



# DÁIL ÉIREANN

---

*Déardaoin, 15 Meán Fómhair 2011.  
Thursday, 15 September 2011.*

---

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

---

*Paidir.*

*Prayer.*

---

## **Leaders' Question**

**Deputy Éamon Ó Cuív:** Tá áthas orm go dtógfar Ceisteanna ó Cheannairí ar an Déardaoin feasta. I welcome the introduction of Leaders' Questions and I hope the Tánaiste's replies will be clear and concise.

**Deputy Brendan Howlin:** It depends on the question.

**Deputy Paul Kehoe:** Even your own people are laughing at you.

**Deputy Éamon Ó Cuív:** I note——

**Deputy Jerry Buttimer:** Is the Deputy really Gay Byrne?

**An Ceann Comhairle:** Can we get on with the question, please?

**Deputy Éamon Ó Cuív:** I note the decision made by the Government yesterday to sell its final 25% holding of Aer Lingus along with 25% of ESB. Does not the sale of the 25% of Aer Lingus prove that, despite the assurances given in advance of the partial sale of Comhlucht Siúcra Éireann and that airline, once one starts selling parts of State companies one heads down an inexorable route towards total privatisation?

**Deputy Sean Sherlock:** Who sold out Irish Sugar?

**Deputy Billy Kelleher:** Deputy Sherlock sold out on Mallow hospital.

**An Ceann Comhairle:** Allow Deputy Ó Cuív to make his point.

**Deputy Michael Noonan:** Who sold out the country?

**Deputy Éamon Ó Cuív:** Would the Tánaiste not agree that the sale of even 25% of ESB will change its nature from a company that operates in the national interest to one which serves the narrow interest of financial returns to shareholders? I would appreciate it if he could outline the Government's thinking in terms of realising money from State assets in this fashion.

**The Tánaiste:** Gabhaim buíochas leis an Teachta as ucht an fáilte a chur sé roimh an gcinneadh Ceisteanna ó Cheannairí a bheith againn ar an Déardaoin. I am happy to give him clear and concise answers and, in return, I hope the questions will be equally clear and concise.

He asked me to respond to the decision he claims the Government has made in respect of selling the remaining share in Aer Lingus. No such decision has been made. He also asked me to respond to what he said was a decision made by the Government to sell 25% of ESB. No decision has been made in respect of the percentage of shareholding in ESB to be sold. The Government has considered the necessity of selling some State assets in order to deal with the financial circumstances in which the country has been put and to raise money for investment in job creation. The Government's decision in respect of ESB is to sell a minority shareholding. The company will not be broken up, a course of action I heard somebody advocating on a radio programme this morning. It will be retained as a single entity in the national interest. A decision has been made by the Government to sell a minority shareholding but the manner in which that sale will take place, the amount of the shareholding to be sold and the issue of finding a compatible investor are matters that will be addressed by the Ministers for Communications, Energy and Natural Resources and Public Expenditure and Reform. They will report to Government on these matters by the end of November.

**Deputy Timmy Dooley:** Frankfurt won.

**Deputy Éamon Ó Cuív:** I take it from the Tánaiste's reply that up to 49% of ESB might be sold. Can he confirm that the transmission assets, which comprise the power cables as well as the network, will be retained in 100% State ownership and will not be transferred to Eirgrid? Can he also clarify whether the transmission system in Northern Ireland, which is owned by ESB, will be retained in State ownership or are we doing something that every previous Government set its face against, namely, diluting the State's ownership of the wires in the electricity system? Will the Government accept or reject the proposals in the McCarthy report to transfer the hydroelectric schemes, including Turlough Hill, to Eirgrid in order that they can be retained in 100% State ownership in light of their importance? If these vital national assets are being transferred out of ESB, has a value been placed on the residual value of the company?

**The Tánaiste:** I remind the Deputy that we are in a situation whereby we have to consider the sale of State assets because of the hole his Government dug for this country.

**Deputy Billy Kelleher:** The Tánaiste promised to renegotiate the bailout.

**The Tánaiste:** We have renegotiated it.

**Deputy Brendan Howlin:** Has the Deputy seen the interest rates?

**Deputy Colm Keaveney:** Fianna Fáil did not bother to renegotiate it.

**An Ceann Comhairle:** Allow the Tánaiste to continue.

**Deputy Colm Keaveney:** It lacked the competence.

**The Tánaiste:** It is remiss of the parties opposite not to acknowledge the success enjoyed by the Government in getting the interest rate reduced.

**Deputies:** Hear, hear.

**Deputy Brendan Howlin:** It could not be done according to them.

**The Tánaiste:** From the time the Government was formed last March, they constantly told us it could not be done —

**Deputy Timmy Dooley:** The Government got a shock about it.

**The Tánaiste:** —and that it would not be done.

**Deputy Billy Kelleher:** It was not expecting it.

**The Tánaiste:** It was done on terms that were far in excess of what the parties opposite claimed were possible. The reason the Government has decided to sell a minority share in ESB is because it is necessary to do so in order to deal with our financial problems and generate funding for job creation.

**Deputy Martin Ferris:** Not, it is not.

**The Tánaiste:** The Deputy cannot take it that 49% will be sold. There is already a minority shareholding in the ESB which is held by the staff of the company. As I said earlier, we will not break up the ESB. The Deputy opposite seems to be taking that line of thinking, but there will be no breaking up of the ESB by this Government. It will remain a single entity, which is what is in the national interest. It will be in State control and a minority shareholding will be sold, the proceeds from which the Government intends to use to generate funds for employment in order to get this economy going.

**Deputy Gerry Adams:** Ní chóir aon chuid den ESB a dhíol. Sin an méid adúirt Pairtí an Lucht Oibre i rith an toghcháin. Tá Bord Soláthair an Leictreachais ag déanamh brábúis mhóir le blianta anuas agus in ionad aon chuid de a dhíol ba chóir an brabús seo a úsáid chun jabanna a chruthú.

Yesterday I appealed to the Taoiseach to stop giving money away to banks and instead to invest it in jobs. Since then we have heard that an additional 420 jobs may be lost in Dublin. Yesterday, one the first day back after the summer, in response to a question from Deputy Martin Ferris, the Government admitted its plan to sell part of the ESB. I remind the Tánaiste of what he said during the election:

Labour is committed to the concept of public enterprise. It is opposed to short-termist privatisation of key State assets such as Coillte or the energy networks.

When the Deputies on my left sold off Eircom, the Tánaiste called it a debacle and referred to the company being bought and sold like a clapped-out second-hand car. Surely if there is any purpose in Páirtí an Lucht Oibre being in Government with Fine Gael, it is to prevent this type of approach. I appeal to the Tánaiste to consider his position and to stand up for the rights of working people by opposing this sell-off.

**The Tánaiste:** I remind Deputy Adams that his party has made its own unique contribution to the difficulty the country is in and the circumstances this Government inherited last March. The reason money is being paid to the banks is that the State provided a guarantee to those banks, a guarantee which the Deputy's party supported.

**Deputies:** Hear, hear.

*(Interruptions).*

**Deputy Caoimhghín Ó Caoláin:** Will the Tánaiste tell the truth about this for once in his life?

**The Tánaiste:** Deputies opposite must remember that when one gives a guarantee it must be honoured.

**Deputy Caoimhghín Ó Caoláin:** I remember that well.

**Deputy Pat Rabbitte:** Poor Caoimhghín paid a heavy price.

**The Tánaiste:** This country is in economic difficulty. This Government will get the country out of that economic difficulty.

**Deputies:** Hear, hear.

**The Tánaiste:** All of the decisions we have taken in the first six months of the life of this Government have set the country back on the road to recovery.

**Deputy Dessie Ellis:** Unemployment is increasing. Where is the jobs initiative?

**The Tánaiste:** If one looks at the circumstances the country was in when we formed this Government and considers the progress that has been made, one will see the renegotiation of the deal with the EU and the IMF, the reduction in interest rates, the jobs initiative we have taken——

**A Deputy:** What about the JLCs?

*(Interruptions).*

**The Tánaiste:** The Government has taken various initiatives to bring about economic recovery. In an ideal world we would not want to sell the ESB or any State asset. However, we are not in an ideal world; we are in a world where this country's economy and its finances are in deep trouble. This Government will take the decisions that will get us out of that trouble, get people back to work, get our economy moving again and bring about recovery.

**Deputies:** Hear, hear.

**The Tánaiste:** The decision we have taken in this matter, in the national interest, is that we will retain the ESB intact as a single entity and sell a minority shareholding. We are not going to do it in a loose kind of way but rather in a very considered way. The Minister for Communications, Energy and Natural Resources and the Minister for Public Expenditure and Reform have been tasked with the responsibility of working this through, discussing it with the energy regulator and the European Commission and looking at the manner in which a minority shareholding can be sold in the best interests of the country. It will be done in a way which secures the future of the ESB, ensures energy security and contributes to investment in this economy that will get people back to work and the economy moving again.

**Deputies:** Hear, hear.

**Deputy Gerry Adams:** The Tánaiste did not answer my question. The response all the time from Government members — and the Labour Party is aping Fine Gael on this issue, as it does on every other — is that the big boys made them do it.

*(Interruptions).*

**Deputy Colm Keaveney:** We are dealing with reality.

**Deputy Gerry Adams:** I am wondering respectfully whether the Government might consider amending the Proclamation where it states: “We declare the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies, to be sovereign and inalienable”. Perhaps it should be amended to indicate that this applies except where the big bankers, the golden circle, the EU or IMF, or Fine Gael dictate otherwise.

*(Interruptions).*

**Deputy Michael McCarthy:** Sinn Féin supported the guarantee which signed away our sovereignty.

**Deputy Gerry Adams:** I have a question for the Tánaiste as Government representative and also as leader of the Labour Party. What type of society will be left when we have sold off not just our natural resources, as the Minister for Communications, Energy and Natural Resources, Deputy Pat Rabbitte, has already expedited, but also our key assets? What will happen when we have no public postal service, when we have sold off a whole range of necessary public energy bodies, when we have no forestry body? What are the social consequences of such a strategy? I ask the Tánaiste again to reconsider this decision and to stand firmly on the need to use the dividends from these profitable State assets to grow jobs as opposed to selling them off like a clapped-out car.

**The Tánaiste:** First, the big boys did not make us do it. The Government is perfectly capable of making its decision and taking responsibility for it. I am very much aware of what is in the Proclamation. The problem we have and the problem the country has is that when we took office, the country had lost its economic sovereignty.

**Deputy Gerry Adams:** The big boys.

**The Tánaiste:** What this Government is doing — and what we will have well done by the 100th anniversary of the 1916 Rising — is seeking to restore this country’s sovereignty. We will have people back to work, we will have a good economy and a better and fairer society.

**Deputies:** Hear, hear.

**Deputy Caoimhghín Ó Caoláin:** That is what we want.

**Deputy Brendan Howlin:** That is how we will commemorate 1916.

**The Tánaiste:** What type of society does Deputy Adams think we would have if we followed his prescription and defaulted on the debt? Where would we get the €18 billion or €19 billion that is required to pay for services, to pay the teachers in our schools——

**Deputy Brendan Howlin:** Anarchy.

**The Tánaiste:** ——to make social welfare payments, to pay for all of the services which the Deputy rightly demands every day in this House? This Government will restore and is restoring the country’s economic sovereignty. The steps we are taking will get us out of the economic difficulty we are in. Some of the decisions we have to make and are making are difficult. We are making them, we will make them and we will do what is necessary to restore this country’s fortunes.

**Deputies:** Hear, hear.

**Deputy Shane Ross:** The Government did something right in regard to the ESB when it restricted the pay of its chief executive officer by way of the introduction last session of a cap on pay in semi-State bodies. People with private pensions are up in arms about the plundering of their funds through the Government's levy. Nowhere was this more evident than last week when salt was poured into the wounds of these pensioners with the news that Mr. Dermot McCarthy, the former Secretary General at the Department of the Taoiseach, was given a €700,000 pay-off and a pension that would make a banker blush. It is an extraordinary situation. The person who sat beside Cabinet at a time when the Government was preaching austerity was given €700,000 to retire at the age of 57. I am interested to hear the Tánaiste's response to the following. Bankers and people in private industry are paid vast sums for failure and people at the top of the public service are paid to retire early when, if they are so good at their job, they should be incentivised to remain on. It is unacceptable that this type of practice continues. This package-deal puts the deal given to Mr. Patrick Neary and the former Governor of the Central Bank, Mr. John Hurley, in the shade. It is not acceptable for the Government simply to say there is little it can do. An element of the package with which Mr. McCarthy walked away was tax free yet small taxpayers are being asked to pay more in their pensions. Can the Tánaiste give us an assurance that there is no other such pension or payment in the pipeline?

**Deputy Brendan Howlin:** There is one more.

**Deputy Shane Ross:** I believe there is at least one more. I want an assurance that this will never happen again and that the Government will take steps to ensure those types of bonuses and pay offs are taxed at the same rate as were bankers' bonuses, and rightly so, by way of an emergency measure introduced by the previous Minister for Finance.

**The Tánaiste:** I can assure the Deputy that the Government will put an end to the high level of severance payments. I understand that the particular severance payment to which the Deputy referred was agreed to and signed off on by the previous Government.

There are a number of elements to this. First, the Government has already capped the salaries of top people in the Civil Service. After 29 February 2012, that cap on salaries will also apply to pensions. Second, the Minister for Public Expenditure and Reform is introducing new pensions legislation in respect of the public service, which will address many of the issues raised by Deputy Ross. Third, an element of the package to which the Deputy referred was an arrangement agreed in 1987. While prior to the putting in place of that arrangement secretaries general were appointed for life they were thereafter only given seven year contracts. I understand it was also agreed at that time that where secretaries general retired following the seven year period a separate severance element applied. I understand that arrangement applied in this case.

The Minister for Public Expenditure and Reform is reviewing that arrangement with a view to putting an end to it.

**Deputy Shane Ross:** I accept that the Government will try to address this in the future. I suggest, however, that it will not do enough. Perhaps the Tánaiste will answer the following two supplementary questions. Should he not, in light of what has happened, abolish lump sum payments to top civil servants? Can the Tánaiste give us an assurance that no further lump sum payments will be made? The capping of these payments at €60,000 is completely unacceptable. There should be no such payments. There is no excuse for giving people lump sums at a time of austerity, such as we are now experiencing.

If the Tánaiste can do nothing to address this problem right now, which I doubt, will he join me in asking Mr. McCarthy to return his lump sum payment given the enormous pension he is on?

**The Tánaiste:** It is important that we disaggregate some of these issues. As I said, the Minister for Public Expenditure and Reform is reviewing the special severance arrangement with a view to bringing it to an end.

The issue of lump sums which are part of the pensions arrangement which people have is a separate matter and arises from pension entitlements. As I said earlier, the levels of pensions paid will now be reduced as a consequence of the capping of the salaries concerned. There will be new legislation dealing with pensions in the public service.

**Deputy Shane Ross:** Will the Tánaiste ask Mr. McCarthy to give back the money?

**The Tánaiste:** That is a matter for the individual concerned.

### Order of Business

**The Tánaiste:** It is proposed to take No. 17, statements on international democracy day which shall adjourn after 30 minutes, if not previously concluded and No. 4, Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 5.45 p.m. and shall adjourn not later than 6.45 p.m. The following procedures shall apply in relation to No. 17. The statement of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed five minutes in each case; the statement of each other Member called upon shall not exceed five minutes in each case; Members may share time and a Minister or Minister of State shall be called upon to make a statement in reply, which shall not exceed five minutes. Second Stage of No. 4 shall be taken today and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 6.45 p.m. and the following arrangements shall apply. The opening speech of a Minister or Minister of State and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes in each case; the speech of each other Member called upon shall not exceed ten minutes in each case; Members may share time and a Minister or Minister of State shall be called upon to make a speech in reply which shall not exceed five minutes.

Private Members' Business, which shall be No. 26 — motion re reform of the Common Agricultural Policy (resumed), shall be taken immediately after the Order of Business and shall, if not previously concluded, be brought to a conclusion after 90 minutes.

**An Ceann Comhairle:** There are three proposals to put to the House. Is the proposal that the Dáil shall sit later than 5.45 p.m. agreed? Agreed. Is the proposal for dealing with No. 17, statements on international democracy day, agreed? Agreed. Is the proposal for dealing with No. 4 — Order for Second Stage and Second Stage of the Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011 agreed?

**Deputy Catherine Murphy:** It is not agreed. I want to put on——

**An Ceann Comhairle:** I am sorry Deputy, I cannot allow you to speak now.

**Deputy Catherine Murphy:** It is ridiculous that despite my saying I am not agreeing to something——

**An Ceann Comhairle:** I know. The Deputy must get the leader of her group to——

**Deputy Catherine Murphy:** ——I cannot articulate the reason for it. That is absolutely ridiculous.

**An Ceann Comhairle:** The Deputy can——

**Deputy Catherine Murphy:** I want to put on record that the time allocated to debate this important legislation is inadequate. I find it totally unacceptable.

Question put and declared carried.

**An Ceann Comhairle:** I call Deputy Ó Cuív on the Order of Business.

**Deputy Éamon Ó Cuív:** When will the water services Bill to establish a system for inspecting and monitoring the performance of septic tanks and other on-site waste water systems be approved by Government? Also, does the Government intend to publish the heads of that Bill once approved and will the Tánaiste assure the House that the Bill will provide an accruable system for rural people as compared with urban people?

**The Tánaiste:** The Bill will be published this session. It is also intended to deal with it this session. I believe the Deputy will find the provisions of the Bill, when published, are fair to urban and rural people.

**Deputy Éamon Ó Cuív:** Will the Government publish the heads of the Bill?

**Deputy Pat Rabbitte:** There is no need to go to jail.

**Deputy Joan Burton:** We will send the Deputy a cake.

**The Tánaiste:** The legislative programme lists a number of Bills, the heads of which the Government intends to publish and have those brought to committee. Given that the European Court of Justice has ruled in this area, the Government is anxious to have the legislation enacted as quickly as possible. It is likely that the Bill will be published and brought directly to the House.

**Deputy Gerry Adams:** I wish to raise three brief points on promised legislation.

**An Ceann Comhairle:** Yes.

**Deputy Gerry Adams:** A Bill to enable the State to ratify the EU treaty amendments to establish the European Stability Mechanism is due this term. Will the Tánaiste indicate when this Bill will come before the House? This legislation should be put to the people in a constitutional referendum and I urge the Government to do so. Will he publish the legal advice from the Attorney General on which he has based his decision thus far not to hold a referendum?

**The Tánaiste:** There are two sets of legislation here. First, there is legislation from the Minister for Finance on the EFSF which is on the actual support programme. That legislation is being prepared and the Minister will introduce it in the House shortly. Separate legislation deals with the ratification of the treaty change. I am preparing that legislation and I intend to bring it to Government shortly and then before the House. As the Deputy is aware, the Government's advice is that a referendum is not required on that measure. The legislation will be brought before the House and debated and it will be a matter for the House to decide whether it wishes to approve it in order to ratify the treaty.

**Deputy Gerry Adams:** Will the Tánaiste publish the legal advice?

**The Tánaiste:** In general the advices from the Attorney General were verbal advices.

**Deputy Gerry Adams:** May I respond?

**An Ceann Comhairle:** Yes.

**Deputy Gerry Adams:** The Government has decided to take away from citizens the right to have a referendum on this issue, based on an oral conversation with the Attorney General and he will not bring it before the House and allow us to scrutinise it. The Tánaiste should ask the Attorney General to provide that advice in writing. This is for the negotiations being conducted with the IMF, a nod and a wink.

**An Ceann Comhairle:** We cannot have a debate on that matter.

**The Tánaiste:** These are issues that I would be very happy to debate with the Deputy when the legislation is presented. The Attorney General attends every Cabinet meeting and advises on legislation.

**Deputy Gerald Nash:** The Tánaiste is only too well aware of the uncertainty and anxiety experienced by many thousands of lower paid workers in sectors of the economy such as the hospitality sector when Mr. Justice Feeney struck down the statutory wage-setting mechanism as unconstitutional. The many thousands of citizens who depend on the joint labour committee system for a fair and decent wage for them and their family demand a swift response to that decision from the Government. I am pleased that the legislative programme outlined yesterday shows clearly that the Government has delivered on that promise. Will the Tánaiste outline to the House a clear timeframe for the introduction of the legislation to restore the joint labour committee system?

**The Tánaiste:** As the Deputy said, the High Court struck down, for constitutional reasons, the JLC-REA system which had been in place to provide statutory regulation and protection, in the main, to low-paid workers in a number of sectors of the economy. The Government is introducing legislation to restore the JLC-REA system to ensure those workers will continue to have legal protection of their pay and conditions. That legislation will be published this session. The heads of the Bill have been prepared by the Department of Jobs, Enterprise and Innovation and agreed by Government and the Attorney General has been asked to give the highest priority to the drafting of the legislation.

**Deputy Richard Boyd Barrett:** I wish to raise two questions. In regard to the temporary agency workers' Bill, it appears that Stena in Dún Laoghaire, in an effort to pre-empt the introduction of this Bill, is trying to get rid of its permanent staff essentially so that it does not have any permanent staff against which to compare the rights of agency workers.

**An Ceann Comhairle:** We cannot have a debate on that matter.

**Deputy Richard Boyd Barrett:** When will the Bill come before the House and what measures will be taken to deal with a situation where companies may try to get rid of their permanent workforce, as appears to be the case, before the Bill is enacted? In regard to the legislative programme distributed yesterday, emphasis was placed on job creation and economic recovery. Given that hundreds of jobs are being lost at TalkTalk and 450 jobs are being lost in Loughlinstown in south Dublin, in my constituency, I call for a serious debate on jobs and how to deal with getting jobs and the conditions under which redundancies are being imposed on workers.

**The Tánaiste:** With regard to the rights of agency workers, the transposition of the EU directive is the responsibility of the Minister for Jobs, Enterprise and Innovation. The deadline for the transposition of the directive is 5 December 2011. The Government intends to have the legislation in place in order to have the directive implemented by that date. The Minister is in discussions with the employer organisations and the Irish Congress of Trade Unions on aspects of the directive and the way in which it will be implemented. I understand those discussions will be concluded shortly. No employer should seek to pull some stunt to try to avoid the terms of that directive. The Government intends to give effect to the directive in legislation and in the meantime no employer should try to avoid it.

The Deputy called for a debate on jobs. The Government would be happy to have such a debate. The matter can be raised with the Whips on what needs to be done to create jobs in the economy. In the course of that debate I look forward to hearing if the Deputy has any positive proposals in that regard.

**Deputy Richard Boyd Barrett:** I have very positive proposals.

**Deputy Clare Daly:** Given the Tánaiste's announcement of the salami-style privatisation in which the Government is engaging, is it not appropriate to amend the Order of Business to discuss the McCarthy report and put this issue in context? Nobody would be conned by the Tánaiste's assurances this morning that only a minority of the company is up for sale in the ESB. As one who worked in Aer Lingus, a small privatisation inevitably leads to a further sell-off down the road.

**An Ceann Comhairle:** We cannot have a debate.

**Deputy Clare Daly:** When can we have a holistic discussion on this vitally important issue on which the Labour Party has given so many false promises?

**An Ceann Comhairle:** Has a debate been promised on this issue? "Yes" or "No"?

**The Tánaiste:** Again, this issue——

**An Ceann Comhairle:** It can be dealt with through the Whips.

**The Tánaiste:** ——can be discussed with the Whips.

**An Ceann Comhairle:** Thank you. I call Deputy Joan Collins.

**The Tánaiste:** The Deputy said the Government is trying to engage in some kind of a con, there is no con here. The Government has made a decision to sell a minority shareholding in the ESB. The situation in Aer Lingus, to which the Deputy referred, is different. In that case the Government decided to sell a majority shareholding in it.

**Deputy Clare Daly:** It was not based on something entirely different.

**Deputy Joan Collins:** We have heard much discussion on TalkTalk and the fact that the company had only to give 30 days notice, under law, to its workers. The Government should extend the number of days notice to 120 and there should be legislation in this area.

**An Ceann Comhairle:** Is legislation promised in this area?

**The Tánaiste:** The Government has asked the company to extend the period of notice given. In the case of TalkTalk, it was completely unacceptable to give 30 days notice of the company's intention to pull out of Waterford with all of the consequences that has for the employees and

the local economy. The legal requirement for notice in any event will be found to be longer than 30 days in the case of many of the employees. I discussed this matter with employees when I met them last Saturday in Waterford. Many of them have contractual entitlements to longer periods of notice.

**Deputy Bernard J. Durkan:** Apropos the ongoing anxiety concerning financial matters, will the Bretton Woods (amendment) (No. 2) and the European Financial Stability Facility (amendment) Bills be passed by both Houses? Is there a deadline by which time they should be passed?

The last Bill I wish to discuss is an interesting one, namely, No. 84 on the legislative list, the HSE governance Bill, to provide for the abolition of the board of the HSE. Have its heads been discussed at Cabinet level and when will it be published and laid before the House?

**The Tánaiste:** The Bretton Woods legislation will be handled this session. It is a matter for the House as to when it will be passed. The second Bill will be published today and will be discussed in the House next week. The Minister for Health intends to introduce the legislation on the abolition of the HSE board shortly.

**Deputy Charlie McConalogue:** Last night, the Dáil discussed legislation on holding a referendum on judicial pay. The Tánaiste will recall that, prior to the election, Fine Gael in particular promised a super Constitution day within the Government's first year. What is the position of the outstanding referendums that were promised and when can we expect to see the legislation? I am referring to the referendums on abolishing the Seanad, reducing the presidential term from seven years to five years, putting the Office of the Ombudsman on a statutory footing, protecting whistleblowers — this was meant to be held on the same day as the presidential election — and children's rights, which has been pushed back constantly despite numerous pre-general election promises by both Government parties that it would be held on the same day as the presidential election. Will the Tánaiste outline to the House the date of the super Constitution day and the position of each of the referendums to which I have referred?

**The Tánaiste:** The Government is delivering on its commitment to make changes to the Constitution. Two issues will go to referendum, one of which will be debated today. The intention is to hold them with the presidential election. It is intended to hold some other referenda next year. Work is progressing on them.

Some of the matters raised by the Deputy do not require a constitutional change. For example, we intend to address the protection of whistleblowers by way of legislation. As committed to in our programme, the Government intends to establish a constitutional convention to deal with a number of wider constitutional issues. We will progress the constitutional agenda that we set out in the programme for Government as quickly as possible. Evidence of this is the fact that we will hold two referenda on 27 October.

### **Private Members' Business**

#### **Reform of the Common Agricultural Policy: Motion (Resumed)**

The following motion was moved by Deputy Michael Moynihan on Wednesday, 14 September 2011:

That Dáil Éireann:

- notes that recent proposals being discussed on the Common Agricultural Policy (CAP) reform will have a detrimental impact on Ireland's agricultural sector and that

the suggested introduction of a Single Farm Payment will cost thousands of jobs and decimate agricultural production by up to 30%; and

- calls on the Government to immediately publish its proposals and position in relation to these matters.

Debate resumed on amendment No. 1:

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

- recognises the importance of the agriculture and food sector as a driver for economic recovery and export led growth;
- notes the commitment of Government to the Food Harvest 2020 strategy and the progress in 2011 towards implementation of the targets as set out in the Food Harvest: Milestones for Success document published in July, 2011;
- endorses the clearly articulated policy of Government to date in relation to Common Agricultural Policy (CAP) reform;
- reaffirms the following key priorities in relation to the upcoming negotiations on the CAP on which formal proposals from the Commission are expected to be published in early October:
  - ensure that the vital role of the CAP in promoting sustainable and competitive food production is maintained and that a commensurate EU budget is provided to support that objective;
  - protect payments to Irish farmers and the agrifood sector under both Pillar 1 and Pillar 2 of the future CAP and to ensure that Ireland receives a fair share of available CAP funding;
  - provide appropriate flexibility to Member States to determine direct payment systems best suited to their conditions and to the future development of their agricultural systems; and
  - provide appropriate support for competitiveness and sustainability in food production in the rural development pillar of the CAP (Pillar 2); and
- in this regard, notes and expresses its strong support for the efforts of Government to build alliances with other like-minded Member States in pursuit of these stated objectives.

—(Minister for Agriculture, Fisheries and Food).

**Deputy Mattie McGrath:** I welcome the opportunity to speak to this motion. I wish to emphasise the importance of our agriculture industry to our economy. During the Order of Business, the line taken by the Tánaiste was that the Government inherited our serious economic situation. It did, but everyone knew the economy's state long before the last election. The worsening situation is not news to anyone.

I welcome the jobs initiative and other actions taken by the Government in the previous session. I am a member of the Joint Committee on Communication, Natural Resources and Agriculture and am concerned by agriculture's future. At 53 years of age, I can remember two recessions. In both, the agriculture sector took us out of recession. With the onset of the so-called Celtic tiger 15 or 20 years ago, we took our eye off the ball and the sector was neglected. Despite the best efforts of farming organisations and others to retain a focus on agriculture, it was not a trendy subject compared with, for example, the construction industry. Agriculture

was neglected and we accepted many bad European deals. None of this helps our current situation.

The number of family farms, in particular small ones, has diminished significantly. I note the Minister's amendment, in which he states the Government "recognises the importance of the agriculture and food sector". The Minister certainly does, as I was a member of the committee alongside him in recent years. Two days before the end of the last term, the House passed a European directive on land reclamation and planning permissions without debate and the Minister signed it into law yesterday. I could not believe that the House would do such in respect of an important directive. We receive all sorts of directives from Europe. We are being directed out of business. Successive Governments and officials have shown Europe the white flag. Each time it says "Jump", we ask "How high?". In many countries, directives and initiatives are not implemented after they are passed by their parliaments despite the threat of fines.

I question the role of the Department's officials. I do not want to knock officials *per se*, but I question their numbers compared with the diminished number of farmers. Why are so many officials necessary? They are trying to create work to keep themselves busy. That there are fewer farmers is not their fault and many of them do a great deal of good work, but there are too many. There is too much red tape and bureaucracy. It goes without saying that there is more traceability of animals than there is of humans. This is a sad situation. We need traceability and accountability, but the farming sector is being regulated out of existence by red tape. Health and safety regulations are important, but we have gone over the top and stark raving mad with regulations. We are zealous about implementing regulations down to their syllables and commas. We must consider where we are going with this.

While I support the Government's initiatives and the Food Harvest 2020 policy, it has not provided clarity on the Common Agricultural Policy, CAP, as it claims. CAP has been a vital resource for farmers and must be maintained. The issue of single farm payments is on the table and must be examined. It is outrageous that big business people who have farms as a hobby are getting up to €500,000 under this payment. Some ordinary farmers are also getting significant amounts of money. The money must be spread more evenly. Small family farms, horticulture farms and organic farms must be supported, as must farms in wetlands and on poor land. When land is reclaimed, a great deal of money is spent in the local economy. We passed the directive on planning permission. I do not recall its name, but everyone knows which one it was. Under it, if one wants to reclaim 30 sq m or a few hectares, one needs to have an environmental assessment conducted. This is a nonsense and an outrage. Even a basic assessment would cost €10,000 to €15,000 and would point out all types of issues to make more work for the officials in the Department.

We have lost our way. We have introduced too much legislation and there are too many directives, thereby affecting the common man on the ground, be he on his tractor or working with his hands. I refer to the farmers, who care for and nurture the land and its crops and animals. Their first love is protecting the environment and the land and they do not need all the regulations, inspection visits or threatening letters. Most of the letters threaten huge fines. Many letters from the Revenue Commissioners threaten imprisonment if one falls behind. We need to support the farming sector just as we support the business sector. We should remove the bureaucracy and let farmers do what they do best, namely, farm and produce food of the best quality. We were treated to the latter by the artisan food producers last week at the British embassy. One would not see this anywhere else in the world. Our produce is sought after and farmers must be allowed to continue farming, producing their crops and saving the land. We must remove the baggage.

**Deputy Thomas Pringle:** I welcome the opportunity to speak on this Private Members' motion. It arises from the document leaked from the European Commission this month that contains the basis of the Commission's proposals for the reform of the Common Agricultural Policy. It has been widely disapproved of by the farming organisations and has been condemned as unworkable. The Minister stressed in his contribution last night that the document is but a leaked document and that it will be changed radically before the final proposals are published next October. I believe, however, that the final agreement and proposals will be based on this document and that we now see the bones of the final agreement and what will be put before the Commission and the European Parliament for adoption.

I welcomed the Minister's contribution last night in which he outlined his priorities in respect of negotiating the CAP review. It is important that he outline these in the House. I welcomed his priorities in general.

Some of the proposals contained in the document, for example, those concerning the capping of single farm payments, do not affect Ireland greatly, as the Minister outlined. He mentioned there are only approximately six farmers over the capping limit. This should give us some leeway when negotiating some of the measures that are more important to Ireland, which measures are important to sustaining farming.

The measures concerning small-scale farmers are very important. In the north west, most farms are smallholdings that on their own would not be viable or large enough to support the small farmers and their families, yet they are a vital part of the fabric of rural life. While farmers may have to obtain off-farm employment to supplement their incomes, traditional farming is vital. It contributes greatly to the local economy, to sustaining the export industry and to the provision of food and livestock into the food chain.

The measures pertaining to young farmers must be welcomed in particular and should even be strengthened, particularly given that only 6% of European farmers are under 35 and that 5 million farmers are due to retire in the next ten years. There are over 8,000 applications for courses in Irish farming colleges but there are only 1,800 places available. This shows many young people see farming as a viable alternative and as having a viable future. They need the installation aid that can be provided to them under the CAP to ensure they can be supported and encouraged to get involved in their family businesses.

I thank the Minister for outlining his priorities in the House last night. The leaked document gives the bones of the final agreement on the CAP. There is much negotiation to be done still. The Minister needs to ensure that the measures pertaining to young farmers and smallholdings will be strengthened. He needs to ensure discretion will be retained by member states in determining how the benefits of the CAP can be allocated. He also needs to do a lot of work to ensure there will be as little red tape as possible, that the system will be as simple as possible and that everybody will be able to buy into it and get on with the business of producing food and driving our economic recovery.

**Deputy Seán Kyne:** I wish to share time with Deputies Patrick O'Donovan, Andrew Doyle, Liam Twomey, Pat Deering, Noel Harrington and Colm Keaveney.

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

**Deputy Seán Kyne:** I am pleased to have this opportunity to speak on this very important topic, namely, our indigenous industry of agriculture. Many are employed in the sector. It is an export industry and much of the profits are retained in the State. It is very important in a recession that we have a star sector, such as agriculture, and we hope to see it shining brighter and brighter over the coming years.

We are in the process of negotiating the CAP reform with the European Commission. The most important issue that arises at present relates to the future of the single farm payment entitlement. The entitlement was based on food production by farmers. In considering this, it is important that we acknowledge the paramount importance of our beef herd and suckler cows. The suckler cow number peaked at 1.2 million in 2005 and this coincided with the first year of decoupling. Since then we have seen a gradual reduction in the suckler cow number, which is worrying. Some attempts were made by the last Government to combat the reduction through the introduction of the suckler welfare payment of €80. Unfortunately, this was halved to €40. The €80 payment was to halt the reduction in the suckler herd number and return some confidence to the industry. With the halving of the payment, that confidence was reduced again. Thankfully, this trend reversed slightly in 2010, perhaps due to a number of circumstances, including the reduction in the number of part-time farmers working in the construction industry. Farmers now have more time to spend on their farms and, therefore, may be returning to suckler cow farming.

We will have a huge challenge and opportunity from 2015 with the removal of quotas. This will lead to an expansion of the dairy herd, resulting in added value in the dairy sector. Milk powders, cheese, infant formula and such products will be considerably important to our export industry. The current status of the agri-food sector represents a good news story. While this is all very positive for the dairy herd and will result in an increase in by-products, such as beef cattle, it is important that we ensure during the period of expansion in the dairy herd that the suckler herd is not downgraded.

Consider the statistic that the output of a suckler cow amounts to €1,000, which may be a conservative figure. We have seen the herd number drop from 1.2 million to less than 900,000, a reduction of 300,000. This has a knock-on effect on the economy and exports and we must ensure the trend is reversed as much as possible.

I welcome the Minister's comment that member states will have flexibility to determine the direct payment system best suited to themselves, rather than having one system imposed on all countries. There are negotiations on this and there will be divisions within this country. There will even be divisions within the IFA on what is best for farmers.

Coming from Connemara, I realise the disadvantaged area payments are very important to the farming community. It is also very important that a basic rate of payment be maintained for the farmers and that there be a proper compensation mechanism for farmers whose farms are designated as SPAs, SACs and NHAs. The REP scheme was very lucrative and it was closed to new entrants after 2009. The agri-environmental options scheme, AEOS, was introduced, but many farmers feel it is not adequate for these areas. It is very important that next year's budget puts in place an AEOS scheme for these areas which are designated in Connemara and along the west coast. I urge the Minister to ensure that Natura and designated areas are looked after in the next budget by ensuring an AEOS scheme exists for them.

I also wish to speak about areas of restriction such as the Twelve Bens in Connemara, and I note the Minister for Arts, Heritage and Gaeltacht Affairs, Deputy Deenihan, is listening intently to this debate. Farmers in these areas have had restrictions imposed on them and have reduced their stock numbers. It is important that these restrictions are ended and that the farmers are allowed to expand their flocks.

**Deputy Patrick O'Donovan:** I welcome the opportunity to speak on the motion. Like the previous speaker, agriculture is by far the most important indigenous industry in the constituency I represent. The Minister, Deputy Deenihan, will know, given that he is a neighbour, that the land quality of County Limerick varies quite considerably from east to west as do the size and viability of land holdings and farms.

[Deputy Patrick O'Donovan.]

I wish the Minister and Ministers of State for Agriculture, Fisheries and Food well in their roles. I welcome this opportunity provided by Fianna Fáil to discuss the upcoming CAP reform proposed by the EU Commission. Every speaker will make the same point about the importance of agriculture to the local economy in his or her constituency. In my area, this importance cannot be underestimated with regard to milk, beef, suckler herds and poultry and there is massive dependence on agriculture. While the Government has inherited a considerable number of problems in many areas, the previous Government was not all bad when it came to agriculture and this needs to be put on the record. It did many positive things, although it also left many gaps, the most obvious one being the AEOS.

The national contribution of agriculture cannot be underestimated. It is worth €80 billion to the national Exchequer on an annual basis and supports more than 125,000 families. It must be placed at the top of the agenda with regard to the country's economic development. In my first contribution to the Dáil after having been elected I cited the importance of our indigenous industries, namely, agriculture and tourism. I am glad people working in the relevant Departments have a vision for both sectors. The Minister, Deputy Coveney, referred to the development of new and existing markets and one need only look to the Far East and the demands that will be made by burgeoning populations in south-east Asia, the Indian subcontinent and China for good quality food products. The one place to which all of the emerging economies will look is Ireland because we produce safe, traceable and green high-end food products which have high value. We know the industry and we can deliver effectively.

Deputy Kyne is correct to welcome the fact the EU Commission is finally allowing some discretion in the internal management by each member state of the schemes. As previous speakers stated, farmers are being strangled by bureaucracy. We must address the need to allow farmers to farm by decoupling — to rob a word — administration from production to a certain degree and allowing people to do what they are good at, which is to produce a high-end quality product.

Previous speakers mentioned national branding and it is not something one can underestimate. Brand Ireland is very strong and those in my constituency would like to see the development of this brand for the poultry industry, so that we do not have imports coming into the country, having value added and being labelled Irish. This is a discrepancy which needs to be addressed.

I am sure Members on all sides of the House have met young farmers seeking to expand their enterprises. These people have a get up and go mentality and do not want to stand still. Difficulties exist with acquiring additional milk quota. The schemes outlined by the Minister are well and good but additional flexibility and discretion are also required, perhaps at local level. If a younger person entering farming can show he or she has the capability to deliver a product and come in on target and on quota he or she should receive a fair hearing and attempts should be made to accommodate that person.

I wish the Minister well. I thank the Opposition for this opportunity to discuss the CAP. It is very important and we on this side of the House will do anything we can to be supportive.

**Deputy Andrew Doyle:** This is a timely opportunity to discuss the CAP. As Deputy Moynihan and others know, the Joint Committee on Agriculture, Communications and Natural Resources prioritised three areas for its work programme between now and Christmas. The CAP negotiations is one of these areas.

For many years, the CAP was seen as a burden that had to be endured by many and an unnecessary sop to the European agricultural community. A communication from the EU

Commission in November 2010 stated a strong future CAP would be based on two complementary pillars with three strategic aims of preserving food production potential in the EU, sustainable management of natural resources and maintaining viable rural areas. At long last, the EU has recognised the importance of the CAP for these reasons. Ireland ticks all the boxes because we measure up to all of these requirements better than most. However, we cannot be complacent about this. The principles on which the CAP is to be further funded are ideally suited to Ireland. This is not to state that if we leave it at this we will get that to which we feel we are entitled.

We have heard much about the importance of the agri-food sector to Ireland. We have heard statistics on increased output, exports and production and they are all true. However, we need to be mindful that increased commodity prices, in particular for a primary producer, do not always mean increased profit. Serious pressures exist on farm profit margins. Many years ago, when agriculture was supposed to have been booming, a car sticker stated there was money in agriculture but not in farming. At one point, everybody made money except the farmer. This may be an exaggeration, but everybody was getting a piece of the action. Over a period of ten years, people at the ploughing championships could have been forgiven for thinking they were not in the country of the Celtic tiger. Those involved in the agri-food sector who will attend the championships next week might feel they are not in the country of doom and gloom.

The Fianna Fáil motion calls for the Government to publish its proposals but I do not think this is wise. In his address, the Minister outlined the areas highlighted by the so called “leaked” document. We knew about some of them but others are new. We knew a measure on greening would be included but we did not expect the suggestion that 30% should be reserved for greening measures and we should not support it. In so far as he could, the Minister outlined his position on the leaked document without putting forward proposals. Negotiations will have to take place to line up with other member states. An example is where capping will not affect us but may affect other states, in particular Germany and the United Kingdom, and we may need to work with them. I am interested in payments for areas of natural constraint which would be in addition to payments for less favoured areas. This shows the Commission is alert to its basic principles of promoting sustainable rural resources and protecting viable rural areas. This particular proposal recognises there is a need to allow people to continue to farm in Natura areas and to compensate them for that.

The agriculture committee in the Thirtieth Dáil, under the chairmanship of Johnny Brady, presented 12 key recommendations, unanimously agreed by all parties, to the Commissioner when he attended the committee last year. On determining national envelopes, the committee’s report recommended:

“Ireland should also seek, irrespective of whatever method is ultimately agreed for the determination of national envelopes, the maximum flexibility to distribute the Irish national envelope in a manner best suited to Irish circumstances.”

That sums up what we want to achieve in the Common Agricultural Policy negotiations.

**Deputy Liam Twomey:** As the Minister for Agriculture, Fisheries and Food stated last night, there are still no detailed proposals from the European Commission on the future of the CAP and they are not expected to be published until next month. This debate may, therefore, be a little premature. Working off leaked documents is not always the best way to go forward. The Minister and his officials will fight our corner well in the negotiations with other European countries. The addition of newer member states in the next round of CAP reforms will make these negotiations more difficult. It would be rather foolish of the Minister to give away his hand as to how he will approach the negotiations on behalf of the State at this stage.

[Deputy Liam Twomey.]

Ireland has a massive role to play in food security, not just for Ireland but also for Europe. Ireland has excellent biodiversity with good land management while there is still large potential for growth in the bio-economy. The agrifood industry is well developed, diversified and achieves high standards. Food Harvest 2020 is an excellent strategy document to develop this industry. It did not, however, get the credit it was due when it was published because of everything else going on in the economy at the time. It lays out where growth can be achieved in beef, pork and milk production and aquaculture.

Apart from what the CAP reforms will bring to Irish agriculture, there is much we can do ourselves. A large number of State agencies are involved in the agrifood industry which comprises large companies such as the large co-operatives down to small artisan producers. They are all involved in getting the best outcomes from our agricultural sector. We must start to get these organisations to work more closely together to maximise the best outcomes. While there is a need for the larger companies to maximise their profits, emphasis must also be put on research and other innovations in the agrifood sector.

Farmers, by nature, are extremely resourceful. The Government has a strong role to play in assisting the agrifood sector but we must also let it get on without too much regulation. Irish agrifood products are recognised across the world for their high standards due to good regulation. When food regulations break down, as at the time of the dioxin scare in the pork industry, it can have a massive knock-on effect on the market credibility of Irish food produce. It is important, therefore, to maintain good regulation and high standards. There will always be a debate as to whether the industry is being over or under-regulated. We need to have a realistic debate on this issue and not give in for the free-for-all for which some are calling.

A focus must be put on current problems with milk production with milk quotas and the superlevy. The markets will change in 2015 but many farmers expected greater potential in the milk production area and may have expanded too much before time. We must ensure we achieve a solution in the CAP reform so as not to slow down our milk industry and affect the potential to expand after 2015.

I see much potential in the agrifood sector. I have full confidence in the Minister, Deputy Coveney, to do the right thing for us in Europe. There is a necessity, however, for us to examine the industry from within and see how we can maximise the industry's potential to grow returns for the family farm and jobs.

**Deputy Pat Deering:** As in previous recessions, agriculture has come to the forefront in attempts to kick-start the economy. It has been the good news story for the economy in past several years. Agricultural incomes have increased by 31% in the past 18 months, albeit from a low base while dairy exports have increased by 47% in the past six months. Cereal production outlooks are also promising for the coming year. Agriculture will, accordingly, play a key role in kick-starting the economy.

It is important that what is already there is protected. In good and bad times, the agricultural industry, and farmers in particular, will not be afraid to spend. As Deputy Doyle said earlier, next week at the national ploughing championship we will see a renewed enthusiasm in the agricultural sector for spending money on machinery for example.

There are many opportunities, particularly in the dairy sector. Dairy farmers are already looking forward to a rapid increase in production over the next several years. They have shown a resolve to get over the current difficulties with quotas and the superlevy will be an issue. At the same time, they will meet the Food Harvest 2020 targets set for them. As we approach

2015, it is important flexibility be shown towards the milk quota to ensure dairy farmers who may be in difficulty have a soft landing.

Another area for opportunity is the sugar beet industry. It is ironic that Deputy Moynihan's colleagues sounded the death knell of that industry. Coming from what is regarded as the spiritual home of the sugar industry, Carlow, I see renewed opportunities in it. In the next few weeks feasibility studies will be published which will show the sugar industry, in conjunction with the bio-fuel industry, will have a viable future. We learned from the leaked reports of the CAP reforms that there may be no sugar quotas after 2016. This will remove all obstacles and allow the sugar industry to be revived in this country, providing jobs and opportunities for farmers to better practise crop rotation.

As we approach the CAP negotiations, I compliment the Minister for Agriculture, Fisheries and Food, Deputy Coveney, for his enthusiasm and recognising that young farmers will play a key role in agriculture's future. While there is a low proportion of young farmers, in the past year it has become sexy to get involved in agriculture again. More young people want to get back into agriculture as shown through increased applications for agricultural college. It is important young farmers play an important part in agriculture and more places are made available to them in agricultural colleges to allow them develop the required skills in this field.

I wish the Minister every success in the negotiations. We are fortunate that as the negotiations move towards the important stage, it is likely this country will have the Presidency of the European Commission in the first six months of 2013. That is important for future outlook and results.

