minister for Finance the amount of tax forgone in the years 2008 and 2009 and his estimate of the tax lost in 2010 due to the writing down of the value of land and property purchased during the property bubble and held as trading stock by property developers. [20809/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that taxable profits and allowable losses of a trade are computed in accordance with generally accepted accounting practice, subject to such adjustments as are required by tax legislation. Under generally accepted accounting practice, the value of land and property held by property developers as trading stock should be stated in the accounts at the lower of cost or net realisable value. The fall in land and property values in recent years has resulted in some property developers writing down the value of land and property held as trading stock in their accounts thereby resulting in a trading loss or a reduction in taxable profits. However, as the amount of any trading loss or reduction taxable profits that is attributable to such write-downs in land or property values is not separately shown in the income tax or corporation tax returns of developers, it is not possible to estimate the amount of tax foregone as a result of such accounting adjustments.

86. **Deputy Pearse Doherty** asked the Minister for Finance the number of audits carried out by the Revenue Commissioners to verify the revised valuations of property or land held by property developers in 2008, 2009, 2010 and to date in 2011. [20810/11]

87. **Deputy Pearse Doherty** asked the Minister for Finance the number of trained valuers or other property professionals employed by the Revenue Commissioners to carry out tax audits where property valuations are an issue. [20811/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 86 and 87 together.

I am informed by Revenue that cases are selected for audit based on the risks in the case. Revenue carried out the following number of audits specifically in the ‘Development and Selling of Real Estate’ sector and the results are as follows:

2008 — 465 audits — €33.8 million yield;

2009 — 377 audits — €27.6 million yield;

2010 — 318 audits — €22 million yield.

These figures do not include losses restricted following Revenue intervention which, in 2010, amounted to €1.58 million.

The risks associated with the write-down of property values is one of the risks that is considered in the audit of cases in this sector. Revenue does not directly employ valuers or property professionals for the purpose of carrying out audits. Where professional valuation services are required in the course of an audit, Revenue has recourse to a panel of professional valuation services set up following a public tendering procedure.

88. **Deputy Pearse Doherty** asked the Minister for Finance the amount of tax forgone in 2008, 2009, 2010 and to date in 2011 by the State as a result of incorporated bodies’ claiming losses against profits earned in a previous year. [20812/11]

89. **Deputy Pearse Doherty** asked the Minister for Finance the amount of tax refunded in 2008, 2009, 2010 and to date in 2011 as a result of companies’ setting current year losses back to a previous profitable year. [20813/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 88 and 89 together.

I am informed by the Revenue Commissioners that information in relation to tax losses claimed by companies against profits earned in a previous year is derived from corporation tax returns filed for the years 2008 and 2009. Data for the year 2010 is not yet available.

On the basis of information derived from corporation tax returns for 2008, the amount of trading losses carried back for offset against profits earned in a previous year is €1,573 million. The corresponding figure for carry back of trading losses in 2009 against profits earned in a previous year is €868 million.

Figures of corporation tax refunds to companies arising from carry-back of trading losses cannot be separately identified from refunds issued for other reasons.

The Deputy may wish to note the report on Revenue — Loss Reliefs that is contained in Chapter 17 of the Report of the Comptroller and Auditor General, Accounts of the Public Service, 2009.

*Question No. 90 answered with Question No. 75.*

### **Tax Reliefs**

91. **Deputy Eric Byrne** asked the Minister for Finance the cost of tax relief that was provided in respect of mortgage interest on principal private residences in 2009 and 2010; and the estimated cost for 2011. [20817/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the cost to the Exchequer of mortgage interest relief for principal private residences by way of tax relief at source (TRS) in 2009 and 2010 was €486 million and €375 million respectively. The cost for the full year of 2011 is provisionally estimated at €400 million.

### **Economic Growth**

92. **Deputy Eric Byrne** asked the Minister for Finance the estimated impact on nominal GDP growth and real GDP growth of the July 2008 budget adjustments, budget 2009, the February 2009 budget adjustments and the April 2009 supplementary budget, in view of the fact that his Department's information note on the economic and budgetary outlook for 2011 to 2014 estimated that budget 2011's fiscal adjustment of €6 billion reduced the rate of GDP growth by somewhere in the region of 1.5 to 2 percentage points. [20818/11]

**Minister for Finance (Deputy Michael Noonan):** Long-run historical relationships suggest that fiscal consolidation amounting to 1% of GDP reduces Ireland's economic growth rate by around 0.5 percentage points, reflecting *inter alia* the fact that a large part of domestic expenditure is on imported goods and services. This relationship is static in nature and does not allow for a number of factors which have a bearing on the impact of fiscal consolidation on economic growth. These include changes in credit conditions and the monetary policy stance, the credibility of the adjustment package, as well as its composition. On the latter, international evidence suggests that the economy is less impacted when consolidation focuses on spending as opposed to taxation measures. The composition of spending and taxation measures is also important. For example, a reduction in capital spending on machinery and equipment has less impact on the level of GDP, as much of this is imported rather than being produced domestically.

While there is no doubt that fiscal consolidation has had a dampening effect on economic activity, I will be very clear in saying that had such action not been taken, the deficit would have been far worse, with very negative growth consequences.

### **Tax Yield**

93. **Deputy Eric Byrne** asked the Minister for Finance the estimated additional yield of capital acquisitions tax in 2011 if agricultural and business relief was reduced from 90% to 75% . [20819/11]

94. **Deputy Eric Byrne** asked the Minister for Finance the estimated additional yield of capital acquisitions tax in 2011 if agricultural and business relief was reduced from 90% to 60% . [20820/11]

95. **Deputy Eric Byrne** asked the Minister for Finance the estimated additional yield of capital acquisitions tax in 2011 if agricultural and business relief was reduced from 90% to 50% . [20821/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 93 to 95, inclusive, together.



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I am informed by the Revenue Commissioners that the estimated full year yield in 2011 by reducing Agricultural Relief from Capital Acquisitions Tax (CAT) from 90% to 75%, would be in the region of €28 million; the estimated yield from reducing the relief from 90% to 60% would be in the region of €37million; and the estimated yield from reducing the relief from 90% to 50% would be in the region of €50 million.

The estimated yield from reducing Business Relief from CAT from 90% to 75% would be in the region of €10 million; the estimated yield from reducing the relief from 90% to 60% would be in the region of €22 million; and the estimated yield from reducing the relief from 90% to 50% would be in the region of €28 million.

These estimates are based on transactions recorded in 2009, the latest year for which the appropriately detailed data is currently available.

It should be noted that these estimates is based upon an assumption that there would be no behavioural impact from such changes, which could lead to a less than expected result from a change to the tax base. In addition, the realisation of any estimated yield from an increase in taxation on assets relating to property is subject to movements in the value of such assets which are currently occurring in the economy.

96. **Deputy Eric Byrne** asked the Minister for Finance the effect on the capital acquisitions tax yield, in terms of tax forgone for the years 2005, 2006, 2007, 2008, 2009 and 2010, of the following reliefs: agricultural relief, business relief and favoured nephew and niece relief. [20822/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the Exchequer cost of the reliefs mentioned by the Deputy are available for the following years as outlined below:

Tax Year	2008	2009
Estimated Cost — Agricultural Relief	€113m	€110m
Estimated Cost — Business Relief	€30m	€63m
Estimated Cost — Favourite Nephew/Niece Relief	Not available	€8m

Corresponding estimates are not available for earlier years.

### Personal Debt

97. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied). [20825/11]

**Minister for Finance (Deputy Michael Noonan):** I would like to inform the Deputy that there are measures in place to assist mortgage holders who are in genuine difficulties with regard to the payment of their mortgages. However, there are no measures that discriminate in favour of single homeowners as opposed to other categories of mortgage holders.

The Deputy will be aware of the work of the Expert Group on Mortgage Arrears and Personal Debt. This Group published its final report in November 2010. All of the Group's recommendations are listed in Chapter 2 of the Report which can be accessed at [www.finance.gov.ie](http://www.finance.gov.ie).

One of the recommendations of the Group was that lenders should offer a Deferred Interest Scheme (DIS) to borrowers. Under this Scheme, subject to certain criteria being satisfied,

borrowers are allowed to pay at least 66% of their mortgage interest but less than 100%. Payment of the balance may be deferred for up to 5 years. Lenders representing the majority of the market have already implemented (or indicated their willingness to implement) the Group's proposals for a DIS or a variation of it. While the Scheme 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.

Since the publication of the Group's Report, the Code of Conduct on Mortgage Arrears (CCMA) has been revised by the Central Bank to reflect many of the Group's recommendations, including key recommendations relating to the introduction by all lenders regulated by the Central Bank of a standardised Mortgage Arrears Resolution Process (MARP). The most significant changes in the revised CCMA include:

- penalty interest charges may not be imposed on borrowers in arrears who co-operate with the MARP,
- harassment of borrowers through unsolicited communication is outlawed,
- borrowers in financial difficulties, but not in arrears, are allowed to come under the MARP,
- when determining the 12 month period the lender must wait before applying to the courts to commence legal action, the lender must exclude any time period during which the borrower is complying with the terms of an alternative repayment arrangement, making an appeal to the internal appeals board or making a complaint to the Financial Services Ombudsman.

The revised CCMA came into effect on 1 January 2011 and can be accessed at [www.centralbank.ie](http://www.centralbank.ie). Lenders are required to comply with the CCMA as a matter of law. With effect from 30 June 2011, lenders must have in place the requisite systems and trained staff necessary to support the implementation of the MARP.

People in debt or in danger of getting into debt can also avail of the services of the Money Advice and Budgeting Service. This is a national, free, confidential and independent service.

### **Tax Code**

98. **Deputy Brendan Griffin** asked the Minister for Finance if he has explored the viability and potential net earnings of a 1 cent or 2 cent levy on text messaging; and if he will make a statement on the matter. [20859/11]

**Minister for Finance (Deputy Michael Noonan):** Text messages are already subject to VAT at 21%. I am informed by the Commission for Communications Regulation (ComReg) that no projections are made for mobile telephone usage, whether calls or texts. The only basis for estimating the yield from a tax on text messages is the figures for mobile telephone usage per quarter supplied by the companies to ComReg. In the 12 months to end March 2011, the last 12 month period for which figures are available, over 12 billion SMS messages and over 43 million MMS messages were sent in Ireland, a total of over 12.192 billion messages. At those usage rates, a levy of one cent on such messages could raise c. €121 million per annum and a levy of 2 cent on such messages could raise c. €242 million per annum. However, this potential yield does not take account of any behavioural impact if a levy was directly imposed on customers or imposed on the mobile phone companies and passed on to customers.

While any additional revenue would be welcome in the current circumstances, the wider social and economic factors which militate against the introduction of a further levy on text messages and telephone calls must also be taken into account. I am not aware of a similar tax

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anywhere else in the world. Although there are no plans to introduce such a tax at this time, all potential taxation measures are kept under review.

99. **Deputy Brendan Griffin** asked the Minister for Finance his views on whether an emergency super tax should be applied to the top 10% of earners for a period of three years during the current economic emergency; and if he will make a statement on the matter. [20860/11]

**Minister for Finance (Deputy Michael Noonan):** The position is that all taxation measures will be considered in the context of the forthcoming Budget and Finance Bill.

### **Semi-State Bodies**

100. **Deputy Mary Lou McDonald** asked the Minister for Finance if it is his intention to bring the National Treasury Management Agency CEO salary structure into line with commercial semi-state CEO pay ceilings; if the NTMA will be included in the review of the current performance bonus schemes for CEOs in commercial semi-state companies; and if this review will be extended to all levels of senior management in the NTMA. [20341/11]

101. **Deputy Mary Lou McDonald** asked the Minister for Finance, following a statement by the Minister for Public Expenditure and Reform in Dáil Éireann that he was unhappy with the pay arrangements for National Treasury Management Agency staff seconded to his Department who are not subject to public service pay ceiling, the actions he has taken to remedy this situation. [20340/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 100 and 101 together.

The legislation which established the NTMA in 1990 deliberately positioned it outside of the wider public service structures with operational freedom to negotiate market-competitive salaries so that it would have, for example, the flexibility to recruit specialists in mid-career from the private sector. Under the NTMA business model, its remuneration structure is such that there are no general pay grades and no pay scales and all staff are on individually-negotiated contracts.

This business model has allowed the NTMA to staff itself with the necessary technical expertise to carry out the financial and risk management functions which have been assigned to it by Government since its initial establishment as a single-function agency managing the National Debt. These additional functions include the State Claims Agency, the National Pensions Reserve Fund, the National Development Finance Agency and the National Asset Management Agency.

At the same time, public sector organisations must operate having due regard to the wider public policy context, which includes general economic circumstances. Accordingly, it is my intention to examine the approach to remuneration in the NTMA in more detail in the coming months following consultation with my colleague, the Minister for Public Expenditure and Reform. I will then see what changes, if any, might be appropriate in relation to the remuneration of all staff in the NTMA, having regard to the changing economic circumstances of the State and the need for transparency in public expenditure.

### **Tax Code**

102. **Deputy Catherine Murphy** asked the Minister for Finance when the ministerial order applying carbon tax to solid fuel will be commenced, in view of the fact that the Marketing, Sale and Distribution of Fuels (Amendment) Regulations 2011 limits all bituminous coal for

residential use placed on the market since 7 June 2011 to a sulfur content of no more than 0.7%, and in the context of the development of our own domestic renewable energy sector, particularly wood biomass and wind-generated electricity, and the need to reduce our over-dependence on imported fossil fuels; and if he will make a statement on the matter. [20965/11]

**Minister for Finance (Deputy Michael Noonan):** The section in the Finance Act 2010 that provides for the application of the carbon tax to solid fuels (coal and commercial peat) is subject to a Ministerial Commencement Order. This approach was primarily adopted by the previous Government in order to allow time for a robust mechanism to be put in place to improve the control of high-sulfur coal being sourced from Northern Ireland suppliers.

As the Deputy may be aware, in that context the Department of the Environment, in conjunction with the National Standards Authority of Ireland (NSAI), proposed new regulations for coal which would effectively extend the existing voluntary agreement for low sulfur coal to the entire State on a regulatory basis. A stakeholder committee was established to provide an input into the proposed regulations. Under EU law dealing with technical barriers to trade, Member States are required to notify the European Commission of all draft technical regulations concerning products before they are adopted in national law. Formal notification of the proposed new standard for coal issued from NSAI to the EU Commission in November 2010.

Following acceptance of the proposal by the EU Commission, the Minister for the Environment, Heritage and Local Government has recently introduced a new specification for the sulfur content of coal placed on the market for residential use in Ireland. This has been given legal effect through the Air Pollution Act 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2011.

In light of these developments, the issue of coal with a high sulfur content potentially being sourced from Northern Ireland has been addressed. In those circumstances the timing of the application of the carbon tax to solid fuels, as had been planned, will be considered.

103. **Deputy Brendan Griffin** asked the Minister for Finance if he will consider introducing a 10% levy on National Lottery or other winnings to individuals of more than €500,000; and if he will make a statement on the matter. [20985/11]

**Minister for Finance (Deputy Michael Noonan):** The receipt by a person of any bona fide sum by way of winnings from betting or from any licensed lottery is exempt from Income Tax, Capital Gains Tax and Capital Acquisitions Tax.

I have no plans to introduce a levy on lottery winnings at this time.

### **Banking Sector Regulation**

104. **Deputy Ciara Conway** asked the Minister for Finance his views on the cessation of overdraft facilities in a particular case (details supplied); if there is any mechanism, such as an appeal or review mechanism, available to the organisation to deal with this matter; the implications for the community and voluntary sector and those employed by the same; and if he will make a statement on the matter. [20990/11]

**Minister for Finance (Deputy Michael Noonan):** The decision on whether or not to grant credit facilities, including overdraft facilities, is a commercial decision for individual lending institutions. Each lending institution assesses properly and independently the individual risks that it is considering accepting. At the same time, borrowers should avoid building up substantial additional arrears due to interest accruing for long periods on overdrafts.

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I have no powers to request a bank to provide overdraft facilities to a given customer. I understand from the Central Bank that firms use overdraft facilities to cover short term cash flow issues such as the payment of wages and salaries. The issue is whether using overdraft facilities for such purposes is viable in the long term. Continued use of overdraft facilities may run the risk of incurring high interest charges which may ultimately call into question the viability of the enterprise. It is a matter for the operator of the enterprise to ensure that there are proper management and good governance arrangements in place to provide that the best interests of the community are served.

However there are mechanisms available to customers who are dissatisfied with the treatment they receive from a financial service provider. If a customer feels that he/she has not been properly treated, or that there are grounds for complaint for some other reason, then a complaint may be made to the financial institution concerned. If the customer is not satisfied with the response received from the institution, there may be grounds to forward the complaint to the Financial Services Ombudsman, who has statutory powers to investigate complaints against financial service providers. The Ombudsman will only consider a case once the internal complaints procedure within the financial institution concerned has been followed.

### **International Agreements**

105. **Deputy Dessie Ellis** asked the Minister for Finance the commitments submitted under the Euro Pact Plus on 3 May on Ireland's behalf; if he will circulate a copy of these commitments under each of the four headings; and if he will make a statement on the matter. [20994/11]

**Minister for Finance (Deputy Michael Noonan):** The Taoiseach submitted Ireland's first set of Euro Plus Pact commitments to the President of the European Council, Mr. Herman Van Rompuy, and to the President of the European Commission, Mr José Manuel Barroso, in letters dated May 3 2011. The commitments made under each of the four headings as sent in the letters are set out below.

#### *Ireland's Euro Plus Pact commitments*

##### *1. Fostering Competitiveness*

We are adopting policies to lower costs in sheltered sectors, thus boosting purchasing power and underpinning further competitiveness gains. These include:

- An independent review of Employment Regulation Order (ERO) and Registered Employment Agreement (REA) mechanisms, which has been completed.
- Consideration of a potential programme of asset disposal based on the Programme for Government and the Review Group on State Assets and Liabilities.
- Legislative changes to remove restrictions in the legal profession, medical services and the pharmacy profession, and to enhance competition in open markets.

##### *2. Fostering Employment*

A Jobs Initiative was announced in May 2011 which includes a range of further measures to support job creation. This reorientation of policies will be delivered within the overall fiscal targets of the EU/IMF Programme and includes:

- A 50% reduction until the end of 2013 in employers' social insurance contributions for low income earners (on a weekly wage of up to €356).
- A capital works programme concentrated upon "shovel-ready" labour intensive projects.

- A large increase in the number of places for the unemployed across a range of education and employment programmes.
- New taxation and sectoral measures to promote job creation.

### *3. Contributing further to the sustainability of public finances*

We are delivering key institutional reforms including:

- A recently announced Comprehensive Spending Review that will underpin the fiscal consolidation process.
- A Fiscal Advisory Council which will be established shortly.
- Reform of the budgetary framework by way of a Fiscal Responsibility Bill to be introduced in the third quarter of 2011.
- Proactive measures through the Social Welfare and Pensions Bill to reduce long-term pension liabilities.
- The introduction of measures to broaden the tax base.

### *4. Reinforcing financial stability*

We are addressing underlying weaknesses that led to the banking crisis. This will involve:

- Reforming and enhancing the supervisory framework for Irish banks.
- A radical reorganisation and downsizing of the Irish banking system to more appropriately serve the needs of the Irish economy.
- Deleveraging of the banking system to reduce lending in areas that will not support our economic recovery and also decrease the system's reliance on ECB/Central Bank funding.
- The return of the banks to profitability by rationalising their cost base and fully recapitalising them based on stringent stress tests carried out by independent experts.

As was noted in the Taoiseach's letter of 3 May, the enhanced co-ordination in the areas of competitiveness, employment, sustainability of public finances and financial stability under the Euro Plus Pact represent an important step for the Eurozone and EU in the area of economic governance. Ireland's commitments are reflected in our National Reform Programme and Stability Programme Update which were submitted in late April 2011. They will also be taken forward in the context of the EU/IMF Programme of Financial Support for Ireland.

### **International Financial Support Measures**

106. **Deputy Dessie Ellis** asked the Minister for Finance the scale of private-sector involvement in the voluntary roll-over of existing Greek debt at maturity; the additional funding from official sources that will be made available to Greece; and if he will make a statement on the matter. [20995/11]

**Minister for Finance (Deputy Michael Noonan):** On 23-24 June, euro area Heads of State or Government agreed that the private sector would be involved in the financing of a new programme of assistance for Greece. However, the modalities of such private sector involvement — such as the form that private sector involvement will take as well as its scale — have not yet been finalised. In these circumstances, it is not possible to accurately assess the level of official financing needs.

Euro area Heads of State or Government will meet on Thursday of this week to discuss matters further. Additional information regarding the scale and form of private sector involvement is expected to become available at that stage.

### Currency Support

107. **Deputy Brendan Griffin** asked the Minister for Finance if he has a contingency plan in the event of a requirement for the State to rely on our own currency. [20996/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, the focus of Government is to work with our partners in the euro area and the broader EU to maintain and enhance the stability of the euro. This is also the aim and intention of the wider international community including the IMF. Our actions support this. Financial support measures were put in place for Greece, and the European Financial Stabilisation Mechanism (the EFSM), the European Financial Stability Facility (the EFSF) were established. The permanent stability facility — the European Stability Mechanism — was agreed at the European Council. In addition to this, economic governance in the euro area has been enhanced with measures such as the Euro Plus pact. The European semester, for budgetary and economic policy monitoring and coordination, is already in operation.

A further significant step that all member states are taking is to ensure and enhance fiscal sustainability. That is why difficult decisions are being taken right across Europe by responsible Governments. Restoring growth potential and improving the public finances is the way forward.

As the Deputy will be aware, a meeting of Euro Area Heads of State and Government has been arranged for 21 July to discuss the latest developments and the appropriate response.

All these measures are concrete evidence of the determination of the Euro Area members to protect the currency, and also of their willingness and ability to do so. It is in the nature of modern economies and financial systems that difficulties will arise from time to time. The appropriate response to such difficulties is to take the measures necessary to defend an institution that has served its members — the euro area member states, including Ireland — very well. This is the approach that all major economies take: they defend their currency and do not abandon it at the first sign of difficulty.

### Tax Code

108. **Deputy Brendan Griffin** asked the Minister for Finance his views on a reduction of the excise duty on cider for on-premise sales in view of the history of excise increases on cider by past Administrations and the importance of the Irish cider industry for employment; and if he will make a statement on the matter. [21002/11]

**Minister for Finance (Deputy Michael Noonan):** The EU Council Directive 92/83/EEC of 19 October 1992, on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages, sets the parameters under which excise duty on alcohol products may be levied. It is not possible to differentiate the application of excise rates on where products are sold.

109. **Deputy Pearse Doherty** asked the Minister for Finance the likely tax return to the Exchequer in a full year if a 48% tax on individual incomes in excess of €100,000 was introduced, based on the latest data. [21030/11]

**Minister for Finance (Deputy Michael Noonan):** It is assumed that the threshold for the proposed new tax band mentioned by the Deputy would not alter the existing standard rate band structure applying to single and widowed persons, to lone parents and married couples.

I am advised by the Revenue Commissioners that the estimated full year yield to the Exchequer, estimated by reference to 2011 incomes, of the introduction of a new 48% rate would be of the order of €410 million.

However, given the current band structures, major issues would need to be resolved as to how in practice such a new rate could be integrated into the current system and how this would affect the relative position of different types of income earners.

This figure is an estimate from the Revenue tax-forecasting model using actual data for the year 2008, adjusted as necessary for income and employment trends for the year 2011. It is therefore provisional and likely to be revised.

110. **Deputy Pearse Doherty** asked the Minister for Finance the return to the Exchequer in a full year if he standardised all discretionary tax reliefs. [21031/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the deductions and reliefs which are allowable for tax at an individual's marginal rate of income tax and for which estimates of cost can be provided are set out below together with estimated costs for the year 2006, the most recent year for which the necessary estimates are available. If relief for these deductions and reliefs was confined to the standard rate of income tax the saving to the Exchequer could be of the order of €1,100 million.

This estimate does not take into account any possible behavioural change on the part of taxpayers as a consequence of such a change or the economic effect of such a change. This applies in particular to the BES, Film Relief and Capital Allowances regime. The standard rating of employee pension reliefs would also have an impact on workers' take home pay.

Tax Relief Provision	2006 Cost	Saving if standard rated
	€m	€m
Person Taking Care of Incapacitated Taxpayer	2.8	1.2
Health Expenses*	167.2	64.1
Contributions Under Permanent Health Benefit Schemes, after Deduction of Tax on Benefits Received	3.1	1.4
Employees' Contributions To Approved Superannuation Schemes	543.3	257.3
Retirement Annuity Premiums	435.9	210.2
Personal Retirement Savings Accounts	56.4	22.9
Interest paid relating to borrowings for purposes such as acquiring an interest in a company or partnership or to pay death duties.	31.1	15.4
Expenses Allowable to Employees under Schedule E	71.2	25.8
Donations to Approved Bodies	49.5	20.1
Donations to Sports Bodies.	0.3	0.1
Retirement Relief for certain Sports Persons.	0.2	0.1
Revenue Job Assist allowance	0.3	0.1
Allowance for seafarers	0.3	0.1
Investment in Corporate Trades (BES)	21.4	11.4
Investment in Seed Capital	1.2	0.6
Stock Relief	2.0	0.6
Relief for expenditure on significant buildings and gardens	6.2	3.0
Donation of Heritage items	5.7	2.0
Capital Allowances (Income Tax only)	796.8	328.2
Rented Residential Relief — Section 23	252.4	132.2
Investment in Films	36.4	19.1
Total	2,483.7	1,115.9



111. **Deputy Pearse Doherty** asked the Minister for Finance the return to the Exchequer in a full year if he abolished all remaining property-based tax reliefs. [21032/11]

**Minister for Finance (Deputy Michael Noonan):** It is assumed that the Deputy is referring to the abolition of the tax relief on future expenditure in relation to the following property based tax incentive schemes that remain in the tax code: certain tourism infrastructure under the Mid-Shannon Scheme (only 80% of expenditure can qualify in certain areas) and Qualifying Specialist Palliative Care Units (subject to Commencement Order).

I am informed by the Revenue Commissioners that based on information regarding the cost of these schemes, which has been received and collated for the tax year 2009, the latest year for which data is available, the annual yield to the Exchequer from the abolition of these reliefs could be in the region of €0.2 million.

All other such schemes have been abolished, subject to transitional arrangements for certain schemes where projects were already in the pipeline.

Tax relief in respect of investment in Convalescent Homes, Qualifying (Private) Hospitals, Qualifying Mental Health Centres, Registered Nursing Homes and Qualifying (Nursing Home) Residential Units was abolished in the Supplementary Budget and Finance Bill 2009.

Tax relief in respect of investment in buildings used for child care purposes was terminated in the Finance Bill 2010.

Apart from the schemes listed above all other property based tax incentive schemes were terminated on, or before, 31 July 2008. However, due to their nature these reliefs continue to impose ongoing costs on the Exchequer in terms of tax foregone.

112. **Deputy Pearse Doherty** asked the Minister for Finance the number of Irish passport holders who claim Irish tax exile status. [21033/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that nothing in Irish tax law makes reference to the term “tax exile”. I am assuming that in referring to “tax exile status” 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 — for example they may have gone abroad to work — 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 Revenue Commissioners are not provided with information about whether an individual holds an Irish passport.

113. **Deputy Pearse Doherty** asked the Minister for Finance the return to the Exchequer in a full year if he increased DIRT by 5%. [21034/11]

**Minister for Finance (Deputy Michael Noonan):** It is estimated that the yield to the Exchequer from increasing the DIRT rate by 5% to 30% is €80m in a full year, assuming no significant behavioural change by depositors or a change in interest rates applied by financial institutions to savings.

114. **Deputy Pearse Doherty** asked the Minister for Finance the value of DIRT forgone to the State through current exemptions for those over 65 years. [21035/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that sufficiently detailed figures are not captured on the statutory return of Deposit Interest Retention Tax (DIRT) filed by financial institutions in such a way as to provide a basis for compiling estimates of the impact on the Exchequer from the exemptions mentioned in the question. Accordingly, the specific information requested by the Deputy is not available.

An individual aged 65 years or over is only eligible for a refund of or exemption from DIRT if his or her taxable income, including deposit interest, does not exceed the relevant income tax exemption limit. This is currently €18,000 for single individuals and €36,000 for married couples.

115. **Deputy Pearse Doherty** asked the Minister for Finance the potential gain for the Exchequer annually if the exemption from DIRT was no longer applied to savings in excess of €100,000. [21036/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that sufficiently detailed figures are not captured on the statutory return of DIRT filed by the financial institutions in such a way as to provide a basis for compiling estimates of the impact on the Exchequer from the change mentioned in the question. Accordingly, the specific information requested by the Deputy is not available.

An individual aged 65 or over is only eligible for a refund of or exemption from DIRT if his or her taxable income, including deposit interest, does not exceed the relevant income tax exemption limit of €18,000 for single individuals and €36,000 for married couples. The majority of such individuals would be unlikely to have savings in excess of €100,000.

116. **Deputy Pearse Doherty** asked the Minister for Finance his views on introducing a wealth tax; and the potential return in a full year of a wealth tax levied at 1% on all assets over €1 million. [21037/11]

**Minister for Finance (Deputy Michael Noonan):** While I do not propose at this time to introduce a wealth tax, all taxes and potential taxation measures are constantly reviewed in the context of the Budget and Finance Bill.

Capital Gains Tax (CGT) and Capital Acquisitions Tax (CAT) are, in effect, taxes on wealth, in that they are levied on an individual or company on the disposal of an asset (CGT) or the acquisition of an asset through gift or inheritance (CAT). However, they are not annual taxes on an individual's wealth, which is presumably what the Deputy has in mind. The rate of both of these taxes is now 25%.

The Deputy will be aware that a Domicile Levy was introduced in Budget 2010. The Levy is charged on an individual who is Irish-domiciled and an Irish citizen whose world-wide income exceeds €1m, whose Irish-located property is greater than €5m, and whose liability to Irish income tax is less than €200,000. The first valuation date was 31 December 2010 and the tax return and payment of the levy for 2010 is due by 31 October 2011. The amount of the levy is €200,000.

I am informed by the Central Statistics Office that the CSO institutional accounts do not give an indication of the number of households or persons classified by the categories of wealth they hold. These statistics are based on aggregate information collected from financial institutions and do not contain the demographic details which would enable such a breakdown of the statistics. I am informed by the Revenue Commissioners that they have no statistical basis

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for compiling estimates in relation to a potential wealth tax. It is therefore not possible to provide the information requested by the Deputy on the potential return from a wealth tax.

### Departmental Schemes

117. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide this Deputy with data on the likely uptake for the employment and incentive scheme, which was announced in 2010 to replace the business expansion scheme. [21038/11]

**Minister for Finance (Deputy Michael Noonan):** It is difficult to forecast in advance the precise level of take-up of the new scheme. Due to the increase in the number of trades that can qualify for the scheme it is expected that there will be an increase in the take-up of the scheme in comparison with the existing Business Expansion Scheme.

A number of take-up scenarios were put forward in an ex-ante economic impact assessment of the Employment and Investment Incentive that was completed by my Department. This report is available on the Department of Finance Tax Policy website at <http://taxpolicy.gov.ie/wp-content/uploads/2011/03/EIIEconomicImpact.pdf>. I would point out that the new scheme is subject to Commencement Order and my officials are engaged on ongoing negotiations with the European Commission with regard to achieving State Aid approval for the scheme.

### Tax Yield

118. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide an analysis of the capital gains tax take for the years 2007 to 2010, inclusive, split between land, property, shares and other disposals. [21039/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the relevant information available is a proportional breakdown by reference to asset types of the aggregate consideration underlying chargeable gains for tax years 2007 to 2009 — that is, the total selling price prior to allowing any offsets or deductions, rather than the tax take per asset category. On this basis the figures, which are based on Capital Gains Tax (CGT) returns filed by individuals who made a positive entry in the CGT panel of Form 11, are as follows:

CGT 2007 to 2009 — proportional breakdown of consideration by asset

	2007	2008	2009 Provisional
<i>Asset Type</i>	%	%	%
Agricultural Land	10.5	8.5	8.3
Development Land	8.3	3.7	2.3
Shares (Quoted)	24.2	29.1	33.6
Shares (Unquoted)	19.0	22.7	28.0
Commercial Property	15.1	10.4	6.8
Residential Property	17.2	17.0	12.3
Shares Exchanged	0.5	1.8	1.0
Foreign Life	0.0	0.0	0.0
Offshore Funds	0.0	0.1	0.1
Other Assets	5.3	6.7	7.6
Total	100	100	100

A corresponding breakdown is not available in respect of the tax liability.

### Tax Code

119. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide this Deputy with the data on the volume and value of sales of principal private residences for the years 2007 to 2010, inclusive. [21040/11]

**Minister for Finance (Deputy Michael Noonan):** I understand the Deputy is looking for the volume and value of sales of principal private residences which are not subject to Capital Gains Tax (CGT). I am informed by the Revenue Commissioners that information on the value of capital gains arising from the disposal of principal private residences is not required in CGT returns (most disposals of principal private residences do not lead to a CGT liability). I am also informed by the Revenue Commissioners that Stamp Duty returns do not show whether the house being sold was the principal private residence of the vendor. They are therefore unable to supply data on the volume and value of sales of principal private residences which are not subject to CGT.

Housing statistics are a matter for my colleague, the Minister for the Environment, Community and Local Government.

120. **Deputy Pearse Doherty** asked the Minister for Finance the return to the Exchequer in a full year if capital acquisitions tax was increased to 35%. [21041/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the estimated full year yield to the Exchequer from increasing the Capital Acquisitions Tax rate by 10%, could be in the region of €110 million in a full year. However, this estimate is based upon an assumption that there would be no behavioural impact of such an increase, which could lead to a less than expected result from a change to the tax rate. In addition, the realisation of any estimated yield from an increase in taxation on assets relating to property is subject to movements in the value of such assets, which are currently occurring in the economy.

### Tax Yield

121. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide this Deputy with an analysis of the capital acquisitions tax, CAT, take for the years 2007 to 2010, inclusive, indicating the value of gifts or inheritances under the various thresholds and the tax take under each threshold. [21042/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the breakdown of yield from Capital Acquisitions Tax for the years in question is as follows:

Year	Inheritance tax €m	Gift tax €m	Discretionary Trust tax €m	Probate tax €m
2007	314.5	70.5	4.4	1.2
2008	291.8	46.8	3.3	0.9
2009	201.6	50.5	2.9	0.6
2010	186.2	46.8	3.0	0.5

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On the basis of the taxable values of gifts or inheritances liable to tax, the breakdown of the 2009 yield from Inheritance tax and Gift tax by Group Threshold A, B and C is estimated as follows:

Group threshold — relationship to disponor	% of total Inheritance tax and Gift tax
A — Son/Daughter	31.5
B — Parent/Brother/ Sister/Niece/ Nephew/Grandchild	50
C — Relationship other than Group A or B	18.5

Details from returns are not maintained in such a way as to provide a basis for compiling this information for earlier years.

### Tax Code

122. **Deputy Pearse Doherty** asked the Minister for Finance the return to the Exchequer in a full year if the rates of capital gains tax were increased to 30% and 40%. [21044/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the estimated full year gain from increasing the rate of Capital Gains Tax (CGT) from 25% to 30% is €65 million, and from 25% to 40% is €195 million. However, these estimates assume no behavioural changes on the part of taxpayers, and large increases in rates such as are contemplated in the question may have a significant behavioural impact. CGT is very dependent on individual behaviour and a change in rate may not produce a corresponding increase or decrease in tax yield. In current economic conditions any estimate of additional yield must be treated with caution. The realisation of any estimated yield from an increase in taxation on assets relating to property is subject to movements in the value of such assets, which are currently occurring in the economy. In addition, increasing the rate could, in theory, lead to a reduction in yield from the tax.

123. **Deputy Pearse Doherty** asked the Minister for Finance the potential gains to the Exchequer annually if a limit of €150,000 was applied to the capital gains tax exemption for the transfer of assets between married couples. [21045/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that figures are not captured in such a way as to provide a dedicated basis for compiling estimates of the impact on the Exchequer from the measure proposed in this question. Accordingly, the specific information requested by the Deputy is not available.

### Pension Provisions

124. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide data on the total value of Irish pension funds to which the 0.6% pension levy applies. [21046/11]

125. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide data on the value of Irish pensions funds divided between personal retirement saving accounts, retirement annuity contracts, executive schemes, company defined pension schemes, company defined contribution schemes, hybrid schemes and other schemes; and the numbers of members and contributors under each type of scheme. [21047/11]

126. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide data on the value of funds from outside the State invested in Irish pension funds and products. [21048/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 124 to 126, inclusive, together.

There is no general requirement for data on the value of Irish pension funds to be returned to my Department or to the Revenue Commissioners. Neither is there a requirement for data on the value of the investments of such funds held outside the State to be returned to either of those bodies. I am not, therefore, in a position to provide the Deputy with the relevant data in the manner requested. Certain of the data requested on Irish pension funds in relation to personal retirement savings accounts and occupational pension schemes may be available from the Pensions Board which operates under the aegis of my colleague, the Minister for Social Protection.

The estimate of the annual yield from the temporary 0.6% stamp duty levy on pension fund assets (€470 million per annum) is broadly based on estimates of the end-2010 aggregate value of such assets derived by my Department from various sources in the public and private sectors and taking account of the exclusions from the levy provided for in Finance (No. 2) Act 2011. The aggregate estimated value of assets on this basis is €78 billion.

*Question Nos. 127 and 128 answered with Question No. 83.*

129. **Deputy Pearse Doherty** asked the Minister for Finance the valuation of pension funds by bank and pension provider (details supplied) based here. [21051/11]

**Minister for Finance (Deputy Michael Noonan):** There is no general requirement for data on the value of Irish pension funds to be returned to my Department or to the Revenue Commissioners. I am not, therefore, in a position to provide the Deputy with the data in the manner requested.

130. **Deputy Pearse Doherty** asked the Minister for Finance the average percentage rate of income tax relief granted to persons for making pension contributions (details supplied) for each tax year 2000 to 2009, inclusive; and the value of income tax foregone as a result in each year. [21052/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the relevant information available is in respect of income tax relief allowed for contributions to Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) for the income tax years 2002 to 2008. RACs and PRSAs are available to the self-employed and to employees not in occupational pension schemes. The information is set out in the table, which provides the amount of allowable deductions, the tax reduction and the percentage of tax reduction to allowable deductions. The information in the table is based on income returns contained in Revenue records at the time the data were compiled for analytical purposes, representing approximately between 85% and 95% of all returns expected, depending on when the data was extracted for each year. These are lower than the figures used to provide the annual estimates of cost to the Exchequer because the latter, in accordance with normal practice, are grossed-up at aggregate level to adjust for the perceived level of incompleteness.

Retirement Annuities and Personal Retirement Savings Accounts\* — 2002 to 2008

Year	Amount of deduction	Tax Reduction	Tax Reduction as % of deduction
	€m	€m	%
2002	655.2	245.4	37.5

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Year	Amount of deduction	Tax Reduction	Tax Reduction as % of deduction
2003	715.9	270.9	37.8
2004	833.3	319.8	38.3
2005	954.2	368.1	38.6
2006	1,102.7	424.9	38.5
2007	1,029.2	384.7	37.3
2008	907.7	335.2	36.9

\*Figures for contributions to PRSAs are included for 2003 and later years.

### Tax Yield

131. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide analysis of the corporation tax take by industrial sector for the years 2007 to 2010, inclusive. [21053/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the relevant information for 2007, 2008 and 2009 is available from the Revenue Statistical Reports which are accessible on the Revenue website at *www.Revenue.ie*. The information is located in **Table TR6**, under the main chapter heading of **Total Revenue**. That table provides a percentage breakdown of the net receipt of PAYE, VAT, Income Tax, Corporation Tax and Capital Gains Tax by trade sector. The corresponding figures for 2010 will be included as soon as possible in the Statistical Report for 2010.

132. **Deputy Pearse Doherty** asked the Minister for Finance the value of corporation tax collections or refunds returned to banks covered under the bank guarantee scheme in the past three years. [21054/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the figures requested by the Deputy in respect of participating institutions under the Credit Institutions (Eligible Liabilities Scheme) 2009 (Bank Guarantee Scheme) are as set out in the following table:

Corporation Tax payments and refunds

Year	Payments	Refunds
	€ million	€ million
2008	338	23
2009	71	107
2010	26	28

The payment figures represent payments made in the calendar years 2008 to 2010, inclusive, in respect of any accounting period. The refund figures represent refunds made in those years.

133. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide analysis of corporation tax take on a county-by-county basis on the registered or trading address of each company as filed on those companies' CT1 forms. [21055/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the information available on corporation tax receipts by county is by reference to the geographical indicator of "bailiwick". Revenue Sheriffs, County Registrars or their officers

operate for the purposes of enforcement of tax debt within certain geographical boundaries known as a “bailiwick” which equates geographically with “county”. Data on the net receipts of most taxes can be linked to bailiwicks to provide an estimated breakdown of receipts on a county basis. The following table set out the estimated breakdown of net receipts for Corporation Tax for 2009, the latest year for which such information is available.

In considering the data it should be noted that the amount of tax attributed to a county may not necessarily be an indication of economic activity in that county as companies are associated on the tax record with the county address of the head-office or branch with which contact is established for tax purposes, which may be different to the city or county addresses of other branches. The distribution of corporate tax between regions can also vary from year to year as companies relocate.

Estimated breakdown of corporation tax collection by county for 2009

County	Corporation tax
	€m
Carlow	7.68
Cavan	31.51
Clare	47.20
Donegal	12.56
Galway	69.88
Kerry	21.58
Kildare	92.41
Kilkenny	9.77
Laois	4.57
Leitrim	2.76
Limerick	134.52
Longford	4.70
Louth	33.56
Mayo	23.07
Meath	19.63
Monaghan	6.93
Offaly	6.69
Roscommon	2.96
Sligo	29.19
Tipperary	32.44
Waterford	24.74
Westmeath	12.99
Wexford	23.36
Wicklow	56.76
Dublin	2,671.04
Cork	349.40
Other/foreign	157.09
Totals	3,889.0

### Tax Code

134. **Deputy Pearse Doherty** asked the Minister for Finance the number of companies availing of the research and development tax credit scheme from the years 2007 to 2010 scheme by



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industrial sector and on a county basis according to the registered trading address of each company as filed on those companies' CT1 forms. [21056/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the numbers of companies claiming the research and development tax credit for the years 2007 to 2009 is derived from the corporation tax returns for those years. The breakdown by economic sector and on a county basis is set out separately in the following tables:

Research & Development Tax Credit by Economic Sector

Trade Sector	2007	2008	2009
D. Manufacturing	128	242	383
E. Electricity, gas and water supply	—	—	7
F. Construction	—	12	25
G. Wholesale and retail trade	15	58	99
I. Transport, storage and communication	6	14	26
J. Financial intermediation	11	24	27
K. Real estate, renting and business activities	51	202	367
N. Health and social work	—	7	12
O. Other community, social and personal service activities	5	11	21
Other	10	12	14

Research & Development Tax Credit by County:

County	2007	2008	2009
Carlow	—	7	8
Cavan	—	10	13
Clare	8	13	24
Donegal	8	9	21
Galway	26	48	78
Kerry	—	18	23
Kildare	—	12	27
Kilkenny	—	—	9
Laois	—	—	5
Limerick	9	25	31
Longford	—	—	6
Louth	5	14	26
Mayo	—	6	20
Meath	5	11	16
Monaghan	—	6	10
Offaly	—	6	12
Roscommon	—	6	5
Sligo	—	—	11
Tipperary	—	11	12
Waterford	—	9	24
Westmeath	—	9	11
Wexford	5	6	14

County	2007	2008	2009
Wicklow	10	16	23
Dublin City	47	155	244
Dublin County	35	93	179
Cork City	13	32	51
Cork County	17	45	74
Other	38	15	4

The 2007 figures in the tables do not include some 253 applicants whose claims for the tax credit were submitted by means other than the tax returns. Due to the Revenue Commissioners' obligation to observe confidentiality for taxpayers and small groups of taxpayers certain companies have not been associated in the tables with their appropriate economic sector or county. These are included in the "Other" category of both tables instead.

The figures were given on the basis of "bailiwick", meaning, in this case, the jurisdiction or boundaries within which Revenue Sheriffs, County Registrars or their officers operate for the purposes of enforcement of tax debt and which equates geographically with "county". Companies are associated on the tax record with the county address of the head-office or branch with which contact is established for tax purposes, which may be different to the city or county addresses of other branches. The distribution of corporate tax between regions can also vary from year to year as companies relocate.

The sector identifier used on the tax records is based on the 4 digit "NACE code (Rev. 1)", an internationally recognised economic activity code system. The NACE codes are not essential for the assessment and collection of taxes and duties and the correct allocation and maintenance of these codes is subject to the limit of available resources. NACE code classifications on tax records are compiled by reference to the primary area of economic activity reported by individual and corporate taxpayers on their own behalf and the taxes collected are allocated to those codes without reference to the precise economic activity which generated them. While the accuracy of the NACE codes on tax records is sufficient to underpin broad sector-based analyses there will undoubtedly be some inaccuracies at individual level. This should be borne in mind when considering the information provided.

I am advised by Revenue that they are not in a position to provide data for 2010 as the bulk of corporation tax returns for that year are not yet due.

**135. Deputy Pearse Doherty** asked the Minister for Finance the number and value of companies in the mining and petroleum industry claiming research and development tax credits; and the taxable profits of these companies. [21057/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that their obligation to observe confidentiality for taxpayers and small groups of taxpayers precludes them from providing the information requested. I would draw the Deputy's attention to paragraph (i) of Appendix 2 of the R&D tax credit guidelines that are accessible on the Revenue website outlining categories of activity that are not research and development activities (e.g. prospecting, exploring or drilling for, or producing, minerals, petroleum or natural gas).

**136. Deputy Pearse Doherty** asked the Minister for Finance the potential gain to the Exchequer annually of placing a levy of 1% on the profits of holding companies here. [21059/11]

**Minister for Finance (Deputy Michael Noonan):** Holding companies of domestic groups do not generally have profits chargeable to corporation tax and thus imposing a 1% levy would not provide a yield for the Exchequer. I am presuming, therefore, that the Deputy is referring to holding companies with foreign subsidiaries. It is not possible to predict the effect such a levy would have on the behaviour and decisions of holding companies with foreign subsidiaries. This uncertainty in relation to responses prevents a reliable estimate being made of any yield that might accrue to the Exchequer if such a levy were imposed on their profits.

In any event, such a levy would be unlikely to yield significant additional Irish tax. Many of the holding companies concerned would be entitled, under the terms of our Double Taxation Treaties, to reduce the additional charge by the amount of foreign tax paid on the profits out of which their dividend income was paid.

### Tax Yield

137. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide analysis of the VAT take, split between the two rates of 13.5% and 21%. [21060/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that data is not available in a sufficiently detailed manner to provide a precise breakdown of the yields from the two rates of VAT as requested by the Deputy. However, it is tentatively estimated based on provisional macroeconomic data that in 2010, the standard VAT rate (21%) yielded around €6.5bn while the 13.5% reduced VAT rate yielded around €3.5bn.

### Tax Code

138. **Deputy Pearse Doherty** asked the Minister for Finance if any cost benefit analysis has been undertaken as to whether VAT should continue to be applied to equipment supplied to public hospitals. [21061/11]

**Minister for Finance (Deputy Michael Noonan):** VAT law in Ireland is applied in accordance with EU VAT law, under the EU VAT Directive. VAT is charged on the value added to the supply of goods and services by economic entities. The status of persons receiving those goods or services does not impact on whether or how VAT is charged on those items. In this circumstance, the VAT charged on a good supplied to a hospital will be based on whether the person supplying that good is registered for VAT and the rate of VAT applying to that particular good. Whether the good is supplied to an individual, hospital or business does not factor into how VAT is charged in that situation. In this context as EU law does not allow for the circumstances of the recipient to determine how VAT is charged on a good or service, a cost benefit analysis is not necessary.

However, it should be noted that Ireland, outside of the normal VAT rules, operates a VAT refund scheme for certain donated medical instruments and appliances under Statutory Instrument 58/92. The main conditions relating to this refund scheme are that:

- the appliance or instrument is donated to a hospital;
- the appliance costs €25,390 or more in value (exclusive of tax);
- the appliance is designed and manufactured for use solely in medical research or in diagnosis, prevention or treatment of illness;
- the appliance is purchased through voluntary donations, such that no part of the funds used in the purchase is provided directly or indirectly by the State, a State body or any public or local authority; and,

- the appliance is subject to a recommendation by the Minister for Health that, having regard to the requirements of the health services in the State, a refund of tax would be appropriate.

### **Tax Yield**

139. **Deputy Robert Troy** asked the Minister for Finance the number of direct and indirect jobs involved in the construction and refurbishment of hotels that qualified for tax incentives in the years 2004 to 2008; and if he will make a statement on the matter. [21108/11]

140. **Deputy Robert Troy** asked the Minister for Finance the taxes raised for the Exchequer directly and indirectly in the construction and refurbishment of hotels that qualified for tax incentives in the years 2004 to 2008; and if he will make a statement on the matter. [21110/11]

141. **Deputy Robert Troy** asked the Minister for Finance the annualised number of employees working in hotels whose construction and development was funded through tax incentives in the years 2004 to 2008; and if he will make a statement on the matter. [21111/11]

142. **Deputy Robert Troy** asked the Minister for Finance the annual tax rates taken to the Exchequer from hotels whose construction and development was funded through tax incentives from 2004 to 2008; and if he will make a statement on the matter. [21116/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 139 to 142, inclusive, together.

As those claiming reliefs in relation to tax incentive schemes were not required to provide details of the hotels for which they were claiming benefits in their tax returns there is unfortunately no basis on which the information requested by the Deputy can be gained from Revenue records. Such information could only be gleaned in the context of a detailed review.

My Department is currently undertaking a public consultation on the “legacy” property-based tax relief schemes, which includes the scheme of accelerated capital allowances for hotels. The consultation is the first stage in a process to assess the possible impacts of reducing, capping and/or abolishing such schemes. This impact assessment, which will consider the economic impact of curtailing the costs to the State of outstanding or “legacy” reliefs, will provide more detailed information on these schemes (including the hotels scheme). It will give us a better understanding of the benefits that may accrue to the Exchequer in terms of additional tax yield as well as consequences for investor groups and the wider economy arising from possible changes to the treatment of property-based legacy reliefs.

### **Tax Code**

143. **Deputy Robert Troy** asked the Minister for Finance the advice taken on the legal aspects of the proposal to restrict or guillotine property tax incentives in budget 2011; if he will publish same; and if he will make a statement on the matter. [21118/11]

**Minister for Finance (Deputy Michael Noonan):** The Department of Finance with the support of the Office of the Revenue Commissioners engaged in discussions with the Office of the Attorney General (AG) in relation to the many complex issues and attributes of the various “legacy” property-based tax schemes. The measures provided for in the Finance Act 2011 are in line with the advice received from the AG. We do not publish legal advice from the Attorney General.

[Deputy Michael Noonan.]

The Programme for Government states that property tax reliefs and other tax shelters which benefit very high income earners will be reduced, capped or abolished. To this end a public consultation is currently underway as the first stage in a process to assess the possible impacts of such changes on the “legacy” property-based tax relief schemes. The consultation paper and details of how to make submissions are available on the Department of Finance’s tax policy website [www.taxpolicy.gov.ie](http://www.taxpolicy.gov.ie). The consultation will run from 23 June to 29 July 2011.

The purpose of this consultation is to provide an opportunity for all interested parties to offer input on how the impact assessment should proceed in determining an appropriate policy approach to the “legacy” reliefs including Section 23 type reliefs. The Minister is keen to hear from all parties on this issue and has invited interested parties to respond to the consultation paper. The impact assessment will consider the economic impact of curtailing the costs to the State of outstanding or ‘legacy’ reliefs, which have so far not been fully claimed by investors. It will provide a better understanding of the benefits that may accrue to the Exchequer in terms of additional tax yield as well as consequences for investor groups and the wider economy arising from possible changes to the treatment of property-based legacy reliefs. The results of the assessment will be considered in the context of Budget 2012.

### Tax Yield

144. **Deputy Paschal Donohoe** asked the Minister for Finance the tax revenue expected for 2012, 2013 and 2014; if he will supply in tabular form the value, in gross spending and percentage terms, which is forecast to go into servicing the national debt, paying for public services and any costs associated with supporting the banking system; and if he will make a statement on the matter. [21170/11]

**Minister for Finance (Deputy Michael Noonan):** The following table sets out the details requested by the Deputy. All of the technical forecast figures in the table are taken from the Stability Programme Update (SPU) and will be subject to revision as the year progresses and more up-to-date economic and budgetary data becomes available and decisions with regard to the precise nature of the future budgetary consolidation to be implemented are taken. The Deputy should be aware that tax revenues are generally not assigned to particular areas of expenditure but rather are available, along with other sources of revenue such as non-tax revenue, capital receipts and Exchequer borrowing, to fund overall expenditure.

€ billion	Tax Revenue (A)	National Debt Servicing (B)	(B) as a % of (A)	Gross Voted Expenditure (C)	(C) as a % of (A)	Exchequer Banking Expenditure (D)	(D) as a % of (A)
2012	37.5	8.1	22	55.2	147	3.1	8
2013	39.9	8.9	22	53.3	134	3.1	8
2014	42.3	9.6	23	51.5	122	3.1	7

### Banking Sector Regulation

145. **Deputy Michael Healy-Rae** asked the Minister for Finance if the recently reported proposed bonus payment of €7 million to Bank of Ireland officials, which in essence is taxpayers’ money, will be allowed to proceed; if he will request these officials to forego such payments at this time; and if he will make a statement on the matter. [21253/11]

**Minister for Finance (Deputy Michael Noonan):** I assume the Deputy is referring to a recent article in a Sunday newspaper. Payments of some €7 million have been approved as contractually due deferred bonus and retention overseas payments and payments to temporary contractors. The bank has undertaken that no further submissions to the Department of Finance will be made for payment of contractually deferred payments for 2012 and beyond. I expect, however, other submissions on other remuneration matters will be made from time to time to the Department.

I wrote to Bank of Ireland on 8 July last and instructed the Bank that, in consideration of State support received, as and from the date of the letter, no employment bonus whatsoever was to be paid or awarded other than on foot of a Court order or with the prior consent of NTMA. Except as noted above, no bonus payments have been made in relation to Irish employees.

### Fiscal Policy

146. **Deputy Timmy Dooley** asked the Minister for Finance if he will refer to recent media reports that the drawdown of funds under the EU-IMF bailout programme is far ahead of schedule, and provide details of the most recent amount drawn down; if the drawdown is ahead of schedule or of our needs and, if so, the reason for same; how the funds have been used; how the excess amount was drawn down and, if held, if it is invested in commercial banks and the interest rate being received; if the interest rate is higher than the rate being paid to the EU-IMF; if he will confirm that any reduction in the rate under the bailout programme applies only to future moneys drawn down; the reason moneys are being drawn down in excess of current requirements; if the excess drawn down is being done by or encouraged by the Central Bank to take pressure off ECB money provided to commercial banks; the current estimate for the duration of the bailout programme; if the full amount provided in the programme will be required or if the bank bailouts will be less than the provision made in the programme; and if he will make a statement on the matter. [21292/11]

**Minister for Finance (Deputy Michael Noonan):** The EU-IMF Programme of Support for Ireland was agreed in late 2010 and runs to the end of 2013. There has not been an excess drawdown of funds under the Programme. The drawdown of funds to date under the Programme is in accordance with the disbursement schedule agreed by my Department and the NTMA with the European Commission and the IMF. Following the combined first and second review of the Programme in April 2011, the phasing of the drawdown of funds was changed to provide for later draw down of funds and to reduce the amounts required in 2011. To date, Ireland's nominal borrowings are €23 billion under the EU/IMF Programme. The details are set out in the following table.

Source	Loan amount	Disbursement Amount	Draw down Date	Maturity from date of receipt.	Interest Rate	Effective Interest Rate including all costs & EFSF Credit Enhancements
European Financial Stability Mechanism (EFSM)	€5.00 billion	€4.973 billion	12-Jan-11	4 years 11 months	5.425%	5.54%
	€3.40 billion	€3.39 billion	24-Mar-11	7 years	6.175%	6.21%
	€3.00 billion	€2.986 billion	31-May-11	10 years	6.425%	6.48%

[Deputy Michael Noonan.]

Source	Loan amount	Disbursement Amount	Draw down Date	Maturity from date of receipt.	Interest Rate	Effective Interest Rate including all costs & EFSF Credit Enhancements
<i>EFSM — totals/weighted average</i>	€11.40	€11.35		6.87 years	5.91%	5.99%
IMF	€5.84 billion	€5.84 billion	18-Jan-11	7½ years average life		2.345%SDR = € 4.77% <sup>1</sup>
	€1.58 billion	€1.58 billion	18-May-11	7½ years average life		
European Financial Stability Fund (EFSF)	€4.20 billion <sup>2</sup>	€3.592 billion	01-Feb-11	5 years 6 months	5.22% <sup>5</sup>	5.90%
Overall Total	€23.02 billion <sup>3</sup>	€22.36 billion <sup>4</sup>		6.83 years; weighted average life		5.58%

1. The current SDR floating rate (2.345%) on the IMF drawdown reflects the lower rate arising from a quota increase for Ireland on 4th March 2011. The estimated Euro Equivalent rate on credit outstanding is 4.77% (pricing 31st May 2010) after hedging.

2. This is the loan amount. The net loan, the amount made available to the Exchequer, from the EFSF is €3.592 billion after credit enhancement measures.

3. Taking account of €600 million in credit enhancement measures in the EFSF funding and below-par issuance by the EFSM and EFSF, the total cash received amount is €22.357 billion.

4. This is the overall Net Loan Amount.

5. This is the coupon of 2.75% plus the margin of 2.47%. The margin, in this case, has been paid in advance as per note 2 above.

The funds drawn down under the Programme of support are being used in accordance with the terms of the Programme. They are being applied to Exchequer financing, and also to recapitalise the Irish banks. This usage is in accordance with the objectives of the Programme, to return our economy to sustainable growth and to ensure that we have a properly functioning healthy banking system.

The Programme provides for a total of €85 billion of financial support, including €17.5 billion from our own resources. It was initially envisaged that €50 billion would be available for sovereign purposes — that is the funding of the Exchequer deficit and the refinancing of maturing loans — and up to €35 billion for bank recapitalisation. However, the prudential capital assessment review carried out by the Central Bank of Ireland in the first quarter of 2011 quantified the additional capital support required by the banking sector at €24 billion. It is anticipated that mitigating actions will generate up to €5 billion of the total, leaving €19 billion to be provided by the State. On this basis, some €16 billion of the funding originally earmarked for the banking sector is now available for sovereign funding, bringing the total available under the Programme for sovereign purposes to €66 billion. Based on current projections and assuming no market access, the State has access to sufficient funds for its needs into the second half of 2013. However, it is the stated intention of the NTMA to return to the debt markets before this point and as soon as market conditions permit.

In relation to the application of any interest rate margin reduction, as I have said on numerous occasions the Government is continuing to seek an interest rate margin reduction and every suitable opportunity is being taken to press our case for that reduction. It is my understanding that any interest rate margin reduction secured will apply to interest due on both existing and future drawdowns, but will not apply to any interest payments already made. In

this context, I would refer the Deputy to my response to PQ 15570 of 14 June last. In relation to the investment of any EU/IMF borrowings this is commercially sensitive information and for this reason, details regarding investments and the interest rates earned cannot be disclosed.

### **Tax Yield**

147. **Deputy Timmy Dooley** asked the Minister for Finance if he will clarify the issue of Internet shopping and VAT on same from the Central Statistics Office and the Revenue Commissioners aspect; the data available on the growing trend of out-of-State imported Internet shopping; the data available to show the trend *vis-à-vis* total retail business; the measures in place by the Revenue Commissioners to collect VAT; if the concentration of effort is on high-value items and so on; the penalties imposed in recent years in cases where attempts were made to import without paying VAT or the appropriate VAT; if the loss to the economy and Exchequer from Internet shopping can be quantified; and if he will make a statement on the matter. [21294/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that, in general, the amount of VAT and other taxes collected from internet trading is not separately identifiable as businesses are obliged to calculate and return VAT and other taxes by reference to their entire taxable activities, which includes both traditional forms of business and internet sales. Internet business includes sales to private businesses and consumers in Ireland by businesses in Ireland, other EU Member States, and from outside the EU. The vast bulk of such sales into Ireland, as with phone and mail order sales, involves small goods delivered through the postal system and the larger courier service firms.

Internet sales to Irish consumers by businesses based in Ireland are liable to VAT in the same way as other sales in Ireland and are accounted for and paid by the business concerned. Businesses based in other Member States must register and account for VAT in Ireland if their sales into Ireland exceed €35,000 in any year. Otherwise, they are subject to VAT in the Member State in which they are based and must account for and pay VAT in that Member State. Any supplier who makes distance sales of excisable goods to another Member State must register and account for VAT in that Member State, as distance sales of excisable goods are always subject to VAT and excise in the Member State to which they are dispatched.

Sales from outside the EU into Ireland are subject to VAT and customs duty on importation and Revenue maintains and operates systems and risk based controls to facilitate collection of the appropriate revenues and identify non-compliance. For example, Revenue has a Customs presence at the four An Post mail depots that receive third country mail. All non-Community mail on arrival at the depots is subject to either an external or internal examination of the goods and documents. Revenue staff raises the relevant charges, customs duty, excise and VAT, which are shown on a charge label affixed to the package and collected by the postal authority on delivery. While Revenue is generally satisfied with its existing procedures in this area, it is an area that is kept under review from both a staffing and procedural viewpoint. While there is the possibility of seizure of goods where an incorrect return or declaration is made, in practice such instances are rare for general merchandise. Practically all seizures relate to cigarettes, medicines and counterfeit products.

Non-EU businesses with any level of sales of electronic services such as computer software, music, films, games, etc to private individuals in Ireland are required to register and account for VAT. A special electronic services scheme called the VAT on e-Services System enables non-EU businesses to register in one EU Member State of their choice and account for VAT in relation to their supplies in all Member States. The resulting VAT revenues are distributed among Member States based on the distribution of sales.



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Given the arrangements in place nationally and at EU level, internet business does not of itself give rise to a loss to the Exchequer. The risks lie in the potential for non-compliance in this, as in other sectors. Revenue's approach to tackling non-compliance generally is based on risk analysis, taking into account all taxes and duties relevant to the businesses and both the e-commerce and traditional economic activities of the business. This approach generates a much greater knowledge of business activities, more detailed local risk assessment and faster compliance interventions. Also, at both regional and national level, Revenue is undertaking reviews of certain business sectors, the purpose of which is to improve overall tax compliance across those sectors. In addition, Revenue is working closely with other tax administrations at EU level to share experience and develop effective operational techniques and technologies for promoting compliance in this sector.

### Bank Guarantee Scheme

148. **Deputy Thomas P. Broughan** asked the Minister for Finance if €800 million has been spent so far on unguaranteed unsecured senior bond holders; and if he will make a statement on the matter. [21344/11]

**Minister for Finance (Deputy Michael Noonan):** I understand that the Deputy is referring to the repayments so far this year of unguaranteed unsecured senior bond holders in Anglo Irish Bank. I am advised by the bank that €1.06 billion of unsecured unguaranteed senior debt in Anglo Irish Bank has matured and been repaid so far this year.