**Deputy Noel Harrington:** I too welcome the opportunity to speak on the motion, which is especially important to me coming from the rural constituency of Cork South-West. I thank the Fianna Fáil group for tabling the motion. I do not agree with its general tenet but it is clear that all parties in the Chamber recognise the important role played by the agricultural sector and its importance in the future recovery of the economy.

It is regrettable that in the past ten or 12 years when the Celtic tiger was roaring that agriculture seemed to be deemed less important. It was one of the forgotten relations, particularly by key decision makers, economists and movers and shakers in the country. It suffered because of that fact especially in comparison with the construction industry. Agriculture has been the bedrock of this country. It is what we are good at and what we should be trading internationally. I very much look forward to how this country negotiates the Common Agricultural Policy for the better development of the agriculture industry in the next two years. The industry has done much in the past 20 years to improve its position in worldwide agricultural terms through technology, transparency, animal husbandry and breeding programmes. They are long-established and slow-burn investments that are bearing fruit now.

The maintenance and husbandry of the land is especially important in disadvantaged areas. All of that must be taken into account in future negotiations on the Common Agricultural Policy by the Minister and his officials. In a climate where the European Union is grappling with emerging nations and new entrants into the Union and subsidies are directed at disadvantaged areas it is important nationally that we support areas of disadvantage elsewhere. A parallel process should be taken at European Union and national level. That is not taken into account in the motion. We are being led to believe that the overall package of subsidies is not being changed much. A reduction of 30% in more affluent areas will have a knock-on benefit of 30% in disadvantaged areas. It is about redistribution of the subsidies and supports. I would not like to think that parties that set themselves up as being supportive of small farmers and disadvantaged areas would now turn their back on them because of something that was perhaps

[Deputy Noel Harrington.]

inadvertently put into a motion. I do not agree with that. I would prefer to see small farmers and disadvantaged land owners continuing to receive supports they deserve.

It is critically important that we target supports towards young, energetic, active farmers and food production. I wish the Minister and his officials well. They have built up a unique expertise in negotiations on the Common Agricultural Policy. I look forward to signing off on the significant negotiations probably during this country's Presidency in 2013.

**Deputy Colm Keaveney:** I welcome the opportunity to speak on the motion. The agricultural and agrifood sectors are playing a key role in this country's export-led recovery. The positive growth in the sector in 2010 which has continued into 2011 with output in primary agriculture and agrifood exports is far outpacing other areas of the economy. As the previous speaker indicated, more than any other industry the benefits of agriculture, both economic and social, are widely dispersed throughout the country. Farmers and farm families spend approximately €8 billion per year in the economy both on farm inputs, services and household expenditure. Agriculture and the food industry support 300,000 jobs across the economy.

I welcome the Minister's comments last night on the strategic approach to how we will tackle the upcoming Common Agricultural Policy reform measures. Farm schemes and investment programmes which include REPS, the suckler cow scheme and the disadvantaged area schemes are vital to underpinning agricultural production, improving competitiveness and maintaining the viability of farms. In that regard I had the honour of meeting with the county executive of the IFA in Galway. We had a professional engagement about its concerns. I come from an area that relies heavily on the disadvantaged area scheme. I note that the Commission is currently conducting a review of the disadvantaged area schemes. It is an important issue for this country as the total area designated as disadvantaged is approximately 75% of the total land mass of the country. From an economic perspective the less favoured area scheme is of particular concern to me. I urge the Minister to pay special regard to payments for disadvantaged areas and the effect they have especially on the distributional nature of income and revenue.

Coming from a rural town I see the benefits to the economy generated by agriculture in that when a farm is doing well the community is doing well. A farmer will honour his or her debts and will spend money in the local shop and on back to school requirements. We must underpin farming income in disadvantaged areas in particular. I urge the Minister to pay particular regard to that in the upcoming negotiations.

**Deputy Dara Calleary:** I wish to share time with Deputies Kitt and Kirk.

**Acting Chairman (Deputy Joanna Tuffy):** Ten minutes each. Is that agreed? Agreed.

**Deputy Dara Calleary:** I thank my colleague, Deputy Moynihan, for giving us the chance to discuss the issue. We are on the cusp of receiving the formal proposals from the Commission on the agricultural industry. Many Deputies outlined the economic importance of the industry. It is important that the Oireachtas has a chance to reflect on it and to discuss the leaked proposals that emerged in August. It strikes me as odd that whenever we debate agriculture it is always rural Deputies and those from rural constituencies who contribute yet when one considers the size of the sector and its impact on the economy it is clear that agriculture is not a rural issue, it is a national one.

**Deputy Colm Keaveney:** Hear, hear.

**Deputy Dara Calleary:** Were any other sector about to undergo the changes and challenges faced by agriculture with the reform of the Common Agricultural Policy we would have queues

of Members to speak on it. I could not help but notice the rush of urban-based Deputies to the Shelbourne Hotel in July when there was food on offer. I thank the IFA for that. Those of us from rural constituencies get to pay it back this time of the year when we get summoned to IFA meetings. I encourage those urban Deputies who rushed to the Shelbourne Hotel to go to the ploughing championships next week to find out where the food comes from but also to take an interest in the sector because any industry that is contributing what agriculture is to the economy deserves to be taken more seriously, in particular in view of the future challenges that lie ahead.

Everyone has recognised Harvest 2020 as a fantastic document. I pay tribute to the former Minister, Deputy Brendan Smith, for the work he and his officials did in that regard. In the past two years, albeit that we are coming from a difficult base, there is a sense of self-belief in agriculture that could well be adopted by other sectors which could look at agriculture and learn what they need to do in the economy currently. The sense of belief and growth in incomes is now coming under a cloud. The proposals that were leaked in August are giving rise to serious concern. We need a more open debate on the Government's engagement in the talks. Deputy Andrew Doyle referred to the work carried out by the previous Joint Committee on Agriculture, Fisheries and Food. A significant amount of work has been done to get us to this point. What we need now is active engagement from the Minister not just at committee level but within the main Chamber in the coming months as proposals are tabled. That is important given the size of the industry.

In reference to the proposals that emerged in August the IFA estimated that there could be a cost of €1.25 billion to Irish GDP. There could be potential income cuts of up to 50% as payments are redistributed across the country by 2019.

One can consider that the incomes of many who may lose payments are already below the average industrial wage and even when incomes are higher, it is a very challenging scenario.

The Minister outlined his priorities in the negotiations last night but I did not get any sense that the potential redistribution for incomes within the country was necessarily on his radar or causing particular concern. Is the Government conscious of the redistribution of income within the country? There may be national discretion on the issue but we must give a sense to people of the potential of the August proposals. The European Commission played the trick of leaking this in August when it believed everybody was away but we should consider the potential of those proposals for distribution of income within this country, particularly away from the BMW region. It is a serious matter and the Government should keep it under watch.

Deputy Keaveney spoke earlier about the disadvantaged area payment. I implore the Minister to ensure that the payment is not affected by any cuts that may come into the Department in the coming budget. It took a big hit in 2008 and it is the difference for many people, particularly farmers on the west coast, in keeping people on a farm as opposed to them walking away. I hope that within the Department there is an appreciation of the importance of that payment.

Greening proposals were outlined in pillar I, with 30% of that funding allocated, and they give me some cause for concern. Everybody supports the sustainability of the industry but no sector has done more for greening or the environment than the Irish farming sector. We can consider the amount of land gone into special areas of conservation and specific designation for various animals. There have been costs and sacrifices made by farmers to this end. The proposals and potential red tape arising from them must be managed carefully. Retention of pasture and crop rotation have been evident in the work of farmers for some time and if we are to put further demands, quotas and restrictions on farmers and the use of land, how can we put Food Harvest 2020 up as a document whose aims can be achieved?

[Deputy Dara Calleary.]

We must align our ambitions and aims as outlined in Food Harvest 2020 with the negotiation strategy for CAP reform, as one is utterly dependent on the other. Unless we do this we may as well rip up the Food Harvest 2020 document now and not even talk about it. The Minister might have a chance to outline the Government's ideas on the greening proposals, how much red tape is involved and whether parts of the country could be designated under the proposals.

One of the issues we should welcome is the funding promised for research and innovation, with €4.5 billion targeted for agriculture research. We should be especially excited about this in Ireland, as we have seen many innovative food products come from this island. Many are household names across Europe and provide employment through manufacturing as well as income for farmers. We must also devise a strategy to target other funding in the research and development portfolio. We should use the influence of Commissioner Geoghegan-Quinn to ensure that agriculture and agriculture research gets a share of that cake. We should not just focus our efforts on the CAP reforms as we can reinvent food and farm incomes by using such money.

I have noted the proposals under rural development and we must use the occasion of this review to consider that topic. We have created an industry in rural development in this country since 1991 and we must ask if the massive number of companies around the country are still fit for purpose. Do we still need all of them? We saw the debacle last week involving Meitheal Forbartha na Gaeltachta Teoranta and we must consider how much money is being diverted to these companies that could go to projects on the ground. Some Deputies have referred to rural enterprise and people looking for funding who avail of Leader but we must try to focus that programme on enterprise and job creation. This review may afford us the chance to have an honest look at that area.

Payments to young farmers are absolutely crucial. One of the mistakes made by the last Government was the cancellation of installation aid. Young people are returning to farming but we must give them financial supports, as we do with back to work or enterprise payments when a business is being set up. We must try to amalgamate that kind of thinking with farm supports for younger people. It is important to sustain the industry and we also have a serious problem with farm safety. Until we reduce the age profile of the people running our farms, that problem will remain for much time.

There has been much comment that this debate is coming too early and the Government should not publish a strategy. Last night, the Minister outlined some general proposals for areas on which he would focus; he was far too general and we must get a sense from the Government that it is taking the issue seriously. I have no doubt that individual people are taking it seriously. Commitments on issues such as negotiations on the next EU budget framework and delivering a well-resourced CAP to support sustainable food production in the EU are the stuff of motherhood and apple pie. We all want it but how will it be achieved and what is the negotiation strategy? We are not asking the Government to show its deck of cards but how is the issue being pursued? How are we looking to retain Ireland's funding for direct payments and rural development? Everybody would sign up to that idea and although the Government does not need to show us its deck of cards, it must give a sense that there is a plan within the Department for managing the process. When these proposals are published in October, the Department should be in a position to give us an idea on its response. The genuine fear in many farming families arising from these proposals should be dealt with immediately.

I wish the Minister and the Department well but it is important, given the importance of agriculture to the general economy, that the Government ups its game in the negotiations and particularly involvement of the Oireachtas in those discussions.

**Deputy Seamus Kirk:** I am grateful for the opportunity to make a few observations in this important debate. Food exports from Ireland grew last year by 11% and were valued at approximately €8 billion. The Government's target is grow this figure to €12 billion by 2020 under the Food Harvest 2020 report goals. At this point it would be appropriate to pay tribute to the former Minister responsible for agriculture, former Deputy Brendan Smith from Cavan, who was primarily responsible for the introduction of this projected growth potential for the Irish agricultural policy.

When the Common Agricultural Policy was developed, there were six main aims and objectives to be achieved. It looked to increase productivity by promoting technical progress and ensuring optimum use of the factors of production, including labour. It sought to ensure a fair standard of living for the agricultural community, stabilise markets and secure availability of supplies for the consumer community, providing consumers with food at reasonable prices. The aim of the Common Agricultural Policy is to provide farmers with a reasonable standard of living and consumers with good quality food at fair prices while preserving rural heritage.

Ireland has benefited enormously from the Common Agricultural Policy, with the agricultural food sector in Ireland contributing a value of €24 billion to the national economy, generating €6.3 billion in gross value added and over 7.4% of national employment. Agriculture provides 60% of employment within the agrifood sector. CAP reform is an essential part of sustaining that arrangement.

In 2004, Ireland received a net income of €1.4 billion from the EU and in 2010 this declined to €500 million. CAP reform forms the bulk of income received by Ireland from the EU budget. Direct payments for farming in 2009 averaged €17,109, accounting for 36% of gross output and 143% of family farm income. Those statistics alone illustrate the importance for agriculture in Ireland of underpinning the Common Agricultural Policy. Ireland's pillar 1 and pillar 2 payments per hectare are below the EU average. Ireland receives 2.9% of the single payment fund funds in the CAP pillar 1 budget and it receives 2.6% of rural development scheme funds under the CAP pillar 2 budget.

The first CAP reform in 1992, known as the MacSharry reform, coupled with the inclusion of agriculture for the first time in the General Agreement on Tariffs and Trade, GATT, forced a major change in traditional European farm support systems. The decoupling of production and European support and the introduction of environmental measures marked the first fundamental reform of the CAP system. In November 1997 the "European Model of Agriculture" was introduced that significantly broadened the concept of a farmer's role to include maintaining the landscape, bio-diversity and so forth. The vision in this model underpins the CAP. The Agenda 2000 agreement further advanced the decoupling of production and income support. The Luxembourg agreement of 2003 essentially dismantled the linkage between direct payments and production. This was known as the Fischler reform. The single farm payment on a historical basis is adopted by Ireland.

With regard to the CAP after 2013, the EU budget is under significant constraints with growing political demands for spending in other areas such as research and development. With the accession of the new member states there are an additional 7 million farmers in the EU. The CAP after 2013 will reflect these new demands and changes. The future reforms are aimed at addressing the three major challenges of food security, environmental impact and territorial balance between rural and urban areas. The current spike in food prices globally, caused by rising demand for meat in growing economies such as China and India as well as the impact of bio-fuel production, has generated uncertainty about food security for the future. The global fears about food security form the backdrop to the current proposals for CAP reform.

[Deputy Seamus Kirk.]

The Commissioner for Agriculture launched the CAP post-2013 reform with a communication on possible future CAP models in November 2010. The “CAP towards 2020” communication was formed in the context of the broader Europe 2020 strategy that guides the future of EU economic and social development. The future reforms are aimed at addressing the three major challenges of food security, environmental impact and territorial balance between rural and urban areas.

Under these proposals the Commission appears to be committed to dismantling previous entitlements and starting afresh with a new basis payment. What type of disruptive impact will this have on Irish agriculture and farmers, following the 2005 confusion over entitlements? At least 50%, after greening and all the other deductions, is paid on a per hectare basis, based on the land submitted in the first year of the scheme as the Commission shifts away from 2002 entitlements. There are deadlines of 2019 for countries and regions to move from historical towards regional area payments “in linear reduction steps”, as it is termed, and the end of 2028 for payments to move to a single flat rate across the EU. The proposals seem to imply limited flexibility on a flat rate payment across the regions. What implications has that for the underpinning of the Irish agriculture industry?

The proposals include a 100% cap on payments from a threshold of €300,000, with a claw-back of between 20% and 70% on a sliding scale for payments between €150,000 and €300,000. Direct aid will only be paid out to recipients who obtain at least 5% of their income from agricultural activity. Is this a sufficient definition of an active farmer? Given the evolutionary changes that have taken place in the industry it is vital that the definition of an active farmer in the final agreement is clearly laid down to ensure there are no grounds for misinterpretation.

It is proposed that member states set aside up to 10% of their ceilings for financing a lump sum scheme for small farmers, involving reduced environmental requirements. Payment is proposed to range from €500 to €1,000. Young farmers should benefit from an installation aid fund limited to their first five years and funded by up to 2% of a member state’s ceiling. In the last few months there was a virtual scramble for places in agricultural colleges. We clearly made a mistake when we closed a number of the colleges, particularly the college in Warrenstown in the Minister of State’s constituency. Its availability at this time would be of huge benefit to young farmers not only in the north east but further afield. There could be specialisation in these colleges, be it in Ballyhaise or Warrenstown, but we no longer have that choice. We must work within the constraints of the inadequacy in the number of places and the availability of lecturers and tutors in these colleges. I am sure the Department of Agriculture, Fisheries and Food is examining this issue as it is vital for the future of the industry.

The age profile of the primary producers in this industry has gone the wrong way; it is the wrong side of the age scale. We need a regeneration process, with young farmers coming into the industry, if we are to avail of the clear potential that exists to develop agri-food exports from this country. Agri-food exports is the ultimate means for national wealth creation, particularly in the case of dairy products. In the dairy sector individual farms can produce milk but not to unlimited levels. We are currently in an unsatisfactory position where the milk quota system is due to be phased out by 2015, but there is no transitional arrangement in place.

We have the ludicrous situation where many farmers, including in Louth and Meath, will be adversely affected next March while north of the Border farmers will be well under the allowable production thresholds under the quota regime in the UK and Northern Ireland. A strong and compelling argument can be made for a bilateral arrangement between this country and the UK to ensure that progressive, hard working, committed and indebted young farmers in this State are not lumbered with a severe super levy bill at the end of March next year. The

Minister is from an agricultural background and has a personal understanding of the issues involved. I believe he would agree with the sentiments I am expressing. The need to address the quota system is the biggest single challenge facing the agriculture industry at this time. We need a transitional arrangement between now and 2015.

In the context of the wider issue of EU support to get this country out of its difficult economic circumstances, there is one sincere and genuine way in which it could help us, and it will not cost the EU. The quota is available and the EU could allocate it to farmers in the Republic of Ireland so they could produce milk to a much higher threshold and ensure that our export statistics will be even greater next year and into the future.

**Deputy Michael P. Kitt:** I welcome the Minister of State and thank Deputy Moynihan for tabling this motion. It is a timely motion and mirrors the concerns among farmers throughout the country. Deputy Kirk correctly referred to the milk quota, an issue that arises at many IFA meetings.

I attended a meeting in Athenry last week with my colleagues in east Galway. On the agenda was the budget, a matter we discuss every September with our colleagues in the farming organisations. However, in addition to that, farmers were very concerned about schemes such as the rural environment protection scheme, REPS, and particularly REPS 4, the agri-environment options scheme, AEOS, the disadvantaged areas scheme and the suckler cow welfare scheme. There was concern about issues such as septic tank regulations and the planning and development regulations relating to farm improvements, particularly in wetlands. There was even a reference to turf cutting, a major problem in many parts of the country. I realise it is not within the remit of the Minister's Department but he will be aware that there is much uncertainty about what will happen in the future with regard to turf cutting. All these issues are emerging at IFA and ICMSA meetings. In having this debate in the House, we have the opportunity to raise these issues and, hopefully, to get a positive response from the Minister and the Minister of State.

The most important issue raised by farming organisations is the fact agriculture and the food industry support 300,000 jobs throughout the economy. That should be of concern to everybody in the country. It is not just an issue for the farming sector. I am sure our Deputies, Senators and MEPs will continue to raise the importance of agriculture, the fact it has been doing well and that we want to support what was supported by the last Government and has been supported by the current one up to now.

I was very interested to look at the proposals at which we were looking this time last year. The issues farmers raised were farm schemes and taxation measures. The priorities for farmers are the same this year as last year. In last year's budget, despite cuts made in previous budgets, there was a good response by the previous Minister for Finance and the previous Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, to holding on to the schemes. There were some changes but the Minister did quite well in that regard and in regard to the taxation measures. I hope we can build on that because the agriculture and food industry is a major employer and the 300,000 jobs throughout the economy must be supported.

When I hear talk of CAP reform, I think, in particular, of Ray MacSharry and the work he did as Minister and as Commissioner. It was a major change to the traditional European farm support system. Coupled with the General Agreement on Tariffs and Trade, it was a major change in terms of the way we look at agriculture today. It is very important for our younger farmers, in particular. I am glad the Minister referred to the issue of payments to young farmers. If we can support young, trained farmers, we will get a great return for the economy and, indeed, promote a way of life in which people are now very interested.

[Deputy Michael P. Kitt.]

There have always been threats to the agricultural colleges, to which other speakers referred. Mountbellew Agriculture College in my constituency in County Galway, which was founded by the Franciscan Brothers, has been under threat. The community and all politicians went to Oak Park in Carlow two years ago to try to fight for the college. The figures now show there is a waiting list in Mountbellew as there is in other colleges, such as Pallaskenry in Limerick and Gurteen in Tipperary. It is the first time I have seen students from Galway go to other colleges because there are no places for them in their local college, although it is good that they can get a place elsewhere.

Teagasc has given extra teachers to Mountbellew and I compliment it on that. It shows the importance Teagasc is placing on the training of young farmers. This college, which was founded more than 100 years ago by the Franciscan Brothers, is getting the support it must get because the religious orders will not be there forever, although they will do their best while they are there. Teagasc is being very positive in helping to maintain courses and in supporting students doing various courses in the college.

I am concerned about the comments on the greening component. There are major worries about bureaucracy and red tape. I am glad the European Parliament is taking a particular interest in pressing for changes to be made which will be positive for Irish farmers and, indeed, for farmers generally.

There is great interest in environmental measures. The REPS, the AEOS and the various schemes in place have been successful. I would have liked the Minister to have had more money for AEOS. He told the House he had to fight hard for the money there but more money should be made available. I hope payments will be made quickly under those schemes. I am not sure that if one makes things very specific, such as specific types of fencing, one is helping the situation. The scheme under those environmental incentives should be more general.

The Dess report produced by the European Parliament, of which the Minister is a former member, was very positive. Following the Lisbon treaty, the role of the European Parliament should be significant. An issue it raised about putting a limit on the amount an individual farmer can get is very important. The problem has been that too many non-farmers are getting significant money and we are worried about that. There has always been the argument that 80% of the grants go to 20% of the higher earners. I would be disappointed if that continued.

I am glad we are having this debate. In particular, I wish the Minister well with Food Harvest 2020 which the former Minister, Deputy Brendan Smith, promoted strongly. That is the obvious place where extra jobs can be provided. The most recent document I got from the IFA talked about a policy framework for supporting rural Ireland and the Irish countryside. It mentions a place for living, working and for enjoyment. One rarely hears people talking about enjoyment in agriculture, especially at a time when the president of the IFA states that farmers only get half the industrial wage. However, it is a positive way to talk about enjoyment of the Irish countryside. I hope that with the efforts of Minister and the Government, there will be enjoyment and support for and confidence in Irish agriculture.

**Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Shane McEntee):** This is our first week back and it is fantastic we are talking about something good, namely, agriculture. I welcome this debate on agriculture in that we all have a big part to play. I refer to the targets for 2020 and the leak which took place during the summer. I was delighted with the leak because it will focus everybody on reality.

The Minister, who has experience in Europe, will ensure the maximum amount of money will come to Ireland for Irish farmers. I know from the meetings I have attended that it will

be distributed to the right people who want to produce food, whether in the north, south, east or west of Ireland. That is what everybody wants and that is what we intend to do.

I spent much of the summer visiting meat factories, etc., and the demand for food throughout the world is unreal. Agriculture has always been our number one industry, even in the boom times when perhaps it was kept on the back burner. We must reach the 2020 targets. That will be done with everybody's input, whether the Opposition's, the Government's or the IFA's which has many decisions to make on the payments and the way they are made. It is good to debate this now and then send our Minister who has experience and will come back with the right answer for Irish farmers.

I have been a dairy farmer all my life. As mentioned by everybody, September is always the best month for a farmer to rectify his or her quota. I have seen farmers crucified in the month of April or May with a massive fine. The dairy farmer is different from any other farmer and has a different mentality. He or she is like myself in this job or the teacher in that he or she expects to get paid every month whereas a beef farmer gets paid every three or four months or whatever.

However, if farmers dry up their cows now or a month earlier, they will be one month without a milk cheque. A business decision must be made at this stage to sell in-calf heifers. Most important, cows should be scanned and those not in-calf can either be sent on to the trade or fattened up. In the latter case, farmers will have them when they have no milk cheque. Farmers know that ruthless business decisions must be made. From as early as May, when we knew we were going to hit a massive quota problem, the Minister and MEPs were fighting our corner right across Europe. Europe is 6% under quota and, north of the Border, farmers can produce all the milk they like. Something has to give but there is no guarantee that it will happen this year, so farmers need not stake their lives on it.

I agree with Deputies that in advance of 2015 we must not pull the rug from under young farmers. The most important survey on young farmers I have seen this year was undertaken by Macra na Feirme. They do not want to be paid for doing nothing; they want to get into production, which is what 2020 is about. That is the point I want to get across.

The recently published "Food Harvest 2020: Milestones for Growth" demonstrates the progress that has been made over the last year towards achieving the targets set out in the Food Harvest 2020 report. Reflecting on both that progress and the personal interaction I have had with thousands of farmers and other industry stakeholders throughout the country, I share the confidence and optimism that is evident throughout the sector.

That said, none of us is complacent about that progress made or the future that lies ahead. Just as there are undoubted opportunities, so too are there undoubted challenges. The CAP has been an essential tool in supporting Irish farmers and the Irish agrifood industry. An adequately funded CAP, after 2013, will be equally essential in ensuring the continued growth of the sector and in further ensuring that the industry achieves its full potential.

In our programme for Government, we identified the growth of the agrifood sector as one of our key commitments. To that end, we said that CAP reform will be vital for the future development of the agrifood sector. Our primary aim is to secure a fair overall funding envelope for agriculture under the CAP and a fair share of this budget for Irish agriculture.

In our amendment to the motion, we reiterate that commitment in identifying, as one of the key priorities during the forthcoming negotiations, the need: "to ensure that the vital role of the CAP in promoting sustainable and competitive food production is maintained and that a commensurate EU budget is provided to support that objective." As the House is aware, the proposals for the future of the CAP to 2020 are scheduled to be published in October. The publication of those proposals will be followed by an intense and lengthy period of negotiation

[Deputy Shane McEntee.]

that will conclude under the Irish Presidency of the European Council, during which my colleague, the Minister for Agriculture, Fisheries and Food, Deputy Coveney, will be President of the Council of EU Agriculture Ministers.

Deputies may have no doubt that, during the negotiations, this Government will negotiate vigorously in the best interest of Irish agriculture and the Irish agrifood sector. Apart from ensuring the adequacy of the CAP budget, we will also be negotiating to protect payments to Irish farmers and the agrifood sector under both pillars 1 and 2 of the CAP. We want to ensure that Ireland receives its fair share of the CAP budget. I should emphasise that Ireland's fair share is not some notional amount to which we simply think we are entitled. Rather it is an amount which we believe is entirely justified.

Since this Government has come into office, the Minister, Deputy Coveney, has been a very active member of the Council of EU Agriculture Ministers. Through that period of active engagement he has been building and developing useful alliances with other ministerial colleagues with whom we have various common interests.

The Government will continue that process of active engagement with our EU partners to advance matters of mutual interest. Likewise, we have and are continuing to engage actively and constructively with the European Commission and the European Parliament.

Only this week, the Minister, Deputy Coveney, attended a Council of Agriculture Ministers and had the opportunity, once again, to raise issues of concern with the EU Agriculture Commissioner. We all recognise the increasingly important role of the European Parliament under the co-decision process.

**Deputy Éamon Ó Cuív:** It is important to have this serious debate on the future of agriculture in this country. I am concerned that in trying to support agriculture in eastern Europe it should not be done on the backs of Irish farmers.

I cannot understand how milk quotas operate in the European Union. There is an EU quota but they also have national quotas. At a time when the EU is under quota by 10%, Britain, our nearest neighbour, is under quota by 20%. I cannot understand the mentality of a regime under which good milk is literally being poured down the drain. A statistic is often quoted to the effect that 16% of the world's infant formula is produced in Ireland. That means that we are not selling into a closed market. It is not a market that is terribly vulnerable to a small increase in production by one small EU member state. It is a tragic waste, and morally wrong, to throw food away when there is no glut on the European market. When one stacks the whole thing up they are actually under quota, so there is no question of breaking the overall European target.

**Deputy Shane McEntee:** It has been like that for the last ten years.

**Deputy Éamon Ó Cuív:** I know that and we have to keep fighting.

**Deputy Shane McEntee:** Yes and we are.

**Deputy Éamon Ó Cuív:** When the Government side was in opposition they complained about everything we did. Now that they are in government, however, they are saying "You were right all the time". That is how it is — we kept fighting for those things. If we lost we came back and fought again. The Government's attitude, however, is that it is doing a great job and will not change anything. I am very disappointed in the Minister.

**Deputy Simon Coveney:** The Deputy is talking nonsense.

**Deputy Éamon Ó Cuív:** The Minister is absolutely right, because what he is doing is nonsense.

**Deputy Simon Coveney:** The Deputy does not know what we are doing.

**Deputy Éamon Ó Cuív:** I do know what the Minister is doing.

**Deputy Simon Coveney:** Well, the Deputy should inform himself. What are we doing?

**An Ceann Comhairle:** The Deputy is entitled to have his say.

**Deputy Shane McEntee:** There is no point in somebody coming in here to talk rubbish.

**Deputy Éamon Ó Cuív:** I did not interrupt the Minister.

**Deputy Shane McEntee:** The Deputy blew the country. He had no interest in farming for ten years. He screwed the farmers for the last ten years, yet now he is shouting because he lost every one of his votes.

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

**Deputy Shane McEntee:** You signed up to a 20% cut in agriculture.

**An Ceann Comhairle:** Did the Minister of State hear me?

**Deputy Shane McEntee:** There is no point in listening to rubbish.

**An Ceann Comhairle:** The Deputy is entitled to have his say. We live in a democracy.

**Deputy Shane McEntee:** We had some democracy for the last eight years.

**Deputy Éamon Ó Cuív:** When we were in government the Opposition was fully supportive of more and more spending. I never heard the then Opposition asking us to spend less on education, social welfare and health. In fact, they were roaring at us to do more of what we did. Now, however, they are pretending that the Oireachtas never knew that we were spending all this money, and never called for even more expenditure.

**Deputy Shane McEntee:** Your two Ministers did not tell you the truth. The former Taoiseach and the former Minister for Finance never told anyone the truth.

**An Ceann Comhairle:** Of all people, the Minister of State should show an example in the House. I ask the Deputy to continue without interruptions.

**Deputy Éamon Ó Cuív:** I looked at the Minister's speech with amazement and dismay yesterday. As regards the flat rate or direct payments, one cannot tie oneself to a historical chance on a certain year, which was 2002. We should have an open and frank debate on this single payment method as to whether we link it to the present system, which is purely historical and as time goes on becomes more distorted, or whether we need to re-examine it. I do not know the answer but we should debate it.

When in government I always argued that one of the problems was that the Department of Agriculture, Fisheries and Food could not see beyond protecting the present regime. I was surprised that the Minister did not see there are simple ways of dealing with some of the problems we are facing. When we were in government we proposed a payment of €150 per hectare where land was designated by the EU as either an SPA or an SAC. I understand that

[Deputy Éamon Ó Cuív.]

the current Minister has withdrawn that proposal from Europe, saying that farmers in areas that are totally constrained because of designation should be happy with €75 per hectare.

If Europe wants to protect the environment it will have to pay for it. In my view, under the disadvantaged areas scheme and under the AEOS scheme and any future REPS scheme, those whose land is designated over their heads should be given a higher premium payment than those whose land is not designated and if land is doubly designated, that is, as SPA and SAC, the extra money should be doubled again. It is outrageous that farmers have to put up with all these designations and all these limitations to what they can do. For instance, they cannot now drain a quarter of an acre of land and they are not compensated for doing so.

**Deputy Simon Coveney:** They are permitted to drain a quarter of an acre.

**Deputy Éamon Ó Cuív:** Not in an SAC or in an SPA. That shows how much the Minister is out of touch. A farmer would not get permission——

**Deputy Simon Coveney:** We negotiated it.

**Deputy Éamon Ó Cuív:** I thought a contribution should be without interruption.

The Minister says capping is not a major issue for Ireland but I remember all of those opposite giving out about a few senior people in this country getting a lot of money. It was not a lot of money but those opposite said it was an example, that it set down a marker to the type of society we wanted. I cannot understand why the Minister believed that applied to the public service — which, rightly, it does — and that it does not apply to those in receipt of agriculture funding from the public purse. Irrespective of how much actual financial saving it makes, it sends a very good signal to Irish society of an equalisation of our society, of going back to the philosophy that my party espoused in 1932 when it said that nobody was worth more than £1,000 a year in the money of the day.

In my view, to put a cap on the payment would send a very important signal that payments out of the State coffers are for those who need them. I am very surprised, as a consequence, at the Minister's initial reaction to the payments to small-scale farmers. The Commission had proposed a scheme directed at small-scale farmers. The Minister stated that his initial reaction was that the scheme needed to be discretionary for member states to apply. I read this as being a code for the Minister saying if this is introduced, he wants to be able to opt out. I think this says much about the philosophy of the Minister's party and the farmers he is trying to support.

**Deputy Shane McEntee:** Back to 1939. We know what Fianna Fáil did.

**Deputy Éamon Ó Cuív:** We had a more equitable society then and if we had not produced our own food during the war, we would have starved.

**Deputy Shane McEntee:** Will the Deputy starve the Irish people?

**Deputy Éamon Ó Cuív:** We did not. Unlike one of the stalwart members of one of the Deputy's party, by keeping out of the war we saved a lot of our people.

I note again the payments for areas of natural constraint. The Minister's document is saying, "Don't do anything extra for small farmers, don't do anything for people who have environmental restrictions, don't do anything for people who are in an area of natural constraint". The Minister has stated there is a Commission proposal to divert a proportion of the direct payments pillar to areas of natural constraint and he wants this to be optional. I can see the get-

out-of-jail card for the Government so that those who live on the really poor land in this country do not get extra funding which they badly need in order to survive and to have decent livelihoods.

**Deputy Simon Coveney:** Funding which the Deputy's party took from them in the past five years.

**Deputy Éamon Ó Cuív:** I advise the Minister to check the record of the House.

**Deputy Simon Coveney:** I have done so.

**Deputy Éamon Ó Cuív:** When I was the Minister with responsibility for the environment——

**Deputy Simon Coveney:** I am not referring to the Deputy personally but rather about the Government of which he was a member. He shared the collective responsibility.

**Deputy Éamon Ó Cuív:** I see that members of the IFA are in the Gallery and they will give the Minister the facts and figures. There was never more money paid in environmental payments to farmers during any period of government than during the period of the Fianna Fáil-led Government. With the downturn in the economy we had to constrain those payments. We had a proposal which the Minister has pulled back. This was a proposal to give an extra payment for those with the greatest environmental constraints but the minute the Minister was in the door, he decided to decrease the AEOS by 25% because it was only to help small farmers in the west. His next move——

**Deputy Simon Coveney:** The Deputy's party did not even budget for AEOS.

**Deputy Éamon Ó Cuív:** I appeal to the Ceann Comhairle as I thought this debate should be without interruption.

**An Ceann Comhairle:** I find it extremely difficult because both sides are inviting comment from the other.

**Deputy Éamon Ó Cuív:** I am not inviting comment.

**An Ceann Comhairle:** The Deputy should keep making his points and ignore what is being said.

**Deputy Éamon Ó Cuív:** It is very difficult to keep talking.

**An Ceann Comhairle:** The Deputy is using up his speaking time which stands at one minute and 40 seconds left.

**Deputy Shane McEntee:** He should tell the truth.

**Deputy Éamon Ó Cuív:** The Government has laid out its stall and this will be to protect the big farmers over the small farmers, the farmers in the good land over the farmers in the bad land. The small farmers in the good land areas will be discriminated against in favour of the big farmers in the good land areas. The farmers on the good land will get more money than the farmers on the bad land, in other words, a small-scale farmer on marginal land need not bother to look to this Government for a rebalancing because every rebalancing proposal——

**Deputy Simon Coveney:** The Deputy is trying his best to create division among farmers.

**Deputy Éamon Ó Cuív:** All the proposals coming forward are as a result of our work and not the Minister's work. All the proposals coming from Europe to help small and marginalised farmers —

**Deputy Shane McEntee:** This is incredible.

**Deputy Éamon Ó Cuív:** —represent our philosophy. The Minister is saying he wants to get out of all these. It is very clear where he is going and what he wants to do. I assure both Ministers on the other side that we will continue to fight on behalf of those who need this public money most and not on behalf of the fat cats who could do well without it.

**Deputy Simon Coveney:** That is not what the Deputy's motion states. Does Deputy Michael Colreavy support that view? What does he think of that speech?

Amendment put:

The Dáil divided: Tá, 97; Níl, 26.

Tá

Adams, Gerry.  
Bannon, James.  
Barry, Tom.  
Broughan, Thomas P.  
Burton, Joan.  
Butler, Ray.  
Buttimer, Jerry.  
Byrne, Catherine.  
Byrne, Eric.  
Carey, Joe.  
Coffey, Paudie.  
Colreavy, Michael.  
Conaghan, Michael.  
Conlan, Seán.  
Connaughton, Paul J.  
Conway, Ciara.  
Coonan, Noel.  
Costello, Joe.  
Coveney, Simon.  
Creighton, Lucinda.  
Daly, Jim.  
Deasy, John.  
Deenihan, Jimmy.  
Deering, Pat.  
Doherty, Pearse.  
Doherty, Regina.  
Donohoe, Paschal.  
Dowds, Robert.  
Doyle, Andrew.  
Durkan, Bernard J.  
English, Damien.  
Feighan, Frank.  
Ferris, Anne.  
Ferris, Martin.  
Fitzgerald, Frances.  
Fitzpatrick, Peter.  
Flanagan, Terence.  
Gilmore, Eamon.  
Griffin, Brendan.  
Harrington, Noel.  
Harris, Simon.  
Heydon, Martin.  
Hogan, Phil.  
Howlin, Brendan.

Humphreys, Kevin.  
Keating, Derek.  
Keaveney, Colm.  
Kehoe, Paul.  
Kenny, Seán.  
Kyne, Seán.  
Lawlor, Anthony.  
Lyons, John.  
Mac Lochlainn, Pádraig.  
Maloney, Eamonn.  
Mathews, Peter.  
McDonald, Mary Lou.  
McEntee, Shane.  
McFadden, Nicky.  
McHugh, Joe.  
McLellan, Sandra.  
McLoughlin, Tony.  
McNamara, Michael.  
Mitchell, Olivia.  
Mitchell O'Connor, Mary.  
Murphy, Catherine.  
Murphy, Dara.  
Nash, Gerald.  
Naughten, Denis.  
Neville, Dan.  
Nolan, Derek.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
Ó Ríordáin, Aodhán.  
Ó Snodaigh, Aengus.  
O'Brien, Jonathan.  
O'Donnell, Kieran.  
O'Donovan, Patrick.  
O'Mahony, John.  
O'Reilly, Joe.  
Phelan, Ann.  
Phelan, John Paul.  
Pringle, Thomas.  
Rabbitte, Pat.  
Reilly, James.  
Ring, Michael.  
Sherlock, Sean.  
Shortall, Róisín.  
Spring, Arthur.

Tá—*continued*

Stagg, Emmet.  
Stanley, Brian.  
Timmins, Billy.  
Tóibín, Peadar.  
Tuffy, Joanna.

Twomey, Liam.  
Varadkar, Leo.  
Wall, Jack.  
White, Alex.

## Níl

Browne, John.  
Calleary, Dara.  
Collins, Joan.  
Daly, Clare.  
Donnelly, Stephen.  
Dooley, Timmy.  
Flanagan, Luke ‘Ming’.  
Fleming, Sean.  
Fleming, Tom.  
Grealish, Noel.  
Healy-Rae, Michael.  
Kelleher, Billy.  
Kirk, Seamus.

Lowry, Michael.  
Martin, Micheál.  
McConalogue, Charlie.  
McGrath, Mattie.  
McGrath, Michael.  
Moynihan, Michael.  
Ó Cuív, Éamon.  
Ó Fearghaíl, Seán.  
O’Sullivan, Maureen.  
Ross, Shane.  
Smith, Brendan.  
Troy, Robert.  
Wallace, Mick.

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

Amendment declared carried.

Question, “That the motion, as amended, be agreed to”, put and declared carried.

### International Day of Democracy: Statements

**An Ceann Comhairle:** Today is International Day of Democracy. As such, it is only right and fitting that this Parliament should take time to mark the event. The International Day of Democracy is intended both to celebrate democracy and to serve as a reminder that the need to promote and protect democracy is as urgent as ever. While it is easy for some to be cynical about politics and parliament, events around the world in the last year — the Arab spring in particular — have demonstrated that people strive for free and democratic leadership.

Here in Ireland we are fortunate that our Parliament has remained independent, free and democratic since the foundation of the State. For 90 years the State has withstood many pressures, including a world war, and endured grim times. Throughout, we have kept a firm grip on our democratic principles. We should not take that for granted; rather, we should celebrate the fact that we have always retained the freedom to elect our Parliament. I am pleased the Dáil is joining today with many other parliaments in devoting time to mark the International Day of Democracy.

I invite the Minister of State at the Department of Foreign Affairs and Trade, Deputy Lucinda Creighton, to make her opening statement.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** I thank the Ceann Comhairle for allocating time to discuss this important topic. I am delighted to have the opportunity to address the House on the International Day of Democracy. It is entirely appropriate that Dáil Éireann should mark this event and consider how we as a nation, which has been fortunate enough to enjoy a strong parliamentary democracy for the past 90 years, can strengthen and support the cause of democratic governance globally. I commend the UN General Assembly on instituting this important annual event in 2007.

[Deputy Lucinda Creighton.]

The year, 2011, is likely to prove a landmark year in terms of efforts to spread democracy and foster greater respect for human rights and the rule of law internationally. Just as the fall of the Berlin Wall came to epitomise the historic events set in train in eastern Europe in 1989, so it is likely that the ardent pro-democracy activists who occupied Tahrir Square in Cairo for 18 days last February and the recent wild scenes of jubilation in Tripoli and Benghazi which marked the fall of Gadaffi will be the images instantly invoked when we recall 2011 in future years.

The Government has fully supported the democratic aspirations which lie behind the popular uprisings in Tunisia, Egypt, Libya and elsewhere throughout the Middle East and north Africa. We have recognised that the demand for reform and change has come in large part from genuinely popular movements which have not been pursuing any particular political agenda other than seeking the types of rights which we in Europe have perhaps come to take for granted. These include the right to a decent livelihood for oneself and one's children and the right to protest peacefully and not to have to live in fear.

The Government has been consistent, furthermore, in the attitude it has taken to the pressures for change across this entire region. We have been just as strong in our support for the demands for democratic change and reform in Bahrain as we have in regard to the popular movements in Egypt and Libya. The Tánaiste has spoken out about the plight of detained medics in Bahrain and called for their release, conscious that the European Union must uphold the rights of all who engage in peaceful protest or who peacefully seek reform and democratic change across a region which has historically been deprived of such freedoms. The Government welcomes the fact that all those medics detained in the aftermath of last March's events have now been released on bail by the Bahraini authorities, although they still face potentially serious charges. We will continue to monitor that situation.

The human rights of Palestinians and the fulfilment of their legitimate aspirations to statehood are equally important and very much a topic of interest. The Tánaiste has clearly stated that he wishes to see a state of Palestine come into existence as soon as possible.

Libya is the latest country to have savoured the freedom offered by the Arab spring and is moving steadily along the path of democratic transformation. The fall of the cruel and oppressive Gadaffi regime is greatly to be welcomed, as is the victory of the Libyan people and the National Transitional Council, NTC, which has successfully led the challenge to Gadaffi's rule. The Government has been glad to offer what political and humanitarian assistance it could to the Libyan people in the past six months and looks forward to working closely with the NTC in the coming months as, in co-operation with the UN and the international community, it prepares the ground for the adoption of a new constitution and the holding of the first truly free and democratic elections in Libya. Close attention to, and strong support for, the development of a human rights culture in Libya will be of crucial importance in the coming months.

Democracy has by no means come to all parts of the Middle East as yet. The repression visited by the Assad regime upon those large parts of the Syrian population demanding democratic change has been appalling. I again add my voice to all those urging President Assad and the Syrian authorities to desist from effectively waging war on their own people, to recognise the need for change and reform and to pursue dialogue, not violence. If it does not do so, the Assad regime will relinquish its legitimacy and all authority to rule.

Events in Syria remind us that the Arab spring is unfolding before our eyes. We are witnessing living history and a process which is still far from complete. Any assessment or comparison with the events of 20 years ago in eastern Europe would suggest that we are only at the Gdansk shipyard, rather than Berlin Wall, stage of this historic train of events. We must be

mindful that consolidating the democratic gains that have been achieved in those countries undergoing transition may prove to be just as difficult as the initial throwing off of oppression. We must be honest enough to recognise that there may still be discrepancies between the quality of the democracy emerging in some countries and the democratic standards and norms which we apply in our own societies.

The important point, however, is that Ireland and its EU partners are prepared to walk with, encourage and support those undergoing the process of democratic transformation, wherever they may be in the Middle East and north Africa or globally. For its part, the Government intends to stand shoulder to shoulder with all those pursuing *tahrir*, or liberation from oppression.

**Deputy Timmy Dooley:** I, too, welcome the opportunity to speak today on the International Day of Democracy. Notwithstanding the difficulties faced by this State during the past two years, we often fail to recognise we have the benefits of democracy. Notwithstanding that there are difficulties and issues to which we must face up. However, this is done against the backdrop of having an open democracy which allows us and the people to express our opinions in a free and fair manner.

International Day of Democracy has an important role to play in highlighting the fundamental values that form the heart of our political beliefs. It has a special resonance this year, a year when the Arab Spring took hold and a wave of change swept aside apparently unshakeable corrupt dictatorships, one during which brave men and women continue to resist oppression and tyranny in Syria despite the vicious crackdown they have endured during the past few months. Those of us who historically enjoy remarkable security, free and fair elections, the inalienable right to free expression, to engage with an independent media or to have our laws interpreted by an independent Judiciary would do well to look across to the convulsions in the Arab world and the suffering that people there have endured in their struggle to secure what we take for granted.

Across the globe authoritarianism continues to fester in many countries. In central Asia, post Soviet dictatorships continue to hold a firm grip on their societies. In Burma deeply compromised elections mask the military junta's continued grip on power. In Europe, political opposition in Belarus has been continually crushed by evil dictatorship. The advances of the "colour" revolutions in Eastern Europe over the past decade show signs of slippage. The international community, in particular those of us in the EU, must show real leadership here. Our commitment to open political competition, a climate of respect for civil liberties, significant independent civic life and independent media should underpin our foreign policy in conjunction with our European partners.

The European model of governance is founded upon the ideal of democracy and the concept of the inherent equality of every human being. It is an ideal that underpins the guiding principles of our Republic. Remembering that the struggle for freedom, for which generations of Irish men and women fought on our behalf, continues for many oppressed people across the world today we should also reflect upon how we can deepen democracy in Ireland. I hope that the Government's promises of political reform are not simply political speak. I believe there is a deeply held view among Irish people that we too need to reform. Our democracy has grown and political and economic life has changed and there is a necessity for us to reform the manner in which we interpret democracy in this House. I trust that the Government will continue to bring reforms in that regard.

Fianna Fáil set out a comprehensive series of measures to fundamentally reform the democratic system in Ireland in order to reconnect with the citizen. As democracies emerge and the principles become common across a particular State or country, the connection with the citizen

[Deputy Timmy Dooley.]

that brought about democracy, as is emerging in the Arab world in particular, can be lost. Over the passage of time, the political process can develop an elitism and a remove from the people it seeks to represent. There is a necessity to re-establish that connection. As I stated, that has been the plank of Fianna Fáil's approach in terms of improving our democratic system. Our ideas of a citizens assembly to reform the Constitution, broadening out Cabinet membership, enhancing Dáil oversight and political party finance reform have the potential to imbue democracy in Ireland with fresh meaning.

I trust the Government will take the initiative in ensuring democracy remains at the heart of our politics at home and abroad.

**Deputy Jonathan O'Brien:** I am pleased to have an opportunity to speak today on the International Day of Democracy. It is only fitting that on this day we extend greetings of solidarity to people across the world who are striving to achieve democracy and independence, be they people from the Basque country, Palestine, Syria or Libya.

Democracy is a universal value based on the freely expressed will of people to determine their political, economic, social and cultural systems and full participation in all aspects of their lives. While democracies share common features, there is no single model of democracy. The term "democracy" is often used and abused. Just as there is no single model of democracy, the word can mean different things to different people.

The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. In turn, democracy provides the natural environment for the protection and effective realisation of human rights. As politicians there is a special onus on us to ensure that the outcome of elections are upheld and respected, even if they do not always marry with our preferred outcome. Democracy is not best served when the political leaders of this State are more interested in kneeling before European paymasters than in standing up for the democratic wishes of the Irish people, as expressed in recent referenda on European treaties. One need only look to the Lisbon treaty to get an idea of how the democratic wishes of the Irish people were respected or, to be more precise, not respected. There is a huge challenge facing this State in terms of how we shape our democracy. Large swathes of Irish people do not engage in the democratic process. Even larger swathes of Irish people are not allowed to engage in the democratic process.

The upcoming presidential election only serves to highlight the democratic deficit which partition has brought about on the Irish people. How can any Government justify not extending voting rights in presidential elections to all people living on this island? If we truly believe in democracy then we should be extending voting rights to citizens living in the Six Counties. As an elected representative of the Irish people, I look forward to the day when we have a Parliament which no longer only serves a section of the Irish people but truly is Dáil Éireann in name and practice, serving a 32 county Ireland.

Over recent months we have witnessed what many have witnessed what many have termed the Arab Spring. People in Libya, Egypt, Syria, Yemen and Bahrain, to name just a few, have stood up for their democratic right to freedom from oppression. Hundreds of thousands of people throwing off the shackles of dictatorship and demanding real democracy. This is to be welcomed, encouraged and supported. Let us hope they achieve their aspirations and that no external influences try to foist their view of democracy on them.

As a nation which declared our independence without International support, I hope that this Government supports the right of Palestine to be formally recognised as a state. So, as we celebrate International Day of Democracy let us recommit ourselves to embracing and growing our own democracy. Let us redouble our efforts to try and ensure that the maximum number

of people on this island engage in the democratic process. Let us have an honest, open debate on real political reform. Let us look at novel ways to encourage full participation in the political process. The Proclamation of 1916 states that we aspire to a permanent national Government representative of the people of all Ireland and elected by the suffrages of all her men and women, a Republic which guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens and declares its resolve to pursue the happiness and prosperity of the whole nation, cherishing all of the children of the nation equally. That must be our aim. Achieving this goal is the best way we can celebrate International Day of Democracy.

**Deputy Luke ‘Ming’ Flanagan:** I wish to share time with Deputy O’Sullivan.

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

**Deputy Luke ‘Ming’ Flanagan:** As I understand it, today is about protecting and promoting democracy. I am here as a result of democracy. Having put my name before the people of Roscommon-South Leitrim I was elected a Member of this House and as such get an opportunity to speak here. Democracy is a great thing. Unfortunately, democracy in this country is being squeezed all the time at local, national and European level. At a local level, we have tokenism towards democracy, with county managers holding all the cards. These people are unelected yet they hold precedence over those who have taken the trouble to go down the democratic route.

When as Mayor of County Roscommon, I sought financial details at a meeting with the director of services on finance in Roscommon County Council I was told that people would leave the room if I continued to ask for more information. We talk about democracy all over the world but democracy begins at home. We need to start looking at that.

When I suggest that things should change for county councillors I am told that they abuse the power, so they should lose it. In other words, what is being said is that we cannot trust the people to choose their local leaders. That is not democracy. At national level we are heading in the same direction. A general election was held in February. Yet in the past week two people are deciding our future who have never appeared on a ballot paper in this country, namely, Angela Merkel and Nicolas Sarkozy. Watching them decide our future without consulting with all the people of Europe is anything but democratic. It is the equivalent of the mayor of Cork and the mayor of Dublin deciding how this country is governed. We would not accept it. Also, Manuel Barroso never put his name before the people. He was not elected, yet he decided we should go down the route of eurobonds which would mean the death of our nation.

Where do broken promises leave democracy? In advance of the general election we had promises from Deputy Frank Feighan, the Taoiseach, Deputy Enda Kenny, and the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Eamon Gilmore, that they would leave our hospital unscathed. The people of Roscommon ask what is the point in democracy when they are lied to and let down. Democracy is a fragile flower. It should not be taken for granted. At this stage it has been trampled and crushed for a decade by weak governments containing weak politicians.

The solution to these grave threats to Irish democracy is for people to put their name on the ballot paper in greater numbers and, in the words of Rage Against the Machine, take the power back.

**Deputy Maureen O’Sullivan:** We in Ireland have been enjoying the benefits of democracy, our free elections, our right to freedom of expression and gathering in worship for so long. I too see that democracy under pressure. We have surrendered part of our sovereignty, first, to the EU and now our economic sovereignty to the troika. It is ironic that this is happening at a

[Deputy Maureen O’Sullivan.]

time when we see the rise of the Irish spring and not only that spring but the spring in other countries in Africa and South America who have been long under dictators and are now demanding the rights we have enjoyed for many years.

On a broader scale, as I stand here today I cannot but be struck by the rights I have. I can speak freely, I can choose the church to which I wish to belong or none, I can vote, protest, criticise, drive a car and pursue the education or career I choose. There are countries where citizens are deprived of those basic rights, countries where civil society is being increasingly repressed. They are denied their rights. They live in war zones. I am struck by the fact that there are countries where women are denied the right to drive a car or chose the man, or person, they wish to marry.

A major threat to democracy is fear. It is that fear that has brought democratic governments to do very undemocratic things, such as, invade other countries, use torture and start wars. While we can claim to be democratic in many ways, there are aspects and examples where we have not been democratic, where the rights of certain citizens have not been respected. I think particularly of people with mental health issues who are subjected to forced medication, forced ECT and stigmatised. We have denied those people the right to be treated as equal citizens and we continue to deny justice to the survivors of the Magdalen laundries. They are just two examples of the blight in our democracy.

I look back at history and the types of government we have had, at monarchy and the divine right of kings, dictatorship, benevolent and autocratic, one party states, fascism and communism. Given that today is international day of democracy, it is important that we respect it, yet we allow only 25 minutes to debate it.

**Deputy Derek Keating:** When I think of democracy I think of a system of government with four key elements: a political system for choosing and replacing the government through free and fair elections; the active participation of the people, as citizens, in politics and civic life; human rights of all citizens; and a rule of law, in which the laws and procedures apply equally and fairly to all citizens in the common good.

I welcome this opportunity to speak on this the United Nations International Day to mark democracy. I have here a book published in 1992, written by my late uncle Tom Keating, entitled *Presidents of Ireland*. In his opening remarks Tom Keating states: “The Presidents of this country are guardians of the law and enactments [and are] guided by a Council of State comprising of members serving all in a true and just manner”.

Our democracy in Ireland was hard fought for. I was reminded of this during the summer break when we were bombarded with television pictures of the strife and struggle in Libya, in Syria and in Egypt where we saw young people fighting to have the freedom to express their views and to participate in the civil, cultural and public life of their respective countries. I was also reminded of one of the greatest democrats of all time, Nelson Mandela, a man who spent 27 years in prison because he was principled about democracy, about having the vote for every citizen,

Shortly, this country will have an opportunity to express its view again on who we want as our President. I do not intend to enter into party politics but I appeal to all our citizens, each and every one of them, to exercise their right to vote on 27 October for the person whom they believe should be President of this State or for the person whom they believe should represent them in protecting the Constitution in representing each and every citizen, singly or as a community.

I am proud and privileged as a citizen of this country to be a Member of Dáil Éireann, having been sent here by the people of Dublin Mid-West, to stand in this House and to freely express the views both of my party, of the individuals with whom I have had discussions and in what I believe myself. This is possible because of the democracy we have, even with all its limitations and virtues.

The greatest and most serious threat to our democracy is not the bomb or the bullet — not even the external or internal pressures of economic mismanagement we have witnessed in the past — as we have seen by the previous Administration- but the growing cynicism and apathy that can be found daily in our society. We often hear remarks such as, “Sure there all the same” or “why should I bother?”. I say to this House and to all those who are listening that we are not all the same and we should bother. We in this Chamber do bother and we have a duty to protect our democracy by the way we treat this responsible work. When Deputy Enda Kenny was returned as Taoiseach with a massive endorsement, that was democracy at work and I know and believe he will honour that endorsement.

This Republic has been blessed to have had eight Presidents, eight heads of State, who were representatives of our democracy. In the US in the 1950s and 1960s there was a highly segregated society with blatant discrimination based on colour of skin. Two world leaders came to the fore in those days with a non-violent approach to achieving civil rights. They were Mahatma Ghandi and Dr. Martin Luther King. Their non-violent resistance to the segregated society that existed then — there are still elements of it existing today in the US — were successful because they had a principle which was enunciated as follows: “In struggling for human dignity the oppressed people of the world must not allow themselves to become bitter or indulge in hate campaigns”. I call on those who indulge in this behaviour to get involved, to exercise their entitlement, have their say and demand that their opinion be heard.

The principles of democracy, on which my party is founded, are a template for going forward. They include the principle of equality for every citizen; hope that we will recover from our difficulties; integrity in every public office and action; scrutiny, especially for those who are at risk; and reward for those economic patriots who work for the betterment of our society. Each of us has rights and responsibilities. In this country we are blessed to have, in our democracy, what many countries do not have. People should be allowed to question the decisions of government, but not reject the government’s authority providing it is a government elected by the people. Democracy demands that we protect the weak, the vulnerable, those most at risk and the marginalised. On this International Democracy day I pose the question that if we do not have democracy, what do we have?

**Deputy Sandra McLellan:** Democracy in evolutionary terms is one of the real achievements of mankind. By definition it is a form of government in which all people have an equal say in the decisions that affect their lives. Freedom and equality have long been identified as two of its central characteristics. These principles are reflected in all citizens being equal before the law and having equal access to legislative processes. In a true democracy it should be fair to say that every individual should be afforded the necessary opportunity and support to reach the fullest of their potential. It is a fundamental part of how we as a society, a people and a nation engage with one another.

The sacrifice so many have made through the years for the right to democratic rights should be in our thoughts today. When considering the significance of democracy in the context of Ireland and its history, it is impossible not to remember the vision the founders had for this country in the early decades of the last century and the sacrifices they made. The 1916 Proclamation and the Democratic Programme of the First Dáil were visionary documents ahead of their time. The democratic values of liberty, equality and justice for all were core tenets of

[Deputy Sandra McLellan.]

both. The Democratic Programme declared that the wealth of the nation, including that of its soil and natural resources, was to be the wealth of the people. Public rights, the right to work, the right to shelter, the rights of the sick and the elderly as well as the rights of children were to be paramount. This was to be a democratic republic with its people at its heart.

It also declared that the nation's sovereignty extended not only to all men, but to the women of the nation also. This at a time when many countries did not afford women the right to vote. As a female Member, I could not pass this opportunity without making mention of the groundbreaking contribution of Countess Markievicz. When she took her seat in the First Dáil in 1919, women had only just won the right to vote. That right was granted in 1918 and only to those over 30 years of age. She holds the record as the first woman ever elected to the British Parliament and, on her appointment as Minister for Labour in the First Dáil, she became the first female Cabinet member in western Europe. Countess Markievicz set the standard for the rest of us to follow.

Unfortunately, only approximately 5% of all seats in the Oireachtas have been filled by women in the period since 1918. The Government intends to introduce proposals in an attempt to address this issue. Sinn Féin will play a positive and constructive role in the debate and a full role in encouraging more women to participate in the democratic process in order to deliver a truly representative democracy.

Indeed, Sinn Féin continues to call for the fullest possible participation in the democratic process by everybody on this island and beyond. We could all show our support for a truly participative and representative democracy in the upcoming presidential election. Irish citizens living in the Six Counties and those forced to emigrate due to this and previous economic crises, not to mention the broad Irish diaspora, will not be afforded the opportunity to elect their President. They should have just as much right as the Minister of State or I to choose our next President. The point has already been made publicly that President McAleese, had she been living in her home town of Belfast, could not have voted for herself. This is an administrative anomaly that other progressive democracies have overcome. We should do likewise.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** I am conscious that we have run over time and I will keep my remarks short. I thank Deputies for participating in this important debate. I do not set the Dáil's agenda, but I will take the Deputies' point on board and I hope we will allocate more time to this type of discussion in future.

The link between democracy and human rights was clearly established when the Universal Declaration of Human Rights declared that the will of the people should be the basis of the authority of government and guaranteed to all the rights that were essential for effective political participation. It may be difficult for us to understand how radical the declaration was at the time. The determination and vision of its drafters, chief among them Ms Eleanor Roosevelt, produced a document that set out universal human rights as individuals for the first time. This fundamental shift recognised the inherent dignity and equality of all human beings regardless of colour, sex, religion or origin. A deeply held genuine respect for the qualities outlined in the declaration is the foundation upon which democracy can flourish.

I listened to Deputies' comments and accept that the EU is not perfect. In terms of the implementation of and support for the UN declaration globally, the EU is the strongest advocate of democracy and human rights and has been truest to the declaration's spirit among the major regions and blocs. This fact can be acknowledged in the Chamber at least.

The uprisings in the Arab world have reminded us that democracy, if it is to be lasting and robust, must be deep democracy. Protestors in Tunisia, Egypt, Libya and elsewhere in the

region demanded a systemic rather than a superficial change. This is the main challenge facing us. Votes and elections are important, but protestors want more than these. They demand an end to the corruption that stifles economic growth and freedom to express their opinions without fear of arbitrary detention, torture or death. They insist on reform, independent judiciaries, vibrant and free civil societies and impartial administrations. We can forget how fortunate we in this country are to have these rights and basic freedoms enshrined in our Constitution and integrated into our legal system.

Deep democracy is not just about changing governments, but also about building the right institutions and attitudes. As we know from our national and European history, the process of establishing a democracy is slow and multifaceted. It is a process rather than a one-off event.

Ireland and the EU hope to assist our Arab neighbours in this quest for deep democracies in three primary ways, the first of which is politically. The EU's approach has been fully set out in the joint communication launched on 25 May, entitled *A New Response to a Changing Neighbourhood*. I recommend that Members read this good document.

Second, the practical, technical and financial support for democratic transformation and institution building is an ongoing process. The EU has made available a €350 million package of support. A practical example of our help is the financing of an election monitoring mission in support of Tunisia's Constituent Assembly elections on 24 October. As part of the EU, Ireland is providing short and long-term monitors to the mission.

Third, Ireland and the EU will support sustainable and inclusive growth and economic development in the southern neighbourhood. The Government is determined to strengthen our trade relations with the countries in question, as the Arab spring represents a political and economic opportunity for all concerned.

The prospect of a ring of democratic and economically vibrant states across our southern shore and elsewhere in the Middle East is tantalising. Ireland and the EU are determined to do everything we can to make this vision a reality.

**An Bille um an Tríochadú Leasú ar an mBunreacht (Fiosruithe Thithe an Oireachtais) 2011:  
Ordú don Dara Céim**

**Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011:  
Order for Second Stage**

Bille dá ngairtear Acht chun an Bunreacht a leasú.

Bill entitled an Act to amend the Constitution.

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Tairgim: “Go dtóg-far an Dara Céim anois.”

I move: “That Second Stage be taken now.”

Cuireadh agus aontaíodh an cheist.

Question put and agreed to.

**An Bille um an Tríochadú Leasú ar an mBunreacht (Fiosruithe Thithe an Oireachtais) 2011:  
An Dara Céim**

**Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011:  
Second Stage**

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** Tairgim: “Go léifear an Bille an Dara hUair anois.”

I move: “That the Bill be now read a Second Time.”

This Bill is the first important step towards ensuring that the Houses of the Oireachtas can undertake full parliamentary inquiries. It will enable the constitutional amendment to permit the Houses to undertake full inquiries into matters of general public importance in an effective and cost-effective way. As set out in the programme for Government, the proposed constitutional amendment contained in the referendum Bill is a key element of the broader parliamentary reform programme to which the Government is strongly committed. These reforms are underscored by a conviction regarding the potential of our Parliament and its Members on all sides of the House to lead change, govern effectively and hold the Government to account. The successful discharge of these roles by the Houses of the Oireachtas is imperative if we are to restore the trust and confidence of the public in the institutions that serve them.

It is integral to the effective functioning and modernisation of parliamentary democracy that the Houses of the Oireachtas have express legal capacity to initiate and undertake full inquiries into issues of general public importance where the Oireachtas has a clear legislative, oversight or public policy role in making findings and recommendations firmly underpinned by extensive fact-finding. In order to achieve this objective, the legal and constitutional issues identified in the Supreme Court’s judgment in the *Abbeylara* case must be addressed. The constraints and restrictions imposed by the Supreme Court on the ability of the Houses to conduct inquiries will be well known to all Members of the House.

The work of the all-party joint Oireachtas committee leading to the publication of its Fifth Report on Article 15 of the Constitution and the parliamentary power of inquiry in January of this year was particularly valuable, drawing on the advice of external experts and important work of the Law Reform Commission in this area. I pay tribute to the chairmanship of former Deputy Seán Ardagh, whom I was delighted to see this week in good health again. He played a sterling role in steering that committee towards producing its final report. It analysed in some detail the main findings of the judgment and made specific recommendations on how the limits and restrictions created by it could be resolved through constitutional change. The proposed wording of the referendum and the policy approach the Government is adopting is, in fact, closely in line with the recommendations of the all-party committee, which spent almost a year examining these matters.

A vigorously active and independent parliament with powers to investigate into particular matters of general public importance should have the objective of ensuring that the type of systemic failures we have seen take place, for example, in our banking system — as documented in the reports by Regling and Watson, Professor Honohan and the Nyberg commission — will be much less likely to occur in the future. There are significant public policy benefits from the operation of an effective system of parliamentary inquiry. This is evidenced by the broader international experience, and by our own specific national experience in the case of the successful DIRT inquiry carried out by the Committee of Public Accounts. We need to ensure that we, as a parliament, use this power carefully and appropriately and only in circumstances that is clearly warranted in line with the objectives of the constitutional amendment.

In essence, a power of inquiry consistent with the constraints identified in the *Abbeylara* case would not facilitate meaningful inquiries leading to substantive recommendations and findings where it is essential to inquire into individual conduct and potentially make findings regarding the actions of individuals.

In order to facilitate comprehensive discussion of and inform debate on the issues involved, I published detailed and advanced draft heads of the Houses of the Oireachtas (Powers of Inquiry) Bill earlier this week. As I outlined to the Joint Committee on Investigations, Oversight and Petitions yesterday, this legislation will underpin the proposed constitutional amendment, and will provide a comprehensive governing legal framework for the establishment and operation of an Oireachtas inquiry system. The legislation details the proposed structure and operation of the proposed new system of Oireachtas inquiry. It requires, in particular, the establishment of a framework through rules approved by the Houses to secure procedural fairness. I really want to underscore that. This legislation will be enacted if the proposed constitutional change is approved by the electorate. I welcome any views or suggestions on the legislation to help define the final shape of the system. My mind is not closed on it. If individuals make submissions on the published heads, I will be very happy to incorporate them in the legislation if they contain good ideas. As I stated to the committee yesterday, it will be necessary to tweak the legislation as the committee system undertakes inquiries, provided, as I hope, that the people will support the amendment.

Inherent in this legislation is the constitutional imperative under Article 40.3 of the Constitution that the proposed powers of inquiry of the Houses of the Oireachtas must be used in a manner consistent with the rules of natural justice but also taking into account the public interest in ensuring the Oireachtas inquiries are effective. This is the key balancing exercise to be determined in the design and implementation of the system. This balancing will be governed by rules established under the enabling legislation.

I will outline in detail some of the provisions of the Bill. Section 1 provides for the amendment of Article 15.10 of the Constitution by the insertion of the text set out in the Schedule to the Bill. Section 2 is a standard provision specifying how the amendment and the Act shall be referred to. The Schedule contains the proposed text of the Constitutional amendment, in both Irish and English. The proposed amendment, if approved by the electorate, will insert the three new subsections, as set out in the Schedule, into Article 15 of the Constitution.

The need for an explicit, express and unambiguous statement granting a power of inquiry to the Oireachtas is addressed by subsection 2 contained in the Schedule of the Bill. Its wording reflects the finding of the Joint Committee on the Constitution that a constitutional amendment is required to avoid any doubt that the Oireachtas has an inherent power to inquire into matters of general public importance. It minimises the risk that the Houses of the Oireachtas might be found by the courts to be precluded from carrying out such inquiries on the basis of institutional or structural bias.

Subsection 2 does not and cannot discharge the members of an Oireachtas committee of inquiry from the requirement not to pre-judge the outcome of an inquiry. Members of Oireachtas committees of inquiry would be required to behave impartially in respect of the matters subject to an inquiry. The subsection also provides that the inquiry must be into a matter “stated by the House or Houses concerned to be of general public importance”. The draft heads of the Houses of the Oireachtas (Powers of Inquiry) Bill contain the proposed process to be undertaken and the evidence to be provided to allow the Houses to make the assessment that a particular matter is of general public importance and, therefore, warrants an inquiry.

[Deputy Brendan Howlin.]

Subsection 2 also provides that the manner in which an inquiry is conducted would be in line with provisions laid down in legislation. The draft heads of the Houses of the Oireachtas (Powers of Inquiry) Bill, as published, provide a framework within which the Houses of the Oireachtas can formulate rules and guidelines governing the conduct of such inquiries.

Subsection 3 of the Schedule to the Bill seeks to address two of the major concerns identified by the Supreme Court in the *Abbeylara* judgment by granting a power to the Oireachtas to investigate the conduct of individuals and make findings. This would be done in the context and with the objective of making and rationalising recommendations for changes. Such recommendations could, for example, relate to legislative or regulatory frameworks or the role, structure, governance and management systems of any public body.

Subsection 3 of the Schedule ensures that the Oireachtas could not be inhibited by the likelihood of any civil or criminal liability being inferred from its deliberations in regard to its powers of inquiry. This subsection explicitly provides that an investigation can be carried out into the activities of any person or persons, irrespective of whether they are Members of either House.

A key requirement for the proposed new system of Oireachtas inquiry will be adherence to the rules of natural justice consistent with the very well-defined constitutional principles and Ireland's obligations under international law. Subsection 4 in the Schedule to the Bill is designed to meet this requirement. This is a very significant element of the proposed new system of Oireachtas inquiry. I have discussed subsection 4 with some Members already. It is not intended to change the fact that fair procedures and the normal, well-established rules of natural justice must be respected in any form of inquiry that puts good name or reputation at risk.

The proposed approach is consistent with judicial decisions that have noted a tailored approach is appropriate to the rights to fair procedures. The established constitutional rights of particular individuals will vary according to the position in which they are placed; one's rights, such as to one's good name, must be at risk. This has been borne out in the field of tribunals where these matters have already been rehearsed before the courts.

What the proposed constitutional amendment does is reflect the need for the Oireachtas to implement in a pragmatic way fair procedures in its inquiry process, and the need to implement them in a manner that is balanced against the public interest.

This is done to ensure that inquiries are effective, cost-efficient and completed within a reasonable timeframe. It cannot be that the power would not be with the House itself to make judgments on an ongoing basis. Otherwise, every inquiry would be subject to constant interruption as matters are weighed and balanced elsewhere.

The manner in which the Oireachtas strikes this balance must be reviewable by the courts. If the courts believe the balance has not been properly determined, they can overturn the decision made by the inquiry. In assessing this issue, the courts would take account of the proposed constitutional provision that the Oireachtas is empowered to strike this balance.

Under present constitutional arrangements the courts in determining these issues would review exclusively in this context the provision of fair procedures. I do not need to set out for the House how in such circumstances it could be expected that any Oireachtas inquiry would be rendered ineffective and impotent by constant recourse to the courts by parties to an investigation and by the introduction of tribunal-like procedures into the Oireachtas inquiry system which would totally torpedo the purpose this amendment seeks to achieve. It is almost certain

that the inquiry process would be ineffective in such circumstances, the public interest would not be served and we would still have an impotent parliament where inquiries are concerned.

However, let me make it clear that the amendment to the Constitution contained in the referendum Bill before us does not disregard the rights of witnesses to fair procedures. Indeed, as set out in the proposed underpinning legislation high hurdles have been set to ensure that fair procedures are adopted, and that inquiries are carefully and correctly conducted.

In making its determination a committee of inquiry would be expected to have regard to certain factors. These could include whether specific facts are in dispute between witnesses and the extent to which the reputation of witnesses becomes or is an issue. An overarching concern for an Oireachtas committee of inquiry would be to ensure the level of rights is commensurate to the risk to an individual's good name against whom allegations may be or have been made. Every citizen in our democracy has a right to his or her good name but this right needs to be balanced with the undeniable public interest that is realised by effective investigation into matters of serious public concern.

It is highly desirable that Oireachtas inquiries should be carried out in an efficient and cost-effective manner and conclude their work within a reasonable period of time. Citizens would expect that the Houses would carry out such inquiries as expeditiously as possible, and it is important that such inquiries are perceived as such. These inquiries need to inspire public confidence in our parliamentary system. People must have confidence again that we can do the people's business and not be frustrated by those with either deep pockets or the capacity to frustrate proper inquiry. It must not be diminished through delay, cost or ineffectiveness.

I ask the House to support and approve the Bill and in doing so provide for the Houses of the Oireachtas the power to conduct full inquiries. The Bill is important in the strengthening of our parliamentary democracy. It provides for a political ethos in which there is a true sense of accountability. I commend the Bill to the House.

**Deputy Sean Fleming:** I welcome the opportunity to speak on the Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011. I welcome the proposed referendum being discussed today and the accompanying draft legislation which was published by the Minister earlier this week. I appreciate he stated he is open to suggestions for improving the legislation prior to the final draft being published. I ask people to vote in favour of the amendment, after which we will be able to work on passing the legislation.

I have not seen the question that will be put on the ballot paper but I ask the Minister to ensure that anyone in favour of making the change should vote "Yes".

**Deputy Brendan Howlin:** Yes.

**Deputy Sean Fleming:** Often, to vote in favour of an amendment to introduce a constitutional ban one had to vote "No" to delete a provision. However it is drafted, I ask the Minister to ensure that people voting for the amendment do so by voting "Yes". People will recall the immense confusion caused in the past. I take it that this is under control.

I join the Minister in complimenting the work of the Joint Oireachtas Committee on the Constitution in the previous Dáil, which produced a report prior to the general election under its Chairman, Seán Ardagh. The referendum is necessary to ensure elected representatives of the people have appropriate power to investigate matters of public interest and such inquiries have been prohibited in the past because of the *Abbeylara* judgment. I support the amendment but I have a number of concerns of which I ask the Minister to take note and deal with because they will lead to doubt during the referendum campaign. If I do not deal with all of my points

[Deputy Sean Fleming.]

during the 15 minutes I have to speak, I will put them in a note to the Minister in the coming days.

I welcome the helpful explanatory documentation and other correspondence I received from the Minister during the summer and the briefing from his officials. It is all appreciated and I want to put this on the public record. Much of the background to this amendment emanates from the *Abbeylara* judgment and I believe the Minister did not deal adequately with what I consider to be a very significant aspect of that judgment.

A question had been raised about institutional bias and that a specific body by its nature might be inherently biased and therefore could not be relied on to assess evidence from judgments in an objective and unbiased fashion. The Supreme Court ruled this was not the case with regard to the *Oireachtas* and that it is not inherently biased. However, far more important, the Supreme Court dealt with the issue of objective bias but the Minister has not dealt with this. He spoke about procedural fairness, institutional bias and structural bias but he did not deal with objective bias. According to information provided to me by the Department on objective bias and the *Abbeylara* judgment, the Supreme Court found it was not compatible with constitutional justice for a person to sit in a quasi-judicial capacity as a member of a committee making determinations of fact while at the same time making comments in the media which indicated strong prior views or fixed opinions on the matters being inquired into. Such an approach was found to be incompatible with fair and balanced hearings and assessment of evidence being presented to the inquiry. According to the Department, this means that strong and robust procedures and protocols for the conduct of inquiries need to be put in place by the Houses of the *Oireachtas* under the proposed new approach to safeguard the inquiry process against the risk of objective bias such as public comments by committee members which are reported in the media.

The commitment has been made to hold an inquiry into banking. If the Minister can find one Member of the *Oireachtas* who has not made definitive statements in the media or made public comments on his or her views on what happens to Irish banking I will salute him. I would be amazed if anybody got elected to the House without having a view on this matter. Objective bias is the elephant in the room which the Minister ignored. I accept we have fair procedures, that it will be free from structural bias, which I will discuss shortly, and that the institution itself will be free but membership is an issue. If the Minister can show me that the members of any proposed inquiry have not made public comments to indicate their views on the issue involved I will be happy for such people to sit on the inquiry.

This issue will be relevant and let us not beat around the bush; no matter what inquiry the Minister tried to establish on any issue the first thing anybody worth his or her salt would do would be to Google the proposed members and every comment they made on the topic. Despite the Minister's best intentions and our support for the principle of what he is doing, unless this issue is adequately dealt with to the satisfaction of the Supreme Court there may be challenges with regard to the particular people sitting on the inquiry.

The amendment will establish a mechanism for an investigation procedure to take place. With the *DIRT* inquiry, the Comptroller and Auditor General produced a report. Some people are hung up about the investigation happening in private; I am not as otherwise the investigation would not be completed. The *Garda Síochána* conducts its investigations in private but the file must be placed in front of a judge in open court which is where the inquiry and the judgment takes place.

I see nothing wrong with the committee assembling its facts in private because they still have to be accepted in the public arena and through public hearings.

The Government will have to deal satisfactorily with the problem of members of such an inquiry dealing with a particular topic on which they have been mute in the past. I envisage many cases in which the Oireachtas could conduct inquiries into general matters and the committee members would be free from bias. For example, the DIRT inquiry concerned a matter of public importance but was an issue on which the majority of Members may not have pontificated before the inquiry. I accept when the DIRT inquiry was established, one member of the committee was discovered to have had an Ansbacher account and had to stand down because he did not disclose it. The issue of public comments by committee members prior to an inquiry must be addressed in detail. Otherwise, it will become an issue during the course of the referendum campaign.

2 o'clock

I accept the rules of natural and constitutional justice will apply to Oireachtas inquiries and remain a safeguard for every citizen. Some may claim politicians should not be doing such inquiries as they are a matter for the courts. The Law Library and those on that side of the Liffey will oppose this Bill because they see it as taking some of their potential income earning from future tribunals of inquiry. They are the very reason we are passing this legislation. The legal profession was allowed to conduct several tribunals up to now. It took ten years to conduct inquiries that were in the public interest which the Supreme Court even pointed out were urgent. The failure of the legal profession to conduct these inquiries in time is the specific reason the Oireachtas is taking the powers back to do such inquiries itself. When the Oireachtas wanted an inquiry, it outsourced it to the legal profession. This arrangement did not work, cost a fortune and took too long. It is now being brought back in-house. While some may not appreciate this move, that is the basic position democrats are entitled to take.

There will be no question of a committee making a judgment on criminal culpability or a finding of civil liability which would encroach on the constitutionally protected role of the courts in the administration of justice. Like a tribunal inquiry, files presented to a committee inquiry will not be presentable in a court of law.

It will be important to determine fair procedures. Everybody against whom an allegation is made must have the right to cross-examine. I believe Oireachtas Members in such inquiries will operate a system of natural justice. If persons feel their rights were trampled on by an Oireachtas inquiry, they can go to the Four Courts to have their rights vindicated. It is not necessary for everyone mentioned in the course of an inquiry to have a right to cross-examine everyone else. That can easily become a never-ending circle. While everyone has the right to cross-examine, it will not automatically happen in every case.

The oversight committee will have to be the gatekeeper and give approval to whether an individual committee will carry out an inquiry. There was a misunderstanding that the new oversight and petitions committee would conduct all Oireachtas inquiries. If the finance, health or justice committees find a matter they want to investigate, they only have to get approval for an inquiry from the oversight committee and the Houses of the Oireachtas to declare it is a matter of general public interest. The committees can then go ahead with their inquiries, subject to the administrative procedures of the oversight committee. I was concerned earlier that the powers of many of the good committees would be reduced. However, this will not be the case.

I am happy with the provision for the separate investigation to be done in advance. However, I ask colleagues not to employ a member of the legal profession to do an investigation. While they may be good at presenting cases in courts, when it comes to digging up facts, I would prefer a good retired chief superintendent on the case rather than a judge, barrister or even an accountant like myself.

People are concerned about the powers this committee will have to obtain evidence. If an investigator wants to enter an individual's house, he or she can only do so with a District Court

[Deputy Sean Fleming.]

warrant signed by a judge and must be accompanied by a Garda. I always noted in past tribunals that when all the successful businesspeople were asked what they did on such and such a day, they could not recall. They probably had a bit of time to perfect that answer. Some of these committee inquiries will probably move much quicker and find some documentary evidence which could help individuals in their recollection of events. There was collective amnesia at some tribunals in the past. These forms of inquiry will help deal with that issue.

I have some concerns about the make-up of an inquiry. Considering how the Government has already dealt with committee membership, there would be a Government appointed chairperson and then seven appointments to an inquiry, leaving only two positions for Opposition Members. The legislation does not contain any provision to prevent this happening. While I accept two thirds of the House comprise Government parties, the Government has already proved to be unfair when it came to committee membership. Even with the Houses of the Oireachtas Commission, neither the Independents nor Sinn Féin has a Member on it. This legislation must contain a safeguard to ensure the membership of any inquiry will have a fair balance. I suggest the ratio should be 60:40 for Government and Opposition respectively. It will not travel if the Government parties can exclude other parties from such inquiries.

While I welcome the Bill, I hope when the legislation is revised that some of the points of concern I have raised will be incorporated.

**Deputy Mary Lou McDonald:** Unlike Deputy Sean Fleming, I do not propose to deal with issues arising from the primary legislation although there are several matters that need to be ironed out. I welcome the Minister's indication that he has a broad mind in taking some of these points on board.

The decision by the Supreme Court that the Oireachtas could not conduct an inquiry which could result in findings of fact and conclusions adverse to the good name and reputation of those who are not Members of the Oireachtas was described by my party at the time as disappointing and negative for obvious reasons. We noted that serious questions needed to be answered, particularly regarding why the Garda had gone to such serious lengths to prevent a Dáil subcommittee from carrying out an inquiry. At the time we said the judgment would have far reaching consequences, and so it has. Prior to the recent election we called for Oireachtas committees to be given investigative powers. To that end we welcome the fact that the Government is moving on the issue.

Holding those to account who work against the public interest is an important principle for the good functioning of democracy and the functioning of the Houses of the Oireachtas. We support the Government's proposition that there are significant public policy benefits from the operation of an effective system of parliamentary inquiry. Putting the proposition to the people is right and proper. My colleague, Deputy Peadar Tóibín, has been appointed Chair of the Joint Committee on Investigations, Oversight and Petitions — the committee that will be responsible for the inquiry process.

Amending the Constitution is a serious business. It is a responsibility of all citizens and it is important that we get it right. Subsection 2° of the proposed constitutional amendment reaffirms the general powers of the Oireachtas to conduct inquiries into matters of public importance. Following the *Abbeylara* judgment it is necessary to restate those powers so that there can be no question over the validity or right of the Oireachtas to hold such inquiries and to compel a person or persons to appear before the committee.

The new subsection 3° in effect reverses the effect of the *Abbeylara* judgement and empowers an Oireachtas inquiry to investigate the conduct of a person — whether or not a

Member of the Oireachtas — and to permit the Oireachtas to make findings in respect of the conduct of that person in matters of public importance.

The failure of Government, and the Garda and Judiciary, to adequately hold those responsible to account, for instance for the recent banking crisis to which Deputy Fleming referred, will be held up as one example of a concrete reason to empower the Oireachtas to investigate the conduct of a person who it is believed has worked against the common good.

The Nyberg report into the handling of the State's banking crisis, which was considered in the House, was a stark condemnation of the fundamental failings and reckless practices within the banking industry. The report also highlighted the inadequate governance of the authorities. Despite numerous instances where banks did not comply with banking regulations, the Financial Regulator failed to sanction those that did not comply. Mr. Nyberg did not name individuals so the end result was yet another report of an industry — under the watch of the Government of the day — that has brought the State to its knees — but not a single person was held to account for his or her actions against the public interest. That was unacceptable. For that reason alone, the Government's proposal to amend the Constitution will command widespread support.

I am not a defender of the Law Library or those who grace its refined environs but it is important to state that the Oireachtas cannot substitute the courts in the administration of justice. People have a right to ask questions and inquire into the conduct of individuals — be they a bank CEO, Minister, the Financial Regulator or the Governor of the Central Bank. The Oireachtas, as representatives of the people, should be enabled to put questions and in turn to make findings on behalf of the people. However, as legislators we need also to uphold the values and principles of the rules of natural justice and we cannot be seen to undermine the powers of the courts to protect the right to procedural fairness of those who appear before an Oireachtas inquiry.

The Government argues that the proposed subsection 4° is necessary to establish a constitutional imperative that the Houses of the Oireachtas are empowered to determine how fair procedures will be secured in the proceedings of Oireachtas inquiries. I have no doubt that the long, drawn-out costly tribunal experience informs the substance of this subsection. It is an effort to ensure inquiries are carried out in an efficient and cost-effective manner and that such inquiries conclude their work within a reasonable period of time. That is fair enough.

The wording in the proposed subsection 4° has been described as a constitutional signpost. By empowering an Oireachtas inquiry to determine the appropriate balance between the rights of persons and the public interest for the purpose of an effective inquiry, the Government is seeking to set a new path away from the tribunal experience. I understand and welcome that. However, it is my view that the text of subsection 4o is a heavy-handed approach by the Government to address the tribunal experience.

Without the amendment tabled by my party — the addition of a new subsection 5° — the wording as it stands in subsection 4° could potentially recalibrate the separation of powers. In other words, by conferring the power to balance “the rights of the individual with the public interest”, the proposed subsection 4° seems to appoint the Oireachtas as custodians of natural justice in its own investigations. With that concern in mind we will seek support from Dáil Deputies for Sinn Féin's additional wording which concludes the constitutional amendment by stating, “The conduct of such inquiries shall be regulated in accordance with the law and principles of natural justice.” Amending the Constitution is no light matter and as legislators we must look to every eventuality. Restating the existing and valued right to natural justice is an important addition to the constitutional amendment wording as it contextualises what the

[Deputy Mary Lou McDonald.]

Oireachtas seeks to achieve. It is almost like a belt and braces approach. I urge the Government to take it on board.

We want the power to investigate those who have wronged the people. We also want the power to compel such a person to appear before the inquiry — to be cross-examined by an inquiry unhindered — and for the inquiry to make a finding. We want that to happen in an efficient and cost-effective manner but we do not want the situation to arise where the rights of a person brought before an Oireachtas inquiry are not adequately protected. There must be checks and balances within all constitutional and legislative measures that impact on a citizen's right to fair play. As we recall, the herd mentality was much discussed in the Nyberg report. Those holding positions of power have not always done the right thing. Natural justice should not and cannot be taken for granted.

It would be remiss of me not to take the opportunity to remind the Minister of a number of other constitutional and political reforms promised in the programme for Government but yet to be delivered. I refer to the children's referendum and a referendum to protect the right of citizens to communicate in confidence with public representatives. In addition, the Government's commitment to introduce whistleblowers' legislation has yet to be realised. We have had no update on the constitutional convention that is to consider important matters such as the provision for same-sex marriage, greater participation of women in public life and a possible reduction in the voting age. We believe there should be an all-island approach to constitutional change. Representatives must be drawn from both Legislatures on the island, civic society, business and trade unions to discuss and bring forward proposals for constitutional change. Such a forum would involve consultation at grassroots level and ensure what the Minister of State, Deputy Lucinda Creighton, referred to as "deep" democracy.

It is deeply disappointing that this Government, similar to Fianna Fáil before it, has decided to hold this referendum and the presidential election on a Thursday. The Minister is aware that voter participation drops when votes are taken on a Thursday, and this fact was bemoaned by Labour and Fine Gael when they were on the Opposition benches. Elections and referendums should be held at weekends; it is that simple.

I take this opportunity to remark on the upcoming presidential election. The right to vote in that election should be extended to citizens in the Six Counties and to Irish citizens living and working abroad. It should not be in the gift of politicians to nominate presidential candidates and that responsibility should be returned to the people.

For many people our political institutions are considered exclusive and unaccountable, and that is what makes constitutional and political reform all the more urgent. It is in that context that we must view the proposed amendment to the Constitution. The message from Sinn Féin Deputies is that we support the amendment to the Constitution but we ask that the Government accepts an additional subsection (5) to ensure that there should be procedural fairness and that the rights of people are in no way damaged. There should be no public question mark over the integrity and fairness of the inquiry process.

**An Leas-Cheann Comhairle:** Deputy Catherine Murphy is sharing time with Deputies Shane Ross and Maureen O'Sullivan.

**Deputy Catherine Murphy:** I bought my first copy of the Irish Constitution in the 1970s and had a look at it this morning. It cost 20p and contained a leaf detailing the consequences of what was then the most recent referendum, which reduced voting age from 21 to 18. I bought it out of curiosity as I had voted for the first time, and I had become aware of the difference between being a citizen and a subject. The written Constitution espouses that and we must be

very careful in deciding to change it; the change must be required and good. The parts of the Constitution containing solid principles will stand the test of time.

I have a serious concern about the speed with which we are dealing with this Bill, although not necessarily the principle of affording ourselves inquiries. There is a large number of new Deputies in this Dáil, as well as people such as myself having been on an enforced sabbatical for four years. They may not be as clued in on the debate from the past five years leading to this proposal. It is offensive that this debate is taking place only on the first week back, with a debate on democracy wedged in the middle. A democrat could only judge the guillotine on such debates as wrong.

A number of us attended a briefing yesterday in the Department and I thank the officials for that. We asked plenty of questions. We are looking for checks and balances in this legislation and further legislation, of which we saw the heads. The Oireachtas will technically have responsibility but we all know that will not be how it will work; the Government will hold the responsibility because of its significant majority. I would like to see some checks and balances in the legislation but they do not exist. The point was already made regarding Oireachtas committees not being inclusive, with Sinn Féin and Technical Group Members not being adequately represented. This, along with consistent guillotining of legislation, is a sign that we should be concerned about the process. The Government is asking us to trust that it is made up of the good guys. We must find a greater balance in the legislation and I will make my views known to the Minister in that regard.

It is our job not only to consider the positives, but also how this power could be abused. For example, a well-resourced interest group may seek an inquiry and although it may be of general importance, we as politicians would have to judge whether the matter is in the general interest. It is not always the same.

I am concerned that we will see a low turnout as people may be confused about the lack of checks and balances. This lack is the main concern and I am less concerned about the principle of the Oireachtas holding inquiries. My big concern is not with this legislation, which facilitates a referendum, but rather the second piece of legislation. The problem is that if we pass this legislation and the matter is approved by the people in a referendum, the process will become inevitable.

**Deputy Shane Ross:** I find myself agreeing with many of Deputy Murphy's comments. The more I think about this Bill and the potential change to the Constitution, the more critical I am of it. In principle it is a good idea that Oireachtas committees should have powers and teeth, with the ability to uncover facts. Many of us have suffered from the fact that Oireachtas committees have tended to be theatre without any powers at all in recent times. Deputy Donohoe and I were on the last transport committee, which began an unofficial inquiry into activities at Iarnród Éireann. We came up against a brick wall because various witnesses refused to come before the committee and co-operate, while others came in but refused to answer certain questions. Ultimately we got absolutely nowhere and the committee, although good theatre, was ineffective in getting a conclusion to the investigation. That would indicate there is a need, if we are to have Oireachtas inquiries, for different powers and methods, as well as compellability.

Often, witnesses who tend to be vulnerable or subject to court cases plead that they cannot come before committees because an issue is *sub judice*. I do not buy that argument as a witness would add to the evidence in a court case rather than contradict it; if the witness contradicts the evidence, the matter would be exposed. All kinds of excuses have been successfully used in this respect but most of the time people just do not come before a committee, which is utterly unacceptable as no inquiry can come to a conclusion under such circumstances.

[Deputy Shane Ross.]

There have been two high-profile Oireachtas inquiries, one which was very successful and one which was a complete flop. The successful one was obviously the DIRT inquiry which started in 1997, when the bankers were brought before the committee. The committee came to quick conclusions and was operationally successful. Its conclusions were also extremely useful. It exposed something in a useful manner, which public representatives should have the power to do. The committee had huge powers to do that.

The second one makes me very uncomfortable about what is happening in this legislation. It was the investigation conducted in 1994. This is where Deputy Murphy is absolutely correct about the need for checks and balances. The investigation in 1994 was established by the coalition Government comprising Fine Gael and the Labour Party to examine the events surrounding the collapse of the previous Government under former Deputy Albert Reynolds. At the time and even now, and I have no sympathy for Fianna Fáil, I had an extraordinarily uneasy feeling about politicians investigating the activities of their predecessors under oath. There was no question of independence. It looked like a political grouping saying: "We do not like what happened in that collapse, we want to find out what happened and we will use it, one way or the other, to criticise and crucify our political opponents." I feel uncomfortable about that, and I do not have a solution as I have not considered it enough.

The problem is that if politicians carry out an investigation and make findings, judgments or statements, they are coming from a particularly biased and political background. There is no point even pretending that politicians are independent or that a committee which has a huge Government majority can reach independent conclusions. Regardless of what side of the House they are on, the committee members will not do so. They will reach conclusions or judgments on matters or findings of fact which are undoubtedly very strongly tempered by a political background. There will also be a temptation for all governments to set up inquiries with compellability powers whose conclusions will inevitably be embarrassing to their political opponents.

This is a really serious difficulty. Superficially, this measure is right, as is the impetus and motivation behind it, but the practice behind it could be extremely dangerous. Anybody who looks at that 1994 report and at the proceedings of that committee will find that it was a deeply political inquiry into the activities of the Government's predecessors. That was wrong and I hope a measure such as this will not be used for that purpose, but I am not confident that will be the case.

**Deputy Maureen O'Sullivan:** I hope that the Minister, Deputy Brendan Howlin, and the Minister of State, Deputy Brian Hayes, will be the good guys and will do what is right to strengthen parliamentary democracy. However, I have grave misgivings about the proposed 30th amendment of the Constitution and the more I read about it, the more those misgivings intensify. I believe we are moving too quickly, without sufficient regard for what is involved and further time to examine the implications.

I have a number of questions. Does this Parliament have an unfettered right to inquire into any matter? Who decides which matter is to be subject to such inquiry and who decides what is of general public importance? Who decides which person's conduct will be investigated and, importantly, how will the House or Houses determine the appropriate balance between the rights of the person and the public interest to ensure that the inquiry is effective?