I have indicated to the House that, consistent with Government policy, I will raise the issue of burden sharing which will allow for the imposition of losses on unguaranteed and unsecured senior bondholders in Anglo and INBS with the IMF and EU authorities in the autumn. I have also indicated that we will take no unilateral action in this area.

149. **Deputy Thomas P. Broughan** asked the Minister for Finance the amount of money that has been spent on guaranteed banks in 2011; and if he will make a statement on the matter. [21345/11]

**Minister for Finance (Deputy Michael Noonan):** Though no capital injections have been made in respect of any of the covered institutions to date in 2011, it has already been announced as part of the PCAR 2011 results on 31 March that further recapitalisation measures will be required to enable the AIB/EBS, Bank of Ireland and IL&P to meet their regulatory capital requirements set by the Central Bank. The State has committed to completing the recapitalisations to the extent possible by 31 July as part of the Programme of Financial Support for Ireland.

The total recapitalisation commitments made or to be made in respect of the banks are set out in the following table.

Recapitalisation of Credit Institutions

Credit Institution	Cost of Share Acquisition	Cost of Preference Shares	Capital contributions	Capital Provided to 31 December 2010	PCAR 2011 requirement	Contingent Capital	Mar 31st Total(1)
Anglo Irish Bank	€bn 4.0	€bn —	€bn 25.3	€bn 29.3	€bn —	€bn —	€bn 0.0

Credit Institution	Cost of Share Acquisition	Cost of Preference Shares	Capital contributions	Capital Provided to 31 December 2010	PCAR 2011 requirement	Contingent Capital	Mar 31st Total(1)
Allied Irish Banks	3.7	3.5	—	7.2	11.9	1.4	13.3
Bank of Ireland	1.7	1.8 (2)	—	3.5	4.2	1.0	5.2
Irish Nationwide Building Society	0.1	—	5.3	5.4	—	—	0.0
EBS Building Society	0.6	—	0.3	0.9	1.3	0.2	1.5
Irish Life and Permanent	-	-	-	-	3.6	0.4	4.0
Total	10.1	5.3	30.8	46.3	21.0	3.0	24.0

(1) Before banks potential capital raising actions (LME's/Asset Sales / Internally Generated Capital)

(2) Original investment of €3.5bn, of this €1.7bn converted to equity in May 2010

The Government is committed to ensuring that the banks meet the PCAR target, but is also seeking further direct contributions to the capital requirements of the banking system. As such, the Government has instigated processes which have reduced and will further reduce the cost to the State by looking for significant contributions from subordinated debt holders, by the sale of assets to generate capital and, where possible, by seeking private sector investors. It is expected that the effect of these actions will be to reduce the amount of capital required by the State very significantly.

### Credit Rating Agencies

150. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will support the proposal by the new head of the IMF, Ms Christine Lagarde, that the four main ratings agencies be precluded from commenting on the credit rating of states that are part of IMF-EU bailout programmes; and if he will make a statement on the matter. [21346/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy may be aware, the EU Commission is working on proposals in relation to credit rating agencies. In this context, the Commission initiated a public consultation to elicit the views of the public and market participants at the end of 2010. The purpose of the public consultation was to open a wider debate and get input from investors, market participants, governments, regulators and other stakeholders in order to calibrate the scope and ambition on possible provisions to be considered in a forthcoming Commission proposal. Such a proposal would deal with potential risks arising from over-reliance on credit rating by financial markets participants, the high degree of concentration in the rating market, absence of civil liability of credit rating agencies in the Credit Rating Agencies Regulation and conflicts of interest due to the remuneration models used by the credit rating agencies.

Following this consultation, the Commission is to present concrete policy initiatives in this area, with the goal of having these adopted over the period 2011-2012. I expect that all appropriate options will be examined in that context. I look forward with interest to the work in this

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area and can assure the Deputy that the Government will participate fully in the process of bringing these initiatives to finality.

Finally, in this context, I note that widespread concern has been expressed about recent unilateral decisions made by credit-rating agencies, including the downgrading of Ireland's credit rating last week by Moody's. This was a disappointing development and completely at odds with the recent views of other rating agencies.

### Revenue Commissioners Staff

151. **Deputy Seán Kenny** asked the Minister for Finance the number of persons employed by Customs and Excise at Dublin Airport, Dublin Port and Dún Laoghaire Port by grade. [21364/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that the staffing details requested for Dublin Airport and Dublin Port, expressed as Full Time Equivalent numbers, are as set out in the following tables.

#### Dublin Airport

Principal Officer (PO)	Assistant Principal Officer (AP)	Higher Executive Officers / Administrative Officers (HEO/AO)	Executive Officers (EO)	Staff Officers (S)	Clerical Officers (CO)	Service Officer
1	1	6	32.50	6.60	57.80	1

Total = 105.90

The staff based at Dublin Airport are engaged in Customs Enforcement and Customs Trade Facilitation duties.

#### Dublin Port

Principal Officer (PO)	Assistant Principal Officers (AP)	Higher Executive Officers / Administrative Officers (HEO/AO)	Executive Officers (EO)	Staff Officers (S)	Clerical Officers (CO)	Service Officer
1	5	12.80	49.40	3.60	61.50	1

Total = 134.40

The staff based in Dublin Port are engaged in Customs Enforcement and Customs Trade Facilitation duties. In addition, the staff figure includes 35.80 staff from the Dublin Region Special Compliance Team and Joint Investigation Unit who are engaged in Region-wide Revenue Compliance operations, including multilateral operations with An Garda Síochána, the Department of Social Protection and the National Employment Rights Authority (NERA).

Revenue has no staff permanently based in Dún Laoghaire, which is serviced by Customs staff on a needs and risk basis.

### Tax Code

152. **Deputy Joe Costello** asked the Minister for Finance his views on a matter (details supplied) regarding VAT rates; and if he will make a statement on the matter. [21401/11]

**Minister for Finance (Deputy Michael Noonan):** VAT is charged on the supply of goods and services, and the rate applying is subject to the requirements of EU VAT law with which Irish VAT law must comply. The provision of sporting facilities is among a number of tourist related services which was made subject to a new temporary lower reduced VAT rate of 9% from 1 July 2011. All other goods and services that had applied at the 13.5%, such as yoga studio services, reduced rate will continue to be liable at that rate.

Certain goods and services that were at a reduced rate of VAT on 1 January 1991, under the provision of Article 118 of the EU VAT Directive, cannot be reduced below 12%; these are known as parked goods and services. It is not possible to apply the 9% VAT rate to services consisting of the care of the human body supplied in the course of a health studio business or similar business, such as a yoga studio, since this service is the subject of a parked rate. The rate of VAT on the provision of facilities for taking part in sporting activities by a person other than a non-profit making organisation can be reduced to 9% since this service was not the subject of a parked rate.

### **Semi-State Bodies**

153. **Deputy Pearse Doherty** asked the Minister for Finance the savings to his Department in a full year if he were to cap the maximum salary available in semi-State bodies at €100,000. [22630/11]

**Minister for Finance (Deputy Michael Noonan):** I refer to my reply to the Deputy to Questions Nos. 39, 43 and 45, taken together, on 5 July 2011. The estimate of the net savings accruing to the Exchequer of less than €100 million p.a. arising from the imposition of a cap of €100,000 on public service salaries includes those employed in non-commercial State bodies, although it is not possible to provide a breakdown specifically in respect of those staff.

### **Schools Refurbishment**

154. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if his attention has been drawn to the bureaucratic and costly requirements imposed on schools awaiting the summer works programme; and his plans to reform this system. [20786/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy is aware all funding allocated under my Department's Devolved Schemes including the Summer Works Scheme to allow school management authorities carry out building or improvement works to their schools, must be offered to the market in accordance with EU and National procurement guidelines.

School management authorities must comply with all the requirements of Technical Guidance Documents TGD 007 and TGD 008 (Design Team Procedures for Small Works and Engaging Professional Consultants for Small Works respectively) which are available on my Department's website. Failure to do so may expose the school management authorities to challenge and subsequent financial penalties from a consultant or contractor who feels he/she was not afforded an opportunity to tender. Any such challenge could also result in the project being substantially delayed.

As these guidelines provide a balanced approach by allowing access for smaller firms while also ensuring that appropriate consultants are engaged for small works, I do not propose to make any changes.

### **Skills Development**

155. **Deputy John Deasy** asked the Minister for Education and Skills if he has identified

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areas in which there is employment demand but a lack of skills or training; the efforts he has made to address this issue; and if he will make a statement on the matter. [21337/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** My Department is continually examining ways to increase the availability of, and to enhance the success of, education and training provision for the unemployed.

My Department is funding in 2011 the provision of over 154,000 Training places through FÁS, Skillnets and the Labour Market Activation Fund and 172,000 places which the unemployed may access in the Further Education sector as well as 161,900 in the Higher Education sector.

The Expert Group on Future Skills Needs assists the Government and its agencies with the task of matching skill needs. It advises on future growth sectors and on the skills and training requirements to respond to the future skill needs of the economy. The reports of the Expert Group on Future Skills Needs are factored into decisions on education and training provision in as far as is possible.

In addition, the Labour Market Activation Fund provided a mix of programmes covering a broad spectrum of activities in potential high growth areas of the economy. This programme is being evaluated and this evaluation will inform Government policy and decisions on the focus of upskilling programmes in the context of relevant skills needs of the Labour Market. The Springboard programme also aims to provide relevant training opportunities for the unemployed to bring their skill sets into line with employment demand.

### **Student Support Schemes**

156. **Deputy John Halligan** asked the Minister for Education and Skills the reason he has decided to implement a reduction in the mature student grant and to do so retrospectively; his views on whether this will have a devastating effect on many mature students who, upon enrolling in full time education for an agreed term, had budgeted the then available grant into their daily lives and who will now find themselves in a position in which they can no longer continue under this scheme; and if he will make a statement on the matter. [20718/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The economic circumstances of the country are such that I am not in a position to reverse the change to the student grant scheme referred to by the Deputy. In estimating public expenditure savings to accrue from the measures introduced in Budget 2011, the previous Fianna Fáil-Green Party Government had already factored in the application of this change to both new and continuing mature students. For clarity, I should point out that this is not a retrospective change, but it will apply to all mature students from September 2011.

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.

### **Special Educational Needs**

157. **Deputy Jerry Buttimer** asked the Minister for Education and Skills when schools will receive allocations of special needs assistant hours and their provision. [20727/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible, through its network of local

Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011-2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming school year.

### **Residential Institutions Redress Scheme**

158. **Deputy Thomas Pringle** asked the Minister for Education and Skills if the survivors groups that have been consulted about the establishment of the statutory trust fund envisaged by the Institutional Child Abuse Bill 2009 are satisfied with the proposals; and if he will make a statement on the matter. [20740/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Government has agreed to the drafting of the Residential Institutions Statutory Fund Bill to provide for the establishment of a Statutory Fund to support the needs of victims of residential institutional abuse, as endorsed by Dáil Éireann in the aftermath of the publication of the Ryan Report in 2009. The legislative proposals followed extensive consultations with survivors of residential abuse and the groups which support them, together with a public consultation process.

While some former residents advocated a simple distribution of the available money others support the establishment of the Fund. I believe that the Fund should target resources at services to support the needs of former residents that suffered abuse. The report on the consultation process and the General Scheme of the Residential Institutions Statutory Fund Bill are available on my Department's website and I believe that the availability of the detailed arrangements proposed for the Fund will remove any misconceptions regarding the scope of the Fund.

I will be meeting with groups representing survivors of residential institutional abuse to discuss the proposals later this month and I am confident that the proposals will receive broad support.

### **Higher Education Grants**

159. **Deputy Robert Dowds** asked the Minister for Education and Skills if he will amend the rules on third level grant applications to allow those who have been resident here for two out of the last four years instead of three of the previous five years, as is currently the case, to be eligible for this grant; and if he will make a statement on the matter. [20752/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I have no plans to change the residency requirements under the student grant scheme, the main purpose of which is to ensure that persons applying for grants will have more established links with and integration in the State. It is envisaged that the residency requirements as set will, in many instances, provide greater flexibility for students who may be returning from abroad.

### **Special Educational Needs**

160. **Deputy Dara Calleary** asked the Minister for Education and Skills the position in respect of special needs assistant posts at a school (details supplied) in County Donegal; and the reason

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notification has issued to inform one SNA at that school that he or she will be losing his or her job from September. [20759/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to clarify for the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time.

A Special Needs Assistant whose post is surplus to the approved allocation to the school may be entitled to a redundancy payment under the terms of circular 58/2006 — titled Redundancy Arrangements for Special Need Assistants. Support to SNAs who may have been made redundant is provided for within the terms of this scheme.

The recruitment and deployment of SNAs within schools are matters for the individual Principal-Board of Management. The Board is the SNA's employer and the terms of employment are subject to the conditions of the contract of employment.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS) for allocating resource teachers and SNAs to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support, which now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for SNA support for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of SNA support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming school year.

161. **Deputy Dara Calleary** asked the Minister for Education and Skills if he will consider extending panel rights to special needs assistants. [20760/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to advise the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time. There are no plans to introduce panel rights for SNAs.

The recruitment and deployment of SNAs within schools are matters for the individual Principal-Board of Management. The Board is the SNA's employer and the terms of employment are subject to the conditions of the contract of employment.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS) for allocating resource teachers and SNAs to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support, which now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for SNA support for the 2011-2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of SNA support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming school year.

### Traveller Education

162. **Deputy Dara Calleary** asked the Minister for Education and Skills, further to Parliamentary Question No. 156 of 17 May 2011, the schools across the country that received alleviation or adjustment measures under this measure. [20770/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy is aware that Resource Teacher for Traveller posts-Teaching Hours for Traveller pupils will be withdrawn, effective from 31st August 2011. Traveller pupils who are eligible for learning support teaching should receive this tuition through the existing learning support provision in schools. All schools should select students for learning support on the basis of priority of need.

Limited alleviation or adjustment measures have been provided to assist schools which have high concentrations of Traveller pupils who were previously supported by Resource Teacher for Travellers (RTT) posts.

In respect of primary schools with DEIS (Delivering Equality of Opportunity in Schools) status, Traveller enrolments have now been included in the valid enrolment for the purpose of allocating additional staffing under DEIS from the 2011-2012 school year. For schools other than DEIS schools in receipt of enhanced pupil teacher ratios, alleviation measures have been provided to assist schools with high concentrations of Traveller pupils who were previously supported by RTT posts. These measures were considered in the context of the limited resources available to my Department. As such, alleviation measures have been concentrated on schools which have 33 or more pupils supported by RTT posts.

A decision was also taken that further limited additional alleviation measures would be made available for schools that may have been disproportionately affected by the earlier alleviation adjustment measures, in comparison to schools of a similar size and in the context of the very limited resources available to my Department.

The decision to withdraw Resource Teacher for Travellers was taken by the previous Government in the last budget. The requirement to make expenditure savings and to ensure that staffing numbers remain within the Public Service Employment Control Framework prevent me from re-visiting this decision.

I have arranged for the details sought by the Deputy to be forwarded directly to him.

### School Transport

163. **Deputy Dara Calleary** asked the Minister for Education and Skills, further to Parliamentary Questions Nos. 194 to 198, inclusive, of 17 May 2011, if he has received a detailed analysis from Bus Éireann relating to the impact of changes in the school transport scheme referred to in those replies; if not, when he will expect the analysis; and his plans to publish that analysis. [20771/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The detailed analysis relating to changes in the 'Closed School Rule' has been initiated by Bus Éireann and will draw on the final data in relation to school transport requirements in September 2011. Given this fact, I do not expect to have the final details for some weeks yet.

These changes are not due to be implemented until September 2012 and as detailed consideration and assessment will be required it will be some time before this work is completed. In the meantime, Bus Éireann has identified a number of services that will be withdrawn from the commencement of the 2011-2012 school year. In these cases the number of applications received from eligible pupils has fallen below the minimum number required to retain a school transport service. Bus Éireann is continuing to monitor the situation and some services may be



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restored if late applications-payments are received. The list of the services in question is available on my Department's website.

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.

### **Special Educational Needs**

164. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if he will review the case of a person (details supplied) in Dublin 6 regarding the loss of a special needs assistant for this person. [20777/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to clarify for the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time.

I wish to clarify also that the recruitment and deployment of SNAs within schools are matters for the individual Principal-Board of Management. SNAs should be deployed by the school in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011-2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming 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.

165. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if he will review the case of a person (details supplied) in Dublin 6W regarding the loss of a special needs assistant for this person. [20778/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to clarify for the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time.

I wish to clarify also that the recruitment and deployment of SNAs within schools are matters for the individual Principal-Board of Management. SNAs should be deployed by the school in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011-2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming 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.

166. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if he will review the case of a person (details supplied) in County Dublin regarding the loss of a special needs assistant for this person. [20779/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to clarify for the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time.

I wish to clarify also that the recruitment and deployment of SNAs within schools are matters for the individual Principal-Board of Management. SNAs should be deployed by the school in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOS) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011-2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming school year.

### Redundancy Payments

167. **Deputy Finian McGrath** asked the Minister for Education and Skills, further to Parliamentary Question No. 138 of 7 June 2011, if investigations have been completed into the issues raised (details supplied). [20787/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department's investigations into this matter are ongoing. As soon as these investigations are complete, a response will issue directly to the person.

### Vocational Education Committees

168. **Deputy Billy Kelleher** asked the Minister for Education and Skills the criteria that was used in deciding the vocational educational committees to be amalgamated and the VECs that were to stand alone; and if he will make a statement on the matter. [20836/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** At the core of the proposed restructuring is the need to address the current low scale and size of operations in particular VECs in order to position the sector for future development. In this regard, the previous Government decided on a reduction to 16 new entities.

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 20 new entities.

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, it does not modify the reduction from 33 to 16 in the number of VECs decided by the previous Government.

In this new configuration, eleven of the new entities match the IVEA proposal. In addition, the IVEA proposals to merge City of Galway VEC with Co. Galway VEC, Co. Sligo VEC with Co. Leitrim VEC and City of Waterford VEC with Co. Waterford VEC have also been reflected, albeit with the inclusion an additional county in each case.

Only three of the existing entities will continue, City of Dublin on the basis of overall scale; and Co. Donegal and Co. Kerry on the basis of their peripheral geographic location.

169. **Deputy Billy Kelleher** asked the Minister for Education and Skills the communication and consultation he entered into with Cork County Vocational Educational Committee before and after making his decision; and if he will make a statement on the matter. [20837/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In July 2009, the Special Group on Public Service Numbers and Expenditure Programmes recommended that the number of VECs could be reduced from 33 to 22 and aligned with the functional areas of the 22 Local Authorities, also recommended by the Group. In September 2009 the then Minister for Education and Science invited interested parties to make written submission in relation to a reduction in the number of VECs.

Arising from this process, the previous Government decided in October 2010 to reduce the overall number of VECs from 33 to 16 and agreed on the merger of particular counties.

In January 2011, my Department sought suggestions or observations from all VECs in relation to the title for the sector generally, the title by which the 16 individual VECs which

had been decided on by the previous Government should be known, the headquarter location for each of these entities and the future composition of the Committee in each VEC.

Following my appointment as Minister, I invited the Irish Vocational Education Association (IVEA), the representative association for all of the VECs to submit alternative rationalisation proposals for my consideration. I did not issue an invitation to individual VECs, such as County Cork VEC, to make a submission. Following consideration of proposals received from the IVEA, the Government decided to revise the configuration agreed by the previous Government and to approve the consolidation of the existing VEC legislation. These are the only decisions that have been taken.

The Government decision to merge City of Cork and County Cork VECs aligns the position in Cork with planned for Limerick, Waterford and Galway.

170. **Deputy Billy Kelleher** asked the Minister for Education and Skills the implications of the amalgamation of the vocational educational committees for the trusteeship of designated community colleges in the Cork County VEC area; and if the other co-trustees have been informed; if the new model agreements will have to be signed and agreed by the co-trustees; and if he will make a statement on the matter. [20838/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As a general principle I am anxious to ensure that the process of amalgamating Vocational Education Committees is done in a manner that is not disruptive in any way to the provision of existing services and provision by individual VECs.

My officials are working on the preparation of new legislation needed to bring the changes about. It is the norm in such legislation to provide for the continuation of all existing agreements and contracts which should embrace the agreements that were concluded when certain Community Colleges were established.

### **School Libraries**

171. **Deputy Michael P. Kitt** asked the Minister for Education and Skills if, in view of his literacy initiative, he will restore the school library grant; and if he will make a statement on the matter. [20839/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In view of the serious financial situation left by the previous Fianna Fáil-Green Party Government, I regret that I do not have the resources to restore the grant to local authorities for the provision of library services to primary schools.

The present Government is committed to making literacy a national cause, as evidenced by the publication of the recent National Strategy on Numeracy and Literacy.

### **Special Educational Needs**

172. **Deputy Niall Collins** asked the Minister for Education and Skills if he will reverse the decision to reduce the number of special needs assistants at a school (details supplied) in County Cork. [20878/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to clarify for the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time.

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I wish to clarify also that the recruitment and deployment of SNAs within schools are matters for the individual Principal/Board of Management. SNAs should be deployed by the school in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools.

The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming 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.

### **Residential Institutions Redress Scheme**

173. **Deputy Finian McGrath** asked the Minister for Education and Skills his views on a matter (details supplied) regarding abuse. [20882/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The details provided by the Deputy relate to the proposed Statutory Fund. As the Deputy is aware, the Government has agreed to the drafting of the Residential Institutions Statutory Fund Bill to provide for the establishment of a Statutory Fund to support the needs of victims of residential institutional abuse, as endorsed by Dáil Éireann in the aftermath of the publication of the Ryan Report in 2009. The legislative proposals followed extensive consultations with survivors of residential abuse and the groups which support them, together with a public consultation process.

While some former residents advocated a simple distribution of the available money others support the establishment of the Fund. I believe that the Fund should target resources at services to support the needs of former residents that suffered abuse. The report on the consultation process and the General Scheme of the Residential Institutions Statutory Fund Bill are available on my Department's website and I believe that the availability of the detailed arrangements proposed for the Fund will remove any misconceptions regarding the scope of the Fund. I will be meeting with groups representing survivors of residential institutional abuse to discuss the proposals later this month and I am confident that the proposals will receive broad support.

### **School Curriculum**

174. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if he will con-

sider the possible utilisation of a company (details supplied) as a means of encouraging interest in local history in schools; and if he will make a statement on the matter. [20886/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Decisions on which resources to use for the study of history are made by teachers and their students. The focus of the website referred to by the Deputy is genealogy. While this is of general interest, and promotes stimulating investigative opportunities for students and their families, it does not relate directly to the specific aims of the history syllabuses, and its broader coverage of themes and issues. In addition, it is not the policy of my Department to endorse commercial products.

The history curriculum in schools places a key focus on the skills of working as a historian, using evidence from a variety of sources, appreciating cause and effect, realising that evidence can be interpreted in a number of different ways, and evaluating its relevance.

The website *www.scoilnet.ie*, managed by the National Centre for Technology in Education (NCTE) gives access to a variety of digital content for teachers, students and parents which are of direct relevance to the History curriculum in schools. This is supplemented by the Look At History through the RTE Archives site, and HIST which has been developed by NCTE in collaboration with the Professional Development Support Service for Teachers specifically for the Leaving Certificate curriculum, both of which can be accessed through *scoilnet*. Students are encouraged to use a wide range of other sources as well for their investigative work. I have passed the information provided by the Deputy to the Professional Development Support Service for Teachers for further consideration.

### School Transport

175. **Deputy Brendan Griffin** asked the Minister for Education and Skills if he is willing to be flexible with parents of children who are willing to pay for school transport but who do not meet the eligibility criteria; and if he will make a statement on the matter. [20887/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I take it the Deputy is referring to my Department's Primary School Transport Scheme. Under the terms of this 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. 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. It is important to note that school transport charges represent a contribution towards the cost of providing school transport services and do not reflect the actual cost which is some €1,000 per annum for a primary school pupil.

### Institutes of Technology

176. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills his views on the decision by Athlone Institute of Technology, County Westmeath, to sack a small number of lecturers following a Labour Court decision that said lecturers be awarded contracts of indefinite duration; and, in view of the fact that Athlone Institute is in breach of the Croke Park Agreement, if he will instruct the college to reinstate the staff. [20329/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I understand that this issue is currently the subject of an injunction application before the High Court, on which judgement has been reserved. It would therefore be inappropriate for me to comment on the matter at this time.

### FÁS Training Programmes

177. **Deputy Michael Conaghan** asked the Minister for Education and Skills the number of apprentices who applied for the redundant apprentice placement scheme in each local authority area; the number of apprentices who participated in the redundant apprentice placement scheme in each local authority area; his plans to continue or extend this scheme in line with other measures in the jobs initiative; and if he will make a statement on the matter. [20943/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The ‘Redundant Apprentice Placement Scheme’ was introduced by FÁS in 2010 to provide work placement opportunities for redundant apprentices to complete their on-the-job training at Phase 3, 5 and 7. The scheme has been broadened in 2011 to include placements with employers in both the private and the public sectors.

I understand from FÁS that the total number of apprentices who are participating in the scheme at the 8th July is 1,090 and 276 have completed their on-the-job training. FÁS and the County & City Managers Association (CCMA) recently reviewed the placement programme of redundant apprentices under the Redundant Apprentice Placement Scheme. FÁS has provided to the CCMA a list of the number of redundant apprentices by trade by county who require placement under the Redundant Apprentice Placement Scheme. A copy of that list is attached for the Deputy’s information. CCMA will endeavour to match the number available with opportunities in the Local Authorities in accordance with the Redundant Apprentice Placement Scheme conditions. I understand from FÁS that the numbers of redundant apprentices who are currently placed with Local Authorities under the Redundant Apprentice Placement Scheme at the 8th July 2011 is as set out in the following table. As with all labour market activation measure for the unemployed, this scheme is kept under regular review as to its relevance and capacity.

Local Authority	No. of Redundant Apprentice Placements
Dublin City Council	19
South Dublin County Council — Tallaght	17
Westmeath County Council	2
Clare County Council	5
Limerick County Council	6
Leitrim County Council	2
Waterford County Council	9
Tipperary S.R. County Council	5
Waterford City Council	4
Wicklow County Council	11
Cork County Council	2
Kerry County Council	4
Total	86

Redundant Apprentices who have confirmed availability for placement on RAPS scheme (14 July 2011)

Apprentices in 5H require Phase 3 and Phase 5. Following successful completion of Phase 6 will require Phase 7

Apprentices in 7H require Phase 5 and Phase 7.- all off-the-job training is complete.

Current Phase	County	Brick & Stonelaying	Carpentry & Joinery	Electrical	Heavy Vehicle Mechanics	Motor Mechanics	Plastering	Plumbing	Grand Total
5H	Carlow			1					1
	Cavan		1			2		2	5
	Clare		3	1		1	1	1	7
	Cork	1	1	1				1	4
	Donegal		1					2	3
	Dublin	6	14	12	1	2	2	31	68
	Galway	1					2	8	11
	Kildare		4			1		1	6
	Kilkenny	1					1		2
	Laois		1			1		5	7
	Limerick	1	2	1		1	2		7
	Louth	1	1	3					5
	Mayo		5	1		2			8
	Meath		3	3			1	4	11
	Monaghan			2				2	4
	Offaly	1	2					3	6
	Roscommon		3			1			4
	Tipperary							1	1
	Waterford		1						1
	Westmeath	1	6					1	8



[Deputy Ciarán Cannon.]

Current Phase	County	Brick & Stonelaying	Carpentry & Joinery	Electrical	Heavy Vehicle Mechanics	Motor Mechanics	Plastering	Plumbing	Grand Total
5H Total 7H	Wexford		2				2	1	5
	Wicklow						1		1
		13	50	25	1	11	12	63	175
	Carlow		1	1					2
	Cavan		4	1					5
	Clare	2	7	1	1		4	1	16
	Cork	6	6				1	4	17
	Donegal		8				1	2	11
	Dublin	14	9	17		2	2	29	73
	Galway	1	5	1		1	3	6	17
	Kerry	1	1					3	5
	Kildare	3	4	1			1	5	14
	Kilkenny		2	1				1	4
	Laois	2	3				1	1	7
	Leitrim		1						1
	Limerick	6	3	2			3	4	18
	Longford	1	1					1	3
	Louth		2	2			1		5
	Mayo	1	7				2		10
	Meath	1	3	1			1	5	11
	Monaghan	2	2	1				1	6
	Offaly	4	5			1	2	1	13
	Roscommon	2	5				1	2	10
	Sligo		1			1			2
	Tipperary	3	2				1		6
	Waterford	3	2	1				1	7
	Westmeath	2	3					3	8

Current Phase	County	Brick & Stonelaying	Carpentry & Joinery	Electrical	Heavy Vehicle Mechanics	Motor Mechanics	Plastering	Plumbing	Grand Total
7H Total	Wexford Wicklow	5	10	2				1	18
		1	3					2	6
		60	100	32	1	5	24	73	295
Grand Total		73	150	57	2	16	36	136	470

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### Home-School Liaison Scheme

178. **Deputy Michael Conaghan** asked the Minister for Education and Skills his plans to maintain the home-school community liaison scheme in its current form; the changes that are envisaged for the scheme in the next year; if the scheme will come under the remit of the Department of Children and Youth Affairs; and if he will make a statement on the matter. [20944/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Home School Community Liaison (HSCL) is managed by the National Educational Welfare Board (NEWB) alongside the School Completion Programme (SCP) and the Education Welfare Service (EWS) as part of the Integration of Education Services Project. The aim and rationale for the Integrated Service is to provide more effective services for children who have difficulties participating in school; improved engagement with other agencies and services working with children and families; more effective policy making with an increased emphasis on planning, outcome measurement and the gathering of evidence on the impact of interventions. A number of children's services, from various sectors, including the National Education Welfare Board are being brought together under the responsibility of my colleague, the Minister for Children and Youth Affairs. Responsibility for SCP and NEWB, together with their budgets have transferred to the Department of Children and Youth Affairs with effect from 2 June 2011. While responsibility for the future direction of Home School Community Liaison has also transferred, the allocation of HSCL coordinator posts will remain the responsibility of my Department as these are teaching posts in schools, deployed to undertake full time HSCL duties. The current provision of Home School Community Liaison (HSCL) Services, will remain in the 200 post primary and 345 urban primary schools participating in DEIS.

### Special Educational Needs

179. **Deputy John O'Mahony** asked the Minister for Education and Skills the number of pupils with Down's syndrome in the mainstream school setting that have a diagnosis of DS with a mild intellectual disability; and if he will make a statement on the matter. [20957/11]

180. **Deputy John O'Mahony** asked the Minister for Education and Skills if he will make available the details of the review of the general allocation model of teaching supports; and if he will make a statement on the matter. [20958/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 179 and 180 together.

As the Deputy is aware, pupils with a mild general learning disability, and who do not attend either a special class or special school, receive additional teaching support at primary level through the teaching staff already in place in all primary schools. All primary schools have been allocated learning support/resource teaching support through the General Allocation Model specifically to support pupils with a high incidence special educational need, including pupils with Down Syndrome with a mild general learning disability. My Department does not have compiled detailed information on the individual children who receive support through the general allocation system.

This model of teacher allocation is not in place at post-primary level and therefore the National Council for Special Education (NCSE) allocates additional teaching supports to post-primary schools in respect of students with a mild general learning disability. NCSE has advised

my Department that additional teaching supports were in place in post-primary schools in the 09/10 school year in respect of over 3,600 students who had been assessed as having a mild general learning disability. There is no further breakdown of information available in relation to the number of pupils with Down Syndrome with assessed mild general learning disability. A review of the General Allocation Model has been undertaken and completed by my Department and a decision on its publication will be made shortly. The recommendations of the review will be considered in the context of my Departments Employment Control Framework obligations and competing demands on teacher numbers and educational resources.

### **School Accommodation**

181. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding the provision of additional accommodation for a school (details supplied) in County Laois; and if he will make a statement on the matter. [20977/11]

**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 mainstream classroom and a Resource Room. Officials from my Department have been in direct contact with the school with regard to this application. The school have now forwarded further information to my Department. The application is now currently under consideration and a decision will issue shortly to the Board of Management of the school.

### **School Transport**

182. **Deputy Emmet Stagg** asked the Minister for Education and Skills when a response will issue to correspondence (details supplied). [20983/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The correspondence referred to by the Deputy relates to changes in the School Transport Scheme which were announced by the previous Fianna Fáil-Green Party Government and derive from recommendations in the Value for Money Review of the scheme. The decisions announced included the uniform application of the distance requirement, the cessation of the Closed/Central School Rule (CSR), an increase in the minimum number of eligible children required to establish or retain a service and the introduction of charges for eligible primary pupils. It is essential to stress that the wider context within which all these changes are taking place, is a situation of the most serious financial difficulties. Under the four year recovery plan, there is a requirement to deliver savings of €17 million on the school transport budget and these measures are an integral part of this.

### **School Accommodation**

183. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a decision will issue on the provision of additional accommodation at a school (details supplied) in County Kerry; and if he will make a statement on the matter. [20988/11]

**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 for additional accommodation. The application is currently under consideration and a decision will issue shortly to the Board of Management of the school.

### **Third Level Charges**

184. **Deputy Catherine Byrne** asked the Minister for Education and Skills if he will consider

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abolishing the capitation fee for graduate-entry medical students, taking into account the fact that they are not eligible for maintenance grants and many are struggling financially; and if he will make a statement on the matter. [20989/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I understand this question relates to the introduction of the new Student Contribution Charge. The Programme for Government commits the Government to implementing the decisions of the 2011 Budget which was passed by the last Dáil, including the introduction of a Student Contribution Charge of €2,000 with effect from the academic year 2011/12.

As the Deputy may be aware a prerequisite for entry to Graduate Entry Medicine (GEM) programmes is an Upper Second or First Class Honours Bachelor's degree in any discipline, in addition to which applicants must sit the GAMSAT admissions test. GEM students are liable for the cost of their tuition fees, which are set by each individual institution. However the fees of EU students are partly subsidised by the Irish State through the Higher Education Authority. For the 2010/11 academic year this subsidy amounted to €11,800 per student.

Section 473A, Taxes Consolidation Act, 1997, as amended by Section 11 of the Finance Act 2011, provides for tax relief, at the standard rate of tax, for tuition fees paid in respect of approved courses at approved colleges of higher education including certain approved undergraduate and postgraduate courses in E.U. Member States and in non- EU countries. Details are available on the Revenue Commissioners' website at [www.revenue.ie](http://www.revenue.ie).

### Medical Certificates

185. **Deputy Gerry Adams** asked the Minister for Education and Skills the basis upon which he notified schools that doctors' certificates from the North are not acceptable; the length of time certificates from the North were accepted by him; the reason certificates from the North are now being refused; the number of teachers that will be affected by this decision; and if he accepts that this decision runs completely contrary to the spirit of the All-Ireland Ministerial Council's efforts to remove obstacles to cross-Border mobility on the island. [21018/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under the sick leave scheme for registered teachers, a medical certificate must state the nature of the illness, be signed by a duly qualified medical practitioner registered with the Irish Medical Council and cover a period of no more than one month. These conditions are contained in Circular Letter 0060/2010 which was issued in October last year. They have been established for some time and were also a feature of the previous circular issued in 2008. The reason for this requirement is to provide a consistency of approach in order to ensure that sick leave is granted only on the basis of certificates signed by doctors regulated by the appropriate regulatory professional body in the State.

### Schools Refurbishment

186. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the position regarding a summer works scheme application in respect of a school (details supplied) in County Kerry; and if he will make a statement on the matter. [21027/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme. A list of 453 successful schools was announced on 30 March 2011. Applications from schools for gas, mechanical and electrical works were prioritised under the Summer Works Scheme funding

this year and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school. While further funding has been made available for school projects under the Government's Jobs Initiative, I regret that the application referred to above was also unsuccessful under the Initiative as it was necessary to prioritise some categories of works over others.

### Skills Development

187. **Deputy Pat Breen** asked the Minister for Education and Skills if a person (details supplied) in County Clare will be facilitated; and if he will make a statement on the matter. [21091/11]

**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 courses are in areas of current and future skills needs as identified by the Expert Group on Future Skills Needs and are being delivered by a range of public, private and not for profit higher education providers throughout the country. Higher education institutions are autonomous bodies and entry requirements for admission to any course including a Springboard course are a matter for the relevant institution. Information on the supports available to people who wish to pursue undergraduate and post graduate programmes on a full time basis under my Department's Student Grant Scheme is available on [www.studentfinance.ie](http://www.studentfinance.ie).

188. **Deputy Joe McHugh** asked the Minister for Education and Skills his views on a proposal to support and train in-company trainers in the service sector, including airports, security, retail and so on; if there is or will be relevant accreditation; and if he will make a statement on the matter. [21097/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** My Department provides significant funding support to Skillnets Ltd in respect of its Skillnets Training Networks Programme (TNP). This Programme supports the development and provision of enterprise-led training with networks of private sector companies in a variety of sectors and regions, including a significant cohort of companies from the service sector.

One of the most common training programmes delivered across these networks is 'Train the Trainer' programmes. Under the TNP 2010 programme, Skillnets funded 56 networks in total, and of these, 24 networks delivered 'Train the Trainer' courses. The Trainers Learning Skillnet is a sectoral network promoted by the Irish Institute for Training and Development (IITD), and whose target membership is exclusively representatives from the training community. The significant majority of Skillnets TNP 'Train the Trainer' courses were certified on the NFQ, the most common award type being FETAC Level 6. Further information can be obtained from Skillnets, [www.skillnets.ie](http://www.skillnets.ie).

I also understand that the Irish Institute of Training and Development (IITD) provide a range of accredited programmes in the field of Training while the National University of Ireland Galway (NUIG) provides a Certificate in Training and Education — Year 1, Diploma in Arts (Training and Education) — Year 2, BA Degree in Arts (Training and Education) — Years 3 and 4. I further understand that NUI Maynooth (NUIM) provides a Certificate in Training and Continuing Education.

### Schools Building Projects

189. **Deputy Joanna Tuffy** asked the Minister for Education and Skills the steps he will take to ensure more open, transparent and regularly updated information to the public about applications by schools for school buildings and extensions; and if he will make a statement on the matter. [21104/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The current status of all projects on the school building programme may be viewed on my Department's website at *www.education.ie* and this will be updated regularly throughout the year. I wish to advise the Deputy that since becoming Minister, I have taken a keen interest in the operation of my Department's School Building and Planning Unit. I have visited the School Building and Planning Unit in Tullamore, Co. Offaly to meet with all members of staff and to discuss what reforms can be brought about to make the planning and construction process more transparent.

I have also asked my officials to look at the band rating system which uses various criteria to prioritise school building projects. I believe that any change should be guided by the needs of school communities so that all involved can clearly see what stage their particular project is at.

In addition, my Department is holding exploratory talks at present with the Royal Institute of the Architects of Ireland (RIAI) to progress the commitment in the Programme for Government to develop an inventory of school accommodation.

### School Transport

190. **Deputy Michael P. Kitt** asked the Minister for Education and Skills when he will have the results of the analysis of the changes in school transport in rural schools; and if he will make a statement on the matter. [21193/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The detailed analysis relating to changes in the 'Closed School Rule' has been initiated by Bus Éireann and will draw on the final data in relation to school transport requirements in September 2011. Given this fact, I do not expect to have the final details for some weeks yet.

These changes are not due to be implemented until September 2012 and as detailed consideration and assessment will be required it will be some time before this work is completed.

### Schools Building Projects

191. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation in respect of a school (details supplied) in County Laois; and if he will make a statement on the matter. [21224/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to advise the Deputy, that a project to provide a new school building for the school to which he refers, was announced in January 2011 as one of the projects to commence the process of the brief formulation under my Department's 2011 Multi-annual School Building and Modernisation Programme.

I can inform the Deputy that a site, which is in the ownership of the HSE, has been identified as a potential site for a building for the school referred to by the Deputy. My Department has had discussions with the HSE regarding a potential acquisition of the site in question for this purpose. However, as yet, agreement on the matter has not been reached.

Once a site is secured, my officials will be in contact with the school authority in relation to the steps to be taken to progress the project.

192. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation for a school (details supplied) in County Laois; and if he will make a statement on the matter. [21225/11]

**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.

193. **Deputy Sean Fleming** asked the Minister for Education and Skills, in respect of schools that are in receipt of grants for temporary accommodation, to ensure that this money is used for the building of a permanent structure or for the rental of prefabs and so on; and if he will make a statement on the matter. [21226/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Since July 2008, it is my Department's 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.

### **Special Educational Needs**

194. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills the number of special needs assistants employed at primary and second level schools in Dublin Central; and if he will provide a breakdown of the numbers per school. [21237/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested by the Deputy on the number of special needs assistants employed in Dublin Central is not readily available.

The number of Special Needs Assistants employed nationally from 2007 to 2010 is available in the document set out below. The details for each year are the December figures for the year in question. The primary schools information is inclusive of the special schools details.

SNAs are recruited specifically to assist in the care of pupils with disabilities in an educational context. The class teacher is responsible for educating all pupils in their class, including any pupil with a special educational need. In this task, the teacher may be supported by a learning support teacher and/or resource teacher. As a result, the allocation of SNAs in each school can alter from year to year. Some schools may receive an increased allocation, while others may experience a reduction because the allocation of supports are provided in line with the needs of individual schools.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating special needs resources to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. The NCSE will continue to support schools, parents, children and teachers and special needs assistants will continue to be deployed to schools to meet children's needs in line with my Department's policy.



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Number of Special Needs Assistants

Year	Number of Special Needs Assistants in Primary schools	Number of Special Needs Assistants in Post Primary Schools, including VECs.
2007	8,038	1,786
2008	8,440	2,002
2009	8,392	1,950
2010	8,401	2,142

195. **Deputy Maureen O’Sullivan** asked the Minister for Education and Skills the number of special needs assistants employed in fee-paying schools in the Dublin area. [21238/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested by the Deputy on the number of special needs assistants employed in fee-paying schools in the Dublin area is not readily available.

The number of Special Needs Assistants employed nationally from 2007 to 2010 is available in the document set out below. The details for each year are the December figures for the year in question. The primary schools information is inclusive of the special schools details.

SNAs are recruited specifically to assist in the care of pupils with disabilities in an educational context. The class teacher is responsible for educating all pupils in their class, including any pupil with a special educational need. In this task, the teacher may be supported by a learning support teacher and/or resource teacher. As a result, the allocation of SNAs in each school can alter from year to year. Some schools may receive an increased allocation, while others may experience a reduction because the allocation of supports are provided in line with the needs of individual schools.

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196. **Deputy Maureen O’Sullivan** asked the Minister for Education and Skills the number of requests for special needs assistants that have been made for the coming school year in Dublin Central; the number that have been approved; and the number that are pending. [21239/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The detailed information requested by the Deputy on Special Needs Assistants (SNAs) in Dublin Central for the coming school year is not readily available.

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 Deputy will be aware that 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.

### **School Accommodation**

197. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation in respect of a school (details supplied) in County Laois; and if he will make a statement on the matter. [21240/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy currently has provisional recognition only and is operating from temporary accommodation. At present, my Department considers that this school has sufficient accommodation to meet its needs.

To date, no application has been made to my Department for new accommodation in respect of this school. In the event of additional accommodation being required by this school, it is open to the school to apply to my Department for the provision of the necessary accommodation.

198. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation in respect of a school (details supplied) in County Laois; and if he will make a statement on the matter. [21241/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to advise the Deputy that a project to provide a new school building for the school to which he refers was announced in January 2011 as one of the projects to commence the process of the brief formulation under my Department's 2011 Multi-annual School Building and Modernisation Programme.

My officials have been in contact with the school authority in relation to the steps to be taken to progress the project.

199. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation in respect of a school (details supplied) in County Laois; and if he will make a statement on the matter. [21242/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm to the Deputy that my Department has been in contact with the school referred to by the Deputy on a regular basis

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over the past few years in an effort to ensure that the school's accommodation requirements are being met. In this regard, my Department approved the construction of four mainstream classrooms at the school in September 2010.

200. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation in respect of a school (details supplied) in County Laois; and if he will make a statement on the matter. [21243/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project at the School referred to by the Deputy is included in the School Building Works Programme for 2011 which was announced on 24 January 2011.

Information, including current status, in relation to all projects on the 2011 Programme is available on my Departments web-site. A stage 2(b) addendum report was received in my Department in mid July and is currently under review. When that review is complete my Department will be in contact with the Board of Management with regard to the further progression of the project.

201. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation in respect of a school (details supplied) in County Laois; and if he will make a statement on the matter. [21244/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school to which the Deputy refers has applied to my Department for capital funding for a new school. Officials from my Department are in contact with the school authorities directly on this matter and are currently assessing all options regarding the schools current situation.

202. **Deputy Pat Breen** asked the Minister for Education and Skills when a decision will issue on an application in respect of a school (details supplied) in County Clare; and if he will make a statement on the matter. [21246/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy was allocated devolved funding towards one Resource room under my Department's Additional Accommodation Scheme in 2010. The school authorities also received additional funding for a boiler replacement under this scheme.

In June 2011, the school submitted a further application for Capital grant-aid towards Emergency Works. My Department contacted the school authorities and sought further information in relation to this application and is currently awaiting a response. Once the information requested by my Department is provided, the school's application will receive further consideration and the school authority will be informed of the decision.

### School Transport

203. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills if he will examine if funding being provided for school transport is being used on ordinary bus runs; and if this is so, whether it should be permitted. [21254/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The school transport scheme, which is operated by Bus Éireann on my Department's behalf, facilitates the transportation of over 123,000 children to primary and post-primary schools each day including approximately 8,000 children with special educational needs.

School transport is a very significant national operation involving about 42 million journeys and over 82 million kilometres on 6,000 routes every school year. This service is delivered using

a mix of Bus Éireann, both school transport and road passenger vehicles, private contractor vehicles including private operator scheduled services, and Dublin Bus, Irish Rail, DART and LUAS where practical.

Bus Éireann maintains separate accounts for activities provided in connection with the School Transport Schemes. Funding received from the Department is used solely for the purposes of providing transport for schoolchildren in accordance with the terms of these schemes.

### **School Staffing**

204. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills his views on a matter (details supplied) regarding teachers; and if he will make a statement on the matter. [21256/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In November last year my Department issued a circular which permits schools to participate in the FÁS Work Placement Programme (WPP) if they so wish. This FÁS programme is intended to assist people who are unemployed to retain their skills levels and secure work experience that will assist them in finding employment. This involves a placement for a defined period, rather than employment, and participants in this voluntary programme may be entitled to maintain their social welfare entitlements subject to the rules of the Department of Social Protection.

The WPP provides a mechanism for schools to offer placements to graduates and non-graduates from a wide variety of disciplines which has not existed up until now and offers an opportunity for schools to access skills and experience which may otherwise be unavailable. The individuals on placement will, in turn, have the opportunity to utilise and develop their own skills.

Where a school chooses to participate in the scheme, the Department has determined that service which fulfils the requirements for achievement of probation in respect of registration as a primary school teacher with the Teaching Council may be utilised in achieving such registration.

In addition, my colleague Joan Burton TD, Minister for Social Protection, has announced “JobBridge”, the national internship scheme. This will provide work experience placements for interns for a 6 or 9 month period. My Department is currently considering the possible extension of this initiative to schools.

### **School Transport**

205. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if the costs being charged to a person (details supplied) in County Limerick in respect of school transport will be examined; and if he will make a statement on the matter. [21259/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Changes to my Department's School Transport Schemes were announced in the 2011 Budget and derive from recommendations in the Value for Money Review of the Scheme.

One of the changes announced for the 2011/12 school year is an increase from €300 to €350 in the annual school transport charge for eligible post primary pupils. There is no increase in the family maximum charge of €650 per annum.

Charges may be paid in two instalments in July and December and pupils with valid Medical Cards (GMS Scheme) are exempt from paying these charges.

It is essential to stress that the wider context within which these changes are taking place, is a situation of the most serious financial difficulties. Under the four year recovery plan, there

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is a requirement to deliver savings of €17 million on the school transport budget and these measures are an integral part of this.

### School Accommodation

206. **Deputy Mattie McGrath** asked the Minister for Education and Skills the costs associated with the provision of temporary accommodation for 11 schools in south Tipperary; his views on whether these costs represent real value for money; and if he will make a statement on the matter. [21261/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I have set out below a list of the costs associated with the provision of temporary accommodation for the 11 schools in south Tipperary, as requested by the Deputy. With regard to the value for money, most of the schools on the list were given prefabs as permanent classrooms were not a viable option at that time. Competing priorities mean that it will not always be possible to have a permanent accommodation solution in place in a short timeframe. Some of the schools have major extensions / new schools due to progress, others currently have temporary recognition and the building of new classrooms did not provide value for money.

Where the need for the accommodation is likely to exceed three years in duration, the Department will devolve funding to a school authority giving it the option to purchase or build the accommodation needed. Where that need is likely to be for three years or less, approval is given to rent the accommodation.

School Type	Roll No	School Name	Address	County	Major Application Submitted	Start Date	Rental
Primary	10120P	Our Lady of Mercy NS	Cahir	Tipperary South	Yes	01/09/07	€18,876.00
Primary	11872V	Presentation Primary School	Carrick-on-Suir	Tipperary South	No	01/09/01	€26,254.48
Primary	16077B	Ardfinnan NS	Clonmel	Tipperary South	No	01/09/07	€18,876.00
Primary	17779P	Powerstown NS	Clonmel	Tipperary South	Yes	21/09/01	€49,949.16
Primary	18062V	Grange NS	Clonmel	Tipperary South	Yes	01/12/06	€14,157.00
Primary	18716T	Cahir BNS	Cahir	Tipperary South	Yes	01/03/00	€31,909.24
Primary	19230V	Scoil Chormaic	Cashel	Tipperary South	Yes	01/05/06	€80,016.00
Primary	19615S	Scoil Aonghusa	Cashel	Tipperary South	Yes	02/06/06	€35,000.00
Primary	20007C	GS Chluain Meala	Clonmel	Tipperary South	Yes	01/06/04	€23,000.00
Primary	20085W	GS Charraig Na Siuire	Carrick-on-Suir	Tipperary South	No	01/09/98	€99,364.61
Post-Primary	72400V	Comeragh College	Clonmel	Tipperary South	Yes	01/08/07	€40,000.00

207. **Deputy Sean Fleming** asked the Minister for Education and Skills the position regarding plans for new accommodation in respect of a school (details supplied) in County Laois; and if he will make a statement on the matter. [21276/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to advise the Deputy that a project to provide an extension to allow the two schools referred to by the Deputy to amalgamate was announced in January 2011 as one of the projects to commence the process of the brief formulation under my Department's 2011 Multi-annual School Building and Modernisation Programme.

My officials have been in contact with the school authorities in relation to the steps to be taken to progress the project.

### **Special Educational Needs**

208. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will have the staffing complement of a school (details supplied) in Dublin 24 reviewed in view of the serious concern about the loss of special needs assistants; and if he will make a statement on the matter. [21295/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to clarify for the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time.

I wish to clarify also that the recruitment and deployment of SNAs within schools are matters for the individual Principal/Board of Management. SNAs should be deployed by the school in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming 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.

### **School Enrolments**

209. **Deputy Gerry Adams** asked the Minister for Education and Skills if he will advise persons (details supplied) who have been unable to secure a place in a suitable secondary school for this September other than a fee-paying school; the steps he will take to resolve this matter; his views on whether there is shortage of secondary school places in the Dundalk

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area; the action he will take to resolve this issue; and if he will make a statement on the matter. [21350/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The selection and enrolment of pupils in schools is the responsibility of the authorities of the individual school. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking school places in an area. However, this may result in some pupils not obtaining a place in the school of their first choice. As schools may not have a place for every applicant, a selection process may be necessary. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act, 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act, 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Education Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school. My Department has no authority to compel a school to admit a pupil, except in the case of an appeal under section 29 of the Education Act, 1998 being upheld. The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The parents of the child in question may wish to contact the NEWB who have confirmed that they will offer advice on securing a school placement within the pupil's area. The contact details for the NEWB in the area in question is NEWB, Block 3, Floor 1, Grove Court, Blanchardstown, Dublin 15, Tel: 01 8103261.

I recently announced that 20 new primary and 20 new post-primary schools are to be established in the next six years. Of the 40 new schools, one new post-primary school will be located in the Dundalk area. This school will cater for a long term enrolment of 1,000 pupils.

### School Staffing

210. **Deputy Seán Crowe** asked the Minister for Education and Skills the reason a school (details supplied) in Dublin 24 has had its special needs assistant allocation cut from 13 to 6.5, a reduction of 50%, which, combined with a possible loss of language support teachers, will have an impact on the lives of children with special educational needs and behavioural difficulties. [21351/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to clarify for the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time.

I also wish to clarify that the recruitment and deployment of SNAs within schools are matters for the individual Principal/Board of Management. SNAs should be deployed by the school in a manner which best meets the care support requirements of the children enrolled in the school for whom SNA support has been allocated. It is a matter for schools to allocate support as required, and on the basis of individual need, which allows schools flexibility in how the SNA support is utilised.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools.

The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming 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.

The Deputy will also be aware that significant support is given to schools by way of language support provision. The level of extra teaching support provided in respect of language support to any school is determined by the numbers of eligible pupils enrolled and the associated assessed levels of those pupils' language proficiency. This is done through an annual application process in the Spring/Summer of each year.

Schools that made applications, and where more than 25% of the enrolment would qualify for language support, have had their applications assessed on the basis of the same criteria as last year and have a right of appeal to the Primary Staffing Appeal Board. The criteria on the number of children outlined in Circular 15/2009 still applies, i.e. the first post is granted where there are 14 to 30 eligible children the second post granted for between 31 and 90 children, the third post granted for between 91 and 120 eligible children, and the fourth post for between 91 and 120 eligible children.

### Departmental Bodies

211. **Deputy Seán Kenny** asked the Minister for Education and Skills the number of persons employed by the State Examination Commission and the National Council and Curriculum Assessment by grade. [21363/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The number of persons employed by the State Examinations Commission (SEC) and the National Council for Curriculum and Assessment (NCCA) broken down by grade is set out in the table.

NCCA staffing levels at 15 July 2011

	No.
Chief Executive Officer	1
Deputy Chief Executive Officer	2
Directors	5
Assistant Principal	1
Higher Executive Officer	2



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	No.
Executive Officer	1
Clerical Officer	4
Service Officer	1
Education Officers	8.5
Total	25.5

## SEC staffing levels at 15 July 2011

	No.
Chief Executive Officer	1
PO Director	1
Principal Officer (PO)	1
Assistant Principal Officer (APO)	4.8
Higher Executive Officer (HEO)	14
Executive Officer (EO)	30.0634
Staff Officer (SO)	12
Clerical Officer (CO)	45.0317
Head Service Officer	1
Service Officer	8
HEAD of Examination and Assessment Division (EAD)	1
Assistant HEAD	1
Examination and Assessment Managers (EAM)	24.4
Cleaners	4
Night Watchman (Security)	3
Total	151.2951
Temporary Clerical Officers *	69
Temporary Service Officers *	15
Temporary Cleaner*	1
Grand Total	236.2951

\*For summer exam peak only.

**Special Educational Needs**

212. **Deputy Terence Flanagan** asked the Minister for Education and Skills if a special needs assistant will be provided in the case of a person (details supplied) in Dublin 13; and if he will make a statement on the matter. [21367/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual

allocation of Special Needs Assistant support to eligible schools. The NCSE is currently in the process of informing schools of their annual SNA allocation for the coming school year.

### **Postgraduate Scholarship Scheme**

213. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills the number of students from abroad that his Department grant aided via scholarships to come to Ireland in 2009 and 2010 to study; the courses and universities or colleges involved; the cost per student per year; if same was made up of college fees, registration, accommodation, maintenance or orientation expenses; and if there is a reciprocal arrangement for Irish students to study in their countries of origin. [21368/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A post-graduate scholarship scheme of a reciprocal nature exists under a number of bilateral cultural agreements between Ireland and other countries.

The number of students from abroad who came to Ireland on scholarships was 22 in 2009 and 22 in 2010. In both years, the courses involved covered a range of disciplines including courses in the humanities, science and business in the universities and Institutes of Technology.

The grant for each student covered the cost of fees and registration, plus a maintenance component. The value of the fee element of the grant ranged from €7,000 to €12,750 per student and the maintenance component was €5,000 per student in both years.

### **Third Level Staff**

214. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills the grants provided by his Department for university lecturers, professors or officials to travel abroad; the purpose and duration of education visits; and if he will make a statement on the matter. [21369/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department does not provide specific grants to Universities for foreign travel. The position is that funding is provided by my Department to the Higher Education Authority (HEA) for distribution among the publicly funded third level institutions, including Universities. The HEA disburses funding to the institutions by taking into account the full circumstances of the institution, the range and type of courses and facilities offered to the students, total student numbers and the nature of the infrastructure. It is then a matter for each institution to determine how the funding is allocated internally.

Under the Code of Governance for Irish Universities, the governing authorities of universities are required to implement Government pay policy (including procedures and systems in relation to Travel and Subsistence). The universities provide an annual update on their compliance with the code to the HEA.

### **Schools Building Projects**

215. **Deputy Brendan Smith** asked the Minister for Education and Skills when it is expected that construction will commence on the new post-primary school in Ballinamore, County Leitrim; and if he will make a statement on the matter. [21375/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The new post-primary school to be provided in Ballinamore, Co Leitrim is one of eight schools which were approved for inclusion in the 3rd Bundle of schools to be procured via Public Private Partnership.

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This Bundle was handed over to the National Development Finance Agency (NDFA) in July 2010 to commence the tender procurement process.

This process is ongoing with tenders received this month. Subject to the successful completion of the procurement process, including securing the necessary Local Authority consents, it is anticipated that construction of the schools in this bundle will commence in the first quarter of 2012 and the accommodation is expected to be ready for occupation in September 2013.

216. **Deputy Brendan Smith** asked the Minister for Education and Skills the progress made to date in relation to the establishment of a new second level school (details supplied) in County Cavan; when the project will proceed to the next stage; the likely timescale for construction; and if he will make a statement on the matter. [21376/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that I recently announced that 20 new primary and 20 new post-primary schools are to be established in the next six years. Of the 40 new schools, one new post-primary school will be located in County Cavan in the area referred to by the Deputy.

I also announced the introduction of new arrangements for the recognition of both primary and post-primary schools that will provide an opportunity for all patrons to seek to apply for patronage of these schools.

My Department will shortly inform patron bodies of the details of the first schools that are to be established. Applications for patronage of the new schools will then be sought.

It is not possible at this early stage to say when construction will commence.

217. **Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding the proposal to provide permanent additional accommodation at a school (details supplied) in County Cavan; when this project is likely to proceed to construction; and if he will make a statement on the matter. [21377/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project for the school referred to by the Deputy is currently at an early stage of architectural planning.

Officials from the Planning Building Unit of my Department have requested a meeting with the school and its Design Team to expedite the preliminary design process. When completed, the Stage 1 submission which incorporates the preliminary design will be submitted to my Department for technical review.

The next stages for the project will be the completion of stage 2(a) — Developed Sketch Design and stage 2(b) which will include applications for planning permission and other statutory approvals.

Until planning permission has been secured and stage 2(b) of architectural planning has been completed, it will not be possible to give an indication of the timeframe for completion of the subsequent tender and construction stages.

218. **Deputy Brendan Smith** asked the Minister for Education and Skills the position regarding the proposal to provide permanent additional accommodation at a school (details supplied) in County Cavan; when this project is likely to proceed to construction; and if he will make a statement on the matter. [21378/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The building project for the school referred to by the Deputy is currently at an early stage of architectural planning.

Officials from the Planning and Building Unit of my Department met with the school and its Design Team recently to expedite the preliminary design process. When completed, the Stage 1 submission which incorporates the preliminary design will be submitted to my Department for technical review.

The next stages for the project will be the completion of stage 2(a) — Developed Sketch Design and stage 2(b) which will include applications for planning permission and other statutory approvals.

Until planning permission has been secured and stage 2(b) of architectural planning has been completed, it will not be possible to give an indication of the timeframe for completion of the subsequent tender and construction stages.

219. **Deputy Brendan Smith** asked the Minister for Education and Skills when approval will issue in respect of the need to provide additional permanent accommodation at a school (details supplied) in County Cavan; and if he will make a statement on the matter. [21379/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is liaising with the school to which the Deputy refers regarding their accommodation needs and the school has undertaken to furnish material to my Department for consideration. When this is received and considered, the matter can be progressed further. In the meantime, I am pleased to inform the Deputy that my Department has recently approved four additional classrooms to meet the school's immediate accommodation needs.

220. **Deputy Seán Kyne** asked the Minister for Education and Skills the position regarding plans for the new community school at Clifden, Connemara, County Galway; and if he will provide a timeframe for the opening of the new school. [21407/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Project for Clifden Community School is included in the School Building Work Programme for 2011 which was announced on 24 January 2011.

The Design Team are currently working on finalising the Stage 2b submission (Detailed Design) which will then be submitted to my Department for review.

Subsequently assuming no further issues arise, my Department will be in contact with the Board of Management with regard to the further progression of the project.

### **Semi-State Bodies**

221. **Deputy Pearse Doherty** asked the Minister for Education and Skills the savings to the semi-State sector in his Department in a full year if he were to cap the maximum salary available in semi-State bodies at €100,000. [22627/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The details requested by the Deputy are not readily available. My Department will arrange to compile and forward the details requested as soon as possible.

### **State Agencies**

222. **Deputy Shane Ross** asked the Minister for Public Expenditure and Reform the timetable for a reduction in the number of quangos; and if he will make a statement on the matter. [20897/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Government is currently undertaking a Comprehensive Review of Expenditure under which all areas of public expenditure are being subject to scrutiny. The Government expect that this will go beyond simply abolishing agencies and also consider issues such as how existing agencies might be reformed, how functions might be reallocated among them, and how different bodies within and beyond individual Ministers' remits might be brought together on a repurposed, streamlined basis.

The question of rationalization and the reduction in the number of state agencies will be considered in the context of the Comprehensive Review of Expenditure and the overall budgetary and estimates process for 2012 and later years.

### **Semi-State Bodies**

223. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the savings to the Exchequer in a full year if he were to cap the maximum salary available to public servants at €100,000. [21062/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I refer to the reply by my colleague, the Minister for Finance, to Questions Nos. 39, 43 and 45 on 5 July 2011.

### **Public Sector Remuneration**

224. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the total value of bonuses awarded to staff in the public sector from the years 2007 to 2010. [21063/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Committee for Performance Awards was established in November 2001 to oversee the operation of schemes for performance awards for certain grades within the civil service, the Garda Síochána and the Defence Forces. The first awards under the scheme of performance-related awards were made in 2003 in respect of 2002. Subsequent awards were made annually thereafter up to 2008 in respect of performance in 2007. On 5 February 2009 the Minister for Finance announced in the Dail the discontinuation of the scheme for Assistant Secretaries, Deputy Secretary and related grades. No awards have been made under the scheme in respect of performance in 2008 to date.

Details of the awards made to date are contained in the annual reports of the Committee for Performance Awards. The cost of the awards approved by the Committee for Performance Awards amounted to approximately €3 million in 2008 (awards related to performance in 2007) and approximately €2.7 million in 2007 (awards related to performance in 2006). The last report of the Committee is dated 2008 and relates to performance in 2007.

Neither myself nor officials in my Department have any role in the operation of PRA Schemes in either the Local Authority or Health Sectors. Therefore the Deputy may wish to address his query directly to the relevant Departments.

While the introduction of performance related schemes in the commercial and non-commercial State sponsored bodies sector require the approval of the Minister for Public Expenditure and Reform, once such approval has been given, the operation of such schemes is a matter for the relevant Boards and parent Departments. In this context, comprehensive data on annual performance related payments in the commercial and non-commercial State sponsored bodies sector is not held in my Department but may be sought from the parent Departments concerned. All such schemes are predicated on the achievement of stretched targets — i.e. payments under such schemes are not to be seen as an automatic addition to basic pay.

It is to be noted that in the context of Non-Commercial State Sponsored Bodies, Secretaries General of Government Departments were advised in 2009 that in current circumstances, notwithstanding the contractual issues involved, it would be appropriate that consideration of any bonus payments should be suspended. A further letter issued last year which advised all Government Departments that suspension of performance related award schemes in non-commercial State bodies should be on an indefinite basis and that any future proposals to re-introduce such schemes should be referred to this Department. Secretaries General were asked to convey this position to the bodies under the aegis of their Departments. A similar letter issued earlier this year in respect of performance payments in Commercial State Companies. Information on performance related payments for CEOs and second tier management in Commercial State Companies is appropriate to the relevant Departments. In relation to CEOs the information is published in the annual report of such companies.

While not encompassing the Commercial State Companies, it is to be noted that the Review Body on Higher Remuneration in the Public Sector (Report No 44: September 2009) stated that the Review Group remained committed to the concept of performance schemes for the higher management grades in the public service but, in recognition of the very serious state of the public finances, recommended that such payments be suspended until 2012 when they should be reviewed again.

### **Semi-State Bodies**

225. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the savings to the semi-State sector in a full year if he were to cap the maximum salary available in semi-State bodies at €100,000. [21064/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I refer to the reply by my colleague, the Minister for Finance, to Questions Nos. 39, 43 and 45 of 5 July 2011. The estimate of the net savings accruing to the Exchequer of less than €100m p.a. arising from the imposition of a cap of €100,000 on public service salaries includes those employed in non-commercial state bodies, although it is not possible to provide a breakdown specifically in respect of those staff. However, the estimate does not include staff of commercial state-sponsored bodies since the Minister for Public Expenditure and Reform is not responsible for setting the rate of pay for employees (other than CEOs) in the commercial state sector.

### **Public Service Remuneration**

226. **Deputy Pearse Doherty** asked the Minister for Public Expenditure and Reform the return to the Exchequer in a full year if he capped ministerial salaries at €100,000, TDs' salaries at €75,000 and Senators' salaries at €60,000. [21065/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The estimated full year saving accruing to the Exchequer from applying a cap on salaries to all members of the Government of €100,000, to TDs of €75,000 and to Senators of €60,000 is estimated at nearly €4.3m.

### **Public Sector Staff**

227. **Deputy Dessie Ellis** asked the Minister for Public Expenditure and Reform the number of exemptions requested by Departments, local authorities and State agencies to the current moratorium on recruitment and promotion; if he will provide the full details in each such case including the requesting body; the reasons for the request; the number of staff requested and

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at which grade the staff are requested; the cost of same; if he will provide in detail, his response to each such request; and if he will make a statement on the matter. [21307/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The moratorium on recruitment and promotion was introduced at the end of March 2009. The moratorium allows for certain general exemptions in the Education and Health Sectors for the filling of certain key posts as well as for the 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 Ministers.

Departments have been implementing the moratorium in respect of themselves and the bodies under their aegis. However, where a Department feels that a post should be filled, in either the case of a civil service post or in relation to a public service post in a body under the aegis of the Department, it requires the sanction of the Minister for Public Expenditure and Reform for an exception to the moratorium. Requests for exceptions are not made in respect of every vacancy.

The attached tables set out exceptions sought to the moratorium on recruitment and promotion in both the Civil and Public Service to date. This information is collected in a standard format and full details are outlined in table 1 and table 2 below. Information is not collected on the cost of individual posts sanctioned.

Each request for an exception is assessed on a case by case basis. Approval to fill posts is based on the business case made including consideration of, for example:

- a. statutory posts which have to be filled for legal reasons;
- b. in a number of instances failure to fill posts could result in a breach of EU/international regulations etc.;
- c. safety related posts where a failure to fill them could leave the state open to potential legal liabilities or for security reasons;
- d. some specialist/technical posts which are required to ensure continuity of operations e.g. legal officers; laboratory staff, maritime safety, etc.;
- e. to ensure continuity of essential services.

It should be noted that in accordance with the terms of the moratorium, exceptions can only be sought by Government Departments and Offices after all internal possibilities of reassigning staff, reorganising work, etc. have been exhausted.

In addition, 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. There must be suppression of posts of equivalent value in non-frontline areas for each new exempted posts or each exception made.

Information on the individual exceptions sought by each Department in respect of Civil Service and Public Service posts is outlined in table 1 and table 2, respectively.

Requests for exemption represent a small part of staff numbers not replaced and such requests will usually only be made by Departments if they feel there is a strong case to be made.

Table 1 Civil Service

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Courts Service	5 Legal Researchers	Legal Researchers	5	Approved	01-Jun-09	5	Approved but next 6 Tipstaff to be suppressed
	1 CO in Limerick from PAS CO panel	CO	1	Approved	18-Nov-09	1	1 CO from PAS
	1 CO in Waterford from PAS CO panel	CO	1	Approved	18-Nov-09	1	1 CO from PAS
	Dep Gen Solicitor (AP) acting to Gen Solicitor (PO) to be made substantive	Gen Solicitor	1	Approved	06-Nov-09	1	Sanctioned as substantive Gen Solicitor on basis of suppressing Dep Gen Solicitor post
	Tip staffs (criers and ushers) for judiciary	Tip Staff (criers and ushers)	5	Approved	11-Mar-10	5	Operational needs.
	Permanent Court messenger Galway	Court Messenger	1	Approved	21-Jan-10	1	Statutory requirements
	10 Judicial Fellowships to the High Court	Fellowships	10	Approved	16-Jun-10	10	Fellows considered to provide key support to the Judiciary
	4 Assistant Principal Officer posts in Dublin	Assistant Principal	4	Part Approved	01-Nov-10	2	3 to replace 4 normal retirements and 1 lateral transfer
	3 Executive Officers in Dublin	Executive Officer	3	Not Granted			2 to replace retirements and 1 to replace transfer
;	1 Clerical Officer Wexford/Waterford	Clerical Officer	1	Not Granted			To replace staff member transferring to a Garda Station



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Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Service Officer with Allowance for Dublin	Service Officer	1	Not Granted			Vacancy created on retirement of incumbent
	1 Higher Executive Officer Wexford	HEO	1	Approved	19-Oct-10	1	
	1 Executive Officer Clonmel	EO	1	Approved	19-Oct-10	1	
	Judicial Secretaries	CO	2	Approved	19-Oct-10	2	
	Private Secretary to President High Court	CO	1	Approved	01-Nov-10	1	Essential Post
	Registrar Special Criminal Court	AP	1	Refused			Operational needs.
	Tip staffs (criers and ushers) for judiciary	Tip Staff (criers and ushers)	1	Approved	20-Dec-10	1	
	Tip staffs (criers and ushers) for judiciary	Tip Staff (criers and ushers)	1	Approved	10-May-11	1	
	Temporary Clerical Officer Cover	TCO	3	Approved	10-May-11	3	Vacancies arising as a result of shorter working year
	Higher Executive Officer Donegal	Higher Executive Officer	1	Approved	10-May-11	1	Acting up allowance EO to HEO for 6 months
	Higher Executive Officer Ballinasloe	Higher Executive Officer	1	Under consideration	10-May-11		
	Tip staffs (criers and ushers) for judiciary	Tip Staff (criers and ushers)	2	Under consideration			
	Executive Legal Assistant to Chief Justice	Executive Legal Assistant	1	Under consideration			
	Judicial Researcher	Judicial Researcher	1	Under consideration			

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
PRA	2 Supervisory Allowances for Service Officers	Service Officer	2	Under consideration			
	Examiner of Maps	04/02/1900	Part Approved	During 2009	20-Jan-00	20 Mapping Draughts persons promoted to next level. Old grade defunct while their new grade has big workload. Part Granted (no allowance for 15 staff)	20 Mapping Draughts persons promoted to next level. Old grade defunct while their new grade has big workload. Part Granted (no allowance for 15 staff)
	Deputy Registrar	01/01/1900	Approved	40246	01-Jan-00	Business Critical Post	Business Critical Post
	Mapping Advisor	01/01/1900	Approved	40246	01-Jan-00	Business Critical Post	Business Critical Post
	PO	01/01/1900	Approved	40246	01-Jan-00	Business Critical Post	Business Critical Post
JELR	AP	04/01/1900	Part Approved	40246	01-Jan-00	Promotions	Promotions
	Service Officer	03/01/1900	Approved	11-Aug-10	03-Jan-00		
	Assistant Sec	01/01/1900	Part Approved	40584	01-Jan-00		
	CEO Legal Aid Board	CEO	1	Approved	28-Aug-09	1	Statutory Post, extension for a 5 year fixed term contract
	CEO Equality Authority	CEO	1	Approved	23-Apr-09	1	Statutory Post, extension for a 5 year fixed term contract
	Employment Assistance Officer (EAO)	Employment Assistance Officer	1	Approved	06-May-09	1	Existing Civil Servant, cost neutral

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Garda Inspectorate — 2 members	Garda Inspectorate	2	Approved	07-Aug-09	2	2 new members of Inspectorate sanctioned for a 2 year period
	Deputy Chief State Pathologist	Deputy Chief State Pathologist	1	Approved	07-Jul-09	1	Exception made to make temp contract established (see file )
	Head of IT	Head of IT	1	Approved	17-Feb-10	1	Acting up allowance for 1 year
	2 Legal Researchers -INIS/ORAC	Legal Researcher	2	Approved	02-Feb-10	2	Renewal of Contracts for 1 year
	Director General (Dep Sec)	DG	1	Part Approved	25-May-10	1	Approved at lower level.
	International Policy (Asst Sec)	Asst Sec	1	Suppressed	01-May-10	0	—
	JELR ISER 10 PO posts	PO	8	Part Approved	—	4	—
	JELR shared services (Payroll Project Team 1 AP, 2 HEOs and 1 EO)	Eo to AP	5	Under Consideration	—	—	—
	JELR shared services (1 AP, 2 EOs and 2 Cos)	CO to AP	5	Under Consideration	—	—	—
	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	3	Approved	24-Mar-11		Ministerial Appointments
	12 Junior Solicitors — Legal Aid Board	Solicitors	12	Approved	15-Apr-10	12	Value for Money
	Office of Data Protection Commissioner, 5 year contract	Asst Sec	1	Approved	26-May-10	1	Statutory Post, extension for a 5 year fixed term contract

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	National Manager of Detention School Services	1	Under Consideration				
	Deputy Director Probation Services	1	Refused				
	1 Senior Legal Reseacher	1	Refused				
	4 Legal Researchers	4	Approved		3	Essential expertise needed	
	Senior Investigations Officer GSOC	AP	1	Refused			
	3 Forensic Scientists Grade III	3	Refused				
	2 Scientists		2	Refused			
	Assistant Principal Probation Officer	AP	1	Refused			
	Probation Officers	5	Refused				
	3 Assistant Principal	AP	3	Part Approved	26-Aug-10	2	Business Critical Posts
	7 Executive Officers	EO	7	Part Approved	26-Aug-10	3	Business Critical Posts
	2 Senior Probation Officers	Senior Probation Officers	2	Approved	26-Aug-10	2	Business Critical Posts
	8 Probation Officers	Probation Officers	8	Approved	26-Aug-10	8	Business Critical Posts
	5 Community Service Supervisors	Community Service Supervisors	5	Part Approved	26-Aug-10	3	Business Critical Posts
	Refugee Appeals Tribunal -Chairperson of Refugee Appeals Tribunal	1	Approved	30-Aug-10	1	Statutory Post	
	A/Sec — Finance and Corporate	Asst Sec	1	Approved	30-Sep-10	1	
	2 Executive Officers	EO	2	Approved	22-Oct-10	2	Business Critical Posts

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Irish Prison Service	Anti-Money Laundering Unit	1 HEO, 2EOs, 2 Cos	5	Part Approved	09-Nov-10	3	Increased Statutory function
	Extradition & Mutual Assistance Unit, Increased e-data.						
	GSOC Head of Communications						
	Driver Inspector of Prisons	Driver	1	Approved	26-Oct-10	1	Business Critical Posts
	Allowance for GSOC PA	CO	1	Approved	08-Nov-10	1	
	Minister Alan Shatter	Special Advisor	1	Approved	24-Mar-11	1	
		Special Advisor	1	Approved		1	Ministerial Appointment
		Personal Secretary	1	Approved		1	Ministerial Appointment
	Minister of State for Defence Paul Kehoe	Special Adviser	1	Approved		1	Ministerial Appointment
	Minister Alan Shatter	Personal Assistant	1	Approved	23-May-11	1	Ministerial Appointment
	10 Executive Officers INIS	Executive Officers	10	Under consideration			
	4 Higher Executive Officers INIS	Higher Executive Officers	4	Under consideration			
	4 Assistant Principal	Assistant Principal	4	Under consideration			
	Renewal of Contract for the Director General	Director General	1	Approved	June 09	1	Renewal of 5 year contract
	Chief Officer competition	Chief Officer	1	Approved	31-Jul-09	1	Prison operational reasons.
	40 Recruit Prison Officers	Prison Officer	40	Approved	31-Jul-09	40	Prison operational reasons.

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	3 Governor 1's	Governor	3	Approved	31-Jul-09	3	Prison operational reasons.
	2 Governor 2 posts	Governor	2	Approved	20/10/09	2	Prison operational reasons.
	1 Governor 2 Post	Governor	1	Approved	20/10/09	1	Prison operational reasons.
	Recruit grade prison officers	Prison Officers	40	Part Approved	23-Oct-09	40	Prison operational reasons.
	Mandatory Drug Testing (Allowances)	—	2	Approved	13-Oct-09	2	Prison operational reasons.
	Governor posts	Governor	15	Approved	01-Feb-09	15	Fill front line vacancies in prisons
	Recruit grade prison officers	Prison Officer	40	Approved	22-Jan-10	40	38 recruit prison officers and 2 psychologists
	Assistant Chief Officer	Asst Chief Officer	15	Approved	11-Feb-10	1	—
	Governor III	Governor	1	Under Consideration			Required for Transformation Implementation Team
	Assistant Governor	Asst Gov	1	Under Consideration			Required for Transformation Implementation Team
	Assistant Principal	Assistant Principal	1	Under Consideration			Required for Transformation Implementation Team
	2 Clerical Officers	Clerical Officer	2	Under Consideration			Required for Transformation Implementation Team
	150 Prison Officers	Recruit Prison Officer	150	Approved	19-May-10	150	Prison operational reasons.
	14 promotions to Assistant Chief Officer	Assistant Chief Officer	14	Approved	05-Jul-10	14	Prison operational reasons.

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Garda Civilians	Allowance for campus Governor	Governor 1	1				
	1 Assistant Principal	AP	1	Approved	Oct	1	Required for Transformation Implementation Team
	2 Clerical Officers	CO	2	Refused			
	9 Chief Officer I	Chief Officer I	9	Part Approved	18-Oct-10	5	Prison operational reasons.
	9 Chief Officer II	Chief Officer II	9	Part Approved	18-Oct-10	5	Prison operational reasons.
	Psychologists Grade II	Psychologists Grade II	2	Approved	December	2	Prison operational reasons.
	4 Psychology Assistants	Psychology Assistants	4	Under Consideration			
	10 Nurse Officer Posts	Nurse Officers	10	Refused	October		
	Coordinator of Education		1	Under Consideration			
	5 Governor III posts	Governor III	5	Approved	15-Jul-10	5	Prison operational reasons.
	2 Governor I posts	Governor I	2	Approved	15-Jul-10	2	Prison operational reasons.
	1 Assistant Governor	Asst Gov	1	Approved	15-Jul-10	1	Prison operational reasons.
	Psychologists Grade II	Psychologists Grade II	2	Approved	03-Sep-10	2	Prison operational reasons.
	150 Prison Officers	Prison Officers	150	Part Approved	27-Sep-10	79	
	Assistant Industrial Supervisors	Assistant Industrial Supervisors (prison officers)	64	Part Approved	01-Dec-10	32	Prison operational reasons.
	Acting up allowances			Not Granted	—	—	—
	GPO head of HR strategy	PO	1	Not Granted	—	—	—

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
D/E&S	Head of Garda Infor Services centre	PO	1	Not Granted	—	—	—
	Head of Training unit Templemore	AP	1	Approved	12-Mar-10	1	1 year contract extension
	IT staff 9	Various	9	Part Granted	19-Apr-11	4	2 HEOs and 2 EOS subject ot CMOD approval
	31 staff for emergency call answering	CO	31	Refused	01-Jun-10	—	—
	35 Staff for Garda Vetting Unit	CO	35	Part Granted	16-Feb-11	10	six month contracts to clear backlog
	Head of legal affairs	PO higher	1	Approved	19-Apr-11	1	
	OSCAM	Various	4	Part Granted	19-Apr-11	2	
	GISC	HEO	3	Approved	19-Apr-11	3	
	Accident Damage Manager	HEO	1	Not Granted	19-Apr-11	0	
	Vehicle inspectors	EO	2	Part Granted	19-Apr-11	1	
	Dr	Dr	1	Not Granted	19-Apr-11	0	
	HR manager	HEO	2	Approved	19-Apr-11	2	
	Crime analyst	HEO	2	Not Granted	19-Apr-11	0	
	GNIB	EO	6	Under consideration			
	Head Grooms Person — An Garda Siochana	Head Grooms Person	1	Under consideration	1	Replacement for retirement	
	Programme for Govt 22 Psychologist & 3 SENO staff	Psychologists/SENO	25	Approved	25-May-09	25	Extending a service and reducing spend on panel scheme
	Chief Inspector vacancy from retirement	Chief Inspector	1	Approved	Nov 09	1	Business Critical Post



[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	A/Secretary post	Asst Secretary	2	Part Approved	08-Oct-09	1	Business Critical Post
	CEO of State Examinations Commission	Asst Secretary	1	Approved	08-Oct-09	1	Business Critical Post
	School Inspectorate	10 Retired School Inspectors	10	Approved	03-Feb-10	10	
	NCCA	8 Education Officers (temp.)	8	Approved	22-Jun-10	8	Business Critical Post
	SEC	EAM (maths)	1	Approved	16-Sep-10	1	Specialist post
	NCCA	Director Curr. Assess.	1	Approved	22-Sep-10	1	Business Critical Post
	SEC	Director (HEAD)	1	Approved	09-Mar-11	1	Busines critical case (Junior & Leaving Certs)
	Appointment of Ministerial Staff	Civilian drivers	2	Approved	07-Apr-11	2	Ministerial Appointments (Cannon)
DES	Appointment of Ministerial Staff	Special Advisor	1	1 Approved	07-Apr-11	1	Min. appointment (Quinn)
DES	Appointment of Ministerial Staff	Personal Assistant	1	1 Approved	07-Apr-11	1	Min. appointment (Cannon)
DES	Appointment of Ministerial Staff	Personal Secretary	1	1 Approved	04-May-11	1	Min. appointment (Quinn)
DES	Appointment of Ministerial Staff	Personal Assistant	1	1 Approved	12-May-11	1	Min. appointment (Quinn)
DES	Appointment of Ministerial Staff	Civilian Driver	1	1 Approved	13-May-11	1	Min. appointment (Quinn)
DES	Appointment of Ministerial Staff	Special Advisor	1	1 Approved	02-Jun-11	1	Min. appointment (Quinn)
DES	Appointment of Ministerial Staff	Personal secretary	1	1 Approved	01-Jun-11	1	Min. appointment (Cannon)
DES	Appointment of Ministerial Staff	Civilian Driver	1	1 Approved	01-Jun-11	1	Min. appointment (Quinn)

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
DES	3 Post-primary Inspectors	Education	3	2 approved	20-May-11		to hold a competition for possible vacancies in the primary & post-primary inspectorate (specific sanction required for any appointment by D/Fin)
DES	4 Temp Cos form PAS + 2 redeployed from other local depts.	CO	6	6 approved	03-Jun-11	6	4 Temp Cos form PAS + 2 redeployed from other local depts to cover absences in large scale operational areas.
NCCA	1 new education officer	Officer	1	1 approved	05-Jul-11		new post had been approved previously. 2 other staff retiring in august will also be replaced.
DES	replace senior statistician on 5 year secondment	Senior statistician	5	approved	06-Jul-11		replacement will return to Cso when DES statistician returns from ICTU
D/Social Protection	New Management Board Structure	A/Sec and Director	4	Agree in principle to fill two of three A/Sec arising in '09 and to replace over '09 and '10 four departing Directors by two /Secs.	Decision by Minister 8/10/09 to proceed. Sanction issued 19 April '10 to appoint 2 A/Secs to replace 4 departing Directors.	4	Agreed to restructure responsibilities at Mgt Board level from 5 A/Sec and 5 Directors to 6 A/Sec and 1 Director.

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	To fill vacancy resulting from retirement in Child Family & Supplementary Policy & Services	Asst Secretary	1	Approved	Oct-09	1	Business Critical Post
	Regional & Pensions Service Delivery	Asst Secretary	1	Approved	Oct-09	1	Business Critical Post
	General Register Office	Asst Secretary	1	Refused	—	0	—
	GPs required to operate med assessment scheme	Medical Assessors	4	Approved	09-Nov-09	4	Control function in monitoring validity of illness cases
	Dep Head for med assessment scheme	Deputy Chief Medical Advisor	1	Approved	13-Jul-09	1	To provide management level to ensure appropriate monitoring of illness cases
	Director — This is a statutory post	Chief Appeals Officer	1	Approved	23-Oct-09	1	Statutory Requirement to have Director in place
	Head of Office — renewal of contract	Pension Ombudsman	1	Approved	01-Apr-09	1	Statutory requirement to have Ombudsman in place
	3 posts sanctioned for Buncrana Office Donegal	Service Officer	3	Approved	24-Aug-09	3	Not possible to recruit Service Officer staff locally or via CAF
	8 Buncrana Office Donegal	Staff Officer	8	Approved	06-Oct-09	8	Supervisory posts
	Promotions (Dundalk)	CO to SO	20	Approved	01-Jul-09	20	Reduce Live Register "waiting time" for new claimants
	Promotions Dundalk Initiative	CO to SO	25	Approved	23-Dec-09	25	Reduce Live Register "waiting time" for new claimants

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	Sanction to run competition for PO post in Sligo	Principal Officer		Approved	18-Jan-10	1	No assignment to date
	Package of up to 100 posts being requested -50 promotions in 2010 and 50 in 2011.	SO, EO and HEO, AP,	100	Part Approved	25-Mar-10	20	To deal with increases in the Live Register
	Social Welfare Appeals Officers (Retired)	AP	12	Approved	20-May-10	12	Backlog of Appeals office Claims requiring decisions
	Special Adviser to Minister	PO Standard	1	Approved	06-May-10	1	Ministerial appointments to D/SP
	Special Media Adviser to Minister	PO Standard	1	Approved	06-May-10	1	Ministerial appointments to D/SP
	Personal Assistant to Minister	HEO	1	Approved	06-May-10	1	Ministerial appointments to D/SP
	Personal Secretary to Minister	Personal Secretary	1	Approved	06-May-10	1	Ministerial appointments to D/SP
	Request to fill posts by internal competition	PO, AP and HEO	3	Approved	17-Aug-10	3	Essential to the maintenance of critical IT projects connected with increased workload arising from increases in the Live Register and also resulting from the integration of IT systems associated with transfers of functions to the D/SP. PO post is to be filled from existing internal panel while other 2 posts are to filled from redeployment if possible.

[Deputy Brendan Howlin.]

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D/AFF	Medical Assessors	Medical Assessors			13-Jul-10		Approval given to run competition — additional sanction will be required to fill posts. The Medical Review and Assessment Services (MRAS) is the principal control mechanism for illness, disability and carer payment schemes administered by DSP.
	Filling of Senior Management Posts	1 Deputy Secretary and 1 Assistant Secretary	2	Under Consideration			Business Critical Posts
	Appointment of Ministerial Staff	Personal Secretary	1	Approved	20-Apr-11	1	Ministerial Appointment
	Filling of Senior Management Posts	1 Assistant Secretary	1	Approved	27-Apr-11	1	Approved on a redeployment basis
	Payment of PO acting up allowance	PO	2	Approved	10-May-11	2	
	Appointment of civilian driver	Civilian Driver	1	Approved	25-May-11	1	Ministerial Appointment
	Appointment of Ministerial Staff	Advisor	1	Approved	15-Jun-11	1	Ministerial Appointment
	Appointment of civilian driver	Civilian Driver	1	Approved	16-Jun-11	1	Ministerial Appointment
	Appointment of Ministerial Staff	Advisor	1	Approved	28-Jun-11	1	Ministerial Appointment
	Filling of 2 A/Sec posts	Assistant Secretary	2	Part Approved	19-Mar-10	1	
	Filling of vacancy in Direct Payment Schemes	Assistant Secretary	1	Approved	10-Jul-09	1	Business Critical Post

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
D/EH&LG	Senior Management, technical and scientific (45) to address skills deficits and ensure EU directives compliance	Various	45	Part Approved	19-Mar-10	21	—
	Statutory posts	Audit & Senior management	2	Approved	19-Mar-10	2	—
	Acting up allowance	HEO	1	Approved	2/10/09	1	—
	Senior Management and Technical Posts	Various	54	Part Approved	22-Sep-10	3	To cover financial risk re management of Programmes. Remainder of request still under consideration.
	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	8	Approved	10-Mar-11	8	Ministerial Appointments
	appointment of AP	AP	1	Approved	21-Apr-11	1	15 Aps retired in the previous 2 years. Consequential HEO vacancy will not be filled
	Filling of vacancies in service delivery posts	Various	42	Part Approved		18	Delivery of service
	To replace retiring and promoted Assistant Secretary	Assistant Secretary	1	Approved	19/6/09	1	Business Critical Post

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Request for 35 posts, 14 via promotion and 21 via recruitment	various Tech and administrative grades	35	Part Approved	27/03/2010	22	8 Posts in the National Parks & Wildlife Service: 1 Grade 1 Inspector, 1 Grade II Inspector, 4 Grade III Inspectors, 2 Conservation Rangers. 6 Posts in Met Éireann: 1 Assistant Director, 1 Meteorologist, 4 Meteorological Officers 3 Other Professional/Technical Posts 1 Water Quality Inspector, 1 Principal Adviser (Environment Inspectorate), 1 Inspector Grade III, 5 General Service Posts 1 Principal Officer, 2 Assistant Principals, 1 Administrative Officer, 1 Executive Officer.
	Met Éireann — Director	Director	1	Approved	18-Sep-09	1	Business Critical Post
	To replace Principal on loan	PO	1	Approved	29/1/10	1	Acting position
	To replace retired assistant secretary — Heritage Division	Assistant Secretary	1	Approved	21-Apr-10	1	Business Critical Post — already deferred for 1 year
	Replace retiree	GIS Manager	1	Approved	10-Jun-10	1	Required technical post

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Enterprise, Trade and Innovation Labour Relations Commission DETI DETI ET&I (Labour Relations Commission)	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	5	Approved	various 10 March 2011 to 21 March 2011	5	Ministerial Appointments
	Appointment of Ministerial Staff	Civilian Drivers and Special Advisors	5	Approved	various 9 May 2011 to 19 July 2011	5	Ministerial Appointments
	Met Eireann — Principal Meteorological Officer	Principal Meteorological Officer	1	Pending			
	Reappointment of 2 Rights Commissioners	PO equivalent	2	Approved	28/04/2009	2	Non-discretionary volume of LRC cases and need to maintain state IR machinery.
	Personal Assistant, Personal Secretary and 2 Civilian Drivers for Minister of State Kelleher	HEO, EO, Civilian Driver	4	Approved	06/05/2009	4	Political Appointments
	Personal Assistant, Personal Secretary and 2 Civilian Drivers for Minister of State Lenihan	HEO, EO, Civilian Driver	4	Approved	12/05/2009	4	Political Appointments
	Deputy Director of Conciliation Services	PO	1	Approved	29/5/2009	1	Business Critical Post in LRC necessary to maintain state IR machinery.
	Personal Assistant,	HEO, EO, Civilian	4	Approved	09/06/2009	4	Political Appointments



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Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Personal Secretary and 2 Civilian Drivers for Minister of State Calleary	Driver					
ET&I (Labour Court)	Reappointment of 2 Members of Labour Court	N/A	2	Approved	02/06/2009	2	Statutory posts needed for operation of divisions of Labour Court
ET&I (Office of Director of Corporate Enforcement)	Part-time services of retired High Court Judge	High Court Judge	1	Approved	03/06/2009	1	To adjudicate on legal documents in Anglo Irish Bank investigation
ET&I (Labour Relations Commission)	Reappointment of 2 Rights Commissioners	PO equivalent	2	Approved	13/08/2009	2	Non-discretionary volume of LRC cases and need to maintain state IR machinery.
ET&I (National Employment Rights Authority)	Solicitor	Solicitor	1	Application was refused	10/09/2009	0	
ET&I (Patents Office)	Request for higher duties allowances for 2 EOs	HEO	2	Approved	10/09/2009	2	Temporary replacements in Trademarks Division
ET&I	Renew contracts of 2 legal researchers	EO	2	Approved	16/09/2009	2	To provide research for drawing up Companies Consolidation bill. 2 EO posts to be suppressed for duration of temporary contract.

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ET&I (Labour Court)	Deputy Chairman of Labour Court	Assistant Secretary	1	Approved	31/01/2010	1	Statutory post. Filled by agreement by ICTU nominee.
ET&I	Additional 10 IT posts	HEO and EO	10	Partly approved	02-Jun-10	3	Critical ICT posts.
ET&I	Appointment of Legal Advisor on secondment from Office of AG	Legal Advisor	1	Approved	24-May-10	1	Critical legal skills requirement.
ET&I (Labour Court)	Filling of Ordinary member of Labour Court post	Principal Officer Higher	1	Approved	26-May-10	1	Statutory post. Filled by retention of member until new nomination is received.
Enterprise, Trade & Innovation	Minister O'Keeffe's Special Advisors	Principal Officer	2	Approved	18-May-10	2	Political Appointment
	Minister O'Keeffe's Personal Assistant	Higher Executive Officer	1	Approved	18-May-10	1	Political Appointment
	Minister O'Keeffe's Personal Secretary	Executive Officer	1	Approved	18-May-10	1	Political Appointment
	Minister of State Lenihan's Personal Secretary	Executive Officer	1	Approved	21-Jun-10	1	Political Appointment
	To give Acting Up to and AO for AP and consequentials to EO and CO	AP, HEO, EO	3	Under consideration			
	To hold an internal competition to fill 2 AP posts	Assistant Principal	2	Under consideration			
Enterprise, Trade & Innovation	To renew the contracts of 2 Legal Researchers		2	Approved	09-Aug-10	2	Contractors working on legislation

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Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Labour Court	To re-appoint the Chairman and 2 Ordinary Members		3	Approved	19-Jul-10	3	Statutory posts.
Labour Relations Commission	Re-appointment of a Rights Commissioner		1	Approved	19-Jul-10	1	Statutory post
NERA	To fill Legal Advisor vacancy	Solicitor (AP)	1	Approved.	13-Sep-10	1	Critical post that will save expenditure on external legal services.
Enterprise, Trade and Innovation	To fill PO vacancies	PO	3	Under consideration			
Enterprise, Trade & Innovation	Assistant Secretary post	Assistant Secretary	1	Under consideration			Ass Sec posts have reduced from 7 to 4 since April. Post in CSD area — arises due to retirement
NERA	To fill Accountant vacancy	Accountant Grade I	1	Under consideration			
	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	13	Approved	various 10 March 2011 to 11 April 2011	13	Ministerial Appointments
	WAM project — temporary placement	graduate	1	Approved	15/03/2011	1	Temporary replacement for 6 months- administered by the Association of Higher Education Access Disability (AHEAD)
Minister of State Sean Sherlock	Personal Assistant	Personal Assistant	1	Approved	01/04/2011	1	Required for Ministerial Office

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
”	Personal Secretary	Personal Secretary	1	Approved	01/04/2011	1	Required for Ministerial Office
”	Civilian Driver	Civilian Driver	1	Approved	01/04/2011	1	Required for Ministerial Office
”	Civilian Driver	Civilian Driver	1	Approved	01/04/2011	1	Required for Ministerial Office
Minister Richard Bruton	Personal Secretary, Assistant, Civilian drivers, special advisers	Personal Secretary, Assistant, Civilian drivers, special advisers	4	Approved	21/03/2011	4	
	Personal Assistant	Personal Assistant	1	Approved	12/04/2011	1	Required for Ministerial Office
	Personal Secretary	Personal Secretary	1	Approved	12/04/2011	1	Required for Ministerial Office
	Press Adviser	Press Adviser	1	Approved	12/04/2011	1	Required for Ministerial Office
EJ&I	To fill AP Vacancy	AP	6	Under Consideration			
	To Fill PO Vacant	PO	4	Under Consideration			
CEGA	To start up and oversee new Irish SI translation unit.	Director	1	Approved	08/04/2009	1	Response to High Court ruling.
	To manage the translation of Statutory Instruments into Irish	Aistritheoir Grd II	1	Approved	08/04/2009	1	Response to High Court ruling.
	To manage the translation of Statutory Instruments into Irish	Aistritheoir Grd III	1	Approved	08/04/2009	1	Response to High Court ruling.

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
266 Charitable, Donations and Bequests Office  National Advisory Committee on Drugs	Ministerial Staff	Personal Assistant (HEO)	1	Approved	06/05/2009	1	Political Appointment
	Ministerial Staff	Personal Secretary	1	Approved	06/05/2009	1	Political Appointment
	Ministerial Staff	Civilian Driver	1	Approved	30/04/2009	2	Political Appointment
	To translate documents into Irish for EU.	Detached National Expert	3	Approved	05/11/2009	3	Temporary fixed term contracts renewed for 1 year.
	To replace 2 Assistant Secretaries, one of whom had retired and the other promoted.	Assistant Secretary	2	Approved	23/04/2010& 14/05/2010	2	Department was operating with only 1 Assistant Sec. Business critical post
	To renew contract of Secretary to Commissioners.	Solicitor (AP)	1	Approved	11-Mar-10	1	Need for continuity during the changeover period leading to the setting up of the Charities Regulatory Authority.
	To recruit researcher into drugs.	Researcher (AP)	1	Approved	11-Mar-10	1	Sanction granted to Health Research Board to recruit and second the Researcher to the NACD. Post considered a 'Business Critical Post'.
	Minister Carey's Special Advisor	Principal Officer	1	Approved	19-Apr-10	1	Political Appointment
	Minister Carey's Media Advisor	Principal Officer	1	Approved	19-Apr-10	1	Political Appointment
	Minister Carey's Personal Assistant	Higher Executive Officer	1	Approved	19-Apr-10	1	Political Appointment
	Minister Carey's Personal Secretary	Executive Officer	1	Approved	19-Apr-10	1	Political Appointment

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Equality Authority	Minister of State White's Personal Assistant	Higher Executive Officer	1	Approved	19-May-10	1	Political Appointment
	Minister of State White's Personal Secretary	Executive Officer	1	Approved	19-May-10	1	Political Appointment
	Minister of State White's Civilian Drivers	Civilian Driver	2	Approved	19-May-10	2	Political Appointment
	Ministerial Staff (Minister of State White)	Special Advisor	1	Approved	24-May-10	1	Political Appointment
	Additional Assistant Secretary Post	Assistant Secretary	1	Refused but Director post approved	22-Jul-10	1	Critical management post
	Filling of Legal Advisor post	PO	1	Under consideration			
	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers special advisers	3	Approved	21-Mar-11	3	Ministerial Appointments
Finance	To allow substantive AP grade for 4 HEOs who have been on acting up basis for 3 years	AP	4	Approved	09-Mar-11	4	Duration of acting up period.
	Banking specialist (temporary fixed term contract for 3 years)	Banking Specialist (Assistant Secretary level)	1	Approved	21/8/09	1	Urgent need for expertise in banking area.

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Package of IT posts.	1 ICT AP, 2 ICT E0s, 1 promotion EO to HEO (ICT)	4	Approved	23/12/09	4	Is in line with the ICT staffing recommendations made by the Special Group on Public Service Numbers and Expenditure Programmes
	Assistant Secretary in CMOD	Assistant Secretary	1	Approved	Jan 2010	1	Business Critical Post
	Secretary General	Secretary General	1	Approved	01-Feb-10	1	Business Critical Post
	8 POs	Principal	8	Approved	12-Apr-10	8	Business Critical posts in situation where staffing levels were already below approved revised limits
	Director						
	Director, Language Training Unit; higher duties allowance	Assistant Principal	1	Approved	01-Oct-09	1	Business Critical post
	Employee Assistance Officer	Higher Executive officer	1	Under consideration			
	Staff Officer	Staff Officer	1	Approved	28-June-201	1	Business critical post
	Second Secretary Financial Services Division	Second Secretary	1	Approved	21-Jul-10	1	Business critical post
	Senior Economic Adviser	Senior Economic Adviser	1	Approved	27-Sep-10	1	Business critical post — 3 Year Contract
	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	3	Approved	03-May-11	3	Ministerial Appointments

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Revenue	Promotion of 2 COs to EO	EO	2	Approved	24/6/09	2	Skilled staff. Newly commissioned Cutter to be launched and used in fight against illegal importation of drugs
	Package of 200 posts.	Various Grades	200	Approved	22/12/09	200	To fill key management, audit and policy posts to ensure effective tax collection through a mix of redeployment, internal promotion and open competition.
	To have internal competition for 2 CO positions in Print Room.	Clerical Officer	2	Approved	17-Feb-10	2	Open to Service Officers — regrading of 2 Service Officer posts to CO and filled by redeployment — with no overall increase in numbers.
	Completion of final 2 phases of 2003 Uplift Agreement i.e. uplift of 20 Tax Officers to EO; 28 Higher Tax Officers to HEO & 5 CO Programmers to EO JSA	Uplift of 20 Tax Officers to EO; 28 Higher Tax Officers to HEO & 5 CO Programmers to EO JSA	53	Approved	30-Mar-10	53	Revenue Integration to General Service grades. This was a legacy of the Revenue Agreement on Integration agreed with the Unions following the integration of Customs staff with Tax staff. End result is more effective casework management following targeted training.



[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Valuation Office	Revenue Solicitor and Asst Secretary post in Investigations and Prosecutions Division	Revenue Solicitor and Asst Secretary	2	Approved	22-Apr-10	2	Particular responsibilities attaching to each post.
	Creation of additional posts with allowances at Terminal 2 Dublin Airport	6 Eos, 12 Cos	18	Under consideration			
	Promotions	Chief Superintendents of Mapping	2	Approved		2	Element of restructuring plan for VO.
	Higher Superintendents of Mapping	Higher Superintendents of Mapping	2	Approved		2	Element of restructuring plan for VO.
	Appeal Officer	Appeal Officer	1	Approved	01-Sep-09	1	Internal competition — no backfilling of resulting vacancies — overall numbers not affected.
	A minimum of 1 Asst Registrar (HEO) and 3 COs for Valuation Tribunal to deal with ongoing Tribunal Appeals arising from National Revaluation	1 Asst Registrar (HEO) and 3 COs	4	Approved	15-Apr-10	4	To ensure that the statutory deadlines for processing of appeals following the Revaluation process be met. Sanctioned on basis that an EO post be suppressed for 1 year, while an EO filled the HEO position on an acting up basis. 1 CO post to be filled on redeployment and the other 2 on temp contract for 11 mths each.
	3 Student Valuers	3 Student Valuers @ CO level	3	Approved	17-Jun-10	3	On 1 year contracts on 1st pt of the CO scale, replacing students

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C&AG	To replace Service Officer retiring on age grounds	Service Officer	1	Approved	01-Oct-10	1	To be filled by redeployment, and that the overall number of Service Officers be reduced from 4 to 3 by end 2010
	1 Managing Valuer (PO equiv)	1 Managing Valuer	1	Approved	05-Nov-10	1	To be filled internally with no backfilling i.e. suppress resulting AP equiv post
	1 Cleaner and a promotion in situ of a Cleaner to Superintendent of Cleaners to replace upcoming retiree in latter grade	Cleaner & Superintendent of Cleaners	2	Part approved	17-Dec-10	1	To be filled through redeployment.
	Vacancies at various Grades	4 PO, 4.7 AP, 14.5 HEO/EO, 1.7 CO (Total 24.9)	24.9	Approved	15-Mar-10	24.9	Extra responsibilities e.g. NAMA, new Accounting Standards, extra work on Revenue account
	1 Director of Audit	Assistant Sec level	1	Approved	30-Apr-10	1	Scale of operations and complex issues involved.
	Trainee Auditor to fill vacancies	Trainee Auditor	2	Approved	03-Aug-10	2	Temporary appointment to cover vacancy caused by secondment of a Detached National Expert to the EU, and relocation of other staff member.

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
OPW	Trainee Auditor	Trainee Auditor	1	Approved	28/04/2011	1	To replace Auditor recently deceased, during busiest period for auditing.
	Upgrade	Architect	1	Refused	29/5/09	0	
	To fill vacancies	Service Officers	3	Approved	22/6/09	3	No viable alternatives to filling vacancy
	Commissioner (Property Management Services)	Commissioner (Assistant Secretary)	1	Approved	26-Aug-09	1	To enable OPW to effectively deliver on the current demands for its services made by Government, other Departments and their agencies and the public.
	Recruit 16 graduates at a reduced salary to replace those finishing the Graduate Architect Training Scheme.	Architect training programme	16	Approved	14/08/09	16	Participation in scheme for 5 years, — reduced salaries and fees
	To fill vacancy in new section	Quantity Surveyor	1	Approved	08/12/09	1	NPPOU section in Trim
	To fill possible vacancy in Director of the Botanic Gardens pending decision on 3 yr career break for incumbent to assume major positions in US	Acting up Director of Botanic Gardens	1	Approved	01-Apr-10	1	Provided that the previous post of the new Acting Director remain unfilled for the duration of the Director's absence on career break
	Filling of Management/ Administration and Technical Posts	Various	142	Part Approved	24-Sep-10	2	Employee Assistance Officer and Payroll expert approved — business critical posts. Remainder of submission under consideration.

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Attorney General	National Procurement Service (NPS)	Various	21	Approved	04-Aug-10	21	Staffing of NPS — 12 Buyers, 2 solicitors, 1 analyst & 6 Admin, 1 Admin officer
	Appointment of Minister of State Staff	Personal Secretary, Assistant, Civilian drivers	4	Approved	various 10 March 2011 to 25 March 2011	4	Ministerial Appointments
	Temporary district Inspector	Temporary district Inspector	1	Approved	13-May-11	1	3 month contract retention so as to allow continuation of maintenance work
	Regrading to architect	Architect	2	Refused			
	Retention	Employee Assistance officer	1	Approved	02-Jun-11	1	Retention for 3 months to allow business continuity
		District inspector	1	Approved	02-Jun-11	1	Retention for 12 weeks to allow business continuity
	Grade 3 engineer	Grade 3 engineer	1	Approved	02-Jun-11	1	Vacancy filled by redeployment
	Advisory Counsel Grade 111	Advisory Counsel Grade 111	1	Approved	18-Feb-10	1	Important legal post
	Head of Administration	HEO	1	Approved	01-Jan-00	1	Principal post in charge of the office
	Assistant Parliamentary Counsel Grade 11	Assistant Parliamentary Counsel Grade 11	3	Approved		3	Important legal posts
	Advisory Counsel Grade 1 (Vacancy)	Assistant Secretary Level	1	Approved (acting-up basis for 3 yrs)	21-Sep-09	1	Business Critical Post
	Advisory Counsel Grade 11	Advisory Counsel Grade 11	1	Approved		1	Important legal post because of the workload in the office

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Chief State Solicitor	Dep Director	Deputy Secretary level	1	Approved	23-Feb-10	1	Business Critical Post (Internal TLAC type competition. Consequential, if any, also sanctioned within ECF.)
	Advisory Counsel Grade 111	Advisory Counsel Grade 111	1	Approved		1	Important legal post because of the workload in the office
	Promotion AP to PO	PO	1	Approved		1	
	Promotion AP to PO	PO	1	Approved		1	
	Temp Asst Project Manager	Asst. Proj Manager	1	Approved	22-Oct-10		9 month contract not to exceed €15,000 @ €125.00 per day
	Drafter	Contractor	2	Approved	03/12/2010	2	Max 6 months
	Executive Officer	Executive Officer	1	Approved	28/01/2011	1	Business needs of office
	Special Advisor	PO	1	Approved	29/03/2011	1	Ministerial Appointment
	3 Legislative Drafters	Legislative Drafter	3	Refused	14/04/2011	0	
	2 Civilian Drivers	Civilian Driver	2	Approved	11/05/2011	2	Government Decision
	CO	CO	1	Approved	15/04/2011	1	Long term sick leave case
	Solicitor	Solicitor	1	Approved	23-Jun-10	1	Official appointed on completion of apprenticeship
	Solicitor	Solicitor (temp.) NAMA	1	Approved	08-Jul-10	1	High Court NAMA case
	Promotion Law Clerk to Legal Executive	Legal Executive	2	Approved	31-Aug-10	2	Trainee scheme
	Temp State Solicitor	150 State Solicitor Manweeks	1	Approved	13-Apr-11	150 State Solicitor Manweeks	Mat. Leave cover etc business case.

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Central Statistics Office	Apprentice Solicitor and Trainee Law Clerk Schems	Solicitor and Legal Executive	2	Not approved.	13-Apr-11	0	Involves guaranteed promotion contra moratorium.
	CO	CO	1	Approved	13-Apr-11	1	Business needs of office
	CO	CO	1	Approved	17-Jun-11	1	Business needs of office
	Assistant Director General	Assistant Director General	1	Approved	22-Oct-09	1	Business Critical Post -approved on the basis any resultant internal vacancy is suppressed
	Assistant Director General for Macroeconomic and Environment Divisions	Assistant Director General	1	Approved	Agreed by Minister 14 April 2010	1	
	Senior Statistician	Senior Statistician	1	Approved	30-Apr-10	1	Business case
Defence	EO	EO	2	Approved	23-Jun-10	2	To assist BIM decent.
	QNHS/EU-SILC Survey	Interviewer	8	Approved	27-May-11	8	Business case
	Night watchman	Night Watchman	1	Approved		1	To provide security at the Galway premises
	Director of Military Prosecutions	Director of Military Prosecutions	1	Approved		1	Statutory post
	Assistant Principal/Senior Systems Analyst	Assistant Principal/Senior Systems Analyst	1	Approved		1	Sanctioned in Galway as a result of the suppression of a PO and the transfer of his duties to Dublin
	Head Services Officer	Head Services Officer	1	Approved		1	Needed for the decentralisation of premises to Newbridge
	Services Officer	Services Officer	1	Approved		1	—
	Director	Director	1	Approved		1	—

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Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
DPP	Principal Officer	Principal Officer	1	Approved		1	—
	Special Adviser	Special Adviser	1	Approved	09-Apr-10	1	Ministerial staff
	Special Adviser	Special Adviser	1	Approved	16-Apr-10	1	Ministerial staff
	Personal Assistant	Personal Assistant	1	Approved	09-Apr-10	1	Ministerial staff
	Personal Secretary	Personal Secretary	1	Approved	09-Apr-10	1	Ministerial staff
	Principal Officer	Principal Officer	1	Approved	05-Aug-10	1	PO vacancy arising from appointment of Director
	Principal Officer	Principal Officer	1	Approved	05-Aug-10	1	Retirement of PO in Galway
	Assistant Principal	Assistant Principal	2	Approved	05-Aug-10	2	Arising from filling of PO posts
	Prof. Accountant Grade I (Temporary)	Prof. Accountant Grade I	1	Approved	24-Mar-11	1	Business critical case
	Contract Archivists	Temporary archivist	6	Approved	10-May-11	6	Work on 2016 project
	Allowance	1 EO, 1 HEO	2	Approved	27-May-11	2	Allowances approved for temporary upgrades at a cost of €5,000 to allow cost effective delivery of a project valued at €1m
	To fill retirement vacancy	Head of Directing Division (between Asst Sec and Dep Sec)	1	Approved	05-Jun-09	1	Business Critical Post
	Chief Prosecution Solicitor	Chief Prosecution Solicitor (between Asst Sec and Dep Sec)	1	Approved	02-Nov-09	1	Business Critical Post
	Internal Promotion to Deputy Chief Prosecution Solicitor	Deputy Chief Prosecution Solicitor	1	Approved	23-Apr-10	1	Business Critical Post

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Foreign Affairs	Internal Promotion to PO	PO (higher)	1	Approved	23-Apr-10	1	Business Critical Post
	Legal Researcher (temp.)	Legal Researcher (temp.)	1	Approved	23-Apr-10		Business Critical Post
	Head of Admin (allowance)	Head of Admin (allowance)	1	approved	23-Apr-10	1	Business Critical Post
	Legal Researcher (temp.)	Legal Researcher (temp.)	1	Approved	13-Apr-11	1	Business critical case
	5 Third Secretaries	Third Secretaries	5	Approved		5	From the 2008 competition to provide for succession planning
	Assistant Secretary	Assistant Secretary	1	Approved	19-Feb-10	1	Business Critical Post
	Counsellor and First Secretary	Counsellor and First Secretary	2	Approved		2	Business Critical Post
	Chairmanship of OSCE — temporary hiring of staff	3 Assistant Secretaries, 1 PO, 1 AP, 1 Third Sec, 2 EOs and 3 Clerical Officers	11	Under consideration			Business Critical posts essential to chairmanship of OSCE which has been approved by government
	staff in audit and control area of ODA	AP level dealing with audit, control and monitoring functions of ODA	10	Approved		10	Arises from FGS Irish Aid Management Review
	Special adviser to Minister	Special Adviser	1	Under consideration		Secondment from HEA	
Taoiseach	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	8	Approved	Various 29 March 2011 to 8 April 2011	8	Ministerial Appointments
	Assistant Principal	Assistant Principal	1	Approved		1	Head of the IT Unit to be filled from redeployment



[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Administrative Officers	Administrative Officers	3	Approved		3	For succession planning
	Special Adviser to Minister of State Curran, Chief Whip	Special Adviser	1	Approved	30-Apr-10	1	Transfer of staff to Minister from previous Dept
	Staff for Minister of State/Chief Personal Staff	PA & 2 x Worksharing Sec Assistants	2	Approved	06-May-10	2	Transfer of staff to Minister from previous Dept
	Special Advisor to Taoiseach	Special Adviser	1	Approved	15/06/2010	1	Transfer from DFA
	Promotion HEO to AP	AP	1	Approved	15/06/2010	1	Business Case
	Promotion AP to PO	PO	1	Approved	15/06/2010	1	Business Case
	Deputy Government Press Secretary	Principal Officer (Higher)	1	Approved	04/02/2011	1	Transfer of staff at Request of Taoiseach
	Personal Assistant to Taoiseach	AP	1	Approved	04/02/2011	1	Transfer of staff at Request of Taoiseach
	Special Advisers	PO Std Scale	2	Approved	04/05/2011	2	Ministerial Appt
	Special Advisers	Dep Secretary	2	Approved	04/05/2011	2	Ministerial Appt
	Personal Assistant to Taoiseach	AP	1	Approved	04/05/2011	1	Business Case
	Personal Assistant to Taoiseach	AP	1	Approved	04/05/2011	1	Business Case
	Personal Assistant to Taoiseach	AP	1	Approved	04/05/2011	1	Business Case
	Personal Assistant to Taoiseach	AP	1	Approved	04/05/2011	1	Business Case
	Personal Secretary to Taoiseach	EO	1	Approved	04/05/2011	1	Business Case
	Civilian Drivers for Chief Whip	Civilian Driver	2	Approved	27-May-11	2	Ministerial Appts
	Civilian Driver for Leader of Seanad	Civilian Driver	1	Approved	23/06/2011	1	Necessary to fill post

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Transport	Govt Press Secretary	Asst Sec Equiv	1	Approved	10/06/2011	1	Up to 1 Sept 2011 maximum for smooth changeover
	Personal Assistant to Govt Chief Whip	Personal Assistant	1	Approved	05/07/2011	1	Business Critical
	Govt Press Secretary		1	Under consideration			
	Dep Gov Press Secretary		1	Under consideration			
	Asst Gov Press Secretary		1	Under consideration			
	Special Adviser to Govt Chief Whip		1	Under consideration			
	Coastal Sector Unit Managers	Coastal Sector Unit Managers	3	Approved	22-Oct-09	3	Needed for health and safety reasons
	Operations and Training Officer in the coastal service	Operations and Training Officer in the coastal service	1	Approved		1	Needed for health and safety reasons
	Assistant Secretary Vacancy from retirement (Public Transport)	Assistant Secretary	1	Approved		1	Key management level post
	A/Sec vacancy	Assistant Secretary	1	Refused		1	—
	Principal Officer	Principal Officer	2	Refused			To be filled from internal competition.
	Acting Up	Principal Officer	1	Approved	28-Feb-10		Pressures in connection with the setting up of the National Transport Authority
	Personal Staff for Minister for State Ciarn Cuffe T.D.	1 x PA & 1 x Personal Sec	2	Approved	21-Apr-10	2	

[Deputy Brendan Howlin.]

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	Special Advisor for MoS Cuffe	Principal Officer	1	Approved	01-Jun-10	1	Political appointment
	Chief Maritime Accident Investigator	Principal Officer	1	Approved (originally approved Nov 09). Transport sought amendment to condition of sanction but original sanction stands.	18-Aug-10	1	Critical post in new National Transport Investigation Unit
	Filling of existing and forthcoming vacancies in the Irish Coast Guard.	Various from EO to PO	31	5 approved with redeployment condition: Manager Volunteer Services (AP1), Divisional Controller (AP), Shift Watch Keeping Officer (EOx3)	19-Aug-10	5	Critical posts in the Irish Coast Guard
	Filling of vacancies in the Marine Survey Office	various up to PO	11	2 approved with redeployment condition: Deputy Divisional Controller (AP), Surveyor in Charge (PO).	19-Aug-10	2	Critical posts in the Marine Survey Office
	Filling of PO post which had been deferred since Feb 2010	PO	1	Under consideration			Post has been deferred since Feb 2010- from Internal Panel

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Health	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	14	Approved	various 10 March 2011 to 26 April 2011	14	Ministerial Appointments
	DG of OMCYA	Deputy Secretary	1	Approved	23-Dec-09	1	Head of Office of Min for Children etc
	CEO Designate of Adoption Authority	Assistant Secretary level	1	Approved	01-Sep-10	1	Head of Adoption Authority as required under Adoption Act 2010
	Assessor of Youth Work	AP	1	Approved	30-Aug-10	1	Statutory Post
	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	12	Approved	Various 10 March to 18 April 2011	12	Ministerial Appointments
Children & Youth Affairs	Regularization of Contract for Services	Health Promotion Policy Advisor (AP Equivalent)	1	Approved	04/05/2011	1	
	Temp Cover for Sick Leave	Personal Secretary	0.4	Approved	02/06/2011	0.4	
	Appointment of senior specialist with experience in the area of child welfare and protection services	PO Equivalent	1	Approved	01-May-11	1	Required in response to recommendations in the Ryan Report into institutional child abuse. Secondment from D/Health & Children
	Secretary General appointment	Secretary General	1	Approved	01-Jul-11	1	Required for new Department

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Tourism, Culture & Sport	Filling of two posts in Minister's Constituency Office by transfers from other Departments	Executive Officer	2	Approved	20-May-10	2	Posts vital to the functioning of the Constituency Office
	Minister Hannifin's Special Advisor	Principal Officer	1	Approved	27-Apr-10	1	Political Appointment
	Minister Hannifin's Press Advisor	Higher Executive Officer	1	Approved	27-Apr-10	1	Political Appointment
	Minister Hannifin's Personal Assistant	Higher Executive Officer	1	Approved	27-Apr-10	1	Political Appointment
	Renewal of contract for Director in Culture Ireland	Assistant Principal	1	Approved		1	Critical function of the Dept. Government priority. Equivalent post to be suppressed.
	Minister Hannifin's Personal Secretary	Executive Officer	1	Approved	27-Apr-10	1	Political Appointment
	Filling of PO vacancy	Principal Officer	1	Under consideration			Post is in CSD, which covers a wide area , and Dept already carrying other PO post which has not been filled
	Personal Secretary, Assistant, Civilian drivers special advisers	Personal Secretary, Assistant, Civilian drivers special advisers	4	Approved	21/03/2011	4	

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
National Archives	Filling of vacancies to avoid the closure of the reading room	CO, EO and Service Officers	6	Part approved to fill 3 posts (1 CO and 2 Service Officers) by redeployment. Service Officers not available via redeployment so sanction given to recruit.	June/ July/ Aug 2010	3	Business critical, frontline posts.
Ombudsman	Senior Investigator	Principal Officer	1	Approved	30-Apr-10	1	Business critical management post.
State Laboratory	4 Student Analysts	Students	4	Approved	03-Aug-10	4	Temporary 7 month appointments
CENR	Assistant Secretary	Assistant Secretary	1	Approved	26-May-10	1	TLAC competition
	Temporary EO for 6 months	EO	1	Refused			
	To suppress 2 CO posts and replace with 2 EO posts	EO	2	Approved	01-Jun-10	2	Business needs of Department
	AO vacancy filled	AO	1	Approved	01-Jun-10	1	Business needs of Department
	Appointment of Ministerial Staff	Personal Secretary, Assistant, Civilian drivers, special advisers	6	Approved	31-Mar-11	6	Ministerial Appointments
	Assistant Secretary	Assistant Secretary	1	Approved	26-May-10	1	TLAC competition
	EO	EO	1	Refused			
	EO	EO	2	Approved	01-Jun-10	2	Business needs of Department
	AO	AO	1	Approved	01-Jun-10	1	Business needs of Department

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
National Gallery	Personal Secretary, Assistant, Civilian drivers, special advisers	Personal Secretary, Assistant, Civilian drivers, special advisers	6	Approved	31-Mar-11	6	Ministerial Appointments
	EO	EO	1	Approved	25-May-11	1	To facilitate a commitment to allow a staff member to decentralise. Consequential CO post suppressed.
	Renewal of temporary contracts	Security Attendant	15	Under consideration			
	Appointment of contractors to permanent posts	Security Attendant	7	Under consideration			
	Regularise position of Head of Conservation	Engineer Grade II (AK I)	1	Under consideration			
	To appoint staff on a fixed term basis for Master Development Plan	Head of Art Handling (HEO), MDP Project Manager (HEO), Paper Conservator (AKII), Painting Conservator (AKII), Art Handlers (x3)	7	Under consideration			
	Filling of permanent positions	Head of Exhibitions (AK I), Senior Curator (AK I), HEO, EO, Website Administrator (AK II), IT Officer (CO)	6	Under consideration			
	Filling of post of Director	Director	1	Approved	10-Jan-11	1	Statutory Post

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Public Expend- iture & Reform	Secretary General	Sec-Gen	1	Approved	26/04/2011	1	Govt Appointment
	Special Adviser	Principal Standard	1	Approved	03/05/2011	1	Critical to operation of Minister's Office
	Special Adviser	Special Adviser	1	Approved	18/05/2011	1	Critical to operation of Minister's Office
	Personal Assistant	Personal Assistant	1	Approved	03/05/2011	1	Critical to operation of Minister's Office
	Personal Secretary (Constituency Secretary)	Personal Secretary	1	Approved	02/05/2011	1	Critical to operation of Minister's Office
			2336.3		TOTAL	1534	



[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
Temporary Posts for CENSUS of Population 2011 [Central Statistics Office]  Central Statistics Office							
	Staff for the Household Budget Survey i.e. interviewers etc	Staff for the Household Budget Survey i.e. interviewers etc		Approved		85	These staff required for the Household Budget, Business Register and Annual Services Inquiry — 85 Temporary Contracts during 2009 & 2010
	ICT Executive Officer	ICT Executive Officer		Approved		2	Required for preparatory work on the Census of Population 2011
	Executive Officer	Executive Officer		Approved		4	Required for 18 months to work on the Census. Will be re- assigned to another department on completion of that work

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Clerical Officer	Clerical Officer		Approved		24	The CSO was asked to seek staff from other departments for a period of 10 months for Census of Agriculture work. In the event, staff were not available so sanction was later granted to appoint COs on temporary contract
	Statistician	Statistician		Approved		1	To work full time on an OECD 'Programme for International Assessment of Adult Competencies'
	Executive Officer	Executive Officer		Approved		2	Also required for this programme
	Grades from Clerical Officer to Assistant Principal	Grades from Clerical Officer to Assistant Principal		Approved		158	These are internal CSO staff required from early 2010 to end 2011 to prepare for and finalise the Census 2011

[Deputy Brendan Howlin.]

Dept / Office Title	Exception Sought <sup>1</sup>	Grade	No of Exceptions Sought Promotion/ Recruitment Redeployment	Decision	Sanction Date	Exceptions Granted Promotion/ Recruitment Redeployment	Basis of Sanction
	Census Liaison Officers, Regional Supervisors, Field Supervisors and Clerical Officers	Census Liaison Officers, Regional Supervisors, Field Supervisors and Clerical Officers		Under Consideration	—	—	—
	Temporary part-time enumerators	Temporary part-time enumerators		Under Consideration	—		—
				Total posts approved for CSO (temps):	276		

<sup>1</sup>The Deputy may wish to note that an Independent Review Panel of the Department of Finance, comprising 3 Members, has also been established, chaired by Mr. Rob Wright. A Chairperson has also been appointed to the Implementation group on the Croke Park Agreement.