While not questioning the integrity of any Member of this House or the Seanad, my essential misgiving is how we can ensure an unbiased approach in an inquiry when the composition of our committees is determined by the political parties in Government. Members of parties have the party agenda and I fear that will be brought to the committees of inquiry. We are told that

members of Oireachtas committees of inquiry would be required to behave impartially in respect of the matters which are the subject of the inquiry. How can that be assured, and what will happen if they do not behave impartially? Will that lead to another committee of inquiry or to a legal case and costs?

On the notion of no bias, be it institutional bias or objective bias, we are told that strong and robust procedures and protocols for the conduct of inquiries will have to be put in place. If a member of the committee of inquiry is known to have particularly strong views on the matter or individual being investigated, if they have written in the media, spoken to the media or are on record in that regard, how can that person be expected to approach the matter or the individual being investigated in an unbiased way? They would have to be particularly strong-minded and have tons of integrity to bring a clear, unbiased mind and approach to the investigations. The majority of Supreme Court judges rejected the assertion in the *Abbeylara* case that an inquiry by the Oireachtas must, by its nature, be biased, but I do not share their confidence.

The concept of a matter of general public importance is rather vague and could be open to abuse. Who will decide what warrants individual investigation? How can this be protected from vested interests either in deciding to investigate or deciding not to investigate? To ensure an unbiased approach, perhaps when a committee of inquiry is to be established the members of the committee should be drawn at random from among the Members of both Houses of the Oireachtas, or there could be a very clearly defined system of declarations of interest, with the possibility of a person recusing themselves or somebody having the authority to have that person recused.

Turning to the adjudicatory findings of fact, in the *Abbeylara* case the Supreme Court's concern was that the committee of inquiry was empowered under its terms of reference to make findings of fact which potentially impacted on the reputation and good name of individuals. The findings would be considered adjudicatory, meaning that although the findings had no legal effect, they could impugn the good name and reputation of an individual. The dilemma is clear: why set up a committee of inquiry if it cannot lead somewhere other than to establish facts yet if we want it to lead somewhere, it is almost approaching a court of law? Is there a danger that these committees could interfere with what should be matters for the courts? Instead of a Dáil committee investigating an individual or matter, this should be addressed through the legal system.

I listened to the proceedings yesterday of the committee dealing with the banking sector. What exactly was achieved, and will anything more be achieved under the new system? There are two significant examples from history and literature of committees which totally overstepped the mark, Salem and the McCarthy committee. The House Un-American Activities Committee established by the US House of Representatives certainly showed the flaws of this type of inquiry and the abuse of power it could entail, leading to many personal tragedies. In the Salem Witch Trials, rather tellingly, John Proctor chose death rather than lose his good name. In his final speech in that play he said that his good name was all that he had left.

I accept what is proposed sounds fine in theory — Oireachtas inquiries held in a manner respecting fair procedures with well defined and tightly framed terms of reference and so forth. However, if we are to conduct such inquiries, they must make a difference and bring about change in a fair and unbiased way. I am not convinced that what is proposed in this legislation will achieve that.

**Deputy Paschal Donohoe:** I am struck by the contributions of my colleagues. They illustrate a caution about this Bill, but if Members of the Oireachtas continue to say that they need more power to do their job properly, they cannot on the other hand say they do not trust themselves

[Deputy Paschal Donohoe.]

to discharge that power properly. With regard to the points made by Deputy Maureen O'Sullivan, I do not see many Senator McCarthys in the House. There might be a few in the making if granted this power, but the Oireachtas cannot say, on the one hand, that it wants the power to perform a particular role and do it well, and then say it does not trust itself to perform that role properly. We have seen the alternatives. We have seen what happened when this investigating role was outsourced to other people in the tribunals of inquiry. That mode of investigation was insulated from the Oireachtas and we have seen how long it took and its cost. Politicians cannot say that they want the ability to fulfil this new role well and then say they do not want it because they do not trust themselves to be able to do it properly.

There are three subsections in the measure we propose to put to the people, and I will comment on each of them. With regard to the first subsection, the point has already been covered regarding how the ability to perform would be undermined by the perception of bias in any member of a potential committee. This is a crucial point. The last investigative committee established by a House of the Oireachtas to oversee the conduct of a Member, in the last Seanad, saw members having to depart from the committee because they did not either have the intention or the discipline to refrain from commenting on it in public. That is an essential point which must be kept in mind when forming any new committee.

In regard to the second subsection, the comment has been made that we must ensure the operation of that does not veer into the way the criminal justice system works. It is essential in the operation of this that we do not look back and say that happened. We should have a process in place which ensures it does not happen and that if there is a risk of it happening, it is stopped or curtailed.

There is a danger in the third subsection, which was touched on by Deputy Catherine Murphy, in regard to how one determines the appropriate rights of the individual and of the public or national interest. That appears to be a minefield through which we need to very carefully tread. It will be very challenging for an Oireachtas looking to investigate a particular matter to be the same body charged with determining the manner in which that will be done. That is a very delicate line which needs to be very carefully walked.

That leads on to my final point which is the creation of what will be called "investigators" to support an Oireachtas committee in the operation of this work. These individuals will have a huge amount of power and will have some new capacities granted to them under this Bill. We need to ensure the people who will do this work have the ability to do so and that they will also be accountable to the Oireachtas at all times.

There is a danger that as the Oireachtas is granted new powers, Members will say they do not trust their ability to discharge those powers properly. As I said, we have seen the cost of the alternative. Now is the time for the Oireachtas to take a more prominent role in doing work the people want us to do.

**Deputy Patrick O'Donovan:** I acknowledge the presence of the Minister of State, Deputy Ring. I am delighted to speak on what is important legislation. I refer to some of the comments made a while ago. I often wonder what planet some people inhabit. It is not that long since we were in the House discussing the report of a tribunal of investigation and the same people from the same side of the House lampooned and lacerated the previous Government and the current one for not bringing forward legislation to amend the Constitution in order that the Houses of the Oireachtas could carry out investigations. Now the same people are saying we are rushing into this. Yesterday, someone from the same group said we were not amending the Constitution quickly enough. It just smacks of opposition for opposition's sake.

Since 1994 it has been proved that the Houses of the Oireachtas has had its hands tied in regard to investigating issues of public importance. This is something the public and politicians on all sides want. The only group of people who might have any degree of opposition to it are people in the Law Library; they currently benefit to a huge degree when it comes to investigating issues of public importance because the only recourse the Oireachtas has at present is the establishment of expensive tribunals. The challenge to certain elements of the Opposition is to come into the House and spell out what they want because I do not believe they know what they want.

I concur with some of the comments made by Deputy Sean Fleming on the importance of the need for the referendum to be framed in such a way that there is a “Yes” vote because as he rightly said, referenda have been presented to the people in a very convoluted way.

I take issue with what Deputy Catherine Murphy said. Just because I am a new Deputy does not mean that I was, in some way, cocooned from what was going on in this country for the past seven or eight years. It is a bit of an insult to newer Members of the Oireachtas that we are somehow not competent to or capable of asking probing questions, in particular in regard to how this country has wound up in the mess it is in today with a banking system which has collapsed and a public which has been left to shoulder the burden of billions of euro of debt. From that point of view, the newer Members of the Oireachtas may well be even more qualified to get stuck into this than some people who may be regarded in Deputy Catherine Murphy’s own words as having skipped a generation.

I agree with Deputy Mary Lou McDonald that these cannot be seen as quasi courts. She is quite correct that the only place justice can be administered in this Republic is in the courts. Unfortunately, in the recent history of this country, some people decided they would administer their own sort of justice, so I welcome her comments that there is only one court system in the country and that it and the Constitution it is governed by are respected.

There is a huge departure here in regard to non-officeholders being held accountable. As a previous speaker rightly said, up to now people could refuse to appear. The reality was that committees of investigation basically went nowhere and if one wanted to establish fact, one had to go to Dublin Castle and employ expensive lawyers. Deputy Paschal Donohoe is right that there are no Senator McCarthys here but people who are genuinely concerned about the people who elected them, to establish fact and to get to the bottom of things of significant national public importance.

There is an issue in regard to bias, at which the Minister is looking, and that people would declare an interest. We have a Oireachtas Joint Committee on Investigations, Oversight and Petitions, of which Deputy Peadar Tóibín is Chairman, so the establishment of these investigations will not be done with a wink and a nod. Rigorous procedure will have to be gone through and a resolution of the Houses of Oireachtas will have to be passed also.

Amending the Constitution for something like this is not something into which a government would just walk with its eyes closed. This is only the 30th amendment of the Constitution since 1937, so it is being taken very seriously. That said, the public appetite is for Members of the Oireachtas to do the job they were elected to do. In comparison to colleagues in other parliaments around the world, we are not doing that currently. We are not able to do so because we do not have the powers and the Constitution is silent on us being able to compel people to appear.

I welcome the Bill and hope it will be carried with a resounding “Yes” vote. However, there is a challenge for all Members of the Oireachtas to spell out clearly whether they are in favour of the current system or a system which is less bureaucratic, less cumbersome, cheaper, more

[Deputy Patrick O'Donovan.]

effective and delivers a faster result to the public and can enhance democracy. If they do not want that, perhaps they should put forward their alternative.

**Deputy Dara Calleary:** I welcome the chance to speak on this important Bill and acknowledge the presence of the Minister of State, Deputy Ring, and the contribution made by our former colleagues, Sean Ardagh, and Jim O'Keeffe, in preparing much of the groundwork for the Minister, Deputy Howlin. Yesterday, the Oireachtas Joint Committee on Investigations, Oversight and Petitions met the Minister and, as I did then, it is only fair to acknowledge the work he has done and the great personal sacrifices he has made in going down this road over the years. Both the Minister and former Deputy Jim Higgins were the subject of many court actions which, at one stage, threatened to make them personally liable. Their work has evolved through various constitutional committees to get us here.

Our spokesman has already said we will support the Bill and the referendum but that does not mean we do not have quite considerable concerns about the framing of the legislation. I acknowledge the fact the Minister made himself available over the summer and that his officials made themselves available to brief us. However, I have an issue, which I raised yesterday in regard to the remuneration of judges referendum. We are rushing through a referendum Bill. Given the powers we are giving ourselves, rushing this Bill through in less than one week is not appropriate. It will be one of the things thrown at us by, as everybody said, the well-resourced opponents of this referendum. If the Oireachtas cannot have respect for Bunreacht na hÉireann, we cannot expect others to have it.

Yesterday, the Minister attended the Oireachtas Joint Committee on Investigations, Oversight and Petitions, as did Deputy Michael McCarthy, the Vice Chairman, and we had a relatively good discussion. A number of issues were raised which need to be teased out, including the referendum process. A referendum gives us the right to introduce legislation. I know the Minister has published relatively detailed draft legislation but there is nothing to stop the Government from changing that afterwards. It is not a good thing to align a referendum in that way. In going through the legislation yesterday, a couple of anomalies arose when we teased out with him the role of the Committee on Investigations, Oversight and Petitions. First, the committee will not be allowed to initiate an investigation in its own right. It will be the gate-keeping committee for every other committee to do investigations, which strikes me as strange.

Second, we have not clarified the relationship between the committee and the Oireachtas Commission. The commission runs and funds the activities of the Houses of the Oireachtas. It will be intimately linked with investigations, oversights and petitions. The IOP committee will have the ultimate say in deciding whether an inquiry goes ahead. It will also be responsible for deciding a budget for an inquiry, yet it will not have a budget itself. It will have to go back to the Oireachtas Commission for that purpose. There is still some fine tuning to be done to ensure that there are no delays or any breakdown in communications.

More importantly, the legislation will give significant powers to those the committee appoints as investigators, who will have the right to investigate any issue. Those rights are quasi-judicial. They will have a right to enter someone's home, although they will have to obtain a District Court warrant and have a Garda with them. I welcome the fact that there can be no excuse for people not co-operate with an inquiry, but we must ensure a mechanism is in place so that somebody oversees the investigators. The bodies envisaged by the legislation may be fine corporate entities, but a malcontent working with them may abuse the powers we are conferring on them. Therefore, there needs to be a mechanism for somebody who feels aggrieved about the system to clear their name and deal with such aggravations.

We have discussed the issue of investigators, including the Comptroller and Auditor General which is the prime example given his relationship with the Committee of Public Accounts. What other bodies are envisaged as investigating bodies? If the Committee on Health and Children decides to investigate a major health issue — for example, the ongoing trend of hospital records being found dumped — will the HSE or the Department of Health investigate it? Or will we hire private investigators to do so? Those matters should be teased out during the campaign so that people can be assured about their own rights.

The Minister did not deal particularly well with the issue of partisan investigations, which may be initiated for party political motivation rather than anything else. The Government has a strong majority in this House and on every committee. There is nothing to stop an investigation going through its requesting committee and then going to the IOP committee where the Government has a majority. The Minister is at pains to say, and he is right, that there has been a tradition of bipartisanship in committee rooms, which still continues. However, a future Oireachtas may comprise very different people who may have no regard for the way things were done previously. They could thus use the powers we are conferring on them to pursue purely partisan ends.

When this matter was initially discussed, the House of Commons' model was cited, including the investigation into telephone hacking. I have heard the name of the late US Senator Eugene McCarthy coming into the debate, although I do not know if he is a relation of Deputy Michael McCarthy. We must ensure that it will not happen here, but in fairness the people who opposed this kind of system have been living off him for 50 years.

In addition, there are many examples of successful parliamentary inquiries around the world. Deputy O'Donovan is right that we in the Oireachtas cannot take ourselves seriously without being granted the proper powers and resources to implement this system. If the people accept the referendum on 27 October, we must show them that this system will work and make a difference to their daily lives. It will change things that require change. If we have the necessary powers, as a result of the referendum being passed, yet do not use them, then we will have no right to seek re-election.

We will have a difficult super Thursday on 27 October given the referendums and presidential election. Voters in Dublin West will probably need a trolley for all the ballot papers. There is a danger, however, that discussion on this referendum will become lost. There is no doubt that a powerful and well-resourced lobby will oppose it for reasons not connected to parliamentary integrity and democracy, but to protect the *status quo* and cartels that benefit from the lack of power in the Oireachtas. We all have a role in fighting for this referendum and it should not just be the Government that is doing the heavy lifting. If we take our positions seriously as Members of the Oireachtas and want to make a difference to those whom we serve, it is incumbent on us to do so.

While we require clarification from the Government on various issues, the Oireachtas must do the heavy lifting collectively. We must treat the powers we are being given with respect and integrity. The 31st Dáil should lay down the templates for future Dála to follow in terms of how these powers are to be used.

**Deputy Michael McCarthy:** I welcome the opportunity to speak on this important legislation. From the outset, I wish to acknowledge the sterling work of former Deputies Seán Ardagh and Jim O'Keeffe in this area. I also want to remind the House of the risks taken by the current Minister, Deputy Brendan Howlin, and the former Deputy and current MEP, Jim Higgins, in challenging powerful lobbies. They put their reputations on the line in order to provide accountability and represent people effectively on this island as parliamentarians. This is a culmination not just of a very important part of the programme for Government, but also a

[Deputy Michael McCarthy.]

vindication of a long-held objective of Deputy Howlin's. I congratulate him on bringing it forward with such speed so early in the new Government's term.

It is hoped that the Investigations, Oversight and Petitions committee will be effective in investigating various issues and making findings. We know the genesis of the referendum was the Supreme Court's judgment on *Abbeylara*. I cannot foresee any difficulty with the referendum being passed. We should bear in mind the good work done by the Committee of Public Accounts and its non-partisan approach. We should also be mindful of the great work that was done by the DIRT inquiry. It is an indication of the achievements that hopefully we will be able to obtain through the IOP committee.

It is a good thing to have an Opposition chair of that committee because it needs to be established on a strong footing and deserves no less. In that context, therefore, it is important to have an Opposition chair.

As vice-chair of the new Joint Committee on Investigations, Oversight and Petitions — the body which will be the gateway for future Oireachtas inquiries — I strongly support the passage of this Bill through both Houses. It will enhance and empower the role of the Oireachtas in respect of scrutinising the activities and decisions of certain individuals and organisations.

The publication on Monday of the wording on the upcoming referendum on Oireachtas inquiries is a welcome and progressive step as the Dáil and Seanad resume after the summer recess. It is a promising indication of this Government's commitment to reform politics in this country and to reform the way Parliament operates. In particular, the Joint Committee on Investigations, Oversight and Petitions will be a pivotal player in this context, subject to the electorate approving the constitutional amendments on 27 October.

A key to an effectively functioning committee system is a committee's ability to call and to compel witnesses. Having the power to compel specific witnesses and documents is of great operational and informational advantage. The legal basis by which committees can compel the attendance of witnesses is the Committees of the Houses of the Oireachtas Act 1997. This process is limited in two separate ways. First, individual committees cannot compel the attendance of witnesses but a sub-committee of the Dáil Committee on Procedures and Privileges, chaired by the Government Chief Whip, can do so. Therefore, the Government of the day has great influence over who can be compelled to give evidence to a committee, thus diminishing the influence, power and public perception of committees. I hope the new Bill will address these anomalies.

This Bill seeks to correct the weakened parliamentary system of inquiry brought about the Supreme Court's *Abbeylara* judgment, which stated that the Oireachtas could not conduct inquiries that impinged on the reputation of individuals. Ensuring that the Oireachtas has an effective system of inquiry which can secure effective and cost-efficient parliamentary scrutiny of issues of significant public importance is essential in facilitating more open, transparent and better government, as promised in the new programme for Government. This is a key element of the Government's ambitious political reform agenda. We are all aware of the length of time taken by tribunals of inquiry to conclude their investigations and we are aware of the obstruction of those tribunals by certain individuals and organisations and also of the huge costs borne by the taxpayer for the tribunals. It was never envisaged that tribunals would continue for as long as they have done nor that they would cost so much.

There has been some confusion today relating to the process. It is important that people are made aware that the prior investigation carried out by the investigator to establish the facts will be carried out in private. In any event, as the Minister, Deputy Howlin, has rightly pointed out, we do not want to go down a route whereby inquiries are held in public, so-called, star

3 o'clock

chambers. This would disrespect the parliamentary process and serve to Americanise the process of parliamentary scrutiny whereby witnesses would become unwitting public figures who are unfairly subjected to levels of comment scrutiny. The approach will be consistent with the DIRT inquiry model. It will help to control legal costs and it will reflect the approach taken by commissions of investigation. Above all, it will avoid a situation where an Oireachtas committee of inquiry committee might find itself in a potentially very long drawn-out process of establishing the facts, which a committee will not be equipped to do, rather than assessing and reviewing those facts through its examination of witnesses with a view to making findings and recommendations.

There has been some criticism from the legal industry today that the proposed amendment goes too far and could restrict the rights of citizens to fair procedures. It is easy to assume why such people would make this point but the current system has restricted the right of ordinary citizens to an effective inquiry system in the national Parliament. This is the only reasonable view with regard to this aspect. Powerful vested interests will not wish to see this system being successful.

The Law Reform Commission consultation paper in 2003 emphasised that the fundamental character of public inquiries is that they do not settle legal rights. They are intended to make an authoritative finding of the facts in regard to a matter of public interest. The consultation paper gives examples such as the cause of accidents, natural disasters or the performance of a public authority or big business. According to the Constitution, public inquiries do not administer justice, which is a function left solely to the courts of law.

The passage of this Bill and the subsequent approval of the constitutional amendment would be of immense benefit to the Joint Committee on Investigations, Oversight and Petitions as it will allow the committee to hold bankers to account for the collapse of the Irish economy. The people are entitled to see the architects of the current crisis held up to scrutiny by those who are elected to represent them. They want a parliamentary system with this power and authority, without the fear of recourse to the courts by those wishing to obstruct the inquiries.

Yesterday at the committee meeting I asked the Minister, Deputy Howlin, about the application of the Whip at the committee. I am pleased to say he informed me there will not be a Whip on the committee members. This will allow members of the committee the independence to adjudicate on matters in the public interest and the Government of the day will not have an undue influence on its deliberations. The committee needs that autonomy and independence.

I hope the Minister will be able to inform us of the budget for the committee. The Minister informed us that this committee would have a filtering role and would act as a gateway committee. However, we need to be certain that the committee will be empowered to initiate its own inquiry when needed. This is a very important function. I hope these views can be accommodated by the Government during the passage of this Bill.

**Deputy Peadar Tóibín:** Much of the frustration that has been generated in Irish society over the past number of years has been caused by the instances where Irish people have been cheated of justice. Elite individuals and organisations who have done wrong have got off scot-free and have not been held to account. The fate of these elites is in sharp contrast to the fate of average citizens who more often than not undergoes the full rigours of the law if he or she transgresses the law in even a minor way.

With regard to the banking crisis, justice has been denied and those responsible have not been held to account. In other instances, such as the Moriarty, Morris and the Mahon tribunals, justice has been very costly in some cases, with a total of €0.5 billion at the last count. In some cases they have been toothless while others have been very slow in their deliberations.

[Deputy Peadar Tóibín.]

The Oireachtas has been seen to be ineffectual in the case of *Abbeylara*. The elected representatives of the day found themselves hamstrung by the Supreme Court findings that the Oireachtas does not have an inherent power to conduct inquiries. During current committees investigations, requests for information are often to no avail, and information volunteered is not always accurate or complete. In such circumstances, the Oireachtas is left without the necessary information it requires to carry out effectively its legislative and accountability function. This situation necessitates a means of compelling disclosure.

The proposal that the Oireachtas should have express constitutional power to undertake in-depth inquiries, exercised through its committee system, is the most significant Oireachtas reform in modern times. The power to require a person to attend before the committee of inquiry to answer questions and the power to compel disclosure of relevant information and production of documents, as necessary, for the purpose of the inquiry, will radically change the balance of rights between the citizens and the State. As such, this constitutional amendment and the associated legislation demands serious and detailed consideration by this Oireachtas and by the people.

As Cathaoirleach of the newly created Joint Committee on Investigations, Oversight and Petitions, I believe that adequate reform in this area can radically improve the democratic function of the Oireachtas. There can be significant benefits to public policy from the operation of an effective system of parliamentary inquiry. This proposal could radically empower the Oireachtas to hold individuals to account. The investigation of strategic and systemic problems can lead to improved legislation in the future. However, in situations where the rights to natural justice of an individual are being rebalanced in order to provide for effective and timely justice for the State, it is of the utmost importance that everything is done in advance to provide the necessary individual safeguards.

Under this legislation, the Committee on Investigations, Oversight and Petitions will play an important role in Oireachtas inquiries if the constitutional amendment is approved by the electorate in the forthcoming referendum. We will have to give careful consideration to such questions as what Oireachtas inquiries are meant for, which type of matters should be inquired into, how the public interest test will be applied and how the constitutional rights of witnesses and others affected by parliamentary inquiries can be safeguarded in the exercise of the new powers.

As with most constitutional issues, the debate revolves around the balance of conflicting rights and the devil is often in the detail. I have misgivings about the fact that the rights which will be afforded to citizens will not be determined by the text of the constitutional amendment but by legislation which could change over time. There is not enough of a brake on the potential erosion of rights contained within the text of the amendment. I understand there is a view that Article 43 of the Constitution will safeguard these rights but we need to copperfasten citizens' rights. I second the amendment proposed by my colleague, Deputy McDonald, to strengthen the constitutional amendment from the perspective of the rights of the individual.

Serious risks are inherent to the proposed process, including the potential loss of a person's right to cross-examine someone who has made allegations concerning him or her, risks of prejudicing subsequent criminal proceedings and risks of the quasi-judicial process being contaminated by political bias. If these issues are not resolved before the amendment is passed, they will lead to multiple High Court challenges and the possibility that the issue will have to be revisited with another constitutional amendment, thereby incurring additional costs and exacerbating the ineffectiveness of the Oireachtas in the interim.

It is important that we consider providing Oireachtas Members with a level of indemnification against the legal costs that may arise in the event of High Court challenges. Certain Deputies have in the past been required to meet legal costs out of their own pockets or else ask their parties to indemnify them.

It is pivotal to the proposed investigation system that it be public by default. Certain investigations, such as the Cloynes inquiry, are undoubtedly best undertaken in private but technical investigations should be held in public where an individual's right to a good name is not under threat. If necessary, the relevant committee could decide to hold its investigation in private but transparency is the default mode to which all democratic functions should aspire.

The legislation envisages establishing the Committee on Investigations, Oversight and Petitions as a clearing house for investigations which does not, however, possess the power to carry out investigations in its own right. This is a mistake. A number of my colleagues from both sides of the House were shocked to learn that the committee would not have a role in investigating itself. The committee should follow the example of the Committee on European Scrutiny. Most investigations could probably be forwarded to relevant committees where the competency exists to deal with the issues arising. However, investigations which are cross-departmental in nature or are of systemic importance to society should be the responsibility of the Committee on Investigation, Oversight and Petitions. I urge the Minister to reconsider this aspect and develop the requisite infrastructure. I acknowledge that he does not believe it is possible under current legislation for the committee to set the criteria for inquiries as well as conduct an investigation, but there are precedents for such a system both internationally and in the Houses of the Oireachtas. Clarification is also needed on the powers given to the new committee to compel other committees to stay within their terms of reference. If another committee operates outside of its terms of reference, a mechanism must be available to compel it to change its behaviour.

The proposed constitutional amendment has the potential to provide radical and valuable reform but it must also respect the rights of citizens. The Houses of the Oireachtas and the people of Ireland need to focus on the latter as their primary concern when they hold debate the proposed measures. No previous constitutional amendment has gone as far in terms of rebalancing citizens' rights and I urge the Government to accept the amendment proposed by Sinn Féin.

**Deputy Jerry Buttimer:** I commend this Bill to the House and acknowledge Deputy Tóibín's insightful contribution. This proposed amendment to the Constitution forms part of the Government's package of reforms. Yesterday we debated the Judiciary, while today's deliberations were necessitated by certain litigious lawyers who have made their fortunes from taxpayers' money spent on tribunals of inquiry. What was intended as an effective mechanism for investigating matters has become a cumbersome gravy train. A certain coterie of people have benefited from our tribunals, and that has to stop.

The ability of the Oireachtas to inquire into matters of fact and make determinations has developed in an *ad hoc* manner and at significant cost to the taxpayer. The Committee of Public Accounts has demonstrated through its DIRT inquiry that it can investigate matters in a fair and balanced manner. Its reports into the procurement of legal services by the State have revealed that three tribunals of inquiry cost €366 million. The Comptroller and Auditor General reported that the Moriarty tribunal alone will cost in excess of €113 million. Clearly, the State has paid out an inordinate amount on tribunals of inquiry.

The proposed amendment to the Constitution aims at providing a much needed alternative to the current expensive model. The Oireachtas and, more importantly, the people need a

[Deputy Jerry Buttimer.]

system of inquiry which is efficient, based on facts and permits the development of necessary policies in a timely manner.

In November 2009, Cork was ravaged by floods. Quay walls collapsed, bedrooms were flooded and cars were carried along the city's streets. Water supply to half the city was interrupted. However, we lacked an efficient system of inquiry to investigate the causes of and responses to this devastation. The Oireachtas Committee on the Environment, Heritage and Local Government issued a report on the flooding but instead of setting out the causes of the disaster it merely called for a second legally binding inquiry. The Department of the Environment, Heritage and Local Government reviewed the issue and Cork City Council received a report from its city manager. Despite all these investigations, the people of Cork have not yet received a proper answer. The committee subsequently conducted a review of the response to the severe weather events of 2009 and 2010 and published another massive tome which offered little by way of answers to those affected.

The State clearly lacks a proper system of inquiry which would not incur hefty legal expenses. The constitutional reforms proposed by the Minister would provide the basis for implementing such a system. The people, and their parliamentary representatives, must be able to get answers. I welcome this proposal and, in particular, the Minister's comments regarding change, effective governance and holding Government to account. If the proposal is accepted by the people by way of referendum, Members on all sides of the House will have an opportunity to participate in meaningful inquiries into matters of genuine public importance. With that power will come a responsibility to uphold constitutional principles. Those participating in any inquiry must be unbiased in their approach and devoid of a desire to grab headlines. If investigations are to be thorough, there may be a need to reconsider the operation of the party Whip system in respect of inquiries. In that context, I urge the Minister to consider the Committee of Public Accounts as a model of operation for parliamentary inquiries under this proposal. I commend the Bill to the House.

**Deputy Billy Timmins:** The genesis of this Bill is the judgment of the Supreme Court following the attempts by the Oireachtas to investigate the shooting of John Carty at Abbeylara. I take this opportunity to extend my sympathy to the Carty family on this sad and tragic affair.

Deputy Jerry Buttimer referred to the cost of various ongoing tribunals. Several months after I was first elected to the Dáil in 1997, the Flood tribunal was established. Fourteen years later, its successor, the Mahon tribunal has not yet completed its investigations. If I were to propose today that we set up a tribunal which might issue its final report in 2025, Members would advise that the issue be parked. It is important that the Mahon tribunal should bring its final report into the public domain without delay. There were recent reports in the media that it would be held off until after the presidential election and by-election. There will always be a reason to delay publication of such reports, but they should be issued regardless of the political consequences. I call on the chairman of the Mahon tribunal to publish the report as soon as it is ready.

While I support the concept of the proposal before us today, I urge caution. I recall listening to the contributions at the initial stages of the Oireachtas inquiry into the events at Abbeylara and being somewhat concerned at the tenor and approach of some of the questioning. While I am supportive of the Bill, I have slight reservations regarding the concept of turning this House into a quasi-judicial chamber. We must have expertise at committee level. Notwithstanding the Government's attempts to reform the Oireachtas committee system, I am not heartened by what I have seen in recent weeks. The system remains cumbersome and individual committees have too many members. For example, representatives of one of the banks appeared before a

meeting of the Joint Committee on Finance, Public Expenditure and Reform yesterday. I did not contribute at the meeting, which went on for four or five hours, and I am not sure whether any valuable information was elicited. As politicians, we sometimes strive to get the soundbite and associated publicity and, in so doing, fail to get to the kernel of the matter. We must ensure the investigative bodies arising from this proposal can work effectively.

Another example that causes me concern is the recent inquiry into certain activities of the former Senator, Mr. Ivor Callely. While one would at first glance have to say that what he did was wrong, it was not edifying to see members of the committee out on the plinth posing for the cameras. One can not simultaneously be judge, jury and self-publicist. All Members must take their investigative function seriously; it is not about publicity but about ensuring fair play. I was concerned at the approach of that committee to what was a very serious matter with serious consequences for a fellow Oireachtas Member.

As a member of the Army I served on several occasions on the boards of courts martial. I often felt on such occasions that we did not have the expertise to do what we were supposed to do and that the rights of the individual being tried by court martial were not properly defended. That has changed in recent years and the system has greatly improved. In the case of parliamentary investigations, if we bring an individual, organisation or Member before an inquiry, we must ensure it is done right. We do not want a charter for the legal profession where everyone and anyone will have legal representation.

The Abbeylara investigation was succeeded by the Barr tribunal which produced a very good report within a short timeframe. It is important to realise that parliamentary inquiries are not the be all and end all. If the referendum is passed, we must take the time to consider in detail the Committees of the Houses of the Oireachtas (Powers of Inquiry) Bill. Before that, the referendum commission must explain in a clear manner the pros and cons of this proposal. I am not entirely sure the public wants to go down the road that we in the Oireachtas do in this regard. The public must be fully aware of what it is being asked to vote for. What is proposed may seem, *prima facie*, like a simple, straightforward solution, but we must bear in mind that as well as successes such as the late Jim Mitchell's oversight of the DIRT inquiry, there have also been many failures. We must not have a situation where citizens or organisations suffer as a result of such failures.

**Deputy Mattie McGrath:** I propose to share time with Deputy Thomas Pringle.

**An Ceann Comhairle:** That is agreed.

**Deputy Mattie McGrath:** I am pleased to have an opportunity to contribute to the debate on this proposal. I take this opportunity to express my sympathy to the family of the late John Carty. There has long been a demand for an effective system of parliamentary inquiry to deal with such matters as the tragedy that occurred at Abbeylara. However, like Deputy Billy Timmins, I urge that we tread with care. I was particularly interested in Deputy Timmins's comments regarding his experience of Army courts martial. It is unfortunate that this proposal is being rushed through the House because of the election deadline. We must get this right because if we fail to do so, we may deny justice to somebody.

The public is yearning for an inquiry system that is effective and which also embodies openness and transparency. The tribunals have been nothing short of a farce, sitting for too long and at great financial cost with too little to show for it. Some have cost hundreds of millions of euro but nobody can lift their reports let alone read them. The DIRT inquiry was an example of an Oireachtas inquiry which did good work in an efficient manner. Deputy Jerry Buttimer referred to the Whip system. I was a member of a committee in the last Dáil which sought to extend the remit of the lost at sea scheme. Although I was outside the Whip by that time, it

[Deputy Mattie McGrath.]

was clear that members of the Government parties were under great pressure to support Ministers no matter what they did. Without casting aspersions on anybody, I am concerned that in a situation where the Whip is applied in respect of parliamentary inquiries, this Government's huge majority will mean we do not get a fair and unbiased result.

The recent changes to the committee system are silly, leaving us with individual committees whose membership is too large and structure too unwieldy. I was a member of both the agriculture and communications committees in the last Dáil, which have now been amalgamated into one. That type of cumbersome structure makes it more difficult to conduct effective inquiries. There is an obligation on the State to be accountable to the public in these matters.

I hope we get it right. The public wants to see Oireachtas committees doing their job. As other Deputies stated, it is unthinkable in this day and age that when a serious matter arises in this country in respect of which we want to examine the costs in terms of damage and so on, we cannot hold a short, fast inquiry. The very mention of the word "tribunal" is an anathema to most people because of the abuse of tribunals by barristers and others, who hijacked them, and because of the high rates allowed by the taxing master, which were untenable. I am sure we are being watched with envy by members of the Law Library in regard to our debate on this legislation.

Yesterday, I along with other Independent colleagues, attended a briefing on this legislation which left me unsure about it. With no disrespect to the official concerned, what I learned from that briefing is that officials draft Bills and that politicians who must vote and enact them have little input into them. The official had to correct himself a number of times in terms of assumptions and belief that the Cabinet would pass the Bill and so on. I knew from his body language and statements that it is officials who draft Bills. They are not accountable to anyone. We are accountable to the public and rightly so. We must make haste slowly.

**Deputy Thomas Pringle:** I welcome the opportunity to speak on the Thirtieth Amendment of the Constitution (Houses of the Oireachtas Inquiries) Bill 2011. This Bill is an attempt to overcome the *Abbeylara* judgment which prevented the Oireachtas from carrying out effective investigations into matters of general public importance. There is no doubt but that all Members of this House want Oireachtas Committees to have the ability to carry out inquiries. The public expect we should be able to do so. I believe it is a vital part of a functioning democracy that the Oireachtas should carry out investigations.

We are now three years on from the collapse of the banking system in respect of which investigations are dragging on and on. The people do not believe anyone will ever be held to account for the destruction of our economy. The Supreme Court judgment in the *Abbeylara* case ensured that the Oireachtas could not inquire into matters it wished to investigate. The wording of the amendment deals largely with the issues in the Supreme Court judgment. However, I am concerned about the issue of bias. The judgment deals with the issue of institutional bias. That is where the Houses of the Oireachtas are in themselves inherently biased. I can foresee a situation whereby a Government with a large majority could commence inquiries for political ends, in respect of which institutional bias could again arise.

I am concerned about objective bias, namely, an individual member of a committee of inquiry being challenged as being biased. I believe this could possibly arise based on their comments in this House. Such words could be claimed to indicate a bias even though they may not relate to the particular issue being inquired into. Is prior political stances on the HSE or banks evidence of undermining a fair and balanced hearing and an assessment of evidence being presented into an inquiry? I imagine that there will be extensive debate in the House on matters

of public importance before a decision is taken on whether to establish a committee of inquiry. This issue could therefore arise.

One of the judges involved in the *Abbeylara* judgment stated that a committee member in such an inquiry may not sit, if in all the circumstances, a reasonable person has reasonable apprehension of bias, namely, an apprehension that the committee member might not bring an impartial and unprejudiced mind to the hearing. This would refer to considerations relating to matters prior to the establishment of the committee. I can foresee a situation whereby people with financial power who are being inquired into could take the committee to court to have members removed because of objective bias. The wording of the proposed referendum does not address this issue.

I appeal to the Minister to come up with a formula to ensure this will not happen. The taking of an oath by committee members on commencement of an inquiry may overcome the issue of bias. When appointed, members of the Judiciary take an oath and the issue of bias in their work does not arise as they take their roles and responsibilities seriously. I am sure that Members of this House will treat such a matter with equal seriousness and will treat the work of such committees with the importance demanded.

I support the legislation. I ask that the issue of bias, in particular objective bias, be addressed by the Minister prior to further Stages of this legislation passing through the Oireachtas. I also suggest that we take more time to tease out all of these issues so as to ensure they are fully clarified prior to putting the referendum before the people. I have no doubt that the people of Ireland would be happy, should it be necessary to continue this debate further, for this referendum to be held on a date other than that on which the Presidential election will be held.

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton):** In the absence of the Minister, Deputy Howlin, I will conclude the debate. I thank Deputies for their contributions on the Bill. A number of issues that merit consideration have been raised and I have no doubt but that the Minister will consider them. The issue of potential bias, as raised by Deputy Pringle, is a legitimate one. Deputy Timmins also raised the important issue of the distinction between the Legislature and the Judiciary and the need to ensure the fine line in terms of separation of powers is not crossed or breached. That is an enormous responsibility for this House, which the Government takes seriously, one that is factored into the detail of the legislation as drafted. However, there will be further opportunity to re-examine some of these matters as the Bill continues its passage through the Houses.

Cuireadh an cheist.

Question put.

Rinne an Dáil vótáil: Tá, 99; Níl, 11.

The Dáil divided: Tá, 99; Níl, 11.

Tá

Adams, Gerry.  
Bannon, James.  
Barry, Tom.  
Broughan, Thomas P.  
Burton, Joan.  
Butler, Ray.  
Buttimer, Jerry.  
Byrne, Catherine.  
Byrne, Eric.  
Calleary, Dara.

Carey, Joe.  
Coffey, Paudie.  
Collins, Niall.  
Conlan, Seán.  
Connaughton, Paul J.  
Conway, Ciara.  
Coonan, Noel.  
Creighton, Lucinda.  
Crowe, Seán.  
Daly, Jim.

Tá—*continued*

Deering, Pat.	McGrath, Michael.
Doherty, Pearse.	McGuinness, John.
Doherty, Regina.	McHugh, Joe.
Donohoe, Paschal.	McLellan, Sandra.
Dooley, Timmy.	McLoughlin, Tony.
Dowds, Robert.	Maloney, Eamonn.
Doyle, Andrew.	Martin, Micheál.
Durkan, Bernard J.	Mathews, Peter.
Ellis, Dessie.	Mitchell, Olivia.
English, Damien.	Mitchell O'Connor, Mary.
Feighan, Frank.	Moynihan, Michael.
Ferris, Anne.	Murphy, Dara.
Ferris, Martin.	Nash, Gerald.
Fitzpatrick, Peter.	Naughten, Denis.
Flanagan, Charles.	Neville, Dan.
Flanagan, Terence.	Nolan, Derek.
Fleming, Sean.	Ó Caoláin, Caoimhghín.
Griffin, Brendan.	Ó Cuív, Éamon.
Harrington, Noel.	Ó Fearghaíl, Seán.
Harris, Simon.	Ó Ríordáin, Aodhán.
Heydon, Martin.	Ó Snodaigh, Aengus.
Howlin, Brendan.	O'Brien, Jonathan.
Humphreys, Kevin.	O'Donnell, Kieran.
Keating, Derek.	O'Donovan, Patrick.
Keaveney, Colm.	O'Dowd, Fergus.
Kehoe, Paul.	O'Mahony, John.
Kelleher, Billy.	O'Reilly, Joe.
Kelly, Alan.	Phelan, Ann.
Kenny, Seán.	Phelan, John Paul.
Kirk, Seamus.	Rabbitte, Pat.
Kitt, Michael P..	Reilly, James.
Lawlor, Anthony.	Spring, Arthur.
Lynch, Ciarán.	Stanley, Brian.
Lyons, John.	Timmins, Billy.
Mac Lochlainn, Pádraig.	Troy, Robert.
McCarthy, Michael.	Tuffy, Joanna.
McConalogue, Charlie.	Varadkar, Leo.
McDonald, Mary Lou.	Wall, Jack.
McEntee, Shane.	White, Alex.
McFadden, Nicky.	

Níl

Boyd Barrett, Richard.	Murphy, Catherine.
Collins, Joan.	O'Sullivan, Maureen.
Daly, Clare.	Pringle, Thomas.
Fleming, Tom.	Ross, Shane.
Lowry, Michael.	Wallace, Mick.
McGrath, Mattie.	

Tellers: Tá, Deputies John Lyons and Paul Kehoe; Níl, Deputies Catherine Murphy and Mattie McGrath.

Question declared carried.

Faisnéiseadh go raibhtheas tar éis glacadh leis an gceist.

### Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Joe Carey — to ask the Minister for Health to allocate the necessary resources to reopen the five respite beds at Raheen Community Hospital, Tuamgraney, County Clare; (2)

Deputy Patrick O'Donovan — the need for the HSE to re-examine the decision to close respite beds in St. Ita's Community Hospital, Newcastle West and St. Camillus's Hospital, Limerick; (3) Deputy Joe McHugh — the closure this autumn of the *Irish Post* newspaper, which has maintained a link between this island and its 19,000 Irish readers in Britain, and which has maintained links between the various Irish groups in Britain; (4) Deputy Caoimhghín Ó Caoláin — the need to address the delay in the employment of junior hospital doctors; (5) Deputy Robert Troy — to ask the Minister for Health to clearly outline his future proposals for the existing services at MRH Mullingar; (6) Deputy Michael McCarthy — ambulance service cover in the West Cork area, in particular the intention to reduce ambulance services in Skibbereen; (7) Deputy Michael Lowry — the decision to close 22 beds in the Community Hospital of the Assumption, Thurles and six beds in the Dean Maxwell Community Nursing Unit, Roscrea; (8) Deputies Derek Keating, Jerry Buttimer — the payment of lump sums and pensions to public servants who will retire by end of February 2012; (9) Deputy Mattie McGrath — the scandalous behaviour of An Post with regard to the closure of Bansha Post Office; (10) Deputy Joanna Tuffy — the need to change the criteria for the eligibility for JobBridge; (11) Deputy Noel Coonan — the need for the Minister for Health, Deputy James Reilly, to revisit the recruitment embargo which has caused the closure of 22 respite and rehab beds in the Hospital of the Assumption, Thurles and a further six beds in Dean Maxwell Home, Roscrea and to outline if he will review the decision with the aim to prevent the closure of these beds and any further loss of these crucial facilities bearing in mind the commitment to protect front line services; and make a statement in this regard; (12) Deputy Catherine Murphy — the notification by the HSE that they will not fund the operation of the only centre specialising in domestic violence in Kildare, Teach Tearmainn. The new purpose built centre was funded by the HSE and caters for the whole of County Kildare which is now the fourth most populated county with 209,000. There is a particularly young demographic. This decision comes at a time when refugees in Ireland generally are experiencing a huge increase in the demand for their services. To have a building that could provide a measure of safety to women and children and not be in beneficial use can surely not be justified as a good use of the millions it cost to build; (13) Deputy Michael McNamara — the matter of health services in the midwest, Clare in particular; (14) 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; (15) Deputy Timmy Dooley — the matter of respite beds in Raheen Community Hospital; and (16) Deputy Richard Boyd Barrett — the Government's new social housing policy, its effects on housing applicants and its costs to the Exchequer.

The matters raised by the following Deputies Bannon, Keating and Jerry Buttimer, Tuffy and Ó Caoláin have been selected for discussion.

### Topical Issue Debate

---

#### School Staffing

**Deputy James Bannon:** I thank the Ceann Comhairle for affording me time to discuss an urgent matter, namely, the need for the Minister for Education and Skills to review a decision that has led to the suppression of the posts of the resource teacher for Travellers, RTT, and the rural co-ordinator for disadvantage at St. Mary's national school in Edgeworthstown, County Longford. The loss of these posts is detrimental to the continued successful provision of education to the children of Edgeworthstown and leaves the most vulnerable children in the school without essential supports. Furthermore, given the population explosion in Edgeworthstown

[Deputy James Bannon.]

— an increase of 68.4% since the 2006 census — there is urgent need for an increase in the funding provision for the built environment at the school.

St. Mary's is developing rapidly and is designated as DEIS rural. The school is the base for a rural co-ordinator for disadvantage covering three schools. The current enrolment at the school is 464 pupils, a marked increase from the 203 who were enrolled in 2005 when the service under DEIS was allocated.

According to budget 2011, rural co-ordinator for disadvantage posts were to be suppressed from September 2011. This would be untenable for St. Mary's national school, as making the most vulnerable children suffer would be to the detriment of the school and the community. Its rural co-ordinator visits homes, organises homework clubs, runs parenting courses in conjunction with the HSE, provides English language courses for parents who are not fluent and organises a range of afterschool activities, including drama, French, sport and crafts. The co-ordinator is also responsible for a range of in-school activities.

With an increased number of children from the Traveller community in the school, the projected suppression of the RTT post from 1 September by the Department will be a considerable blow to the school. It will have a detrimental impact not only on the children concerned, but on learning supports for other pupils. The number of children from the Traveller community who attend the school exceeds the 33 pupils required to retain such a post.

Edgeworthstown has recently been reallocated into CLÁR, a status it did not have at the allocation of DEIS. Primary schools serving rural areas, including towns with a population below 1,500 people, are included in the rural strand of DEIS. St. Mary's is no longer in this category, given the population increase in Edgeworthstown. However, I am conscious of the fact that an evaluation is being prepared for the next cycle of DEIS.

It is imperative that St. Mary's be immediately redesignated from DEIS rural to DEIS urban and that the post of rural co-ordinator is recategorised as home school community liaison. The school meets the recommended numbers for this post, as it is now the largest school in County Longford and in the Ardagh and Clonmacnoise diocese. St. Mary's has projected further enrolment growth and hopes to achieve a 20 classroom school on the site.

**An Ceann Comhairle:** The Deputy's time is up.

**Deputy James Bannon:** St. Mary's is urgently in need of a permanent structure to encompass 20 classrooms. Currently, it only has five classrooms in a permanent structure, two of which are in a general purpose room and a computer room. This limits both ICT education and physical education. All other classes and support teachers, totalling 27, are in prefab accommodation, which is unacceptable.

I praise the principal, Ms Helen O'Gorman, and the staff, who give 100%—

**An Ceann Comhairle:** The Deputy's time is up. Will he resume his seat, please?

**Deputy James Bannon:** —to making the school a vibrant entity. It is up to the Department of Education and Skills to assist them in every way possible.

**An Ceann Comhairle:** Do you realise there is a time limit on this debate? You are taking time from your colleagues. When I say "four minutes", I mean "four minutes".

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I thank Deputy Bannon for raising this issue, as it gives those of us on the Government benches an opportunity to clarify the position. The Minister, Deputy Quinn, and the Minister of State, Deputy Sherlock,

are attending the IVEA conference in Cork today and the Minister of State, Deputy Cannon, is out of the country on Government business. They apologise for not being present and I have been asked to respond on their behalf.

The decision to withdraw RTTs and rural co-ordinator posts was taken by the previous Government as part of the last budget. The requirement to make expenditure savings and to ensure that staffing numbers remain within the public service employment control framework prevent us as an incoming Government from revisiting the decision.