Table 2 — Requests for Exceptions in the Public Service

## Department of Enterprise, Trade and Innovation

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	DETE- Enterprise Ireland	Retirement	Manager	1	Yes — on a permanent basis	1	May-09	Retirement
2	DETE- Enterprise Ireland	Graduate	Graduate	16	Yes — on a temporary/acting basis	16	May-09	16 graduate posts
3	DETERoscommon CEB	Vacancy	CEO	1	No	0	May-09	Vacancy
4	DETE Cork CEB	Replacing maternity leave	Administrative Officer	1	No	0	Jun-09	Replacing maternity leave
5	DETE — FAS DG	Statutory post	DG	1	Yes — on a permanent basis	1	Jun-09	Statutory post
6	DETE -NCA Registrar	No vacancy	AP-HAD	1	Yes — on a permanent basis	1	Jun-09	Registrar
7	DETE — Enterprise Ireland	Rollover of contract posts for overseas (4 sanctioned)	Various	53	Yes — on a temporary/acting basis	4	Jun-09	Rollover of contract posts for overseas (4 sanctioned)
8	DETE -PIAB	Renewal of contract posts (5 sanctioned)	CO	6	Yes — on a temporary/acting basis	5	Jul-09	Renewal of contract posts (5 sanctioned)
9	DETE -NCA student		Student	1	Yes — on a temporary/acting basis	1	Jun-09	Student
10	DETE — NCA	Retirement — Head of Corporate Services (other than the Incentivised Scheme of Early Retirement)	AP — STANDARD	1	Yes — on a permanent basis	1	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
11	DETE — NCA	Retirement (other than the Incentivised Scheme of Early Retirement)	AP — STANDARD	1	Yes — on a permanent basis	1	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)
12	DETE — NCA	Retirement — Commercial Practises Division (other than the Incentivised Scheme of Early Retirement)	HEO (x5)	5	Yes — on a permanent basis	5	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)
13	DETE — NCA	Retirement (other than the Incentivised Scheme of Early Retirement)	EO (x3)	3	Yes — on a permanent basis	3	Aug-09	Retirement (other than the Incentivised Scheme of Early Retirement)
14	DETE — NCA		CO (x2)	2	Yes — on a permanent basis	2	Aug-09	
15	DETE — IAASA	Vacancy	Accountant	1	No	0	Aug-09	Vacancy
16	DETE — FAS	Decision of Rights Commissioner	Training Instructor	1	Yes — on a permanent basis	1	Sep-09	Decision of rights Commissioner
17	DETE — Interreg — Tradelinks 2 project	new project	Project Manager	1	Yes — on a temporary/acting basis	1	Sep-09	new project
18	DETE — Interreg — Tradelinks 2 project	new project	Financial Administrator	1	Yes — on a temporary/acting basis	1	Sep-09	new project
19	DETE — Interreg — Tradelinks 2 project	new project	4 Regional Coordinators	4	Yes — on a temporary/acting basis	4	Sep-09	new project
20	DETE — Interreg — Tradelinks 2 project	new project	4 Support Co-ordinators	4	Yes — on a temporary/acting basis	4	Sep-09	new project
21	DETE — Competition Authority	Incentivised Scheme of Early Retirement in the Public Service	Case Officer	1	No	0	Oct-09	Incentivised Scheme of Early Retirement in the Public Service

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
22	DETE — FFS	Retirement (other than the Incentivised Scheme of Early Retirement)	ADG — Finance & IT	1	Yes — on a permanent basis	1	Oct-09	Retirement (other than the Incentivised Scheme of Early Retirement)
23	DETE — Forfas	New project — Self Financing — Manager of European Space Research Office	Manager	1	Yes — on a temporary/acting basis	1	Dec-09	New project — Self Financing
24	DETE — PIAB	Incentivised Scheme of Early Retirement in the Public Service	Legal Services Manager	1	Yes — on a temporary/acting basis	1	Jan-10	Incentivised Scheme of Early Retirement in the Public Service
25	DETE- Enterprise Ireland	Temporary Overseas Contract posts	Contract Posts (Overseas Jan-Mar 10) — Various Grades	2	Yes — on a temporary/acting basis	2	Feb-10	Temporary Overseas Contract posts
26	DETE — Enterprise Ireland	Support for Credit Review	CO	1	Yes — on a permanent basis	1	Mar-10	Support for Credit Review
27	DETE — Competition Authority	Request under consideration	Board Members 2	2	Request under consideration	0	Mar-10	Request under consideration
28	DETE — Competition Authority	Statutory post	Chairperson of Board	1	Yes — on a temporary/acting basis	1	Mar-10	Statutory post
29	DETE — SFI	City of Science Project	Project Manager	1	Yes — on a temporary/acting basis	1	Mar-10	City of Science Project
30	DETE — SFI	City of Science Project	CO	1	No	0	May-10	PA for Dublin City of Science
31	DETE — FAS	Request under consideration		4	Request under consideration	0	Mar-10	Request under consideration
32	DETE — NSAI	Ongoing contracts	Various	4	Yes — on a temporary/acting basis	4	Apr-10	Ongoing contracts
33	DETE — NCA		3 Student posts	3	Yes — on a temporary/acting basis	3	May-10	

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
34	DETI — Forfas	Request under consideration internship	PO	1	Request under consideration	0		Request under consideration
35	DETI — Competition Authority		CO	2	Yes — on a temporary/acting basis	2	Jun-10	Request under consideration
36	DETI — Competition Authority		Board Members 2	2	Yes — on a temporary/acting basis	2	Jun-10	
37	DETI — IAASA		Various	3	Yes — on a temporary/acting basis	3	Sep-10	
38	DETI — CEB	CEO	CEO	1	Request under consideration			Request under consideration
39	DETI — IDA		Various	10	Yes — on a temporary/acting basis	10	Sep -10	
40	DETI — Competition Authority	Chair/CEO Designate		1	Request under consideration	1	Jul — 10	
41	DETI — NSAI		Certification Officer	1	Request under consideration			Request under consideration
42	DETI — Enterprise Ireland		Various	12	Yes — on a temporary/acting basis	12	Oct — 10	
43	DETI — ForfÆs		Various	5	Yes — on a temporary/acting basis	2	Dec 2010	
44	DETI — SFI		Researchers	3	Yes — on a temporary/acting basis	3	Dec 2010	
45	DETI — SFI		DG	1	Yes — on a temporary/acting basis	1	Dec 2010	

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
46	DETI — Inward Investment North/South	Statutory post	Research Officer	1	Request under consideration	2	July — 10	Request under consideration
47	DETI — NSAI		Various	2	Request under consideration			Request under consideration
48	DETI — Forfás		1 AP 1 EO	2	Request under consideration			Request under consideration
49	DETI — PIAB		Various	11	Yes — Redeployment			From redeployment from within the DETI Vote
50	DETI -Forfás		2 AP	2	Request under consideration			Request under consideration
51	DETI — IDA		Chief Accountant & Head of Corporate Communications	2	Yes — on a temporary/acting basis			
52	DETI — IAASA		CEO	1	Request under consideration			Request under consideration
53	DJEI — EI		Various	3	Request under consideration			Request under consideration
54	DJEI — SFI		Research Officers	7	Request under consideration			Request under consideration
55	DJEI — IDA		Various	8	Request under consideration			Request under consideration
56	DJEI — EI		Various	5	Request under consideration			Request under consideration



[Deputy Brendan Howlin.]

Department of Social Protection

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Family Support Agency	To cover Term-time vacancies in front line mediation service — Portlaoise + Sligo		1	Yes	1		
2	Family Support Agency	To cover Term-time vacancies in front line mediation service — Raheny + Wexford		0.8	Yes	0.8		
3	Family Support Agency	Temporary appointment due to end June 2009 — Castlebar FMS office		0.5	Yes	0.5		
4	Family Support Agency	Temporary appointment due to end June 2009 — Letterkenny office		0.4	Yes	0.4		
5	Family Support Agency	Supervision + Management of Mediation Service in Southern and Westerns Regions — temporary appointment due to end June 09		1.6	Yes	1.6		
6	Family Support Agency	Supervision + Management of Mediation Service in Southern and Westerns Regions — temporary appointment due to end January 10		1.6	Yes	1.6		

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
7	Family Support Agency	To cover Shorter Working Year Scheme vacancies in front line mediation service — Letterkenny, Portlaoise, Sligo, Raheny, Athlone, Wexford & HQ	1 PO, 4 APs, 4 HEOs, 3 EOs	4.5	Yes	4.5	11 March 2011	
8	Family Support Agency	Temporary appointment due to end June 2010 — Castlebar FMS office		0.5	Yes	0.5		
9	Family Support Agency	Temporary appointment due to end June 2010 — Letterkenny office		0.4	Yes	0.4		
10	Citizens Information Board	Temporary ICT contracts due to end March 2010 — Dublin HQ		2	Yes	2		
11	Pensions Board	Staff required due to developments in the pensions arena		12	Sanction was given for the transfer of 6 posts from the Department of Social Protection's ECF by end-2012; Sanction was given for 6 posts to be recruited on fixed-term contracts for a period of no more than 3 years.	12 (6 posts to be transferred from DSP and 6 posts to be recruited externally on a three year fixed-term contract)		

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
12	Citizens Information Board	ICT manager post to cover maternity leave and Regional Manager post to be filled internally	Grade 7 (HEO) post and Regional Manager	2	Approved Grade 7 post to end November 2011 and Regional Manager post to be filled internally	2	2 March 2011	
13	Citizens Information Board	This was to fill the position made vacant by the resignation of an administrator who was acting up into an ICT project management role until 31 March 2011;	Grade 4 ICT Administrator Post	1		1	31 March 2011	

Department of Defence

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Defence Forces	To retain the capacity of the organisation to operate effectively across all roles while contributing to the necessary public service economies	Cadets and army/naval service recruits. Promotion across a range of ranks. Acting up appointments for overseas deployment.	529	Yes	207	July 2009 and November 2009	Recruitment of 42 cadets and promotions across a range of ranks. 100 acting up appointments.
2	Defence Forces	Retirement of Military Judge which is a statutory post	Colonel	1	Yes	1	April 2010	Statutory post
3	Defence Forces	Retirement of Director of Military Prosecutions which is a statutory post	Colonel	1	Yes	1	June 2009	Statutory post
4	Defence Forces	Civilian employees. Temporary post and extension of contract.	Pharmacist	2	Yes	2	July 2009	
5	Defence Forces	Civilian employee contract extension.	Social Worker	1	Yes	1	July 2009	
6	Defence Forces	Civilian Employee. Management of provision of electrical services.	Foreman	1	Yes	1		
7	Defence Forces	Civilian employee to assist in the re-fit of Naval ships.	Welder	1	Yes	1	April 2010	
8	Defence Forces	Filling of GOC Air Corps	Brigadier General	1	Decision Awaited			Decision Awaited

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
9	Defence Forces	Filling of DCOS (Operations) vacancy which is a statutory post	Major General	1	Yes	1	July 2010	Statutory post
10	Defence Forces	Civilian employee. Management of provision of social worker service for the Defence Forces.	Principal Social Worker	1	Yes	1	September 2010	

Department of Tourism, Culture & Sport

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	National Library of Ireland	To fill Director post	Director	1	1. Yes, application was approved	1	18/12/09	Statutory position
2	National Library of Ireland	2 vacancies due to retirement and internal promotion	Keeper, Asst Keeper	2	1. Yes, application was approved	2	22/9/09	Due to the specialised nature of the work of the Library
3	Irish Sports Council	To fill Director post	CEO	1	1. Yes, application was approved	1	14/5/09	Statutory position
4	Arts Council	To fill Director post	Director	1	1. Yes, application was approved	1	20/8/09	Statutory position
5	Failte Ireland	temporary posts	Principal Officer (temporary)	1	4. Application was refused	0		
6	Failte Ireland	temporary posts	Principal Officer (temporary)	1	1. Yes, application was approved	1	13/1/10	Payment of acting up allowance paid temporarily due to maternity leave
7	Failte Ireland	E Business manager	Assistant Principal	1	1. Yes, application was approved	1	13/1/10	Post filled as a necessity for the development of the Tourism Sector
8	National Concert Hall	Fixed term contract post	IT Manager	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall
9	National Concert Hall	Fixed term contract post	Financial Accountant	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall
10	National Concert Hall	Fixed term contract post	Learn & Explore Administrative Assistant	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
11	National Concert Hall	Fixed term contract post	Graphic Designer	1	1. Yes, application was approved	1	19/11/09	Key post for the successful running of the National Concert Hall
12	National Concert Hall	Fixed term contract post	On line Marketing Executive	1	4. Application was refused	0		
13	National Concert Hall	Fixed term contract post	Lighting Technician/stage hand	1	4. Application was refused	0		
14	National Concert Hall	Fixed term contract post	Box Office Cashier Supervisor	1	4. Application was refused	0		
15	National Concert Hall	Fixed term contract post	Operations Assistant Manager	1	4. Application was refused	0		
16	National Concert Hall	Fixed term contract post	Own Promotions Executive	1	4. Application was refused	0		
17	National Concert Hall	Fixed term contract post	Director of NCH	1	1. Yes, application was approved	1	14/12/2010	Statutory Post
18	Chester Beatty Library	To fill Director post	PO 1	1	1. Yes, application was approved	1	29/3/10	Key post
19	Irish Film Board	To fill Chief Executive Post	CEO	1	1. Yes, application was approved	1	1/9/2010	Statutory position
20	Irish Museum of Modern Art	To fill post of Director	Director	1	1. Yes, application was approved	1	28/4/2011	Statutory Post

Department of Health

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	HSE	Front line post	Senior Locum	0.6	3. No decision to date	0		Further info awaited
2	Galway University Hospital	Critical management post	General Manager	1	1. Yes, application was approved	1	17/06/2009	
3	HIQA	Level of expenditure on external advice	Legal Advisor (AP1)	1	1. Yes, application was approved	1	31/07/2009	
4	HIQA	Operational reasons	Regional Operations Manager (PO)	1	1. Yes, application was approved	1	31/07/2009	
5	HIQA	Value for money	Health Technology Assessment — AP1	2	1. Yes, application was approved	2	31/07/2009	
6	HIQA	Value for Money	HTA — Engineer Grade I	2	1. Yes, application was approved	2	31/07/2009	
7	HIQA	Value for Money	HTA — Engineer Grade III	2	1. Yes, application was approved	2	31/07/2009	
8	HSE	New HSE structure	Regional Operation Director (Assist Nat., Dir)	4	1. Yes, application was approved	4	07/07/2009	
9	HSE	New HSE structure	Care Group (Assistant National Director)	4	1. Yes, application was approved	4	07/07/2009	
10	Mental Health Commission	Front line post	Consultant Psychiatrist	5	1. Yes, application was approved	5	31/07/2009	
11	Mental Health Commission	Front line post	Assistant Inspector (Occupational Therapist)	1	1. Yes, application was approved	1	31/07/2009	
12	Mental Health Commission	Service reasons	Staff Officer (Temp Contract Renewal)	1	1. Yes, application was approved	1	31/07/2009	
13	National Treatment Purchase Fund	Fair Deal requirements	EO / HEO	6	1. Yes, application was approved	6	31/07/2009	



[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
14	Central Mental Hospital	Front line post	Mental Health Nurses	23	1. Yes, application was approved	23	31/08/2009	Further info awaited
15	St Loman's Hospital	Front line post	Mental Health Nurses	36	1. Yes, application was approved	36	31/08/2009	
16	Temple Street Hospital	Critical nursing management post	Director of Nursing	1	1. Yes, application was approved	1	20/10/2009	
17	Galway University Hospital	Key post for flu pandemic	Chief Medical Scientist	1	3. No decision to date	0		
18	HSE	Front line post	General Dental Surgeon	3	1. Yes, application was approved	2	25/11/2009	Sanction was only given for two of the three posts
19	HSE	Front line post	Principal Environmental Health Officers	2	3. No decision to date	0		Further info awaited
20	HSE	Front line post	Fire Prevention Officer	1	3. No decision to date	0		Further info awaited
21	HSE	Front line post	Clinical Perfusionist Post	1	3. No decision to date	0		Further info awaited
22	Children's Hospital, Crumlin	Front line post	Paediatric Intensive Care Unit (PICU) Nurses	5	1. Yes, application was approved	5	8/12/1009	The filling of these posts was to be met through redeployment first, and where this was not possible, suppression
23	Temple Street Hospital	Front line post	Paediatric Intensive Care Unit (PICU) Nurses	2	1. Yes, application was approved	2	8/12/1009	The filling of these posts was to be met through redeployment first, and where this was not possible, suppression
24	HSE	Development post for Primary Care Teams	Senior Dietician (Sligo/Leitrim/Cavan)	1	1. Yes, application was approved	1	18/01/2010	
25	HSE — St. James, Dublin	Critical maintenance post	Maintenance Manager	1	1. Yes, application was approved	1	18/01/2010	
26	HSE — St. Lukes Kilkenny	Front line post	Clinical Nurse Manager II	2	1. Yes, application was approved	2	18/01/2010	
27	An Bord Altranais	Front line post	Director of Operations	1	1. Yes, application was approved	1	01/07/2010	

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
28	Pharmaceutical Society of Ireland	Front line post	Pharmacist Chief II	1	1. Yes, application was approved	1	01/07/2010	
29	Pharmaceutical Society of Ireland	Front line post	Senior Pharmacist	3	1. Yes, application was approved	3	01/07/2010	
30	Food Safety Authority of Ireland	Critical to meeting statutory obligations / essential health & public safety requirements	Auditor — AP level	2	1. Yes, application was approved	2	01/07/2010	
31	Health and Social Care professions Council	Critical to meeting statutory obligations / essential health & public safety requirements	HEO	3	1. Yes, application was approved	3	01/07/2010	
32	Health and Social Care professions Council	Critical to meeting statutory obligations / essential health & public safety requirements	EO	1	1. Yes, application was approved	1	01/07/2010	
33	Mental Health Commission	Critical to meeting statutory obligations / essential health & public safety requirements	CO (temporary contract renewal)	3	1. Yes, application was approved	3	01/07/2010	
34	National Cancer Registry Board	Critical to meeting statutory obligations / essential health & public safety requirements	Statistician (Grade V)	1	1. Yes, application was approved	1	01/07/2010	

Note: Includes HSE and Health NCSAs exceptions sought between May 2009 and end December 2010. Under the 2011-2014 ECF within overall numbers reduction targets the HSE is responsible for filling of specified exempted posts and exceptions to the moratorium while the Department of Health is responsible for approving exceptions for health NCSAs. There must be suppression of a post or posts of an equivalent value in non-priority areas for each new exempted post or post filled on an exceptional basis

## Department of Children and Youth Affairs

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
	NEWB	EWO — Helpline Services	EWO — Helpline Services		Refused			
	NEWB	HEO — Office Manager	HEO — Office Manager		Refused			
	NEWB	AP — Regional Manager (West North West)	AP — Regional Manager (West North West)		Refused			
	NEWB	AP — Regional Manager (Dublin City)	AP — Regional Manager (Dublin City)		Refused			
	NEWB	CEO	CEO		Accepted			
	NEWB	Interim CEO — Director Level	Interim CEO — Director Level		Accepted			
	NEWB	PO — Director of Educational Welfare Services (Temporary Filling)	PO — Director of Educational Welfare Services (Temporary Filling)		Accepted — but possible backfilling refused			Interim Director Post not filled due to backfilling being refused
	NEWB	Director Level — PO — Director of Integration	Director Level — PO — Director of Integration		Refused			Replacement of posts under National Co-ordinator SCP and HSCL
	NEWB	1 x Executive Officer, 1 x Research and Development Manager	1 x Executive Officer, 1 x Research and Development Manager		Accepted			Staff transferred from Curriculum Development Unit
	NEWB	EWO — Fixed Term Contract Renewal	EWO — Fixed Term Contract Renewal		Accepted			
	NEWB	Clerical Officer — Fixed Term Contract Renewal	Clerical Officer — Fixed Term Contract Renewal		Refused			

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
	NEWB	EWO — Dublin City	EWO — Dublin City		Under Consideration			Re-deployment of staff member of Department of Justice
	NEWB	AP — Communications Manager	AP — Communications Manager		Under Consideration			

## Department of Transport

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Road Safety Authority (RSA)	New Posts	Assistant Principals	3	not approved			
		New Posts	Higher Executive Officers	3	not approved			
		New Posts	Executive Officers	2	not approved			
		New Posts	Clerical Officers	3	not approved			
		New Posts	Vehicle Inspector	11	not approved			
2	Commission for Aviation Regulation (CAR)	Renew Contract	Principal Officer	1	Approved	1	Dec-09	Vacancy filled to meet statutory obligation
		Renew Contract	Assistant Principals	2	Approved	2	Dec-09	Vacancy filled to meet statutory obligation
		Renew Contract	Executive Officers	3	Approved	3	Dec-09	Vacancy filled to meet statutory obligation
3	National Accident Investigation Office	Filling Post	Principal Officer	1	Approved	1	Nov-09	Important for safety purposes
4	National Transport Authority	New Posts	CEO	1	Approved	1	Jan-10	Newly established Authority
		New Posts	Senior Management	4	Approved/ Not approved	3	Jan-10	Newly established Authority
5	Medical Bureau of Road Safety (MBRS)	Filling Post	Admin Manager	1	Decision	1	28/6/11	Re-deployment
		Filling Post	Scientist	3	Decision	3	28/6/11	Re-deployment
		Filling Post	Manager	1	No decision to-date			

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
6	Commission for Aviation Regulation (CAR)	Renew Contract	Head of Economics and Air Passengers Rights Executive posts	1	Approved	1	28/6/11	Renewal of employment contracts
7	Railway Safety Commission	Contract	External expertise	1	Approved	1	28/06/11	The short-term engagement of external expertise to provide technical know-how relating to regulatory supervision of railway activities and EU regulations
8	National Transport Authority	Renew Contract	Specialist Roles	5	Approved	3	28/06/11	Renewal of employment contracts of 3 transport modelling staff on contract for so long as the specialist work they are involved in forms part of the workload of the Authority.

Commission for Aviation Regulation

- The renewal of employment contracts for the Head of Economics and Air Passengers Rights Executive posts;
- The filling of the Deputy Head of Economics post by means of redeployment from the Public Service Redeployment Panel. Only if a candidate with the required skills set is not available can the post be filled by means of external recruitment;
- The filling of 2.3 (WTE) administrative staff by means of redeployment from the Public Service Redeployment Panel.

Medical Bureau of Road Safety

- The temporary redeployment of 3 locum scientists from within science staff at University College Dublin to help deliver breath testing programmes;
- The filling of 1 administrative post by means of redeployment from the Public Service Redeployment Panel.

Road Safety Authority

Railway Safety Commission

National Transport Authority

## Department of Agriculture, Fisheries and Food

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
308	Teagasc	These posts are long-term recurring positions that are filled on an academic year basis (Sept — June) only. The posts are of importance to the operation of Teagasc Colleges and to the welfare, health & safety of students	Student Supervisors, part time lecturers	3.5	Application was refused			Ban on recruitment and promotion in public service applies
	Teagasc	To support the delivery of the WIT funded B.Sc. (Hons) Business Management/Agriculture (Level 8) programme at Kildalton College in the 2009/10 Academic year, as it was not possible to deliver the programme from within existing resources.	part-time Lecturer	0.5	Application was refused			
	Teagasc	To fill three senior management posts, following the retirement of 5 Heads of Directorate (3 age grounds, 2 ISER)	Heads of Directorate — Assistant Secretary	3	Yes, application was approved	3	26/11/2009	Exceptional sanction granted based on organisational restructuring from 6 to 4 Head of Directorate posts

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
	Teagasc	Request for sanction to appoint a General Manager for Moorepark Technology Limited(MTL) (51% Teagasc ownership) following the retirement of the previous General Manager at MTL.	SPRO (Senior Professional Research Officer)	1	Application pending			MTL plays a critical role in technology transfer for Teagasc.
	Teagasc	Recruitment of a Research Scientist who won a prestigious EU grant (FP7 Marie Curie Intra European Fellowship) x 2 years.	Research Scientist	1	Yes, application was approved	1	13/04/2010	This is a fully-funded contract post and there will be no draw on exchequer funds.
	Teagasc	Retention of 10 joint self-financing Teagasc/Dairy Industry contract staff for three years to assist in the deliver of the joint Dairy Development programme.	Contract Advisors	10	Yes, application was approved	10	26/08/2010	Extension of the contracts of 8 self-funding contract advisers and recruitment of two self-funding contract advisers. These posts are fully funded. This programme is part of Teagasc's strategy to maximise industry involvement in Teagasc programmes to help achieve its goal of competitiveness as stated in the Teagasc statement of strategy.



[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
	Teagasc	To recruit nine scientists for the Teagasc Agriculture & Horticulture research programmes.	Scientists	9	Application pending			Recent changes have seriously impacted on Teagasc's agriculture and horticulture research programmes. Opportunities for internal redeployment are quite limited due to the specialised nature of the roles and the lack of suitable staff to redeploy.
	Teagasc	Redeployment of 14 (Private College) employees to Teagasc following the closure of Warrenstown Private College	Teachers	14	Yes, application was approved	14	26/06/2009	This sanction was granted on condition that Teagasc identified savings in the wider organisation to facilitate the redeployment of these staff
	Teagasc	Teagasc have sought to redeploy another 38 Private College staff into the Organisation	29 Teachers, 3 secretarial, 3 matron, 3 maintenance	38	Application pending			Similar to Warrenstown, Teagasc is committed to identifying savings in the wider organisation to facilitate this redeployment proposal.
	Teagasc	Fully funded research posts	Contract Research Officers	43	Yes, applications approved	43	On a case by case basis between Nov 2009 and April 2010	These are fixed term contract posts and are self financing.

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
	Teagasc	REPS Staff	Advisory	18	Yes, application was approved	18	02/03/2010	Sanction to grant contracts of indefinite duration to these staff following Labour Court recommendation.
	Teagasc		Senior Management posts	6	Application has recently been received and has not yet been submitted to Dept. of Finance			
	Bord Iascaigh Mhara	Delivery of service	Eng. Grade 3	5	No Decision	2	30/06/2010	1 Seafood Technology Post 1 Inshore Survey Officer
	SFPA	Fishery Control	See Comment	9	Application pending	—	—	1 National Director 2 Senior port Officers, one based at Castletownbere/Dingle and the second at Clonakilty 5 Sea Fisheries Protection Officers based at port offices and at Clonakilty 1 Clerical Officer based at Clonakilty
	MI	Temporary Laboratory Analysts	Lab services	2	Yes, application was approved	2	26/07/2010	Temporary labs analysts, fully funded EU posts
	Teagasc	Improve efficiency of education delivery	Contract Teachers	16	Sanction was given for six posts	6		Contract Teachers (3 years max)

## Department of Communications, Energy and Natural Resources

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Central Fisheries Board	To meet legal obligations under the Water Framework Directive	Technician (Hydroacoustics)	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
2	Central Fisheries Board	To meet legal obligations under the Water Framework Directive	Research Officer	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
3	Central and Regional Fisheries Boards	To meet legal obligations under the Water Framework, Habitats and Eels Directives	Fishery Officers	23	1. Yes, application was approved	23	28/07/2009	4 month seasonal positions. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
4	Eastern Regional Fisheries Board	For increased surveillance in the Dublin, Dundalk and Wexford districts.	Fishery Officers	3	1. Yes, application was approved	3	28/07/2009	6.5 month temporary positions. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
5	Shannon Regional Fisheries Board	To fill recently vacated post	Fisheries Environmental Officer	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
6	Western Regional Fisheries Board	Cover for maternity leave	Administrative Assistant, Grade IV	1	1. Yes, application was approved	1	28/07/2009	1 year temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
7	Western Regional Fisheries Board	For housekeeper at Aasleagh Lodge	Summer Student	1	1. Yes, application was approved	1	28/07/2009	4 month seasonal position. Generates substantial own resources income for the Board.

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
8	North Western Regional Fisheries Board	To fill recently vacated post	Assistant Inspector	1	1. Yes, application was approved	1	28/07/2009	Permanent position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
9	North Western Regional Fisheries Board	For increased salmon protection effort	Fishery Officers	3	1. Yes, application was approved	3	28/07/2009	3 month seasonal positions. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
10	Northern Regional Fisheries Board	To fill recently vacated post	Fisheries Environmental Officer	1	1. Yes, application was approved	1	28/07/2009	Permanent position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
11	Northern Regional Fisheries Board	For administrative support for the CEO/Assistant CEO	Administrative Assistant, Grade IV	1	1. Yes, application was approved	1	28/07/2009	6 month temporary position. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
12	Northern Regional Fisheries Board	To meet minimum staffing levels required to run angling centres.	General Operatives	2	1. Yes, application was approved	2	28/07/2009	5 month seasonal positions. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
13	Central Fisheries Board	For EU Life+ Programme	Research Officers (including Project Manager)	3	1. Yes, application was approved	3	28/07/2009	4 year contract positions. Externally funded: 50% EU, 50% National Parks and Wildlife Service. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
14	Central Fisheries Board	For EU Life+ Programme	Fisheries Assistant	1	1. Yes, application was approved	1	28/07/2009	4 year contract position. Externally funded: 50% EU, 50% National Parks and Wildlife Service. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
15	Shannon Regional Fisheries Board	Protection and conservation work at Scartleigh Dam	Fishery Officer	1	1. Yes, application was approved	1	28/07/2009	1 year contract position. Board would be unable to carry out contract with Kerry County Council who are fully funding this post.

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
16	Shannon Regional Fisheries Board	To fulfil contract with ESB to provide fisheries enforcement services on ESB fisheries in the Shannon region	Fishery Officers	2	1. Yes, application was approved	2	28/07/2009	1 year contract positions. Board would be unable to carry out contract with ESB who are fully funding this post.
17	Shannon Regional Fisheries Board	For EU Life+ Programme	Project Manager	1	1. Yes, application was approved	1	28/07/2009	5 year contract position. Externally funded: 50% EU, 50% National Parks and Wildlife Service and others. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
18	Shannon Regional Fisheries Board	For EU Life+ Programme	Research Officer	1	1. Yes, application was approved	1	28/07/2009	5 year contract position. Externally funded: 50% EU, 50% National Parks and Wildlife Service and others. Necessity to protect recent investment in the Inland Fisheries resource and in recognition of EU and statutory requirements applying to the Fisheries Boards.
19	Central Fisheries Board	For Marine Sports Fish Programme	Technician (Data Mining)	1	1. Yes, application was approved	1	28/07/2009	1 year contract position. Funded by Marine Institute and own resources

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
20	Geological Survey of Ireland	To facilitate participation by the INFOMAR programme team in two EU sponsored marine geology projects.	Specialist contract staff	4	1. Yes, application was approved	4	23/10/2009	Posts funded from EU sources at no cost to Exchequer. Participation in the projects will leverage external funding to the benefit of the economy. Participation in and attraction of such projects is a stated objective of the INFOMAR programme. The posts are for a three-year fixed term under specific purpose contracts linked to EU projects.
21	Commission for Energy Regulation	To replace retiring Commissioner for Energy Regulation	Commissioner	1	1. Yes, application was approved	1	09/11/2009	5 year contract. Current and future role of the CER, both nationally and at a regional and EU level, justifies a full-time multi-member Commission.
22	Department of Communications, Energy and Natural Resources	To extend the contract of the Department's Research Coordinator by 50 weeks.	Research Coordinator	1	1. Yes, application was approved	1	18/11/2010	Work to be undertaken is a critical time-defined component of the Knowledge Society Strategy. No further renewal of contract beyond period specified.
23	Commission for Energy Regulation	To renew contract of employment of legal advisor	Level 4, Band A	1	1. Yes, application was approved	1	21/01/2010	Permanent contract. Significant savings can be realised from use of in-house legal advice compared with cost of procuring such advice from external sources.



[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
24	Broadcasting Authority of Ireland	Replace Finance Officer	Finance Officer	1	1. Yes, application was approved	1	04/02/2010	Sanctioned on basis of redeployment from within the public service.
25	Central Fisheries Board	To formally assign staff member to role of Director of Finance and pay higher duties allowance in absence of post holder who is on sick leave.	Director	1	1. Yes, application was approved	1	16/03/2010	Agreed for up to six months.
26	Commission for Energy Regulation	For design and implementation of the Petroleum Safety Framework	Petroleum Safety Manager	1	1. Yes, application was approved	1	31/03/2010	Permanent post. Sanctioned on basis that new functions for petroleum safety conferred on the CER require specialist expertise.
27	Commission for Energy Regulation	To assist the Petroleum Safety Manager (see above) in the design and implementation of the Petroleum Safety Framework.	Support Analyst	2	1. Yes, application was approved	2	31/03/2010	Permanent posts. Sanctioned on basis that new functions for petroleum safety conferred on the CER require specialist expertise.
28	Sustainable Energy Authority of Ireland	Provide expert financial advice and support to CEO and board. Responsibility for organisation's financial control function.	Head of Department	1	1. Yes, application was approved	1	07/09/2010	Permanent post. Sanctioned on the basis that finance function requires specialist expertise.
29	Sustainable Energy Authority of Ireland	Manage, introduce and operate systems for financial resource allocation and business planning.	Senior Accountant	1	1. Yes, application was approved	1	07/09/2010	Permanent post. Sanctioned on the basis that finance function requires specialist expertise.

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
30	Sustainable Energy Authority of Ireland	To lead and manage the design, development and delivery of a range of initiatives across domestic and non-domestic sectors through the Retrofit Programme.	Programme Manager EDRT	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
31	Sustainable Energy Authority of Ireland	Manage the design, development, implementation, maintenance and review of technical specifications for SEAI administered retrofit programmes.	Technical Standards Development Manager	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
32	Sustainable Energy Authority of Ireland	Support and assist initiatives on fuel poverty in context of retrofit programme	Programme Executive Domestic Energy Efficiency	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
33	Sustainable Energy Authority of Ireland	Provide advice and support to the National Energy Efficiency Retrofit Programme on contract framework agreements and Save As You Pay mechanisms.	Legal and Contracts Executive	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
34	Sustainable Energy Authority of Ireland	To design, implement and oversee a harmonised quality assurance framework across all retrofit programmes.	QA and Inspection Manager	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
35	Sustainable Energy Authority of Ireland	To deliver and manage the Triple E register of energy efficient products that underpin the ACA scheme.	Programme Manager — Accelerated Capital Allowances	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
36	Sustainable Energy Authority of Ireland	To manage and drive the development of energy modelling activity.	Programme Manager — Energy Modelling	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
37	Sustainable Energy Authority of Ireland	Provide a statistical data management and analysis service within the Authority's Energy Policy Statistical Support Unit	Data Management Executive	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
38	Sustainable Energy Authority of Ireland	Ongoing management and development of the Home Energy Savings Scheme	Programme Manager — Sustainable Energy	1	Application was approved	1	September 2010	Sanction subject to suitable staff being available from redeployment panel.
39	Commission for Communications Regulation	To provide high-level, strategic, mission critical legal advice to the Commissioners and the organisation and to manage all legal matters arising from ComReg's remit and activities	Senior Legal Counsel	1	Application was approved	1	21 January 2010	Sanctioned on basis of being most cost effective means of procuring legal advice.
40	Inland Fisheries Ireland	Surveillance support	Fishery Officers	6	1. Yes, application was approved	6	20/09/2010	2 month seasonal positions. Sanctioned on basis that appointments in line with agreement on seasonal staff at IFI in Employment Control Framework

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
41	Inland Fisheries Ireland	Operational support	Fishery Assistants	23	1. Yes, application was approved	23	20/09/2010	2 month seasonal positions. Sanctioned on basis that appointments in line with agreement on seasonal staff at IFI in Employment Control Framework
42	Inland Fisheries Ireland	To run angling centres	General Operatives	3	1. Yes, application was approved	3	20/09/2010	2 month seasonal positions. Sanctioned on basis that appointments in line with agreement on seasonal staff at IFI in Employment Control Framework
43	National Oil Reserves Agency	To meet regulatory compliance responsibilities that arise from NORA's management of both Ringsend and Tarbert storage facilities, and the mitigation of risks associated with same to acceptable levels	Operations Engineer (Engineer Grade II)	1	Application was approved	1	9 November 2010	Approved on basis that Ringsend storage facility about to come on line and need for suitably qualified staff to manage it.
44	Commission for Energy Regulation	Downstream gas and electricity safety staff	CER Analyst	10	Application was approved	10	15 December 2010 & 22 June 2011	Approved on basis that required for CER's new functions. Original sanction (Dec 2010) for 8 posts plus 2 returnees from career break. Updated sanction (June 2011) for 9 posts (2 redeployed from NBA) and 1 returnee from career break.

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
45	Inland Fisheries Ireland	To fill vacancy created by retirement	Laboratory Chemist	1	No decision to date			
46	Inland Fisheries Ireland	To fill vacancies created by retirements	Inspector	2	No decision to date			
47	Inland Fisheries Ireland	To fill vacancies created by retirements	Administrator Grade 4	2	No decision to date			
48	Inland Fisheries Ireland	New positions in procurement, business development and operational support	HEO	3	No decision to date			
49	Inland Fisheries Ireland	To fill vacancies created by retirements	Assistant Inspector	2	No decision to date			
50	Inland Fisheries Ireland	To fill vacancies created by retirements	Fishery Officers	3	No decision to date			
51	Commission for Communications Regulation	To fill vacancy created by retirement	Commissioner	1	Application was approved	1	January 2011	
52	Inland Fisheries Ireland	To fill seasonal posts	Fishery Officer	32	Application was approved	32	9 May 2011	4 month seasonal positions. Sanctioned on basis that appointments in line with agreement on seasonal staff at IFI in Employment Control Framework
53	Commission for Energy Regulation	Cover for maternity leave	Legal Advisor	1	Application was approved	1	2 June 2011	Sanctioned on basis of being most cost effective means of procuring legal advice.
54	Commission for Energy Regulation	To fill vacancy created by retirement	Commissioner	1	No decision to date			
55	Commission for Communications Regulation	To fill vacancy created by retirement	Director, Retail & Consumer Services	1	No decision to date			

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
56	Commission for Communications Regulation	To fill vacancy created by retirement	Postal manager	1	No decision to date			
57	Commission for Communications Regulation	New post arising from opening of postal market	Analyst	1	No decision to date			
58	Commission for Communications Regulation	Renewal of contract	Commissioner	1	No decision to date			

[Deputy Brendan Howlin.]

## Department of Community, Equality and Gaeltacht Affairs

No.	Requesting Body	Purpose of Sanction	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
0	Nil requests		0		0		

Department of Education and Skills

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
1	Co Roscommon VEC	To replace retiring CEO; statutory post	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	26/6/09	Temporary 6 month appointment pending reorganisation of VECs. Extended to 28 Feb 2010. 17 February 2010 — further extended to 30 April 2010.
2	Department of Education & Science	Renewal of secondment of 276 teachers to Education Services	Teacher	276	1. Yes, application was approved	170	6/7/09	Continuation of highest priority teacher training and support. Partial approval granted. 276 posts were sought of which 170 were approved.
3	Church of Ireland College of Education	To replace retiring principal	Principal, College of Education	1	1. Yes, application was approved	1	6/7/09	Need for head of organisation.
4	Vocational Education Committees	To award a fixed term contract to fill one existing caretaker vacancy on a temporary basis to ensure the smooth running of Certificate examinations during June 2009. To give delegated sanction to award similar contracts in other VECs, in similar circumstances, during June 2009, should the need arise.	Caretaker	1	1. Yes, application was approved	1	27/5/09	To ensure uninterrupted running of State examinations. One immediate post sanctioned; delegated sanction to appoint others should the need arise.



[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
5	NCTE	To fill 1 National Coordinator post; Renewal of contracts of 2 Project Officers; Renewal of either 1 Senior Administrative Assistant or 1 Secretary Grade III post	National Coordinator; 2 Project Officers; Senior Admin Asst or Secretary Grade III	4	1. Yes, application was approved	4	31/7/09	Majority of staff of NCTE employed on fixed term contracts. Need to reappoint a minimum number of these staff (4) to maintain services.
6	Co Dublin VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.
7	Co Offaly VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	9/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. Extended to 28 Feb 2010. 17 February 2010 — further extended to 30 April 2010.
8	City of Waterford VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. Extended to 28 Feb 2010. 17 February 2010 — further extended to 30 April 2010.
7	Co Westmeath VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
8	Co Donegal VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.
9	City of Limerick VEC	Replace CEO	Chief Executive Officer, VEC	1	1. Yes, application was approved	1	15/10/09	Temporary 3 month acting appointment pending reorganisation of VECs. 17 February 2010 — further extended to 30 April 2010.
10	Institute of Technology Tralee	To employ two Technicians to ensure the continued provision of certain courses	Laboratory Technicians	2	1. Yes, application was approved	2	23/9/09	To ensure the continued provision of certain courses
11	New Body amalgamating HETAC, FETAC & NQAI	CEO of NQAI/Interim CEO of new qualifications and QA Body	Chief Executive Officer	1	1. Yes, application was approved	1	22/12/09	CEO of NQAI and Interim appointment of CEO for the new body to be established amalgamating HETAC, FETAC and the NQAI
14	DLIADT	To replace 4 Technicians	Technician	4	1. Yes, application was approved	4	13/10/09	Health and Safety. Courses would have to be suspended
15	IoT Carlow	To replace 4 Technicians	Technician	4	1. Yes, application was approved	4	17/11/09	Health and Safety. Courses would have to be suspended
16	Galway-Mayo IoT	To replace 2.5 Technicians	Technician	2.5	1. Yes, application was approved	2.5	17/11/09	Health and Safety. Courses would have to be suspended
17	IoT Tallaght	To replace 2 Technicians	Technician	2	1. Yes, application was approved	2	17/11/09	Health and Safety. Courses would have to be suspended

[Deputy Brendan Howlin.]

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
18	IoT Tralee	To replace 2 Technicians	Technician	2	1. Yes, application was approved	2	17/11/09	Health and Safety. Courses would have to be suspended
19	IT Blanchardstown	To replace 5 staff on maternity leave	4 Lecturers and 1 Asst Lecturers	5	1. Yes, application was approved	5	16/10/09	Fixed purpose contracts to cover 5 staff on mat leave
20	IoT Sligo	Project Manager Higher Certificate in Custodial Care	Project Manager	1	1. Yes, application was approved	1	26/10/09	Fixed term contract to coincide with contract with Prison Service
21	Dublin Institute of Technology	To replace 6 Technicians	Technician	6	1. Yes, application was approved	6	17/11/09	Health and Safety. Courses would have to be suspended
22	Athlone IoT	To replace 1 Technician	Technician	1	1. Yes, application was approved	1	17/11/09	Health and Safety. Courses would have to be suspended
23	Commission to Inquire into Child Abuse	to retain 6 staff on rolling 3 month contracts to continue work of commission	2 x f/t EO, 1x p/t EO, 1 x p/t IT Manager, 2 x p/t SO	4	1. Yes, application was approved	4	6/1/2010	To continue essential work of the Commission to Inquire into Child Abuse. Please note that the 6 posts equate to less than 4 WTE
24	FETAC	Appt of 3 staff on 3 year fixed term contracts to carry out EQARF project. Fully EU funded.	Director, Policy Officer, Project Administrator	3	1. Yes, application was approved	3	12/2/10	Fully funded by EU. FETAC won tender to carry out EQARF project.
25	Vocational Support Services Unit (VSSU)	To replace the deceased Director of the Vocational Support Services Unit	Professional Accountant Grade I	1	4. Application was refused			

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
26	Comhairle um Oideachas Gaeltachta agus Gaelscolaíochta (COGG)	Appt of 4 staff on initial one year renewable contracts to carry out the functions of COGG. 3 x Development Officer posts and one CO post. Upgrade one existing EO post to HEO level.	3 x Engineer Grade II, 1 x CO, 1 EO to HEO upgrade	4	4. Application was refused			To perform the functions of COGG. The provision of supports for the teaching of Irish at 1st and 2nd level.
27	FETAC	Ext of contracts for 1 year of 3 FETAC Monitors for monitoring and assessment of education providers	3 Monitors	3	4. Application was refused	0	28/4/10	
28	HEA	Ext of contracts of 3 EOs for various tasks	3 EOs	3	1. Yes, application was approved	3	28/4/10	Part approval granted — 3 posts for 7 months. 1 year extension sought.
29	DIAS	To appoint one experienced researcher, on a 13-month fellowship contract to assist on an externally-funded research project (Marie Curie Early Stage Research Training Project)	Researcher	1	1. Yes, application was approved	1	19/5/2010	To assist in the completion of an externally-funded research project. 1 x 13 month fixed-term contract
30	DIAS	To employ one junior post-doctoral researcher on a fixed-term contract for a six month period.	Junior post-doctoral researcher	1	3. No decision to date			
31	NEWB	Replacement of CEO	CEO	1	1. Yes, application was approved	1	20 May 2010	To continue the work of the CEO. 1 x 5 year fixed-term contract
32	Mayo VEC	Replacement of Education Officer	Education Officer	1	1. Yes, application was approved	1	11 May 2010	to replace vacancy at EO level. 1 for 6 months

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No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
33	Wexford VEC	Replacement of CEO	CEO	1	1. Yes, application was approved			To replace, on an acting basis, the serving CEO who is on extended sick leave
34	Longford VEC	Replacement of CEO	CEO	1	1. Yes, application was approved			To replace, on an acting basis, the retiring CEO (retirement effective 17 July 2010), appointment requested from 17 July 2010 to 30 September 2010
35	CDVEC	To renew the contracts of 21 School Librarians	Librarian	21	1. Yes, application was approved	21		
36	NCTE	To appoint 2 Project Coordinators to work on a pilot project to deliver Next Generation broadband to post-primary schools		2	4. Application was refused			
37	VECs	To fill vacancies of cleaning/maintenance staff in 33 VEC administrative offices, as they arise	Cleaner	33	4. Application was refused			
38	DIAS	To re-engage one Fellowship researcher for a 6-month period on an externally-funded research project (Marie Curie Project)	Researcher	1	1. Yes, application was approved	1 for 6 months		To continue working on an externally-funded research project
39	HEA	To engage 1 EO to provide admin support for the co-ordination of programme activities on the context of a European e-infrastructure project for which the HEA has secured funding under FP7	EO	1	1. Yes, application was approved	1 for period ending no later than 31 December 2010		To provide admin support for the co-ordination of programme activities on the context of a European e-infrastructure project for which the HEA has secured funding under FP7

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
40	NEWB	Transfer of one EO and one R&D Officer from SCP to NEWB on foot of amalgamation of school support services	EO and R&D Officer	1	1. Yes, application was approved	1	1 Sept 2010	
41	FS	temporary CO's to cover SWY	CO	40 TCO's max and 20 acting up assignments	approved		11 Mar 2011	Temp CO staff to cover SWY in FS in 2011.
42	NEWB	1 x director of services 1 x director of integration 1 regional manager 2 x education welfare officer 1 x clerical officer post	Various	6	1 EWO post extended by 6 months	1 extension	24 Mar 2011	1 post extended as due to expire 29 March 2011
43	Co. Mayo VEC	Temp extension pending VEC amalgamation	Acting Education Officer	1	Approved until 30 Sept 2011	1	29 Mar 2011	Temporary extension of essential post until VEC rationalisation
44	Teaching Council	Renew contracts of 5 Temp Cos to complete registration of existing and new teachers for 2011/2012 academic year	Clerical Officer	5	Approved until 31 August 2011 only	5	31 Mar 2011	To finalise registration of existing and new teachers in time for September 2011 academic year.
45	FS	Specialised Instructor in FS in Biopharmaceutical Training Facilities in Cork	Specialised Training Instructor	1	Contract of Specific Purpose	1	28 Jun 2011	Contract of specific purpose from July 2011 whose duration would relate specifically to however long the attributes of the post were specifically needed.

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No.	Requesting Body	Purpose of Sanction	Grade	No. of posts	Decision	No. of posts granted	Date Sanctioned	Comment
46	VEC	Further Extend acting-up appointments to CEO for the 11 VECs to 30 Sept 2011	CEO	11	Approved until 30 Sept 2011	11	1 Jul 2011	Further Extend acting-up appointments for the 11 VECs (Cities of Limerick and Waterford and Counties of Cork, Donegal, Dublin, Kerry, Kilkenny, Longford, Offaly, Roscommon and Westmeath) to 30 Sept 2011

## Footnote:

Special arrangements have been agreed with the Department of Education & Science for the filling of certain key posts in the Education sector on a delegated basis, as an exception under the Moratorium, without having to receive the specific approval of the Minister for Finance on a case by case basis. These include:

- (1) Vacancies arising in Principal, Vice-Principal, Teaching and Special Needs Assistant posts in schools, which may continue to be filled as they arise, within and subject to an overall ceiling on the number of such posts;
- (2) Vacancies arising in essential support posts (secretarial & caretaking) in Community & Comprehensive and VEC schools, which may continue to be filled on a minimalist basis, where schools would otherwise be forced to close or new schools would be unable to open in the absence of such support staff;
- (3) Vacancies arising in posts of responsibility in schools, in certain cases, where this is considered to be necessary for the continued operation of the schools in question;
- (4) Certain specific vacancies arising in the Higher Education sector may continue to be filled subject to achieving a targeted reduction in employment numbers by year end.

Department of Justice & Equality

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
1	Garda	Appointment of 3 Chief Superintendents & 10 Superintendents & 1 Assistant Garda Commissioner	1 Assistant Garda Commissioner, 3 Chief Superintendents, 10 Superintendents	14	Yes, application was approved.	14	22/05/2009	To replace key staff who are retiring
2	Garda	Appointment of 1 Assistant Garda Commissioner	1 Assistant Garda Commissioner	1	Yes, application was approved.	1	28/09/2009	To replace key staff who are retiring
3	Garda	Appointment of 1 Assistant Garda Commissioner, 9 Chief Superintendent, 14 Superintendents, 28 Inspectors, 120 Sergeants (172 posts in total)	1 Assistant Garda Commissioner, 9 Chief Superintendents, 14 Superintendents, 28 Inspectors, 120 Sergeants	172	No formal sanction given as an Employment Control Framework is in the process of being agreed with the Department of Justice for the Justice Sector. Its will then be a matter for the Garda to manage staff numbers within the agreed Framework and associated pay allocation.			



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No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
4	Garda	Reappointment of Garda to Garda Technical Bureau	1 Garda	1	Yes, application was approved.	1	09/03/2010	Reappointment of a Guard who had left force who had previously been given technical training and worked in the Bureau. 3 staff due to retire from the Bureau this year and this guard's training and experience would make him suitable to fill one of these posts.
5	Garda	Reappontment of Garda to the Garda Force	1 Garda	1	Yes, application was approved.	1	16/04/2010	Sanction was given on foot of legal advice from the Office of the Attorney General which advised that this Garda had a legitimate expectation that she would be re-appointed on the basis of an agreement between the Minister for Justice and the Garda Commissioner in 1980 regarding the extension of the categories to be considered for re-appointment which included members who resign from the Force to take up a post with UN.

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
6	Garda	Reappointment of 2 Garda to the Garda Force	2 Garda	2	Yes, application was approved.	2		Justice are seeking approval to the reappointment of 2 garda, 1 of whom who left the Force to take up UN posts and another who left to set up a Driving school.
7	Irish Youth Justice Service	Extension of contracts for 27 staff employed in the Finglas and Oberstown Children Detention Schools.	10 Residential Childcare Workers, 4 Night Supervisors, 6 General Operatives, 1 Chef, 1 Assistant chef, 1 Assistance Maintenance Officer, 2 Clerical Officer, 1 Night Unit manager, 1 Assistant Deputy Director	27	Yes, application was approved.	27	26/06/2009	To facilitate the ordered restructuring of staffing in the youth detention centres prior to the closure of one detention centre.
8	Irish Youth Justice Service	Extension of contract for 1 worker at Trinity House	1 General Operative	1	Yes, application was approved.	1	02/09/2009	To maintain catering services at weekends.
9	Irish Youth Justice Service	Extension of contract for 5 workers at Trinity House	2 Residential Childcare Workers, 2 Night Supervisors, 1 Clerical Officer	5	Yes, application was approved.	5	18/09/2009	To facilitate the ordered restructuring of staffing in the youth detention centres prior to the closure of one detention centre.
10	Irish Youth Justice Service	Extension of contracts for 68 staff employed in the Children Detention Schools to 31 March 2010.	31 Residential Childcare Workers, 12 Night Supervisors, 13 General Operatives, 1 Chef, 1 Assistance Maintenance Officer, 6 Clerical Staff, 3 Night Unit Managers, 1 Assistant Night Unit Manager	68	Yes, application was approved.	68	25/09/2009	To facilitate the ordered restructuring of staffing in the youth detention centres prior to the closure of one detention centre.

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No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
11	Irish Youth Justice Service	Contract expired	1 assistant maintenance Officer 1 Childcare Worker	2	Yes sanction was given on a permanent basis	2	20/12/2010	Both staff members had particular skills and training which were deemed essential to the running of Oberstiown youth detention centre.

Department of the Environment, Community and Local Government

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
1	An Bord Pleanála	Delay in filling staff complement due to industrial relations issue	SEO	1	Sanction was refused	0	09.06.09	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
2	Private Residential Tenancies Board	PRTB wish to engage 30 COs rather than 22 agency staff for same cost	CO	30	Sanction was refused	0	21.05.09	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
3	Environmental Protection Agency	Reappointment as term has expired	Director	1	Yes, sanction was given — on a permanent basis	1	11.09.09	Post is vital for operation of services.
4	Wicklow County Council *	Incentivised Scheme of Early Retirement in the Public Service	Director of Services	1	Yes, sanction was given — on a temporary/acting basis	1	18.12.09	Post is vital for operation of services.
5	Irish Regions Office	Contract expired	EU Programmes & Communication Officer	1	Yes, sanction was given — on a permanent basis	1	27.01.10	Post is vital for operation of services.
6	BMW Regional Assembly	Contract expired	Auditor	1	Yes, sanction was given — on a permanent basis	1	24.03.10	Post is vital for operation of services.
7	Environmental Protection Agency	New Post to Manage Dumping at Sea Permits	Technical Manager	1	Sanction was refused	0	08.03.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
8	Dublin Docklands Development Authority	Incentivised Scheme of Early Retirement in the Public Service	Secretary	1	No decision to date	0		

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No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
9	Dublin Docklands Development Authority	Contract is due to expire	Director of Finance	1	No decision to date	0		
10	Housing Finance Agency	To fill one full time and one part time EO posts to supply administrative support and loan book management	EO	1.5	Yes, sanction was given — on a permanent basis	1.5	08.03.10	Post is vital for operation of services.
11	Housing Finance Agency	To fill a jobshare CO post due to a member of staff switching to job share	CO	0.5	Yes, sanction was given — on a permanent basis	0.5	08.03.10	Post is vital for operation of services.
12	Housing Finance Agency	To fill 1 full time & 1 part time CO posts arising as consequential vacancies from the filling of the EO posts above	CO	1.5	Sanction was refused	0	08.03.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
13	Radiological Protection Institute of Ireland	To fill the post of Director of Advisory Services following the departure of Dr. Colgan to the IAEA	PSO	1	Yes, sanction was given — on a permanent basis	1	08.03.10	Post is vital for operation of services.
14	Radiological Protection Institute of Ireland	Fill the consequential vacancy arising from filling the post of Director of Advisory Services	SSO	1	Sanction was refused	0	08.03.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
15	Radiological Protection Institute of Ireland	Fill the consequential vacancy arising from filling the post of Director of Advisory Services	SO	1	Sanction was refused	0	08.03.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
16	Local Government Management Agency	Director of OLAM	Director	1	Yes, sanction was given on a temporary/acting basis	1	19.05.10	Post must be filled through redeployment.
17	Southern & Eastern Regional Assembly	To fill a first level controller post to implement the systems of controls for the Ireland Wales Programme	Grade 1V	4	Yes, sanction was given — on a permanent basis	1	19.04.10	Post is vital for operation of services.
18	An Bord Plean/Elia	Contract Expired. Application to extend contract for 1 year	Planning Inspector	1	Yes, sanction was given — on a temporary/acting basis	1	23.04.10	Post is vital for operation of services.
19	Dublin Docklands Development Authority	Sanction sought to acting up allowance for the Acting CEO	Acting CEO	1	Yes, sanction was given — on a temporary/acting basis	1	24.06.10	Post is vital for operation of services.
20.	Private Residential Tenancies Board	Sanction sought to extend temporary contract by 12 months	ICT Administrator	1	Yes, sanction was given — on a temporary/acting basis	1	15.07.10	Vital to ensure project completion which will negate the need for Agency staff
21.	Irish Water Safety Association	Sanction for a three year contract post sought	Educational Development Officer	1	Sanction was refused	0	05.08.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
22.	Environmental Protection Agency	To fill the Programme Manager — Laboratory Services post after a retirement	Programme Manager — Level 1	1	Sanction was refused	0	05.10.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.

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No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
23.	Environmental Protection Agency	To fill the Programme Manager — Aquatic Environment post after a retirement	Programme Manager — Level 1	1	Sanction was refused	0	05.10.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
24.	Environmental Protection Agency	To fill the post in the Office of Climate, Licensing & Resource Use after a retirement	Senior Scientific Officer — Level 2	1	Sanction was refused	0	05.10.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
25.	Environmental Protection Agency	8 temporary fixed term purpose contract staff sought to cover maternity leave	Level 5 or 6 as appropriate	8	Sanction was refused	0	05.10.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
26.	Housing & Sustainable Communities Agency	Fill the post of Director of Asset Management, Planning, Procurement & Shared Services	PO — Standard Equivalent	1	Yes, sanction was given — on a permanent basis	1	30.09.10	Post is vital for operation of services. Post will be filled through redeployment.
27.	Housing & Sustainable Communities Agency	To fill the post of Director of Research, Policy Standards & Regulations	PO — Standard Equivalent	1	Yes, sanction was given — on a permanent basis	1	30.09.10	Post is vital for operation of services. Post will be filled through redeployment.
28.	Housing & Sustainable Communities Agency	To fill the post of Director of Local Authority Services	PO — Standard Equivalent	1	Yes, sanction was given — on a permanent basis	1	30.09.10	Post is vital for operation of services. Post will be filled through redeployment.
29.	Irish Water Safety	Sanction for a three year contract post sought	Educational Development Officer	1	Yes, sanction was given — on a temporary/acting basis	1	29.10.10	Post will be filled through redeployment.
30.	An Bord Pleanála	To fill an Ordinary Board Member post	Ordinary Board Member	1	Yes, sanction was given — on a temporary/acting basis	1	22.12.10	Post to be filled for one year while regarding of Board Members is examined

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
31.	Housing & Sustainable Communities Agency	To fill Housing Administrator Post	Staff Officer	1	Sanction was refused	0	22.12.10	Request for sanction does not fall within the 'very limited circumstances' where Ministerial exceptions can be sought.
32.	An Bord Pleanála	To fill the post of Chairperson	Chairperson	1	Yes, sanction was given — on a permanent basis	1	14.02.11	Post was advertised stating that pay is being reviewed & may be subject to downward revision
33.	An Bord Pleanála	To fill the post of Deputy Chairperson	Deputy Chairperson	1	Yes, sanction was given — on a permanent basis	1	18.02.11	Post to be filled for one year while regarding of Board Members is examined
34.	Southern & Eastern Regional Assembly	To fill the post of National Contact Point	National Contact Point	1	No decision to date	0		
35.	Environmental Protection Agency	To fill the Director General Post	Director General	1	No decision to date	0		
36.	Western Development Commission	To fill the Chief Executive Officer Post	CEO	1	No decision to date	0		

Please note that D/ECLG has a delegated sanction to apply the moratorium in the local authority sector.

Note: A Commission of Investigation into the Banking Sector has also been established, chaired by Mr. Peter Nyberg. The Commission is making a number of appointments to assist it in its work.



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Department of Tourism, Culture and Sport

No.	Requesting Body	Purpose of Sanction	Grade	No. of posts sought	Decision	No. of posts granted	Date Sanctioned	Comment
1	Irish Museum of Modern Art	To enable the post of Director to be filled	Principal Officer, Standard Scale	1	Grant	1	28 April 2011	

Fáilte Ireland also requested 80 seasonal Tourist Information Officers (clerical) to staff its Information Offices for the tourist season. Sanction granted on 20th of April. Shannon Development was also granted 12 Tourist Information Officers on the same basis. Such sanctions are given on the understanding that the pay can be met from within existing budgetary resources

228. **Deputy Tony McLoughlin** asked the Minister for Public Expenditure and Reform the number of staff working at the Department of Community, Equality, and Gaeltacht Affairs in Tubbercurry, County Sligo; the number of staff based there in July 2010; and his plans for the future of this office in line with the change of departmental areas following the appointment of Ministers in March 2011. [21268/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In the context of the re-alignment of Government Departments earlier this year, the functions of the Department of Community, Equality and Gaeltacht Affairs were transferred to a number of other Departments. The Department of Environment, Community and Local Government received the Community functions which were based in Tubbercurry.

I understand that the total number of staff serving in the then Department of Community Rural and Gaeltacht Affairs in Tubbercurry in July 2010 was 89, of whom 9 transferred with their functions to the Department of Social Protection in August 2010. The number of people currently working in the offices of the Department of Environment, Community and Local Government in Tubbercurry is 62. In addition, 14 staff of the former Department, representing mainly those who were not working directly on the Community functions, transferred to the Department of Social Protection (of whom 4 remained in Tubbercurry) and to other Government offices in the locality.

The ongoing management of the offices and staff in Tubbercurry is primarily a matter for the Departments concerned, taking account of the Government's overall aim to ensure the efficient use of resources and the effective delivery of public services.

### **Credit Guarantee Scheme**

229. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation, further to Parliamentary Question No. 134 of 17 May 2011, the position regarding a temporary partial credit guarantee scheme; the details of the scheme; and the date he plans to introduce the scheme. [20768/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Deputy will be aware that as part of the Jobs Initiative announced in this House on 10 May, both the Minister for Finance and I confirmed the commitment given under the Programme for Government to initiating a tendering process for the development of a temporary partial credit guarantee scheme. A call for competition for the design of a scheme was published on e-tenders on 15 June 2011, closing on 7 July. Arising from this process, formal tenders should be received early in August and on completion of the procurement process, contract commencement is envisaged to be the last week in August. The completion date for the scheme design is scheduled for early October.

The design of the scheme will draw from international experience to support new lending that would not otherwise have been extended by the banks. In this way, the scheme will be limited in its scope and will complement, rather than be a substitute for, existing lending activities by the main financial institutions. It will be a targeted scheme aimed at new companies or expanding companies trying to develop new products or markets that can demonstrate repay-

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ment capacity for the additional credit facilities but which cannot secure credit facilities, due to insufficient collateral or a lack of familiarity or understanding of the new industry, the new product or the potential of new markets. The amount of money that will be invested in this scheme and the criteria that will be applied are intrinsic elements of the scheme design, which is the subject of the current tendering process.

The Government's commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before any commitment to a roll-over of the scheme for subsequent years. The temporary partial credit guarantee scheme will complement the Government plans on the restructuring and recapitalisation of the banking system which seek to secure an adequate flow of credit into the economy to support economic recovery.

### Departmental Bodies

230. **Deputy Paudie Coffey** asked the Minister for Jobs, Enterprise and Innovation the amounts of office rental paid by an agency (details supplied) and their sub-agencies; the location of the offices; their landlords for the years 2008, 2009, 2010 and to date in 2011; the length of the leases in each case; and if he will make a statement on the matter. [20710/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** InterTradeIreland is the North South Trade and Business Development Implementation Body and is based at the Old Gasworks Business Park, Kilmorey Street, Newry, Co. Down. This is the Body's only premises which is leased from Clanrye Abbey Developments with rent being paid on a quarterly basis. The annual rent (Sterling) is as follows: 2008-2011 £162,500 + VAT per annum. The current lease runs to the 9 September 2016. InterTradeIreland has no sub-agencies.

### Departmental Reports

231. **Deputy Dara Calleary** asked the Minister for Jobs, Enterprise and Innovation, further to Parliamentary Questions No. 195 of 12 April 2011 and No. 217 of 17 May 2011, the position regarding the same report; if he plans to impose a deadline on the consultations; and when he plans to bring proposals to Cabinet on this matter. [20769/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Consultation with the relevant Departments and agencies, in relation to recommendations contained in the Ireland West Airport (Knock) Economic Scoping Report which are of interest to them, are ongoing. My Department has requested any outstanding observations as a matter of urgency. Once all observations have been received, I will then be able to formulate an overall position on how to proceed in this matter.

### Employment Rights

232. **Deputy Martin Ferris** asked the Minister for Jobs, Enterprise and Innovation if he will introduce legislation to protect employees in companies under administration who remain working but who are not paid; and if he will make a statement on the matter. [20950/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** There is no procedure under Irish company law for a company to go into administration. On the basis that the Deputy is referring to companies under administration, he may be referring to a situation where under UK company law, administration is an insolvency process where an administrator may also be appointed to undertake such administration in relation to their companies in Ireland.

The full suite of employment rights legislation currently applies in all cases where there is an employer-employee relationship in this jurisdiction. Employees can vindicate their rights through normal dispute settlement bodies including, through the Rights Commissioner service of the Labour Relations Commission or through a complaint to the National Employment Rights Authority (NERA). I have no plans to introduce new employment rights legislation in this area.

The Insolvency Payments Scheme, established under the Protection of Employees (Employers' Insolvency) Act 1984, provides for payment of certain entitlements owed to employees by their employer at the time of liquidation. These entitlements include wages, holiday pay, sick pay, minimum notice and pension contributions. Claims in respect of such entitlements under the Insolvency Payments Scheme can be processed if a company is insolvent within the definition of the Protection of Employees (Employers' Insolvency) Act 1984, and a "relevant officer" — normally, a receiver or liquidator — has been appointed and certifies the claims. Responsibility for the Protection of Employees (Employers' Insolvency) Acts 1984 to 2004 and associated Regulations are a matter for my colleague the Minister for Social Protection.

*Question No. 233 answered with Question No. 34.*

### **City and County Enterprise Boards**

234. **Deputy Barry Cowen** asked the Minister for Jobs, Enterprise and Innovation his plans for city and county enterprise boards. [15596/11]

#### **Minister of State at the Department of Jobs; Enterprise and Innovation (Deputy John Perry):**

The issue of restructuring the County and City Enterprise Boards (CEBs) has been in the public domain since the publication of the McCarthy Group Report in 2009, under the last Administration. I am of the view that it is timely and appropriate to re-structure, and re-focus, how the State delivers its support to the indigenous micro-enterprise sector which is a key component of the small business sector and will be vital to our economic recovery in Ireland.

The CEBs have been the principal deliverers of State support to the micro-enterprise sector since their establishment in 1993. The CEBs support micro-enterprises, employing up to 10 people, in the start-up and expansion phases and also promote economic activity and entrepreneurship at local level. The CEBs deliver a series of Programmes to underpin their role and they can provide both financial and non-financial assistance to an eligible micro-enterprise.

In relation to the restructuring of the CEBs there is no doubt but that the County Enterprise Board model has served the micro-enterprise sector very well over the years but some restructuring of that model is now required to meet the current social, economic and technological landscape of Ireland in line with the many changes since the establishment of the Boards in 1993.

There are a number of schools of thought on the best way forward in relation to CEB restructuring. It will be important to ensure that there is a coherent and cohesive delivery of State support to the indigenous business sector based on clear enterprise policy principles laid down by this Department. However any restructuring must not compromise the State's engagement with and support for our important micro-enterprise sector and in particular must not make it more difficult for the end-user to access the support services available for the Sector.

Within my Department we are currently seeking to determine the extent to which there should be restructuring of the County and City Enterprise Boards having regard to the Prog-

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ramme for Government, and to other recommendations on CEB restructuring, to the need to achieve a rational and focused model for entrepreneurs, as well as the need to ensure that there is targeted local delivery of enterprise support, driven by a national enterprise policy, in a manner which eliminates overlap and duplication.

### Industrial Development

235. **Deputy David Stanton** asked the Minister for Jobs, Enterprise and Innovation his policy regarding the location of foreign direct investment enterprises into Ireland *vis-à-vis* locations in Dublin, Cork and the rest of Ireland; and if he will make a statement on the matter. [21174/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Foreign direct Investment (FDI) has been, and will continue to be, a key element in the export led recovery of the economy. IDA Ireland is the statutory body charged with the attraction of FDI to this country and its regions.

In March 2010, IDA Ireland published its strategy, entitled '*Horizon 2020*', for attracting (FDI) into Ireland in the coming decade. Among the targets set out in that document are the creation of 105,000 new jobs in Ireland from the period 2010-2014 and 50% of these investments are to be based in locations outside of Dublin and Cork.

Central to IDA's strategy is to build on existing regional strengths to ensure Ireland's economic development, while optimising regional spread, in line with the National Spatial Strategy. IDA has made good progress since its strategy was launched in March 2010 with almost 11,000 new jobs being created during 2010, of which 45% were located outside of Dublin and Cork as were 37% of new investments.

Frequently, competition for Foreign Direct Investment comes not from other countries but from city regions with populations in excess of one million people. Dublin is the only recognised city region in Ireland that meets this criterion. If FDI is to continue to contribute to balanced regional development the other regions of the country must be promoted as regions of scale with urban centres that provide the range of infrastructure and services that high value investment projects demand. This objective is being pursued under the National Spatial Strategy. IDA continues to vigorously promote the regions to potential investors. However, it must be remembered that although IDA seeks to influence the promoters' decisions on location, in all instances it is the investor who decides where to locate.

236. **Deputy John Deasy** asked the Minister for Jobs, Enterprise and Innovation if he has had discussions with other Department heads to ensure that the necessary skilled workforce to implement any investment projects that will be available here; if there are areas that have lost investment through lack of specific skills; and if he will make a statement on the matter. [21338/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Ireland is a successful major centre for Industrial operations. 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 Expert Group on Future Skills Needs (EGFSN) advises the Government on current and future skills needs of the economy and on other labour market issues that impact on Ireland's enterprise and employment growth. It has a central role in ensuring that labour market needs for skilled workers are anticipated and met. The EGFSN reports to me, as Minister for Jobs,

Enterprise, and Innovation, and to my colleague Mr Ruairí Quinn, T.D., Minister for Education and Skills.

A range of skills recruitment difficulties have been raised through the work of the EGFSN, specifically the immediate issue of high-level ICT skills within the ICT sector. This is against a background of resilient demand arising from an expansion of the business operations of companies over the last year, inflow of foreign investment and formation of new start-ups. Immediate skills recruitment difficulties identified mainly relate to high—level ICT talent—computing science and electronic engineering Honours Bachelor Degree (Level 8) and above, especially for personnel with several years experience.

Along with my colleague, the Minister for Education and Skills and I met recently with ICT Ireland, the ICT arm of IBEC to discuss this matter.

At that meeting, 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 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.

In addition, an Action Plan is being prepared jointly by the Department of Education and Skills and the Higher Education Authority to help boost the high—level ICT supply in terms of numbers and quality — in the immediate and medium term. This will require the sustained support and collaboration from a range of stakeholder — in particular from enterprise.

### **Job Creation**

237. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has examined issues impeding job creation; the measures taken or intended to address such issues; and if he will make a statement on the matter. [21380/11]

242. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has examined issues impeding investment in manufacturing and service sectors; the extent of any initiatives taken or pending to address issues arising; and if he will make a statement on the matter. [21385/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 237 and 242 together.

The main factors impacting upon job creation and investment in manufacturing and services are a loss of confidence in the economy, access to finance for firms, costs competitiveness issues, including costs of labour, commercial rates, energy costs, certain business services costs (e.g. accountancy, legal services), and, in some cases property rental costs.

The Programme for Government outlines the actions which will be taken on a number of fronts to support enterprise, including:

- stabilising the public finances to restore confidence
- improving access to finance for enterprises,
- getting our cost base right, and
- developing strategies to capitalise on Ireland's potential in key sectors.

In recent weeks, we have seen that our budgetary projections are on track and we are meeting the quarterly targets set out in the EU/IMF Memorandum of Understanding. Our policies and

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our actions are proving to be credible and we are rebuilding confidence in the economy. A measure of this is that, so far this year, there have been 38 IDA announcements with the potential to create over 4,000 jobs.

The recent Jobs Initiative also contains a number of measures which will help to stimulate the domestic economy, including reductions in Employer's PRSI and the lower rate of VAT.

The Jobs Initiative also made commitments to introduce a Loan Guarantee scheme and a Microfinance Start up Fund, to improve access to finance for businesses. My Department is currently working on developing these schemes.

Recent reports from the National Competitiveness Council show that the Irish economy continued to show an improvement in its competitiveness in 2010, building on a gradual restoration of performance since 2008. Costs of doing business in Ireland have reduced in relation to labour costs, property costs, utilities and business services.

However, there is no room for complacency. The Government is committed to keeping all costs which impact on business as low as possible to enable them to benefit fully from the stimulus provided by the Jobs Initiative. This will require a joined-up effort across all Government Departments. In this context, I will continue to work with my colleagues in Government to explore options for further reducing costs to business, particularly those that are set by Government or Local Authorities.

I am also working to develop the potential of opportunities in a number of emerging sectors, including Cloud Computing, Digital Gaming and other sectors.

238. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he and his Department have engaged with the various EU authorities with a view to enhancing job creation opportunities; and if he will make a statement on the matter. [21381/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Since taking office, my colleagues Minister Sherlock, Minister Perry and I, along with senior officials of the Department, have availed of every opportunity to engage with all the EU institutions on policies of mutual concern regarding job creation.

As I outlined to the Deputy in my reply of the 6 June, I fully support the core elements of the European Union's new strategy for Jobs and Growth: Europe 2020 and its objectives to stimulate growth based on knowledge and innovation and a more sustainable and greener economy with high employment and social inclusion. These objectives are also broadly consistent with the Government's own strategies as set out in the Programme for Government and the National Recovery Plan.

I believe that it is of vital importance to Ireland's interests in implementing the Europe 2020 strategy that both Ministerial and official links with the EU Commission, the European Parliament and other EU Institutions be strengthened and maintained. Accelerating and intensifying engagement at EU level is particularly important for my Department because of the major EU aspect attaching to much of this Department's work.

At official level, my Department has regular contact with EU Commission officials on foot of the EU competitiveness and National Reform Programme monitoring and tracking processes as well as on strategic trade policy matters. At Ministerial level, we are actively engaging with the EU institutions. Since last March, Ministers have had several useful bilaterals with Commissioners and high ranking EU officials. Meetings have also been held with other Member States that share strategic interests at both Ministerial and official levels. Building and

increasing these contacts will be an ongoing task and a priority at ministerial and official levels, particularly as we look forward to the Irish EU Presidency in 2013.

During my attendance in May at the Trade Council I met with Commissioner De Gucht, who is responsible for Trade, and later that month at the EU Competitiveness Council with Commissioner Barnier, who is responsible for the Internal Market and Services, and also Vice-President and Commissioner Tajani who is responsible for Enterprise and Industry. At these meetings, I took the opportunity first and foremost, to underline the Irish Government's efforts at recovery and explained that restructuring our banking system was key in terms of releasing lending to SMEs. I emphasised the importance of trade and exports for Ireland's economic recovery. As exports are key to our growth model, the EU's market opening and trade agenda is especially important in providing new opportunities for our exporters but our sensitive sectors have to be given priority attention in pending free trade negotiations. I also outlined the measures contained in the Government's Jobs Initiative. Some issues impacting on SMEs which are addressed in the Small Business Act for Europe are part of the Government's Jobs Initiative. Ireland certainly endorses the horizontal principle of 'think small first' as established in the EU's Small Business Act, of which reducing regulatory burden for small business and making it easier for small businesses to grow and penetrate global markets and key policy areas.

In recognition that business and enterprise create jobs and drive economic growth and innovation, the Commissioners concurred that it was essential that the optimal environment and framework conditions be in place to allow this to happen. At EU level, I agreed that it was important that we continue to develop strong demand side innovation policy instruments in areas such as standardisation, public procurement supporting innovation, an integrated EU venture capital market and better regulation and tackling red tape and duplication. We will be working with our EU partners and the EU Commission to bring these policy instruments and associated measures to fruition through the various Council Working Groups and Committees and in particular through the EU Competitiveness Council.

Ireland's Strategy Statement on Trade, Tourism and Investment connects seamlessly with the EU's trade policy — Trade Growth and World Affairs — that was published towards the end of 2010. This policy means a focussed EU involvement on negotiating a conclusion to the WTO's long running trade talks (the Doha Round or DDA) as well as concluding free trade and other trade related agreements with important economic partners including Canada, India and the U.S.

Last month I met with Commissioner Andor who is responsible for Employment, Social Affairs and Inclusion. He spoke about the key role that Social Innovation plays in the Europe 2020 Strategy, the EU's blueprint for the decade to come, as well as the Commission's strategic focus on promoting job creation and the emphasis it places on maintaining jobs and boosting skills.

Both the Minister for Research and Innovation, Mr. Sean Sherlock, TD, and I have had separate meetings recently with the European Commissioner for Research, Innovation and Science, Ms Máire Geoghegan-Quinn, with a view to building strong relationships to ensure that Ireland maximises the benefits of our position in the EU in terms of jobs and opportunities to further develop our economy. Most recently, I met with the Commissioner on 24 June when we held an event in Dublin to highlight opportunities for Irish researchers, businesses and educational institutions under the EU's Seventh Framework Programme for Research and Technological Development (FP7). The Commissioner highlighted the fact that upcoming calls for proposals under FP7 in July 2011 and July 2012 will be worth approximately €18 billion.

Last month the Minister for Small Business, Mr John Perry T.D., met with Irish MEPs and senior EU Commission officials and took the opportunity emphasise that Ireland has to rebuild



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its competitiveness and reprioritise trade and investment. Our policies are complementary and inter-connected with the Europe 2020 strategy, completion of the Single Market, European competitiveness and industrial policy.

Minister Perry has also been appointed as Ireland's SME Envoy, under the Review of the Small Business Act for Europe and will play a constructive role with similarly appointed Envoys from the other Member States. He recently attended the first meeting of SME Envoys in Budapest under the auspices of the Hungarian EU Presidency. The next meeting of the group is scheduled for September 2011. The SME Envoy network includes Ministers and Director Generals of SME policies and facilitates the sharing of best practice in terms of policy to assist their respective SMEs.

*Question No. 239 answered with Question No. 27.*

240. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he continues to evaluate the impact of the jobs initiative with a view to selective enhancement in order to maximise opportunities; and if he will make a statement on the matter. [21383/11]

246. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation his priorities to maximise job creation opportunities over the next six months; and if he will make a statement on the matter. [21389/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 240 and 246 together.

As the Deputy will be aware, on 10th May the Government announced the introduction of a range of measures under the Jobs Initiative to improve the competitiveness of the economy, to support the maintenance of existing jobs and the creation of new ones, and to assist those who are currently unemployed to return to work.

Many of these measures have already been brought into effect, including the reduction of VAT on restaurant and catering services, hotel and holiday accommodation and various entertainment services; the halving of the lower rate of employer's PRSI on earnings up to €356 per week; the launch of the National Internship scheme; and the focusing of the State's capital expenditure towards more employment-intensive projects in the areas of education, local and regional roads and sustainable transport projects.

These, and all of the other measures announced in the Jobs Initiative, will be kept under review by the Government to evaluate their impact and effectiveness.

The Jobs Initiative also made commitments to introduce a Loan Guarantee scheme and a Microfinance Start up Fund, to improve access to finance for businesses. My Department is currently working on developing these schemes and I expect to be in a position to announced the details of the schemes within the next six months.

I am also continuing to develop proposals for substantial reform of our Sectoral Wage Agreements and I am working to develop job opportunities in a number of emerging sectors, including Cloud Computing, Digital Gaming and other areas.

I will also continue working with my Government colleagues over the coming months to identify actions that can be taken to reduce costs for business, particularly in relation to areas involving Central or Local Government costs.

All of the measures I have outlined — along with other commitments in the Programme for Government — will contribute to facilitating job creation and retention.

### **Economic Competitiveness**

241. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has identified competition faced by Irish manufacturers and service providers; his proposals to address these issues; and if he will make a statement on the matter. [21384/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** A competitive economic environment is essential if businesses are to grow and create jobs. It is in this context that my Department is focusing on three specific areas where progress can be made — reducing the costs faced by businesses, improving access to finance, and encouraging innovation.

Ensuring that Ireland is an excellent location and environment for business is a critical element of the Programme for Government. As Minister for Jobs, Enterprise and Innovation I am keenly focused, in conjunction with other Government colleagues, on having the conditions right for businesses to create jobs. Addressing the loss of competitiveness in the economy has been one of this Government's top priorities since taking office. There are signs of improvement in the competitiveness in the Irish economy such as: · Wages and costs have adjusted downwards. The European Commission estimates that Irish unit labour costs decreased by 6% in 2009 and 2010, compared to a rise of 3% in the Euro area generally. · Ireland currently has the lowest growth rate in inflation across the EU and our prices are now back to levels last seen in 2003. · Most local authorities have frozen or decreased their Annual Rate of Valuation again this year. The cost of broadband services in Ireland also compares favourably with the EU average.

Since this Government came into office, it has sought to reduce costs and improve the environment for businesses to retain and create jobs. The reduction in labour costs has been helped though measures in the Jobs Initiative with the halving of the lower rate of employer's PRSI as well as helping the jobs intensive hospitality sector by the introduction of a new temporary, second reduced rate of VAT. Efforts in my Department to cut red tape and reduce the administrative burden for business have resulted in an annual saving achieved of €187 million.

As regards access to finance, a targeted, temporary partial loan guarantee scheme will be announced later in the year to complement, rather than substitute for existing bank lending, where specific market failures have been identified. In addition a micro-finance fund will provide funding for small loans to start-ups.

We recognise that the recovery will be driven, in part, by businesses which start up during the recession but many start-ups lack the small amounts of finance that can be the difference between success and failure. This commitment on a micro-finance fund is the Government's contribution to filling this particular gap in the enterprise finance gap in the market.

It is clear that Government can also play a key role in improving cash flow to businesses, and from 1st July last all government bodies (excluding commercial semi states) are required to pay suppliers within 15 days of receipt of a valid invoice.

Of course, competitiveness is also influenced by the companies themselves, for example, in the strength and quality of a company's business model, the value created for their customers, and how ably they compete with companies internationally in getting their goods and services to market.

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My Department and the State Agencies under its remit are clearly focused on the development and support of internationally trading manufacturing and services firms in Ireland in this regard. Specifically, Enterprise Ireland (EI), the agency responsible for the development and promotion of the indigenous business sector, is focused on the growth of world-class Irish companies to achieve strong positions in global markets. EI support is targeted primarily at exporting companies, delivered by working directly with businesses, and the research and investment communities in Ireland to build sustainable competitive advantage for our economy.

In line with the Programme for Government, I will continue to work closely with Enterprise Ireland, in developing a successful export-led enterprise base in Ireland, and with my colleagues in Government to explore options for further reducing costs to business.

*Question No. 242 answered with Question No. 237.*

### **Job Losses**

243. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the degree to which he has monitored job losses in the manufacturing and service sectors by county in each of the past 12 months to date in 2011; and if he will make a statement on the matter. [21386/11]

245. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the reason most commonly given for business failure leading to job losses by county on a monthly basis in the course of the past two years and to date in 2011; and if he will make a statement on the matter. [21388/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 243 and 245 together.

The data requested by the Deputy in relation to the numbers of job losses in the manufacturing and service sectors by County, by month and the reason most commonly given for business failure leading to job losses by County and by month is not collated by my Department or the agencies under its aegis.

With regard to the monitoring of potential job losses, in agency-assisted companies, my Department operates an internal early warning system based on material provided on a confidential basis by IDA Ireland, Enterprise Ireland and Shannon Development. The system relies on information initially provided by clients of the agencies to their respective agencies and then in turn to my Department. While this system helps to identify certain companies that are experiencing difficult trading conditions, it is not an indicator of business failures or job losses.

The industrial development agency figures for jobs lost are compiled annually in the Forfás Annual Employment Survey, the most up to date of which details job loss figures up until 2010. The figures are in respect of job losses in firms assisted by IDA Ireland, Enterprise Ireland and Shannon Development, which come under the aegis of my Department. Details of the agency figures for job losses in 2010 are set out in Table A below.

Statistical information in respect of the County and City Enterprise Boards is collated annually and figures in respect of 2011 will be available in early 2012. Data in respect of job losses in CEB-supported client companies for 2010 is set out in Table B below.

In relation to the reasons cited for business failure, Enterprise Ireland has advised that in respect of its client companies only, the most commonly stated reasons for business failure, on the basis of qualitative data analysed for the period July 2009 to June 2011 include:

- Significant decreases in customer/market demand due to the recession in Ireland and key trading partners;
- Financial Difficulties (insolvency, bankruptcy, bad debts, inability to raise finance);
- Increased competition from competitor companies (in some cases exacerbated by volatility in exchanges rates);
- Loss of key customers; and
- Rationalisation/Consolidation/Restructuring of Group structures involving the closure of a company unit.

Redundancy notifications from companies relate to possible redundancy situations and therefore these do not provide information concerning all the job losses that actually occur. On 1 January 2011, the Department of Social Protection assumed responsibility for making redundancy payments from the Social Insurance Fund. Statistics in relation to actual redundancies by sector and by area are published by that Department on its website each month at [www.welfare.ie](http://www.welfare.ie).

Table A

Job Losses in 2010 in Client Companies of Enterprise Ireland, IDA Ireland and Shannon Development by County

County	No.
Carlow	-385
Kilkenny	-248
Tipperary South Riding	-397
Waterford	-799
Wexford	-351
Cavan	-516
Donegal	-535
Leitrim	-146
Louth	-861
Monaghan	-285
Sligo	-375
Clare	-757
Limerick	-1,045
Tipperary North Riding	-203
Cork	-2,675
Kerry	-334
Dublin	-9,235
Galway	-1,054
Mayo	-304
Roscommon	-190
Kildare	-857
Meath	-349
Wicklow	-509
Laois	-124
Longford	-307
Offaly	-580
Westmeath	-283
Total	-23,704

[Deputy Richard Bruton.]

Table B

County and City Enterprise Boards	Full Time Job Losses in Client Companies in 2010	Part-time, Seasonal, Contract Job Losses in Client Companies in 2010
Carlow	-56	-79
Cavan	-185	-84
Clare	-62	-16
Cork City	-133	-10
Cork North	-128	-8
Cork South	-83	-43
Cork West	-49	-49
Donegal	-232	-88
Dublin City	-780	-181
Dublin Dún Laoghaire/Rathdown	-158	-77
Dublin Fingal	-160	-80
Dublin South	-84	-76
Galway County/City	-311	-62
Kerry	-224	-196
Kildare	-130	-74
Kilkenny	-69	-44
Laois	-165	-93
Leitrim	-44	-47
Limerick City	-122	-48
Limerick County	-47	-7
Longford	-135	-31
Louth	-50	-60
Mayo	-157	-116
Meath	-228	-80
Monaghan	-55	-58
Offaly	-84	-26
Roscommon	-135	-60
Sligo	-91	-128
Tipperary (NR)	-161	-47
Tipperary (SR)	-11	-6
Waterford City	-128	-41
Waterford County	-116	-52
Westmeath	-144	-98
Wexford	-150	-77
Wicklow	-94	-52
Grand Total	-4,961	-2,294

**Job Creation**

244. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation if he will indicate the number of jobs created, by county, in each of the past 12 months to date in 2011; and if he will make a statement on the matter. [21387/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The industrial development agency figures for jobs created are compiled annually in the Forfás Annual Employment Survey, the most up to date of which details job creation figures up until 2010. The figures are in respect of jobs created in firms assisted by IDA Ireland, Enterprise Ireland and Shannon Development, which come under the aegis of my Department. As the information is compiled on an annualised basis, the figures in respect of 2011 are not available. Details of the agency figures for jobs created are set out in Table A below.

Statistical information in respect of the County and City Enterprise Boards is collated annually and figures in respect of 2011 will be available in early 2012. Data in respect of job creation activity by CEB-supported client companies for 2010 is set out in Table B below.

Table A

Jobs created by Enterprise Ireland, IDA Ireland and Shannon Development in Client Companies in 2010 by County

County	No.
Carlow	475
Kilkenny	64
Tipperary South Riding	73
Waterford	356
Wexford	260
Cavan	87
Donegal	219
Leitrim	6
Louth	154
Monaghan	133
Sligo	117
Clare	229
Limerick	276
Tipperary North Riding	64
Cork	1,719
Kerry	93
Dublin	5,009
Galway	588
Mayo	157
Roscommon	22
Kildare	1,217
Meath	100
Wicklow	53
Laois	33
Longford	33
Offaly	162
Westmeath	164
Total	11,322

[Deputy Richard Bruton.]

Table B

County and City Enterprise Boards	Full Time Jobs Created in Client Companies in 2010	Part-time, Seasonal, Contract Jobs Created in Client Companies in 2010
Carlow	160	83
Cavan	205	195
Clare	69	77
Cork City	63	0
Cork North	24	39
Cork South	102	41
Cork West	65	66
Donegal	188	146
Dublin City	468	333
Dublin Dún Laoghaire/Rathdown	318	118
Dublin Fingal	33	40
Dublin South	136	92
Galway County/City	149	25
Kerry	287	190
Kildare	169	108
Kilkenny	72	28
Laois	80	69
Leitrim	42	19
Limerick City	105	101
Limerick County	75	29
Longford	111	52
Louth	87	33
Mayo	212	86
Meath	80	66
Monaghan	106	49
Offaly	56	83
Roscommon	43	96
Sligo	125	103
Tipperary (NR)	66	29
Tipperary(SR)	96	39
Waterford City	82	16
Waterford County	96	17
Westmeath	166	58
Wexford	151	125
Wicklow	146	285
Grand Total	4,433	2,936

*Question No. 245 answered with Question No. 243.*

*Question No. 246 answered with Question No. 240.*

### **Semi-State Bodies**

**247. Deputy Pearse Doherty** asked the Minister for Jobs, Enterprise and Innovation the

savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22628/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The salary of individual employees in the Agencies under the remit of my Department is a day-to-day administrative matter for which I have no function. However, I am referring the specific question to each of the agencies under my remit with a request to respond to you directly.

*Questions Nos. 248 and 249 withdrawn.*

### **Social Welfare Benefits**

250. **Deputy Maureen O'Sullivan** asked the Minister for Social Protection if her attention has been drawn to the existence of cash payments on top of rental allowance. [21235/11]

**Minister for Social Protection (Deputy Joan Burton):** The type of payments to which the Deputy refers are known as top-up payments and fall into two specific categories.

Where a person has an additional income above the rate of supplementary welfare allowance they are, in certain circumstances, allowed to top up their rent as they will have sufficient income to meet their basic needs after paying their rent. The second type of top-up payment can occur where the application to the Community Welfare Officer declares a rent lower than that actually being charged by the landlord.

Any instance of false declarations should be reported to the relevant Community Welfare Officer who has specific legislative powers to deal with such matters.

### **Departmental Schemes**

251. **Deputy Simon Harris** asked the Minister for Social Protection the schemes and funding she offers to fund the provision of school meals in primary and post-primary schools; if she intends to extend the school meals programme and reduce eligibility thresholds; and if she will make a statement on the matter. [21311/11]

**Minister for Social Protection (Deputy Joan Burton):** The School Meals Programme operated by my Department gives funding towards the provision of food services for disadvantaged children through two schemes. The first is the statutory Urban School Meals scheme, operated by local authorities and part-financed by the Department. The second is the School Meals Local Projects Scheme through which funding is provided directly to participating schools and local and voluntary groups who run their own school meals projects.

Funding under the School Meals local Projects Scheme is for food costs only and is subject to certain conditions. All food must be of suitable quality and nutritional value, and prepared and consumed in an appropriate environment. The type and range of meals provided, as well as the method and logistics of supplying the meals, are decided by the individual local groups and schools that operate the project. Responsibility for all aspects of the day-to-day operation of the scheme lies with the school/group.

The budget allocation for the School Meals Programme for 2011 is €35 million. Expenditure on the programme in 2010 amounted to €34.96 million.

Priority for funding under the Scheme is given to schools which are part of the Department of Education and Skills initiative for disadvantaged schools, 'Delivering Equality of Opportunity in Schools' (DEIS). DEIS schools may apply for funding for all pupils, if they feel such a need exists. However, there is no entitlement to funding and all applications must be considered in light of the available budget for the scheme.



[Deputy Joan Burton.]

There are no plans to extend the School Meals Programme further or to amend the eligibility thresholds of the scheme at the present time.

### **Social Welfare Appeals**

252. **Deputy Catherine Murphy** asked the Minister for Social Protection the reason additional information provided in the case of a person (details supplied) in County Kildare was not considered when refusing a jobseeker's allowance claim; the further reason information was not automatically sent to the appeals officer to assist them in deciding the case; and if she will make a statement on the matter. [20704/11]

**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 16 April 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 3 May 2011 and the appeal has been referred to an Appeals Officer, 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 received additional information which has also been referred to the Appeals Officer who will take this into consideration when deciding the case.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Code**

253. **Deputy Charlie McConalogue** asked the Minister for Social Protection the reason persons who are in receipt of a Northern Ireland child tax credit have this credit assessed as a payment for the purposes of calculating eligibility for child benefit top-up payments; how this is compatible with parents earning more than £60,000 being eligible for child benefit top-up payments from the Republic of Ireland; and if she will make a statement on the matter. [20705/11]

**Minister for Social Protection (Deputy Joan Burton):** Child benefit is classified as a family benefit under EU Regulations 883/04 and 987/09. These regulations govern entitlement and determine the competent authority to make payment.

A parent residing in the Republic and employed in Northern Ireland is entitled to the family benefits provided by Northern Ireland, which consist of child benefit and child tax credit. If the total amount paid is less than the Irish child benefit rate, a supplement child benefit payment is made, which is the difference between the total amount of family benefits payable in Northern Ireland and the Republic of Ireland.

UK child tax credits are awarded based on household income. The authorities in the United Kingdom have advised that from 1 April 2011, a household income of £41,300 or more will disqualify a person/couple from qualifying for child tax credits. Therefore, any child benefit claimant with an income of — or over — £41,300 automatically qualifies for the supplement from the Republic of Ireland and child benefit payments to those with income under that amount are calculated, as outlined above. Prior to 1 April 2011, the household income limit for UK child tax credits was £60,000.

The overall outcome of the above ensures that all children with an entitlement to Irish child benefit receive an equal level of payment, regardless of the source.

### Social Welfare Benefits

254. **Deputy Catherine Byrne** asked the Minister for Social Protection the amount granted under the exceptional needs payment for funeral expenses in 2010; and if she will make a statement on the matter. [20741/11]

256. **Deputy Dara Calleary** asked the Minister for Social Protection the amount paid for funeral expenses by her Department or by community welfare officers in 2008, 2009 and 2010. [20757/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 254 and 256 together.

An Exceptional Needs Payment is a single payment to help meet essential, once-off, exceptional expenditure, which a person could not reasonably be expected to meet out of their weekly income, and can include assistance with funeral expenses. I attach a tabular statement showing the expenditure on funeral expenses under the exceptional needs payment in 2008, 2009 and 2010.

	Funeral €000	Burial €000	Total €000
2008	4,178	572	4,750
2009	4,646	558	5,204
2010	4,787	562	5,349

### Social Welfare Appeals

255. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the evidence based upon which the one-parent family allowance was terminated and upheld on appeal in the case of a person (details supplied) in County Kildare; if she will indicate the person with whom this applicant is allegedly cohabiting; if it is recognised that this other person may have visitation rights in respect of a child or when the applicant is absent from the household; and if she will make a statement on the matter. [20747/11]

**Minister for Social Protection (Deputy Joan Burton):** Payment of one-parent family payment to the person concerned was disallowed by a deciding officer, having considered all the facts relevant to the case, on the grounds that she and another person are living together as husband and wife and that her means could not be determined as she failed to submit documents requested.

The person concerned appealed the decision to the Social Welfare Appeals Office. The Appeals Officer, having considered all the evidence in the case, disallowed the appeal on the grounds that the appellant and another person are cohabiting as man and wife.

In order to ensure the Department's compliance with data protection legislation the details requested in relation to the third party cannot be disclosed.

*Question No. 256 answered with Question No. 254.*

*Question No. 257 withdrawn.*

### Departmental Expenditure

258. **Deputy Pearse Doherty** asked the Minister for Social Protection if she will publish in future on a monthly basis the income received by the social insurance fund and spending on the various schemes that come under her remit, whether funded by the fund or by the Exchequer. [20815/11]

259. **Deputy Pearse Doherty** asked the Minister for Social Protection if she will publish a monthly analysis of the income received by the social insurance fund and spending on the various schemes that come under her remit, whether funded by the fund or by the Exchequer, for each month from January 2009 to June 2011. [20816/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 258 and 259 together.

I have asked my officials to compile the data sought by the Deputy and will publish it when it becomes available. When that task is completed, I will then examine the implications, if any, of having the equivalent data made available to the House on an ongoing basis. I will communicate with the Deputy in that regard after the recess.

### Social Welfare Benefits

260. **Deputy Finian McGrath** asked the Minister for Social Protection if she will assist the case of a person (details supplied). [20824/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 13 April 2011 from the person in question. This application was referred to one of the Department's Medical Assessors who found that her child was not medically eligible for the allowance.

The person in question was notified of the decision on 22 June 2011 and has in the last few days notified the Department of her wish to appeal the decision. Her request has been forwarded to the Social Welfare Appeals Office who will register an appeal shortly.

### Social Welfare Code

261. **Deputy Peter Mathews** asked the Minister for Social Protection her plans to ensure that the self-employed are permitted to claim jobseeker's benefit, as these people are essential to generate job creation and should be eligible for help from the State; and if she will make a statement on the matter. [20828/11]

**Minister for Social Protection (Deputy Joan Burton):** Ordinary employees who have access to the full range of social welfare benefits, including jobseeker's benefit, pay Class A PRSI at the rate of 4%. In addition their employers also make a PRSI contribution of 10.75% in respect of their employees, resulting in the payment of a combined 14.75% rate per employee under full-rate PRSI Class A (for employees earning less than €356, the rate of employer's PRSI is 4.25%).

Self-employed workers are liable for PRSI at the Class S rate of 4% which entitles them to access long-term benefits such as State pension (contributory) and widow's, widower's or surviving civil partner's pension (contributory). Any proposal to extend short term benefits such as jobseeker's benefit to the self-employed would have significant financial implications and would have to be considered in the context of a much more significant rise in the rate of contribution payable.

PRSI coverage is related to the risks associated with employment or self-employment, the annualised system of contributions for self-employed people and the practicalities of administering and controlling access to short-term payment for self-employed people. A system of separate arrangements for employed and self-employed workers within a social insurance context is common in other European social protection systems.

Self-employed workers may establish eligibility to assistance-based payments such as job-seeker's allowance. They can apply for the means-tested jobseeker's allowance if their business ceases or if they are on low income as a result of a downturn in demand for their services. In general their means will take account of the level of earnings in the last twelve months in determining their expected income for the following year. In the current climate account is taken of the downward trend in the economy.

### **Redundancy Payments**

262. **Deputy Frank Feighan** asked the Minister for Social Protection if she will comment on and advise in a case (details supplied) about the payment of industrial norms in redundancy. [20851/11]

**Minister for Social Protection (Deputy Joan Burton):** Under the Redundancy Payments Acts all eligible employees are entitled to a statutory redundancy lump sum payment on being made redundant. The scheme provides that an employee is entitled to two weeks pay for every year of service, plus a bonus week, subject to the prevailing maximum ceiling on gross weekly pay that is currently set at €600.

The statutory redundancy scheme operated by the Department of Social Protection is concerned only with the statutory minimum payments to which employees are entitled. The payment of ex-gratia payments by the employer is a matter solely between the employer and employee.

### **Social Welfare Benefits**

263. **Deputy Denis Naughten** asked the Minister for Social Protection when an application will be processed in respect of a person (details supplied) in County Roscommon; the reason for the delay in same; and if she will make a statement on the matter. [20874/11]

**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](http://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.

*Question No. 264 withdrawn.*

265. **Deputy John McGuinness** asked the Minister for Social Protection if an application for financial support under the supplementary welfare scheme will be approved in respect of a person (details supplied) in County Carlow. [20981/11]

**Minister for Social Protection (Deputy Joan Burton):** Under the supplementary welfare allowance scheme a travel supplement may be paid where there is a recurring travel expense.

The Health Service Executive (HSE) has advised that the person concerned was awarded a travel supplement of €30 per week from 27 June 2011 to assist with the cost of visiting her newborn baby in the National Maternity Hospital in Holles Street, Dublin. The HSE has requested travel receipts from the person concerned to establish the actual cost of travel per day and a letter from the National Maternity Hospital to confirm that her baby is still in hospital. The HSE will review her payment when the requested information has been provided.

266. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for rent supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [20986/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that it received the information requested from the person concerned on 15 July 2011 and that her application is currently being processed. The person in question will be notified of the outcome in due course.

### Departmental Schemes

267. **Deputy Willie O'Dea** asked the Minister for Social Protection the reason traders and businesses who do not employ at least one person are excluded from the JobBridge scheme. [20987/11]

**Minister for Social Protection (Deputy Joan Burton):** The National Internship Scheme has been set up with a view to giving job seekers the opportunity to take part in a quality internship with a host organisation.

A host organisation participating in JobBridge must be in a position to provide a substantial commitment to their intern and to ensure that they are provided with a quality internship. It is considered that many sole traders and persons who do not employ at least one person will have insufficient capacity to mentor and support properly the professional development of an intern over the course of the internship. It has therefore been decided that, initially, sole traders and persons who do not employ at least one person will not be eligible to participate in the national internship scheme.

The Department is monitoring the operation of JobBridge on an ongoing basis, including eligibility criteria, and will amend them if considered necessary. In that context, the Department is currently reviewing the eligibility of sole traders.

268. **Deputy Joanna Tuffy** asked the Minister for Social Protection if a person who is unemployed but is not in receipt of any payments or benefit from social welfare will be able to participate in the national internship scheme; if so, the circumstances in which they may participate; and if she will make a statement on the matter. [21010/11]

**Minister for Social Protection (Deputy Joan Burton):** In order to be eligible to participate in JobBridge, the national internship scheme, an individual must: — currently be in receipt of a Jobseeker's Allowance/Jobseeker's Benefit or signing for credits on the Live Register, and — have been so for a total of three months or more in the last six months.

An individual who does not receive a Jobseeker's Allowance/Benefit payment may therefore be eligible to participate in the scheme provided that they are currently signing onto the Live Register for Social Insurance contribution credits and have been doing so for at least three of the last six months. Information on the scheme, including details of eligibility criteria for the scheme, is available at [www.jobsbridge.ie](http://www.jobsbridge.ie).

### Social Welfare Benefits

269. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if an increase in rent support is warranted in the case of a person (details supplied) in County Kildare while awaiting accommodation; if arrears will be awarded; and if she will make a statement on the matter. [21015/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned is in receipt of an exceptional short-term support payment of €500 per month in respect of her accommodation needs. The HSE has further advised that it not aware of any issue in relation to the amount currently payable or any issue in relation to arrears. The person concerned should contact the community welfare officer dealing with her case if she wishes to pursue these matters.

270. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [21095/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has submitted claims for domiciliary care allowance in respect of two children. In both cases, the child was not considered to satisfy the medical criteria for receipt of the allowance.

In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed, or they may appeal the decision directly to the Social Welfare Appeals Office. The person concerned submitted further information in both cases and appeals have been registered by the Social Welfare Appeals Office. As part of the appeal process, this additional information is currently being reviewed by another Medical Assessor in advance of being considered by an Appeals Officer.

271. **Deputy Pádraig Mac Lochlainn** asked the Minister for Social Protection if the traditional double-week Christmas bonus will be paid in 2011 to the wide range of persons who rely largely on their social welfare payments for financial support. [21106/11]

**Minister for Social Protection (Deputy Joan Burton):** Payment of the Christmas bonus was discontinued in 2009 and no provision has been made in the Estimates for the payment of a Christmas bonus in 2011. The cost of paying this bonus to the usual categories of recipients would be in the region of €231m. In order to consider incurring additional expenditure of this magnitude it would be necessary to introduce measures to achieve corresponding savings in the overall level of social welfare expenditure.

The Government is committed to tackling Ireland's economic crisis in a way that is fair and balanced and which recognises the need for social solidarity. In this regard, the Programme for Government commits to maintaining social welfare rates. Taking into account the prevailing economic realities it is not feasible to reverse the reductions that have already been made in the social welfare budget.

272. **Deputy John McGuinness** asked the Minister for Social Protection if she will instruct her officials to carry out a complete review of an application for domiciliary care allowance in the case of a person (details supplied) in County Carlow; if all reports relative to their claim will be re-assessed by her Department; and if she will expedite a response. [21189/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 18 April 2011 from the person in question. This application was referred to one of the Department's Medical Assessors who found that her child was not medically eligible for the allowance. In order to qualify, a child must have a disability so severe that the child needs care and attention and/or supervision substantially in excess of another child of the same age.

A letter issued to the person in question on 28 June 2011 advising her of the decision. In the case of an application which is refused on medical grounds, the applicant may submit additional information and/or ask for the case to be reviewed or may appeal the decision directly to the Social Welfare Appeals Office within 21 days.

The person in question submitted further information and an appeal was registered by the Social Welfare Appeals Office on 5 July 2011. As part of the appeals process, the application together with the additional information will be reviewed by a different Medical Assessor. If the outcome of this review is negative, the file will be sent to the Social Welfare Appeals Office for the appeal to be considered.

273. **Deputy John McGuinness** asked the Minister for Social Protection if farm assist will be awarded in respect of a person (details supplied) in County Kilkenny; and if a response will be expedited. [21190/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 21 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 18 May 2011 and the appeal will be referred to an Appeals Officer, in due course, who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

274. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for the back-to-school clothing and footwear allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [21205/11]

**Minister for Social Protection (Deputy Joan Burton):** The payment of a back to school clothing footwear allowance was made to the person's bank account on 13 July 2011.

275. **Deputy Jim Daly** asked the Minister for Social Protection the position regarding the case of a person (details supplied) in County Cork who has applied for rent supplement; when they will be awarded same; and if she will make a statement on the matter. [21210/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned has been refused rent supplement as he is in full-time

employment. The HSE has further advised that the person concerned has appealed the decision to the HSE Appeals Office.

276. **Deputy Joe McHugh** asked the Minister for Social Protection the mechanisms that are in place for the payment of clothing grants for secondary school students; and if she will make a statement on the matter. [21212/11]

**Minister for Social Protection (Deputy Joan Burton):** The administrative arrangements for the 2011 back to school clothing and footwear allowance scheme are different 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. This year the automated process identified 127,000 households and generated payments in respect of some 243,000 children.

In order to qualify for an automated payment the parent of the child must have been in receipt of a qualifying payment that included an increase in respect of a qualified child at the commencement of the scheme and the Department were satisfied that the household satisfied the means test for the scheme. The scheme commenced from the 1 June 2011 with the entitlement created based on the preceding weeks entitlement.

Persons who have not received an automated payment are required to complete an application form that is available for download from [www.welfare.ie](http://www.welfare.ie) or by texting “Form BTSCFA”, followed by their name and address to 51909. Completed application forms should be returned to Department of Social Protection, PO Box 131, Letterkenny, Co Donegal. Processing has begun on the manual applications already received and it will take 4-6 weeks to process applications.

The rates of payment for the back to school clothing and footwear allowance are as follows:

- €200 for each eligible child aged 2-11
- €305 for each eligible child aged 12-17
- €305 for each eligible child aged 18-22 who is in full-time education.

277. **Deputy Dan Neville** asked the Minister for Social Protection the position regarding a carer’s allowance application in respect of a person (details supplied) in County Limerick. [21218/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for carer’s allowance from the person concerned was received on the 2 June 2011. As the person concerned is in receipt of domiciliary care allowance for the care recipients in question, the medical condition for carer’s allowance is considered to be satisfied. On completion of the necessary investigations on the remaining aspects of her case a decision will be made and she will be notified directly of the outcome.

278. **Deputy Sean Fleming** asked the Minister for Social Protection when the back-to-school clothing and footwear allowance will be awarded in respect of a person (details supplied) in County Laois; and if she will make a statement on the matter. [21227/11]

**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



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form that is available for download from [www.welfare.ie](http://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.

**279. Deputy Michael Healy-Rae** asked the Minister for Social Protection if she will reverse the reduction in the fuel allowance. [21251/11]

**Minister for Social Protection (Deputy Joan Burton):** I have no plans to reconsider the changes to the fuel allowance which were announced last week. From September 2011 the fuel allowance is to be standardised at €20 per week, the rate currently received by the majority of customers, with no additional allowance for living in a smokeless area.

While we have had to implement this measure, the House should be aware that these savings were provided for last December in Budget 2011 but were not specified or announced by the Government at that time.

While of course we want to protect the basic social welfare payments which have very positive economic and social effects, regrettably there is an ongoing necessity to achieve savings due to our commitments with the IMF/EU/ECB Troika. There will be an ongoing necessity to curtail overall expenditure in 2012 and in later years. The Comprehensive Review of Expenditure currently underway in all government departments and agencies will form the basis for making the necessary decisions to achieve this.

Along with other Departments and agencies, my Department has been working with the Department of Communications, Energy and Natural Resources on an Affordable Energy Strategy and this is expected to be brought to Government in the autumn. Energy poverty is a factor of income, energy prices and the thermal efficiency of the home. The most cost-effective means of protecting households from energy poverty is to reduce their consumption of energy through improving the thermal efficiency of the home. The SEI has administered an energy efficiency programme for privately owned low income households (Warmer Homes) since 2001. Over 65,000 such households have benefited to date, with a further 15,000 expected to receive energy efficiency upgrades this year. A similar upgrade programme is also in place for local authority houses.

*Question No. 280 withdrawn.*

### **Social Welfare Appeals**

**281. Deputy Michael Creed** asked the Minister for Social Protection when a person (details supplied) in County Cork will expect a decision on their farm assist appeal; and if she will make a statement on the matter. [21267/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned has been registered in that office on 06 May 2011 and will, in due course, be referred to an Appeals Officer 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.

282. **Deputy Michael Creed** asked the Minister for Social Protection if a decision to refuse domiciliary care allowance has been appealed in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [21270/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that a form for the opening of an appeal has been forwarded to the person concerned and requesting her to state the grounds for her appeal. On receipt of her reply the appeal will be opened and processed in the normal manner.

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.

### Pension Provisions

283. **Deputy Paudie Coffey** asked the Minister for Social Protection if, in the case of a person (details supplied) in County Waterford, they will be able to draw down their pension; the value of that pension; and if she will make a statement on the matter. [21275/11]

**Minister for Social Protection (Deputy Joan Burton):** It is understood that the pension scheme concerned is an integrated pension scheme whereby the total pension is comprised of a State pension element and an occupational pension element.

In relation to the occupational pension element, a person should contact the trustees of the pension scheme to ascertain the expected level of pension benefits. In relation to State pension, the person concerned is not of pension age and therefore, it is not possible to forecast his future State pension entitlement. However, the individual can request a copy of his contribution record to date from the Records Section of this Department which may assist him in assessing his possible entitlements and what future work pattern would be required.

As provided for in recent legislation, the State pension transition will be abolished in 2014 and State pension age will be standardized at age 66. In 2021, the State pension age will be increased to 67 and finally in 2028, State pension age will be increased to 68.

### Social Welfare Code

284. **Deputy James Bannon** asked the Minister for Social Protection if she plans to carry out a review of rent allowance provision prior to budget 2011, in view of abuses of the social welfare system; and if she will make a statement on the matter. [21282/11]

**Minister for Social Protection (Deputy Joan Burton):** Supplementary welfare allowance, which includes rent supplement, is administered on behalf of the Department by the community welfare services division of the Health Service Executive (HSE).

The prevention of fraud and abuse of the social welfare system is an integral part of the day to day work of the Department and the community welfare service. In this regard, all staff engaged in claims processing are concerned with preventing and detecting fraud and abuse. Controls are exercised at both the initial claim stage and at subsequent stages during the claim life-cycle. Claims are reviewed on a regular and targeted basis.

From 1 January 2011, community welfare service staff have been seconded to this Department until the end of September 2011. During this period, these staff will remain employees

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of the HSE but are subject to the general direction and control of the Minister for Social Protection. From 1 October 2011 it is intended that the staff of the CWS will be transferred fully to the Department.

The transfer of community welfare service to the Department and the integration of services are presenting opportunities to improve the efficiency and effectiveness of delivery of current services. The Department is developing further control initiatives in respect of rent supplement and other social welfare schemes arising from these opportunities. All budgets will be critically examined in advance of Budget 2012.

### **Social Welfare Appeals**

285. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the position regarding an appeal against a decision to refuse mortgage interest supplement in respect of a person (details supplied); if she will expedite a response; and if she will make a statement on the matter. [21285/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that it has revised its original decision and has now awarded a mortgage interest supplement of €63.20 per week which is the full entitlement of the person in question based on his personal circumstances.

### **Social Welfare Benefits**

286. **Deputy Mattie McGrath** asked the Minister for Social Protection when a decision will issue on an application for the back-to-school clothing and footwear allowance in respect of a person (details supplied) in south Tipperary; the reason that person did not qualify automatically; and if she will make a statement on the matter. [21286/11]

**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. For some people on the basis of the information available it was not possible to establish entitlement. These customers are required to complete an application form that is available for download from [www.welfare.ie](http://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.

### **Departmental Schemes**

287. **Deputy Timmy Dooley** asked the Minister for Social Protection the cost of the PRSI DTB dental benefit scheme for 2010; if comparison with the past five years can be given; if an estimate for 2011 can be quoted; if there has been any relaxation of the criteria or instructions to dentists as introduced in 2010; if there has been any study on how cases being refused

treatment are being dealt with if presenting to HSE-provided dental service; if the name of each registered dentist nationally and the amount claimed by each in 2009 and 2010 can be separately listed; and if she will make a statement on the matter. [21290/11]

**Minister for Social Protection (Deputy Joan Burton):** The cost of the Department's dental benefit scheme in each of the last five years was as follows:

Year	€
2006	59,362,816
2007	64,859,786
2008	69,377,585
2009	71,728,066
2010	34,208,932

The estimated cost for 2011 is €10,800,000.

There have been no changes made to the rules or requirements for dentists operating the scheme since those announced in Budget 2010.

Customers are refused treatment under the dental scheme if they do not meet the PRSI qualifying conditions, and those customers can apply for necessary dental treatment with the HSE if they hold a medical card. They will be treated in the same way as any other medical card holder, regardless of whether they had previously applied under the Department's treatment benefit scheme and not qualified. As the PRSI qualifying conditions remain unchanged, the Department has not undertaken any study of customers who do not qualify for treatment under the scheme.

Details of individual dentists and the payments they received from the Department in the last two years are available. However, given the numbers involved (approx. 1,700 dentists) I am arranging to forward this information to the Deputy under separate cover.

### Community Employment Schemes

288. **Deputy Frank Feighan** asked the Minister for Social Protection the reason a person (details supplied) in County Sligo who was on a FÁS scheme was given one year instead of the usual three-year term; and if their case will be reviewed. [21304/11]

**Minister for Social Protection (Deputy Joan Burton):** As Minister for Social Protection I do not have a role in the administration of individual cases in regard to the operation of the Community Employment (CE) programme. The administration of individual cases under CE is a day-to-day matter for FÁS as part of its responsibility under the Labour Services Act, 1987, as amended by Part 3 of the Social Welfare (Miscellaneous Provisions) Act, 2010.

Extensions of a CE placement have to be requested a minimum of eight weeks before the participant's proposed finish date by the CE Project Supervisor. Once an extension application is received by the local FÁS office, the FÁS Development Officer decides whether the placement is the most suitable and cost effective measure to assist the client in gaining employment. Clients who are deemed job-ready by the Supervisor are not extended in order to free up the place for another client. If no request for an extension is made the person must leave the scheme and re-qualify under the published eligibility rules for any further participation on the CE scheme.

### Social Welfare Benefits

289. **Deputy Dan Neville** asked the Minister for Social Protection, further to Parliamentary Question No. 252 of 12 July 2011, if she will review the case of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [21305/11]

**Minister for Social Protection (Deputy Joan Burton):** Where an overpayment occurs it is normal practice to examine an individual's financial circumstances so that recoupment does not cause undue hardship. The HSE has advised that it will contact the person concerned to discuss the recovery of the overpayment.

290. **Deputy Robert Troy** asked the Minister for Social Protection if she will expedite and approve a claim for supplementary welfare allowance in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [21306/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned was refused basic supplementary welfare allowance as he was deemed to be in full-time education. He is not eligible for supplementary welfare allowance for three months after his final exam, which was on 17 June 2011.

291. **Deputy Mattie McGrath** asked the Minister for Social Protection when a decision will issue on an application for the back-to-school clothing and footwear allowance in respect of a person (details supplied) in County Tipperary; the reason this person was not automatically entitled to this payment; and if she will make a statement on the matter. [21313/11]

**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. For some people, on the basis of the information available it was not possible to establish entitlement. These customers are required to complete an application form that is available for download from [www.welfare.ie](http://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.

### Social Welfare Code

292. **Deputy John Deasy** asked the Minister for Social Protection her plans to assist persons who, due to property and other investments which have no present financial value but may have a future value, are unable to access social welfare assistance in spite of having no financial income; if she has considered applying a lien on these investments to allow persons to qualify for social assistance to give them a basic income; and if she will make a statement on the matter. [21336/11]

**Minister for Social Protection (Deputy Joan Burton):** Social welfare legislation provides that the yearly value of “property owned but not personally used or enjoyed” is assessable for means testing purposes. Such property includes houses and premises owned by a claimant which may or may not be put to commercial use. However, it does not include property such as the home or, for example, a premises used by the claimant in carrying out a business. No changes to the current arrangements have been introduced in recent years.

For assessment purposes, the current market value of the property is established as well as the amount of any outstanding mortgages on that property. The balance (market value less outstanding mortgage) is assessed by reference to a formula. Where the current market value is less than the outstanding mortgage, no assessment is made.

The current market value of a property is the best estimate of what would be achievable if the property was offered for sale. Such an estimate will have regard to reductions in prices over recent years.

In establishing the current market value of a property, my Department may make enquiry of the State Valuation Office. Alternatively, the market value may be established through receipt of a reasonable current valuation from a registered auctioneer, with reference to the purchase price and date of purchase of the property or, alternatively, my Department’s inspector may agree a valuation with a customer having regard to the type and location of the individual property and prevailing market values in that area. There are no plans to change the current arrangements.

Where a claimant considers that a decision on his or her claim is based on a market value of a property which is too high, he or she may appeal that decision to the Social Welfare Appeals Office.

### **Social Welfare Benefits**

293. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding the case of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [21370/11]

**Minister for Social Protection (Deputy Joan Burton):** The mortgage interest supplement scheme is administered on behalf of the Department by the Community Welfare Services (CWS) division of the Health Services Executive (HSE).

The purpose of mortgage interest supplement is to provide short-term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only. The capital element of the repayment is not taken into account in calculating the amount of supplement payable as it is not considered appropriate that the Exchequer should repay part of the initial loan and thereby provide assistance towards the accumulation of a capital asset on the part of the individual concerned.

The HSE has advised that from January 2008, the person concerned has been in receipt of a mortgage interest supplement to assist with the interest elements of her mortgage repayments. Since then, as an exceptional measure, the person has also been provided with assistance toward the capital element of her mortgage.

The HSE has further advised that it recently informed the person concerned that from January 2012 it will withdraw the assistance toward the capital element of her mortgage. This decision has been appealed to and upheld by the HSE’s designated Appeals Officer.

*Question No. 294 withdrawn.*

### Social Welfare Appeals

295. **Deputy John McGuinness** asked the Minister for Social Protection, further to Parliamentary Question No. 101 of 4 May 2011, if she will confirm the result of an appeal in respect of a person (details supplied) in County Kilkenny; if she will explain the reason her benefit has been reduced by €2 per week and the reason her rent allowance has been reduced from €50 to €36, in view of the fact that her circumstances have worsened; and if she will increase both benefits immediately. [21397/11]

**Minister for Social Protection (Deputy Joan Burton):** In the timeframe available, I regret that my Department is not in a position to reply to this question. My Department will be in contact with the Deputy over the coming days and will reply in full to the question raised.

### Social Welfare Benefits

296. **Deputy Sean Fleming** asked the Minister for Social Protection the position regarding the payment of mortgage interest supplement to a person (details supplied) in County Laois; and if she will make a statement on the matter. [21398/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned has been requested to complete and submit an application form for mortgage interest supplement. A decision will be made on his application when the form has been submitted.

297. **Deputy Seán Kyne** asked the Minister for Social Protection the timeframe for decisions on the carer's allowance scheme; and if any measures are being taken to speed up the processing time. [21403/11]

**Minister for Social Protection (Deputy Joan Burton):** The average time taken to award a claim for carer's allowance in the first half of 2011 was 13 weeks. A total of 8,171 applications were registered in the first half of 2011, and 6,702 were processed in the same period. There are currently 5,294 applications awaiting a decision. There are 51,134 carer's allowance claims in payment.

A major service delivery modernisation project is currently underway to improve the efficiency of the administration of carer's allowance. This involves the development of IT functionality and associated business process re-organisation. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. Accordingly, this project is being given high priority and involves a significant level of time and commitment from the relevant staff in the Department, which has had, however, a short-term negative impact on claim processing times. The first tranche of new carer's allowance claims will begin to be processed under the new system in August 2011.

While these new systems and processes will facilitate a significant improvement in overall processing times it should be noted that individual claims may still take some time to process. Entitlement to carer's allowance is based on satisfying medical, means and residency conditions. In determining entitlement to the allowance there are, in certain cases, unavoidable time lags involved in making the necessary investigations and enquiries to enable accurate decisions to be made. Delays can also arise if people applying for the allowance are not in a position to supply all the necessary information in support of their claim.

The staff and other resources available to the department are regularly reviewed having regard to the workload and competing priorities. The department monitors available resources against workload on an ongoing basis with a view to ensuring optimum processing times for

claims. Action taken may include flexibility in the application of staff resources in accordance with seasonal or temporary fluctuations in workload and the use of overtime where appropriate. The position continues to be kept under close review.

In the meantime, if a person's means are insufficient to meet his/her needs while awaiting a decision on a claim he/she may apply for a means-tested supplementary welfare allowance payment from their local community welfare officer.

298. **Deputy Seán Kyne** asked the Minister for Social Protection the position regarding carer's allowance in respect of a person (details supplied) in County Galway. [21404/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for carer's allowance from the person concerned was received on 9 February 2011. The person in question has recently been requested to forward further details necessary to complete a means test to establish her entitlement to carer's allowance. On receipt of that further information and completion of the necessary investigations a decision will be made and she will be notified directly of the outcome.

299. **Deputy Robert Troy** asked the Minister for Social Protection if a claim for farm assist 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. [21412/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an appeals officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of a summary decision. The person concerned has been notified of the decision. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### An Teanga Ghaeilge

300. **D'fhiafraigh Aengus Ó Snodaigh** den Aire Ealaíon, Oidhreacht agus Gaeltachta cé chomh minic is atá Coiste an Rialtais maidir leis an nGaeilge tar éis teacht le chéile. [20724/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tionóladh dhá chruinniú den Choiste Rialtais faoin nGaeilge agus faoin nGaeltacht ón uair go ndearna an Taoiseach, Enda Kenny Uasal, T.D., an Coiste a athbhunú faoina chathaoirleacht. Tionóladh na cruinnuithe sin ar 14 Aibreán 2011 agus ar 19 Bealtaine 2011.

### Turbary Rights

301. **Deputy Paul J. Connaughton** asked the Minister for Arts, Heritage and the Gaeltacht which bogs in east Galway are to be closed in the coming years; and if he will make a statement on the matter. [20850/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The three lists of bog sites in County Galway, as set out below, provide details of sites which have been designated for the protection of raised bog habitat.

SAC 1997-1999: Raised Bog — no further turf-cutting permitted

Site Code	Special Area of Conservation — Site Name
000231	Barroughter Bog



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Site Code	Special Area of Conservation — Site Name
000248	Cloonmoylan Bog
000285	Kilsallagh Bog
000296	Lisnageeragh Bog and Ballinstack Turlough
000297	Lough Corrib
000301	Lough Lurleen Bog/ Glenamaddy Turlough
000326	Shankill West Bog
001242	Carrownagappul Bog
002110	Corliskea/Trien/Cloonfelliv Bog

SAC 2002: Raised Bog — no further turf-cutting from end of 2011

Site Code	Special Area of Conservation — Site Name
002347	Camderry Bog
002350	Curraghlahanagh Bog
002352	Monivea Bog
002356	Ardgraique Bog

NHAs: the position regarding NHAs is being reviewed in advance of the 2014 cutting season

Site Code	Natural Heritage Area — Site Name
000220	LOUGH NAMUCKA BOG NHA
000221	MOORFIELD BOG/FARM COTTAGE NHA
000222	SUCK RIVER CALLOWS NHA
000229	BALLYGAR BOG NHA
000235	BRACKLAGH BOG NHA
000245	CLOONCULLAUN BOG NHA
000247	SLIEVE BOG NHA
000249	CLOONNOLISH BOG NHA

### Acht na dTeangacha Oifigiúla

302. **D’fhiafraigh Aengus Ó Snodaigh** den Aire Gaeltacht Ealaíon, Oidhreacht agus Gaeltachta an bhfuil sé i gceist aige Acht na dTeangacha Oifigiúla a leasú chun fáil réidh leis an ngá Achtanna a fhoilsiú go comhuaineach i nGaeilge agus i mBéarla, mar go bhfuil an chuma ar an scéal gur polasaí úr Rialtais anois é go mbeidh na forálacha a théann leis sin á gcur i leataobh go rialta i gcás Achtanna úra Rialtais; agus an ndéanfaidh sé ráiteas ina thaobh. [20725/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Faoi mar is eol don Teachta, tá leasú ar alt 7 d’Acht na dTeangacha Oifigiúla 2003 foilsithe faoin mBille um an Dlí Sibhialta (Forálacha Ilghnéitheacha) 2011, atá á phlé sa Dáil faoi láthair. Is foráil theicniúil atá i gceist leis an leasú seo ar Acht na dTeangacha Oifigiúla, a chiallaíonn gur féidir leagan d’Achtanna Oireachtais a fhoilsiú ar an idirlíon i dteanga oifigiúil amháin sula ndéantar iad a chló agus a fhoilsiú go comhuaineach sa dá theanga oifigiúla.

Tá an fhoráil seo riachtanach chun a chinntiú go mbeidh rochtain ar Achtanna Oireachtais chomh luath agus is féidir tar éis iad a bheith sínithe ag an Uachtarán. Ní athraíonn an fhoráil seo ar aon bhealach an dualgas reachtúil maidir le cló agus foilsiú Achtanna Oireachtais go comhuaineach sa dá theanga oifigiúla i gcomhréir le halt 7 d'Acht na dTeangacha Oifigiúla.