The programme for Government sets out that education will be a priority for the Government and that we will endeavour to protect and enhance the educational experience of children, young people and students. To this end, we are committing, during the tenure of the Government, to improving the co-ordination and integration of the delivery of services to the Traveller community across all Departments using available resources more effectively to deliver upon the fundamental principle of inclusion.

The decision to dispense with Traveller-specific resource teaching posts is broadly in keeping with the Traveller education strategy, which recommends that an integrated, collaborative and in-class learning support structure should be adopted for all children, including Travellers, with an identified educational need. The strategy aims to enhance access, attendance, participation and engagement for Travellers and is underpinned by the principles of inclusion and mainstreaming with an emphasis on equality and diversity.

Traveller pupils who are eligible for learning support teaching from this school now receive the tuition through the existing learning support provision therein. The Government recognises that withdrawing all RTT posts will place a strain on existing learning support services in schools. In recognition of this, limited alleviation measures have been provided to assist some schools that have high numbers and concentrations of Traveller pupils and who were previously supported by RTTs. The school in question had only 16 pupils of a total population of 437 in 2011 who were supported by an RTT post. By comparison with the number in other schools, this number was relatively small and accordingly this school did not qualify for alleviation measures available for schools losing RTT posts. These were allocated to the schools which had the highest numbers and percentages of pupils supported by RTTs.

I understand that, for the current school year, St. Mary's national school has four full-time and one shared learning support-resource teaching posts to support students. Traveller pupils who require additional learning support or resource teaching should be provided with such support through these means.

With regard to the position on the rural co-ordinator service, I wish to clarify the school was selected to participate in the rural element of DEIS, Delivering Equality of Opportunities in Schools, the action plan for educational inclusion. The school was included in a rural cluster with two other rural DEIS schools and had, until this year, the services of a rural co-ordinator. The decision to remove the rural co-ordinator service from 331 rural DEIS primary schools was a measure taken by the last Government as part of a measure to secure some €24 million in savings in the 2011-12 school year under the national recovery plan. The service was discontinued with effect from 31 August 2011. Requirements to make expenditure savings and to ensure staffing numbers remain within the public service employment control framework prevent us from re-visiting this decision.

**Deputy James Bannon:** I hope the Minister will take on board my concerns and commit to restoring essential staff at St Mary's and providing urgently needed improvements to the built environment by way of urgently needed permanent accommodation.

[Deputy James Bannon.]

With regard to the designation of St. Mary's as a rural rather than urban school, the classification of schools was supposed to be reviewed in 2009. This did not happen. When will it happen?

St. Mary's has pupils from 15 different nationalities and provides value for money for children under its care. Conscious that all children have only one childhood, I draw attention to the need for financial support from the Department to carry out necessary upgrading and maintain teacher numbers. It is vital that funding be provided. Perhaps the Minister will make a commitment in this regard. I dispute his figures because I was speaking to the principal, Helen O'Gorman, this morning.

**Deputy Brendan Howlin:** The Deputy, as a Member on the Government side, understands the pressure the Government is under in delivering all public services. I will pass on his views to the Minister for Education and Skills. He should know the school is included in the DEIS programme and continues to receive very significant enhanced supports.

A schools building project to provide a new school on the existing site in Edgeworthstown is at an advanced stage of architectural planning. An application for planning permission has been received and a decision of the local authority is expected shortly. This project will deliver a new 20-classroom primary school plus a special needs unit on the existing school site. All in all, there is a good service being delivered to the school. I heard what the Deputy said and will bring his views to the attention of the Minister for Education and Skills. The Deputy will, of course, realise that we must ensure we live within our means, and that all areas of public expenditure are under very tight pressure.

### **Pension Provisions**

**An Ceann Comhairle:** Deputies Keating and Buttimer are sharing time.

**Deputy Derek Keating:** I raise this issue as it is a matter of national importance and of great concern. Some senior civil servants are receiving vast sums of money by way of bonuses, pensions and special lump sums. Perhaps all these packages are tax-free. I raise this on behalf of the many who have been affected adversely by the economic circumstances in which we live. They are suffering as a result of job losses, price increases, reductions in services and difficulties in repaying their mortgages. In light of the exposure of this issue, I ask the Minister who agreed the terms. Can he give us definite information on this? What, if anything, can he do? Can an emergency taxation system be introduced to give the people some comfort?

Many people have been told for a variety of reasons in recent years that terms previously agreed cannot be met. Would it not be in our interest and that of the people to say to Mr. Dermot McCarthy, for example, that we are no longer in a position to meet the terms already agreed in his contract? What message would that send out to the people?

I met a man from Clondalkin last Saturday morning. He told me he had just read about this issue in the newspaper. He was wondering how we could pay a man €3,000 per week. I am wondering the same.

**An Ceann Comhairle:** I ask Deputies to refrain from mentioning individuals. It is not customary to mention those who are not in a position to defend themselves. Deputies may raise an issue with this in mind.

**Deputy Jerry Buttimer:** I want to raise the issue of the payment to a former Secretary General to the Government. Such a payment is wrong in the current economic climate. The Minister for Public Expenditure and Reform has given us the line of the day: we must live

within our means. I accept this is a legacy issue but to the people, our fellow parliamentarians and other commentators, it is an issue of gargantuan concern that, in a recession, somebody can walk away with a lump sum that is multiples of his or her income, during which time the rest of the country is trying to live within its means.

I do not mean to personalise the issue and am not on a witch-hunt but I want to see fairness and balance. Our fellow citizens want the same. We are told unemployment, a reduction in services and increases in indirect taxation are coming on foot of the next budget. The people want fairness. The giving of largesse to a small coterie of people must be stopped and cannot be allowed to continue.

I appreciate that the Minister will embark on a project of reform and I commend him on this. We will support him in this regard. The people are sickened by what they regard as largesse being given to a small chosen few. To add insult to injury, they see potential for persons in retirement being considered for or asked to take a further job. This is according to the commentary of others, not the Government. This must not be allowed to continue either.

The Government, which has done a great job since entering office, has begun a process of reform and this must continue. We must end the practice of giving excessive largesse to those on the top end of the scale who are retiring, including ourselves. I am not talking about the ordinary people but those at the top.

**Deputy Brendan Howlin:** The topic submitted pertained to reductions in Civil Service numbers. Therefore, my prepared notes relate to a topic entirely different from that raised but I am very happy to address the one raised. We need to tackle these issues face-on. I do not want to personalise the matter and take the Ceann Comhairle's admonition in that regard, but let me deal with the specifics. In 1987, the Top Level Appointments Committee was established to get younger people into the top levels of the Civil Service. The old system whereby Secretaries General were appointed for life and expected to receive a full salary until the age of 65 was terminated and people were given a fixed contract of seven years. In 1987, a deal was done to facilitate this because there was a desire for younger people to apply for the job for a seven-year period. The deal done was that at the end of the seven-year period the person was entitled to continue in an analogous post at the same level of payment or receive a severance payment. Everyone who has retired under TLAC terms since 1987 received these severance payments. Therefore, we should not personalise it to one individual. However, this does not make it right and in the new austerity we must face, everything is under scrutiny.

I will outline the three component parts of the very high sum which both Deputies instanced. The first part is the lump sum payment, which is one and a half times the final annual salary. The second part is the pension, which is 50% of earned salary over the period and which is normal for every public servant, whether a Garda, a nurse or anybody else. The third, more dubious element, is the TLAC severance element. The end of year salary for the person concerned was €285,000 but this has been reduced to €200,000 and pensions and lump sums of all retiring people will be based on this as and from the end of February 2012. We will have a significant exit from the public service — we may have a debate on this separately — because people will want to preserve their pre-cut level of pension entitlements. The very elaborate lump sum and pension entitlements will be significantly reduced for anybody retiring after the end of February next year.

I have a particular problem with the TLAC severance payment and I have asked the Department to see how I can deal with it. In essence, I have sought a way of abolishing it. I want to make clear that I am not interested in grandstanding on this. I do not want to make a pretence that I can do something if I cannot do it and I end up sending lawyers to the High Court costing us more money. I understand one more individual who would qualify under the TLAC

[Deputy Brendan Howlin.]

terms, and not 55 as quoted in the newspapers, has notified the Department of retirement prior to the end of February. I am not sure what I can do about this. I have asked the Department to examine it. There may be more who have yet to notify the Department. This is a time-limited issue and this is a reforming Government, and once we get over this period we will change the entire process.

This month, I will introduce to the House a new comprehensive single pensions Bill which will fundamentally alter the way pensions are determined for all public servants including Deputies, the Judiciary, gardaí and civil servants. It will not be at an end of payment calculation; it will be a career average calculation. This will not affect people with a fairly flat profile of income such as teachers, but it will certainly affect people who end up in very high positions in the public service.

**Deputy Derek Keating:** I thank the Minister. I take some satisfaction from his reply because three things are very clear. First, I am delighted but not surprised to see the Minister is as passionate about this issue as I am and as are many people in Ireland. Second, the Minister sees this as a major issue and, third, we are a Government of reform and we will deal with these unacceptable issues. I thank the Minister for his reply.

**Deputy Jerry Buttimer:** I also thank the Minister for his reply. I welcome the reform process he is initiating. This is about higher paid civil servants and is a major issue that cannot be underestimated. As a people, a Government and a Parliament we must decide what is important to us. Today, the Minister has exemplified that although tough decisions and days lie ahead, the Government will show leadership. If this determination for reform is shown people will be brought with us and they will understand our economic situation. This is a matter of grave importance. It is not about cheap headlines or one person; it is about sending a message to our people that we can reform our economy and bring back our country. It must be done by those in authority and those at the top.

**Deputy Brendan Howlin:** I thank both Deputies. I do not want to give any illusion that we will not have other instances between now and February. I do not know whether any senior civil servants are contemplating retiring and if they have a contractual arrangement, I may not be able to dislodge it. I have asked for advice on this. As I stated, I will not make false promises nor will I accrue legal costs to grandstand on it. However, we will fundamentally reform the system. We have already done so by capping top-level pay, starting with ourselves on our first day in government. We migrated this through all levels of the public service and we will cop-fasten this process in law in the new pensions Bill. I hope Deputies on all sides of the House will engage with us in this reform process and support the legislation when it comes to the House before the end of the year.

**Deputy Derek Keating:** Is it possible for the Attorney General to go to the High Court without incurring costs to the State?

**Deputy Brendan Howlin:** The State covers its own costs but if it loses a case, it covers the costs of the other party and I am afraid these can be considerable.

### **National Internship Scheme**

**Deputy Joanna Tuffy:** I welcome the creation of the topical issues debate. Of all the Dáil reforms that are taking place, this is the most significant in terms of shifting the balance in favour of the ordinary Deputy. It puts us centre stage in the middle of the day able to raise issues which are topical and of concern to our constituents and this is extremely important.

Will the Minister for Social Protection considered changing the qualification period for JobBridge from signing on the live register for three months to a shorter period of time? This is to ensure people who are unemployed and who are anxious to apply for vacancies are enabled to do so. Concerns have been raised with me about this issue. I met someone who would like to apply for a JobBridge vacancy but is not in a position to do so because of not being unemployed for long enough and because of not being in receipt of benefits. One must be in receipt of a payment or signing on for credits for three months. The person concerned had not been employed for three months and was not signing on for credits because of not knowing that one could do so or what this means. The person also did not see the point because one does not receive payments for doing so; there is no incentive to sign on for credits.

In my view, this person is very representative of the many people who would not qualify for a jobseeker's payment because of not meeting the means test requirements or not having enough credits to receive unemployment benefit. Most people do not sign on for credits, or they might do so intermittently and give up on it because they do not see the point as it involves a cost for people who do not receive a payment. It would cost people with no income to take the bus to sign on. Prior to this, it was not possible to avail of schemes such as JobBridge by signing on, so there was no incentive for people to do so. Therefore, as people have not been signing on for the required period of time, they are not eligible for JobBridge. A vacancy might be advertised on the site but they cannot apply for it.

Students may also be affected. Students can sign on the live register after finishing a course even though they may not be entitled to a payment but they would have to sign on for three months. Why do applicants need to have signed on for three months to be eligible for one of these vacancies? Many of these vacancies are actually ideal for graduates and those who have just finished a training course. However, they must have to wait and sign on for three months before they can apply for an internship. I do not see the reasoning to this delay. We should be doing everything we can to facilitate people who want to apply for JobBridge vacancies. I recall that to apply for the former social employment schemes, one needed to only have signed on for one week, a move which showed certain flexibility then. There is no logic to the three-month wait for the JobBridge internship scheme when it could easily be just for a week.

**Minister for Social Protection (Deputy Joan Burton):** I thank Deputy Tuffy for raising this matter and her recognition of the positive elements of the national internship scheme, the JobBridge initiative. It is only ten weeks old so I must emphasise we are all learning from it quickly. It is interesting to see how much positive interest it has generated from employers and applicants. Interning has been popular in the United States, Germany, Japan and the United Kingdom for some time. All the leaders of the British Government started as interns in politics but probably acquired them, however, more on the basis of who they knew.

The national internship scheme is new to the Irish context. The overall jobs initiative is part of the process of restoring confidence in the economy but also restoring hope and confidence in the large numbers of people who find themselves out of employment.

JobBridge, the national internship scheme, is a key element of the initiative but with a relatively modest capacity of 5,000 places. It is the first initiative operated under the new national employment and entitlements service, a commitment contained in the programme for Government. The scheme's aim is to assist individuals bridge the gap between unemployment and the world of work. It provides those seeking employment with the opportunity to undertake a six or nine month internship in a host organisation. Participants will benefit from learning new skills to complement their existing skills. Upon completing their internship, participants will have improved their prospects of securing employment.

[Deputy Joan Burton.]

In the current labour market environment, JobBridge provides individuals with a unique opportunity to secure work experience in a new field. The scheme enables people to break the cycle whereby unemployed people are unable to get a job without experience, either as new entrants to the labour market after education or training or as unemployed workers whose existing skills would not be appropriate to the types of jobs that will emerge in post-recession Ireland.

Since JobBridge was launched in July, it has already achieved significant milestones. There are in excess of 2,600 internship opportunities being advertised on the JobBridge website. In addition, as of last Friday, 1,124 interns had commenced their internships. Up to half are new to interning while the remaining have transferred from the old workplace programme to take advantage of the extra €50 a week payment.

When this was negotiated with the IMF, it was designed to assist those who have been unemployed for three months. Many wanted the scheme to be open to those who have been unemployed for more than a year. However, I insisted it was for those unemployed for three months to make it available to those types of applicants referred to by Deputy Tuffy. Labour market activation, which is getting people back into work experience and training, is a feature of our social welfare system. The EU-IMF-ECB troika programme sought that critical reform in Ireland. As such, it is imperative people are taken off the live register.

**Deputy Joanna Tuffy:** Will the Minister reconsider or, at least, keep under review the eligibility criteria for the JobBridge programme? The troika and others are somewhat mistaken in insisting on a time requirement for such schemes when it wants to avoid people drifting into long-term unemployment. For example, a person unemployed for two months but who could not sign on until now would have to wait another three months to be eligible for the scheme. In effect, he or she would be unemployed for five months when a suitable vacancy could have been available in that time. The qualifying period for the Springboard scheme has been reduced from six months to zero. Why can such a relaxation of the rules not be applied to the national internship scheme? If we want to prevent people drifting into long-term unemployment, we need to be as flexible as possible.

**Deputy Joan Burton:** We are constantly reviewing every element of the JobBridge scheme because it is the first time we have had an internship scheme in place. I appreciate the Deputy's concerns. However, there is a requirement to show that such a scheme is taking people from the live register. It has only been in place for ten weeks with 1,100 internships. In several months time we will be in a position to evaluate this scheme and learn from the experiences of those offering places, interns and those who wish to join the scheme but are restricted from doing so.

Suggestions have been made to improve access to the scheme already. I am keeping them under review. If the Deputy has examples of appropriate applicants who could not get on the scheme, she can pass the details on to my Department confidentially and we will review them. The response from potential host organisations and employers has been extremely positive. While there have been teething problems and there is a need to ensure quality placements, the feedback from interns so far has been positive. I will keep the Deputy's suggestions under review.

### **Hospital Staff**

**Deputy Caoimhghín Ó Caoláin:** I submitted this matter to get clarity on the shortage of junior hospital doctors, non-consultant hospital doctors and the need to fill the gaps on certain

areas. What is the current position in all hospitals? Will the Minister for Health furnish me with the details of every hospital and those in which the Medical Council stated adequate supervision was not in place?

We passed emergency legislation before the recess — the Medical Practitioners (Amendment) Act — to facilitate the recruitment of additional junior doctors. It was reported on 6 September that just 60 of the 280 junior doctors recruited in India and Pakistan had been given the go-ahead to work in our hospitals. It was also reported that more than 30 of the junior doctor recruits failed the clinical skills examination. Will the Minister confirm if those details are correct?

When he introduced the Medical Practitioner's (Amendment) Bill, the Minister stated:

Some 450 posts, including approximately 180 non-consultant hospital doctor vacancies, mostly in-service rather than training posts, are due to be filled from 11 July when the next rotation takes place. The number of vacancies is decreasing on an ongoing basis as doctors are appointed via the HSE centralised recruitment process. Following an intensive recruitment drive by the HSE, more than 200 doctors from India and Pakistan have applied to fill these vacancies.

I ask the Minister for the up-to-date figures in that regard. What are the other posts to which he referred at that time and about which we spoke at some length? Of the 450 posts, 180 related to non-consultant hospital doctor vacancies. To what range of specialties and consultant posts did the balance of posts correspond? I seek the detail of the other posts and how many of them have been filled through the normal recruitment procedure process.

What is the Minister's view on the reported cost of €113,768 to send 36 people from the HSE to India and Pakistan for ten days to recruit the doctors? That significant expenditure is another reason to ensure a new and better recruitment practice, something he is already on the record as supporting.

The Medical Practitioners (Amendment) Act facilitates — for the time being only — the current system or, should I say, at least prevents its collapse and the consequent loss of services. As I asked during the passage of the Bill, for how long will this ramshackle structure stand before it is replaced by a proper system of medical training and hospital staffing? This year's experience must be the last of what I can only describe as panic recruitment by the HSE. Will the Minister commit to making the required changes to banish those bad recruitment practices to the past where they belong? What is the Minister for Health's plan to end the reliance on junior doctors and to get better value for patients from consultants? He has also shown an interest in achieving this. Does he have such a plan on the resumption of the new Dáil term?

**Minister for Health (Deputy James Reilly):** I am pleased to be able to lay out for the House the substantial progress that has been made in the recruitment of junior hospital doctors, or non-consultant hospital doctors, NCHDs. It should be noted that this is being achieved against a background of a general shortage of NCHDs affecting western Europe.

As the Deputy indicated, as an emergency measure, I introduced the Medical Practitioners (Amendment) Act 2011, which was signed into law on Friday, 8 July 2011. It provides for the establishment of a new supervised division of the medical register. Registration in the supervised division means that a person is registered for a period not exceeding two years in an identified post approved by the Medical Council and subject to supervision by the employer in line with criteria set down by the Medical Council.

Medical Council systems are in place to ensure patients will be treated by a doctor who has the education, training and skills to provide safe and appropriate care. In the interests of patient

[Deputy James Reilly.]

safety, doctors therefore can be registered in the supervised division only once they have met all of the registration requirements.

On Monday 11 July, the Medical Council published draft rules outlining eligibility to the new supervised division. As required under the Medical Practitioners Act, the Medical Council held a period of public consultation on the rules. Following a minimum consultation period of one week, rules were published and disseminated by the Council on 18 July 2011. Simultaneously, the council was developing multiple specialty specific examinations for entry to the supervised division with involvement from medical schools and postgraduate training bodies.

Seven speciality-specific examinations were held for 266 candidates between 2 and 12 August and the results have been published. This sequence of work was undertaken and completed in a very short timescale. I commend the Medical Council on its efficiency in bringing us to this position. I can confirm that 236 candidates were successful and, to date, some 144 junior doctors have been registered by the Medical Council with contracts issued by the HSE and they are now attached to posts in the health service. These doctors are making significant contributions to vacancies which existed in areas such as anaesthetics, paediatrics, emergency medicine and general surgery, delivering a safe, effective service to patients. In addition, and significantly, they are reducing the HSE reliance on expensive agency staff.

I am pleased the situation has improved greatly and I have been assured by the HSE that levels of service are being maintained. In July the chief executive of the HSE informed the Joint Oireachtas Committee on Health and Children that approximately 190 vacancies had been identified at junior doctor level. Today, 76% of those vacancies have been filled and that number is growing at a rapid pace. That is a commendable achievement within a short space of time and the complexities involved in the entire process.

The Medical Council and the HSE are continuing to work diligently to ensure the necessary procedures to facilitate the registration of doctors are completed without delay, so that they can take up duty as soon as possible. I convened a meeting of the HSE, the Department and the Medical Council earlier this week. There are a number of elements to the processing of the applications. The first is the paper-based application by the candidate submitting all relevant documentation on qualifications, and home state clearance among other requirements. The second is the passing of the practical examination stage and the third is the approval of the posts by the HSE including a declaration from the hospitals regarding the appropriate supervision of the applicants. My Department has been informed by the HSE that all outstanding declarations of supervision from the hospitals will be submitted to the Medical Council by the end of this week and issues relating to the necessary candidate documentation will be also finalised as soon as possible. This will allow for further registrations to be completed quickly and the necessary number of junior doctors to be put in place providing safe and effective treatments to patients.

**Deputy Caoimhghín Ó Caoláin:** On the so-called “HIQA Nine”, the hospitals about which there has been some concern relating to the potential for medical supervision of recruitments, what is the position with individual hospital sites? The Minister did not have the detail in his reply and if he does not have the information immediately to hand could he furnish it to this Deputy with an update on the situation?

The Minister does not want to have to go through this again and we do not want to look at such a slovenly method of recruitment in such a key and important area of public service provision. On the alternatives that must be pursued in terms of recruitment, what plans are being devised by the Minister to ensure the recruitment process is up to the standard we would expect in 2011?

Yesterday in *The Irish Times* it was reported that doctors who had resigned their posts in India and Pakistan and made arrangements to travel here were told to stay put, such was the delay in the processing programme. Will the Minister comment on that? I am sure he has seen the report. I wonder if that is the case. Is the Minister aware that some doctors who have travelled here and have been in this country for some weeks have returned home without even being assessed, such was the delay in the process? That is what we are reading in the newspapers. I would like to know what the Minister understands to be the factual position.

The HSE has said the registration process is complex. We understand that, but it also indicates that the Medical Council amended the required HSE documentation in late August, some two to three weeks ago. That was damn late in the process and just prior to our return to the Oireachtas. Surely, going back to the passage of the facilitating legislation, all of that should have been in place, regularised and accepted long before that point in time? What upset has that caused? Does the Minister have any concerns on the Medical Council's position in regard to all of this?

**Deputy James Reilly:** I will try to answer the Deputy's queries in the short period available. I do not have information on the individuals for the hospitals but I will undertake to supply it. I believe in openness and transparency and all Deputies should have that information. There is an ongoing plan, and good will has come from this difficult position. I agree with the Deputy that the circumstances were not ideal. There is now co-operation between colleges, the council and training bodies, and we must introduce other stakeholders.

This process is nearly finished but after that I hope to bring the groups together again with extended stakeholders to examine the training of doctors and the ability to provide clear career paths. We must lay down protocols through the special delivery unit with regard to behaviour and specifically how colleagues behave with peers, juniors, members of the public and other staff. Non-consultant hospital doctors should also be treated with dignity and be allowed a clear career path. It is strange that we could train people to specialist registrar level but only one in four gets a consultant post. It takes almost €1 million to train people to such a level when we take into account the various costs involved.

I want to see the creation of a new specialist grade, which would be a further step on the way to becoming a consultant. Many professions were concerned that career progress would stall without future progress but that is not the intention. We hope to open discussions with various colleges to address the matter.

The Deputy raised the issue of doctors who may have returned to their home. Some 236 doctors passed the exam and only five, to my knowledge, have returned home. I am given to understand some may have done so because of personal issues and those doctors intend coming back, although I am not saying that all intend to come back to Ireland. That number is small.

The Deputy also raised a matter concerning the Irish Medical Council around the end of August. The council sought further adjustment to the supervisory posts, which was done very quickly and did not cause much of a delay. The main delay now is documentation for doctors. I acknowledge the co-operation of the House as we experienced a very difficult problem, which should never have arisen. We addressed the dilemma when it occurred and as the Deputy noted, we have implemented proper plans so as to avoid such a calamitous problem in future.

There was nothing remotely slovenly about the manner in which the recruitment took place. It happened in an orderly fashion, although this is not the preferred way to do business. There should be far better planning and we will have that in future.

## Ceisteanna — Questions

### Priority Questions

---

#### Environmental Policy

1. **Deputy Niall Collins** asked the Minister for the Environment; Community and Local Government when he will introduce the septic tank registration and inspection charge; the rate at which it will be set; if he will consider other alternatives to imposing this charge on rural communities; and if he will make a statement on the matter. [24272/11]

2. **Deputy Brian Stanley** asked the Minister for the Environment; Community and Local Government his plans to introduce a publicly funded septic tank registration, inspection and retrofitting scheme, including a scheme of grants, in order to comply with the 1975 Council Directive on Waste, as amended, which the European Court of Justice has ruled that Ireland breached in 2009; and if he will make a statement on the matter. [24274/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan) (Deputy Phil Hogan):** I propose to take Questions Nos. 1 and 2 together.

On 29 October 2009, the European Court of Justice ruled against Ireland with regard to the treatment of waste waters from septic tanks and other on-site wastewater treatment systems. The court found that by failing to adopt the necessary legislation to comply with Articles 4 and 8 of the 1975 waste directive as regards domestic wastewaters disposed of in the countryside through septic tanks and other individual wastewater treatment systems, Ireland had failed to fulfil its obligations under that directive.

My Department, together with the Office of the Attorney General, is finalising the preparation of a Bill to establish a system of inspection of septic tanks and other on-site systems. I expect to bring the Bill to the Government in the coming weeks, seeking approval for its publication. Full details of how the inspection system will operate will be announced at that time. The new legislation is being framed to minimise the impact on householders, who can be assured that if their systems are working properly and are being maintained, they need not be concerned. Householders will be required to register details of their on-site systems on a national register. This registration will be valid for several years. A nominal fee will be charged for registration. The draft legislation will provide for a proportionate and risk-based approach to inspections. It is intended that inspections will be targeted towards areas where drinking water sources or habitats are likely to be, or have been, impacted upon by septic tank discharges.

Where the new inspection system gives to any costs, including for individual householders, every effort will be made to keep these to a minimum. The key objective of the new legislation will be to enhance and protect public health and the environment, which will in turn benefit rural dwellers in terms of their quality of life. My Department will keep under review the possible options to provide financial support to house-holders whose systems are deemed, following inspection, to require remediation or upgrading. Any such support would have to have regard to the overall budgetary position and to the financial position of individual households.

**Deputy Niall Collins:** I thank the Minister for his reply. Everybody wants to see good quality water, especially groundwater feeding into some public water supplies. It is an issue of vital social importance. There has been much concern expressed to all public representatives because

of the charge element. There has also been some confusion in the debate, although we got some clarity in the Minister's statement yesterday when he envisaged a fee of no more than €50. It is not clear how often that must be paid because the Minister mentioned it might have to be paid every five years. People are rightly concerned that this may be the thin end of the wedge in the creation of yet another charge.

The issue is rightly being perceived as a division between rural and urban dwellers. Rural householders will pay the €100 household charge in the same way as urban dwellers but in addition, rural householders will have to pay the registration charge. There is a perceived inequity in that respect.

Will the Minister explore the scenario in other jurisdictions where there is no charge associated with inspections? We agree that monitoring must take place for the right reasons but we have the wherewithal within the Department and the Government to bring this monitoring forward without imposing a charge on people. As it stands it will not impact equally on different sections of society. We realise the Government is tied to the EU and IMF agreement but savings have been found as late as yesterday and additional revenue has been raised. There is the capacity to make decisions that will avoid some of the elements of the four year plan and the EU and IMF agreement. The Minister could avoid imposing the charge.

**Deputy Phil Hogan:** Ireland was roundly condemned in the European Court of Justice in October 2009, during the Deputy's time as part of the Government, but nothing was done. The confusion arose from people like Deputy Ó Cuív, Ms Marian Harkin, MEP, and the IFA, who all voiced the opinion that I intended to introduce a notional charge of €300 per annum for annual inspection and maintenance. I never said anything of the sort or conveyed that view.

I am disappointed there is no wholehearted support for what I am trying to do in ensuring groundwater quality on a risk-based assessment model is being implemented. Nobody wants to see cryptosporidium in Galway or rural and urban households forced to buy bottled water from shops because of poor quality groundwater. That has been the case in many instances.

Deputy Collins was not embroiled to any great extent in this controversy and at least he knew what he was talking about. Deputy Ó Cuív should know, as a former member of a Government, what he signed up to in the revised Fianna Fáil and Green Party programme for Government of 2009. It stated: "We will introduce a scheme for the licensing and inspection of septic tanks and wastewater treatment systems". Has he had a loss of memory? It was not unusual in Fianna Fáil to have loss of memory over the years but I am surprised that a grandson of one of the founders of the party would have lost his memory to the extent——

**Deputy Niall Collins:** He did not say he would introduce a charge.

**Deputy Phil Hogan:** ——that he did not understand that he signed up to this document when he was sitting at the Cabinet table.

**Deputy Niall Collins:** What charge did he sign up to?

**Deputy Phil Hogan:** He acknowledged that. I am introducing a nominal charge to pay for the expenses of people who carry out the inspections. There is only one charge, no annual inspection and no confusion.

**Deputy Brian Stanley:** I am glad to see the Minister is in good form after the summer and the good results and good harvest in Kilkenny.

**Deputy Phil Hogan:** Up the cats.

**Deputy Brian Stanley:** We support the need to protect groundwater. There is no equivocation on that. We must do it. We also agree that this situation has been hanging over us since 2009 and it must be addressed. However, we must be careful about charges in the current climate. All wedges have a thin and thick end. A sum of €50 might appear to be a modest amount but we are talking about rural families with significantly increased school transport costs, the universal social charge which all rural dwellers pay from their earnings, increased mortgages and increased fuel bills.

**An Leas-Cheann Comhairle:** Can we have a question from the Deputy?

**Deputy Brian Stanley:** I will quickly come to that. The Leas-Cheann Comhairle should give me a minute, as he gave to the last speaker.

There is a regime in other jurisdictions, particularly in the North, under which people do not pay. There is another example in Scotland. We support the risk-based approach as it is necessary to protect groundwater. Local authorities have a significant number of engineers and, as the Minister knows, not many capital works are taking place at present. Will those engineers carry out the inspections? We have no wish to see an army of new inspectors or a new quango being established for that task.

Many dwellings that have been built in the last ten to 15 years in rural areas have very elaborate septic tanks and waste water treatment systems——

**An Leas-Cheann Comhairle:** Deputy, this is Question Time. I also reminded the last speaker of that fact. Please ask a question.

**Deputy Brian Stanley:** I have questions for the Minister on a number of points and this is the only opportunity to ask those questions. Is it his intention to introduce an income based grant scheme? Will there be a registration fee or will it be an inspection fee? Will it be an annual fee or three yearly fee? Will the local authorities carry out the inspections?

**Deputy Phil Hogan:** As the Deputy knows from my original reply, this is a once-off nominal charge for registration purposes. The charge I have in mind is no more than €50 but I will spell out the details of exactly what will be charged in 2012 when the legislation is published in a few weeks and brought before the House. The local government system will do the work; there will be no new empire building by any organisation. The local government staff already in place have spare capacity, as the Deputy correctly pointed out, and will do the job, but that will not be done until 2013 and 2014. There will be no annual inspection charge and no more registration charges.

The once-off registration charge I will introduce next year, for the purpose of meeting some of the costs associated with this for the local authorities, will ensure that groundwater is protected. It is in the interest of every householder, business and employer in this country that we have good groundwater. Inward investment opportunities were lost to this country, as the Leas-Cheann Comhairle knows, due to the contamination of groundwater supply in County Galway. We have no wish to see that happen anywhere else. It is also in the interest of every householder to have good quality water from the tap rather than having to buy bottled water in the local shop.

**An Leas-Cheann Comhairle:** I will take brief supplementary questions from Deputy Collins and Deputy Stanley.

**Deputy Niall Collins:** Nobody disputes the merits of the scheme. The charge is the issue.

**Deputy Phil Hogan:** Deputy Ó Cuív did.

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

**Deputy Niall Collins:** The Minister says today there will be a once-off registration charge but his statement yesterday said an interval of five years is envisaged between each registration. Is it a once-off charge or will it be every five years?

**Deputy Phil Hogan:** It is a once-off charge.

**Deputy Niall Collins:** It is now a once-off charge, whereas yesterday it was every five years.

**Deputy Phil Hogan:** No, it was not. The Deputy asked about the charge and I told him what it would be and that it would be a once-off charge.

**Deputy Niall Collins:** The Minister's statement referred to registration every five years.

**Deputy Phil Hogan:** That is registration but I did not say we would charge every five years.

**Deputy Niall Collins:** Okay, that is clear. I will address the other issue.

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

**Deputy Niall Collins:** Can the charge be avoided completely? The Minister has capacity now, following the savings the Government has accrued under the EU-IMF agreement through the interest rate reduction and so forth, to avoid the charge.

Finally, a political charge was made about Fianna Fáil. Fine Gael controls the majority of local authorities in this country, which are the biggest polluters of our waters and rivers. If he wishes to point the finger politically at who is responsible for this, he should look to his own party first. Fine Gael is in charge of the majority of the local authorities and they did not drive forward with the water investment services programme that was in place. They did not avail of it. That is a fact.

**Deputy Brian Stanley:** With regard to the maintenance regime for septic tanks, will householders be required to keep a maintenance log for de-sludging and so forth? What are the Minister's intentions in that regard? To clarify the issue of the registration fee and inspection fee, are they one and the same or will there simply be a registration fee and no inspection fee thereafter?

**Deputy Phil Hogan:** For the third time, there will be no annual inspection charge. I realise it is a disappointing for some people that this is the case and that I do not intend to take more money from people. There is a property tax in Northern Ireland which is a source of income——

**Deputy Niall Collins:** Even the Minister cannot claim a win on this.

**Deputy Phil Hogan:** It is amazing, a Leas-Cheann Comhairle, and I know you will agree with me, that after 14 years of Fianna Fáil in Government it is now Fine Gael's fault that there are problems in rolling out the waste water and water services programme. It is unbelievable that the Deputy has such a brass neck even to make that assertion——

**Deputy Niall Collins:** Fine Gael is in control of all the local authorities and they are the biggest polluters——

**Deputy Phil Hogan:** The Deputy's party has been in Government——

**Deputy Niall Collins:** A total of 90% of the pollution is from Fine Gael-controlled local authorities.

**Deputy Phil Hogan:** Can I answer the question, a Leas-Cheann Comhairle?

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

**Deputy Phil Hogan:** The Deputy's party in Government put us in the current financial mess and ceded our economic sovereignty under the EU-IMF programme. The Deputy's party is responsible for that and we are faced with the responsibility of picking up the mess, including septic tanks, to protect groundwater as a result of the Deputy's party's decisions. Fianna Fáil did nothing since 2009 to deal with this.

**Deputy Niall Collins:** Fine Gael is in charge of local authorities.

**Deputy Phil Hogan:** We are now cleaning up the mess, literally and metaphorically.

**An Leas-Cheann Comhairle:** We are over time on this question.

**Deputy Phil Hogan:** We must do so after the European Court of Justice decision. Otherwise we will have to pay €2.9 million before the end of the year from taxpayers' funds as a result of Fianna Fáil's inactivity.

**Deputy Niall Collins:** Another stealth tax.

**An Leas-Cheann Comhairle:** We will proceed with Question No. 3.

**Deputy Brian Stanley:** Will householders have to keep a maintenance log?

**Deputy Phil Hogan:** That detail will be outlined in the legislation.

### **Building Regulations**

3. **Deputy Clare Daly** asked the Minister for the Environment; Community and Local Government further to Parliamentary Question No. 222 of 20 July 2011, the reason the revised NSAI Standard recommendation, which amended the Building Regulations Technical Guidance Document TGD C, is deemed inadequate by the main non-homebond insurer of houses affected by heave-inducing pyrite, and that this insurer demands in addition to the requirements in the NSAI Amendment that replacement fill comply with TRL 447 (2005) Sulphate Specification for Structural Backfills, to ensure that there will be no further heave; and if he will immediately rectify this deficient specification in order to protect householders results. [24393/11]

**Deputy Phil Hogan:** The building regulations set out the legal requirements for the construction of new buildings, including houses. Part D, materials and workmanship, of the building regulations requires that materials used as infill in construction must be "proper materials which are fit for the use for which they are intended and for the conditions in which they are to be used". The presence of pyrite in building materials represents a failure to satisfy this requirement. Responsibility for compliance with the building regulations is a matter for the owner or builder of a building and enforcement of the owner's contractual entitlements is a civil matter irrespective of whether a building is in private or public ownership.

Following the emergence of the pyrite problem in 2007, the National Standards Authority of Ireland, at the behest of my Department, reconvened the aggregates panel, an NSAI industry committee. The NSAI, in consultation with this committee, published a revised standard recommendation on the use of aggregates as infill for civil engineering and road construction work. The new standard recommendation came into effect on 7 December 2007 and provides guidance on reducing the risk of reactive forms of pyrite being present in material fill for use under concrete floors in dwellings and buildings.

The relevant technical guidance document of the building regulations dealing with site preparation was amended to incorporate the revised NSAI standard recommendation. The outcome of a recent high court case vindicates the position taken by my Department and demonstrates that the building regulations are appropriate and enforceable. The imposition of any additional requirement by a third party, for example, an insurance company, is a matter between that party and the builder or developer.

In response to the difficult and distressing problems faced by home owners and tenants affected by pyrite, I am setting up a panel with suitable expertise to prepare a report, which I will publish, on the way forward in relation to pyrite contamination in private housing stock. My Department will provide technical and administrative support to the panel in carrying out its work.

**Deputy Clare Daly:** I thank the Minister for his reply but it does not deal with the content of the question. Clearly, the pyrite issue is devastating for the tens of thousands of affected householders. The Minister's response is an attempt to say that the State has no role or responsibility in this regard.

The nub of the question is that the State is responsible for bringing in building regulations and that these regulations are, and were, deficient. When I asked the question in July as to why the building regulations did not require testing for pyrite, even though knowledge existed in the industry, in engineering circles and in regard to the geological strata that this could be a problem, the Minister said the building regulations had been amended by the NSAI implying that the problem had been solved but that is not the case.

Householders have found that Premier Insurance, the second largest insurer, is not satisfied with that new requirement. It is not deemed good enough for it. Is the reason this standard, required by Premier Insurance, has not been included because it would cost the quarries and the aggregates more money? Does the Minister not think it is somewhat strange that the NSAI standard took direction from the concrete consultative committee, which is dominated by the industry? Will he comment on the fact that some of the lead agents on that committee, which was responsible for the new standard, were two of the largest quarry owners whose quarries have been found to have heave inducing pyrite, namely, Roadstone in Huntstown and Kilsaran in Rathcore, County Westmeath and if this might be the reason the standard is inadequate?

**Deputy Phil Hogan:** Deputy Daly would have to see a lot of things around corners. I have answered the question she asked which was a highly technical one and I answered it in a technical fashion. If there was any aspect of the question I did not answer, she certainly did not ask a supplementary in regard to it.

The Building Control Acts clearly place responsibility for compliance with building regulations on the owner of a building. That has been tested in the courts and the Department of the Environment, Community and Local Government is not liable. Compliance with technical guidance documents, which were amended after 2007, has stood the test of time.

[Deputy Phil Hogan.]

I appreciate that homeowners find themselves in a difficult situation through no fault of their own because of the inadequacy of the materials and aggregates provided. The material for these dwellings and foundations have been found to be deficient and so on. That is why I decided to act as an honest broker in this matter between homeowners and the people responsible to see if we can get solutions and I have set up a panel. I did not have to do that but we are here, as politicians, to try to help people. I did not go around apportioning blame. I am facilitating a dialogue, or an opportunity for people, through a panel of experts, to help them, if at all possible.

**Deputy Clare Daly:** With respect, the question was not answered. The question was twofold. Why is the standard in the building regulations deemed to be inadequate vis-à-vis the standard put forward by Premier Insurance? The Minister's answer was that it has a different standard from us. It has a higher standard and surely we, as the guardians of householders, should stand by the highest standards.

The second part of the question was what will the Minister do about it. Will he rectify the building regulations to take account of this? I assume the answer to that is "No". The Department and previous Governments have a responsibility in this regard.

I welcome the fact the Minister has set up a committee and we will participate in, and work with, it. However, the solution must come from the Minister's Department as well because otherwise the builders, quarry owners, the local authorities and everybody will be at each other's throats. There must be a lead from the front and this must be rectified for the future and the building regulations must be changed. If the standards are not good enough for Premier Insurance, they should not be good enough for Irish citizens.

**Deputy Phil Hogan:** We are here as legislators and to make regulations. The people who supplied this material are in breach of those regulations and that has been found by the courts. We do not have to improve any regulations because the courts have found these people to be negligent in regard to compliance. The Department of the Environment, Community and Local Government's regulations have stood the test of time. We were not found culpable but rather the people who supplied the material were. I know that does not suit the Deputy but I am telling her the outcome of the court case where this was tested. In case the Deputy does not know, it was a High Court case.

**Deputy Clare Daly:** It attributed liability to the quarry owners. It did not say the building regulations were fine.

**Deputy Phil Hogan:** Did it attribute any liability to the State?

**Deputy Clare Daly:** It said the quarry owners were liable.

**Deputy Phil Hogan:** That is correct. The quarry owners are liable. Therefore, we must take that into account when we come forward with solutions. The State is not liable but I am prepared to set up this panel to help homeowners who are unfortunately caught between the quarry owners and solving this problem, and to facilitate whatever I can to help them.

### **Dormant Accounts Fund**

4. **Deputy Niall Collins** asked the Minister for the Environment; Community and Local Government if funding will be provided to the RAPID scheme in Rathkeale, County Limerick before the year end; and if he will make a statement on the matter. [24273/11]

**Deputy Phil Hogan:** In December 2009, the previous Government approved disbursements from the Dormant Accounts Fund for a once-off measure to the value of €1.25 million for the five new provincial towns incorporated under RAPID. These are Ballina, Dungarvan, Ennis-corthy, Mullingar and Rathkeale. In December 2010, Pobal, which advertises, appraises and recommends beneficiaries under various dormant accounts measures, submitted recommendations to the value of €1.25 million for this RAPID additionality measure. All the recommendations are for capital expenditure.

However, under Government accounting procedures, disbursements on dormant accounts measures are paid in the first instance up front from the Department's Vote in the same way as with any other spending programme. We have to source funding for dormant accounts programmes from our Exchequer allocation in the annual Revised Estimates Volume. The dormant accounts capital budget for my Department for 2011 is fully committed to existing projects and our priority in the light of the available allocation must be to ensure that there is sufficient funding to meet existing legal contractual commitments.

The position with dormant accounts expenditure compared with other funding programmes is that once spending takes place, it is reimbursed to the Exchequer from the dormant accounts fund in accordance with the Dormant Accounts Acts, in the form of appropriations-in-aid payable through the Department's Vote. In this way, the costs associated with dormant accounts measures are Exchequer neutral. Departments cannot spend appropriations-in-aid directly themselves once they are reimbursed from the fund. They are instead refunded to the central Exchequer. Moneys disbursed from the dormant accounts fund increase Government debt levels as the money belongs to the account holder, who can reclaim it at any time, and not to the State. Consequently, every euro spent from the fund is regarded in accounting terms as a potential Government liability.

I can confirm that eight capital projects have been prioritised by Pobal under the RAPID additionality measure for Rathkeale. The matter of progressing the measure to contract stage is being kept under active review in the light of availability of funds between now and the end of this year.

**Deputy Niall Collins:** I thank the Minister for his reply which brings a little more clarity. I take this opportunity to press him on it because it is of vital importance to the town of Rathkeale. Arguably, Rathkeale is the second largest town in County Limerick and it has severe social and physical problems, of which I am sure he is aware.

The town is bypassed but it has a massive indigenous Traveller population. Over the summer, we have seen connections with the halting site at Dale Farm in England where the local authority there has ring-fenced £20 million to deal with the issue. There are also connections with Green Acres and the allegations of slavery. There are systemic problems in Rathkeale. Some members of the Traveller community use the Traveller movement as front when, in fact, they are engaged in criminality. Every piece of property which goes on sale in Rathkeale is bought by members of the Traveller community. There are major problems there. I could go on at length but I know there is a restriction on time.

Will the Minister prioritise this? I have met the community council in Rathkeale a number of times, as have the other public representatives. It wrote to the Minister recently and I know this has been passed to the Minister of State, Deputy Penrose, who cannot be here due to ill health. I wish him well and hope he has a speedy recovery. Will the Minister and the Minister of State take the opportunity to meet the local community council and walk through the town street by street? When the Minister of State, Deputy Penrose, was last in the area, he visited Limerick city regeneration. Rathkeale is similar in that there are deep-rooted social problems

[Deputy Niall Collins.]

and derelict properties with all the social fall out which goes with that. Rathkeale needs something similar to the regeneration projects going on in Limerick city.

I would like a commitment that the Minister and the Minister of State will meet the local community council and walk through the town street by street in the near future and take this matter seriously. The situation is so bad that when maps are produced in County Limerick, Rathkeale is omitted. It is the second largest county town, although it might have been overtaken by Kilmallock. Tourism organisations, hoteliers and the agencies promoting the area have dropped the name and symbol of Rathkeale from maps, which is quite serious. Will the Minister prioritise RAPID funding and give us a commitment that in time, he will meet the local community council, although I know he is busy?

**Deputy Phil Hogan:** I acknowledge everything that Deputy Niall Collins has said about Rathkeale. The case he has put forward is a strong one. I have been to Rathkeale but I did not meet anybody there. I walked the main street there in recent times and I am familiar with the projects that have been submitted. The problem is that five areas were identified under the Dormant Accounts Fund, but no money was provided in 2011. In the context of that fund, I am doing my best to see if I can get some resources for some of the projects in order to give the identified areas a lift. I acknowledge that everything the Deputy said is right and I will do everything I possibly can to facilitate the projects that have been submitted. Hopefully, we can come to some resolution of the matter in the interests of the people of that area between now and the end of the year.

### **Introduction of Water Charges**

5. **Deputy John Halligan** asked the Minister for the Environment, Community and Local Government the proposed cost per household per annum for these water charges ; if he will define the free allowance per household; if there is to be a waiver system in place for those households struggling on low incomes, in receipt of social welfare payments and old age pensions; if he will provide information on the proposed creation of a semi-state owned water company called Irish Water; and if he will make a statement on the matter. [24394/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** The programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in households and move to a charging system based on usage above a free allowance. My Department is currently preparing a strategy to implement these proposals, which will include consideration of the impacts on those categories of households referred to in the question.

The programme for Government also proposes the establishment of a new State-owned water company, Irish Water. The memorandum of understanding between Ireland, the European Union and the International Monetary Fund commits Ireland to undertaking an independent assessment of the establishment of a water utility. Work on the independent assessment is under way. The assessment will examine the optimal organisational structures for Irish Water, consider the associated legal, financial and organisational issues, and recommend an implementation timetable. The outcome of the assessment will be considered by the Government together with proposals for the establishment of Irish Water before the end of 2011.

**Deputy Thomas Pringle:** I thank the Minister of State for his response. Unfortunately, it is practically the same response he gave last March to similar questions that were asked then. Householders are preparing for 2012 so they should be given some clarity as to what water charges they can expect. The issue of waivers for those on social welfare and other low incomes

should also be addressed. In that way, householders can have clarity and see what is coming down the tracks. This has been flagged so well in the programme for Government and it was also flagged by the previous Government. The same questions were posed in March, yet we basically received the same responses. Will the Minister of State provide some clarity in response to these questions?

**Deputy Fergus O'Dowd:** The Deputy referred to the answer provided in March and will know that the report was commissioned at the end of July. A draft report will be before us shortly, so the Government will be examining all the issues he raised. When that report is to hand we will make decisions that will bring into effect what is in the programme for Government. There is no doubt about what we will do and the issues are clear. The report will outline the type of structure to be in place when Irish Water is established. All the issues mentioned by the Deputy will be dealt with.

The programme for Government states that there will be an allowance for every household and that charges will be for usage in excess of that allowance. People will have discretion as to how they use their water allowance. When the report is published we will be examining all the issues the Deputy raised in his question.

**Deputy Thomas Pringle:** I presume the report will examine what the standing charge will be for households, which will make the free allowance moot. I believe the standing charge will be significant and will raise the cost of water charges significantly for householders. Are there any current discussions to indicate what the standing charge will be for householders?

**Deputy Fergus O'Dowd:** The Deputy is trying to raise hares that do not exist. The programme for Government states that "to achieve a better quality water and environment we will introduce a fair funding model to deliver clean and reliable water". So the objective is to install water meters in every household in Ireland and move to a charging system that is based on use above the free allowance. That is what we are talking about, but the Deputy is raising hares that are not running in this race.

**Deputy Thomas Pringle:** Standing charges already exist for industrial users.

**Deputy Fergus O'Dowd:** We want to improve water services and funding is badly needed. There is an inadequate water supply in Dublin, so water will have to be pumped from the Shannon to protect the city's supplies in future. There are various issues concerning climate change also. While water does come out of the sky it must be purified to make it potable. Creating any other scenario does not make sense if the water is not safe to drink. In addition, as a result of climate change, it may not be available to those living in the greater Dublin area. Counties from Donegal to Dublin will not be able to attract industry without an adequate water supply. Some 44% of water produced currently never reaches the taps because it is wasted.

**Deputy Clare Daly:** Exactly.

**Deputy Fergus O'Dowd:** All those issues must be dealt with and that is what the report will deal with.

**Deputy Thomas Pringle:** Will the Minister of State confirm what the standing charge will be for households?

**Deputy Fergus O'Dowd:** There has been no decision.

**Deputy Thomas Pringle:** So will there not be a standing charge?

**Deputy Phil Hogan:** No decision. When we have a decision we will let the Deputy know.

**Deputy Joan Collins:** People are waiting for that information.

**Deputy Phil Hogan:** The Deputy should have a bit of patience.

### Other Questions

---

#### Septic Tank Regulation

6. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government if he has examined other jurisdictions who have also had to introduce a new system for inspecting and monitoring septic tanks but who managed to avoid the imposition of any charges on households; and if he will make a statement on the matter. [24067/11]

8. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the cost involved in establishing a new system for the inspection and monitoring of the performance of all septic tanks; and if he will make a statement on the matter. [24062/11]

15. **Deputy Seán Fleming** asked the Minister for the Environment, Community and Local Government his views that the charge for inspecting and monitoring septic tanks is discriminatory in that it targets rural dwellers only and that the very principle of taxation is that it must be fair and equitable; and if he will make a statement. [24071/11]

28. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government if he will clarify the position regarding septic tanks in view of the uncertainty following recent media reports; and if he will make a statement on the matter. [23974/11]

38. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government if he will outline his plans for the registration of septic tanks; and if he will make a statement on the matter. [23972/11]

44. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if in advance of the new requirement, he announced recently, whereby local authorities are to provide an annual inspection of septic tanks, he consulted with the local authorities concerned; and if he is satisfied they have adequate resources to carry out this work; and if he will make a statement on the matter. [23970/11]

113. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which it is intended to regulate the operation of septic tanks with particular reference to inspection and or regulation charges; the way such charges will apply; and if he will make a statement on the matter. [24364/11]

**Deputy Phil Hogan:** I propose to take Questions Nos. 6, 8, 15, 28, 38, 44 and 113 together.

I refer to the reply to Priority Questions Nos. 1 and 2 on today's Order Paper. On 29 October 2009, the European Court of Justice ruled against Ireland in relation to the treatment of waste waters from septic tanks and other on-site wastewater treatment systems. The court found that by failing to adopt the necessary legislation to comply with Articles 4 and 8 of the 1975 Waste Directive as regards domestic waste waters disposed of in the countryside through septic tanks and other individual wastewater treatment systems, Ireland had failed to fulfil its obligations under that directive.

I have been in discussions with the Attorney General about this matter with a view to bringing forward legislation in the near future. The Department has examined in detail the regulatory systems in place in other jurisdictions, both in the EU and internationally. There is no single consistent approach to regulating the use of on-site treatment systems, although monitoring and inspection are common features in many of the countries reviewed. Notwithstanding the approach being taken in other countries, the legislation being drafted must ensure that we have compliance with the court ruling, which requires the establishment of a system of inspection.

The new legislation is being framed to minimise the impact on householders. Householders can be assured that if their systems are working properly and are being maintained they need not be concerned. Householders will be required to register details of their on-site systems on a national register. In response to a previous question, I indicated that it will be a risk-based approach rather than a universal system.

I do not accept that the proposed legislation will discriminate against rural dwellers. Where the new inspection system gives rise to any costs, including for additional individual householders, every effort will be made to keep those to a minimum. The key objective of the new legislation will be to enhance and protect public health and the environment which will, in turn, benefit rural dwellers in terms of a better quality of life and better quality water.

It is important also to appreciate the implications of failing to comply with the European Court of Justice ruling. In July 2011, the European Commission applied to the court to have fines imposed on Ireland. Such fines could involve a lump-sum penalty of €2.7 million and daily fines for continued non-compliance of more than €26,000 per day equivalent to more than €9.5 million per annum.

My Department has undertaken extensive consultations for purposes of the draft legislation, which is being prepared with the intention of minimising the resource implications for public authorities and for owners of on-site waste water treatment systems.

**Deputy Niall Collins:** Will there be any exemptions from paying the registration fee, or any exemptions from having to register in the first instance? Many houses are served by bio-cycle treatment systems that already have an inspection, maintenance and management contract, which is dictated by planning permission conditions. Local authorities must have sight of the maintenance agreement signed with various contractors. For instance, compared to a house with a concrete septic tank that operates on such a system, a complex bio-cycle system is much more expensive to install and maintain and attracts an annual maintenance charge by an outside company. Will relief be available for those people using the bio-cycle system?

**Deputy Phil Hogan:** If the system works there will be no need to worry because no remediation will be required. Systems such as bio-cycle operations are working and are already in compliance with planning law. The planning officer or relevant local government official who will inspect the system will, I am sure, find that if those systems are doing what they are supposed to do when installed, there will be no difficulty and they will receive a clean bill of health.

It has come to my attention that one local authority has done a recent survey which showed that 77% of all tanks surveyed in this matter were compliant. I do not think it will be an onerous task for home owners to comply with the proposed regulations.

**Deputy Brian Stanley:** Will householders be required to keep a register or a log of maintenance work? In his reply to Deputy Niall Collins, the Minister said it is proposed to have a national register for septic tanks. I understand from what he said previously that local authorities would

[Deputy Brian Stanley.]

deal with the inspections and registration. I ask the Minister to clarify whether local authorities keep the register or whether it is a national register to be kept in the Custom House?

**Deputy Phil Hogan:** There will be a national and local register because it will be the same information that will be available to the local authorities and to the Department. Once the registration system is complete, after one year the local authorities will be charged with inspecting the tanks on the basis of a risk-based approach. The areas which pose the greatest risk to the ground water will be those around streams, rivers and lakes. These areas will be well-known to the local authorities and the EPA and they will be prioritised.

Regarding a maintenance agreement, the local authority will seek assurances that any required work will be verified as being completed and a maintenance agreement will need to be drawn up to ensure the system — just as in the case of the bio-cycle systems — is doing what it was intended to do. The guidelines will be published following the enactment of the legislation. I will outline the process when the Bill comes before the House in approximately four to six weeks.

**An Leas-Cheann Comhairle:** I will first call the Deputies who have put down questions.

**Deputy Denis Naughten:** I have a few brief questions for the Minister. Is it not true that other than the registration, the Minister is announcing exactly what is already in force in each local authority area in the country and where problems are being identified? Will financial or grant aid be provided to those people who need to upgrade their septic tanks? With regard to research, the EPA is carrying out research on new septic tanks in cases where planning permission is being sought. This is an issue in my constituency in County Leitrim. Householders may be in control of only a quarter of an acre site and no research has been done on the situation where the septic tank is not functioning. Can research be carried out to come up with a solution to this? If a septic tank is operated properly and situated in proper ground conditions, it would not be necessary to carry out desludging of the tank. Will advice, support and research be provided to householders to encourage them to desist from using Domestos, for example, which kills the bacteria that make the septic tank work? We could then reduce the potential costs for householders.

**Deputy Phil Hogan:** I agree with Deputy Naughten's last point about giving advice and support to householders to minimise the impact on our ground water and to minimise potential environmental damage in the future caused by the use of certain products. This is in tune with my basic philosophy on local government that there should be a devolved function in so far as possible for many of our national policy objectives which are also being pursued by our agencies. These functions should be carried out at local level by local authority staff and this is my policy.

I confirm that the EPA is carrying out research to find necessary solutions in the instances referred to by the Deputy. I expect a report in the near future about potential solutions. I emphasise that every possible effort will be made to find solutions which will be reasonable for people and which will solve the problem of the over-riding concern, the protection of ground water. The matter of financial assistance does not arise until 2013 or 2014 because all we are doing next year is asking people to register.

**Deputy Catherine Murphy:** I do not think anyone, especially those who own septic tanks, wants to poison the ground water because it is in their interests to ensure the ground water where they live is of good quality. I agree with the Minister on the devolving of power to the local authorities. The devolution of power also includes quantifying the resources of local authorities. Has the Minister consulted the local authorities? What additional resources will be required? I deal primarily with Kildare County Council. I know the council cannot carry out work that is within its remit because it does not have the resources. Will inspections continue until a satisfactory result is

obtained in cases where septic tanks fail a test and require to be upgraded? What will be the regime and the obligation on local authorities?

**Deputy Phil Hogan:** The question of additional staff resources does not arise as there is capacity in the local government system. Unfortunately, compared to five years ago, as a result of the economic downturn there is a low level of activity in all planning and engineering sections of local authorities. I am sure the Deputy knows this is the case in County Kildare as well as elsewhere.

**Deputy Clare Daly:** A lot of people were employed on temporary contracts. Does the Minister expect them to go out inspecting septic tanks?

**Deputy Phil Hogan:** Anyone who has no planning work to do or anyone wishing to carry out additional work where there is spare capacity will be asked to do other work such as this. This would be the prudent policy for any local authority management in order to ensure that staff are working to full capacity. The Department will consider carefully any additional staff resources requested by Kildare County Council. I do not think we have refused any requests for additional staff of a permanent nature who have been required to fulfil certain objectives, contrary to what the Deputy might have been told.

The Deputy also asked about the role of the local authority with regard to continuous inspection. When an inspection is carried out, certain remedial action will be requested and, as in the case of an NCT inspection for a car, it is up to the home owner to ensure the remedial action is carried out.

**Deputy Luke ‘Ming’ Flanagan:** One can do without a car but not without a septic tank.

**Deputy Phil Hogan:** I will answer Deputy Flanagan in turn.

A follow-up inspection will ensure the remediation plan is carried out.

**Deputy Clare Daly:** I am flabbergasted at the Minister’s lack of knowledge about what is happening in local authorities and the idea he would say that some local authority staff have no work to do. Everybody knows the local authorities cannot even undertake the functions which have been assigned to them because of the public sector recruitment embargo.

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

**Deputy Clare Daly:** I am sorry, Leas-Cheann Comhairle——

**Deputy Phil Hogan:** The Deputy has been carried away.

**Deputy Clare Daly:** I am shocked that the Minister is so off the beam on this matter. Will the Minister lift the public sector recruitment embargo? The question has been asked and people are concerned about funding. Many septic tanks will be deemed to be defective and why would rural dwellers not be entitled to funding when billions of euro have been spent on upgrading the wastewater treatment plants? The Minister’s response was that this is not an issue until 2014 but this is not good enough. Will there be financial assistance for the necessary upgrades that will follow the inspections?

**Deputy Phil Hogan:** I know Deputy Daly’s response to these matters is to raise more taxes, in other words, to get more money in income tax from people and then we will be able to provide every possible service. We have put that view to the test with the electorate in February and the Deputy’s party failed; two members of the Socialist Party were elected while 76 members of Fine Gael were elected. That particular philosophical argument has been already put to the test. I assert there is spare capacity in local government relative to other years. Deputy Daly would not be

[Deputy Phil Hogan.]

expected to know the situation in every local authority but I get reports on a regular basis from all local authorities. There is spare capacity but not in every local authority, just in some local authorities. I will find the necessary resources to ensure this inspection regime is carried out. It is a matter for the Minister for Finance when the issue will arise as to whether funds will be made available in the form of a home improvement grant to carry out these remediation works. We should first wait to see what the inspection throws up. The issue may not be as big as the Deputy purports.

**Deputy Thomas Pringle:** Given that we have had a planning system since 1963, why is a registration fee required? Local authorities should be aware of the location of houses and septic tanks because all planning applications are registered with them. They should be able to inspect them without needing to charge for a new registration system.

In regard to the proposed national register of septic tanks, will it be available for sale to private companies who might want to encourage householders to spend money, just like the electoral register is available for sale to marketing companies?

**Deputy Mick Wallace:** There is no doubt that some septic tanks are not functioning properly but I had the pleasure of building a number of tanks.

**Deputy Phil Hogan:** I hope the Deputy did a good job.

**Deputy Brian Stanley:** That is why he is bankrupt.

**Deputy Mick Wallace:** We built them properly according to the regulations of the time. However, when we built our first tanks there was no requirement to test the soil. The reason why so many tanks are not working is because their method of operation does not suit every land type. While the regulations now require land to be tested, until a number of years ago this was not necessary. If the tank is not working properly because the local authority did not require that the ground be tested, the person who owns the house is innocent. It would be unfair to make the owner fix the problem given that he or she observed the regulations in the first place.

**Deputy Phil Hogan:** I concur with Deputy Wallace that a county council is liable if it passes a septic tank on the basis of the information submitted in a planning application. If it is subsequently found that the system does not work, the council is responsible. We will take that into account.

A survey carried out in the Deputy's county of Wexford revealed that 77% of those surveyed were in compliance. It is, therefore, not a big issue in County Wexford.

**Deputy Brian Stanley:** They must be the houses built by Deputy Wallace.

**Deputy Phil Hogan:** I hope Deputy Wallace was involved in constructing some of those tanks. I am pleased to be able to give him the good news that Wexford is not too bad in terms of how we intend to implement the programme.

**Deputy Mick Wallace:** Perhaps I am partly responsible for the high compliance rate.

**Deputy Bernard J. Durkan:** Perhaps he is responsible for the remaining 23%.

**Deputy Phil Hogan:** I thank Deputy Wallace for the contribution he has made to good quality groundwater in County Wexford.

In regard to Deputy Pringle's question, I am sure he is aware from his experience of water services that plenty of septic tanks predate 1963. I am sure they are located in County Donegal as

well as County Kilkenny. We want to know their locations because they could be damaging groundwater and the environment. We want to catch everyone in order to ensure a proper and full register.

The Deputy can access the register of electors but I do not foresee him being able to access the register of septic tanks. It will not be for sale.

### **Waste Management**

7. **Deputy Derek Keating** asked the Minister for the Environment; Community and Local Government the control that he has over the imposition of charges by private contractors who are replacing the local authority refuse collection service; and if he will make a statement on the matter. [24238/11]

10. **Deputy Éamon Ó Cuív** asked the Minister for the Environment; Community and Local Government his plans to introduce competitive tendering for the waste collection market; and if he will make a statement on the matter. [24089/11]

39. **Deputy Derek Keating** asked the Minister for the Environment; Community and Local Government in view of the fact that the private refuse contractor (details supplied) has imposed an administrative charge of €60 per household in Dublin, his views that this contravenes his policy of polluter pays; and if he will make a statement on the matter. [24237/11]

**Deputy Phil Hogan:** I propose to take Questions Nos. 7, 10 and 39 together.

As the waste collection market is currently structured, the pricing schemes used by private waste collectors are a matter for determination between the service providers and consumers of the service, subject to a service provider's collection permit and other legal responsibilities being complied with. The Waste Management (Collection Permit) Regulations 2007 provide that a permitting authority must require a permit holder to apply charges for household waste collection which respect the polluter pays principle. Any consumer who is dissatisfied with the service currently provided to them may consider switching to an alternative service provider, although this may not always be a realistic option in certain areas.

As regards policy developments in this area, the programme for Government includes a commitment to introduce competitive tendering for household waste collection, whereby service providers will bid to provide waste collection services in a given area for a given period of time and to a guaranteed level of service. A public consultation designed to inform the policy development process has recently concluded. The responses received are currently being examined and I intend to bring policy proposals to Government before the end of the year.

An objective of any such policy will be to help ensure that households and service providers are incentivised to behave in a sustainable fashion. Pricing structures more closely aligned with the polluter pays principle are one such method of driving improved environmental performance.

**Deputy Derek Keating:** The Minister will be aware that I was a member of South Dublin County Council for 12 years. After many years of effort, we eventually implemented the polluter pays principle which, as the Minister's response demonstrates, is the only acceptable solution to waste management. I was horrified to learn recently that many of my constituents in Dublin Mid-West and throughout the south Dublin area have received notices from Greyhound, which succeeded South Dublin County Council in providing waste collection services, about its intention to impose an annual administrative fee. Not only does this outrageous development represent a retrograde step but it was given at such short notice that the many people who are have lost jobs or suffered loss of income will be hard-pressed to pay the fee in addition to their regular collection charges. The fee is not environmentally friendly because it is against the polluter pays principle and I ask the Minister to send a clear message that it is not acceptable.

**Deputy Phil Hogan:** I share Deputy Keating's surprise and disappointment that an individual company used the fact that we are diverting waste from landfill to other parts of the waste hierarchy to take this course of action. I will examine the situation outlined by Deputy Keating in the context of the review of waste policy and reach a conclusion by the end of the year.

**Deputy Niall Collins:** I ask the Minister to clarify his intentions on competitive tendering. Does he intend to issue competitive tenders for waste collectors to become sole operators within the relevant local authority administrative areas? If that is the case, he needs to ensure the customer's interest is protected in terms of competition and service levels.

A number of operators provide waste collection services in my own county of Limerick but none of them will travel to certain parts of the county. If a company is licensed to be the sole operator, there are implications for price and service levels, particularly in rural areas. The Minister ought to give further consideration to the matter.

**Deputy Phil Hogan:** Deputy Collins is correct in regard to the difficulties we may encounter in resolving this issue. The issues he outlined are arising elsewhere but I am aware of one provincial town which is served by 14 waste collection companies, five of which collect from the same estate. That is not sustainable nor is it in the interest of the companies concerned. I am considering the idea of franchised areas in which companies would compete to operate for a defined period, subject to certain quality provisions, or some alternative methodology.

**Deputy Niall Collins:** Will the price be fixed?

**Deputy Phil Hogan:** Issues of competition arise and the report of the Competition Authority makes it clear that local authorities are getting out of the market because they cannot compete with private operators in terms of delivering quality services.

**Deputy Dessie Ellis:** I have always been opposed to the privatisation of services in urban areas, even if we can argue until the cows come home about the country. Dublin City Council has indicated that it is giving consideration to privatising its service. That is already a stark reality at South Dublin County Council where a standard charge is being imposed and where there has been a move against all the principles in terms of the polluter pays, recycling and so on. Privatisation was sold in various locations on the basis that there would be adherence to those principles.

There are many people in receipt of waivers from the various local authorities who are struggling in difficult circumstances. I am not sure how much influence the Minister has in this matter but I urge him to put pressure on private companies to retain those waivers. We should not simply accept that such provisions cannot be accommodated in an open market; we must have standards to which we adhere, which accord with the principles that were presented to people.

**Deputy Phil Hogan:** The Ombudsman issued a report some time ago advocating the provision of waivers in regard to waste collection. I am sympathetic to that position and have asked that it be taken into account in the context of the waste policy review I am currently overseeing. There are people who can afford these services and others who cannot. However, I am also concerned to have a comprehensive service in place. Deputy Niall Collins observed that some rural areas have no service at all. We must have a competitive, comprehensive collection system which allows us to meet our EU obligations in terms of reducing landfill by providing alternative waste mechanisms. Nevertheless, I will take into account Deputy Ellis's views in the context of the waste policy review.

**Deputy Joan Collins:** I am reminded of the old saying, "Oh what a tangled web we weave when first we practise to deceive". We have arrived at the current situation in regard to waste management as a result of decisions made by the previous Government and by members of the Minister's party in local authorities throughout the State. It was inevitable that we would end up with a situation where 14 different private companies are plying for business in the same area, or even

the same street, a situation which is not in line with environmental policy regarding carbon taxes and so on.

In regard to the Poolbeg incinerator, does the Minister expect private companies to facilitate local authorities in administering the disposal of the waste at that facility or does he agree it is more likely they will take them to court again?

**Deputy Phil Hogan:** I had not heard that the Poolbeg facility is going ahead. Perhaps the Deputy has more information than I on this issue and is making an announcement here this evening. From my perspective, it is a matter for contract between a United States company and Dublin City Council. As a member of that local authority, Deputy Joan Collins will have been hearing reports about it on a regular basis. However, I have not heard whether this facility will proceed. When a decision is made on the matter, that will inform waste policy.

**Deputy Bernard J. Durkan:** Will the Minister consider a system whereby private contractors would be encouraged to offer a waiver service? Many of them have been competing unfairly against the local authority system in recent years, putting councils at a disadvantage in the process and sometimes abusing competition law. In order to bring about a level playing pitch, would it be possible to take into consideration the provision of a waiver system when comparing tendering prices?

**Deputy Phil Hogan:** I already indicated to Deputy Ellis that I am sympathetic to this consideration and that, moreover, we are obliged to consider the Ombudsman's report on this matter which supports the provision of waivers, whether by public or private collectors. That report will inform Government policy in regard to the provision of waivers when we have completed our review of waste policy at the end of the year.

**Deputy Luke 'Ming' Flanagan:** In regard to the waiver scheme, one of the problems is that it costs money in a situation where resources are extremely limited. I remain a fan of the polluter pays principle but there are limitations to it. It has been proven at this stage, as far as I can see, that if the polluter cannot pay, the polluter will, unfortunately, dump, and that costs a great deal to clean up. All one has to do is walk along the roads anywhere in the country when the grass is receding and the leaves falling from the trees to see the extent of dumping that is happening. People resort to desperate measures if they do not have the money to dispose of their waste legally. During my time as a member of Roscommon County Council, every one of the Fine Gael councillors made a call, every couple of months, for the Minister to introduce a waiver scheme. It was becoming very boring and repetitive. Ultimately, however, some type of scheme must be introduced, because it will cost more money in the long run not to do so.

**Deputy Phil Hogan:** As I said, I am sympathetic to the consideration of providing a waiver facility for private and public collections, depending on income. I agree that indiscriminate dumping and fly tipping is happening throughout the country. It is also a question of reviewing our litter legislation and facing up to the cultural change that is required. People must be made to understand that this type of behaviour is anti-social and damaging to the environment, to our economic recovery and to the tourism potential of all counties, including Roscommon. I am looking at bringing forward additional measures that will concentrate the minds of those who engage in this indiscriminate activity. I am also very sympathetic to the possibility of a waiver system in the context of national waste policy.

**Deputy Derek Keating:** I am sure the Minister is aware that many people are concerned not only about the introduction of this charge but also that it is likely to represent merely the thin edge of the wedge. It will be no surprise if we are back here next year discussing an increase in the stand-alone charge.

**An Leas-Cheann Comhairle:** That is a comment, not a question.

**Deputy Brian Stanley:** While I fully agree that some people are driven to dumping because they cannot afford waste charges, there are others who can well afford them but choose to dump instead. In County Laois, the waste collection service has been privatised for 24 years and there has never been a waiver scheme in place.

**Deputy Phil Hogan:** It was my understanding that the Deputy's party held the balance of power on the local authority.

**Deputy Brian Stanley:** I tried my best but there were 12 Fine Gael members and only one of me. There are many low-income households in Laois, particularly pensioners, who are struggling to pay waste charges. Will the Minister consider introducing a waiver scheme for a county like Laois where one has not been in place because the service was privatised many years ago?

**Deputy Phil Hogan:** I am sure there are pensioners and low-income families in every county. I am not in a position to ring-fence a national policy position for County Laois. I am sorry to disappoint the Deputy.

**Deputy Niall Collins:** I am sure the Minister would do it for Kilkenny.

**Deputy Phil Hogan:** If it were apply to Laois, it would have to apply everywhere else.

### Leader Programmes

9. **Deputy Denis Naughten** asked the Minister for the Environment; Community and Local Government the progress made to date on addressing the issue of funding food projects under the LEADER programme; and if he will make a statement on the matter. [23973/11]

**Deputy Phil Hogan:** The Rural Development Programme 2007-2013 is divided into 4 axes. Axis 1 deals with the competitiveness of the agricultural sector and axis 2 aims to improve the countryside and environment. The objectives of axis 3 are to support the diversification of the rural economy and improve the quality of life in rural areas. Axis 4 provides support for the use of a "bottom-up" approach to development which ensures local people are involved in decision making, thereby facilitating sustainable development in a more inclusive way. In Ireland the Leader approach is used to implement axis 3 measures.

A significant number of projects funded under the previous Leader+ programme, 2000-06, and under the diversification and business-creation measures of the current rural development programme, RDP, involve support for enterprise initiatives that add value to agrifood products. Basic agricultural products are listed in annexe 1 to the EC Treaty and are commonly called annexe 1 products. Under the main rural development regulation, support for adding value to annexe 1 products is facilitated under axis 1 of the programme. Early this year, Ireland was notified by the European Commission that support for adding value to agrifood products is only allowable under axis 1 and not under axis 3 of the RDP. As a result, grant aid under axis 3 of the RDP for this type of activity remains suspended.

Food and food-related businesses are a significant driver of enterprise activity in rural areas. These businesses require continued support as we look to ways to generate employment in rural Ireland. I and my Department continue to work with the Department of Agriculture, Fisheries and Food in pursuing a solution that meets the regulatory requirements. We are also maintaining ongoing contacts with the European Commission on the matter. While it is my objective to find an appropriate solution in the context of our overall budgetary situation, it is important to recognise that, overall, €62 million is available this year for the Leader elements of the RDP.

**Deputy Denis Naughten:** I thank the Minister for his reply. It is access rather than Axis that we should be talking about here today. Is it not the case that there are many food businesses that are looking to expand or start up? Some ten food businesses in my county are waiting for funding under the LEADER programme. Would the Minister agree that the LEADER programme has been extremely successful in the past in creating indigenous jobs in the food sector? The Minister's colleague, Deputy Fitzgerald, stated in the House last May that she believed progress would be made in this area in the immediate future. We are now a number of months down the road and that progress has not been made, which is costing jobs. From a retail perspective, this industry is worth €475 million to the Irish economy. Surely, we must find some type of a mechanism to release those funds.

**Deputy Phil Hogan:** I agree with Deputy Naughten that this is a serious issue. That is the reason I continue to try to resolve it. What is needed is more flexibility in regard to how moneys can be drawn down through the various programmes. The Department of Agriculture, Fisheries and Foods, as the lead Department, also has a role to play in providing funds through the rural development programme. I will be taking the opportunity when in Brussels in the near future to see what can be done to progress matters. A better draw down of funds from the European side would also help. I await the outcome of the negotiations. I am conscious of the fact that many food businesses in rural areas cannot start up until such time as these funds are released.

**Deputy Denis Naughten:** I have two brief supplementary questions for the Minister. Will the Minister, when he goes to Brussels, make the case to the Commission that at a time when the troika is trying to stimulate our economy and create jobs we are being hampered in the creation of jobs in some of the most disadvantaged rural communities in the country because of a difficulty in regard to the interpretation of the rules coming from Brussels? It makes sense in light of the error that is being made to try to address this.

One of the most successful tents at the ploughing championships during the past number of years has been the LEADER tent. Drove of people have visited that tent to view and sample the produce of local food companies. Does the Minister believe it is crazy that next week, there will sadly be no food companies in the LEADER tent because of the bureaucracy attached to this? Surely it makes sense to try to release these funds and to get these businesses up and running and to promote and support them.

**Deputy Phil Hogan:** There is no bureaucracy tied up in it rather, it is question of money. The European Commission decided to suspend the axis 1 programme.

**Deputy Denis Naughten:** The money is in place.

**Deputy Phil Hogan:** No, it is not. If the money was in place there would be no difficulty. The money is not in the programme to which the European Commission allocated the money, as the Deputy knows. If it was in place, we would not be having this conversation. I will be visiting the LEADER tent at the ploughing championships. I have been lobbied on this issue by the Deputy and other Members and by LEADER people around the country. I am setting out an honest appraisal of where we are at. I am telling the Deputy exactly what I, with my colleague the Minister for Agriculture, Fishers and Food, am trying to do to achieve an outcome. We will try to make some progress during the next few weeks. I am disappointed we have not made further progress to date.

### **Waste Management**

11. **Deputy Charlie McConalogue** asked the Minister for the Environment; Community and Local Government the reason he decided not to proceed with the introduction of a waste facility

[Deputy Charlie McConalogue.]

levy as part of the Environment (Miscellaneous Provisions) Bill; if he now supports incineration; and if he will make a statement on the matter. [24080/11]

**Deputy Phil Hogan:** The legislative provisions in relation to the waste facility levy were deleted from the Environment (Miscellaneous Provisions) Act 2011 during its passage through the Oireachtas in order to avoid a situation of non-compliance with the EU waste framework directive which I transposed by Regulations at the end of March 2011.

If the levy, as proposed in the previous Government's Environment (Miscellaneous Provisions) Bill 2011, had been proceeded with, the same levy system as applies to a disposal activity such as landfill would have applied to waste to energy plants which achieve recovery status. This would be contrary to the waste hierarchy as set out in Article 4 of the waste framework directive and would be inconsistent with the need to make significant further early progress to reduce the almost two-thirds of municipal waste still going to landfill in Ireland and to meet the challenging requirements of the EU landfill directive.

While the issue of appropriate waste infrastructure is in the first instance a matter for determination by local authorities through their regional waste management plans, it is necessary that the appropriate range of infrastructure is available to treat the waste we generate. That process of infrastructural diversification must be guided, not by a fixation in favour of or against any particular process or technology but by adherence to the internationally recognised and respected waste hierarchy. This will be reflected in the new national waste policy which I intend to complete by the end of the year.

**Deputy Luke 'Ming' Flanagan:** How seriously has mechanical biological treatment technology been considered given it is another form of waste to energy? If landfill is the problem, one must also take into account the fact that following the incineration process one must also landfill, including landfill of toxic waste which costs a great deal of money to monitor. I know that a process is underway but has the Minister or Government given serious consideration to this technology?

**Deputy Phil Hogan:** I never cease to be amazed by the number of people who want to show me the new technologies available in regard to conversion from waste to energy. This is an exciting time for the marketplace in terms of the opportunities and technologies, including that mentioned by the Deputy. I have no favoured outcome. I want to see us diverting from landfill into whatever process will work, be it MBT, gasification or pyrolysis, as well as enhancing our recycling in certain categories of waste. I am re-examining the packaging levy with a view to reducing the amount of packaging we have, which should in the first instance be recycled. The newspaper industry has a greater role to play in terms of the amount of material included with one's newspaper at the weekend. That industry should take responsibility for ensuring we do not have those volumes of materials which ultimately end up in landfill.

I am very open on these issues. I have no difficulty in coming to conclusions on matters, which will be adhering to the waste hierarchy and diverting away from landfill in order to ensure we have a proper national waste policy and do not have to pay fines to the European Commission.

*Written Answers follow Adjournment.*

The Dáil adjourned at 6 p.m. until 2 p.m. on Tuesday, 20 September 2011.

## Written Answers.

---

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

---

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

*Questions Nos. 1 to 11, inclusive, answered orally.*

### **Urban Renewal Schemes**

12. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for the Environment, Community and Local Government the percentage of the resources allocated to the Ballymun regeneration programme, Dublin, that has been spent on the salaries of the top management and on consultants; if the same percentage will prevail in the Limerick regeneration programme; his views on the high fees charged and the excessive salaries paid to the directors and management; and if he will make a statement on the matter. [23965/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** To date, and on the basis of an Exchequer investment of some €695 million, the Ballymun Regeneration Project has provided for 2,955 new housing units, new parks, roads and community facilities, as well as various social and economic interventions. Oversight of the regeneration by Ballymun Regeneration Limited, now in its completion phase, is the responsibility of a management team of five, led by a Managing Director at Assistant City Manager level. All members of the team are paid in accordance with local government pay scales with a cost to date of €5.9 million or 0.85% of the total project cost.

As with all projects of this nature and complexity, outside consultants have been required for various planning, design and research activities. As part of the original budget approval for the regeneration, my Department capped this cost at 10% of the total project cost. To date, services to the value of €55.7 million, or 8% of the project cost, have been provided.

It is my Department’s intention to reduce this figure further including by better utilising resources within the local government system. This is also the case with the Limerick Regeneration Programme, the delivery of which is due to become the responsibility of an integrated local authority for Limerick City and County.

13. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government his views on the status of the St. Teresa's Gardens, Dublin, application for regeneration funding. [24112/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Government remains fully committed to the regeneration of the most-disadvantaged areas of our cities and towns, including St. Teresa's Gardens. In 2008, with support from my Department, Dublin City Council established a multidisciplinary Special Housing Taskforce to examine all options with regard to the future regeneration of the six former PPP projects and in particular to examine the fast-tracking of the relocation of households to facilitate future regeneration. This process has been ongoing since then and has seen a significant reduction in the number of occupied units at St. Teresa's Gardens from 346 to 185. To support this work, my Department has provided funding of €4.85 million to date with further funding available from within the City Council's regeneration allocation.

The City Council is now required to prepare a masterplan that gives consideration to social and economic regeneration, as well as physical improvements. I understand that as part of this process, the Council is looking to the consolidation of the existing site, engagement with the voluntary housing sector, and the potential for refurbishment as well as rebuilding. In the shorter term, the City Council is undertaking a survey of the housing stock to ascertain current conditions for households still living there, and will engage with my Department on ways of addressing any deficiencies once the results of the survey are known.

#### **Local Authoring Staff**

14. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to reduce the number of local authority managers and the number of directors of services as part of his cost-cutting initiatives; and if he will make a statement on the matter. [24093/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government Efficiency Review Group recommended, inter alia, that the number of county and city managers be reduced from 34 to 24 and that the number of Directors be reduced from 240 to 190. Under the terms of the moratorium on public sector employment all recruitment in local authorities requires sanction from my Department.

I have established an independent Implementation Group, chaired by Mr. Pat McLoughlin — who also chaired the Local Government Efficiency Review Group — to drive the delivery of relevant recommendations of the Review Groups Report.

The position of county/city manager is a statutory one and any initiatives to reduce the number of managers requires parallel consideration of local government structures at county and city level.

In this regard, the Government has announced its intention to establish single local authorities in Limerick and Tipperary to replace the Limerick County and City Councils and North and South Tipperary County Councils. I have established an Implementation Group for Limerick and a similar group will shortly be established for Tipperary. In line with the Government decision I will also be establishing a Committee to examine local government in Waterford.

The number of Directors currently stands at 231 and it is anticipated that this number will reduce further in the period to February 2012. My Department is working closely with local authorities and the Efficiency Review Implementation Group to identify the optimum number of Directors for each local authority for the future.

The Efficiency Review Group recommended that further, more detailed, reviews be carried out in respect of Dublin City (DCC) and Cork City Councils. The DCC Review has been completed with a review of Cork City Council now to be considered. The DCC Review identified that up to 28.2 senior managers will leave in the next number of years while it would propose to seek to fill only two thirds of those positions. This would result in a net reduction of 10 senior manager positions in DCC.

*Question No. 15 answered with Question No. 6.*

### **Unfinished Housing Developments**

16. **Deputy Jonathan O'Brien** asked the Minister for the Environment, Community and Local Government his findings as regards using the Derelict Sites Act 1990 for ghost estates; and if he will make a statement on the matter. [24102/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** We have established and Minister Penrose is chairing the National Co-ordination Committee on Unfinished Housing Developments to oversee implementation of the Report of the Advisory Group on Unfinished Housing Developments, Resolving Ireland's Unfinished Housing Developments, together with the Government's response to the recommendations, Resolving Unfinished Housing Developments. Both documents were published on 9 June 2011 and are available on my Department's website.

The Committee is meeting on a regular basis with the aim of publishing a report on progress achieved within the next 12 months. In the meantime, work is ongoing on implementation of the Report of the Advisory Group including on a focused review of the relevant provisions of existing legislation such as the Derelict Sites Act 1990. The Committee is also preparing to publish, in the coming weeks, a Stakeholders Code of Practice between the representative bodies dealing with unfinished housing developments and a Guide for Residents Living in unfinished housing estates.

At the national level, I am encouraged by the strong consensus and commitment among the key stakeholders who are participating on the Committee and, at the local level, I understand that planning authorities are already making progress in securing the co-operation of developers, financial institutions and/or bondholders in seeking to resolve urgent public safety works and in preparing site resolution plans for these housing developments.

### **Social and Affordable Housing**

17. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government the way the new social housing policy and its focus on providing social housing through leasing and arrangements with private landlords rather than through the direct provision of new local authority housing makes any financial sense; and if he will make a statement on the matter. [24240/11]

46. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government his plans to invest in long-term development of the public housing stock. [24114/11]

47. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government if he will explain the financial logic, in terms of making best use of public funds, behind his new social housing policy and its focus on providing social housing through leasing and other arrangements with private landlords and bodies rather than through the direct

[Deputy Richard Boyd Barrett.]

provision of new local authority housing; and if he will make a statement on the matter.  
[24235/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 17, 46 and 47 together.

The new framework for housing policy, launched earlier in June 2011, responds to current and emerging conditions in the housing sector, taking account of the dramatic cycle of rapid growth and sudden collapse in the residential property market. The centrepiece of the approach is to chart a way forward for housing policy in Ireland by placing greater emphasis on:

- choice;
- equity across housing tenures; and
- delivering quality outcomes for the resources invested.

In terms of the delivery of social housing, the policy framework confirms the Government's focus on meeting the most acute needs — the housing support needs of those unable to provide for their accommodation from their own resources.

Financial consideration for the coming years rule out a return to very large capital funded construction programmes by local authorities. Nevertheless, we are committed to responding more quickly and on a larger scale to social housing support needs through a variety of mechanisms including through increased provision of social housing.

It is not possible to purchase or build anything like the same number of units as can be provided through more flexible revenue based programmes such as RAS and leasing, in conjunction with programmes that deliver permanent new social housing units, such as the Capital Assistance Scheme and direct lending to approved housing bodies.

This does not mean eliminating traditional modes of delivery but tailoring those supports in light of the market conditions and the financial parameters within which we are working. Flexibility will be key to maximising delivery into the future. In addition, the expanded range of schemes aimed at addressing social housing need allows for more efficient and effective use of available public resources and maximises the levels of social housing that can be achieved, while taking advantage of the greater availability of private stock for rental.

In addition to flexible funding models such as RAS and leasing, the Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. Such mechanisms will include options to purchase, build to lease, and the sourcing of loan finance by approved housing bodies for construction and acquisition. There is also obvious potential, across a range of housing programmes, for the Government's objective of sourcing and providing suitable residential units for use as social housing to be aligned with the commercial objectives of the National Asset Management Agency (NAMA). The first scheme of this nature, with property held by NAMA being purchased by an approved housing body through loan finance from the Housing Finance Agency, was launched last July.

Regarding investment in social housing stock, my Department is committed to supporting local authorities in maintaining and improving the quality of the national social housing stock through a range of measures including large-scale urban regeneration programmes, improving the standard and energy efficiency of dwellings, pre-letting repairs and improvements, and refurbishment works to vacant properties in order to return these to productive use as quickly as possible.

### Water and Sewerage Schemes

18. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government his plans for the provision of adequate treatment, storage and transmission facilities in respect of domestic drinking water supply; the degree to which plans currently exist to adequately meet such requirements in the future; if water is likely to be sourced from ground water or otherwise; the extent to which conclusive evidence or research exists to enable strategic decisions to be made; and if he will make a statement on the matter. [24148/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The overall strategy of investment in water services is to ensure that the timing and scale of investment facilitates economic and other development, achieves compliance with statutory requirements and promotes environmental sustainability objectives. The main vehicle for achieving these objectives for public domestic water supplies is the multi-annual Water Services Investment Programme. The Water Services Investment Programme 2010-2012 is available in the Oireachtas Library.

The Programme provides for the commencement of contracts with a value of over €800m in relation to water supply infrastructure. This includes contracts to address deficiencies in the quality of supply, to improve the overall capacity of the system and an accelerated programme of mains rehabilitation. The Programme also provides for the advancement of a further range of schemes through planning, for progression to construction in future investment cycles.

The Programme is based on an assessment of needs for water and sewerage services undertaken by each water services authority which were subsequently appraised by my Department. In preparing their assessments, water services authorities were required to take into consideration key environmental and economic criteria in prioritising contracts and schemes to be progressed in their areas. The development of the Programme was strongly influenced by reports by the Environmental Protection Agency on drinking water quality, an assessment by Forfás of the requirements of enterprise in Gateways and Hubs, as well as River Basin Management Plans. In addition, a detailed project appraisal is undertaken during the planning phase of each scheme, which determines issues such as the appropriate source of water, projected future demand and the most cost effective solution to meeting needs. There is, therefore, a strong evidence base, from technical assessments, environmental monitoring and policy studies to underpin the strategic direction of water services capital investment.

### Proposed Legislation

19. **Deputy Martin Ferris** asked the Minister for the Environment, Community and Local Government the date on which he will publish the full list of powers and responsibilities that he proposes to give to a company (details supplied); and if he will make a statement on the matter. [24096/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government provides for the establishment of a new State-owned national water authority to take over responsibility for managing and supervising investment in water services infrastructure and to manage the domestic water metering programme. The Memorandum of Understanding between Ireland and the EU/IMF commits Ireland to undertaking an independent assessment of the establishment of such an authority.

Work on the independent assessment is underway. The assessment will examine the optimal organisational structures for Irish Water, including its proposed powers and responsibilities, and will consider in detail the legal, financial and organisational structures together with an implementation timetable. It is intended that the outcome of the assessment will be considered

[Deputy Phil Hogan.]

by Government together with proposals for the establishment of Irish Water before the end of 2011.

### **Local Authority Housing**

20. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government if he will address the growing concerns among thousands of council housing applicants, many of whom have been on housing lists for seven, eight and nine years, that his new social housing policy, focused on leasing arrangements with private landlords and other bodies, will mean that those applicants will never now have a home of their own with proper security of tenure, and growing concerns about the likely decline in housing and maintenance standards that such a policy will entail; and if he will make a statement on the matter. [24236/11]

49. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if he will allay concerns among thousands of council housing applicants across the country that his new social housing policy, which envisages replacing directly provided council housing with various leasing arrangements with private landlords, amounts to a hand-out to landlords, developers and banks at the expense of the housing needs of lower income families and their legitimate expectation for security of tenure and decent quality housing; and if he will make a statement on the matter. [24239/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 20 and 49 together.

Leasing is a form of social housing support that, along with the Rental Accommodation Scheme and more traditional forms of support is provided by local authorities to meet a person's housing needs. The recent statement on the Government's housing policy, published by Minister Penrose on 16 June, referred to the provision of housing support based on choice, fairness, equity across tenures and on delivering quality outcomes for the resources invested. Leasing is one element of this approach.

In the context of rising housing need, the priority must be to maximise delivery of social housing to cater for the greatest level of need. It is not possible to purchase or build anything like the same number of units through traditional methods as can be provided through leasing. In addition, leasing broadens the range of housing options for tenants and is a flexible response to housing need at different stages in the lifecycle of the household.

Regarding the security of tenure available through leasing, it should be noted that under leasing, including RAS, the local authority takes over responsibility for the provision of accommodation for the household concerned. There is no time limit on this and therefore long term access to supported housing is protected.

Finally, the move to avail of leasing should not be viewed in isolation. The Incremental Purchase Scheme provides the opportunity for a household in a leased property to transfer to and purchase a dwelling provided for that purpose and to avail of the relevant subsidies and discounts.

21. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the current practice of removing persons from council waiting lists if they are on the rental accommodation scheme on the basis that they are adequately housed; and if he supports this practice. [24110/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The Housing Miscellaneous Provisions Act 2009 gives legislative recognition to rental accommodation availability agreements as a form of social housing support. Consequently, since 1 April 2011, RAS tenants are now considered to be in receipt of social housing support and should not generally remain on the housing waiting lists for new applicants for social housing.

In recognition that RAS tenants may have had reasonable expectations about retaining access to traditional local authority rented accommodation, guidance issued by my Department recommended that there should be a special transfer pathway for RAS tenants to other forms of social housing support. It is my understanding that the members of many authorities have now included a provision of this type in their Allocation Schemes and that such tenants are included on transfer waiting lists. My Department is preparing further guidance in this regard.

RAS tenants obtain significant benefits through being in receipt of social housing support compared to remaining on Rent Supplement. In the first instance, it allows such tenants to take up full-time employment following their move to RAS. Secondly, it makes the housing needs of the tenants the responsibility of the housing authority, with the added security that implies. Finally, it ensures that tenants do not have to apply for social housing and be assessed under the new Housing Needs Assessment criteria.

### **Water Quality**

22. **Deputy Jonathan O'Brien** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to any breaches of international limits for trihalomethanes in public water supplies here currently being analysed by the Environmental Protection Agency; if his further attention has been drawn to the fact that these are carcinogenic chemicals; his plans to address this situation; and if he will make a statement on the matter. [24103/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Under the European Communities (Drinking Water) (No. 2) Regulations 2007, drinking water must comply with a number of microbiological and chemical parameters. The Environmental Protection Agency is responsible for the supervision of drinking water supplies in Ireland. In February 2011 the EPA published *The Provision and Quality of Drinking Water in Ireland — a Report for the Years 2008-2009*. The report indicates that 15.6% of all samples covering 156 public and group supplies failed to comply with the parametric value for trihalomethanes. Trihalomethanes are formed in drinking-water primarily as a result of chlorination of organic matter present naturally in raw water supplies.