Ní miste a lua go mbeidh athbhreithniú á dhéanamh ag mo Roinn ar Acht na dTeangacha Oifigiúla i gcomhréir leis an ngealltanas atá sonraithe i gClár an Rialtais. Tá na céimeanna tosaigh le dlús a chur leis an athbhreithniú sin á dtógáil faoi láthair, ar a n-áirítear téarmaí tagartha sonracha a dhréachtú, a thógfaidh san áireamh stádas na Gaeilge sa Bhunreacht, spriocanna na Straitéise 20 Bliain don Ghaeilge agus na bealaí is éifeachtaí chun seirbhísí an Stáit a sholáthar don phobal trí mheán na Gaeilge.

### Arts Funding

303. **Deputy Brendan Griffin** asked the Minister for Arts, Heritage and the Gaeltacht the sources of funding available to a community group (details supplied) in County Kerry for a heritage-related project; and if he will make a statement on the matter. [20739/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Primary responsibility for the promotion of the arts at all levels throughout the country is devolved to the Arts Council which, under the Arts Act, is independent in its funding decisions. In 2011, the Arts Council has received an allocation of over €65 million. At local level the Council works through the network of Local Authority arts officers. The group in question should direct its query in the first instance to the Arts Officer at Kerry County Council, Ms. Kate Kennelly.

304. **Deputy Brendan Griffin** asked the Minister for Arts, Heritage and the Gaeltacht the sources of funding that will be available to a community group (details supplied) in County Kerry for an arts- or heritage-related project; and if he will make a statement on the matter. [20788/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Primary responsibility for the promotion of the arts at all levels throughout the country is devolved to the Arts Council which, under the Arts Act, is independent in its funding decisions. In 2011, the Arts Council has received an allocation of over €65 million. At local level the Council works through the network of Local Authority Arts' Officers. The group in question should direct its query in the first instance to the Arts Officer at Kerry County Council, Ms. Kate Kennelly.

### Coastal Protection

305. **Deputy Alex White** asked the Minister for Arts, Heritage and the Gaeltacht the action he has taken to ensure compliance with the dune restoration order for Tinnaberna Dune, County Wexford, signed in January 2011 under the 2010 EC natural habitats directions pursuant to Regulation 19 of the EC (Natural Habitats Regulations) 1997; the reason more than half of the site was covered in dung and weeds on 11 June 2011; his plans to prosecute this alleged breach of the section 19 order or empower an agent of his to take action to complete the restoration in a timely fashion; and if he will make a statement on the matter. [21302/11]

306. **Deputy Alex White** asked the Minister for Arts, Heritage and the Gaeltacht how repayment of costs incurred by the National Parks and Wildlife Service in buying sanding and fencing and any other costs in connection with the restoration order at Tinnaberna Dune, County Wexford, has been secured; when the costs will be repaid, in view of the ministerial order served on persons (details supplied) in County Wexford that stipulates that the restoration be

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carried out at the expense of the address; the reason his staff bought the fencing abroad; and if he will make a statement on the matter. [21303/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 305 and 306 together.

The costs of restoration works are being met by the landowners whose actions resulted in damage to the site. In addition, a significant penalty was imposed on the individuals concerned under their Single Farm Payment. The restoration works are subject to regular inspection by officials from my Department who are also in regular contact with the landowners involved. The works are proceeding satisfactorily though there have been some delays due to difficulties in sourcing appropriate materials and poor weather conditions.

As part of the requirements of the restoration order, all cattle have been removed from the site and large accumulations of animal waste have been removed. Feeding troughs and other infrastructure have also been removed. Sand trap fencing has been installed. Further removal of contaminated material will be undertaken in the coming weeks.

My Department sourced and purchased suitable membrane material for use in the sand trap fencing from a supplier in County Wicklow. The land-owners in question have agreed to meet the costs involved. The individuals concerned have also met all costs associated with providing machinery, fuel, fence posts and other materials. They have also met any labour costs arising from the works to date.

The site is likely to show signs of some nutrient enrichment for several years, including the presence of weedy vegetation. This will remain the case until the site is re-profiled with the sand that is accumulated using the sand trap fencing. This is a large scale project which requires a patient and informed step-by-step approach. The objective of my Department is to ensure that the works are done correctly, to a high standard and as expeditiously as possible. It should be noted that this is the first time a restoration plan of this scale has been undertaken for this type of habitat in Ireland and my Department will continue to monitor the situation closely.

### **Semi-State Bodies**

307. **Deputy Pearse Doherty** asked the Minister for Arts, Heritage and the Gaeltacht the savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22624/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I note the Deputy's request for details of savings that would accrue if the maximum salary available to those employed in semi-State bodies was capped at €100,000. I trust the Deputy will appreciate that it is not possible to provide the quantitative information requested to this hypothetical question.

### **Local Authority Grants**

308. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources his views on a grant scheme for the general public to replace single-glazed windows with energy-efficient double- or triple-glazed windows; and if he will make a statement on the matter. [20949/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Window replacement works are not eligible for support under either Better Energy: Homes or Better Energy: Warmer Homes, both of which are operated by the Sustainable Energy Authority of Ireland (SEAI), on behalf of my Department.

The Better Energy: Homes scheme provide support for attic and wall insulation, solar thermal, efficient boilers and heating controls. These measures were selected for inclusion on the advice of the SEAI, which has considerable expertise on residential energy efficiency matters. The SEAI recommended these measures to my Department as most likely to deliver significant energy savings to homeowners, at least cost.

I am advised that grants for window replacement are available to those over 60 under the Housing Aid for Older People Scheme, operated by local authorities on behalf of my colleague the Minister for the Environment, Heritage and Local Government. This means-tested scheme provides grants to assist older people living in poor housing conditions to have necessary repairs or improvements carried out to their homes. Eligible works include structural repairs or improvements, re-wiring, repairs to or replacement of windows and doors, provision of water supply and sanitary facilities, provision of heating, cleaning and painting.

My Department keeps the Better Energy: Homes scheme under continuous review and if there is a strong case for adding new measures to the scheme, it will be given full consideration.

### **Inland Fisheries**

309. **Deputy Pat Deering** asked the Minister for Communications, Energy and Natural Resources the locations used for counting fish in the River Barrow. [20960/11]

310. **Deputy Pat Deering** asked the Minister for Communications, Energy and Natural Resources the criteria used to count fish in the River Barrow. [20961/11]

311. **Deputy Pat Deering** asked the Minister for Communications, Energy and Natural Resources the financial resources available in 2011 for the upkeep, maintenance and restocking of the River Barrow. [20962/11]

312. **Deputy Pat Deering** asked the Minister for Communications, Energy and Natural Resources the amount of money allocated in 2011 for the upkeep, maintenance and restocking of the River Barrow; the amount of the allocation that was spent; and the location of the remaining balance. [20963/11]

313. **Deputy Pat Deering** asked the Minister for Communications, Energy and Natural Resources when a fish counter will be made available to accurately count fish in the River Barrow. [20964/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 309 to 313, inclusive, together.

As the Deputy may be aware, the Standing Scientific Committee (SSC) of Inland Fisheries Ireland (IFI) carries out an appropriate assessment of salmon stocks in compliance with the Habitats Directive and provides annual advice in relation to this. I am advised that fish counters represent only one of an array of methods by which stocking levels are assessed. Reliance is also placed on expert analysis of catch data, surveys by fisheries officers and research officers of spawning beds, fish populations, habitats and electro-fishing surveys.

While trials have been undertaken with a DIDSON counter on a tributary of the Barrow in the past, in common with a number of other rivers there is currently no permanent fish counter on the River Barrow. I understand, however, that the Barrow is listed as a priority for the identification and installation of a counter under Inland Fisheries Ireland's Counter Programme.

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As regards the criteria used to assess the performance of the river, the analysis of rod catch over the period 2002 to 2006 indicated that the Barrow was not meeting its salmon conservation limit. A survey of juvenile salmon stocks has been undertaken throughout the Barrow catchment since 2007, with an average fry density of 11.7 fry recorded over the three years as can be seen in the following table. Analysis by the SSC indicates that the majority of the rivers known to be meeting and exceeding salmon conservation limits have a catchment-wide salmon fry index of 17 or higher. The Barrow average is significantly below this index threshold. The river will be surveyed again during 2011.

Catchment-wide electro-fishing results, River Barrow, 2007-2010

Year fished	Number of Sites Fished	Salmon fry (river average)	Salmon fry (surveys average)
2007	89	17	11.7
2009	72	10	
2010	82	8	

A Salmon Survey conducted by IFI in the Waterford Estuary in 2010 was required to provide, inter alia, a qualitative assessment of salmon stock abundance on the river Barrow where no stock estimate is currently available. While I await a report of the findings of the survey, I understand the river Barrow (including the Pollmouny river) has remained consistently below its conservation limit compared to the rivers Nore and Suir.

Percentage of Conservation Limit achieved by river, 2007-2011

	2011(e)	2010	2009	2008	2007
	%	%	%	%	%
Barrow	40	39	40	42	27
Nore	129	119	104	81	84
Suir	116	96	85	79	74

The upkeep and maintenance of the River Barrow is a matter for the relevant local authorities and Waterways Ireland. Restocking does not take place in the Barrow as, on foot of scientific and management advice, there is reliance on natural selection and habitat improvement as the best way to assist wild stocks to improve.

I am advised that IFI allocates an annual budget €1.823m to operations in the South Eastern River Basin District, where the Barrow is located, managed from Clonmel. Of this, payroll account for €1.546 million in respect of the 32 staff that operate in the Barrow, Nore, Suir and Slaney catchments. I understand that IFI will provide a detailed briefing, scheduled for 27 July 2011, in respect of all of these matters at a meeting requested by the Deputy.

### Alternative Energy Projects

314. **Deputy Dara Calleary** asked the Minister for Communications, Energy and Natural Resources his plans for the renewable energy co-operatives referred to in the programme for Government; if he will ensure that any UK Government funds that become available to develop our west coast wind resources will be made available to community-based renewable energy co-operatives to develop their own wind resources; and if he will agree to consult the public and stakeholders on his proposals. [21021/11]

321. **Deputy Dara Calleary** asked the Minister for Communications, Energy and Natural Resources his plans for the renewable energy co-operatives referred to in the programme for Government; if he will consult with the Department of Jobs, Enterprise and Innovation on the legislation prepared by the previous Government to update the ancient law governing co-operative societies with a view to making provisions for energy co-operatives; if he will ensure that any UK Government funds that become available to develop our west coast wind resources will be made available to community-based renewable energy co-operatives to develop their own wind resources; and if he will agree to consult the public and stakeholders on his proposals. [21022/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 314 and 321 together.

The Programme for Government commits to facilitate the development of energy cooperatives to make it easier for small scale renewable energy providers to contribute to our renewable targets. The involvement of local community participants in renewable energy projects has been advocated as a means to progress the uptake of renewable energy and promote local community acceptance of large scale renewable energy projects. The Sustainable Energy Authority of Ireland (SEAI) has carried out work to assess the scope for community involvement.

A study funded by SEAI and by the Western Development Commission investigated the potential for communities to benefit from the establishment of wind farms in their region. This report concluded that communities are likely to encounter significant resource difficulties if they attempt to develop 100% community owned wind energy projects, given the considerable technical and financial challenges facing developers. The levels of risk and uncertainty appear to be too high for a community group to enter a development on their own.

A key finding of the Report however was that the most promising investment option for community based groups would be to participate in commercial projects once such projects have secured the requisite consents and contracts for scale of electricity. The SEAI is working closely with the International Energy Agency to develop best practice guidelines for social acceptance of wind farms including in that context guidelines for facilitating investment by communities in local wind farms.

### **Energy Resources**

315. **Deputy Pearse Doherty** asked the Minister for Communications, Energy and Natural Resources the potential revenue that could be achieved annually if a levy of 10% was to be applied to the value of all natural resources mined off Irish shores in Irish-owned seas. [21058/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The revenue to be achieved by a 10% levy on natural resources extracted offshore in Ireland would depend on a range of factors, including the capital cost of extraction, quantities and grades of resources extracted and the price of the extracted material over the life of the extraction of the resource. In the case of non-petroleum minerals, there is no production from the Irish offshore at present so there would be no yield from such a levy. Furthermore, as there are no identified reserves or resources of non-petroleum minerals in the Irish offshore, no estimate can therefore be made of any return to the State if such a levy were applied, and any such estimate would be fraught, depending on estimates of factors such as those set out above.

In the case of petroleum, the only existing production is off Cork (Kinsale/Seven Heads) where annual production volumes for 2011 are currently estimated at 9 BCF (billion cubic

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feet), equal to approximately 5% of Ireland's annual demand. The actual value of this gas will depend on the price agreed between the producer and its customers.

### **Postal Services Regulation**

316. **Deputy Timmy Dooley** asked the Minister for Communications, Energy and Natural Resources if the Postal Services Bill will ensure proper licensing and regulation to protect the integrity of the postal service; if new entrants to the postal market will be allowed to have access to the An Post network; if his attention has been drawn to the fact that the legislation will reflect recognition of the social value of the postal network here as a vital public service and an essential part of the social fabric of our communities; and if he will make a statement on the matter. [20700/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The postal market has been open to competition since 1 January 2011 under the Third Postal Services Directive. The Communications Regulation (Postal Services) Bill seeks to put in place a robust and appropriate regulatory framework to reflect the key provisions of this Directive and offer certainty and protection to An Post, its competitors, and postal service users. The Bill has passed Seanad and Committee Stages in Dáil Éireann, and Report and Final Stages will be taken this week.

While reputation and trustworthiness is for postal service providers to earn from their customers, the Bill amends the objectives of the Commission for Communications Regulation, ComReg, in the exercise of its functions to include promoting the interests of postal service users.

The Bill provides for effective regulation of all postal service providers and introduces certain changes to the present system of authorisation. All providers of postal services will be required to register with ComReg, to have complaints and redress procedures in place, and to submit requisite information to ComReg on request.

The Bill also provides, in order to assist the development of fair competition, that postal service providers have the right to negotiate access to the An Post network on a commercial basis and it sets out a role for ComReg only where agreement cannot be reached. I believe that this is the right approach.

Reflecting the key role the postal service plays at a socio-economic level, a key principle of the Bill is the continuing provision and maintenance of the universal postal service, the essential element of which is the collection and delivery of mail to every home and premises throughout the State on every working day.

### **Energy Efficiency**

317. **Deputy Peter Mathews** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the difficulties caused by the Better Energy initiative in view of the fact that it gives larger companies an advantage over independent heating contractors (details supplied); and if he will make a statement on the matter. [20827/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I am advised that officials from the Sustainable Authority of Ireland (SEAI) have met with representatives of the various industry associations in connection with the Better Energy programme. The involvement of the energy suppliers in the retrofit market is under development. At present, only one energy supplier is processing grant applications on behalf of customers. This

is being undertaken on a trial basis in order to inform the design of an appropriate industry wide solution, in the context of replacing the current grant scheme with an up-front discount. The number of applications processed to date through the trial mechanism represents less than 1% of total heating related applications received. The vast majority of work and resultant employment arising from the Exchequer funding provided to the Better Energy Programme is being undertaken by the private sector. SEAI will continue to engage with the industry representatives as the Programme continues to evolve.

### **Electricity Supply**

318. **Deputy Jerry Buttimer** asked the Minister for Communications, Energy and Natural Resources the entitlement of the ESB to obtain wayleaves over private lands to facilitate the passing of overhead electricity cables; and if the ESB is entitled to mandatorily acquire such wayleaves. [20852/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Pursuant to Section 53 of the Electricity (Supply) Act, 1927, as amended, ESB is statutorily entitled to place any electric line above or below ground (Section 53(1)). Before placing any line across any land ESB must serve on the owner and on the occupier of such land a notice in writing stating its intention to place the line and giving a description of the nature of the line and the position and manner in which it is intended to be placed (Section 53(3)). Seven days after service of such notice ESB may with or without the consent of the owner and occupier place such line across such land in the position and manner stated in the said notice (Section 53(4) and Section 53(5) — 14 days amended to seven days by the Electricity (Supply)(Amendment) Act, 1945 (Section 46(5)).

This right is subject to the entitlement of the owner or occupier to be paid compensation in respect of the exercise by ESB of the powers conferred on it by Section 53, such compensation to be assessed in default of agreement under the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919 (Section 1 of the Electricity (Supply) (Amendment) Act 1985).

### **Prospecting Licences**

319. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if he has made investigations into the possibility of mining at a location (details supplied) in County Kerry; and if he will make a statement on the matter. [20854/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** A licence to prospect for base metals, barytes, silver, gold and platinum group elements under the Minerals Development Acts, 1940 to 1999 was granted to Connemara Mining Company Ltd. in January 2005 for a period of six years, over a prospecting area which is centred around Castlemaine. This licence was renewed in March 2011 for a further six years until March 2017. Prospecting licences entitle the holder only to explore for the minerals stated and they do not confer any right to mine. Only holders of current Prospecting licences are considered for State Mining Facilities to develop minerals within the licence area. However, no application has been made for a State Mining Facility in this case.

### **Alternative Energy Projects**

320. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources his plans to incentivise the use of self-generation by individual householders; and if he will make a statement on the matter. [20991/11]



**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** In line with the Programme for Government commitment, my Department and the Sustainable Energy Authority of Ireland (SEAI) are finalising a cost benefit analysis of a feed-in tariff programme for microgeneration. I expect their assessment to be submitted to me shortly. A microgeneration programme must be fully cost effective taking into account the overall cost implications for all electricity consumers.

ESB Electric Ireland is currently the only electricity supplier in the market offering microgeneration tariffs to domestic customers who generate up to 11 kilowatts.

ESB Networks agreed in 2009 to provide the necessary import/export metering to the first four thousand domestic microgeneration customers. ESB Networks also provides a support payment of 10 cents per kilowatt hour for those eligible customers for the first 3000 kilowatt hours exported back to the grid annually for a period of 5 years.

The take-up of 364 customers has been disappointingly low despite potential overall tariff rate of 19 cent per kilowatt hour being available. This tariff is very significantly above the Single Electricity Market wholesale electricity price, which currently averages 7 to 8 cent per kilowatt hour.

The SEAI is in the second year of a microgeneration pilot scheme that entails close monitoring of the performance of the 42 installations taking part. Those participating in the pilot have been able to avail of the tariffs offered. The findings from SEAI's pilot scheme are providing useful data which will inform the overall assessment of the optimum way forward to encourage the microgeneration sector.

*Question No. 321 answered with Question No. 314.*

### **Energy Efficiency**

322. **Deputy Michelle Mulherin** asked the Minister for Communications, Energy and Natural Resources if he will require the Sustainable Energy Authority Ireland to investigate the possibility of offering group insurance for the public liability risk to BER assessors in carrying out their duties. [21026/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Sustainable Energy Authority of Ireland (SEAI) has responsibility under the European Communities (Energy Performance of Buildings) Regulations (SI No 666 of 2006) for the registration of Building Energy Rating (BER) Assessors, for the maintenance of a register for BER Assessors, for maintaining a methodology of BER assessment, for registration and maintenance of a register of BER Assessments, for certain quality assurance functions in respect of the scheme including determination of training requirements and operational standards and for the collection of registration and assessment fees from BER Assessors.

Prior to registration on the National Administration System, the SEAI has an oversight role in ensuring that BER Assessors are appropriately insured for the work that they undertake. Compliance with insurance requirements on either an individual or group basis, is a matter for individuals and companies wishing to register.

### **Inland Fisheries**

323. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources, further to Parliamentary Question No. 48 of 21 June 2011, if he will extend the wild salmon and sea trout fishing season in the Waterville area in view of the fact that it will greatly

enhance the fishing tourism at the fall of the year, particularly for farmers from England; and if he will make a statement on the matter. [21028/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** As advised in my previous reply, extensions to the fishing season for salmon and sea trout would have to be considered on a river by river basis. In the case of the Waterville area, I am awaiting finalised advice from Inland Fisheries Ireland (IFI) on the possible extension of the season for sea trout in 2011.

The Deputy will recall that I have asked IFI to review the temporal management of the wild salmon and sea trout fishery and to report to me with recommendations for permissible adjustments to apply in the 2012 season that will enable the most economically advantageous exploitation of the total allowable catch by the commercial and recreational fisheries while ensuring that stocks are not put at risk.

### Energy Prices

324. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources if he will review a matter (details supplied) regarding energy costs. [21249/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have no statutory function in the setting of energy prices, whether in the regulated or non-regulated market. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body.

The electricity retail market is now fully deregulated and CER has announced that the small to medium business segment of the gas market will be deregulated from 1 October next. Business and domestic customers can increasingly avail of the competitive offerings from a number of electricity and gas supply companies. The first step that business customers should take to reduce their energy costs is to work actively in securing better value offers in the market and in switching to suppliers delivering lower prices. This is resulting in positive outcomes as is evidenced by improved competitiveness in the gas and electricity sectors when compared with other European countries.

Eurostat data for 2010 showed such convergence to the EU average for many categories of business and residential consumer in both the electricity and gas sectors. Analysis by SEAI shows that average residential gas prices for the majority of Irish gas consumers went from being 4% above the EU average at the end of 2009 (or 8th most expensive out of 25 countries analysed by Eurostat) to being 8% below the average in the second half of 2010 (or 13th most expensive of 25 countries analysed). Business electricity prices for 2010 fell by over 10% for most consumers and electricity costs for business ranked between 6th most expensive in the EU to 15th most expensive at the end of 2010. In the two year period between the end of 2008 and the end of 2010, Ireland has moved from 7th most expensive to 14th most expensive in the smallest segment of the market by band share and from 11th most expensive to 17th most expensive in the largest segment of the market by band share.

The convergence to the EU average in business electricity and gas prices over the last two years has been an important factor in supporting greater competitiveness for Irish enterprise and foreign direct investment.

Global gas and oil prices have risen sharply since the start of 2011 driven by events in North Africa and Japan and high demand from the emerging economies of China and India. There are clear indications that international oil and gas prices will rise further over the coming months. These trends are leading to higher domestic gas and electricity prices as shown by

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Bord Gáis Energy's recent 12% increase in domestic electricity tariffs and their application for an increase in tariffs in the regulated gas sector.

Ireland is a price taker in the global fossil fuel market and the economy is therefore vulnerable to energy price fluctuations and price rises. Competitor countries are in many instances facing the same prospect and the objective in the context of higher global prices must be that we retain or improve our competitive position. Ireland's concerns about high oil and gas prices are shared at EU level and fellow Member Countries of the International Energy Agency (IEA). The EU and IEA agree that high fossil fuels prices which pose a threat to economic recovery underline the need to reduce dependence on fossil fuels by radically enhanced energy efficiency measures and the development of renewable energy.

I acknowledge the action taken over the last two years to bring Ireland's energy prices into line with, or below, European averages. Our competitive energy market helps put downward pressure on prices. In addition, we must focus on all possible additional actions to mitigate costs where possible for business and domestic customers. This is essential for competitiveness, employment and for economic recovery. I am committed to working with enterprise and with the energy sector to ensure that the costs of energy for business are as competitive as possible through those measures at our disposal including notably a sustained focus on energy efficiency.

In the latter context I would urge all businesses of whatever size to place a relentless focus on energy efficiency. The Sustainable Energy Authority of Ireland (SEAI) is available to provide advice and, subject to available resources, financial assistance in this respect. In addition, there is now extensive tax relief available to businesses under the accelerated capital allowances (ACA) scheme for energy efficient technologies.

### **Postal Services**

325. **Deputy Olivia Mitchell** asked the Minister for Communications, Energy and Natural Resources the position regarding the tender process for postcodes which started in January 2011; if a new process is contemplated or necessitated by the revised purposes for which postcodes can be used; and if he will make a statement on the matter. [21331/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The procurement process to select an organisation to implement a national postcode system is being managed by my Department on a ring-fenced basis and I will not be commenting on that process until it has concluded.

### **Alternative Energy Projects**

326. **Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources his plans to extend the wind renewable energy feed-in tariff; and his views on whether this scheme is designed with the best interests of the electricity consumer in mind; and if he will make a statement on the matter. [21352/11]

327. **Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources if he will state, regarding the wind renewable energy feed-in tariff, the reason there is no clawback for the consumer if the market price of electricity exceeds the floor price; and if he will make a statement on the matter. [21353/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 326 and 327 together.

Ireland is bound under the Renewable Energy Directive to achieve a binding target of 16% of energy consumption from renewable sources by 2020, a five fold increase on 2005. As set out in the National Renewable Energy Action Plan (NREAP), the bulk of Ireland's target will be met by the electricity sector. 40% of electricity consumption will come from renewable sources by 2020, and 36% of this will be from wind — the highest proportion in any Member State of the EU. While we have made excellent progress in the electricity sector in recent years, achieving a threefold increase in our electricity consumption from wind over the course of this decade will be challenging.

It is important to maintain a stable and predictable policy framework with respect to the support schemes for renewable energy and apply a cautious approach when considering measures affecting existing investments.

My Department has applied for State Aid clearance to continue to offer REFIT for Gate 3 projects. This application is currently with the European Commission for decision. REFIT operates by providing developers with a guaranteed floor price over a 15-year period. REFIT was designed with no claw back for the consumer when the market price of electricity exceeds the floor price, as this was deemed necessary to incentivise sufficient new renewable development. Prior to finalisation of the new REFIT scheme I will be reviewing the arrangements comprehensively with my Department.

Financial institutions are unlikely to be willing to lend substantial amounts to developers to construct new renewable projects if a minimum price cannot be guaranteed, with significant negative implications for project build out, and ultimately for the achievement of our binding EU 2020 renewable targets and to ensure security of supply, improved diversity of energy sources and lower dependence on imported fossil fuels and their price volatility.

**328. Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources the reasons electricity suppliers are being guaranteed a 15% balancing payment for entering into the wind renewable energy feed-in tariff scheme power purchase agreement; his views on whether this is in the best interests of the electricity consumer; and if he will make a statement on the matter. [21354/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Renewable Energy Feed-in Tariff (REFIT) is designed to incentivise renewable energy generators and suppliers to participate in the wholesale electricity market. This market calculates an open market price every half hour and is therefore is very volatile; thus, new projects would find it virtually impossible to source finance without a predictable floor income.

Under the REFIT scheme, generators enter into a 15 year power purchase agreement with suppliers. Typically, suppliers pay generators for their output on a weekly or monthly basis but only receive the final metered REFIT payment at the end of the following market year. While suppliers receive a REFIT payment for these units in the appropriate market year, this is based on an average market price estimated in advance and as such is subject to forecast error.

The payment to suppliers is corrected two years later in the R-Factor correction administered by the Commission for Energy Regulation. On a system with a large proportion of variable, intermittent generation, such as Ireland's, the market revenue received by a supplier may deviate substantially between trading periods.

Because of the nature of the market structure, suppliers are almost inevitably exposed to prolonged periods where they are required to pay generators a support price in excess of the market price. In other words, they have to pay generators for the electricity produced, but have to wait a significant period before being themselves remunerated. Because of this, and because

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of the unpredictable and volatile nature of renewable electricity production, a cost is effectively imposed on them for managing the output of the REFIT generators in the market. This ‘balancing’ cost is recognised under the terms of REFIT and is paid to suppliers at a fixed rate.

The application for State Aid approval for REFIT extension, which is currently with the EU Commission, has altered the operation of the balancing payment in two ways. It has fixed it at its current rate of 0.99 cent per Kw/h and it has included it in the REFIT payment calculations so that in the case of high prices, no REFIT payment or balancing payment is made.

329. **Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources the forecasted capacity of wind-generated electricity for each of the next ten years; the percentage that is of projected annual consumption; when he expects us to be a net annual exporter of electricity; and if he will make a statement on the matter. [21355/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Table 10 below from Ireland’s National Renewable Energy Action Plan (NREAP) submitted to the European Commission in 2010 sets out the projected electricity generation from renewable sources in the decade to 2020. Two versions of Table 10 were included in the NREAP. One of these was modelled by the Sustainable Energy Authority of Ireland (SEAI) using their electricity and biomass models. The other is a non-modelled “export” scenario.

An explanation of the modelled export scenario is provided at the heading of the table. The ‘Export Scenario’ table set out below is not a modelled scenario. The table illustrates Ireland’s potential to become an exporter of Electricity from Renewable Energy Sources (RES-E) to other EU Member States between now and 2020, were the appropriate conditions (economic, technical and environmental) to develop to allow this to happen and subject to a comprehensive cost-benefit analysis. Developing this level of electricity from renewable sources is currently limited technically by grid infrastructure. In order for this export scenario to be realised, significant further infrastructural investment in the period to 2020 would be needed, including construction of additional interconnectors and offshore grid and deep reinforcement onshore. The potential for this level of development in the export scenario arises from: offshore wind projects that currently have either foreshore leases or a grid connection offer; onshore wind projects already built, contracted with the Transmission System Operator (TSO) or due to receive a grid connection offer in Gate 3; potential for geothermal, pumped storage and solar and Ireland’s 500MW 2020 ocean (wave and tidal) target.

In the period to 2020, the only way to trade in renewable energy is under the terms of the co-operation mechanisms set out in the EU Renewable Energy Directive 2009/28/EC. I attended the British Irish Council meeting with the Taoiseach in London in June, which focused on the considerable potential for close co-operation across these islands for the development and trading of renewable energy (under the co-operation mechanisms provided for in the Renewable Energy Directive). Ireland will be working with the UK, Northern Ireland and Scotland to deliver on this shared opportunity and challenge.

#### **Table 10 Modelled Scenario**

The data in this modelled scenario is influenced of necessity to a significant degree by planned Gate 3 generation. Technologies in the R&D category (e.g. wave and tidal) are not included in the Gate. However as noted at 4.2.6 (b), CER 09/099 is a new policy which sets out how small, renewable, low carbon generation can access the grid outside the Gate 3 process. Possibilities using CER 09/099 are reflected only to a limited degree in the modelled scenario, hence the low figures for certain technologies. Reports on the NREAP will be submitted on a biennial

basis and the modelled scenario can be updated at that time to reflect technology and other developments that may occur in the interim. In the meantime, the non modelled Export scenario version of Table 10 which follows offers an alternative development trajectory, without the constraints built into the modelled scenario.

Estimation of total contribution (installed capacity, gross electricity generation) expected from each renewable energy technology in Ireland to meet the binding 2020 targets and the indicative interim trajectory for the share of energy from renewable resources in electricity 2010-2014

[Deputy Pat Rabbitte.]

Questions—

19 June 2011.

Written Answers

	2005		2010		2011		2012		2013		2014	
	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh
Hydro:	234	760	234	701	234	703	234	701	234	698	234	720
<1MW	18		18		18		18		18		18	
1MW-10MW	20		20		20		20		20		20	
>10MW	196		196		196		196		196		196	
Of which is pumping	0	0	0	0	0	0	0	0	0	0	0	0
Geothermal	0	0	0	0	0	0	0	0	0	0	0	0
Solar:	0	0	0	0	0	0	0	0	0	0	0	0
photovoltaic												
Concentrated solar power												
Tide, Wave, Ocean	0	0	0	0	0	0	0	0	0	0	0	0
Wind: <sub>1</sub>	494	1,588	2,088	4,817	2,325	5,965	2,370	6,189	2,794	7,478	2,907	7,756
Onshore	469		2,052	4,701	2,289	5,848	2,334	6,073	2,542	6,663	2,656	6,942
offshore	25		36	116	36	116	36	117	252	815	252	814
Biomass:	20	116	77	347	81	393	84	479	131	839	134	864
Solid	2	8	15	28	19	73	22	158	69	519	72	544
biogas	18	108	62	320	62	320	62	321	62	320	62	320
Bioliquids	0	0	0	0	0	0	0	0	0	0	0	0
Total	748	2,465	2,399	5,866	2,640	7,060	2,688	7,369	3,159	9,014	3,275	9,340
Of which CHP	2	13	5	37	6	42	7	47	7	51	8	56

	2015		2016		2017		2018		2019		2020	
	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh
Hydro:	234	714	234	705	234	705	234	705	234	692	234	701
<1MW	18		18		18		18		18		18	
1MW-10MW	20		20		20		20		20		20	
>10MW	196		196		196		196		196		196	
Of which is pumping	0	0	0	0	0	0	0	0	0	0	0	0
Geothermal	0	0	0	0	0	0	0	0	0	0	0	0
Solar:	0	0	0	0	0	0	0	0	0	0	0	0
photovoltaic	0	0	0	0	0	0	0	0	0	0	0	0
Concentrated solar power	0	0	0	0	0	0	0	0	0	0	0	0
Tide, Wave, Ocean	0	0	0	0	13	42	25	81	38	124	75	230
Wind:	3,151	8,339	3,172	8,404	3,367	8,985	3,858	10,235	3,887	10,258	4,649	11,970
onshore	2,899	7,525	2,920	7,587	2,951	7,639	3,329	8,534	3,354	8,553	4,094	10,228
offshore	252	814	252	817	416	1,345	529	1,702	533	1,705	555	1,742
Biomass:	137	887	140	914	143	936	146	960	150	984	153	1,006
Solid	75	567	78	593	81	616	84	640	88	664	91	687
biogas	62	320	62	321	62	320	62	320	62	320	62	319
Bioliquids	0	0	0	0	0	0	0	0	0	0	0	0
Total	3,522	9,939	3,546	10,023	3,757	10,668	4,263	11,982	4,309	12,058	5,111	13,909
Of which CHP	9	61	9	65	10	70	10	70	80	561	80	561

1 Aggregated wind data only available — breakdown in GWh between onshore and offshore in 2005 unavailable



[Deputy Pat Rabbitte.]

The 'Export Scenario' table set out below is not a modelled scenario. The table illustrates Ireland's potential to become an exporter of RES-E to other EU Member States between now and 2020, were the appropriate conditions (economic, technical and environmental) to develop to allow this to happen and subject to a comprehensive cost-benefit analysis. Developing this level of electricity from renewable sources is currently limited technically by grid infrastructure. In order for this export scenario to be realised, significant further infrastructural investment in the period to 2020 would be needed, including build of additional interconnectors and offshore grid and deep reinforcement onshore. The potential for this level of development in the export scenario arises from: offshore wind projects that currently have either foreshore leases or a grid connection offer; onshore wind projects already built, contracted with the TSO or due to receive a grid connection offer in Gate 3; potential for geothermal, pumped storage and solar and Ireland's 500MW 2020 ocean (wave and tidal) target.

Table 10 Non-Modelled 'Export Scenario'

Estimation of total contribution (installed capacity, gross electricity generation) expected from each renewable energy technology in Ireland to meet the binding 2020 targets and the indicative interim trajectory for the share of energy from renewable resources in electricity 2010-2014

	2005		2010		2011		2012		2013		2014	
	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh
Hydro:	234	760	234	760	234	760	234	760	234	760	234	760
<1MW	18		18		18		18		18		18	
1MW-10MW	20		20		20		20		20		20	
>10MW	196		196		196		196		196		196	
Of which is pumping	0	0	0		0		0		0		0	
Geothermal	0	0	0	0	0	0	0	0	0	0	0	0
Solar:	0	0	0	0	0	0	0	0	0	0	0	0
photovoltaic	0	0	0	0	0	0	0	0	0	0	0	0
Concentrated solar power												
Tide, Wave, Ocean	0	0	0	0	0	0	0	0	0	0	0	0
Wind:2	494	1,588	2,088	5,504	2,325	6,126	2,370	6,244	2,889	7,703	3,053	8,133
Onshore	469	1588	2,052	5,393	2,289	6,016	2,334	6,133	2,637	6,931	2,801	7,360
offshore	25	0	36	110	36	110	36	110	252	772	252	772
Biomass:	20	128	82	503	114	698	146	893	177	1,088	209	1,283
Total	748	2,476	2,404	6,767	2,673	7,584	2,750	7,897	3,300	9,551	3,496	10,176

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	2015		2016		2017		2018		2019		2020	
	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh	MW	GWh
Hydro:	234	760	234	760	234	760	239	777	259	842	284	923
<1MW	18		18		18		18		18		18	
1MW-10MW	20		20		20		20		20		20	
>10MW	196		196		196		196		196		196	
<i>Of which is pumping</i>	0		0		0		5		25		50	
Geothermal	0	0	0	0	0	0	5	35	5	35	5	35
Solar:	0	0	1	3	2	5	3	8	4	11	5	13
<i>photovoltaic</i>	0		1	3	2	5	3	8	4	11	5	13
<i>Concentrated solar power</i>												
Tide, Wave, Ocean	0	0	0	0	125	383	225	690	325	996	500	1,533
Wind:	3,691	9,937	4,009	10,899	4,579	12,625	5,575	15,440	5,906	16,438	7,145	19,832
<i>onshore</i>	3,152	8,283	3,182	8,363	3,227	8,480	3,773	9,915	3,810	10,012	4,737	12,449
<i>offshore</i>	539	1,654	827	2,535	1,352	4,145	1,802	5,525	2,096	6,427	2,408	7,383
Biomass:	241	1,478	273	1,673	305	1,868	336	2,063	368	2,258	400	2,453
Total	4,166	12,175	4,517	13,335	5,245	15,641	6,383	19,013	6,867	20,580	8,339	24,789

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
<i>Surplus for cooperation mechanism (%)</i>	n/a	2%	2%	2%	2%	3%	3%	3%	3%	4%	6.6%

<sup>2</sup>Aggregated wind data only available — breakdown in GWh between onshore and offshore in 2005 unavailable

### Semi-State Bodies

330. **Deputy Pearse Doherty** asked the Minister for Communications, Energy and Natural Resources the savings to the semi- state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22626/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** My Department is currently in the process of compiling the data sought by the Deputy and I will forward it to him as soon as possible.

### Local Authority Charges

331. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government the development levies raised for the Exchequer directly and indirectly in the construction and refurbishment of hotels that qualified for tax incentives in the years 2004 to 2008; and if he will make a statement on the matter. [21110/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The information requested is not available in my Department.

Development contributions are attached as a condition to a planning permission and are paid directly to local authorities, in accordance with the development contribution scheme adopted by the local elected members. The contributions are used to part finance projects set out in the local authority's capital programme. Development contributions are not paid into the Exchequer.

332. **Deputy Robert Troy** asked the Minister for the Environment, Community and Local Government the annual business rates taken for the Exchequer from hotels whose construction and development was funded through tax incentives from 2004 to 2008; and if he will make a statement on the matter. [21116/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority and all rates income accrues to the local government sector. The information requested regarding rates in respect of hotels is not available in my Department.

### Proposed Legislation

333. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government when the noise pollution Bill will be introduced; his views whether that legislation is urgent; and if he will make a statement on the matter. [21755/11]

351. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government when he will bring in the long-promised noise control legislation; and if he will make a statement on the matter. [21009/11]

355. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government when new legislation on noise regulation in residential areas will be published; and if he will make a statement on the matter. [21201/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 333, 351 and 355 together.

The Programme for Government includes a commitment to address noise pollution through the introduction of fixed payment notices (also known as on the spot fines) and provision for mediation between neighbours. The development of new noise legislation by my Department will be considered in the context of this commitment. As indicated in the Government Legislation Programme published on 5 April 2011, it is not possible at this time to indicate when the legislation will be published.

### **Local Authority Mergers**

334. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if he will make a statement on the proposed merger (details supplied) of Limerick City and Limerick County Councils. [20684/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I intend to issue further details as soon as possible on planning and implementation arrangements for the establishment of a unitary authority in Limerick in mid-2014. As a consequence of the restructuring process, local electoral areas in Limerick will have to be reviewed and I would expect to establish a boundary committee to undertake this work in late 2012 in order to be in a position to implement the committee's recommendations in advance of the 2014 local elections. It will be a matter for the Office of the Attorney General to advise regarding legislation in this matter.

### **Planning Issues**

335. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if he is satisfied that decisions being awaited from An Bord Pleanála are being received in a reasonably timely manner; and his plans to prescribe a period, or periods, of time during which the board must make decisions in a manner similar to the timeframes that apply to local authorities during the application process. [20685/11]

341. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government his plans to review the groups making up the prescribed bodies consulted by An Bord Pleanála. [20772/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 335 and 341 together.

Under section 126 of the Planning and Development Acts 2000-2010, it is a statutory objective of An Bord Pleanála to determine appeals and certain other matters within 18 weeks. The statutory objective period was achieved in 79% of all cases at the end of May 2011. The

Planning and Development (Amendment) Act 2010 introduced a range of measures further to assist the Board in managing its case load.

Section 131 of the Planning and Development Acts 2000-2010 empowers the Board, in the context of appeals or referrals, to request submissions or observations from: (i) any party to an appeal or referral; (ii) any person who made a submission or observations to the Board in relation to an appeal or referral; or (iii) any other body.

In addition, under planning legislation, it is a requirement for applicants, prior to the submission of applications for strategic infrastructure development, to engage in consultation with bodies prescribed under article 213 of the Planning and Development Regulations. I have no plans, at this time, to amend the Regulations in this regard.

### **Community Development**

336. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if any further progress has been made in relation to a project (details supplied) in County Limerick; when he expects to see the matter concluded; and if he will make a statement on the matter. [20687/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 304 of 12 July 2011 which sets out the position in this matter.

### **Unfinished Housing Developments**

337. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if he will investigate an unfinished development (details supplied) in County Kerry in order to ascertain if the situation presents opportunities to the local community in terms of work experience opportunities for apprentices, opportunities for sheltered housing for the elderly or persons with disabilities, community or business facilities or persons seeking affordable homes; and if he will make a statement on the matter. [20691/11]

343. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government if any housing estates in County Meath are in talks to be used as training for unemployed apprentices in line with the discussions with the equity share partnerships; and if he will make a statement on the matter. [20843/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 337 and 343 together.

I am leading co-ordination nationally, through the National Co-ordination Committee, to manage the progressive resolution of issues relating to unfinished housing developments. I established this Committee to oversee implementation of the Advisory Group Report on Unfinished Housing Developments. While my immediate priority is public safety in Category 4 developments, as part of the work of the Committee submissions from outside stakeholders and members of the public are being considered and discussed.

I welcome any approach that effectively resolves problems in these estates while also supporting job creation and delivering a social dividend in terms of new social housing. My Department has not received specific proposals in relation to any particular estates; the Department has no direct control over unfinished developments and they remain within the ownership and responsibility of the developer or financial institution concerned.

### Departmental Expenditure

338. **Deputy Anthony Lawlor** asked the Minister for the Environment, Community and Local Government the amount of moneys collected towards the environment fund in 2008, 2009, 2010 and to date in 2011; the distribution of this fund; the way same has been used; and if he will make a statement on the matter. [20706/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Details of income and expenditure from the Environment Fund for the years 2008 and 2009 are available in the Fund's audited Annual Accounts. These are available from the Oireachtas library and on my Department's website at <http://www.environ.ie/en/Environment/Waste/EnvironmentFund/>.

The 2010 and 2011 Annual Accounts will be published in due course after they have been audited by the Comptroller and Auditor General. However, provisional figures (on an accruals basis) indicate that income of €60,384,370 was received in 2010 while cash receipts of €29,845,206 have been received for the period from 1 January 2011 to 30 June 2011.

The proceeds of the Environment Fund, which was established under the Waste Management (Amendment) Act 2001, can only be used for activities that are of benefit to the environment. Section 74(9) of the Waste Management Act 1996 (as inserted by section 12 of the Waste Management (Amendment) Act 2001), specifies the purposes for which payments may be made from the Environment Fund. These include assistance in a range of areas such as: schemes to prevent/reduce waste; waste recovery activities; research and development into waste management; production, distribution or sale of products deemed to be less harmful to the environment than other similar products; development of producer initiatives to prevent/reduce waste arising from their activities; implementation of waste management plans; enforcement of the provisions of any enactment relating to waste management, prevention of litter or protection of the environment; partnership projects, that involve local authorities, to improve the quality of the environment for particular local communities; promotion of awareness of the need to protect the environment, including national and regional campaigns; promotion /support of education and training to assist achievement of campaign objectives; resources (human or material) to enable education and training to be carried out; initiatives undertaken by community groups and others for protection of the environment; and such other purposes for protection of the environment as may be prescribed by the Minister in regulations.

The Waste Management (Environment Fund)(Prescribed Payments) Regulations 2003 extended these purposes to include: initiatives undertaken in the State, or on an international or trans-national basis relating to the protection of the environment; and sustainable development initiatives, including areas such as research and development together with contributions to international organisations.

### Waste Management

339. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government if he will respond to a matter (details supplied) regarding waste bin collection; and if he will make a statement on the matter. [20742/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Under section 33 of the Waste Management Act 1996 it is open to a local authority to enter into an agreement with a private sector service provider in relation to the collection of household waste and a number of local authorities have done so. However, it should be noted that such developments have not necessarily resulted in the abandonment of waiver schemes; in

several local authority areas in which the local authority has withdrawn from direct service provision a waiver scheme has remained in operation.

The Government has committed to the introduction of 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. I have recently published a discussion document to help inform the public consultation process, which 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 discussion document, which also discusses pricing and waivers, is available on my Department's website, [www.environ.ie](http://www.environ.ie).

I look forward to all interests in the waste sector, including consumers, engaging with the consultation process, which is open until 2 September 2011.

### **Local Authority Charges**

340. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government his plans to direct local authorities to cap the fixed cost charges for water consumption in order that they do not exceed the usage charge of water; and if he will make a statement on the matter. [20751/11]

354. **Deputy Joe McHugh** asked the Minister for the Environment, Community and Local Government his views on the implementation criteria for the roll-out of the water connection programme to individual households; and if he will make a statement on the matter. [21178/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 340 and 354 together.

At present the 34 county and city councils are required to recover the costs of providing water services to non-domestic customers.

The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in households connected to public water supplies and move to a charging system based on usage above a free allowance. My Department is currently preparing a strategy to implement these proposals, including plans for the roll out of the water metering programme, and consideration will be given to the approach to fixed costs in that context. Further details will be announced following the Government's consideration of the proposals.

*Question No. 341 answered with Question No. 335.*

### **Local Authority Staff**

342. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the number of whole-time equivalents, on a county basis, in local authorities in 2010; how this compares to the previous year; and if he will make a statement on the matter. [20823/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Information regarding the number of whole time equivalent (WTE) staff employed in each local authority on 31 December 2009 and 31 December 2010 is presented in the following table. The end 2009 figure was 32,252.64 while for 2010 it was 30,902.84 — a reduction of 1,349.8.



[Deputy Phil Hogan.]

Local Authority	End of Dec 2009	End of Dec 2010
<i>County</i>		
Carlow	331	297.24
Cavan	446.35	434.09
Clare	828.36	810.19
Cork	2,364.37	2,255.16
Donegal	1,007.86	999.11
Dun Laoghaire	1,195.9	1,143.4
Fingal	1,490.39	1,441.9
Galway	934.27	846.87
Kerry	1,225.29	1,194.63
Kildare	946.5	925.4
Kilkenny	568.04	545.24
Laois	405.5	392.79
Leitrim	302.5	294.85
Limerick	738.6	686.38
Longford	330.2	306.1
Louth	691.9	674.64
Mayo	1,177.8	1,103.65
Meath	702.58	668.82
Monaghan	433.99	412.72
Offaly	478	418.5
Roscommon	550.5	487.12
Sligo	529.92	510.45
South Dublin	1,402.55	1344.7
North Tipperary	504.22	515.57
South Tipperary	654.3	651.1
Waterford	565.5	503.61
Westmeath	487.92	480.43
Wexford	804.51	788.38
Wicklow	827.25	789.45
<i>City</i>		
Cork	1,420	1,374
Dublin	6,480.45	6,298.3
Galway	487.5	442.8
Limerick	528.3	485.41
Waterford	410.32	379.93

*Question No. 343 answered with Question No. 337.*

### **Housing Grants**

344. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government the credit policy and guidelines for the assessment of all applications for local authority housing loans; if this is the same credit policy and guidelines for Dublin City Council; and if he will make a statement on the matter. [20875/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Provisions governing mortgage lending by local authorities are set out under the Housing (Local Authority Loans) Regulations 2009 and associated credit policy. To ensure effective targeting of resources, loan finance continues to be available to first time buyers only. Income limits are also in place, distinguishing between single and dual income households and a maximum loan limit is applied. In assessing loan applications local authorities take account of the household's ability to finance the loan based on their net household income. These provisions apply for purposes of mortgage lending by all local authorities.

### **Pension Provisions**

345. **Deputy Billy Kelleher** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 409 of 5 July 2011, if a person (details supplied) in County Cork will be able to carry forward years worked at a company from 1973 to 1984 to the person's current employment; and if he will make a statement on the matter. [20951/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department has a central policy and oversight function in relation to the Local Government Superannuation Scheme, while the day to day administration of the Scheme is a matter for individual local authorities.

Cork City Council is the trustee of the Local Government Superannuation Scheme in respect of the individual referred to in the question. As indicated in the reply to Question No. 409 of 5 July 2011 the Council sought certain information, in April 2011, regarding previous employment. I understand that a response is awaited and will be required before the question of carrying forward service can be resolved.

### **Housing Grants**

346. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the level of funding that has been returned to his Department by local authorities with regard to the housing adaptation grant scheme in 2007, 2008, 2009 and 2010; the local authorities that have returned such funding in those years; the reasons for such funding returns; the local authorities that have requested additional funding in those years under this scheme; the outcome of such requests; and if he will make a statement on the matter. [20969/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The detailed information requested in relation to capital allocations and recoupments to thirty-four city and county councils over the 4-year period 2007 to 2010 is being compiled and will be forwarded to the Deputy as soon as possible.

### **Local Authority Funding**

347. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he has notified local authorities the amount that they will be allocated through the Local Government Fund for 2012; if not, when he plans to make that information available to local authorities; the amounts to be awarded out to all local authorities under the Local Government Fund; the way the Census 2011 Preliminary Report has impacted or will impact on the allocations; and if he will make a statement on the matter. [20970/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I assume the Question refers to General Purpose Grants paid to local authorities out of the Local Government Fund. The two principle sources of revenue for the Fund are the full proceeds of motor tax and an Exchequer contribution. In line with previous years, it would be my intention to inform local authorities of their 2012 General Purpose Grant allocations in late 2011 following Budget 2012.

In relation to the basis for the 2012 allocations, this will be determined in line with the level of funding available, and it will be my objective to ensure that General Purpose Grant funding continues to make a significant contribution towards enabling local authorities to provide a reasonable level of services to the public.

### **Local Authority Charges**

348. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government if he will intervene on behalf of small businesses to ensure the system of imposing commercial rates is made more equitable in view of the fact that many small and medium businesses cannot afford to pay their rates; and if he will make a statement on the matter. [20971/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority. The Annual Rate on Valuation (ARV), which is applied to the valuation of each property determined by the Valuation Office 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.

A ratepayer can appeal the valuation of a property to the Commissioner of Valuation under the provisions of sections 30 — 33 of the Valuation Act 2001. This Act comes under the remit of the Minister for Finance.

Commercial rates income makes a significant contribution to the current funding requirements of local authorities. Rates provide the means by which local authorities can fund the services essential to communities, and therefore business, across the full range of local activities including roads, water and waste services, fire and emergency, libraries and a range of community, amenity and social activities. It is through the supply of these services that business can succeed. I recognise that these are difficult economic times for many businesses and in this context I will continue to keep all matters relating to rates under regular consideration in my Department.

### **National Drugs Strategy**

349. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if funding will be made available to the national voluntary drugs and alcohol service providers in order to support them in carrying out their duties under the national drugs strategy; and if he will make a statement on the matter. [21003/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The former Department of Community, Rural and Gaeltacht Affairs entered into a contract to fund the National Voluntary Drug Sector for three years from 2008-2010 under the Scheme to Support National Organisations in the Community and Voluntary Sector. The contract was extended until the end of June 2011. Organisations participating in the scheme were aware that

funding beyond the contractually agreed timeframe could not be guaranteed and that the scheme was subject to review.

A comprehensive review of the scheme was carried out in 2010 and a new scheme, with amended criteria, was advertised in December 2010. 149 applications were received and 63 organisations were approved for funding under the scheme. The Community function transferred to my Department on 1 May 2011.

Funding under the new 2011-2013 scheme has been allocated following an objective and merit-based competitive process. The application from the National Voluntary Drugs and Alcohol Service Providers did not meet the qualifying mark for funding on this occasion. NVDASP has appealed the funding decision, and the appeal is currently being dealt with by my Department.

### **Proposed Legislation**

350. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government the measures he is planning to introduce to address the problem of anti-social behaviour in privately owned and privately rented houses in residential estates in view of the circumstances that some persons have to endure in their own homes because of anti-social activity; and if he will make a statement on the matter. [21008/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** While action to deal with anti-social behaviour is primarily a matter for An Garda Síochána, in the case of private rented dwellings landlords are responsible for enforcing the obligations that apply to their tenants under the Residential Tenancies Act 2004.

The Act, in this regard, prohibits a tenant in a private residential tenancy from engaging in anti-social behaviour in, or in the vicinity of, a dwelling to which the Act applies it also allows a landlord to terminate any tenancy where the tenant is engaging in or allowing others to engage in such behaviour, subject to a notice period of only 7 days in the case of serious anti-social behaviour or 28 days in the case of less serious but persistent behaviour.

The Residential Tenancies Act also provides that a third party directly and adversely affected by anti-social behaviour may, subject to certain conditions, refer a complaint to the Private Residential Tenancies Board against a landlord who has failed to enforce tenant obligations. A specific condition is that the third party complainant must have taken reasonable steps to resolve the matter by communicating or attempting to communicate with the parties to the tenancy concerned.

*Question No. 351 answered with Question No. 333.*

### **Planning Issues**

352. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government if he has any information available to him regarding the amount of land zoned for residential development that is surplus to current housing needs; his estimates in that regard; the steps he plans to take to address the issue of there being too much land rezoned for future housing development; and if he will make a statement on the matter. [21102/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The Housing Land Availability Survey is an annual survey undertaken by my Department which seeks information from local authorities on the amount of zoned residential land in their areas that is currently serviced at a point in time. Data are also sought on the estimated yields (such as housing units) from these lands.

[Deputy Willie Penrose.]

The 2010 survey, which is to be published shortly as part of my Department's Annual Housing Statistics Bulletin 2010, indicates that there are currently 19,821 hectares of serviced residentially zoned land nationally, with an estimated yield of over 500,000 housing units. Some commentators have estimated that a reasonable long-term housing demand figure might be 40,000 housing units per annum which would suggest that there is sufficient zoned capacity nationally for residential development for over 12 years. Current completion levels are much lower, running at less than 15,000 units per annum.

The Planning and Development (Amendment) Act 2010 introduced a number of reforms to the development plan process to provide for greater consistency of plans at regional, city/county and local area levels, to require a core strategy to be incorporated into development plans and to reinforce the practice of developing evidence-based policy objectives into future development plans including zoning objectives. These new provisions are currently being reflected and implemented in new development plans and in variations to existing plans and planning authorities will have to ensure local area plans are consistent with the development plan thereafter.

### **Local Authority Housing**

353. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government the position regarding the steps he is taking to assist South Dublin County Council in its efforts to deal with problems arising from the construction of council housing at an area (details supplied); and if he will make a statement on the matter. [21103/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Following completion of the schemes referred to in the question, the contractor has been involved in a series of contractual disputes with South Dublin County Council. Only one of these disputes remains unresolved to date. The resolution of these disputes involved a contribution towards repair works outstanding on some dwellings by the contractor.

I understand that South Dublin County Council has established a dedicated construction team to inspect and evaluate the condition of all housing stock which has been the subject of complaints and carry out any necessary remedial works in the area. A number of pilot programmes are under way to test the effectiveness of the remediation works, and the outcome of these pilot projects will be reviewed and the results used to address remaining problem units. This process will continue until all affected units are addressed.

*Question No. 354 answered with Question No. 340.*

*Question No. 355 answered with Question No. 333.*

### **Local Authority Schemes**

356. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the moneys allocated by his Department to Meath County Council in 2009, 2010 and 2011 under the housing aid for older people scheme, the housing aid for people with a disability scheme and the mobility aid scheme; and if the moneys allocated were to be used to fund grants in the year of the allocations or if the allocations could be used for past liabilities of Meath County Council incurred in previous years. [21215/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The suite of Grant Schemes for Older People and People with a

disability are funded by 80% recoupment available from my Department together with a 20% contribution from the resources of the local authority. It is a matter for each local authority to decide on the specific level of funding to be directed to each of the various grant measures, and to manage the operation of the schemes in their areas from within their allocation.

In order to provide for continuity in the processing of applications and the payment of grants under the various grant measures, local authorities are advised by my Department that they may commit up to 50% of current year allocation in respect of grant payments falling due in the following year. Allocations to local authorities in any given year are intended to meet expenditure arising in respect of grants approved in previous years as well expenditure relating to applications on hand and any new applications received in the course of the year. All grant payments made are in respect of valid claims for works completed.

Details of Exchequer funding provided to Meath County Council for the grant schemes for the years 2009, 2010 and for 2011 are set out in the following table:

2009	2010	2011
€1,124,538	€1,471,323	€1,171,277

357. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the guidelines that are in place for the allocation of the housing aid for older people, housing aid for people with a disability and the mobility aid schemes with respect to matching funding from local authorities. [21216/11]

358. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if his Department has requested local authorities to stop accepting new housing grant applications. [21217/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 357 and 358 together.

The Housing (Adaptation Grants for Older People and People with a Disability) Regulations, 2007, make legal provision for a framework of grant aid to assist households with the provision or adaptation of accommodation to meet the needs of people with a disability, adaptations to address mobility problems and for necessary improvements to improve the living conditions of older people. To support the implementation of the revised framework of Housing Adaptation Grant Schemes, which came into effect on 1 November 2007, my Department issued detailed administrative guidance on the operation of each of the schemes to all local authorities on 4 October 2007. The administration of the schemes, including the acceptance, assessment and approval of applications, is the responsibility of the relevant local authorities.

In accordance with the legislative provisions, the grant schemes are funded by 80% recoupment available from my Department together with a 20% contribution from the resources of the local authority. The guidance specify that my Department will recoup 80% of the grant paid, up to the maximum grant levels applying to each of the three schemes, and that the authorities will provide the remaining 20% from their own resources as provided for in annual estimates of expenditure.

On 17 February 2011, my Department notified local authorities of Exchequer allocations totalling almost €64 million under the grant schemes for 2011, giving a combined allocation of almost €79.5m. To date some €18.3 million, amounting to 29% of the Exchequer funding, has been drawn down by the local authorities.

[Deputy Willie Penrose.]

My Department has not requested local authorities to stop accepting new grant applications nor have any local authorities advised my Department of having discontinued the schemes in their areas. My Department is aware however that these schemes are very heavily subscribed and available funding has been heavily committed in many areas. My Department is also aware of the constraints on local authority own resources funding at this time and, in order to relieve the pressure on revenue funding, agreed to allow authorities to use internal capital receipts to boost the revenue funding available for supporting the grant schemes in 2011.

### **Private Rented Accommodation**

359. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government the number of tenancies in Dublin Central that were registered with the Private Residential Tenancies Board in each of the past five years. [21232/11]

360. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government the number of landlords that have been issued repeated warnings for failing to register their tenancies in Dublin Central to the Private Residential Tenancies Board in each of the past five years. [21233/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 359 and 360 together.

I have no function in the operational matters of the Private Residential Tenancies Board (PRTB), which is an independent statutory body established under the Residential Tenancies Act 2004. The PRTB publishes tenancy registration statistics on its website [www.prtb.ie](http://www.prtb.ie). These statistics are broken down by Local Authority area. The website also contains the published register of tenancies maintained by the PRTB.

The PRTB enforces tenancy registration requirements in accordance with the provisions of the Residential Tenancies Act 2004, specifically sections 144 and 145, which provide for the issuing of notices to landlords and/or occupiers of the dwellings in question and the prosecution of offenders for non-compliance with the registration requirement. Up to December 2010, the Board had issued over 14,000 enforcement notices to landlords and/or occupiers of dwellings.

361. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government the number of landlords that have been convicted for failing to register their tenancies in Dublin Central with the Private Residential Tenancies Board despite repeated warnings in each of the past five years. [21234/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I have no function in the operational matters of the Private Residential Tenancies Board (PRTB), an independent statutory body established under the Residential Tenancies Act 2004. It is a matter for the PRTB to enforce tenancies registration requirements in accordance with the provisions of the Act, specifically sections 144 and 145 which provide for the issuing of notices to landlords and/or occupiers of the dwellings in question and the prosecution of offenders for non-compliance with the registration requirement. Under section 9 of the Act, a person guilty of an offence is liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding 6 months or both, and daily fines of €250.

362. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government if he is promoting greater co-operation between Private Residential Tenanc-

ies Board and the rent supplement section of the Department of Social Protection; if his attention has been drawn to the fact that this has been an area of tax evasion and poor quality standards in the housing of vulnerable persons, with a high concentration of this type of cheaper accommodation in Dublin Central; and if he will make a statement on the matter. [21236/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I have no function in the operational matters of the Private Residential Tenancies Board (PRTB), which is an independent statutory body established under the Residential Tenancies Act 2004.

The Act makes provision for the exchange of information between the PRTB and the Department of Social Protection and, on foot of an amendment contained in the Housing (Miscellaneous Provisions) Act 2009, it also gives the Revenue Commissioners access to the register of tenancies maintained by the PRTB which facilitates tax compliance checks by Revenue. Recent IT innovations at the PRTB have allowed it better to cross-reference its records with those held by the Department of Social Protection regarding the landlords in respect of whom rent supplement payments are made. That analysis has shown that a significant proportion of such landlords may not be registered with the PRTB and this is an area of particular focus for the PRTB in accordance with its tenancy registration enforcement powers under the Act.

Minimum standards for rental accommodation are prescribed in the Housing (Standards for Rented Houses) Regulations 2008, made under section 18 of the Housing (Miscellaneous Provisions) Act 1992. These Regulations were further amended by the Housing (Standards for Rented Houses) (Amendment) Regulations 2009 which expanded the definition of ‘a proper state of structural repair’ to allow for all aspects of the internal and external appearance of a dwelling to be taken into account for the purposes of the Regulations.

All landlords have a legal obligation to ensure that their rented properties comply with these Regulations. Responsibility for enforcing the Regulations rests with the relevant local authority, supported by a dedicated stream of funding allocated by my Department.

### Local Authority Staff

363. **Deputy Thomas Pringle** asked the Minister for the Environment, Community and Local Government the number of requests received from Donegal County Council to lift the employment embargo on posts in the public sector; the number that are or will be granted; and if he will make a statement on the matter. [20681/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Information regarding requests from Donegal County Council for exceptions to the employment moratorium is outlined in the table below.

Donegal County Council — Sanctions sought

Year	No. of exemptions requested	Permanent posts approved	Contract posts approved	Acting-up arrangements approved	Requests withdrawn	Requests Refused	Requests Pending
Aug-Dec 2009	24	1	23				
2010	174.5	20	71.5	13	1	69	
2011	131.5	3	62.5	5			61



[Deputy Phil Hogan.]

In respect of posts approved in 2010, 10 of the 20 permanent posts approved related to fire-fighter positions while 41 of 71.5 contract posts approved related to beach lifeguard posts for the summer season with the same number of beach lifeguard posts approved in 2011. All of the refusals relate to requests for acting- up arrangements.

The embargo on the filling of posts in local authorities was introduced on 24 March 2009 on foot of the Government decision to implement savings measures across the entire Public Service. My Department, since August 2009, has delegated sanction from the Department of Finance for implementation of the moratorium in respect of local authorities. This is on condition that the overall staffing levels in the sector are reduced significantly by the end of 2013.