Trihalomethanes, particularly chloroform as it is the dominant compound, are classified by the World Health Organisation (WHO) as “possibly carcinogenic to humans”. The EPA recently stated, in response to a media report on this issue, that the health risks from disinfection by-products, including trihalomethanes, are much less than the risk from consuming water that has not been disinfected.

As part of its supervisory role under the Regulations, the EPA maintains a list of public water schemes where remedial action is required to address operational or infrastructure deficits. Schemes failing to meet the parametric value for trihalomethanes are placed on this remedial action list (RAL). My Department provides capital funding to local authorities for works required to address schemes on the RAL. Since 2008, €28m has been provided from the Rural Water Programme for this purpose.

### Local Authority Housing

23. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the situation in which many persons who bought their homes from a local authority under the shared ownership scheme are now unable to sell and move on due to the fact that the council share has remained at an artificially high price which would force any seller to take a loss; and his plans to support these persons in moving on to more suitable housing. [24115/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** A person occupying a house under the shared ownership scheme can sell their house at any time provided they have bought out the local authority's share and have acquired full ownership of the dwelling. Full ownership may be achieved either by purchasing, from time to time, additional shares of the authority's equity or a single outright purchase of its remaining equity. The cost of purchasing an additional share or the redemption value of the outstanding share, for transactions commenced from 1 January 2003, is based on its initial cost adjusted annually to compensate for differences between the rent paid on the local authority's share and the interest calculated by reference to the prevailing interest rates. The scheme is structured so that, on redemption, the price of the outstanding share is not determined on the basis of a percentage of current market value, but is, rather, a function primarily of its initial capital cost. While this may impact on those living in shared ownership properties who wish to purchase in the current market, it is also the case that shared ownership purchasers were in the position of having their share of the property rise in value when the market was rising. Many homeowners, regardless of their original source of funding, face similar challenges. The Government's housing policy statement, published on 16 June, announced the standing down of all affordable housing schemes, including the shared ownership scheme, in the context of a full review of Part V of the Planning and Development Act 2000. It also made clear that diminished resources for social housing provision must be concentrated on those without the means to provide themselves with suitable accommodation.

### Retail Sector Developments

24. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government if he has completed his study on the economic impact of eliminating the cap on the size of retail premises; and if he has taken any decision on this matter. [21072/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** In response to the requirement in the EU/IMF Programme of Financial Support for Ireland for an economic analysis of the potential impact on competition and consumer prices of eliminating or relaxing the floorspace cap on retail premises, my Department and the Department of Jobs, Enterprise and Innovation commissioned Forfás to undertake an evidence-based and focused study to analyse the potential economic impacts of eliminating the cap on the size of retail premises.

The Forfás report was completed and submitted to the two Departments in early Summer. Following detailed consideration of the analysis and findings, my Department wrote to the European Commission Services in July, outlining its policy views and proposed response to the Forfás Economic Study. My Department is continuing to liaise with the Commission Services with a view to agreeing a detailed time-bound action plan on the matter, and further engagement is expected over the coming weeks.

As the Forfás study is the subject of ongoing deliberation and consultation with the Commission Services, it would not be appropriate to detail its contents at this point. However, I

intend to publish the report simultaneously with the publication, in the coming weeks, of a consultation draft of revised Retail Planning Guidelines which is currently under preparation in my Department.

### **Local Government Reform**

25. **Deputy Seán Crowe** asked the Minister for the Environment, Community and Local Government the date on which he will introduce a local government reform package; and if he will make a statement on the matter. [24094/11]

32. **Deputy Michael Moynihan** asked the Minister for the Environment, Community and Local Government if he is committed to publishing the White Paper on local government; when he expects this to be published; and if he will make a statement on the matter. [24086/11]

40. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government the measures he plans to use to modernise local government that are underway in parallel with the efficiency local government review group's recommendations; and if he will make a statement on the matter. [24092/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 25, 32 and 40 together.

The Programme for Government, sets out a number of key objectives in relation to local government including reorganisation of structures to allow for greater decision making at local level; alignment of community and enterprise functions with the local government system; implementation of the shared services agenda in order to deliver efficiencies; and an examination of funding arrangements. In addition, the recommendations contained in the Report of the Local Government Efficiency Review Group provide important input to consideration of options for expenditure reduction, revenue raising, efficiency and other policy developments.

A range of work relevant to this agenda is under way or in planning and significant progress has been made.

In relation to structural and other reform, the Government announced on 28 June 2011 that the main recommendations of the Limerick Local Government Committee, involving the creation of a single local authority to replace Limerick County and City Councils, would be implemented. A group to drive this process has been appointed and their work to oversee planning, preparatory work and initial implementation of the reorganisation process is underway.

More recently, additional measures aimed at strengthening local government have been announced, including the establishment of a unified county council in Tipperary to replace North and South Tipperary County Councils and the intention to initiate a review to consider whether the creation of a unified authority in Waterford would be desirable. Implementation arrangements will be established shortly for Tipperary and I will also be announcing details of the Local Government Committee to examine local government in Waterford.

I intend to bring recommendations to Government for more comprehensive policy decisions on local government structures at regional, city and county and sub-county level. I am also considering wider proposals to renew and develop the local government system in line with the Government's programme and building on relevant research and analysis already undertaken in this area.

In relation to the efficiency report, I have established an independent Implementation Group to drive forward relevant recommendations in areas such as shared services, procurement, value for money and audit. I have asked the Group to build on the extensive efficiencies that have

[Deputy Phil Hogan.]

been achieved by local authorities in the past two years and to focus on key recommendations that will remove costs and yield earliest financial savings for the benefit of the sector and the economy. The Group will report to me at regular intervals, with its first report due shortly. Also, a review of staffing levels in Dublin City Council has recently been completed and has identified a number of options for staffing reductions in the Council over the period to the end of 2014. Specific measures to modernise local government are underway in parallel with the Efficiency Review Group's recommendations. These include implementation of the programme for Public Service Review and the Public Service Agreement (PSA) in local authorities in areas such as shared services, HR, ICT and procurement. Reports on progress and savings under the Local Government Sectoral Action Plan of the PSA were made to the Implementation Body in May 2011. The Programme for Government also reflects the need, in the context of the State's overall financial position, to put the funding of locally delivered services on a sound financial footing, improve accountability and better align the cost of providing services with the demand for such services. In this regard, I have announced the introduction of a household charge in 2012 in line with the requirements of the EU/IMF Programme of Financial Support for Ireland.

Options for the greater alignment of community and enterprise functions with the local government system, in accordance with the Programme for Government, are also under consideration in my Department.

### **Local Authority Housing**

26. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that persons are being removed from the housing list of local authorities on the basis that they do not live in overcrowded conditions; and if he will make a statement on the matter. [24111/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Under the new system of social housing assessment that came into force on 1 April 2011, overcrowding continues to be one of the criteria for determining a household's need for social housing support. I am not aware of any particular issue relating to housing authorities removing households from their housing lists on the grounds that their living conditions have now been determined not to be overcrowded. If the Deputy wishes to furnish details of any particular practice to my office, I will of course examine it for compliance with regulations.

### **Enterprise Support Services**

27. **Deputy Áine Collins** asked the Minister for the Environment, Community and Local Government his plans to set up a one stop shop to support local enterprise at local government level. [23966/11]

30. **Deputy Áine Collins** asked the Minister for the Environment, Community and Local Government the plans local government has to support local enterprise. [23967/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 27 and 30 together.

Local authorities play a central role in supporting economic development and enterprise at local level. They do this in a number of ways including through their capital and current budgets, economic planning and development and the provision of goods and services as well as community infrastructure.

Business Support Units (or similar arrangements) have been put in place in all county and city councils. These Units provide a dedicated one-stop-shop approach for businesses in areas such as planning and water services. They also refer business to appropriate enterprise support and development bodies. In addition, the local government led County/City Development Boards are engaged in economic development and the promotion of enterprise in their areas.

I am also acutely aware of the pressures on small and medium sized businesses at the present time. My Department, this year and in recent years, has requested local authorities to exercise restraint in setting commercial rates to support competitiveness in the economy and to protect the interests of communities. Local authorities have responded positively to these requests. Across the 88 local authorities, annual rates on valuation declined by an average of 0.64% from 2010 to 2011. The Programme for Government provides for an expanded role for local authorities in local enterprise and community development. This in turn will assist in maximising the impact of investment to produce jobs at local level. The assignment of the community brief to my Department is important in this regard. Against this background my Department will be working closely with local government and local development interests to achieve the alignment of both sectors under democratic leadership to the benefit of the local communities which they serve.

*Question No. 28 answered with Question No. 6.*

### **Building Regulations**

29. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government his plans to put in place measures to mediate a just resolution between private rental tenants and owners who are facing massive financial hardship and upheaval with companies that used substandard filling material containing pyrite in the building of their homes and properties as has been done to ensure resolution in the case of public buildings. [24106/11]

101. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government the scope and powers of the three person committee to address the pyrite issue with reference to the likely timescale; the way it will deal with HomeBond on its unilateral withdrawal of offers to householders whose homes have heave inducing pyrite. [24440/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 29 and 101 together.

In response to the difficult and distressing problems faced by homeowners and tenants affected by pyrite I am setting up a panel to prepare a report, which I would intend to place in the public domain, on the way forward in relation to pyrite contamination in private housing stock. My Department will provide technical and administrative support to the panel in carrying out its work and is in close contact with relevant local authorities in regard to pyrite contamination in some social housing developments.

I anticipate that the panel will engage with relevant stakeholders, including HomeBond, during the course of its work.

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

### **Proposed Legislation**

31. **Deputy Seán Crowe** asked the Minister for the Environment, Community and Local Government his plans to end motor tax gapping; and if he will make a statement on the matter. [24095/11]

35. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government the date on which he will publish the motor tax Bill. [24118/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 31 and 35 together.

I am concerned at the high level of off-the-road declarations being made and I am aware that current procedures governing the making of such declarations may be open to potential abuse. The General Scheme of a Motor Tax Bill, which will include provisions in relation to off-the-road declarations, is at an advanced stage of preparation in my Department and will be brought forward as soon as possible.

More generally, the Motor Tax Bill will consolidate and modernise motor tax law generally and will reform the administration of the motor tax system to ensure consistency, resource efficiency and best customer practice in service delivery.

*Question No. 32 answered with Question No. 25.*

### **Local Authority Housing**

33. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government his plans for the use of choice based lettings by local authorities in the provision of housing in situations in which a unit has been turned down a number of times. [24109/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The Social Housing Allocation Regulations give each housing authority the option of including choice-based letting as a means of allocating dwellings in its allocation scheme under section 22 of the Housing (Miscellaneous Provisions) Act 2009. The Housing and Sustainable Communities Agency has advised housing authorities on my behalf that choice-based letting can be a useful approach to letting properties which were previously difficult to let. Under the Regulations, it is a matter for individual authorities whether to use choice-based letting and to determine which classes of dwelling it will designate for allocation in this way.

### **Planning Issues**

34. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government his plans for designating the eastern docklands of Dublin city as a strategic development zone under the management of Dublin City Council; and if he will make a statement on the matter. [23968/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Under the Dublin Docklands Development Authority Act 1997, the Dublin Docklands Development Authority (DDDA) is required to prepare a Master Plan for the area to guide its social, economic and physical regeneration. The Act also provides that the Authority's Master Plan identify those parts of the Dublin Docklands Area where planning schemes would be appropriate.

Section 25 of the Act provides for the preparation by the Authority, and the approval by the Minister, of planning schemes for parts of the Dublin Docklands Area. In preparing a Planning Scheme, the Authority is obliged to have regard to its Master Plan, consult with Dublin City Council and other relevant statutory bodies, have regard to the Dublin City Development Plan, arrange for submissions by interested parties, and consider those submissions.

In addition to two planning schemes previously made by the Custom House Docks Development Authority for the Custom House Docks Area (i.e. the IFSC area), in 1987 and 1994, two schemes have already been made by the DDDA — for the Grand Canal Docks area (2000) and the North Lotts area (2002). In June 2007, the then Minister for the Environment, Heritage and Local Government made an Order under section 25(1) of the Act, specifying the area of the Poolbeg Peninsula for the purposes of making a planning scheme. It is a matter for the Authority to prepare the planning scheme and to submit it to the Minister for approval. Such a planning scheme has not yet been submitted for my approval.

Under Part IX of the Planning and Development Act 2000 (as amended), the Government may by Order, on foot of a proposal from the Minister for the Environment, Community and Local Government, designate a site or sites as a Strategic Development Zone (SDZ) to facilitate development which is considered, in the Government's opinion, to be of economic or social importance to the State. Before proposing the designation of a site or sites to the Government, the Minister must consult with any relevant development agency or planning authority on the proposed designation.

I have received no submission or request in my Department from Dublin City Council or other development agency for the designation of lands in the eastern Dublin Docklands area as a strategic development zone under Section 166 of the Planning and Development Act 2000.

*Question No. 35 answered with Question No. 31.*

### **Social and Affordable Housing**

36. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the lack of adequate provision for affordable housing for first-time home seekers over the past ten years with particular reference to the large numbers currently awaiting consideration on local authority housing lists for several years despite the housing boom; if he will examine the means whereby the current housing stock in the public and private sector is examined with a view to meeting the needs of housing applicants thereby eliminating the necessity to make ongoing annual provisions by way of rent subsidies in lieu of housing thereby obtaining a better result for housing applicants and the tax payer; and if he will make a statement on the matter. [24147/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** On 16 June 2011 I launched the Government's new housing policy statement which will serve as a framework for a series of legislative and policy initiatives in the short to medium term. Based on a number of fundamental principles and goals that will form the foundation of a substantial reform programme, the new framework for housing policy responds to current and emerging conditions in the housing sector, taking account of the dramatic cycle of rapid growth and sudden collapse in the residential property market. The centre-piece of the approach is to chart a way forward for housing policy in Ireland by placing greater emphasis on choice; equity across housing tenures; and delivering quality outcomes for the resources invested.

The policy statement also announced the standing down of all affordable housing schemes, including shared ownership, in the context of a full review of Part V of the Planning and Development Act 2000. Affordable housing schemes were introduced to bridge the affordability gap that emerged during the boom years, preventing middle income households from realising their ownership aspirations. However, affordable housing did nothing to address the underlying problem — which is that the market was becoming overheated with an unus-

[Deputy Willie Penrose.]

tainable gap being created between prices and incomes. Affordable housing was therefore a symptom of a market failure and not a solution to it.

In addition, affordability has eased to such an extent that there is little or no demand for affordable housing. Indeed, in recent years the challenge has been to deploy existing affordable stock productively rather than deliver new affordable housing. The possibility of localised affordability challenges in the future, particularly in areas where supply is short and demand is likely to bounce back relatively quickly is not ruled out. Such affordable housing schemes that may be necessary in the future will have a broader tenure focus than in the past.

The Government is committed to supporting access to home ownership for lower income households and a range of paths to home ownership will remain in place in that regard. These include the incremental purchase scheme, the availability of loan finance from local authorities for house purchase, including open market purchase, and the tenant purchase scheme.

### **Proposed Legislation**

37. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that noise nuisance is a significant source of anti-social behaviour; the date in which he will introduce the noise nuisance Bill; and if he will make a statement on the matter. [24117/11]

51. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the problems being caused by persons leafleting in housing estates during night-time hours; if his further attention has been drawn to the fact that these noises are causing distress to older and vulnerable persons living alone; and his plans to address this matter. [24104/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 37 and 51 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: however, it is not possible at this time to indicate when the legislation will be published.

Currently, a person experiencing noise nuisance may contact their local authority, which may initiate proceedings on grounds of noise nuisance under the Environmental Protection Agency Act 1992. This Act also provides for any person, or group of persons, to seek an order in the District Court to have noise giving reasonable cause for annoyance abated. The procedures involved have been simplified to allow action to be taken without legal representation. A public information leaflet A Guide to the Noise Regulations, outlining the legal avenues available to persons experiencing noise nuisance, is available on my Department's website [www.environ.ie](http://www.environ.ie).

Tackling anti-social behaviour falls principally under the remit of the Department of Justice and Equality. I am informed by that Department that the Criminal Justice Act 2006 provides for civil proceedings to tackle anti-social behaviour.

*Question No. 38 answered with Question No. 6.*

*Question No. 39 answered with Question No. 7.*

*Question No. 40 answered with Question No. 25.*

### **Social Welfare Benefits**

41. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government his plans for local authorities to take responsibility for the payment of rent supplement. [24116/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I refer to the reply to Question No. 144 of 13 July 2011 which sets out the position in this matter. Proposals continue to be progressed through the work of the interdepartmental steering group and working groups.

### **Housing Management Companies**

42. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government his plans to introduce measures to ensure fair treatment of private rental tenants and homeowners in estates controlled by third party property management companies. [24113/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** My Department has no function in relation to the operation of property management companies. The Multi Unit Developments Act 2011 which falls under the remit of my colleague, the Minister for Justice and Equality, regulates the management and operation of such companies.

The Residential Tenancies Act 2004 sets out more generally the obligations of landlords and tenants in the broader private rented residential sector. The Act provides the main legislative framework for the sector and, in particular, for the operation of the Private Residential Tenancies Board (PRTB), the independent statutory body charged with the administration of the Act and the enforcement of those obligations.

My Department conducted a review of the Act in 2009 with a specific emphasis on whether it best supports the PRTB's key functions and on whether legislative amendments would support either the achievement of additional operational efficiencies by the PRTB in the delivery of those functions or the broader good working of the private rented sector. The outcomes of the review were announced by my predecessor as Minister of State and, in July 2011, the Government approved the Heads of a Bill to deliver on the review's recommendations. My Department with the office of the Attorney General, is advancing the preparation of the Bill.

### **Local Authority Housing**

43. **Deputy Michael Colreavy** asked the Minister for the Environment, Community and Local Government the date on which he plans to introduce new guidelines for local authorities on social housing applications that address the current anomalies regarding applications for housing on medical grounds. [24098/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** My Department is not aware of any anomalies regarding applications for social housing on medical grounds. However, my Department is aware that the wording on the new social housing application form, which mentions 'consultants reports', may give rise to difficulties in some cases. In June 2011, my Department issued advice to local authorities that a consultant's report is not essential in all cases where applicants have a medical condition or disability which impacts on their housing needs. However, an appropriate written report from

[Deputy Willie Penrose.]

a qualified medical or paramedical professional must always be submitted. This is required both to identify and certify the medical condition or disability involved and also to ensure that suitable accommodation is provided for the household concerned. It is my intention, as soon as possible, to make a minor amendment to the prescribed application form consistent with the advice given on this issue. In the meantime, the advice issued to authorities should alleviate any difficulties that might arise.

*Question No. 44 answered with Question No. 6.*

### **Proposed Legislation**

45. **Deputy Martin Ferris** asked the Minister for the Environment, Community and Local Government the date on which he will publish the Electoral (Amendment) (Political Funding) Bill 2011; and if he will make a statement on the matter. [24097/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** On 8 June 2011, I published the General Scheme of the Electoral (Amendment) (Political Funding) Bill 2011. Provision is made for the restriction of corporate donations, a reduction in the amounts that can be received as political donations and a reduction in the thresholds for declaring political donations. Political parties will also now be required to submit their annual accounts to the Standards in Public Office Commission for publication. The new legislation includes a provision that political parties will face a cut of half their State political funding if they do not have at least 30% women and 30% men candidates at the next general election. This will then rise to 40% after 7 years. In line with the Government's commitment to reform the way legislation is debated and implemented, I have published the General Scheme and invited public input on its contents. The Bill is currently being drafted and is to be published during the current Dáil term.

*Questions Nos. 46 and 47 answered with Question No. 17.*

### **Expenditure Reviews**

48. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government his plans to abolish or reform the Dublin Docklands Development Authority; when he intends to undertake action on this issue; and if he will make a statement on the matter. [23969/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The Dublin Docklands Development Authority was established both to secure the social and economic regeneration of the Dublin Docklands area on a sustainable basis and to secure improvements in its physical environment.

Since its establishment in 1997, the Authority has overseen the urban regeneration of the Docklands area into a vibrant city quarter, realising considerable achievements in delivery on its statutory mandate, such as attracting private and public investment, increasing numbers employed in the area, delivering quality commercial space, facilitating thousands of new residential units and ensuring considerable social and community improvements.

In the context of the ongoing Comprehensive Review of Expenditure, the position of all State agencies under my Department's remit, including the Dublin Docklands Development Authority, is being examined as part of the Government's commitment to securing the savings and efficiencies necessary to restore balance to the public finances. I expect this matter to be advanced over the coming months.

*Question No. 49 answered with Question No. 20.*

### **Planning Issues**

50. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the number of unauthorised development complaints made to local authorities in 2010; his views on the way the system is functioning in some or all local authorities; the changes that he proposes; and if he will give details of these changes; and if he will make a statement on the matter. [23971/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** My Department gathers aggregate data on enforcement activity from planning authorities, including data on the number of warning letters issued under Section 152 of the Planning Act and the number of enforcement notices issued under sections 154 and 155 of the Planning Act together with the number of prosecutions initiated on foot of these enforcement notices. The most recently available data are published in the 2009 Annual Planning Statistics, available on my Department's website at [www.environ.ie](http://www.environ.ie). It is the responsibility of planning authorities to provide for proper enforcement of planning control and to take all appropriate steps to ensure that development takes place in compliance with national and EU law.

Planning authorities have substantial enforcement powers under the Planning and Development Act 2000. A planning authority may issue an enforcement notice, non-compliance with which is an offence, in connection with unauthorised development (which includes failure to comply with planning conditions), requiring such steps as the authority considers necessary to be taken within a specified period. If an enforcement notice is not complied with, the planning authority may itself take the specified steps and recover the expense incurred in doing so. A planning authority may also seek a court order requiring any particular action to be done or not to be done.

The Planning Acts also place clear statutory obligations on planning authorities in relation to unauthorised development. A planning authority must issue a warning letter in relation to written complaints regarding unauthorised development, or other unauthorised development it becomes aware of (except in the case of trivial or minor development). The planning authority must then carry out an investigation and where it establishes, following such an investigation, that unauthorised development has been or is being carried out and the person who has carried out or is carrying out the development has not proceeded to remedy the position, the planning authority must issue an enforcement notice or make an application for a court order unless there are compelling reasons for not doing so.

I am maintaining ongoing oversight of planning enforcement and will review performance as necessary to ensure a robust statutory and policy framework for proper planning and sustainable development.

*Question No. 51 answered with Question No. 37.*

### **International Terrorism**

52. **Deputy John Deasy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he has identified the Irish passport holders who were victims of the 9/11 terrorist attacks in the United States; and if he will make the names available to the public; and if he will make a statement on the matter. [24289/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I can confirm to the Deputy that consular assistance was provided, if sought, to the Irish citizens or their families that were the victims of the 9/11 terrorists attacks in the United States. However, as I am sure that he will appreciate, it would not be appropriate for my Department to disclose or publicise any personal information in relation to those citizens without their or their families express permission.

### **National Asset Management Agency**

53. **Deputy David Stanton** asked the Minister for Finance the number of properties under the control of National Agency Management Agency in the east Cork area, in particular in the towns of Midleton, Youghal, Carrigtwohill and Cobh; if he can provide a breakdown of same by address; and if he will make a statement on the matter. [24304/11]

**Minister for Finance (Deputy Michael Noonan):** Properties under the control of receivers or other insolvency professionals appointed by NAMA are listed on its website at <http://www.nama.ie/PropertiesEnforced.php>. The site includes properties located in East Cork, including Midleton, Youghal, Carrigtwohill and Cobh and, in each instance, information about the firm dealing with the insolvency and its contact details are provided. Potential purchasers are encouraged to contact the receivers to obtain additional information on specific properties and to submit expressions of their interest to purchase. In the case of property under the control of debtors, NAMA is precluded, under Section 202 of the NAMA Act 2009, from disclosing confidential information. Confidential information is specifically defined to include information relating to debtors. Furthermore, Section 99 of the Act provides that, on acquisition of a loan, NAMA takes over the obligations of the participating institution under the loan, one of which is the contractual duty of confidentiality which the debtor enjoyed while still a customer of the participating institution. Information about individual debtors or guarantors is also protected against disclosure by the Data Protection Acts with which NAMA must comply as a data controller.

However, in cases where NAMA receives enquiries from potential purchasers about specific properties under the control of debtors, it can facilitate contact with a view to enabling sales transactions to take place.

### **Exchequer Savings**

54. **Deputy Terence Flanagan** asked the Minister for Finance the position regarding future budget cuts; and if he will make a statement on the matter. [24305/11]

**Minister for Finance (Deputy Michael Noonan):** Budget 2012 will then be presented to the Dáil in early December, as is the usual practise. The Budget will set out revenue and expenditure measures to deliver the required adjustment.

### **Personal Debt**

55. **Deputy Joanna Tuffy** asked the Minister for Finance the steps he is taking to help the growing number of persons in mortgage arrears and negative equity; and if he will make a statement on the matter. [24318/11]

**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. 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, he or she 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.

A working group has been established under the Economic Management Council to consider the state of implementation of the main recommendations of the Expert Group on Mortgage Arrears and Personal Debt. This Group has also been asked to consider and develop further necessary actions to alleviate the increasing mortgage over indebtedness problem. I expect that the Group will have its work completed shortly.

Financial assistance is available to eligible claimants under the Department of Social Protection's Mortgage Interest Supplement Scheme.

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.

### **National Asset Management Agency**

56. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent the disposal of distressed properties controlled by National Asset Management Agency have been acquired by first time buyers or investors; and if he will make a statement on the matter. [24370/11]

**Minister for Finance (Deputy Michael Noonan):** NAMA approves the sale of assets by debtors or by receivers acting on its behalf. Given that the bulk of sale approvals to date, by value, have been commercial properties and that a large proportion of these have been located

[Deputy Michael Noonan.]

in the UK, the purchasers are likely to have been commercial investors. In the case of sales approvals for residential houses or apartments, NAMA informs me that it does not maintain information on the category of purchaser involved. The agency believes it likely that the majority of purchasers are owner-occupiers but whether they are first-time buyers or otherwise is unknown.

Under the National Asset Management Agency Act 2009, NAMA has a commercial mandate that requires the agency to secure the best price from its asset sales. However, it is also fully aware of its social objectives and, as regards housing, it has been endeavouring to identify the scope for dovetailing its activities with State policy. I understand that NAMA is in active discussion with the Minister for Housing and with his officials on this issue.

### **Special Educational Needs**

57. **Deputy Robert Dowds** asked the Minister for Education and Skills his plans to consider having school text books available as PDFs in order to better facilitate the learning environment of children with disabilities, particularly blind children; and if he will make a statement on the matter. [24263/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that my Department provides funding (€1.28m in 2011) to the National Braille Production Centre (NBPC), a national service which provides blind/visually impaired pupils at first and second level with textbooks in alternative formats including braille and audio format. It is an essential service to children who are blind or visually impaired and without it many such children would not be able to access mainstream education or be able to undertake the Junior and Senior Cycle examinations. I understand that the process of translating a book into braille can be a time consuming process. In my recent discussions with the educational publishers, I raised the issue of co-operation with the NBPC in this regard and stressed the importance of providing the relevant PDF files in a timely manner so that no blind or visually impaired children experience undue delays in having access to their coursebooks.

### **Departmental Expenditure**

58. **Deputy Dan Neville** asked the Minister for Education and Skills if he has taken back allocations for extracurricular activities in schools as outlined in circular 43/2009; if the funding is available; if it will be allocated to schools; and if he will make a statement on the matter. [24297/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The substitution cover arrangements introduced in January 2009 have been allocated for the 2011/12 school year up until the end of December 2011. These arrangements provide for an allocation of hours to individual schools to enable substitution cover for uncertified sick leave for teachers in post-primary schools and for official school business in post-primary schools. Revised allocations were forwarded to schools at the end of August. Details of the position for the rest of the school year will be notified to schools by my Department at a later date.

### **School Curriculum**

59. **Deputy David Stanton** asked the Minister for Education and Skills the progress being made with the expansion of enterprise education programmes at second level to all second level students in particular the junior cycle; the feedback received by the National Council for Curriculum and Assessment from its consultation process on its short course in enterprise education; and if he will make a statement on the matter. [24303/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There is widespread agreement in business, political and education and training sectors that the key to Ireland's recovery rests heavily on the capacity of our education system and wider society to work effectively together to support creativity, innovation and enterprise. At a European Level, the EU Commission has identified enterprise as one of 8 key competences which all students should have by the end of second level education. At junior cycle level, an enterprise culture is promoted by ensuring an appropriate range of competences through a broadly based programme encouraging investigative approaches and offering science, ICT, languages, technology and a range of academic and practical subjects.

In senior cycle students taking the Transition Year option, the Leaving Certificate Vocational Programme and the Leaving Certificate Applied are provided with specific opportunities to acquire enterprise skills. These programmes place a strong focus on active learning, community-based approaches, personal development and teamwork. Students also engage in work experience.

Enterprise is part of the Business syllabus in second level schools. Over 23,000 students sat business studies in 2011 at Junior Certificate. At Leaving Certificate level over 18,000 students sat business examinations. Some 16386 students sat the Leaving Certificate Vocational Programme in 2011, where the link modules — Preparation for the World of Work and Enterprise Education form an explicit part of the curriculum. This is examinable as part of the Leaving Certificate and counts for CAO points for entry to higher education. A further 3,191 students following the Leaving Certificate Applied programme, which also has a strong practical and entrepreneurial emphasis.

The Transition Year programme offers a flexible menu of options to schools within an overall framework set out by the Department of Education and Skills. It is now followed by 30,000 students in over 560 schools. Within Transition Year, 5,620 students follow the Mini-company programme and a further 4,322 follow some other form of enterprise education.

Last year 15,400 students participated in the Student Enterprise Awards competitions run by the County/City Enterprise Boards. Through partnership with industry and the enterprise boards, additional resources have also been provided to schools such as the Business Game, and the Spirit of Enterprise Resource. Last year saw the start of a new award scheme — the Sean Lemass Award for Student Enterprise, which was presented to the top 3 winners from both the CEB Student Enterprise Competition and the Transition Year Mini-company Get up and Go Competition. This was the start of an annual process which is designed to raise the profile of enterprise in schools, and hopefully to build up, supported by increased publicity, to as important and memorable an event in the school calendar as the Young Scientist and Technology exhibition is today.

I am expecting advice from the National Council for Curriculum and Assessment on the review of Junior Cycle. Key goals are to promote active learning, reduce rote content and embed key skills, and develop creativity and innovation, supported by assessment reform. The junior cycle proposals, currently being finalised, will give schools greater flexibility in designing the programmes on offer in their schools. A particular feature of the reforms is that they will encourage schools to make greater connections with local and regional enterprises, beyond the more general participation in Business Studies. The new approaches to teaching, learning and assessment are designed to encourage a spirit of innovation and creativity in all students. In senior cycle, a draft short course on enterprise is the focus of a consultation process currently being organised by the NCCA. It is accessible to the general public through the NCCA website, and is open until October 28th next. All second level schools have been contacted about the consultation. A series of meetings with other key stakeholders in enterprise education is

[Deputy Ruairí Quinn.]

underway. Their feedback on the course, and the feedback received through the website will inform the finalisation of the course. Decisions about how best to support its introduction in schools can be made at that point.

### School Staffing

60. **Deputy John McGuinness** asked the Minister for Education and Skills if he will make immediate contact with the school authorities (details supplied) in Dublin 22 and deal effectively with their concerns regarding teacher shortage; and if he will make a statement on the matter. [24312/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Class size data for all primary schools is compiled by my Department on an annual basis and is available on the Department's website. The most recently published data relates to the 2010/11 school year. The staffing schedule is the mechanism used for allocating mainstream teaching posts to all schools. It currently operates on the basis of a general average of 1 classroom teacher for every 28 pupils. Schools have autonomy on how these posts are deployed to individual classes. School authorities are advised in the staffing schedule to ensure that the number of pupils in any class is kept as low as possible, taking all relevant contextual factors into account (e.g. classroom accommodation, fluctuating enrolment etc.) In particular, they should ensure, as far as possible, that there is an equitable distribution of pupils in mainstream classes and the differential between the largest and the smallest classes is kept to a minimum. With over 20,000 individual classes spread across all schools throughout the country there will always be differences in individual class sizes.

### School Transport

61. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the reason a person (details supplied) in County Galway has not been provided with door to door school transport to attend a school in view of the fact that the person has a disability and lives approximately 70 km from said school; and if he will make a statement on the matter. [24315/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The purpose of the School Transport Scheme for Children with Special Educational Needs arising from a diagnosed disability is, having regard to available resources, to support the transport to and from school of these children.

Bus Éireann, which operates the school transport scheme on behalf of my Department, is responsible for the planning and timetabling of school transport routes. Bus Éireann endeavours, within available resources, to ensure that each eligible child has a reasonable level of school transport service.

A Special Transport Grant has been sanctioned by my Department towards the cost of private transport arrangements from the child's home to a pick-up point along the route of an existing transport service.

This arrangement may be reviewed should local circumstances change.

62. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a remote area grant will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [24317/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** To be eligible for a grant under the terms of the remote area grant scheme, an applicant must satisfy a number of criteria, one

of which is that he or she should be resident more than 3.2 km from a pick up point on a transport service to a school where suitable free second level education is available.

As the applicant to whom the Deputy refers does not satisfy this criterion, she is not eligible for a remote area grant.

### Higher Education Grants

63. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if any provision will be made for students who are already in third level education and who are in receipt of non-adjacent higher education grants which have been reduced in budget 2011 but who may have to drop out of college due to inability to pay; and if he will make a statement on the matter. [24369/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I regret that the economic circumstances of the country are such that I am not in a position to reverse any of the changes to the student grant measures announced in Budget 2011 by the previous Fianna Fáil — Green Party Government. These changes included the removal of the automatic entitlement of mature students to the non-adjacent rate of grant and an increase in the qualifying distance criterion for the non-adjacent rate of grant.

From this September, students who reside 45 kilometres or more from their higher education institution will continue to be eligible for the higher, non-adjacent rate of grant. Those on particularly low incomes will also continue to receive a “top-up” in the special rate of grant. In addition, third level students in difficult financial circumstances will have access to the Student Assistance Fund. I understand the concerns of students with regard to the changes to the student grant schemes for the 2011/12 academic year and I will take account of these in considering any future changes as part of the budgetary process for 2012 and beyond, having regard to the position of the public finances.

### School Curriculum

64. **Deputy Denis Naughten** asked the Minister for Education and Skills the progress made to date on the implementation of project maths; and if he will make a statement on the matter. [24375/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Project Maths is a major programme of reform in mathematics in second level schools, which is designed to encourage better understanding of mathematics, to reinforce its practical relevance to everyday life, and to ensure better continuity between primary and second level, and junior and senior cycle. It began in 24 project schools in September 2008 and was introduced in all schools in September 2010.

Project Maths provides for a professional development model under which change will be implemented in various areas of maths on a phased basis. The curriculum will be phased in over a number of years covering the following five strands of mathematics:

- Phase 1: Strand 1 — statistics and probability; Strand 2 — geometry and trigonometry;
- Phase 2: Strand 3 — number; Strand 4 — algebra;
- Phase 3: functions.

Strands 1 and 2 began in all schools in September 2010 for first examination in 2012 at Leaving Certificate and 2013 at Junior Certificate. Strands 3 and 4 will begin in 2011, and strand 5 will start in 2012.

[Deputy Ruairí Quinn.]

A comprehensive programme of professional development is being provided for teachers. Support will be provided on a rolling basis as each strand of the curriculum is implemented, and will continue until at least 2013.

Project Maths, which was introduced into 24 selected schools in September 2008, was examined for the first time in 2010. The initiative encompasses a new model of curriculum development in which the various strands of the syllabus will be changed on a phased basis. Changes in assessment are aligned with changes in the syllabus and aim to underpin and support classroom practice.

In 2011 as part of the phased implementation of this curricular reform the State Examinations Commission (SEC) provided examinations at Higher, Ordinary and Foundation Level in Project Maths for 1,984 candidates — 318 at Higher Level, 1,437 at Ordinary Level and 231 at Foundation Level. Candidates for the 2011 Leaving Certificate examination in the 24 initial schools for project Maths have experienced phases 1 and 2 of this project, involving four of the five syllabus strands.

318 candidates for Project Maths took the examination at Higher Level. This represents 16% of the total candidature for Project Maths. When compared to the results of students in all other schools, this group has effectively the same proportion of A-grades, a substantially higher proportion at A/B/C, and a much lower proportion at E/F/NG

1,437 candidates for Project Maths took the examination at Ordinary Level. This represents 72.4% of the total candidature for Project Maths. When compared to the results of students in all other schools, this group has a slightly higher proportion of A-grades, a notably higher proportion at A/B/C, and a significantly lower proportion at E/F/NG.

231 candidates for Project Maths took the examination at Foundation Level. This represents 11.6% of the total candidature for Project Maths. When compared to the results of students in all other schools, this group has a slightly higher proportion of A-grades, a higher proportion at A/B/C, and approximately the same proportion at E/F/NG.

In 2011, candidates in the 24 Project Schools sat some Project Maths elements at Junior Certificate level. In Project Schools a significantly higher proportion of candidates presented at Higher Level (52%) as opposed to the proportion in the cohort as a whole (45.6%).

A/B/C levels in Project Maths are at 83.5% as opposed to 79.7% in Mathematics. At Ordinary Level E/F/NG rates are at 4.5% in Project Maths as opposed to 7% in Mathematics generally. The percentages scoring A at Higher Level is lower in Project Maths (13%) as opposed to Mathematics generally (17.4%). These trends mirror the patterns seen at Leaving Certificate Level.

65. **Deputy Denis Naughten** asked the Minister for Education and Skills his views on the report of the expert group on future skills needs regarding the level of achievement in maths among Irish students; if he will implement the recommendations of the report; and if he will make a statement on the matter. [24376/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Report of the Expert Group called for the introduction of bonus points for Higher Level Mathematics in the Leaving Certificate. I am pleased to say that all third level institutions have collectively decided to operate a bonus points scheme for Higher Level Mathematics for a four year trial period from 2012 to 2015 with a review in 2014. A bonus of 25 points will be allocated to students who achieve a grade D3 or above in LC Higher Level mathematics.

As recommended in that report, Project Maths began in all second level schools in September 2010, building on the experiences of 24 Project Schools which started the programme in 2008. This is being supported by a national programme of professional development for teachers which began in 2009, and will continue to at least 2013.

A Project Maths Implementation Support Group, as an industry/education partnership, reported in 2010 on how stakeholders from business, second level and higher education can work together to achieve the objectives of Project Maths. The recommendations of this report are being progressed.

The Expert Group report also recommended additional professional development for teachers of mathematics. There has been significant investment in this to date. A national programme of professional development is under way for all Maths teachers. This began in 2008 for the 24 Project Maths schools, in 2009 for the mainstream schools and will continue to at least 2013. As part of this, intensive post graduate courses will be developed aimed at teachers who do not hold a major qualification in Maths.

My Department has produced The National Strategy to Improve Literacy and Numeracy among Children and Young People 2011-2020, “Literacy and Numeracy for Learning and Life” which is designed to promote a significant improvement in mathematical skills across primary and second level schools and will progress a number of the recommendations of the expert group including in relation to parental involvement, benchmarking and transition between primary and post-primary levels.

### **Special Educational Needs**

66. **Deputy David Stanton** asked the Minister for Education and Skills the appeals or review options open to parents who are unhappy with a special education needs organiser’s allocation for their child; and if he will make a statement on the matter. [24384/11]

67. **Deputy David Stanton** asked the Minister for Education and Skills the appeals or review options open to schools who are unhappy with a special education needs organiser for their school; and if he will make a statement on the matter. [24385/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 66 and 67 together.

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 in order to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support. In relation to the allocation of SNA support, this now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

Where additional teaching or care support is allocated by SENOs, in order to support children with special needs, these resources are allocated to schools. It is a matter for schools to utilise those resources to best support the children designated for receipt of such support. Parents should therefore raise any issues that they have regarding resource allocation or utilisation with their school Principal in the first instance. If a parent or school has concerns about the performance of a SENO they should raise this matter directly with the NCSE.

In relation to review procedures for schools, the NCSE issued a Circular to all schools in February of this year which provided guidance to schools with regard to the Special Needs Assistant (SNA) allocation process for the 2011/2012 school year. A key feature of the amended scheme is to provide for an annual allocation of SNA support to eligible schools.

[Deputy Ruairí Quinn.]

The NCSE Guidelines to schools stated that “a mechanism will be developed through which schools may seek to have the position in relation to the level of SNA resource revisited. However, given that there is now a finite cap on the level of such supports, the current model of appeal is not appropriate for use in the context of SNA allocation. Therefore the new mechanism for use by schools and parents will be developed after the operation of the above resource allocation process itself has been examined”.

This is intended to take place later this year when the 2011/2012 allocations process has been completed. The NCSE will advise schools early in the new school year of any 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.

68. **Deputy David Stanton** asked the Minister for Education and Skills further to Parliamentary Question Nos 637, 638 and 639 of 2 February 2010, his plans to implement the remaining sections of EPSEN Act, 2004 necessary to allow for the Special Education Appeals Board to begin hearing appeals from parents dissatisfied with special education needs organiser allocation decisions; if the National Council for Special Education has established, across all schools, a structured appeals process of SENO decisions which was piloted in 2010; if the NCSE has established an independent appeal advisory committee; if so, the membership of same. [24386/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that a number of sections of the Education for Persons with Special Educational Needs Act (EPSEN) 2004 have already been commenced, principally those establishing the National Council for Special Education (NCSE) and those promoting an inclusive approach to the education of children with special educational needs. The Deputy is also aware that the previous Government deferred the full implementation of EPSEN in the light of the very difficult economic situation and the associated significant costs.

I wish to clarify for the Deputy that this Government is committed — during the tenure of this Government — to the publication of a plan for the implementation of the Education for Persons with Special Educational Needs Act 2004 (EPSEN) to prioritise access for children with special needs to an individual education plan.

It is my intention to prepare a plan to implement EPSEN in line with the programme for Government, subject to the restrictions of the current fiscal position. All parts of the EPSEN legislation, which have not been commenced to date, including the section relating to the establishment of the Special Education Appeals Board, will be considered during this process.

The NCSE issued a Circular to all schools in February of this year which provided guidance to schools with regard to the Special Needs Assistant (SNA) allocation process for the 2011/2012 school year. A key feature of the amended scheme is to provide for an annual allocation of SNA support to eligible schools.

The NCSE Guidelines to schools stated that “a mechanism will be developed through which schools may seek to have the position in relation to the level of SNA resource revisited. However, given that there is now a finite cap on the level of such supports, the current model of appeal is not appropriate for use in the context of SNA allocation. Therefore the new mechanism for use by schools and parents will be developed after the operation of the above resource allocation process itself has been examined”.

This is intended to take place later this year when the 2011/2012 allocations process has been completed. The NCSE will advise schools early in the new school year of any 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.

### Departmental Schemes

69. **Deputy Terence Flanagan** asked the Minister for Public Expenditure and Reform the position regarding the continuation of the preschool year; and if he will make a statement on the matter. [24301/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The administration of the Early Childhood Care and Education (ECCE) programme is the responsibility of my colleague, the Minister for Children and Youth Affairs. The ECCE provides a universal entitlement to a free pre-school year for children aged between three years three months and four years six months on 1 September each year. Funding of the ECCE is a matter for the Minister for Children and Youth Affairs and her Department to consider in the first instance, in the context of preparing their estimates for 2012 and future years and in the context of the Government's currently ongoing Comprehensive Review of Expenditure.

### Job Creation

70. **Deputy John McGuinness** asked the Minister for Jobs, Enterprise and Innovation if he will discuss with the management of the Industrial Development Agency the need to establish an effective local presence in the Tallaght region, Dublin 24 in view of the fact that this highly populated area has suffered from a serious increase in unemployment; if he will stress to the IDA the importance of this issue; and if he will make a statement on the matter. [24311/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The location of IDA's regional offices around the country is a day-to-day operational matter for the Agency. I am informed by IDA that its offices around the country operate on a regional rather than a local basis. Tallaght is part of IDA Ireland's East Region and the regional office is located in Wilton Place, Dublin where Tallaght and its environs are actively marketed as a location for Foreign Direct Investment.

South Dublin, including Tallaght, benefits from being part of the largest city in the country and in turn the most successful region in the State. South Dublin has a critical mass of population, skills pool, educational infrastructure, international access connections, and existing business activity across all sectors and is being actively marketed for overseas investment. Dublin in 2010 had 4,821 IDA companies employing 52,830 people.

Tallaght and South County Dublin are well equipped to compete with other areas for potential Foreign Direct Investment, with superb infrastructure facilities at City West and Grange Castle and a Third Level Institute of Technology at Tallaght. Both of these business parks are easily accessible to the population of Tallaght.

Based on the above IDA Ireland has no plans to open an office in Tallaght.

### Social Welfare Benefits

71. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details

[ Deputy John O'Mahony.]

supplied) in County Mayo will receive a decision on an application for back to school allowance; and if she will make a statement on the matter. [24259/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been awarded a back to school clothing and footwear allowance and a payment issued to her nominated account on 12 September 2011.

72. **Deputy Michael Creed** asked the Minister for Social Protection the reason a person (details supplied) in County Cork has had rent allowance reduced; and if she will make a statement on the matter. [24380/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the rent supplement payable to the person concerned has been reduced due to the change in his financial circumstances following his commencement on a community employment scheme. The revised rent supplement of €14.72 per month is his full entitlement based on his personal circumstances.

The HSE has further advised that an overpayment has occurred in this case and that the HSE has written to the person concerned in regard to acknowledging this overpayment.

*Question No. 73 withdrawn.*

### Social Insurance

74. **Deputy Paul J. Connaughton** asked the Minister for Social Protection if she will examine in its entirety the treatment of former self-employed people under the social welfare system, the lack of recognition of social welfare contributions made by them and their inability to access credits when a spouse is working; if her attention has been drawn to the fact that this is a problem being experienced by thousands of families all across the country and is the cause of hardship; if this merits an in-depth investigation by herself and her officials; and if she will make a statement on the matter. [24252/11]

**Minister for Social Protection (Deputy Joan Burton):** The social insurance system in Ireland is based on compulsory paid PRSI contributions on which entitlement to a range of contingency-based payments is established. Workers are insured under the Social Welfare Acts as either employed or self-employed contributors. Employees and their employers generally pay contributions at PRSI Class A, whereas self-employed workers generally pay Class S contributions. The class and number of contributions paid by a worker will determine the range of benefits and pensions towards which contributors can build up entitlement. The class at which a contributor paid his or her last PRSI contribution determines entitlement to credited contributions.

Self-employed individuals pay Class S contributions at a rate of 4% and are potentially eligible for a narrower range of benefits than employees who, together with their employers, are potentially liable for a total contribution of 14.75% under PRSI Class A.

Class S contributors are entitled to the following payments:

- Widow's/Widower's (Contributory) Pension;
- Orphan's (Contributory) Allowance;
- Old Age (Contributory) Pension;
- Maternity Benefit;

- Adoptive Benefit; and
- Bereavement Grant.