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

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

### **Local Authority Charges**

364. **Deputy Alex White** asked the Minister for the Environment, Community and Local Government if he will consider amending the electronic payment system for the non-principal private residence charge in order that a notice would be sent to registered users warning them either of an impending payment deadline or a non-payment of the charge; and if he will make a statement on the matter. [21300/11]

365. **Deputy Alex White** asked the Minister for the Environment, Community and Local Government if he will consider amending the Local Government (Charges) Act 2009 to allow an appeal mechanism for the non-principal private residence charge, in view of the fact that registered users do not received noticed of missed payments via the electronic system currently in place; and if he will make a statement on the matter. [21301/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 364 and 365 together.

The Local Government (Charges) Act 2009 broadened the revenue base of local authorities through the introduction of the charge on non-principal private residences. The charge is set at €200 and is being levied and collected by local authorities. The Act places the onus on the owner to assess his or her liability in the first instance and there is no obligation on local authorities to issue invoices or demands.

I understand, however, that e-mail and postal reminder notifications have been issued to those who paid the charge last year in respect of their possible liability for 2011. I have no

plans at present to amend the Local Government (Charges) Act 2009 or the payment arrangements with regard to the charge on non-principal private residences.

### **Local Authority Budgets**

366. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that Sligo County Council has had the highest overall deficit balance of all county and city councils, as outlined in their respective annual financial statements for the financial years ending 31 December 2008, 31 December 2009 and 31 December 2010; if his further attention has been drawn to the fact that Sligo County Council had a deficit of €2,815,649 for the year ending 31 December 2008, a deficit of €3,232,961 for the year ending 31 December 2009 and a deficit of €2,463,505 for the year ending 31 December 2010, and on 31 December 2010 Sligo County Council had a total closing overall deficit balance of €9,981,616; and if elected members of Sligo County Council at the council meeting of 15 May 2011 adopted the motion that the council, recognising the grave financial position it finds itself in, requests the new Minister for the Environment to meet with an all-party delegation of councillors to consider the critical financial position of the council and to seek the advice and assistance of the Department of the Environment, Community and Local Government in terms of resolving the crisis; if he plans to meet with the all-party delegation in the near future; and if he will make a statement on the matter. [21339/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** It is a matter for each local authority, including Sligo County Council, to determine its own spending priorities in the context of the annual budgetary process having regard to both locally identified needs and available resources. It is also a matter for individual local authorities to manage their own day-to-day finances in a prudent and sustainable manner.

I met with the Cathaoirleach of Sligo County Council and the Sligo County Manager on 20 May 2011. At this meeting the financial position and the funding challenges facing the Council were discussed with a view to putting in place appropriate arrangements to reduce the deficit over time.

### **Local Regeneration Projects**

367. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 248 of 10 May 2011, in which he confirmed that his Department is providing €2 million to Sligo Borough Council in respect of proposals for the regeneration of the eastern quadrant of Sligo, if he is in a position to indicate the boundaries of the eastern quadrant of Sligo; and if not, the criteria his Department will use when approving funding of €500,000 of the said funding for the improvement of O'Connell Street, County Sligo. [21340/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** My predecessor, the Minister of State with responsibility for housing, wrote to the County Manager on 8 March, 2011 to advise that €2 million had been approved in respect of a range of measures to be advanced under the regeneration project for Sligo. It will be a matter for Sligo Borough Council, in the context of the regeneration master-planning process, to determine the overall scope and focus of the project, including the areas to be included for regeneration.

A proposal is awaited from Sligo Borough Council in respect of a range of works to facilitate the pedestrianisation of O'Connell Street. The proposal for the town's main street will be evaluated on the basis of its contribution to supporting the overall objectives of the regener-

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ation project and how it can address issues such as creating linkages with the Cranmore estate and adjacent areas as well as issues such as infrastructure deficit generally, accessibility and social exclusion resulting from unemployment and economic disadvantage.

368. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government the expenditure of regeneration funding for the Cranmore and Eastern Quadrant project in Sligo on project staff salaries and wages, project office overheads, consultant fees, funding for the employment of a development worker and information officer by the Cranmore Community co-operative, the Cranmore Mounds project and the community warden scheme in each of the years 2008, 2009 and 2010. [21341/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Details of the amounts recouped to Sligo Borough Council in respect of the regeneration project for Sligo for the period 2008-2010 are set out in the following table:

Expenditure details	2008	2009	2010
Project Staff Salaries	€218,240	€498,351	€369,042
Office Overheads	€21,518	€42,509	€16,387
Consultants Fees	€132,890	€123,529	€5,346
Development Worker	€9,335	€5,027	€20,000
Information Officer	€0	€0	€0
Cranmore Mounds (Technical fees )	€24,882	€90,286	€0
Community Warden Scheme	€17,404	€73,456	€72,490

Costs incurred over the period 2008-2010 in respect of community wardens, tenancy sustainment and youth projects were met from the Sustainable Communities Fund.

### Foreshore Licences

369. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if all foreshore licences will be put on public display through the local authority, public libraries and online, in view of the fact that at the moment they are only on public display in local Garda stations for 21 days; and if he will make a statement on the matter. [21342/11]

372. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if all foreshore licences will be put on public display through the local authority, public libraries and online, and if there will also be a requirement for a public site notice in the vicinity of the proposed site; and if he will make a statement on the matter. [21349/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 369 and 372 together.

Under Section 19A of the Foreshore Acts 1933 to 2011, applicants who have submitted an Environmental Impact Statement with an application for foreshore consent are required to publish a notice in one or more newspapers circulating in the district where the foreshore to which the application relates is located. The notice must state the following:

- that the person has made the application and indicate the location and nature of the proposal;
- that an Environmental Impact Statement has been prepared in respect of the proposal;

- that the Minister is responsible for making a decision on the application and that the Minister may either grant, approve or consent to the application with or without covenants, conditions or agreements, where applicable, or refuse the application;
- that submissions, comments or questions in relation to the effects on the environment of the proposal may be made in writing to the Minister within 8 weeks from the publication of the notice, and
- the times at which and the place where, within 8 weeks from the publication of the notice, a copy of the application, the environmental impact statement and any other relevant report or information (including copies of any submissions, comments or questions received by the appropriate Minister) may be inspected.

The application documentation is made available for public viewing at the closest Garda station to the foreshore concerned which is open on a 24-hour basis, in the interest of the greatest possible access to the documentation. On a case-by-case basis, the documentation may also be made available at other public offices in the locality, such as libraries and local authority offices. The latter option is usually employed for applications likely to generate significant public demand for access to the documentation.

It is the policy of my Department to publish details of all applications requiring an Environmental Impact Assessment on its website. In the case of certain applications in respect of large infrastructure developments, the applicant may also be required to establish at his own cost a website dedicated solely to the purpose of publishing the necessary information. Under Section 19 of the Foreshore Acts 1933 to 2011, applicants who have submitted an application for foreshore consent which does not require the submission of an Environmental Impact Statement are also required to fulfil a range of the foregoing publication and consultation requirements, including publication in a local newspaper, and Garda Station though for a shorter period of 21 days.

Given the nature of the foreshore environment there are practical difficulties in placing a site notice in the vicinity of proposed foreshore related development. However, this matter will be given further consideration within my Department's proposals for legislative change to integrate the foreshore consent process within the wider planning system.

### EU Directives

370. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government the position regarding the EU directive on crematoria which includes measures on emissions from crematoria; if it has been transposed into law here; and if he will make a statement on the matter. [21347/11]

371. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government if it is intended to initiate comprehensive legislation on the planning and development and administration of crematoria, in view of the lack of such legislation and the requirements of EU legislation; and if he will make a statement on the matter. [21348/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 370 and 371 together.

There are no specific regulations governing crematoria in Ireland. My Department is not aware of any EU Directive on crematoria. However, the establishment and operation of a crematorium would be subject, where applicable, to the provisions of certain other legislation dealing with planning and development, environmental protection and air pollution. The requirements may include the need for planning permission, EPA licence or an air pollution licence.

*Question No. 372 answered with Question No. 369.*

### **Professional Regulation**

373. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government the position regarding the submission made to him in July 2010 from Engineers Ireland on the regulation of the engineering profession here; if this submission has been considered by him; and if he will make a statement on the matter. [21390/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My functional responsibilities in relation to the regulation of the Engineering Profession primarily arise under the Building Control Act 1990. A number of other Departments and Agencies also have functional responsibilities in relation to the matter and the Engineers Ireland submission referred to in the question has been brought to the attention of relevant public bodies as appropriate. While the submission favours the regulation of the Engineering Profession, it does not outline how this should be achieved in practice and my Department has invited Engineers Ireland to elaborate on this aspect of their submission.

### **Semi-State Bodies**

374. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22629/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

### **Courts Service**

375. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality his plans to reduce the current arrangements at a courthouse (details supplied) in County Limerick; and if he will make a statement on the matter. [20683/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Under the provisions of the Courts Service Act 1998, the management of courthouses is the responsibility of the Courts Service. My Department has no role or responsibility in the matter. The Courts Service has indicated that it keeps the issue of court venues under constant review to ensure venues meet necessary standards, in so far as is possible, and operate in a cost-effective manner. However, I am informed by the Courts Service that there are no plans to close the courthouse in Newcastle West or to reduce the number of District Court sittings which are held there.

### **Legal Profession Regulation**

376. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality his views on a ban on solicitors' acting on both sides of any transaction; and if he will make a statement on the matter. [20690/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Regulations made by the Law Society in 2010 prohibit a solicitor from acting for more than one party in commercial property transactions. The regulations, which came into effect on 1 December 2010, were made against a background of problems in this area. I have no function as Minister in the matter. However, the general question of regulation of the legal profession is being reviewed in the context of the development of my proposals for a Legal Services Bill. The proposals are being finalised at present.

377. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality his views on a ban on solicitors' giving undertakings to financial institutions in conveyancing transactions; and if he will make a statement on the matter. [20693/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Regulations made by the Law Society in 2010 which prohibit the giving of undertakings by solicitors on behalf of their clients to financial institutions in commercial property transactions followed on problems in this area. The regulations were also made following extensive consultations by the Society. The regulations came into effect on 1 December 2010. The regulations prohibit a solicitor from giving undertakings to financial institutions in commercial property transactions subject to two exclusions. Firstly, the prohibition will not operate where the liability of the solicitor to the financial institution arising from the undertaking is not more than €75,000 and secondly, the prohibition will not operate retrospectively. I assume the society will review operation of the new regulations on an ongoing basis. I have no function as Minister in the matter. However, the general question of regulation of the legal profession is being reviewed in the context of the development of my proposals for a Legal Services Bill. The proposals are being finalised at present.

378. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality his plans to address the problems arising out of self-regulation of the solicitor profession by the Law Society, which is simultaneously representing and regulating the profession; and if he will make a statement on the matter. [20697/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Question No. 274 of 7 June 2011, which sets out the current position in relation to the development of the Legal Services Bill. I have nothing further to add to the details of that reply other than to indicate that my proposals for the Bill are in the course of being finalised.

### **Citizenship Applications**

379. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied) in County Mayo; and when a decision will issue. [20715/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am pleased to inform the Deputy that my predecessor approved the application for a certificate of naturalisation from the person in question and a certificate of naturalisation issued to the person through his solicitor on 23 March 2011.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Vetting Service**

380. **Deputy Paul J. Connaughton** asked the Minister for Justice and Equality if an application for Garda vetting in respect of a person (details supplied) in County Galway will be expedited. [20717/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that a vetting application in respect of the person to whom the Deputy refers was received by the Garda Central Vetting Unit on 23 June 2011. The application will be processed

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by the vetting unit and a response will issue to the registered organisation involved in due course.

### **Criminal Prosecutions**

381. **Deputy Dara Murphy** asked the Minister for Justice and Equality the legal measures he will take in order to remove the protection afforded by the statute of limitations in civil cases regarding child abuse, where there has been either a guilty plea or a criminal conviction in a criminal court; and if he will make a statement on the matter. [20719/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy will be aware, there is no statute of limitations for the bringing of criminal proceedings on indictment and while the normal rule where civil claims are concerned is that claims must, depending on the type of claim, be brought within a certain period of time, there are important exceptions. Under the Statute of Limitations (Amendment) Act 2000, the period for bringing civil claims in respect of child sexual abuse is suspended for the duration of such period where the plaintiff is suffering any psychological injury caused by the defendant's acts. Moreover, where criminal proceedings have already taken place the rules of civil evidence are such that the evidence of those proceedings can be adduced in the civil proceedings.

The scope for going beyond what is already provided for in the Act of 2000 is limited and there are constraints. I do recognise the issue raised by the Deputy and assure him that my Department is actively reviewing the operation of the law in this area. The Law Reform Commission is expected to finalise its report on the Statute of Limitations in the near future and account will be taken of its recommendations in the context of any proposals for legislation that I may develop on periods of limitation.

### **Courts Service**

382. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he has received the Courts Service work and operational plan for 2011; his views on the effect of that plan on court services throughout the country; and if he will provide same in a tabular form on a county basis; and his plans to close any courthouse or court office during 2011 or 2012. [20762/11]

383. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he has received the Courts Service Croke Park agreement implementation plan; his views on the effect of that plan on court services throughout the country; if he will provide same in a tabular form on a county basis; and his plans to close any courthouse or court office during 2011 or 2012 under that plan. [20763/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 382 and 383 together.

Section 7 of the Courts Service Act 1998 requires the Courts Service to submit a strategic plan to my Department every three years. This plan sets out at a high level the strategic approach and aims of the Service and identifies the key challenges and areas of development. It also sets out the outputs and performance indicators required to ensure the implementation of the strategies outlined. The Courts Service is currently preparing its Strategic Plan for the period 2011-2014 which when approved by the Courts Service Board will be submitted to my Department.

There is, however, no requirement for the Courts Service to submit a work or operational plan. The Service operates independently under the provisions of the Courts Service Act 1998, which include, as the Deputy will be aware, the management and administration of the courts

and court buildings. Under section 6 of the Act, the Service may do anything necessary or expedient to enable it to perform its functions, including the designation of court venues.

The Courts Service in common with all other public sector organisations is required to achieve improved efficiencies under the Croke Park Agreement and my Department has received a copy of the Courts Service Implementation Plan. Venues in use for court sittings are kept under constant review to ensure that they meet the standards required insofar as this is possible and to ensure that value for money is achieved.

Over the past ten years the Courts Service has amalgamated 120 District Court venues while at the same time, the Service has benefited from a very substantial capital investment of €200 million to upgrade larger courthouses concentrating mainly on County towns. The policy has been very successful resulting in a more efficient use of time for the judiciary, court users and Gardaí. Rather than short sittings in the smaller venues, a full day's list can be dealt with and delays in the District Court have reduced as a result.

At its most recent meeting, the Courts Service Board decided that the court venues listed in table 1 below will be closed — the dates for the closures have yet to be decided.

Table 1

Court Venue	County	Venue to which business transferred
Castlecomer	Kilkenny	Kilkenny
Portarlinton	Laois	Portlaoise
Borrisokane	Tipperary	Nenagh
Roscrea	Tipperary	Nenagh

Table 2 below shows the court venues closed to date in 2011.

Court Venue	County	Venue to which business transferred	Date of Closure
Dunmanway	Cork	Clonakilty/Bandon/Bantry	1/1/2011
Schull	Cork	Bantry	1/1/2011
Dunshaughlin	Meath	Navan	1/1/2011
Rathkeale	Limerick	Newcastlewest	1/1/2011
Enniscorthy	Wexford	Gorey	1/5/2011

Table 3 shows the court offices to be closed in 2011 (the District Court will continue to sit in Killarney and Ballinasloe).

Office	County	Office to which business to be transferred	Date of Closure
Killarney	Kerry	Tralee	Sept. 2011
Ballinasloe	Galway	Loughrea	Oct/Nov. 2011

The Courts Service has indicated that it is likely some further closures will arise during 2011 and 2012 as a result of the ongoing review.

### Proposed Legislation

384. **Deputy Dara Calleary** asked the Minister for Justice and Equality the position regarding the review of upward-only rent reviews; his plans for dealing with this issue; the number of



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meetings he has had with the Attorney General in this regard; when he plans to bring proposals to Cabinet; and when he will make a public announcement on same. [20764/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** As the Deputy will be aware, the Programme for Government indicates that legislation will be introduced to end upward only rent reviews for existing leases. Following on from an initial consultation process with the Attorney General, I have recently forwarded outline proposals to her for further examination and development.

Those proposals have been the subject of preliminary discussion by Government, and will be considered further in the autumn when the work in relation to them should be at a more advanced stage.

### **Illicit Trade in Tobacco**

385. **Deputy Dara Calleary** asked the Minister for Justice and Equality his plans to treat the illicit tobacco trade as a serious crime in the forthcoming White Paper on crime. [20765/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The illicit tobacco trade has been examined and acknowledged as a serious crime in the course of the White Paper on Crime process.

As the Deputy will appreciate, however, there are of course already measures in place to combat this form of criminality and tackling the illicit trade in cigarettes and tobacco products continues to be a priority for the Government and law enforcement agencies.

In targeting those engaged in this form of criminality, An Garda Síochána and the Revenue Commissioners work in close co-operation.

The Revenue Commissioners, who have a primary role in the overall response to this illicit trade, carry out interception at the point of importation through a combination of risk analysis, profiling, intelligence, and the screening of cargo, vehicles, baggage and postal packages. In addition, Revenue enforcement officers at the post-importation stage carry out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises. Revenue also carries out regular multi-agency operations, particularly in relation to large maritime importations and in checks at inland markets. An Garda Síochána support the Revenue Commissioners in carrying out this work and regularly undertake searches as part of intelligence-led operations led by Revenue.

Furthermore, An Garda Síochána target those involved in the illicit trade in cigarettes and tobacco products through a focus on tackling serious and organised criminal activity. The Policing Plan 2011 sets out the commitment of An Garda Síochána to pro-actively target groups and individuals engaged in organised criminal activities. Gardaí target serious criminals and organised criminal groups on a number of fronts, including through the use of focused intelligence-led operations by specialist units. In addition, multi-disciplinary approaches are applied to ensure the activities of individuals and groups involved in criminal enterprise, including those involved in the importation, sale and distribution of illegal cigarettes, are effectively targeted, including through the use of the proceeds of crime legislation, money-laundering legislation and the powers of the Criminal Assets Bureau.

386. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality his plans to change the law on the length of time minor offences remain on a person's record. [20773/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am pleased to say that I intend to publish the Criminal Justice (Spent Convictions) Bill in the autumn. The Bill, which will build on the recommendations in the 2007 Law Reform Commission Report on Spent Convictions, will provide for the non-disclosure of certain convictions when a person is seeking employment, once certain conditions have been met. These conditions will relate mainly to the nature of the offence, the length of time since the person was convicted and the type of employment they are seeking. Certain convictions, including convictions for sexual offences will be excluded from the benefits of the Bill, while anyone wishing to work with children or vulnerable adults will have to disclose their previous convictions.

### **Citizenship Applications**

387. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if he will review the case of a person (details supplied). [20780/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that an application for further permission to remain in the State has been received from the legal representatives of the person referred to by the Deputy. I have noted the unfortunate circumstances of the person's situation and I will be making a decision in this case shortly. I will inform the Deputy of the outcome.

### **Proposed Legislation**

388. **Deputy Jerry Buttimer** asked the Minister for Justice and Equality the legal provisions for recognising the biological parents of a child born through surrogacy; and his views on legislating to provide for the automatic recognition by the State, without the necessity of an application to court, of biological parents of a child born through surrogacy. [20830/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The law on guardianship, custody of and access to children can be found in the Guardianship of Children Acts 1964 to 1997. The Programme for Government contains a commitment to reform and modernise aspects of family law. However, it is clear that certain areas relating to parenthood and guardianship rights, such as in the context of surrogacy, are complex. The issues are being examined with a view to addressing them by means of any necessary legislation.

### **Magdalene Laundries**

389. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he has received correspondence from the Justice for Magdalenes group on the inter-departmental committee's terms of reference, the powers of the independent chair, and the inclusion of acts of omission under the scope of inter-departmental committee's brief; if he has responded to those concerns; and if he will outline that response. [20831/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can confirm that I have received correspondence from the Justice for Magdalenes Group. I have noted their concerns which I might add, were discussed when I met this group on 4 July. I am confident that their concerns can be addressed through the inter-departmental committee's terms of reference which are to establish the facts of the State's involvement and clarify any State interaction with the Magdalen Laundries and with producing a narrative detailing such interaction. The working arrangements of the committee will be a matter for the chairperson, Senator McAleese who has been asked to submit an interim report within three months which will be then be brought to Government for information.

390. **Deputy Dara Calleary** asked the Minister for Justice and Equality when he will publish the terms of reference for the interdepartmental committee established to investigate the State's role in the Magdalene laundries. [20832/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can refer the Deputy to Parliamentary Question No. 326 which was for written answer on 12 July, 2011.

I can advise the Deputy that the inter-departmental committee is charged with establishing the facts of the State's involvement and clarifying any State interaction with the Magdalen Laundries and with producing a narrative detailing such interaction. The working arrangements of the committee will be a matter for the chairperson of the committee, Senator Martin McAleese.

### Telephone Hacking

391. **Deputy Dara Calleary** asked the Minister for Justice and Equality if, in view of revelations of phone tapping and computer hacking in the United Kingdom, he has discussed the possibility of similar such occurrences in this jurisdiction with the Garda Commissioner; if not, when he plans to do so; and if he has satisfied himself that the law in this jurisdiction is clear in this area. [20833/11]

394. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will give an assurance to the public that the practices that occurred in England regarding the hacking of phones is not happening here; if he will assure the public that the alert system for the emergency services and the Garda is free from any type of interference or hacking; and if he will make a statement on the matter. [20884/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 391 and 394 together.

The interception of telecommunications messages is prohibited by the Postal and Telecommunications Service Act 1983, as amended, and the Criminal Damage Act 1991 provides for the offence of unauthorised accessing of data.

I am informed by the Garda authorities that they are not aware of any reports of unauthorised access to voice-mails having been made in this jurisdiction.

Tetra, the digital radio service for An Garda Síochána, emergency services and some non-commercial public bodies, offers protection against eavesdropping and interception through advanced digital encryption mechanisms. Consequently the Garda authorities are confident that the radio traffic is secure, and unauthorised access is prevented.

The European Communities (Electronic Communications Network and Services) (Privacy of Electronic Communications) Regulations 2011, made by my colleague, the Minister for Communications, Energy and Natural Resources, on 1 July, impose obligations on a provider of a publicly available electronic communications network or service to take appropriate measures to safeguard the security of its service and to inform subscribers where there is a particular risk of a breach of security. Where there has been a personal data breach, the Regulations impose an obligation on the undertaking to inform the Data Protection Commissioner of the breach and where the breach is likely to adversely affect the personal data or privacy of a subscriber or individual, notify the subscriber or individual concerned of the breach.

### Visa Applications

392. **Deputy Kevin Humphreys** asked the Minister for Justice and Equality if he will recon-

sider the decision to refuse a visa application in respect of a person (details supplied); and if he will make a statement on the matter. [20841/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by officials in the Visa Office of the Irish Naturalisation and Immigration Service (INIS) that the application in question was in respect of a long-stay visa for an adult son. The visa was refused as it was deemed the applicant did not meet the criteria for such a visa. An appeal was received against this refusal and following full consideration the original decision was upheld. Each visa application is entitled to one appeal only. It is open to the applicant to submit a fresh visa application at any time, however, it should be noted that the onus rests with the applicant to satisfy the Visa Officer that a visa should be granted.

The applicant in this case may wish to apply for a short-stay visit visa to Ireland. It is open to him to make such an application, however, again, the onus will rest with the applicant to satisfy the Visa Officer that a visa should be granted.

Comprehensive information on the visa application process is available on the website of the Irish Naturalisation and Immigration Service at [www.inis.gov.ie](http://www.inis.gov.ie). Should the applicant have any queries regarding the application procedure, he may direct any such queries to the Embassy in his country of origin or to the [visamail@justice.ie](mailto:visamail@justice.ie) facility.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Property Repossessions

393. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality the number of repossession orders that were made for County Meath properties in the years 2007, 2008, 2009, 2010 and to date in 2011 in tabular form per property type; and if he will make a statement on the matter. [20846/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The management and administration of the courts including responsibility for maintaining court statistics is a matter for the Courts Service. I take it the Deputy is enquiring about possession suits which include all cases in which a plaintiff seeks possession of lands and/or premises. These can be granted by the Circuit Court sitting locally or the High Court which has full jurisdiction.

The Courts Service has furnished details of possession orders granted by Trim Circuit Court for the period from 2008 to the end of March 2011 as set out in the table below. The figures for 2007 are not available.

Year	Residential	Non-Residential	Total
2011 (1st Quarter)	Nil	Nil	Nil
2010	14	Nil	14
2009	17	Nil	17
2008	17	3	20

The Courts Service has further advised that the statistics maintained in relation to possession orders issued by the High Court are not maintained by reference to property type or by county

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and it would require a disproportionate amount of staff time which cannot be justified in current circumstances.

However, for the information of the Deputy, the table below sets out the High Court statistics for possession orders in respect of the entire country in the period from 2007 to the end of March 2011.

Year	No. of Orders
2011 (1st Quarter)	130
2010	326
2009	293
2008	238
2007	109

*Question No. 394 answered with Question No. 391.*

### **Criminal Prosecutions**

395. **Deputy Robert Dowds** asked the Minister for Justice and Equality if he has any indication from the Director of Public Prosecutions on how his investigations into our banking scandals are progressing, in view of the state of public frustration and anxiety about this matter; and if he will make a statement on the matter. [20888/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I attach the highest priority to the full investigation of white collar crime and bringing the perpetrators of such crime to justice. I have expressed, both before and since my appointment as Minister, my unhappiness with the protracted nature of the investigations. In so doing, I am not criticising those carrying out the investigations. It is clear that the complexities of the matters being investigated create tough challenges for investigators and prosecutors.

There is ongoing co-operation between An Garda Síochána and the Office of the Director of Corporate Enforcement (ODCE) in the investigation of such crime. Immediately after I took up office, I sought and was given assurances that there are sufficient resources available to such investigations. I have made it clear to those involved that if, at any stage, they believe that additional resources are required that will be responded to immediately.

It was in the light of my concerns that, on taking office, I gave priority to the introduction of the Criminal Justice Bill 2011, which recently passed all Stages in the House. It is my intention that the Bill's provisions will speed up investigations and prosecutions in this area, both future investigations and those currently underway, by improving a number of important procedural matters and strengthening Garda investigative powers.

The Director of Public Prosecutions is, of course, independent in the performance of his duties. It would therefore be inappropriate for me to enquire as to the status of his consideration of investigation files submitted to him for decision. I note however that he has welcomed my decision to introduce the Criminal Justice Bill. In his view, until now it has been a surprising omission in Irish law that potential witnesses cannot be compelled to cooperate with an investigation, even where they themselves are not suspected of or accused of any wrongdoing. In this regard, it is his view that the power of an Irish criminal investigator is considerably weaker than that of a tribunal of enquiry and that the new legislation would address this gap.

### Asylum Support Services

396. **Deputy Sean Fleming** asked the Minister for Justice and Equality if he will outline details on a contract (details supplied) in County Laois; if there are plans to renew or not to renew this contract; and if he will make a statement on the matter. [20976/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Reception & Integration Agency (RIA) of my Department is responsible for the accommodation of asylum seekers while their protection applications are being processed.

By way of background to this question, as of today RIA has 45 asylum seeker accommodation centres across 18 counties accommodating just over 5,700 residents. The system is a constantly evolving one, taking account of the ebb and flow of residents and of the financial resources available to RIA. The numbers needing to be accommodated by RIA have declined by 7% in the past year and this trend is continuing downwards. The 2011 estimates provision for RIA is €67.5 million, down €10 million (13%) from last year. Added to this is the requirement by RIA — as recommended in last year's Value for Money (VFM) Report — to maintain an overall operational 'spare capacity' of less than 10%. Accordingly, because of a decline in demand, the number of asylum accommodation centres is necessarily falling. Five centres closed in 2008, six in 2009, eight in 2010 and more have closed and will close in 2011.

The centre referred to in this question is operated by a commercial firm with whom RIA has a contract to provide accommodation services for 200 persons. Its current contract ends on 10 October, 2011. The number of asylum seekers requiring accommodation now and the likely number in the future is under constant review and it is not possible at this stage to predict what particular accommodation facilities will be required in the short or medium term future.

### Citizenship Applications

397. **Deputy Dara Calleary** asked the Minister for Justice and Equality when an application for naturalisation will be processed in respect of a person (details supplied) in County Donegal. [21019/11]

**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 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 should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by e-mail using the Oireachtas Mail facility

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which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Operations**

398. **Deputy Dara Calleary** asked the Minister for Justice and Equality the overall cost as of 12 July 2011 for the Garda involvement in the visit of Queen Elizabeth II and President Obama; if he will provide a breakdown of the costs between the two visits; the number of gardaí involved in each of the visits; if he will provide a breakdown of the expenditure headings on the overall cost; and if he will make a statement on the matter. [21020/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The visits of Queen Elizabeth and President Obama required unprecedented security arrangements to be put in place by the Garda Síochána to ensure the safety of our visitors and the maintenance of public order. All Garda leave and rest days were cancelled for this period and members on duty were required to work longer than normal shifts. Movements of several thousand Garda members over a number of days had to be arranged, involving the hiring of transport and the provision of accommodation. A range of security-related equipment also had to be purchased or hired.

I am informed by the Garda authorities that the following table outlines the Garda costs of the State visits by expenditure category to date:

Item Description	President Obama Official Visit	Queen Elizabeth II Official Visit	Grand Total
Payroll Costs (including overtime)	€9,874,905	€18,551,521	€28,426,426
Travel & Subsistence	€950,950	€2,017,319	€2,968,269
Other Costs	€818,964	€3,671,177	€4,490,141
Grand Total	€11,644,819	€24,240,017	€35,884,836

### **Proposed Legislation**

399. **Deputy Joanna Tuffy** asked the Minister for Justice and Equality when he plans to bring in legislation to enable persons with maintenance orders from family law courts in their favour to have those maintenance orders enforced; and if he will make a statement on the matter. [21105/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Last month, due to difficulties experienced in some cases, I published proposals to clarify the method of enforcement of maintenance orders. These proposals are contained in the Civil Law (Miscellaneous Provisions) Bill 2011 which is currently before the House.

### **Witness Protection Programme**

400. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality his views on introducing a witness protection programme Bill or any other legislation to establish the Garda witness programme on a statutory basis; and if he will make a statement on the matter. [21179/11]

401. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of cases that have been dealt with under the Garda witness protection programme each year since it was established; and if he will make a statement on the matter. [21180/11]

402. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the amount allocated and the amount spent each year on the Garda witness protection programme since it was established; and if he will make a statement on the matter. [21181/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 400 to 402, inclusive, together.

As the Deputy will be aware, the Agreed Programme for Government includes a commitment to provide statutory guidelines for the Garda Síochána's Witness Security Programme and measures to give effect to this commitment are being considered at present. I will bring forward proposals on the matter in due course.

The Garda Síochána operates a Witness Security Programme to respond to attempts by criminal and other groups to prevent the normal functioning of the criminal justice system, including threats of violence and systematic intimidation of witnesses. By virtue of the highly confidential nature of the Programme and the need to maintain the protection of persons in that Programme, it is not the policy nor would it be appropriate to detail the specifics of its operation. I can say, however, that it is being operated in a significant number of cases and it has proven its worth over the years in helping to secure the conviction of very serious organised crime leaders.

The operation of the Programme is supported by a number of complementary legislative provisions. Section 40 of the Criminal Justice Act 1999 makes it an offence for any person, without lawful authority, to try to identify the whereabouts or any new identity of a witness who has been relocated under the Programme. The offence is punishable on indictment by a fine or a term of imprisonment of up to five years. In addition, the intimidation of witnesses is an offence pursuant to Section 41 of the Act. Section 41 specifies the offence as harming, threatening or menacing or in any other way intimidating or putting in fear another person who is assisting in the investigation of an offence by the Garda Síochána, with the intention of causing the investigation or course of justice to be obstructed, perverted or interfered with. The offence is punishable on indictment by a fine or a term of imprisonment of up to 15 years.

The budget allocations and outturns for the Programme since its establishment are set out in the following table.

Year	Estimate Provision	Outturn
1998	€0.317 Million	€0.076 Million
1999	€0.317 Million	€0.152 Million
2000	€0.825 Million	€0.152 Million
2001	€0.593 Million	€0.559 Million
2002	€1.192 Million	€1.092 Million
2003	€1.141 Million	€0.941 Million
2004	€1.097 Million	€1.097 Million
2005	€1.132 Million	€0.600 Million
2006	€1.147 Million	€0.610 Million
2007	€1.174 Million	€0.461 Million
2008	€0.900 Million	€1.160 Million
2009	€0.498 Million	€0.780 Million



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Year	Estimate Provision	Outturn
2010	€1.198 Million	€0.700 Million Provisional outturn*
2011	€1.198 Million	

\* The final outturn for 2010 will only be available when the Comptroller and Auditor General has finalised the 2010 Appropriation Accounts.

### Citizenship Applications

403. **Deputy Olivia Mitchell** asked the Minister for Justice and Equality if a reduced payment or an instalment regime of payment will be considered for those filing for naturalisation when the €950 fee would cause hardship; and if he will make a statement on the matter. [21204/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Irish Nationality and Citizenship (Fees) Regulations 2008, which came into effect on 1 August 2008, sets the prescribed fee to be paid by the applicant on the issue of a certificate of naturalisation. The standard fee is €950 with certain exceptions where a fee of €200 applies such as in the case of an application made on behalf of a minor or where the application is made by a widow or widower whose spouse was, immediately before death, an Irish citizen, and who has not, subsequent to the spouse's death, become a naturalised citizen of a state other than the State. In respect of applications made by or on behalf of a refugee or stateless person or by or on behalf of a programme refugee the certification fee is waived.

I might point out to the Deputy that the current certification fees do not recoup the full cost of processing. In view of the current economic circumstances, there are no plans to introduce an instalment regime for naturalisation certification fees.

### Criminal Injuries Compensation Tribunal

404. **Deputy Joe McHugh** asked the Minister for Justice and Equality the position regarding the envisaged completion date for the criminal injuries compensation tribunal (details supplied); and if he will make a statement on the matter. [21211/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that under the terms of the Scheme of Compensation for Personal Injuries Criminally Inflicted, the Criminal Injuries Compensation Tribunal is entirely independent in the matter of individual applications under the Scheme. In this regard, I am sure the Deputy will appreciate that it would be inappropriate for me as Minister for Justice and Equality to have any involvement with the application.

However, in order to be of assistance in the matter I have had enquiries made with the Tribunal on the Deputy's behalf. I understand from the Tribunal that the file papers have been returned to the Tribunal member who is considering the application. The decision will be notified to the Applicant as soon as it comes to hand.

### Gaming Regulation

405. **Deputy John Lyons** asked the Minister for Justice and Equality, further to Parliamentary Question No. 120 of 21 April 2011, if his attention has been drawn to the recent withdrawal of a gaming operating licence in Alderney for a company (details supplied), a subsidiary of which employs 700 people here; if he has had any contact with his counterpart with responsibility for that jurisdiction in respect of this action; and if he will make a statement on the matter. [21219/11]

406. **Deputy John Lyons** asked the Minister for Justice and Equality if, in view of the numbers employed in support services for on-line gaming companies in Ireland, many of which have their gaming licences in other jurisdictions, he has any advanced proposals for a revised regulatory architecture for such gaming operations here; and if he will make a statement on the matter. [21220/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 405 and 406 together.

I am aware that the authorities in Alderney issued a Suspension Notice to the company in question on 29 June requiring it to suspend all operations with immediate effect. The company provides on-line gambling services and it holds a licence from the Alderney Gambling Control Commission (AGCC) in respect of those services. According to the AGCC, the licence was suspended following an indictment by the United States government and the company's "subsequent failure to satisfy AGCC that its activities inside and outside the US were in order".

As the Deputy points out, a company with, I understand, close links to the company whose licence has been suspended by the AGCC has a substantial operation here which provides back-up support for on-line gambling. I would point out, however, that the position here is very different to the position under Alderney law. As I said in my reply of 21 April to the Deputy's previous Question on this matter, unlike Alderney, Irish law currently makes no provision for licensing on-line gambling. As a result, those companies that provide or support their on-line services from facilities based here do not require a licence under our betting or gaming laws.

My Department has contact from time to time with the AGCC but not in relation to this case. I know the AGCC is actively following a formal process with the company and I feel it would be inappropriate for me to make enquiries while that process is still underway.

I agree that this case once again demonstrates the need to update our laws on gambling, be it in the form of betting or gaming. I am pleased to be able to tell the Deputy that I am at an advanced stage in preparing a comprehensive package of proposals that will address, *inter alia*, on-line gambling. The promotion of the employment potential in this sector will be a major consideration when drawing up a new framework but the Deputy will agree that the first priority must be public safety and the maintenance of clear, transparent controls. I believe we can have a system that accommodates all of those considerations.

### Departmental Bodies

407. **Deputy Eric Byrne** asked the Minister for Justice and Equality if the Office for the Promotion of Migrant Integration will be funding the Show Racism the Red Card creative competition for 2011 to 2012; and if this matter will be dealt with. [21230/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** An application for funding in respect of this measure was received yesterday. It will be assessed in the light of all relevant considerations and the outcome notified to the organisation concerned.

### Garda Operations

408. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if the final cost of the visits of Queen Elizabeth II and President Obama of €36 million have a major impact on the budget for the Garda in crime investigation action and in front-line policing; and if he will make a statement on the matter. [21252/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** While the costs associated with the visits of Queen Elizabeth II and President Obama were significant, I am satisfied that the policing and security measures put in place by the Garda Síochána were appropriate. These costs are being managed to ensure that overall Garda services are maintained and they will be settled through ongoing discussions between myself and the Minister for Public Expenditure and Reform.

### **Legal Aid Service**

409. **Deputy James Bannon** asked the Minister for Justice and Equality the recourse that a person (details supplied) in County Longford has in respect of legal aid to seek a decree of judicial separation; and if he will make a statement on the matter. [21279/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that, as the solicitor/client relationship is protected by privilege in accordance with the terms of section 32 of the Civil Legal Aid Act 1995, the Legal Aid Board does not provide information to third parties regarding a person who may or may not be a client of the Board. The Deputy may also wish to note that any person may make an application for legal aid to the Legal Aid Board. In line with the Board's governing legislation, the Civil Legal Aid Act 1995 and accompanying Regulations, all such applications are subject to a means test and a merits test. While usage of the Circuit Court Private Practitioner Scheme has been scaled back considerably by the Board in recent years due to budgetary considerations, this has no bearing on whether or not an individual will qualify for legal aid.

### **Registration of Title**

410. **Deputy James Bannon** asked the Minister for Justice and Equality if he will provide a person (details supplied) in County Longford with a map of Abbeyderg Bog, Keenagh, County Longford, outlining the names and folios of owners; and if he will make a statement on the matter. [21281/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am assuming that the Deputy is referring to a land registration map. I am asking the Property Registration Authority to make direct contact with him setting out the method through which his constituent can obtain the information sought.

### **Courts Service**

411. **Deputy Joe Costello** asked the Minister for Justice and Equality the number of cases heard in the Circuit Court in each of the past five years; the number of cases heard in the High Court in each of the past five years; if there is a waiting list in either court; and if he will make a statement on the matter. [21312/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will appreciate that an enormous number of cases and types of applications come before the Circuit and High Court jurisdictions each year. Waiting times can vary depending on the type of case before the court and/or the Circuit involved.

Under the provisions of the Courts Service Act 1998, the management and administration of the courts is a matter for the Courts Service. The allocation of the business of the courts, scheduling of court cases and the management of court lists are matters for the judiciary and the Presidents of the courts. I am informed that the judiciary monitor waiting times and backlogs of court cases on an ongoing basis to ensure that delays are kept to a minimum. Measures intro-

duced by the President of the High Court have resulted in marked improvements with many cases now receiving trial dates within a single legal term. Additional judges are frequently assigned, where necessary, by the President of the Circuit Court and the President of the District Court to assist with the disposal of cases where backlogs have arisen. The Courts Service works with the judiciary to ensure that all cases are dealt with and disposed of as speedily as possible.

Notwithstanding this I intend to take action, within my area of responsibility as Minister, to seek to address particular problems as they arise. For example, following a judgment last year of the European Court of Human Rights I recently established an Expert Group under the chair of Mr Paul McDermott SC to consider, *inter alia*, how delays might be alleviated.

Detailed statistical information is published each year in the Annual Reports of the Courts Service regarding major areas of work of the courts and statistics are presented by reference to specific categories of law: criminal, civil (including family law) and licensing. Information relating to average waiting times in respect of each court jurisdiction and case type is also provided. The Annual Report for each year is available on the Courts Service website [www.courts.ie](http://www.courts.ie).

### **Garda Stations**

412. **Deputy Seán Kenny** asked the Minister for Justice and Equality when work will commence on the refurbishment of the custody area in a Garda station (details supplied), in view of the fact that the station was approved with planning permission for these works a number of weeks ago. [21359/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The programme of replacement and refurbishment of Garda accommodation around the country is based on agreed priorities established by An Garda Síochána and it is progressed in close co-operation with the Office of Public Works (OPW), who have responsibility for the provision and maintenance of Garda accommodation. I have been informed by the Garda authorities that a request for tender for the proposed works has been issued by the OPW and it is expected that the relevant contract will be placed later this year.

### **Garda Deployment**

413. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of stables currently in use by the Garda Mounted Unit; and the number of trainers, vets and so on currently working in the Mounted Unit. [21360/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am currently awaiting information from the Garda authorities in relation to the matters raised by the Deputy and I will revert to him as soon as the relevant material has been provided.

414. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of Garda kennels that are currently being used in the Garda Dog Unit; and the number of vets, trainers and so on currently working in the Dog Unit. [21361/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am currently awaiting information from the Garda authorities in relation to the matters raised by the Deputy and I will revert to him as soon as the relevant material has been provided.

### Semi-State Bodies

415. **Deputy Pearse Doherty** asked the Minister for Justice and Equality the savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22632/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have to inform the Deputy that there would be no savings in respect of the Justice, Garda, Prisons, Courts and Property Registration Votes, as there are no semi-state bodies paid from these Votes.

416. **Deputy Pearse Doherty** asked the Minister for Defence the savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22635/11]

**Minister for Defence (Deputy Alan Shatter):** There are no commercial semi State bodies under the aegis of my Department. The Civil Defence Board, Army Pensions Board and Board of Coiste an Asgard come under the aegis of the Department. None of the staff employed are on salary scales which exceed €100,000, and therefore the question of a maximum salary cap of €100,000 does not arise.

### Departmental Schemes

417. **Deputy Joe Costello** asked the Minister for Agriculture, Fisheries and Food the reason the food distributed here in 2010 under the most deprived persons scheme was full-saturated-fat cheese; his proposals for the scheme in 2011; and if he will make a statement on the matter. [21316/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Under the EU regulation governing the most deprived scheme products supplied under the scheme have to be from the same food grouping as those products that are stored in Intervention. Ireland had butter and skimmed milk powder in intervention storage in 2010 and so product supplied under the scheme would have to be from the dairy grouping. One company responded to the EU tender for the supply of products in the dairy range in 2010 with a proposal for cheddar cheese, which was then supplied in 1 kg packets. Cheese is a high source of protein, calcium, phosphorous, vitamins A and B12 and also provides zinc, iodine, vitamin B2 and folate.

The tender for 2011 was issued in December 2010, subject to EU arrangements and cheddar cheese is again being supplied to charities. In regard to 2012, I am open to any alternative suggestions within EU rules to encourage more varied proposals.

### Forestry Sector

418. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food if tree-felling licences will be put on public display through the local authority, public libraries and online in view of the fact that at the moment they are only on public display in local Garda stations for 21 days; and if he will make a statement on the matter. [21343/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The legal requirements for notification and consultation for felling licences are governed by the Forestry Act 1946 and related Regulations. Under Section 37 of the Forestry Act 1946, a notice of intention to uproot or cut down a tree must be given to the Sergeant-in-Charge of the Garda Síochána Station nearest to the tree to be felled. The felling notice, otherwise known as a Limited Felling Licence application, must be lodged with the Gardaí not less than 21 days and not more than 2 years before the commencement of the uprooting and cutting down of the trees.

Following consultations with appropriate environmental bodies such as National Parks and Wildlife Service, Inland Fisheries Boards, and local authorities, together with inspection and approval by the Forest Inspectorate, a felling licence may then be granted for the site. Placing felling notices online or on display in a public library or local authority as suggested would have no legal standing and therefore it is not advisable to do so.

### Grant Payments

419. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food the position regarding a REP scheme application in respect of a person (details supplied) in County Kerry; if an explanation will be provided for the time delays in dealing with this case; if a thorough review of this file will be carried out in order to establish the facts of this case; and if he will make a statement on the matter. [20709/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named above commenced REPS 4 in August 2008. Payment totalling €4,837.28 has issued to the person named in respect of Year 1. Due to an area discrepancy between the land claimed by the person named in the Single Payment Scheme application and the REPS 4 agri-environmental plan, the file has been referred to the Regional Inspector for further investigation. My Department will complete the examination as quickly as possible and will be in contact with the person named as soon as this investigation is completed.

### Departmental Bodies

420. **Deputy Paudie Coffey** asked the Minister for Agriculture, Fisheries and Food the levels of office rental paid by the agencies (details supplied) and their sub-agencies; the location of the offices; their landlords for the years 2008, 2009, 2010 and to date in 2011; the length of the lease in each case; and if he will make a statement on the matter. [20714/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Bord na gCon is a commercial state body established under the Greyhound Industry Act, 1958. Horse Racing Ireland is a commercial state body established under the Horse and Greyhound Racing Act 2001. Decisions relating to property rental are operational matters for commercial state bodies falling within the remit of the relevant organisation. My Department does not record such information nor is it required to do so.

### Harbour Development

421. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Fisheries and Food when the fishery harbour and coastal development programme for 2011 will be approved; and if he will make a statement on the matter. [20733/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Projects to the value of €10.178 million have been approved by me under the Fishery Harbour and Coastal Infrastructure Development Programme. The projects approved are in respect of works at the six Fishery Harbour Centres, located at Howth, Killybegs, Ros an Mhíl, Dingle, Castletownbere and Dunmore East as well as several Local Authority owned piers and harbours.

### Alternative Energy Projects

422. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food if he will review the rules for the bioenergy grant scheme to allow those farms where there is a certified growth failure to exit the scheme before the six year deadline. [20766/11]

423. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the success rates for the growth of miscanthus based on those participating in the bioenergy grant scheme on an annual basis since its inception. [20767/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** I propose to take Questions Nos. 422 and 423 together.

Under the Terms and Conditions of the Bioenergy Scheme, a grant is paid towards the cost of establishing the bioenergy crop. The same rate of aid is provided for willow and miscanthus. Applicants must give an undertaking that they will adequately maintain and manage the crop (as a biomass crop grown for bioenergy) for a minimum of 7 years. Details of annual growth rates achieved by those farmers who were grant-aided are not monitored by the Department. The Bioenergy Scheme was designed to encourage the planting and establishment of crops and payment of the grant was not dependent on the achievement of minimum yields.

I am aware that some farmers who received grant aid under the 2007-2009 Bioenergy Scheme for the planting of miscanthus, have reported difficulties with yields and consequential low returns. My Department is now investigating these reports and also considering the experience of other farmers under the scheme.

### Harbour Services

424. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Kerry is being charged berthage fees in respect of a licensed vessel while it awaits code of practice clearance; if these charges will be waived in view of the circumstances; and if he will make a statement on the matter. [20792/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Charges for use of facilities and services at the six Fishery Harbour Centres are levied in accordance with the Fishery Harbour Centres (Rates & Charges) Order 2003 (S.I. No. 439 of 2003). Charge Number 7, Schedule 1 of the order details the charges to be imposed in respect of the use of a Fishery Harbour Centre by vessels not registered or not licensed.

The vessel referred to by the Deputy has been unlicensed since 1 October 2010 and the appropriate charges as set in the Fishery Harbour Centres (Rates & Charges) Order 2003 have been applied. The relevant Statutory Instrument contains no provision for the waiving of these charges.

### Grant Payments

425. **Deputy Michael Moynihan** asked the Minister for Agriculture, Fisheries and Food the position regarding the outstanding REP scheme 4 payment due in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [20862/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named commenced REPS 4 in June 2009 and full payment representing year 1 issued in respect of the first seven months. Full year payment in respect of year 2 totalling €8,181.80 issued in May 2011. I expect payments in respect of 2011 to commence later this year.

426. **Deputy Clare Daly** asked the Minister for Agriculture, Fisheries and Food if he will explain the difficulties which have given rise to late payments in the agri-environment options scheme in 2011; and when he expects payments to be awarded to the AEOS1 applicants. [20863/11]

**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.

### Departmental Bodies

427. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food the position regarding efforts to transfer Dingle Ice Plant, County Kerry to a alternative operator; and if he will make a statement on the matter. [20954/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** BIM is an independent statutory body and hence policy in relation to the operation and management of the Dingle Ice Plant is a matter for the Agency. I have, however, been advised by BIM that it intends to put the Dingle ice plant out to the public tender.

Amid concerns expressed regarding possible disruption to the availability of this valuable resource I made representation to the BIM Board to explore options for the continuation of BIM involvement in the production of ice in Dingle on a short term interim basis subject to BIM delivering on its Employment Control Framework targets end ensuring that there is no increase in BIM staff numbers at year end. While the Plant is important to all fishing out of Dingle as it provides ice for the boats that use the pier while also attracting a number of foreign vessels, the volume of ice being sold from the plant has decreased significantly.

Following deliberation between BIM, the Department of Finance and my Department it has been agreed to extend the contracts of the 2 Dingle Ice plant operators for a further 2 months from the original 30th of June cessation date.

Through a tendering process the Dingle Ice Plant will be made available to the local community and it is hoped that there will be minimal disruption to the industry in the greater Dingle area and that an appropriate tendering process will secure the long term future of this important resource. This will contribute to the continued growth and development of the Dingle Fishery Harbour facility for use by both the national fleet and international vessels.

### Fishing Industry Development

428. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food if he is satisfied with recent attempts to forge a strategic partnership with French fishing vessels; if he envisages further progress on this initiative in the near future; if the fleets of other countries will be considered for this initiative; and if he will make a statement on the matter. [20992/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** On 4 July I had the pleasure of welcoming to Ireland key representatives from six of the most influential French fishing organisations, representing over 850 vessels. Their visit was part of a BIM led initiative aimed at agreeing strategic partnerships between Irish and French seafood interests, with a view to increasing the level of French Landings into Irish ports.

Currently, total fishing opportunities in the waters around Ireland are valued at €1.2 billion. The Irish fleets' share of this is 18% in volume terms, worth some €200 million. French vessels catch a sizeable share of the fishing opportunities in Ireland's Exclusive Fisheries Zone and if



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they could be persuaded to land more into Ireland there would be a positive knock on effect for our processors and their job creation potential.

The intensive day of meetings between the French delegation and Ireland's main seafood processing plants, facilitated by BIM, was a first step in an innovative and strategic process to increase port activity and market share for our processors. The specific aim of the exploratory talks was to identify opportunities for Irish and French companies to work together to improve quality, reduce costs and ensure sustained supply to an even larger customer base. With the product being landed and processed in Ireland it would reach mainland Europe more quickly and in a format demanded by the consumer and multiples alike. The increased efficiencies in this route to market would form mutual competitive advantages.

The Food Harvest 2020 strategy highlights that shared resources through strategic initiatives, including other Member States, will be central to economic development and this initiative is a prime example of how this might work. I have asked BIM to report back to me in 3 months with a progress report on the development of these partnerships. I will consider the progress report from BIM in the Autumn, and if the pilot project proves successful I will examine with BIM its extension to cover the possibility of developing strategic alliances with fleet owners in other countries.

### **Food Industry**

429. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food his views on the provision of incentives to encourage the production of honey in view of the lucrative market for this project; and if he will make a statement on the matter. [21001/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The State provides incentives and support for the beekeeping sector through a number of different means. The National Apiculture Programme is a 3-year research programme, running to August 2013, with a budget of €300,000. This is 50:50 co-funded by the Department of Agriculture, Fisheries and Food and the EU. This research is being carried out by the University of Limerick in conjunction with Teagasc and is largely focused on the *varroa* mite which is the most significant pest affecting honeybees in Ireland.

The National Apiculture Programme directly benefits all Irish beekeepers as it facilitates research under Irish weather conditions using Irish bees (*Apis Melifera Melifera*). In addition there is a very strong focus on dissemination of the programme's findings to beekeepers in an effort to improve bee health. Teagasc continues to provide support for beekeepers through their bee disease diagnostic / advisory service.

My Department also provides funding to the beekeeping sector under the Scheme of Investment Aid for the Development of the Commercial Horticulture Sector. This is a competitive grant aid scheme that provides grant aid (up to 50% of approved costs) for approved capital investments in the commercial horticulture sector; this includes investments associated with bee breeding facilities and honey production. My Department provides an annual grant to the Federation of Irish Beekeepers' Association to assist their work in promoting the development of the beekeeping sector and also provides support for the sector through the Scheme for the Conservation of Genetic Resources.

My Department estimates the value and production of honey during the last 3 years as follows:

Year	Volume (tonnes)	Value
2008	180	€0.99m
2009	140	€1.36m
2010	250	€2.75m

Weather conditions have a major impact on the bees' foraging activity and, as a consequence, on honey production. The poor summer weather in 2008 and 2009 meant these years were particularly difficult for beekeeping.

### Coastal Protection

430. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food if he will liaise with Kerry County Council with a view to settling the issue of outstanding moneys due to Kerry County Council in respect of coastal protection works and harbour development works carried out by Kerry County Council; and if he will make a statement on the matter. [21005/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** As stated in my response to your previous PQ, No. 310 of 12 April 2011, the Coastal Protection and Management functions previously held by my Department were transferred to the Office of Public Works with effect from January 2009 and any enquiries in relation to monies owed to Kerry County Council in respect of Coastal Protection works should be directed to that office.

Knightstown Pier is owned by Kerry County Council and responsibility for the maintenance and development of the pier rests with that local authority in the first instance. My Department has in previous years co-funded works at Knightstown Pier under the Fishery Harbours and Coastal Infrastructure Development Programme. Funding under this programme is allocated on an annual basis and is subject to various qualifying criteria. All qualifying claims submitted by Kerry County Council have been processed and I can confirm that there are no monies outstanding to Kerry County Council for this project.

### Departmental Properties

431. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food if he will list details of all organisations with access to footage from the CCTV or surveillance cameras in operation at a location (details supplied) in County Donegal. [21023/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The CCTV system in place at Killybegs Fishery Harbour Centre has been provided for the use of my Department's staff and the Sea Fisheries Protection Authority. From time to time requests for access to CCTV images are received from Third Parties such as An Garda Síochána. Access to and Disclosure of Images is granted where appropriate.

### Fisheries Protection

432. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 346 of 5 April 2011, his further views on a matter (details supplied); and if he will make a statement on the matter. [21025/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** It is apparent that the present prohibition on landing crawfish below 110mm in length is presenting difficulties for Irish inshore fishermen, as European markets appear to indicate a preference for smaller craw-

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fish. In that context, I have asked BIM in conjunction with the Marine Institute, and in consultation with crawfish fishermen and their representatives to conduct a review of the present conservation measures for crawfish and to bring forward recommendations as soon as possible.

I want to see if we can find a management strategy for this species that will allow Irish inshore fishermen to compete in international markets, while stabilising the stock and ensuring its long term sustainability and bringing to an end undesirable by-catch". The review will focus on:—

- the state of the crawfish stock;
- undesirable by-catch of non-target and possibly protected species from the use of nets by some fishermen in fishing for crawfish;
- the apparent market preference for smaller crawfish; and
- the range of technical conservation measures for crawfish used internationally;

BIM are to make recommendations on the most appropriate strategy and/or Technical Conservation Measures to address the issues specified above and to ensure that its proposals will provide at least the equivalent or a higher level of protection to the reproductive potential of the stock, as provided by the present measures, and that a high level of compliance can be assured within available resources.

I will consider BIM's report and recommendations before deciding on changes, if any, to the current measures and any new measures for this fishery.

### **Grant Payments**

433. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when payment will issue in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [21096/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named registered ten beef breed animals under the 2010 Suckler Welfare Scheme. To date, payment has issued in respect of five of these animals. The validation process carried out by my Department identified errors in respect of the remaining five animals. My Department has written to the applicant on 15 July seeking clarification on these errors. On receipt of a response from the applicant, the application will be subjected to further processing with a view to issuing payment on the remaining animals that are eligible for payment.

434. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 450 of 17 May 2011, when payment will be awarded in respect to a person (details supplied) in County Clare; and if he will make a statement on the matter. [21173/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** An application for payment in respect of the person concerned was received in my Department on 23 May 2011. This application is currently being processed.

Department of Finance Circular 44 of 2006 requires that applicants for all grants and similar type payments from State and public sector bodies produce a tax clearance certificate where the payments total more than €10,000 in a 12 month period. The total amount payable to the person concerned by the Department within this period exceeds €10,000 and payment cannot be made until such time as he submits a current tax clearance certificate. Payment will issue to the applicant upon receipt of same.

### Commonage Division

435. **Deputy Noel Coonan** asked the Minister for Agriculture, Fisheries and Food if he will confirm that commonage lands (details supplied) were inspected by offices of his Department in 2010; the number of days same staff members spent doing these inspections; the person who directed staff from his Department to carry out these inspections; and if he will make a statement on the matter. [21202/11]

436. **Deputy Noel Coonan** asked the Minister for Agriculture, Fisheries and Food if he will confirm the results of a commonage inspection (details supplied) carried out by Department officials and other reports were sought under a freedom of information request; the reason the reports prepared by the officers were not released under the initial freedom of information request; the person who instructed they not be released; the reason and the disciplinary action he will take; and if he will make a statement on the matter. [21203/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** I propose to take Questions Nos. 435 and 436 together.

The matter referred to is under active investigation by my Department and therefore I am not in a position to provide the information requested at this juncture. I will arrange for a reply to issue to the Deputy as soon as the investigation is completed which I expect will be in September.

### Horse Racing Ireland

437. **Deputy Peter Mathews** asked the Minister for Agriculture, Fisheries and Food the names of each of the board members of Horse Racing Ireland; the date they were appointed; the date their appointment is up for review; and if he will make a statement on the matter. [21207/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The Membership of the Board of Horse Racing Ireland is set out in the following table:

Membership of the Board of Horse Racing Ireland

Name	Date of current appointment	Term of Office ends
Mr Denis Brosnan(Chairman)	18 December 2006	17 December 2011
Mr Michael Hickey	11 January 2011	10 January 2015
Mr John Moloney	11 January 2011	10 January 2015
Mr Jim Nicholson	11 January 2011	10 January 2015
Mr John McStay	6 February 2008	5 February 2012
Mr Noel Meade	6 February 2008	5 February 2012
Ms Mary O'Connor	6 February 2008	5 February 2012
Mr Bernard Caldwell	18 February 2009	17 February 2013
Mr William Flood	18 February 2009	17 February 2013
Mr John Power	18 February 2009	17 February 2013
Mr Joe Hernon	18 December 2009	17 December 2013
Mr. Francis Hyland	18 December 2009	17 December 2013
Mr. Roddy Ryan	18 December 2009	17 December 2013
Mr Noel Cloake	10 February 2010	February 2014

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I appoint the Chairman and the ordinary members of the Board of Horse Racing Ireland in accordance with the provisions set down in the Horse Racing (Membership) Act 2001 whereby specified bodies are required to make nominations for the appointment of ordinary members. The term of office of the Chairman of HRI is 5 years; the term of office of an ordinary member of the Board is 4 years. A member of the Board of HRI cannot serve for more than two consecutive terms.

438. **Deputy Peter Mathews** asked the Minister for Agriculture, Fisheries and Food his plans to undertake a value for money audit on Horse Racing Ireland's expenditure; and if he will make a statement on the matter. [21208/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Following the publication of the four-year National Recovery Plan, a comprehensive review of all expenditure is currently under way in all Government Departments. The purpose of the review is to ensure maximum effectiveness and efficiency in schemes and service delivery. In my Department's case, all expenditure activities are being examined and the outcome of the review will be considered in conjunction with the Department of Public Expenditure and Reform in due course.

439. **Deputy Peter Mathews** asked the Minister for Agriculture, Fisheries and Food the amount of money his Department has allocated to Horse Racing Ireland each year since 2000; and if he will make a statement on the matter. [21209/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Horse Racing Ireland is a commercial state body established under the Horse and Greyhound Racing Act 2001. The State paid no financial support to Horse Racing Ireland (HRI) prior to its establishment in 2001. HRI has a regulatory and developmental role in the thoroughbred industry. The functions of HRI as defined in The Horse and Greyhound Racing Act 2001 (in addition to its functions under The Irish Horseracing Industry Act 1994) 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 bookmakers, 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 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.

My Department provides financial support to Horse Racing Ireland from the Horse and Greyhound Racing Fund (the Fund), which was established under Section 12 of the Horse and Greyhound Racing Act, 2001 (the Act). Monies from the Fund are distributed, in accordance with the Act, between Horse Racing Ireland (80%) and Bord na gCon (20%). The Horse and Greyhound Racing Fund was established at a time when annual income from excise duty collected on off-course betting — the principal funding stream for the Fund — was in the region

of €60m per annum. Receipts from excise duty on off-course betting dropped to €31m in 2010. Since 2003 the Fund has been financed by a combination of excise duty on off-course betting and a contribution from the Exchequer. The level of State support provided through the Fund is determined following the approval of a resolution by both Houses of the Oireachtas. The Exchequer contributed in excess of €31m to the Fund in 2009 and a further €28m in 2010.

The Fund has enabled much needed investment in racecourse facilities to take place, making up for a lack of development in the industries over the previous thirty years; it has also ensured that the prize money on offer in Ireland has been sufficient to maintain Ireland's position amongst the top echelons of breeding and racing worldwide, allowing Ireland to develop into a world centre of excellence for horse racing.

The funding provided to Horse Racing Ireland supports and helps to sustain the important role of horse breeding and training enterprises in the development of the rural economy. These industries, together, generate very substantial economic activity and make a vital contribution to the rural economy including farm incomes.

Ireland is the third largest breeder of thoroughbreds in the world. Irish horses and jockeys succeed at the highest level. The bloodstock and breeding industry is an indigenous, sustainable and environmentally friendly industry supporting 17,000 jobs (directly) across the country, generating €0.9bn in economic output annually. Financial support provided through the Horse and Greyhound Racing Fund is critical to its on-going survival. The industry produces a very good return on the State's investment; the industry is a significant net contributor to the exchequer.

At the time Horse Racing Ireland was established, in 2001, responsibility for the thoroughbred horse sector and the administration of the Horse and Greyhound Racing Fund rested with my Department. Responsibility for the sector transferred to the Department of Arts, Sport and Tourism on 18 June 2002 where it remained until 1 May 2010 when it transferred back again to the Department of Agriculture, Fisheries and Food.

Details of the total amounts paid to Horse Racing Ireland from the Horse and Greyhound Racing Fund by both the Department of Arts, Sport and Tourism and my Department over the period 2001 to 15 July 2011 are set out in the table below

Payments made to Horse Racing Ireland from the Horse and Greyhound Racing Fund, 2001- 11

Year	Amount (€)*
2001	47,110,330
2002	54,452,651
2003	51,348,800
2004	53,531,200
2005	54,680,000
2006	56,047,000
2007	58,539,000
2008	61,028,800
2009	54,502,000
2010	47,411,200
2011	45,830,000

\* Figures for 2001-2010 represent payments made from the Horse and Greyhound Racing Fund to HRI. The 2011 figure (€45.83m) represents the corresponding estimate provision for 2011.

These amounts have, since 2003, been financed by a combination of excise duty collected from off-course betting and a contribution from the Exchequer.

### Forestry Sector

440. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Fisheries and Food his views on a matter (details supplied) regarding forestry. [21248/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** I am fully aware of the importance of forestry to job creation and national economic recovery and I am committed to supporting the continued expansion of Ireland's forest resource.

All applications submitted to my Department for approval to undertake afforestation are examined by reference to the silvicultural and environmental suitability of the site for forestry. This includes an assessment of issues such as soil type, soil fertility, exposure etc., along with an assessment of the potential impact of the project on water quality, landscapes and nature conservation. My Department cannot use Exchequer funds to support the establishment of new forests in areas that are silviculturally unsuitable for forestry or where forestry may negatively impact on the environment.

In 2011, the Government has provided sufficient funds to support the establishment of 7,500 hectares of new forests. The bulk of this planting will be undertaken by farmers. I am satisfied that the budget allocation will be fully utilised and that there are no regulatory barriers to achieving this level of afforestation in 2011.

441. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Fisheries and Food if he will review a matter in respect of a person (details supplied) in County Kerry. [21255/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Regarding forestry contract CN24699, all payments due to date on this contract have been paid. The most recent payment was made on 14 July 2011. The applicant has been informed that, following a recent inspection of this plantation, the inspector advises the applicant to monitor for deer damage, fertilize where necessary and maintain the fire lines. Therefore, there are currently no issues to review in respect of this contract.

As regards forestry contract CN12709, I have already explained that the issue of farmer status for the person named in respect of this contract has been decided on appeal and that this decision stands in the absence of new substantive evidence.

### Milk Quota

442. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Fisheries and Food if he will consent to the sale of milk quota with land in the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [21257/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Regulation 8(4) of SI No. 277 of 2008 provides that a person shall not sell land to which milk quota is attached if the amount of milk quota exceeds a ratio of 12,500 litres per hectare, except with the consent of the Minister.

The person named recently submitted an application to my Department seeking consent to the sale of 4.047 hectares (10 acres) of land with a milk quota of 90,920 litres (20,000 Gallons) attached.

Following examination of the application, it was considered that the ratio of quota to the land being sold, which equated to 22,468 litres per hectare, significantly exceeded the threshold specified in the aforementioned Regulation and it was for this reason the application was not granted. The named person has been informed accordingly.

My Department has not received any further correspondence on this case and consequently I do not see any reason to alter the original decision.

Should the named person wish to progress the matter, he might consider reviewing his application with regard to the ratio of land to quota involved. It should be borne in mind that in cases where the ratio does not exceed the threshold, there is no requirement for Ministerial consent.

Alternatively, as the named person has not been in a position to utilise his entire quota in recent years, he might also wish to consider the option of offering his excess quota for sale through the next milk quota trading scheme, details of which I intend to announce towards the end of August.

### **Grant Payments**

443. **Deputy Dessie Ellis** asked the Minister for Agriculture, Fisheries and Food when an outstanding REP scheme payment for 2010 will be awarded in respect of a person (details supplied) in County Cavan; the reason for the delay; and if he will make a statement on the matter. [21269/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named commenced REPS 4 on 1 December 2007 and full payment has issued in respect of years 1 and 2.

A query arose in respect of the chemical phosphorous levels documented in the REPS plan following an office check on an adjusted plan submitted by the person named. As a result, a letter issued to the person named on 17 May 2011 requesting that an adjusted plan be submitted correcting the phosphorous levels recorded in the plan. The adjusted plan requested has not been received to date and upon its receipt, my Department will process the application further without delay.

### **Milk Quota**

444. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if he will confirm receipt of an application for additional milk quota on hardship grounds from the Milk Quota Appeals Tribunal in respect of a person (details supplied) in County Cork; when this application will be adjudicated upon; and if he will make a statement on the matter. [21274/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named has submitted an application for an allocation of milk quota under the Hardship Category of the Milk Quota Appeals Tribunal for the 2011/ 2012 quota year. The closing date for receipt of applications for this Scheme was 1 July last.

Officials of my Department are currently processing the applications. The Tribunal will shortly commence consideration of these applications in strict order of receipt. When a recommendation has been made in this case a letter will issue to the person named and his Co-Operative advising of the result.

### **Grant Payments**

445. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the position regarding an application in respect of a person (details supplied) in County Longford for funding under the traditional farm building grant scheme; and if he will make a statement on the matter. [21278/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The Traditional Farm Building Scheme is one of the measures available under REPS. It provides grant aid for the



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conservation and repair of traditional farm buildings on the basis of the contribution they make to the landscape in which they are situated. The Scheme is administered by the Heritage Council on behalf of my Department.

The closing date for the receipt of completed applications was Friday 1 July 2011 and the Heritage Council has confirmed to the Department that an application for funding under the Traditional Farm Building Scheme has been received from the person named. The application will be processed as soon as possible and the Heritage Council will be in direct contact with the person named in due course.

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446. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Longford has been refused the suckler cow grant scheme for failure to undertake a two hour course pertaining to same; and if he will make a statement on the matter. [21280/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named registered nine animals under the 2010 Suckler Welfare Scheme. An issue arose in relation to the eligibility of the applicant under the Terms and Conditions of the Scheme. In response, an official of my Department has contacted the person named and the matter was resolved. A letter issued to the person named on 15 July outlining the further requirements to be met by the applicant to remain in the Scheme. When the requested documentation is received, the application will be processed for payment subject to compliance with all of the other requirements of the Terms and Conditions of the Suckler Welfare Scheme.

#### **Semi-State Bodies**

447. **Deputy Pearse Doherty** asked the Minister for Agriculture, Fisheries and Food the savings to the semi-state sector in his Department in a full year, were he to cap the maximum salary available in semi-state bodies at €100,000. [22623/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The salaries of CEOs of the State Bodies under the remit of my Department have been set out in accordance with specific contracts agreed between the Board and the CEO's established in accordance with Government guidelines. The Government has already decided to implement a cap of €250,000 for CEO's of commercial State Bodies and a cap of €200,000 for all other public servants, including, non-commercial State Bodies. The specific information sought is not available in my Department.

#### **Child Care Services**

448. **Deputy Joe McHugh** asked the Minister for Children and Youth Affairs her views on broadening the child care employment and training support scheme to incorporate registered child minders; and if she will make a statement on the matter. [21098/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Childcare Education and Training Support (CETS) programme was introduced in September last year and is implemented by my Department, on behalf of FÁS and the Vocational Educational Committees (VECs).

The CETS programme replaces the previous child care support programmes implemented by FÁS and the VECs under which qualifying students and trainees were paid a weekly Child care Allowance of up to €63.50 per child as a contribution towards their child care costs. Under

the new programme, funding is provided by my Department to participating services in return for the provision of free child care places to qualifying students and trainees. Students and trainees can avail of free child care places for the duration of their course. A capitation fee is paid for each child care place contracted, at a weekly rate of €170 per full-time place, €95 per half day care place and €50 per after-school place. The eligibility criteria under which students and trainees qualify under the programme, continue to be determined by the Department of Education & Skills and FÁS. Some 2,800 full-time equivalent child care places are provided for under the programme.

The CETs programme is confined to centre-based child care services, generally services which are participating in the Early Childhood Care and Education (ECCE) and/or the Community Childcare Subvention (CCS) programmes as well as after-school services which cater for primary school children. This is in accordance with the sanction given for the programme and there are no proposals at this stage to extend it to include childminders.

### **Adoption Services**

449. **Deputy Ciarán Lynch** asked the Minister for Children and Youth Affairs the reason the Health Service Executive has, apparently, refused to take charge of files pertaining to an adoption facility (details supplied) in County Cork; if she will confirm the HSE is the appropriate agency for the custody of such files; and if she will make a statement on the matter. [21297/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter it has been referred to the HSE for direct reply.

### **Departmental Bodies**

450. **Deputy Paudie Coffey** asked the Minister for Children and Youth Affairs the levels of office rental paid by the agencies (details supplied) and their sub-agencies; the location of the offices; their landlords for the years 2008 to 2010, inclusive, and to date in 2011; the length of the leases in each case; and if she will make a statement on the matter. [20711/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The information requested by the Deputy is not readily available. Therefore I have written to the agencies named and asked them to provide to provide me with the information required. I will revert to the Deputy.

### **Early Childhood Education**

451. **Deputy Jerry Buttimer** asked the Minister for Children and Youth Affairs her views on a matter (details supplied) regarding the early childhood care and education scheme; if she will examine whether it is necessary to propose legislation in order that such preschools can benefit from the intended exemption from commercial rates, or, alternatively, if she will consider increasing the amount payable to preschools under the scheme to assist in covering this increased and unanticipated additional cost that preschools are now having to pay. [21101/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I have responsibility for implementing the free Pre-School Year in Early Childhood Care and Education (ECCE) programme, which was introduced in January 2010 and is being participated in by some 4,300 pre-school services.

The Valuation Office is responsible for the implementation and interpretation of the Valuation Act 2001 under which commercial rates are levied by the local authorities. The Valuation Office prepares valuation lists of commercial properties, as required by the Act, and local authorities are obliged to collect rates on properties which are listed. I recently raised the issue

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of commercial rates on pre-school services with my colleague the Minister for Environment, Community and Local Government who confirmed that, in line with the existing legislative framework, local authorities have no discretion in the collection of commercial rates on properties which are on the Valuation List. As responsibility for the Valuation Act 2001 and the Valuation Office fall within the remit of my colleague the Minister for Finance, any change to the Act including any provision for additional exemptions, are a matter for his Department to consider.

When the ECCE programme was introduced in 2010, I understand that the Valuation Office originally took the view that participating services which were solely and exclusively used for the provision of educational services which are available to the general public, the expenses for which were defrayed wholly or mainly by the State, would be considered for an exemption from commercial rates. However, in July of last year, the Valuation Office clarified that only services which are solely and exclusively used for the provision of educational services which are available to the general public, and the expenses for which are defrayed wholly by the State, will be considered for exemption. I understand that local authorities do have discretion, on a case by case basis, to exempt community not for profit services, pre-school services, from commercial rates. In all other cases, I regret to advise the Deputy that pre-school services continue to be liable to commercial rates.

The ECCE programme is expected to cost €166 million in 2011, rising to €180 million in 2012 as the number of eligible children is set to increase as a result of the rising birth rates from 2007. In the context of the severe financial difficulties facing the State, I do not propose to seek increased funding to increase the capitation rates payable under the programme.

### **Inter-Country Adoptions**

452. **Deputy Tom Fleming** asked the Minister for Children and Youth Affairs if she will investigate the reason it is difficult for Irish couples to adopt UK children when the UK authorities are advertising the need for additional adoptive couples; the blockages within the system; her plans to assist Irish couples who wish to adopt from the UK; and if she will make a statement on the matter. [21299/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** A delegation from the Adoption Authority of Ireland met with the English Central Authority in London recently. The primary purpose of the meeting was to address a small number of cases of children in respect of whom adoption orders have been sought and who have been brought from England in anticipation that these orders will be granted.

It is unusual for children who are UK citizens to be the subject of Intercountry adoptions — the UK does maintain an ICA register, as required by the Convention, but there are currently no children on that register and it is anticipated that this will remain the case — however, occasional family cases have arisen in the past. The English Central Authority has indicated that it is positively disposed to seeking a solution with regard to these specific cases, as this can now be facilitated through transition provisions, following Ireland's ratification of the Hague Convention. and the AAI is pleased to note that the Central Authority of England is supportive of its efforts to bring such cases to a successful conclusion.

### **Departmental Funding**

453. **Deputy Brendan Smith** asked the Minister for Children and Youth Affairs if she will give urgent and detailed consideration to the request by Foróige for funding towards the mentoring

programme Big Brother Big Sisters of Ireland for 2012; and if she will make a statement on the matter. [21314/11]

456. **Deputy Seamus Healy** asked the Minister for Children and Youth Affairs if she will agree to fund a programme (details supplied). [21396/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 453 and 456 together.

The 2011 budget allocation for the Youth Affairs Unit of my Department is €60.154m on current expenditure and €800,000 on capital expenditure. This funding supports the delivery of a range of youth work programmes and services for all young people, including those from disadvantaged communities through grants in aid.

Foróige is currently in receipt of €6.037m from Youth Affairs Unit for projects run under a number of schemes including the Youth Service Grant Scheme, Special Projects for Youth Scheme, four (4) Youth Information Centres and for a number of projects under the Young Peoples Facilities and Services Fund (Rounds 1 and 2).

The Youth Affairs Unit of my Department is aware of the Big Brother Big Sister Programme which is run by Foróige. However, having regard to the reductions in public expenditure that must be achieved by Government Departments and State Agencies and the limited funding available, it was not possible to consider funding for the programme in 2011. In light of further budgetary constraints in 2012 it is unlikely that any new applications for funding will be considered next year.

### **Early Childhood Education**

454. **Deputy Billy Timmins** asked the Minister for Children and Youth Affairs the position regarding the case of a person (details supplied) in County Wicklow. [21332/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Early Childhood Care and Education (ECCE) programme was introduced in January 2010 and provides a free pre-school year to all eligible children in the year before commencing primary school. Almost every pre-school service in the State is participating in the ECCE, ensuring that it is available to children in all areas, and 63,000 children, or 94% of the eligible age cohort, are currently availing of the pre-school year.

Children qualify for the free pre-school year where they are aged more than 3 years 2 months and less than 4 years 7 months at 1 September in the relevant year. This means that children born between 2 February 2007 and 30 June 2008 qualify for the free pre-school year in September 2011. There is no provision under the programme to enrol children who are below the qualifying age, and children born in July and August of 2008 will qualify for the programme in September 2012.

The ECCE programme is available to all eligible children and it is a matter for parents to decide if they wish their child to avail of the scheme or if they wish to send their child to primary school. The objective of the programme is to make early learning in a formal setting available to eligible children in the year before they commence primary school. To achieve this, services participating in the pre-school year are expected to provide age-appropriate activities and programmes to children within a particular age cohort. For this reason, it is appropriate to set minimum and maximum limits to the age range within which children will qualify.

A number of parents have asked for the lower age range to be reduced on the grounds that they wish to send their children to school when they are 4 years and 2 months of age or less. The issue was referred by some of these parents to the Office of the Ombudsman for Children.

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That Office found no reason to remove or amend the lower age range, accepting it as reasonable having regard to the various factors which apply.

### Missing Persons

455. **Deputy Jack Wall** asked the Minister for Children and Youth Affairs her views regarding a submission (details supplied); if an offer was made in regard to funding; if such an offer is still available; if she will enter into consultation or negotiation with the stated non-governmental organisation with regard to the possibility of having this matter resolved; and if she will make a statement on the matter. [21334/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The introduction of a missing children's hotline has been the subject of discussions between my Department, other Government Departments and prospective service providers including NGOs. In particular the notification of a missing child is a matter for the Garda Síochána and accordingly I am in contact with my colleague Mr Alan Shatter TD, Minister for Justice, Equality and Defence in seeking to jointly achieve the establishment of this service.

Different costings for such a service have been calculated including by NGOs interested in providing the service. Obviously in the current financial it is essential that the most economic approach possible is taken to providing any service. I would hope that a partnership approach can achieve a cost effective solution to the implementation of this important initiative.

*Question No. 456 answered with Question No. 453.*

### Semi-State Bodies

457. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs the savings to the semi-state sector in her Department in a full year if she were to cap the maximum salary available in semi-state bodies at €100,000. [22625/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Department of Children and Youth Affairs does not have any responsibility for agencies in the semi-state sector.

### Prison Medical Service

458. **Deputy Aengus Ó Snodaigh** asked the Minister for Health the number of prisons that have had outbreaks of TB in the past year; if his attention has been drawn to the steps that the Irish Prison Service and the Health Service Executive have taken to contain such outbreaks; the number of prisoners that had contracted TB; the cause of each outbreak, if identified; the further steps he will take in conjunction with the Irish Prison Service and the HSE to prevent further outbreaks; and if he will make a statement on the matter. [20723/11]

**Minister for Health (Deputy James Reilly):** Steps taken to contain the outbreak involved referring cases to hospital where they were treated until non-infectious and medically fit for discharge. They then returned to the prison and will have follow-up in hospital until treatment is complete. The contact tracing investigation is undertaken by the HSE Public Health TB Team and is still ongoing. A risk assessment was carried out and close contacts were tested for TB exposure by a tuberculin skin test (Mantoux test) followed by chest x-ray where indicated. Contacts with latent TB infection (LTBI) were treated with isoniazid prophylaxis or followed up with chest x-ray as appropriate. Contacts with less significant exposure to the TB cases were

given information and advice. Close contacts who have left prison are being followed up at contact tracing clinics or in other prisons, and repeat testing is being arranged where indicated.

To prevent further outbreaks information sessions, formal and informal, have taken place involving both by the prison medicals/nursing staff and the HSE Public Health TB Team. Additional educational material has been made available to the Prison Officers Association for distribution to staff.

### Health Services

459. **Deputy Eoghan Murphy** asked the Minister for Health the support services that are available for parents who act as full-time carers for children with disabilities. [20776/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for this question to be referred to the Health Service Executive for direct reply.

### Medical Cards

460. **Deputy Jerry Buttimer** asked the Minister for Health the reason a medical card application was refused twice in respect of a person (details supplied) in County Cork. [20834/11]

**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.

461. **Deputy Shane Ross** asked the Minister for Health if she will grant a medical card in respect of a person (details supplied). [20972/11]

**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.

### Liquor Licensing Laws

462. **Deputy Brendan Griffin** asked the Minister for Health if he will consider a health levy to be applied to units of alcohol sold from off-licences; and if he will make a statement on the matter. [20997/11]

**Minister for Health (Deputy James Reilly):** The matter of a Health Levy, and other levies similar to the one mentioned by the Deputy, together with policy development around a wide range of key issues pertaining to the supply, pricing, availability and marketing of alcohol and its consequent negative effects on society, involving prevention strategies, treatment, rehabilitation, alcohol and substance dependency research and information, are under consideration by the National Substance Misuse Strategy Steering Group (NSMSG). The report of the NSMSG is close to completion. I expect to receive proposals in the coming months, following which I will brief my colleagues in Government.

### Water Quality

463. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding the treatment of water; and if he will make a statement on the matter. [21245/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Irish Expert Body on Fluorides and Health, which was established in 2004, monitors new and emerging issues on fluoride and its effects on health and related matters. The Expert Body advises that

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the balance of scientific evidence worldwide confirms that water fluoridation, at the optimal level, does not cause any ill effects and continues to be safe and effective in protecting the oral health of all age groups.

### Hospital Services

464. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding a service (details supplied) in County Limerick; if patients presenting at this facility have been referred elsewhere in the recent weeks; and if he will make a statement on the matter. [20686/11]

**Minister for Health (Deputy James Reilly):** The Deputy's question relates to service delivery matters and accordingly I have asked the HSE to respond directly to him.

### Medical Cards

465. **Deputy Brendan Griffin** asked the Minister for Health if he will request the Health Service Executive to introduce a more concise and user-friendly medical card renewal form; and if he will make a statement on the matter. [20694/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Health Service Executive (HSE) has centralised the processing of all new applications and renewals of medical cards at the Primary Care Reimbursement Service (PCRS) in Finglas, Dublin with effect from 1st July 2011.

As part of the centralisation project the HSE has committed to a review of all forms involved in the medical card process to make them as concise and user friendly as possible.

Two major initiatives have been introduced by the Health Service Executive to simplify the medical card application and renewal process. The first is a new streamlined user-friendly medical card review processed for the over 70's which ensures that where a person's circumstances have not changed since their last review/application, they simply certify this and return a single sheet review form to central office. Where their circumstances have changed to the extent that they may no longer be eligible for a medical card, their case is reviewed in the normal way.

The second initiative was the recent introduction of an online facility, [www.medicalcard.ie](http://www.medicalcard.ie) which enables people anywhere in the country to renew a medical card online. Thousands of applicants are now submitted online every month. Applying online also gives applicants access to up to date information on the progress of their medical card renewal or application.

### Hospital Services

466. **Deputy Ciarán Lynch** asked the Minister for Health if Cork University Hospital accident and emergency department has been the subject of a Health Information and Quality Authority examination regarding patient safety; if so, the result; if it has not been examined, if it is intended that it will be in the future; and if he will make a statement on the matter. [20703/11]

**Minister for Health (Deputy James Reilly):** The emergency department in Cork University Hospital has not, to date, been the subject of a patient safety examination by the Health Information and Quality Authority. The Authority has developed draft National Standards for Safer Better Healthcare which have been submitted to my department for approval. These national standards describe what a high quality, safe and reliable health service should be and can be implemented in all health care settings.

Once the national standards are approved, the Authority may monitor the compliance of service providers with these national standards, each service provider will be expected to demonstrate compliance with the standards.

### Hospital Waiting Lists

467. **Deputy Pearse Doherty** asked the Minister for Health the reason it took 14 months to secure an eye test appointment at Our Lady's Hospital Crumlin, Dublin 12, in the case of a person (details supplied) in Dublin 24; the further reason this appointment was subsequently cancelled; when a new appointment will be scheduled; his views on whether it is acceptable that lengthy waiting times exist for basic medical services; and if he will make a statement on the matter. [20707/11]

**Minister for Health (Deputy James Reilly):** The management of Outpatient waiting lists is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Health Service Executive for direct reply.

I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs.

### Departmental Agencies

468. **Deputy Paudie Coffey** asked the Minister for Health the levels of office rental paid by agencies (details supplied) and their sub-agencies; the location of the offices; their landlords for the years 2008, 2009, 2010 and to date in 2011; the length of the leases in each case; and if he will make a statement on the matter. [20712/11]

**Minister for Health (Deputy James Reilly):** The Food Safety Authority of Ireland occupies premises at Abbey Court, Lower Abbey Street, Dublin 1, under three leases.

(a) The Food Safety Authority of Ireland has two commitments in respect of leases on office accommodation at Abbey Court, Lower Abbey Street, Dublin 1. These leases are held by the Office of Public Works and by way of 2 x 20 year leases which commenced in 1997 with five yearly rent reviews. The annual cost of the leases excluding service charges is:

Year	Amount (€)
2011	291,500 (to 30 June)
2010	583,000
2009	583,000
2008	511,500

(b) The third lease is between The Food Safety Authority of Ireland and Irish Life Assurance plc for an 18 year 7 month term commencing October 1998 with five yearly rent reviews. The current annual rental charge of this lease amounts to:

Year	Amount (€)
2011	105,500 (to 30 June)
2010	211,000
2009	211,000
2008	180,000



[Deputy James Reilly.]

The Food Safety Consultative Council does not occupy/lease offices in their own right. They are an unpaid council established under the Food Safety Authority of Ireland Act, 1998.

The information in relation to the Food Safety Promotion Board is currently being collated and will be forwarded to the Deputy as soon as it is available.

### **Hospital Services**

469. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health the projected savings to the Health Service Executive of closing the laundry services at St. Conal's Hospital, Letterkenny, County Donegal. [20716/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

### **Health Services**

470. **Deputy Nicky McFadden** asked the Minister for Health if funding will be allocated for the primary care facility at Clonbrusk, Athlone, County Westmeath; and if he will make a statement on the matter. [20729/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### **Hospital Staff**

471. **Deputy Nicky McFadden** asked the Minister for Health the midwife-to-patient ratio at Mullingar Hospital, County Westmeath; and if he has satisfied himself that there are sufficient staff levels to facilitate the number of births at the hospital. [20730/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Prescription Charges**

472. **Deputy Nicky McFadden** asked the Minister for Health his policy towards prescription charges for medical holders; and if he will make a statement on the matter. [20731/11]

**Minister for Health (Deputy James Reilly):** Prescription charges are provided for under Section 59 of the Health Act 1970 as amended by the Health (Amendment ) (No. 2) Act 2010. Revoking these provisions requires primary legislation.

It is my intention subject to Government approval to introduce legislation to abolish prescription charges for medical card holders.

### **Medical Aids and Appliances**

473. **Deputy Aengus Ó Snodaigh** asked the Minister for Health the reason the Health Service Executive hearing aid specialists cannot repair bone anchor hearing devices, which would save the HSE money; and if he will make a statement on the matter. [20734/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The HSE has advised that its national technical support service is not certified to undertake repairs of bone anchored hearing aids (BAHAs).

The HSE National Audiology Review Report proposes specific care pathways for BAHA patients and makes recommendations in relation to the development of a BAHA service. It recommends that funding be allocated to specific ENT departments where expertise can be concentrated. It also recommends that BAHA devices and repairs be subject to national procurement to ensure value for money.

I am informed that planning and development work is underway by the HSE to progress these recommendations.

### Hospital Services

474. **Deputy Finian McGrath** asked the Minister for Health if he will provide this Deputy with a copy of the report that indicates the mortality rate at Roscommon hospital for heart attack victims is significantly higher than in University College Hospital Galway; the number of patients involved; the source of the information; and if he will make a statement on the matter. [20738/11]

**Minister for Health (Deputy James Reilly):** The Office of the Chief Medical Officer is undertaking an analysis of a number of key quality indicators, including 30 day in-hospital mortality following heart attack (an OECD health care quality indicator), using routinely collected data from the Hospital Inpatient Enquiry system (HIPE). The aim of the analysis is to help in monitoring quality of care and measuring health service performance. The analysis examines routinely collected data derived from HIPE over a 3-5 year period 2006-2010.

Currently those conducting the analysis are in the process of engaging stakeholders, experts in the relevant clinical areas and experts in health information. This process will inform the interpretation of the data and their usefulness in monitoring the performance of the Irish health service.

### Medical Cards

475. **Deputy Patrick O'Donovan** asked the Minister for Health if a person (details supplied) in County Limerick is eligible for a medical card or general practitioner visit card; and if he will make a statement on the matter. [20743/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Departmental Agencies

476. **Deputy Patrick O'Donovan** asked the Minister for Health the cost to publish and circulate the annual report and financial statement of the Health Service Executive; and his views on whether to have future reports published online. [20744/11]

**Minister for Health (Deputy James Reilly):** I have asked the Health Service Executive to supply this information to me and I will forward it to the Deputy as soon as possible.

### Hospital Services

477. **Deputy Bernard J. Durkan** asked the Minister for Health if or when an appointment

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will issue in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [20746/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

478. **Deputy Brendan Griffin** asked the Minister for Health the future plans for the orthopaedic unit at Kerry General Hospital; and if he will make a statement on the matter. [20753/11]

479. **Deputy Brendan Griffin** asked the Minister for Health the efforts that are being made to alleviate the impending crisis in radiologist staffing at Kerry General Hospital; and if he will make a statement on the matter. [20754/11]

523. **Deputy Brendan Griffin** asked the Minister for Health his future plans for the orthopaedic unit at Kerry General Hospital; and if he will make a statement on the matter. [21318/11]

524. **Deputy Brendan Griffin** asked the Minister for Health the efforts being made to alleviate the future crisis in human resources at the radiology department at Kerry General Hospital. [21319/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 478, 479, 523 and 524 together.

As these are service matters, they have been referred to the HSE for direct reply.

### Medical Cards

480. **Deputy Dara Calleary** asked the Minister for Health if he will provide clarification that a spouse of a retired individual is entitled to an EU medical card on the basis that the retired person is in receipt of an EU medical card due to qualification from public sector employment outside the State. [20761/11]

**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.

### Proposed Legislation

481. **Deputy Eoghan Murphy** asked the Minister for Health his plans to implement the legislation developed under the previous Government to regulate the cosmetic surgery industry. [20782/11]

**Minister for Health (Deputy James Reilly):** My Department is developing legislative proposals for the licensing of public and private health care providers and cosmetic surgery will be considered in this context. However, in regard to current regulation, the Deputy will also wish to be aware that the Medical Practitioners Act 2007 provides for a clear compulsory requirement for registration for all medical practitioners, including cosmetic surgeons, who practice medicine in Ireland. Under the Act, the Medical Council is charged with responsibility for the registration of medical practitioners and the regulation of their activities. In addition, a Bill is in preparation to amend the Medical Practitioners Act 2007 to make it mandatory for

all medical practitioners engaged in clinical practice to have adequate clinical indemnity cover in place. The new provisions will give power to the Medical Council to refuse to grant registration to a medical practitioner who fails to provide certification evidencing that s/he has appropriate medical indemnity cover.

Finally, on a general note, individuals who avail of the services of doctors performing cosmetic surgery should ideally discuss this decision in advance with their general practitioner and should endeavour to seek the services of reputable providers. When invasive procedures are being arranged, individuals would be strongly advised to check that the services are provided by a medical practitioner who is appropriately registered with the Medical Council. In addition, before agreeing to undergo any procedure, individuals should ascertain the level of follow-up medical support which will be available to them after the surgery has been completed.

### **Hospital Services**

482. **Deputy Denis Naughten** asked the Minister for Health when a person (details supplied) in County Roscommon will be called for an appointment; the reason for the delay in same; and if he will make a statement on the matter. [20789/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### **Drugs Payment Scheme**

483. **Deputy Jerry Buttimer** asked the Minister for Health if he will clarify the reason for a delay in payment from the Health Service Executive to a pharmacy (details supplied); and when the payment will issue. [20798/11]

**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.

### **Hospital Staff**

484. **Deputy Catherine Murphy** asked the Minister for Health if he is satisfied that the number of nurses currently employed in Naas General Hospital, County Kildare, is adequate to ensure patient safety; if the hospital has sought a relaxation of the public service embargo in order to employ more nurses; if so, the result of same; and if he will make a statement on the matter. [20826/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **National Lottery Funding**

485. **Deputy Charlie McConalogue** asked the Minister for Health the position regarding an application for a group (details supplied) who have applied for funding under the National Lottery health fund; and if he will make a statement on the matter. [20842/11]

**Minister for Health (Deputy James Reilly):** 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 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

### Health Services

486. **Deputy Dominic Hannigan** asked the Minister for Health the number of persons on the waiting list for a pneumatic compression device in the North East region; and if he will make a statement on the matter. [20844/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Hospital Staff

487. **Deputy Gerry Adams** asked the Minister for Health the way the allocation of €69,000 to an organisation (details supplied) compares with taxpayers' moneys paid since 13 October 1995 including lump sum retirement money and annual pension payments to a former consultant at Our Lady of Lourdes Hospital, Drogheda, County Louth. [20848/11]

488. **Deputy Gerry Adams** asked the Minister for Health if, in view of the fact that a person (details supplied) was subsequently struck off the medical register for the sexual assault of three former patients and that the Garda awaits the decision of the Director of Public Prosecutions in respect of more than 100 files alleging sexual abuse, he will accept that this is an inadequate fund to support the very important work of an organisation. [20849/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 487 and 488 together.

I am pleased to be in a position to state that this month I approved a grant, on a once-off basis, of €69,000 from my Department's allocation of National Lottery funds to Dignity 4 Patients. The funding is to go towards the cost of providing an office, a website, a helpline and office administration for the organisation. Dignity 4 Patients also received a grant in 2010 of almost €172,000 from my Department's National Lottery funds. This was given towards the cost of providing information and support to victims of abuse wishing to attend the Drogheda Review which completed its work last year.

Services delivered by the HSE cover many of the areas this organisation sought a grant to provide. I have urged Dignity 4 Patients to liaise and work in synergy with the HSE to ensure quality assured services are provided. Lottery funding is once off funding and in the current circumstances the level of funding provided is significant. Dignity 4 Patients have also applied for funding to the HSE and I am satisfied that the HSE will take Dignity 4 Patients role and capacity into full account when considering the application from this organisation.

The statutory agencies work to provide a regulated quality service with other agencies (both statutory and non-statutory as they judge it appropriate). This context provides the potential for a longer term source of funding for an organisation such as Dignity 4 Patients, working in a way that is integrated and effective in tandem with the statutory service providers. As the additional information that the Deputy refers to is a service matter it has been referred to the Health Service Executive for direct reply.

### Long-Term Illness Scheme

489. **Deputy Michael Healy-Rae** asked the Minister for Health if he will recognise myasthenia gravis as part of the long-term illness scheme (details supplied). [20866/11]

504. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the changes he will make to the long-term illness scheme, in particular introducing eligibility for persons with neurological disabilities. [21011/11]

528. **Deputy Finian McGrath** asked the Minister for Health if he will support myasthenia gravis as part of the long term illness scheme (details supplied). [21423/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 489, 504 and 528 together.

There are no plans to extend the list of conditions covered by the Long Term Illness Scheme. However, the terms of the scheme will be reviewed in the context of the Government's proposals for Universal Health Insurance and free GP care at the point of delivery.

Under the Drugs Payment Scheme no individual or family pays more than €120 per calendar month towards the cost of approved prescribed medicines. The scheme significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines.

In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

### **Nursing Homes Support Scheme**

490. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for nursing home support in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [20871/11]

**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.

491. **Deputy Niall Collins** asked the Minister for Health if he will grant final approval under the fair deal scheme in respect of a person (details supplied) in County Cork. [20877/11]

**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.

### **Health Services**

492. **Deputy Brian Walsh** asked the Minister for Health the position regarding the progress made by the Health Service Executive in filling the senior audiological scientist position in Galway, which has remained vacant since 2002; the number of children who are on the waiting list for audiological services in Galway; the average waiting time for these children; and if he will make a statement on the matter. [20890/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As these are service matters they have been referred to the Health Service Executive for direct reply to the Deputy.

493. **Deputy John McGuinness** asked the Minister for Health if an extensive plan of home help or a full home care package will be provided in respect of a person (details supplied) in County Kilkenny; and if the matter will be expedited. [20899/11]

**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.

494. **Deputy Mary Lou McDonald** asked the Minister for Health if he will investigate the failings of the Health Service Executive's recent centralisation of the medical and GP card processing at the Primary Care Reimbursement Service in Finglas, Dublin 11 which is currently short 60 of its full complement of 150 staff and as a result may now have to avail of the services of an external company to provide customer support services; and his views on the intention to hand over responsibility for adding babies to medical and GP cards to doctors secretaries. [20327/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Health Service Executive has centralised the processing of all new applications and renewals of medical cards at the Primary Care Reimbursement Service (PCRS) in Finglas, Dublin with effect from 1st July 2011. The Executive has stated that there is no backlog of work in the central office and all complete medical card applications and reviews are being processed within 15 working days or less.

At the moment, PCRS has 245 whole time equivalent staff. About 90 staff have moved to the PCRS to implement the final phase of centralisation and the HSE is seeking redeployment, under the terms of the Public Service Agreement, to increase this number to 150. I have raised this issue directly with the PCRS and I expressed my dissatisfaction that the full complement of HSE staff was not in place on 1st July. I am advised that they hope to have the full complement of staff in place within the next 6-8 weeks. A temporary contingency plan is in place to cover this transitional period to ensure that services are not adversely affected during this time.

The Health Service Executive is responsible for the maintenance and accuracy of the medical card register. However, given their local knowledge, GPs can assist in maintaining the accuracy of the register and the HSE has worked closely with GPs in this regard. As part of an enhanced online facility to improve customer services, an option has now been provided to GPs to update their panel listings, which includes the inclusion of babies on their panel, through the PCRS Online Application Suite. Over 75% of GPs currently use this service. On foot of such changes to the register, the HSE will then contact the family involved directly to confirm the baby's details and to ensure that full registration takes place as quickly as possible. his new process aims to ensure that babies receive their entitlements in a timely and efficient manner.

495. **Deputy Michael Conaghan** asked the Minister for Health the position regarding the development of the primary health centre in Inchicore, Dublin 8, and its completion date; and if he will make a statement on the proposed catchment area and scope of operation for the centre. [20945/11]

**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.

496. **Deputy Michael Conaghan** asked the Minister for Health the number of inspections, in tabular form, that have been undertaken under the national tobacco control inspection programme in 2009 and 2010 to ascertain compliance with smoke-free workplace legislation, sales to minors legislation and prohibitions on display and advertising at the point of sale; the number of compliant inspections, the number of cases brought and the number of convictions as a result of these cases, in tabular form; and if he will make a statement on the matter. [20946/11]

**Minister for Health (Deputy James Reilly):** The Health Service Executive is responsible for enforcement of the tobacco legislation, including inspections and prosecutions taken as a result of non-compliance with the legislation. Accordingly, I have referred the matter to the HSE for direct reply.

497. **Deputy Brendan Griffin** asked the Minister for Health his views on a proposal by a person (details supplied) in County Kerry for a health facility; and if he will make a statement on the matter. [20953/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I note the proposal to develop a residential respite centre for children with life-limiting rare disorders in County Kerry. I have asked the Health Service Executive to provide me with their views on the proposal and I will reply to the Deputy as soon as possible.

498. **Deputy John O'Mahony** asked the Minister for Health when a person (details supplied) in County Mayo will get an orthodontic appointment; and if he will make a statement on the matter. [20956/11]

**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. I understand that the HSE has responded directly to the Deputy on this matter.

#### Medical Cards

499. **Deputy Peter Mathews** asked the Minister for Health if refunds are available for a person (details supplied) in Dublin 16 who is over 70 years of age, who did not apply for a medical card upon turning 70 years and who continued to pay for medical expenses, and if he will make a statement on the matter. [20967/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### Health Services

500. **Deputy Sean Fleming** asked the Minister for Health the number, locations and facilities provided by each of the primary care teams in County Laois; and if he will make a statement on the matter. [20978/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### Departmental Strategies

501. **Deputy Catherine Byrne** asked the Minister for Health the position regarding and the future plans for the national positive ageing strategy; and if he will make a statement on the matter. [20998/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Programme for Government published in March 2011 has committed to completing and implementing the National Positive Ageing Strategy so that older people are recognised, supported and enabled to live independent full lives. It is being developed within the constraints posed by the present fiscal situation. It is not the intention that it will propose new service developments; rather it



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will set the strategic direction for future policies, programmes and services for older people in Ireland. It is envisaged that the Strategy will set out a common framework for the development of operational plans by Government Departments clearly setting out their objectives relating to older people, as well as the development of ongoing mechanisms designed to monitor progress and identify challenges facing older people in the future.

Development of the Strategy is being assisted by a Cross-Departmental Group (CDG), comprised of officials from 11 Government Departments, the Central Statistics Office and An Garda Síochána, and is chaired by the Director of the Office for Older People. An NGO Liaison Group comprising representatives of twelve national-level non-governmental organisations with an interest in older people's issues has been established under an independent chair.

Research has been commissioned on national strategies for older people in other jurisdictions. The Strategy will also take cognisance of other strategies and policy documents developed in Ireland over the past decade, and the strategy will be underpinned by the *UN Principles for Older Persons*, the World Health Organisation's *Active Ageing: A Policy Framework* (2002), and the *Madrid International Plan of Action on Ageing* (2002).

The development of the Strategy will also be informed by information gained through a public consultation process. A call for written submissions was issued in June 2009 and 190 submissions were received from a broad range of stakeholders. Following the written consultation process, a series of nine consultation meetings was held from March to May 2010. These meetings, attended by approx 1200 people, were held in Cork, Sligo, Galway, Kildare, Wexford, Newcastle West, Dundalk, Dublin and Athlone. Meetings were also held in April 2010 with groups representing vulnerable and marginalised older people. A round-table meeting was also held with stakeholders involved in the Louth Age Friendly County Initiative with a view to learning more about the approaches taken in relation to older people's issues in County Louth.

A report on the consultation process to highlight issues which older people and service providers raised was finalised and published on 22 November 2010. The report also outlines other relevant background information.

Work on the preparation of the Strategy and the development of monitoring and review structures and processes are on-going in consultation with the groups listed above. The publication of the Strategy is expected in the latter half of 2011.

### **National Drugs Strategy**

502. **Deputy Simon Harris** asked the Minister for Health the position regarding the partnership approach to the national drugs strategy; and if he will make a statement on the matter. [21004/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** My responsibility as Minister for State for Primary Care includes overseeing the implementation of the National Drugs Strategy 2009-2016. This Strategy is based on a partnership approach between the statutory, voluntary and community sectors and I intend that this will be continued.

### **Hospital Services**

503. **Deputy Gerry Adams** asked the Minister for Health when he will meet with the Save Our Hospital Services committee from Dundalk to discuss services at the Louth County Hospital, as requested by it in writing on two occasions since his appointment and referred to

by the Minister of State in an Adjournment debate in the Dáil on 29 March 2011; and if he will make a statement on the matter. [21006/11]

**Minister for Health (Deputy James Reilly):** Due to scheduling constraints I am not in a position to meet with this group at the current time. I intend, however, to consider a meeting at a later date and I will respond in due course.

*Question No. 504 answered with Question No. 489.*

### **Drugs Task Force**

505. **Deputy Paschal Donohoe** asked the Minister for Health when he expects that the Drugs Programme Unit will sanction the second round of Drugs Task Force funding; and if he will make a statement on the matter. [21012/11]

515. **Deputy Aengus Ó Snodaigh** asked the Minister for Health when the Local Drugs Task Force interim funded projects in the Blanchardstown, South Inner City, Ballyfermot and Canals LDTFs will receive their 2011 funding. [21271/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 505 and 515 together.

In excess of €30 million has been allocated to Local and Regional Drugs Task Forces in 2011 to support community based drugs initiatives. Funding for Drugs Task Force projects is channelled through designated agencies including the HSE, FÁS, certain Local Authorities and VECs. Funding is released by the Department of Health to designated agencies in two instalments, generally in January and July. The first instalment, which amounted to some €15 million, issued earlier this year. The Department is in the process of releasing the second instalment in respect of all but one of the Drugs Task Forces, and is in contact with that Task Force in relation to outstanding matters. Approval has been given to the release of the second instalment in respect of the four Task Forces mentioned by Deputy Ó Snodaigh.

### **Hospital Services**

506. **Deputy Michael Healy-Rae** asked the Minister for Health if he will give an assurance that there will be no downgrading of the services being offered at present from Bantry General Hospital, County Cork; and if he will make a statement on the matter. [21089/11]

**Minister for Health (Deputy James Reilly):** I am committed to ensuring that acute hospital services at national, regional and local level are provided in a clinically appropriate and efficient manner. In particular I want to ensure that as many services as possible can be provided safely in smaller, local hospitals. I have also made it clear that patient safety must be the overriding priority. I want patients to be treated at the lowest level of complexity that is safe, timely, and efficient and as near to home as possible.

The configuration of services is constantly reviewed and from time to time re-arranged to improve access and quality of service and minimise risk to patients. This programme of realignment of services has received recent impetus from HIQA in relation to the need to implement the recommendations from the Ennis and Mallow reports. The reports deal in particular with the type of services that can safely be provided in smaller hospitals and the structures required for good governance and accountability. The HSE must ensure that this happens and I will be monitoring the situation closely in conjunction with HIQA

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The HSE has now put an implementation team in place to ensure that the recommendations of both the Ennis and Mallow reports are implemented in a speedy, systematic and consistent manner and I have asked for regular progress reports on this important initiative.

I recognises the vital service that Bantry Hospital provides to the people of west Cork and I want it to deliver services safely and appropriately. It will continue to provide consultant-delivered, selected acute medicine and geriatric medicine and day surgery. It will also provide outreach specialist services for initial assessment and post-treatment follow up care, in areas such as gynaecology, rheumatology, orthopaedics, urology and gastroenterology. There will be at least five consultant physicians based at Bantry, for a viable consultant duty roster, as part in the regional hospital network. Its location, activity and integration with local primary and community care services will make it an important teaching site for medical and other health profession students from UCC.

This Government is strongly committed to developing the role of smaller hospitals in Ireland so that they play a key part in the services provided to local communities. Patients should only have to travel to the larger hospitals for more complex services. The HIQA reports are entirely in keeping with this approach.

I can assure the public that no hospitals will close, regardless of the difficult economic situation we find ourselves in. However, ongoing reform of the system will require some changes in how care is delivered in some locations across our health system.

### Medical Cards

507. **Deputy Michael Healy-Rae** asked the Minister for Health if all cancer sufferers will automatically receive a full medical card when requested, despite their personal circumstances. [21090/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Under the provisions of the Health Act 1970, medical cards are provided to persons who, in the opinion of the Health Service Executive, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. The assessment for a medical card is based on the means of the applicant and his/her dependants.

At the request of my colleague Dr James Reilly, Minister for Health, the HSE recently set up a clinical panel to assist in the processing of applications for discretionary medical cards where there are difficult personal circumstances. This should be of particular benefit to persons diagnosed with terminal illnesses whose income is in excess of the standard income guidelines”.

It is of course the Government’s intention to extend free GP services to the entire population during the course of this Government.

508. **Deputy Niall Collins** asked the Minister for Health when a medical card will issue in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [21094/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Services

509. **Deputy Joe McHugh** asked the Minister for Health if the Health Service Executive

plans to fund an organisation (details supplied); and if he will make a statement on the matter. [21177/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the HSE for direct reply.

510. **Deputy John McGuinness** asked the Minister for Health, further to Parliamentary Question No. 361 of 12 April 2011, if a date for the procedure will be set now at St. Vincent's Hospital, Dublin; if the matter will be expedited; and if he will make a statement on the matter. [21191/11]

**Minister for Health (Deputy James Reilly):** The scheduling of patients for hospital treatment is a matter for the consultant concerned in each case and is determined on the basis of clinical need. Should the patient's general practitioner consider that the patient's condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant involved. As this is a service matter, it has been referred to the HSE for direct reply.

### Medical Cards

511. **Deputy Joe Costello** asked the Minister for Health if he will review the medical card application in respect of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [21214/11]

**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

512. **Deputy John Lyons** asked the Minister for Health if he will make enquiries about the case of a person (details supplied) who was referred from his GP to a hospital on two occasions in recent years for a consultation in respect of a procedure but has received no reply; and if he will make a statement on the matter. [21228/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

513. **Deputy Joan Collins** asked the Minister for Health if his attention has been drawn to the case of a person (details supplied) whose story was the subject of an RTE Prime Time programme; and if he will make a statement on the matter. [21229/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### Medical Cards

514. **Deputy Eric Byrne** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied) in Dublin 8. [21247/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

*Question No. 515 answered with Question No. 505.*

### Hospital Services

516. **Deputy James Bannon** asked the Minister for Health the reason a person (details supplied) in County Westmeath was unable to have a procedure carried out in the week commencing 4 July 2011 due to the fact that no recovery room was available; and if he will make a statement on the matter. [21283/11]

**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 Services

517. **Deputy Ciarán Lynch** asked the Minister for Health when a long term care bed will be provided for a person (details supplied) in County Cork; and if he will make a statement on the matter. [21287/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

518. **Deputy Timmy Dooley** asked the Minister for Health his total budget for dental services this year; if he will provide a breakdown of same between payments to private dentists for services to medical card holders and cost of Health Service Executive direct provision services; if the level of staff under the HSE direct services can be outlined and a summary of efficiencies introduced in this service over the past 18 months; if any study or report of comparable efficiency of private dentist service and HSE direct service has been carried out; and if he will make a statement on the matter. [21289/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The budget for the Public Dental Service (PDS), which provides oral health services to children under 16 and people of all ages with special needs is €60 million. The number of dental surgeons employed by the HSE in the PDS is approximately 320 whole time equivalents; the number of dental nurses and hygienists employed is approximately 600 whole time equivalents. The budget for the Dental Treatment Services Scheme (DTSS), which provides dental treatment to medical card holders by approximately 1,400 dental practitioners holding contracts with the HSE, is €63 million.

The Strategic Review of the Delivery and Management of HSE Dental Services (2010) has identified steps to be taken to improve efficiency of the DTSS and the PDS. The HSE is currently implementing the recommendations of the Review. Given that the DTSS and PDS target different patient cohorts, it is not possible to compare the services in terms of efficiency.

519. **Deputy Timmy Dooley** asked the Minister for Health the cost of the DTSS dental scheme for medical card holders in 2010; if comparison with the past five years will be given; if an estimate for 2011 will be given; if there has been any relaxation in the criteria or instructions to dentists as introduced in 2010; if in relation to each registered dentist nationally, the names can be listed and amounts earned by in 2009 and 2010 be separately shown; and if he will make a statement on the matter. [21291/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Expenditure on the Dental Treatment Services Scheme for the years 2006 to 2010 is as follows:

Year	Expenditure (approximate)
2006	€55 million
2007	€58 million
2008	€63 million
2009	€88 million
2010	€79 million

In order to control expenditure in the DTSS, the Health Service Executive (HSE) introduced measures in 2010 to ensure that patients with special needs, high risk patients and those who have greater clinical needs receive priority for treatment. Expenditure on the DTSS is currently being maintained at the 2008 level of approximately €63 million and the measures introduced in 2010 remain in place. The HSE will continue to monitor the operation of the DTSS to ensure the most beneficial, effective and efficient use of available resources.

The Primary Care Reimbursement Service of the HSE publishes the amounts paid to each contracted dentist in the DTSS annually. This information for 2009 is available on its website, *www.pcrs.ie*. The HSE is currently compiling data for 2010, which is expected to be published shortly.

#### **National Treatment Purchase Fund**

520. **Deputy Jack Wall** asked the Minister for Health if a person (details supplied) in County Kildare is entitled to a hip replacement operation under the National Treatment Purchase Fund; and if he will make a statement on the matter. [21298/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter it has been referred to the HSE for direct reply. Subject to the resources available to it, the National Treatment Purchase Fund may arrange treatment for patients who have been on a surgical waiting list for more than three months. It is open to the person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

#### **Health Service Staff**

521. **Deputy Brendan Griffin** asked the Minister for Health the amount the Health Service Executive spent on overtime for Kerry mental health service psychiatric nurses for 2010; the amount the HSE spent on overtime for general nurses in Kerry for 2010; and if he will make a statement on the matter. [21315/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

522. **Deputy Brendan Griffin** asked the Minister for Health the reason nurses on a national panel were not prioritised to fill temporary positions that arose in the Kerry mental health service in the past year; and if he will make a statement on the matter. [21317/11]

**Minister for Health (Deputy James Reilly):** The Health Service Executive has advised that its National Recruitment Service (NRS) was not notified of any approved Staff Nurse Mental Health posts in Kerry that were to be filled during the past year.

Under the HSE's recruitment process, all approved vacancies are examined regionally and forwarded to the NRS for filling. However, no vacancies for the Mental Health services in

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Kerry have been notified to the NRS. In certain instances agency staff may be used to fill temporary vacancies.

*Questions Nos. 523 and 524 answered with Question No. 478.*

525. **Deputy Seán Kenny** asked the Minister for Health the number of recruitment drives undertaken by the Health Service Executive in the UK, US, Canada, Australia, New Zealand, South Africa for the years 2007, 2008, 2009, 2010 and to date in 2011; and the number of dental nurses, social workers, occupational therapists, radiologists, nurses, physiotherapists and speech and language therapists recruited in each of these years. [21362/11]

**Minister for Health (Deputy James Reilly):** The Health Service Executive has advised that the information sought is not readily available. However, I have asked the Executive to compile the information available and I will forward this to the Deputy as soon as possible.

### Health Services

526. **Deputy Martin Heydon** asked the Minister for Health if his or the Health Service Executive's attention has been drawn to an addiction rehabilitation centre being formed at a location (details supplied) in County Kildare; if the centre is registered as an addiction rehabilitation centre; if his further attention has been drawn to the approximate number of residents the centre will hold; the type of addictions that the centre will be treating; the type of support services that will be provided to residents; and if he will make a statement on the matter. [21402/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I have asked the Health Service Executive to supply the information sought by the Deputy. I will forward it to the Deputy as soon as it comes to hand.

### Hospital Services

527. **Deputy Finian McGrath** asked the Minister for Health if he will oppose any outsourcing of jobs at the Incorporated Hospital in Clontarf, Dublin 3, in view of the fact that it is in breach of the Croke Park agreement. [21406/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

*Question No. 528 answered with Question No. 489.*

### Semi-State Bodies

529. **Deputy Pearse Doherty** asked the Minister for Health the savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22631/11]

**Minister for Health (Deputy James Reilly):** The information requested is currently being collated by my Department and will be forwarded to the Deputy as soon as it is available.

### Departmental Bodies

530. **Deputy Paudie Coffey** asked the Minister for Transport; Tourism and Sport the levels

of office rental paid to the agencies (details supplied) and their sub-agencies; the location of the offices; their landlords for the years 2008, 2009, 2010 and to date in 2011; the length of the leases in each case; and if he will make a statement on the matter. [20713/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Marine Casualty Investigation Board (MCIB) was established on 5 June 2002 under section 7(1) of the Merchant Shipping (Investigation of Marine Casualties) Act 2000. The MCIB is an independent body with its own funding provided for by the Oireachtas under section 19 of the Act. In accordance with section 8 of the Act, the MCIB is independent of the Minister in the performance of its functions and, in general, shall be independent of any other person or body whose interests could conflict with the functions of the Board.

The MCIB occupies office space at a State-owned building in Leeson Lane, Dublin 2. Therefore, in this case, the question of office rental to a landlord does not arise.

### **Public Transport**

531. **Deputy Eoghan Murphy** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the fact that public bus services operating to and from Dublin Airport terminate at midnight and hence there is no public mode of transport available after that time for those with bus passes depending on a public service. [20775/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The issues raised are operational matters for Dublin Bus and Bus Éireann. I have referred the Deputy's question to them for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Road Safety**

532. **Deputy Eamonn Maloney** asked the Minister for Transport, Tourism and Sport the new regulations or laws that are planned to prohibit the dumping into the Irish tyre market of part-worn tyres from other EU states or beyond; and if he will make a statement on the matter. [20855/11]

533. **Deputy Eamonn Maloney** asked the Minister for Transport, Tourism and Sport if, in view of the practise in the UK whereby part-worn tyres are permitted for sale on condition that the tyres are pressure tested and stamped, a similar regulation will be introduced within this jurisdiction; and if he will make a statement on the matter. [20857/11]

534. **Deputy Eamonn Maloney** asked the Minister for Transport, Tourism and Sport the number of non-E-marked tyres that are presented at the NCT in view of the fact that it is a requirement within the EU that motor vehicles are required to have E-marked tyres and that the NCT is obliged to fail any vehicle test where tyres do not have the E-mark; the number of test failures that are recorded for this reason nationally; and if he will make a statement on the matter. [20858/11]

535. **Deputy Eamonn Maloney** asked the Minister for Transport, Tourism and Sport if consideration will be given to a public campaign to inform drivers of the dangers of using non E-marked tyres due to the uncertain quality of manufacture and the risk of sudden deflation; and if he will make a statement on the matter. [20861/11]



540. **Deputy Eamonn Maloney** asked the Minister for Transport, Tourism and Sport if it is illegal to purchase non E-marked tyres for use on roads here by vehicles up to 30 years old; and his plans to outlaw the selling of such non E-marked tyres. [20889/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 532 to 535, inclusive, and 540 together.

The subject matter of this question, namely the purchase and use of E-marked tyres as well as the issues highlighted by the Deputy surrounding part worn tyres, is a matter for the Road Safety Authority, and I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

### **Sports Capital Programme**

536. **Deputy Dominic Hannigan** asked the Minister for Transport, Tourism and Sport when the sports capital programme will be open for new grants; and if he will make a statement on the matter. [20864/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I am looking at the options available to me with regard to a new Programme within the present financial constraints, but no decision has been made about the timing of future rounds of the Programme.

### **Air Services**

537. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport the position regarding the Kerry to Dublin public service obligation; when he expects flights to resume; and if he will make a statement on the matter. [20868/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** A tender process is currently underway for the public service obligation contract for the Kerry — Dublin air route following publication of the relevant notices in the Official Journal of the European Communities on 3 May 2011. In line with the EU guidelines, the process of renewal of a PSO takes a minimum of six months from the date the notices appear in the Official Journal. In accordance with this, my Department is working to ensure that the new PSO air service commences at the earliest opportunity in November 2011.

### **Taxi Regulations**

538. **Deputy Joan Collins** asked the Minister for Transport, Tourism and Sport the procedure and the basis on which the three taxi representatives were selected on the taxi review group; and if all registered taxi drivers were given the opportunity to participate in the selection process. [20873/11]

548. **Deputy Eric Byrne** asked the Minister for Transport, Tourism and Sport if, in relation to the independent taxi review group that was recently established, he will clarify the appointment process involved; the manner in which persons were appointed to the review; and the reason they were appointed. [21400/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** I propose to take Questions Nos. 538 and 548 together.

In my announcements of the 8th and 24th June respectively I have clarified the terms of reference and the membership of the Taxi Regulation Review Group, in line with the commit-

ment in the Programme for Government. The aim of the review is to enable the necessary further reforms of the sector to allow consumers to have confidence in the taxi system while also ensuring that legitimate and competent operators and drivers can be rewarded fairly by operating under a regulatory framework that is adequately enforced. The review will address a wide range of issues relating to the taxi sector including the current regulatory policy and practices, licensing systems, enforcement and future dialogue with the taxi sector.

In my view, the wide ranging membership of the Review Steering Group will allow an appropriate contribution from stakeholders, including dispatch operators, drivers, consumers as well as the regulatory and enforcement agencies.

Leading up to the review, I spent considerable time consulting with the various taxi representative groups and listening to their views. It is my belief that the representation in the taxi sector is too fragmented, which neither suits policy makers or taxi drivers themselves. If there was evidence of consolidation of taxi driver organisations into one constituted organisation, I may look at membership of the review group again.

I should add that the consultation on the review extends to all interested parties and stakeholders through an invitation for written submissions. To facilitate respondents, the date for acceptance of submissions has been extended to the 5th August 2011.

### **Tourism Promotion**

539. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to worldwide networking undertaken by a company (details supplied); the extent, if any, to which its potential can be examined in the promotion of tourism in the United States and elsewhere; and if he will make a statement on the matter. [20885/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational one for Tourism Ireland Limited as the body responsible for promoting the island of Ireland as a visitor destination overseas. I have referred the Deputy's Question to Tourism Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

*Question No. 540 answered with Question No. 532.*

### **Road Network**

541. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will provide details of the remaining cost of the construction of the new N22 Ballyvourney to Ballincollig road, County Cork; and if he will make a statement on the matter. [20891/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism & 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 don't receive a reply within 10 working days.

542. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he will consult with the National Roads Authority regarding the widening of two very dangerous

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bridges (details supplied) in County Kerry; and if he will make a statement on the matter.  
[20892/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The improvement and maintenance of regional and local roads, including bridges, is a statutory function of each road authority in accordance with the provisions of Section 13 of the Roads Act 1993. The carrying out of works on these roads and bridges is a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the council.

A total of €439,676,000 is being provided to local authorities for regional and local roads in 2011. This includes the additional €60 million provided by the government in May this year under the Jobs Initiative. From this allocation, Kerry County Council is being provided with a total of €19,071,422.

In July last year, local authorities were invited to submit proposals for funding in 2011 under the Specific Improvement Grants Scheme. Kerry County Council submitted 10 applications for funding in 2011 however Listry Bridge was not among the Council's proposals. It is open to Kerry County Council to prioritise the Listry Bridge project and to submit it for funding under the Specific Improvement Grants Scheme in 2012 when applications are sought in due course. Alternatively, the local authority may fund this project through its own resources.

In relation to the Ballyreameen Bridge on the N70, as Minister for Transport, Tourism & 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.

Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. Noting the above position, I have referred that part of the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

### **Rail Network**

543. **Deputy Michael Conaghan** asked the Minister for Transport, Tourism and Sport the factors that will be considered in determining whether the DART underground connection project will proceed; if the importance of bringing coherence and adding value to existing services and infrastructure will be given major weighting, as well as providing for suburban rail services in suburbs in the west of the city like Ballyfermot, Dublin 22; and if he will make a statement on the matter. [20947/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. Following the establishment of the National Transport Authority (NTA) on December 2009, the implementation and development of infrastructure projects in the Greater Dublin Area (GDA), such as the DART Underground, comes under the remit of the NTA. The legislative basis for this is Section 11 (1) (e) of the DTA Act 2008 "Principal Functions of Authority — The principal functions of the Authority are to secure the- provision of public transport infrastructure".

In relation to Government policy on public transport investment, the comprehensive review of capital expenditure is currently underway. This review, which takes place against a background of new funding realities, will examine the costs and benefits of current and proposed capital projects and programmes, as well as the overall economic impact and job creation potential. A major consideration for transport investment will be the need to prioritise funding to protect investment made to date and to maintain high safety standards. This of necessity will restrict the funding available for new projects.

In relation to the large public transport projects in the Dublin area, such as DART Underground, the availability of funding, both from the Exchequer and private sources, will be a key consideration in the review as will the contribution to transport objectives, including the potential to add value to existing services, and employment creation potential. The outcome of the review on major projects should be available in September.

### **Regional Airports**

544. **Deputy Tony McLoughlin** asked the Minister for Transport, Tourism and Sport the number of private aircraft that landed at Ireland West Airport, Knock, and Sligo Regional Airport during each of the years, 2007, 2008, 2009, 2010 and the first six months of 2011. [21000/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department does not collate information on the numbers of private aircraft landing at regional airports. This is a matter for the regional airports in question.

### **Arts Funding**

545. **Deputy Michelle Mulherin** asked the Minister for Transport, Tourism and Sport the amount spent from the public purse on pyrotechnics as part of festivals or other events for each year in the past five years to date in 2011; if he will identify the particular events so sponsored; the amount involved and the company or organisation retained to execute the pyrotechnic display in each case. [21017/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The information requested by the Deputy is being compiled and will be forwarded within 10 working days.

### **Rail Services**

546. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the number of additional Inter City rail cars and DART rail cars brought into operation in each of the years 2007, 2008, 2009, 2010 and to date in 2011. [21365/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational matters 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**

547. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the specific guidelines for Dublin Bus regarding the appointment of ticket vending agents throughout Dublin; if there are set criteria that must be satisfied in order to become a Dublin Bus ticket

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agent; if there are any criteria or restrictions governing the approval of agents selling tourism related tickets; if so, the criteria for same; and if he will make a statement on the matter. [21366/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issues raised are operational matters for Dublin Bus and Fáilte Ireland. I have referred the Deputy's question to them for direct reply. Please advise my private office if you do not receive a reply within ten working days.

*Question No. 548 answered with Question No. 538.*

### **Semi-State Bodies**

549. **Deputy Pearse Doherty** asked the Minister for Transport, Tourism and Sport the savings to the semi-state sector in his Department in a full year if he were to cap the maximum salary available in semi-state bodies at €100,000. [22633/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Government supports a strong policy of pay restraint in the public sector including the application of pay caps. The Deputy will be aware that the Government recently announced pay caps and revised salary levels for Chief Executives and other senior management in both the commercial and non commercial state agencies.

I have no plans, nor am I currently examining the effect of, the introduction of a unilateral pay cap at €100,000 for commercial and non-commercial state agencies in the transport sector. Pay rates for the sector will be set in accordance with general Government pay policy.