PRSI credited contributions are an integral part of the social insurance system and are for the most part linked with having an underlying entitlement to a social welfare payment while being temporarily detached from the labour force or having an entitlement to statutory leave. The primary purpose of PRSI credits is to secure social welfare benefits and pensions of insured workers by covering gaps in insurance where workers are not in a position to pay PRSI, such as during periods of unemployment, illness or caring. The rules applying to credited contributions in general stipulate that the award of credits is limited to employed contributors, as opposed to self-employed contributors — reflecting differences between the nature of employment and self-employment.

Rather than receiving credits that are not linked with a benefit, self-employed people who are no longer compulsorily insured are eligible to pay voluntary contributions. This enables contributors to maintain their contribution pension entitlements in respect of the period for which they are not liable for paid contributions.

Any changes to the current system of awarding credits could have considerable cost implications in terms of creating entitlements to benefits in the future, necessitating a significant increase in the rate of Class S contribution to fund it as well as requiring considerable changes to existing administration and control procedures.

### **Social Welfare Benefits**

75. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive their back to school allowance; and if she will make a statement on the matter. [24258/11]

**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 was 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 on the Department's website.

Processing has begun on the manual applications already received and it is currently taking approximately 8 weeks from date of receipt 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.

I can confirm that an application form from the person concerned was received on 21st July. The Department will be in touch with the person concerned shortly regarding her entitlements.

### **Social Welfare Code**

76. **Deputy John Lyons** asked the Minister for Social Protection if she will review the rules governing the back to education allowance, principally the use of progression as a fundamental condition of this allowance, in view of the fact that many unemployed people, who find themselves marginalised from the labour market due to declining employment opportunities within their selected industries, are seeking more flexible education and training opportunities to upskill or reskill in fields outside their previous skill sets; and the reason there is a necessity to

[Deputy John Lyons.]

seek higher qualifications, when retraining and reskilling, even if at lower qualification levels, is what is required. [24271/11]

**Minister for Social Protection (Deputy Joan Burton):** The back to education allowance (BTEA) scheme is a second chance education opportunities scheme designed to remove the barriers to participation in second and third level education by enabling eligible people on social welfare to continue to receive a payment while pursuing an approved full-time education course that leads to a higher qualification than that already held.

A person wishing to pursue BTEA will have to satisfy a number of conditions such as being a certain age, in receipt of a prescribed social welfare payment for a specified time period, pursuing a full time course of study leading to a recognised qualification in a recognised college and progressing in the level of education held by the client with reference to the national framework of qualifications among others.

Progression has always been a fundamental condition of BTEA. State support for education purposes is grounded on a student progressing from one qualification level to a higher one. This is necessary to ensure displacement does not occur, in that courses could be offered to students who are not progressing at the cost of students progressing from a lower education level. It should be noted that, in the 2010/2011 academic year, of the 25,032 participants supported through BTEA, 43% pursued second level courses. Furthermore, the scheme was never intended to be an alternative form of funding for people entering or re-entering the third level education system.

However, if a person wishes to pursue a part time education course they may be able to do so while still obtaining their jobseeker's payment. They must apply at their local social welfare office and verify that participation on the course does not reduce their availability for work. In the case of jobseeker's benefit, participation on a course does not grant any extension to the normal period for which jobseeker's benefit is paid.

On 10 May, as part of the Government's Jobs Initiative, 20,900 new and additional places were announced in training, education and work experience programmes. As part of this initiative, a new fund, entitled Springboard, which is being managed by the Higher Education Authority (HEA) on behalf of the Department of Education and Skills, provides education and training opportunities to support unemployed people. The primary objective of Springboard is to help unemployed people to remain as close as possible to the labour market by accessing part-time flexible higher education and training opportunities to upskill or re-skill in areas where sustainable employment opportunities may arise as the economy recovers. The target group for this programme of over 200 courses includes unemployed people with a previous history of employment who already hold a higher level qualification at NFQ Levels 6 to 9, who may also require additional upskilling or re-skilling, in order to re-enter employment. By way of the part-time education option, unemployed people on jobseeker's payments will be facilitated in retaining their payment, subject to continuing entitlement, within the broader back to education framework.

FÁS, as the national training authority, anticipates the needs of, and responds to, a constantly changing labour market. It strives to do this through the provision of tailored training programmes that suit various needs and access to many training programmes is not determined by a person's welfare status. Through a regional network of 66 offices and 20 training centres, FÁS operates these training programmes including some in co-operation with community, voluntary and statutory organisations. Further information is available locally at these FÁS offices.

The BTEA, in conjunction with other employment support schemes, will be monitored on an ongoing basis to ensure that it continues to meet its objectives.

### Social Welfare Appeals

77. **Deputy John Deasy** asked the Minister for Social Protection the reason for the delay in issuing files from the carer's allowance section to the appeals office; if she will examine the case of a person (details supplied) who requested an appeal on 12 April 2011 and whose file did not reach the appeals office until 1 September 2011; if she will ensure that information is passed between sections in her Department within a reasonable amount of time; and if she will make a statement on the matter. [24290/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused 150% carer's allowance on 15 February 2011 on the grounds that the care recipients are not in need of full time care and attention. This decision was appealed in April 2011 and her file and papers were forwarded to the Social Welfare Appeals Office for determination on 31 August 2011. The delay in processing and forwarding the papers for appeal is regretted.

Carer's allowance commenced a major service delivery modernisation project at the beginning of 2011 involving 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. In order to ensure the success of this project, significant staff resources within carer's allowance section have been allocated to the IT development project and will continue to be required in the short-term. This has had a negative but temporary impact on claim processing times.

However, I am pleased to say that the modernisation project is on target and the first tranche of new carer's allowance claims are being processed under the new system since the beginning of this month. Every effort is being made to ensure that claims are processed as quickly as possible and backlogs reduced having regard to workload and priorities.

*Questions Nos. 78 to 81, inclusive, withdrawn.*

### Social Welfare Benefits

82. **Deputy Jack Wall** asked the Minister for Social Protection her views regarding the payment of rent allowance to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [24323/11]

**Minister for Social Protection (Deputy Joan Burton):** People in full-time education are normally excluded from receipt of rent supplement under the supplementary welfare allowance scheme. However, people participating in approved courses under the back-to-education allowance scheme receive a standard weekly rate of payment equivalent to the maximum rate of their previous social welfare payment and may retain any secondary benefits, such as rent supplements, which had been in payment prior to the commencement of their education course. The benefit to those participating in the back-to-education allowance scheme is that their status as a full-time student does not preclude them from receiving rent supplement.

The Health Service Executive (HSE) has advised that the person concerned is in receipt of a rent supplement of €246 per month. The HSE has further advised that it has written to the person concerned advising her that she must be in receipt of a back to education allowance in order to retain her rent supplement entitlement.

83. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding a claim for supplementary welfare allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [24327/11]

**Minister for Social Protection (Deputy Joan Burton):** Currently Supplementary Welfare Allowance (SWA) is administered by the Community Welfare Service of the Health Service Executive (HSE) on behalf of the Department. The Executive has advised that the person concerned is currently in receipt of the maximum level of SWA allowable based on an assessment of his particular circumstances. The assessment has taken account of his family composition, all household income, and an assessment of capital (as per Section 35 of Social Welfare & Pensions Act 2007) on the additional property which the person concerned has possession of.

The HSE further advised that the person concerned appealed the decision to the HSE Appeals Office in relation to the reduced rate of payment of SWA. The appeals office upheld the decision of the Community Welfare Service. The person concerned has been advised of his right to appeal the decision to the Chief Appeals Office, however to date an appeal has not been submitted.

*Question No. 84 withdrawn.*

85. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the way it was concluded that a person (details supplied) in County Kildare was deemed not to qualify on medical grounds for invalidity pension; if this issue will be reviewed; and if she will make a statement on the matter. [24345/11]

**Minister for Social Protection (Deputy Joan Burton):** On 30 August 2011 an application for invalidity pension was received from the person concerned. Invalidity pension is payable to persons who satisfy the contribution conditions and are regarded as permanently incapable of work. A contribution condition for invalidity pension requires that the claimant must have at least 260 contributions paid at class A, E, or H rate since entry into insurable employment.

According to my department's records, the person concerned has not paid sufficient contributions and is therefore not entitled to invalidity pension from 30 August 2011. He was notified of this decision and the reason for it on 7 September 2011. As the person concerned did not satisfy the contribution condition for invalidity pension, eligibility on medical grounds was not determined. The person in question is currently in receipt of a disability allowance from my department, at a reduced rate which takes account of his means. Disability allowance is a means-tested payment for people who are habitually resident in the state and are expected to be incapable of work for at least 1 year.

86. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason for the delay in payment of child benefit in the case of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [24348/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has submitted two claims for child benefit. The first was received on 31/1/07 in respect of three children. The second was received on 14/8/09 in respect of a fourth child. Two of the children reside with the applicant, while the other two children continue to reside with their mother in Portugal.

In order to determine entitlement, it is first necessary to ascertain whether Family Benefits are being paid by Portugal. Correspondence issued to the Portuguese Authorities on 21 February 2011 querying entitlement to family benefits in Portugal under EU Regulations. While a reply has been received, the information contained therein requires further clarification. Correspondence to this effect was issued to the Portuguese Authorities on 18 May 2011 and a reminder issued on 12 September 2011. Separate correspondence also issued on March 3rd 2011 to the mother of the two children who are resident in Portugal. No reply has been received and a reminder will now issue.

A decision on entitlement to child benefit cannot be finalised until the information requested is received from the Portuguese authorities and from the mother of the children who are resident in Portugal.

87. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if a person (details supplied) in County Kildare continues to qualify for their back-to-education allowance; and if she will make a statement on the matter. [24350/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been approved for the back to education allowance for the 2011-12 academic year.

88. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the full rate of rent allowance payable in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [24351/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned has been awarded rent supplement of €487.33 per month. The HSE has further advised that the rent payable in this case is in excess of the prescribed rent limit appropriate to his family circumstances. The HSE has informed the person concerned that he must secure alternative accommodation within the prescribed limit for his family circumstances by the end of September 2011.

89. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason a person (details supplied) in County Kildare was not allowed to sign on for jobseeker's allowance.; and if she will make a statement on the matter. [24352/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned submitted an application for jobseeker's allowance with effect from 12 September 2011. Her application will be processed when she furnishes the documentation requested.

90. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an application for rent support in the case of persons (details supplied) in County Kildare; the maximum rent support for families of this scale; and if she will make a statement on the matter. [24353/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the persons concerned made an application for rent supplement on 6th September 2011. The HSE requested further information from the persons concerned in order to process their application. The HSE will make a decision on the application when the requested information has been provided.

91. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the amount of rent allowance payable in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [24354/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned has been awarded rent supplement of €487.33 per month which is his full entitlement based on his personal circumstances.

92. **Deputy Tom Fleming** asked the Minister for Social Protection her plans to ensure that the major delays that occurred in 2011 in the payment of the back to school allowance will not happen in the future and that an adequate number of staff be put in place with processing of applications. [24387/11]

**Minister for Social Protection (Deputy Joan Burton):** The Back to School Clothing and Footwear Allowance (BSCFA) scheme operates from the beginning of June to the end of September each year. The administrative arrangements for the 2011 Scheme are different from those that applied in previous years. For this year, the majority of Back to School Clothing and Footwear Allowance entitlements will be fully automated with no application form required from customers. This change to the administrative arrangements saw some 127,000 households receive their payment automatically in June of this year.

Customers who did not receive an automated payment are required to complete application forms which are being processed from one centralised unit within the Department of Social Protection. Manual applications have been accepted since the start of July and up to last Friday (9th September) 81,000 applications have been received. Claims continue to arrive at over 700 per day, however, this is down from a high of 3,000 per day received in the first two weeks of July, and 2,000 per day in the second two weeks of July, and 1,500 at the end of July/ beginning of August.

Of the 81,000 claims received almost 45,000 have been processed. 33,000 have been paid, 5,000 refused, 5,500 returned because there was insufficient information and there were 1,300 duplicate claims. The Department is working to clear the claims as quickly as possible. 38 staff were originally provided to process these claims, an additional 14 staff were assigned in mid-August bringing the staff complement to 52. This number has now been increased to 60 staff with overtime also being worked.

The timescale for determining applications for BSCFA claims is dependant, among other things, on the availability of the required information, such as details of the applicant's income, bank statements, etc. In addition, some aspects of the applications are inevitably time consuming and delays can occur where further investigations or third party evidence is required. Delays can also arise if the applicant is slow to respond to requests for additional information.

It is proposed that when the 2011 scheme has been concluded a full review of the experience will be undertaken. Lessons learned will be documented for the future operation of the scheme.

*Question No. 93 withdrawn.*

94. **Deputy Denis Naughten** asked the Minister for Social Protection when a decision will issue on an application for back to school clothing and footwear allowance 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. [24390/11]

**Minister for Social Protection (Deputy Joan Burton):** The Back to School Clothing and Footwear Allowance (BSCFA) scheme operates from the beginning of June until the end of September each year.

The administrative arrangements for the 2011 BSCFA scheme differ from those that applied in previous years. For this year, the majority of BSCFA entitlements were fully automated with no application form required from customers, 127,000 households in respect of over 250,000 children received their payment automatically in June.

Those customers who did not receive an automated payment are required to complete and return an application form to the Department. The timescale for determining applications for Back to School Clothing and Footwear Allowance claims is dependent on a number of factors including: the number of applications received, when the application is lodged, the availability of the required information such as details of the applicant's income, bank statements and other relevant information regarding an individual's application.

In addition, some aspects of the applications are inevitably time consuming and delays can occur where further investigations or third party evidence is required. Delays can also arise if the applicant is slow to respond to requests for additional information. Staff are working as quickly as possible on clearing the large volume of manual application claims received. Based on the current volume of applications it could take up to 8 weeks from date of receipt to process claims. Departmental records show that an application form was received from the person concerned on 3rd August 2011 and it is expected he will be notified of the outcome of his claim shortly.

*Question No. 95 withdrawn.*

### **Departmental Staff**

96. **Deputy Martin Ferris** asked the Minister for Arts, Heritage and the Gaeltacht the details of the severance package provided to past Secretaries General in his Department; and if he will make a statement on the matter. [24296/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I assume that the Deputy's Question relates to those relevant Secretaries General that have most recently retired.

As the Deputy will be aware, my Department was established on 2 June 2011 and brings together functions from the former Department of Tourism, Culture and Sport, Department of Community, Equality and Gaeltacht Affairs and the Department of Environment, Heritage and Local Government.

I am advised that the severance package paid to the outgoing Secretary General of the former Department of Tourism, Culture and Sports on his retirement in May 2011 was as follows:

- Retirement Lump Sum: €332,896
- Annual Pension: €100,889
- Severance Pay: €110,964

While the Department of Community, Equality and Gaeltacht Affairs was renamed the Department of Children and Youth Affairs on 1st June 2011, legacy issues relating to the former Department were assigned to the Department of Arts, Heritage and the Gaeltacht. Accordingly, for completeness, I am including in this reply details of the severance package paid to the outgoing Secretary General of the then Department of Community, Equality and Gaeltacht Affairs on his retirement in December 2009 as follows:

- Retirement Lump Sum: €332,893
- Annual Pension: €110,964
- Severance Pay: €110,964

### **Turbary Rights**

97. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht if he will furnish a response to correspondence (details supplied) in respect of bog compensation; and if he will make a statement on the matter. [24313/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Under the terms of the bog purchase scheme, my Department provides payment to applicants who apply to sell

[Deputy Jimmy Deenihan.]

land or turbary rights in raised bogs that have been statutorily proposed for designation as a Special Areas of Conservation or Natural Heritage Area. This scheme was originally launched in March 1999 and provided standard rates per acre for the purchase of designated raised bog.

In July 2004, an agreement was concluded with the Farming Pillar under “Sustaining Progress”, which allowed for an increase in the rates of payment per acre under the scheme. It was also agreed that an ex-gratia top-up payment would be made to people who were previously compensated under the scheme.

In the case of the first person referred to by the Deputy, the land in question was sold to the then Department as part of the scheme in 1999. The individual applied for the ex-gratia retrospective payment in September 2004 and this was paid in August 2005. I am advised that this individual has been fully compensated under the terms of the scheme.

In the case of the second person referred to, the land in question was sold voluntarily to the then Department in 1996 before the introduction of the cessation of turf cutting scheme. As this land was not purchased under the scheme, I am advised that the individual has no entitlement to any further payments.

### **Inland Waterways**

98. **Deputy Brendan Smith** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding the proposal to restore the Ulster Canal; when this project will proceed to the next stage; and if he will make a statement on the matter. [24373/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware, the North/South Ministerial Council (NSMC) Plenary Meeting in July 2007 agreed to proceed with the restoration of the section of the Ulster Canal between Clones and Upper Lough Erne. The then Government agreed to cover the full capital costs of the project, which were estimated at that time to be of the order of €35m. However, Government Accounting procedures do not provide, in that sense, for the ‘ring-fencing’ of funds for projects of this nature. I am advised that it was always the intention that the Ulster Canal project would be funded from the Waterways Ireland annual allocations, as agreed through the annual estimates processes in this jurisdiction, as well as the deliberations of NSMC in relation to annual budgets. I am advised that it was also a key consideration throughout the process that the Ulster Canal project would be supported by a significant level of projected income from the commercialisation of certain Waterways Ireland assets — a scenario that was affected negatively by the economic downturn.

While I intend to explore all possible options that may assist in the advancement of this project, it must also be recognised that the Government is engaged at present in a Comprehensive Review of Expenditure, under which all spending is being examined rigorously. Notwithstanding that, I have asked my Department to keep in regular contact with Waterways Ireland with a view to advancing the project to the extent possible, within the current constraints.

In this regard, Waterways Ireland has informed me that the preliminary design for the project has been completed and that an application for planning will be lodged with the relevant authorities before the end of September. I trust the Deputy will agree that this is a significant milestone for the project.

### **EU Directives**

99. **Deputy Joe McHugh** asked the Minister for the Environment, Community and Local Government if he will provide a definition of wetlands regarding the land and improvement

legislation; if he will describe the environmental impact assessment and the planning process; and if he will make a statement on the matter. [24381/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The provisions of Council Directive 85/337/EEC on the assessment of the effect of certain public and private projects on the environment (the EIA Directive, as amended in 1997 and 2003) were transposed into Irish legislation by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended). Schedule 5 of the 2001 Regulations specifies relevant development for the purposes of Part X of the Act, which deals with EIA.

In accordance with the Directive, certain thresholds were set below which development need not necessarily be subject to environmental impact assessment. However, where a planning application for sub-threshold development is submitted to a planning authority, under the 2000 Act that authority may, where it considers that the development would be likely to have significant effects on the environment, require the submission of an environmental impact statement (EIS). Similarly, in the case of an appeal relating to a planning application for sub-threshold development, An Bord Pleanála may, where it considers that the development would be likely to have significant effects on the environment, require the submission of an EIS.

In Case C-66/06, the European Court of Justice (ECJ) found that Ireland's system of screening projects to assess the requirement to carry out EIA for certain categories of agriculture development was over-reliant on size thresholds and did not take sufficient account of other relevant criteria such as the cumulative effects of development and the location of those developments. In June 2011, the Commission referred this case back to the Court to seek the imposition of both lump sum and daily fines for failure to act on the findings of the judgment and extensive consultations and action have been taken to minimise the risk of exposure to fines and to expedite resolution of the case.

In response to the Court's finding, my Department and the Department of Agriculture, Fisheries and Food have been working together, in consultation with the Commission, to fully address the Court findings and ensure that Ireland is fully compliant with the Directive. It has been agreed that it is more efficient and appropriate to transfer responsibility for most of the activities covered by the judgment, such as the re-structuring of fields and removal of hedgerows and boundaries, the use of uncultivated land or semi-natural areas for intensive agriculture and normal field drainage works to the Department of Agriculture, Fisheries and Food as part of its wider management responsibilities for overseeing agricultural activities and integrating environmental considerations into relevant schemes. The only element of the judgment being retained within the planning system is on-farm development activity that impacts on the drainage or reclamation of wetlands, which are regarded as highly environmentally sensitive areas.

Following approval by the Oireachtas of the draft Regulations, I signed the Planning and Development (Amendment) (No. 2) Regulations 2011, on 8 September 2011, which introduce a number of amendments to address the ECJ findings in this case.

A definition of "wetlands" has been inserted into Article 5 of the Regulations as meaning:

"natural or artificial areas where biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water."

Guidance on this definition and a fuller description of the areas included in the definition will be given in a guidance document to accompany these new regulations. This guidance will issue for consideration in draft form in the coming days.

[Deputy Willie Penrose.]

The Minister for Agriculture, Fisheries and Food has also signed, on 8 September, new European Communities (Agricultural Environmental Impact Assessment) Regulations 2011 which provide for a new system of screening for environmental impact above certain thresholds for different types of agricultural activity, and the requirement for the Minister's consent to be sought and mandatory EIA to be carried out on such projects at a higher threshold level.

### **Waste Management**

100. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to ensure that changes to the waste management regulations here do not result in increased costs to householders. [24275/11]

102. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government his plans to introduce a national bin waver system to help families struggling under financial pressure in view of the fact that many local authorities have privatised refuse collection services; and if he will make a statement on the matter. [24261/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 100 and 102 together.

The Programme for Government includes a commitment to introduce competitive tendering for household waste collection, under which 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. This system is known as franchise bidding.

The franchise bidding system of regulation is widely used elsewhere in Europe and other parts of the developed world because it is associated with lower costs for the householder and improved environmental outcomes. Given that the principal costs of collecting household waste relate to investment in fleet and equipment, fuel and labour costs, it is clear that a system which involves multiple trucks from different companies all servicing different houses on the same streets is neither economically nor environmentally efficient. As the costs arising from economic inefficiency are ultimately borne by the householder, in the form of higher waste collection charges, it is important that we address this issue as a matter of priority.

A public consultation on the issues involved, designed to inform the policy development process, has recently concluded. The responses received are currently being examined and I intend to bring policy proposals to Government before the end of the year. The issues of pricing and waivers for low income households will be among the issues for consideration in this context.

*Question No. 101 answered with Question No. 29.*

*Question No. 102 answered with Question No. 100.*

### **Severe Weather Events**

103. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government the full list of the measures being taken by him to prepare for the potential for extreme cold weather this winter; and if he will make a statement on the matter. [24267/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department acted as Lead Government Department in co-ordinating the response of 27 Government Departments and Agencies to the Severe Weather Events of 2009 and 2010. In keeping with recognised international good practice, my Department has completed a review

of the response to draw conclusions as to what worked well and, importantly, make recommendations from the lessons learned in order to improve Ireland's preparedness for and resilience to future severe weather events. A recognised and accredited methodology was used for collecting and collating information from the Departments and Agencies in respect of the response to the severe weather events.

The Report on the Review of the Response to Exceptional Severe Weather Events of 2009-2010 sets out the sequence of events as they occurred, draws various conclusions and makes recommendations to improve preparedness for, and increase resilience to, future severe weather events. The Report, including appendices which set out the 52 conclusions and 62 recommendations, is available on my Department's website at *www.environ.ie*. The Government Task Force on Emergency Planning has endorsed the Report.

Government Departments and agencies are in the process of implementing the recommendations for their sectors, with a particular focus on those which must be met before next winter. Progress is being reported to the Government Task Force. I am confident that their implementation, coupled with the valuable experience gleaned at national and local levels from the previous severe weather events, will enhance our preparedness for any severe weather events which may occur this winter.

### **Social and Affordable Housing**

104. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government the reason he is continuously adding 4.5% to the cost of shared ownership loans given that neither his Department nor the local authority have an input into the maintenance or otherwise of the house that was purchased and the loan was agreed in the first instance; the further reason for the increase each year that is creating problems for home owners; and if he will make a statement on the matter. [24321/11]

105. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which he has sought or received information from the various local authorities relating to shared ownership mortgage holders who are in distress, with particular reference to clarification as to how the repayments on some such mortgages are higher than ordinary mortgages notwithstanding the fact that only partial equity is involved; if he has received communication from the local authorities with a view to some resolution; and if he will make a statement on the matter. [24356/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 104 and 105 together.

Under the shared ownership scheme houses are acquired by a local authority and leased to shared owners, who purchases at least 40% of the value of the house and rents the remaining equity from the local authority. The local authority finances the transaction by borrowing from the Housing Finance Agency. The shared owner must purchase full ownership within 30 years. For transactions commenced on or after 1 January 2003, the annual rent is calculated at 4.3% of the value of the local authority equity and the rent is increased by a fixed 4.5% on 1 July each year. The rent is used to repay the cost of the local authority equity to the Housing Finance Agency and, depending on the level of mortgage interest rates obtaining, may also increase or decrease the capital outstanding on the local authority share at the end of each year. These arrangements represent a significant improvement on the previous terms of the scheme for the shared owner.

The rental formula applied under the scheme is not comparable to rents in the private rented sector, which are determined by the operation of the market. Therefore, movements in private

[Deputy Willie Penrose.]

sector rent levels would have no relevant bearing on the calculation of the rental element under shared ownership. Local authority mortgage holders — including those who purchased under shared ownership — also benefit from extremely keenly priced interest rates which generally run at around 0.5% lower than the best rates available in the market. Further support is available through rent subsidy. This is available to households purchasing under the Shared Ownership Scheme who have a gross household income of up to €28,000 per annum in the preceding tax year. The level of subsidy ranges between €2,550 for incomes up to €13,000 and €1,050 for incomes up to €28,000.

The Government's housing policy statement, published on 16 June, announced the standing down of all affordable housing schemes, including the shared ownership scheme, in the context of a full review of Part V of the Planning and Development Act 2000.

106. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the steps that will be taken to utilise excess housing stock to meet the requirements of those on local authority housing waiting lists; and if he will make a statement on the matter. [24357/11]

107. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if he has any information as to whether recent distressed property sales by the National Asset Management Agency have shown that any substantial proportion of such sales have gone to address the housing needs of first-time buyers as opposed to investors; and if he will make a statement on the matter. [24358/11]

108. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if he has studied the possibility of facilitating first-time house buyers or those on local authority housing waiting lists in the context of any property disposals by the National Asset Management Agency; and if he will make a statement on the matter. [24359/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 106 to 108, inclusive, together.

On 16 June 2011 I launched the Government's new housing policy statement which will serve as a framework for a sequence of legislative and policy initiatives in the short to medium term. Based on a number of fundamental principles and goals that will form the foundation of a substantial reform programme, the new framework for housing policy responds to current and emerging conditions in the housing sector, taking account of the dramatic cycle of rapid growth and sudden collapse in the residential property market.

The centrepiece of the approach is to chart a way forward for housing policy in Ireland by placing greater emphasis on:

- choice;
- equity across housing tenures; and
- delivering quality outcomes for the resources invested.

In terms of home ownership, the policy statement recognises and welcomes the fact that home ownership will continue to be the aspiration of the majority of households. However, the Government is also conscious that there are other households who either do not want or may not ever be in a position to own their home.

We need to provide choice for such households. This choice will be on the basis of household circumstances and need and will not entice people through fiscal or other stimuli to favour one tenure over another. I have no plans, therefore, to introduce a scheme that would incentivise house purchase. However, I am committed to exploring all options for bringing unsold suitable residential stock into productive use for social housing purposes, including stock held by the National Asset Management Agency, through the social housing leasing initiative.

My Department does not have information in relation to any recent sales of residential units by NAMA.

### **Local Authority Staff**

109. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the number of local authority staff that have indicated a preference to take early retirement or redundancy by early 2012; the extent to which this is likely to affect the operation of the local authorities.; and if he will make a statement on the matter. [24360/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Early retirement is obviously a matter for each individual employee and employer to decide. It is not possible to give definitive or estimated figures at this time having regard to the period to early 2012. Reductions in staff are being managed by local authorities having regard to a range of factors including the exit dates of the staff concerned, the need to reduce public service numbers overall and the requirement to maintain key services.

There has obviously been an impact on local authorities due to the reduction in staff by circa 6,500 or 18% since 2008. However, the impact in terms of front line services has been minimised through re-structuring and the re-allocation of work combined with the approval of sanctions for exceptions to the staffing moratorium by my Department. Furthermore, some local authority business areas have declined due to the economic downturn allowing administrative staff to be assigned to other duties. My Department maintains detailed engagement with local authorities on the operation of the employment control framework and having regard to achieving optimum staffing for the delivery of key services within budgetary constraints.

### **Local Authority Housing**

110. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the number of applicants on housing waiting lists in each local authority on a county-by-county basis; the degree to which this issue will be addressed in the short, medium or long term; and if he will make a statement on the matter. [24361/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Detailed data are being finalised and I expect to be in a position to release the statutory Housing Needs Assessment figures for 2011 shortly. The total number of households on the local authority waiting lists nationally, the “net need”, amounts to just under 100,000 households.

The Government’s new housing policy statement, launched in June 2011, will serve as the framework for a sequence of legislative and policy initiatives in the short to medium term providing a range of housing supports to those in need. Based on a number of fundamental principles and goals that will form the foundation of a substantial reform programme, the new framework for housing policy responds to current and emerging conditions in the housing sector, taking account of the dramatic cycle of rapid growth and sudden collapse in the residential property market. The centrepiece of the approach is to chart a way forward for housing policy in Ireland by placing greater emphasis on:

[Deputy Willie Penrose.]

- choice;
- equity across housing tenures; and
- delivering quality outcomes for the resources invested.

In terms of the delivery of social housing, the policy statement clearly identifies that the main focus in terms of supports provided by Government will be on meeting the most acute needs — the housing support needs of those unable to provide for their accommodation from own resources.

The financial parameters in which we will be operating for the coming years rule out a return to very large capital funded construction programmes by local authorities. Nevertheless, we are committed to responding more quickly and on a larger scale to social housing support needs through a variety of mechanisms, including through increased provision of social housing. Delivery of social housing will be significantly facilitated through more flexible funding models such as RAS and leasing, but the Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. Such mechanisms will include options to purchase, build to lease, the sourcing of loan finance by approved housing bodies for construction and acquisition. There is also obvious potential, across a range of housing programmes, for the Government's objective of sourcing and providing suitable residential units for use as social housing, to be aligned with the commercial objectives of the National Asset Management Agency (NAMA).

111. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which funding is available through the local loans fund or otherwise to meet the housing requirements of first-time house buyers or those on local authority housing waiting lists; and if he will make a statement on the matter. [24362/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** No funding restrictions have been placed on local authorities for the purposes of providing loan finance for house purchase or home improvement. Allocations totalling over €51m issued to local authorities for House Purchase and House Improvement lending in April 2011, an increase of almost €20m (or 61%) on the 2010 allocation of almost €31m. These allocations represent borrowings ceilings rather than financial provisions.

### **Water Services**

112. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which plans have been evaluated or advanced for the provision of enhanced domestic water supply for the greater Dublin area with particular reference to the sourcing and storage of any such supplies; and if he will make a statement on the matter. [24363/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Greater Dublin Water Supply Area consists of Dublin City, Fingal, Dun Laoghaire-Rathdown and South Dublin, significant areas in East and West Wicklow (including Bray), mid and north Kildare and south-eastern areas of Meath. The major source for the Dublin region water supply is the Liffey (Ballymore Eustace and Leixlip), with other sources being the Vartry (Roundwood) and Dodder (Bohernabreena).

A number of schemes under my Department's Water Services Investment Programme have been approved to increase the water supply to the area. These include a major leak reduction programme, a large-scale mains rehabilitation programme, a further expansion at the Ballymore Eustace treatment plant and associated works, new treatment plant for water abstracted from the Barrow and an expansion of the Leixlip works. However, there is limited potential to abstract additional water from existing sources and it is necessary to consider new options for potential long-term sources to service growth in demand in the Greater Dublin Area. Therefore, my Department provided funding to Dublin City Council to fund a Dublin Water (Long Term Sources) Development Study. This 2006 Study concluded that there were only two feasible approaches which could technically meet the capacity requirements in the medium and long term — abstraction from the Shannon and desalination.

Consultants working for Dublin City Council have completed the Preliminary Report (addressing the Shannon Source and desalination options), which outlines the options examined for source development, the type of treatment to be provided and how the water should be delivered/distributed, and makes recommendations on the preferred option. This report, which has been adopted by the City Council, recommends the abstraction of raw water from Lough Derg (River Shannon) and pumping the abstracted water through a new pipeline to a proposed storage reservoir covering approximately 1,400 acres (567 hectares) at the Garryhinch cut-away bog (near Portarlinton, Co. Laois), forming part of a proposed midlands water based eco-park. The water will be treated to drinking water standards at this location and the treated water transported in a series of pipelines to the Dublin Region Water Supply Area with provision for local supplies.

The Report and an Environmental Statement (prepared in accordance with the Strategic Environmental Assessment (SEA) Regulations, 2004) is available for public information from 1 September 2011 to 1 November 2011 at a number of local authority offices. The next step for this project will include the preparation of an Environmental Impact Statement as part of the application for approval to An Bord Pleanála under the Strategic Infrastructure Act and the development of a procurement strategy. My Department continues to provide funding for this planning phase.

*Question No. 113 answered with Question No. 6.*

### **Water and Sewerage Schemes**

114. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if local authority sewerage treatment plants, currently the source of groundwater pollution, are likely to be regulated in the same way as septic tanks; and if he will make a statement on the matter. [24365/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Waste Water Discharge (Authorisation) Regulations 2007-2010 provide for the operation of an authorisation regime by the EPA for local authority wastewater discharges. The Regulations require discharges from agglomerations with population equivalents greater than 500 to be licensed and set out procedures for applying for a licence, the review of a licence and the making of submissions. The Regulations also provide that a local authority will not be authorised to permit a discharge from a wastewater works serving a population equivalent below 500, without certification by the EPA.

### **International Agreements**

115. **Deputy Robert Dowds** asked the Minister for Justice and Equality when Ireland will

[ Deputy Robert Dowds.]

ratify the UN Convention on the Rights of Persons with Disabilities; and if he will make a statement on the matter. [24262/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** It is the Government's intention to ratify the UN Convention on the Rights of Persons with Disabilities as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy may be aware, Ireland does not become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary. The ongoing implementation of our National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable ratification. The National Disability Authority, the lead statutory agency for the sector, has also been requested to independently assess the remaining requirements for ratification so as to ensure conclusively that all such issues will be addressed.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government's Legislation Programme as announced yesterday, 14 September 2011, indicates that the Mental Capacity Bill is expected to be published in early 2012. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

### **Citizenship Applications**

116. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied) in County Limerick; when this application will be processed; and if he will make a statement on the matter. [24299/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to the reply to Parliamentary Question No. 624 of 14 September 2011, which states:

*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 May 2011.*

*The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.*

*The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.*

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Proposed Legislation

117. **Deputy David Stanton** asked the Minister for Justice and Equality the progress being made in the development of the personal insolvency Bill to bring in changes to current bankruptcy legislation; and if he will make a statement on the matter. [24302/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** In line with the commitment in the Programme for Government and the EU/IMF Programme of Financial Support for Ireland, a Personal Insolvency Bill is in the course of being developed in my Department with a view to being published in early 2012 or earlier if possible. It will provide for a comprehensive new framework for settlement and enforcement of debt and for personal insolvency. It is planned to furnish a copy of the Heads of the Bill when complete to the Joint Oireachtas Committee on Justice, Defence and Equality for its consideration and comment.

The Civil Law (Miscellaneous Provisions) Act 2011 contains some interim measures in relation to reform of the law on bankruptcy. The period for application to the court for discharge of bankruptcy is reduced from 12 years to 5 years, albeit subject to the same conditions as at present. An adjudication of bankruptcy will be automatically discharged after 12 years. I am arranging to bring those measures into operation by Order in the very near future.

### Garda Operations

118. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on Garda operation Balloon; the number of vehicles seized for non-insurance or no driving licence; the number of drivers prosecuted for no tax, no NCT certificate and so on; if this operation is still active; and if he will make a statement on the matter. [24308/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that Operation Balloon commenced in 2005 and is ongoing. It is an initiative aimed at tackling difficulties being experienced particularly in the Clondalkin Garda District with young male drivers. Garda intelligence had indicated that groups of youths were gathering, particularly in industrial estates in the locality, especially at weekends.

The operation is carried out in conjunction with traffic personnel from the Garda Divisional Headquarters and Dublin Metropolitan Region Traffic Corps. There are no additional costs directly attributable to the operation as it is conducted as part of general policing duties.

I am further informed that to date in 2011, the period for which figures are readily available, the operation has resulted in seven vehicles being detained under the provisions of section 41, Road Traffic Act, 1994, as amended. Thirty-three summonses have been issued for various offences contrary to the Road Traffic Acts, including one in respect of not being taxed, five in respect of having no insurance, five for failure to produce an insurance certificate, four for having no driving licence, five for failure to produce a driving licence, two for not displaying a valid NCT disc, two for failure to produce an NCT certificate, four for having no 'L' plates, four for being an unaccompanied provisional driver and one for not wearing a seat belt.

### Child Protection

119. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality his plans to establish a Garda child protection unit in the R and J districts of the Dublin region; if so, the number of gardaí by rank in each unit; and if he will make a statement on the matter. [24309/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Authorities that the Sexual Crime Management Unit forms part of the Domestic Violence and Sexual Assault Investigation Unit of the National Bureau of Criminal Investigation.

[Deputy Alan Shatter.]

The Unit is not District-based but rather has a national remit. Its functions include evaluating and monitoring the investigation of child sexual abuse and other offences. To perform these functions it has contact with the investigating Garda and local senior Garda management. The objective is to ensure, by reference to best practice, that investigations are pursued promptly and properly. The Unit is the central point of contact for Divisional and District Senior Investigating Officers tasked with investigating this type of offence. The unit also monitors the implementation of the revised Children First Guidelines — Children First : National Guidance for the protection and welfare of Children, 2011.

### **Garda Operations**

120. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on Garda operation Bóthar; the number of persons arrested and charged under this operation; the number of gardaí involved; the cost of the operation to date; the number of successful convictions secured to date; if this operation is still ongoing; and if he will make a statement on the matter. [24310/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that Operation Bóthar commenced in the Dublin Metropolitan Region in January 2010 and is ongoing. It is an initiative aimed at targeting offences under road traffic and road transport legislation and the gathering of intelligence through effective roads policing.

To date, almost 18,000 incidents have been recorded relating to a wide range of roads policing incidents, activities and intelligence. There are no additional costs directly attributable to the operation as it is conducted as part of general policing duties. The numbers of Gardai involved vary but mainly comprise of Traffic Corps personnel within the DMR.

I am further informed that it is not possible to provide information in relation to the number of persons arrested, charged and convicted under this operation without a disproportionate use of resources.

### **Citizenship Applications**

121. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality the position regarding an application for citizenship in respect of a person (details supplied) in County Kerry.; and if he will make a statement on the matter. [24325/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** A valid application for a certificate of naturalisation was received from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in December, 2010. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process. I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

122. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when he expects a decision to issue in the matter of citizenship in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [24331/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in February, 2011. On examination of the application submitted it was returned to the person concerned on 17th February, 2011 for further attention. In order to be fair to all applicants, only valid applications can be considered.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

123. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the nature of any conviction or prosecution or penalty arising therefrom in the case of a person (details supplied) in Dublin 15 which might affect their citizenship status; and if he will make a statement on the matter. [24332/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that, having checked their records, they have no record of an application for a certificate of naturalisation from the person referred to by the Deputy.

In the context of an application for a certificate of naturalisation, I make a decision in my absolute discretion based on the entirety of the information presented, which includes a report from An Garda Síochána. As each application is assessed on its individual circumstances, it is not appropriate for me to comment generally on the matters raised by the Deputy.

### **Residency Permits**

124. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [24333/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned claimed asylum in the State on 30th June, 2008 and had his claim examined by the Office of the Refugee Applications Commissioner following which it was recommended that he should be recognised as a refugee.

Based on this recommendation and in accordance with the provisions of section 17 of the Refugee Act 1996 (as amended), the person concerned was issued with a formal declaration of refugee status by letter dated 19th October, 2009. This communication advised him of the rights and entitlements accompanying refugee status in the State. He continues to hold the status of refugee in the State.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

125. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied) in County Limerick; if their case falls within the context of the Zambrano case in view of the fact that they have family commitments; and if he will make a statement on the matter. [24334/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Parliamentary Question No. 478 of Tuesday, 5th July, 2011 — set out beneath. The position is unchanged since then.

*Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 4th December, 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.*

*The person concerned submitted an application for Subsidiary Protection and, following the consideration of this application, it was determined that the person concerned was not eligible for Subsidiary Protection. The person concerned was notified of this decision by letter dated 27th June, 2011.*

*The case file of the person concerned, including all representations submitted, will now be considered under Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. When this consideration has been completed, the case file of the person concerned will be passed to me for decision. In advance of a final decision being made, the case of the person concerned will be examined to determine what, if any, impact the recent European Court of Justice Judgment in the Zambrano case may have on his case.*

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Citizenship Applications**

126. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding the determination of citizenship in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [24335/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** A valid application for a certificate of naturalisation was received from the person concerned in March 2008 and my predecessor decided in his absolute discretion to refuse the application. The person concerned was informed of that decision in a letter issued to her in November, 2010.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Residency Permits

127. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied) in County Sligo; and if he will make a statement on the matter. [24336/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 12 June, 2006, that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. He was subsequently notified of his entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

128. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [24337/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 16 March, 2011, that the Minister proposed to make Deportation Orders in respect of her and her two children. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of Deportation Orders or of making representations to the Minister setting out the reasons why Deportation Orders should not be made against her and her two children. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned, and that of her two children, will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the

[Deputy Alan Shatter.]

Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted, including those of a medical nature, will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Citizenship Applications**

129. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency and citizenship status in the case of a person (details supplied) in Dublin 7; the full extent of any outstanding requirements; and if he will make a statement on the matter. [24338/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that there appears to be no application currently on hand in the Department from the person referred to by the Deputy. Records show that the person concerned attended the Immigration Office on 23 May, 2011 and was granted a Stamp 4 permission for a period of one year which will expire on 23 May, 2012.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Deportation Orders**

130. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding the residency status, current or expected, in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [24339/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 8 September, 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the

file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Citizenship Applications**

131. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding the determination of citizenship and naturalisation in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [24340/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** A valid application for a certificate of naturalisation from the person referred to by the Deputy was received in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in February, 2010.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

132. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding to the determination of residency and citizenship in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [24341/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned has had his temporary permission to remain in the State renewed for a further three year period, to 24 September, 2013. This decision was conveyed in writing to the person concerned by letter dated 2 November, 2010.

An application for a Certificate of Naturalisation was received from the person concerned in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) in July, 2010. On examination of the application submitted it was determined that the person concerned did not, at that time, meet the statutory residency requirements as set out in the Irish Nationality and Citizenship Act 1956, as amended. The person concerned was informed of this in a letter issued to him on 15 July, 2010.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

133. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the degree of progress to date in the determination of citizenship in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [24342/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** A valid application for a certificate of naturalisation was received from the person referred to by the Deputy in September, 2006 and my predecessor decided in his absolute discretion to refuse the application. The person concerned was informed of that decision in a letter issued to him in December, 2009, and re-issued in April, 2010. It is open to the person concerned to make a new application at any time.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Residency Permits

134. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the degree of progress to date in the determination of residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [24343/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to the reply (copy below) to Parliamentary Question Number 527 of 12th January, 2011. The position remains as stated.

*The person referred to by the Deputy was granted Long Term Residency on the 8 March 2010 for 5 years as a dependant. This permission does not allow the person concerned to work without a work permit.*

*If it is the case that the person in question wishes to work in the State, a prospective employer must first obtain a work permit for her from the Department of Enterprise, Trade and Innovation.*

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

135. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if stamp 4 status will be awarded in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [24344/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Irish Naturalisation and Immigration Service (INIS) that no application for Long Term Residency from the person referred to by the Deputy has been received. If the person concerned has been legally resident in the State for over five years on the basis of work permit/work authorisation/working visa conditions, she may apply to the Long Term Residency Unit of INIS for a five year residency extension.

As the spouse of the person has already been granted Long Term Residency, the person mentioned may wish to apply for Long Term Residency as a dependant. This permission does not allow the person concerned to work without a work permit.

I would remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Proposed Legislation**

136. **Deputy Joe McHugh** asked the Minister for Justice and Equality his views that one national vetting bureau should incorporate all statutory agencies that guarantee the protection of children; and if he will make a statement on the matter. [24396/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Government has published the scheme of a National Vetting Bureau Bill. The draft scheme proposes that all vetting in regard to employment positions which involve substantial unsupervised access to children or vulnerable adults will be conducted by a single agency — The National Vetting Bureau. It also proposes that all organisations engaging persons to work with children or vulnerable adults must register with the National Vetting Bureau. The Government has agreed that the drafting of the Bill will be given priority and I have invited the Joint Oireachtas Committee on Justice, Defence and Equality to submit comments and views in regard to the proposed Bill.

### **Grant Payments**

137. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a decision is expected on an appeal for single farm payment in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [24255/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** My Department wrote to the applicant's advisor on 02 September 2011, seeking additional information in relation to the appeal. A response to this query was received on 14 September 2011. The details within in the response are currently being examined. The result of this examination will determine what the next stage of the appeal process will be.

138. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the reason REP scheme payments have not been awarded in respect of persons (details supplied) in County Mayo. [24256/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The first person named commenced REPS 4 in 2009 and has received full payment for the first year of their contract. 75% of their second year payment issued on 14th April 2011 for the amount of €4,927.50. Following a cross-check between the SFP application and REPS agri-environmental plan a discrepancy was discovered in relation to the area claimed for payment resulting in the imposition of a penalty and a delay in processing the 25% payment. The second person named also commenced REPS 4 in 2009 and has received full payment for the first year of their contract. 75% of their second year payment issued on 27th June 2011 for the amount of €2029.35. Following an on-farm inspection in 2011 an over-claim was discovered in relation to the area claimed for payment resulting in the imposition of a penalty and a delay in processing the 25% payment.

My Department is currently making arrangements to process outstanding 25% payments to farmers due in respect of 2010 and it is anticipated that they will commence in October.

### Harbours and Piers

139. **Deputy Ciara Conway** asked the Minister for Agriculture, Fisheries and Food if funding will be made available to repair a pier (details supplied) in County Waterford; the way this funding might be accessed; the avenues that are available to have repairs carried out; and if he will make a statement on the matter. [24260/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The pier at Cheekpoint is the property of Waterford County Council and responsibility for its repair and upkeep rests with the Local Authority in the first instance. Earlier this year my Department invited Local Authorities to submit applications in respect of priority harbour development projects for inclusion in the 2011 Fishery Harbour and Coastal Infrastructure Development Programme. Detailed application forms in respect of a number of proposed projects, including Cheekpoint Pier, were issued to Waterford County Council for completion. However, no completed application forms were received from Waterford County Council by the specified closing date on 10 June 2011.

All funding available under the Fishery Harbour and Coastal Infrastructure Development Programme 2011 has now been allocated, but any applications for funding in future years will be given consideration subject to available Exchequer funding and overall national priorities.

### EU Directives

140. **Deputy Robert Dowds** asked the Minister for Agriculture, Fisheries and Food if Ireland is on course to abolish conventional battery farming of hens as directed by the European Commission through directive 1999/74/EC; and if he will make a statement on the matter. [24268/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** An EU ban on conventional battery cages is due to enter into force with effect from 1 January 2012, in line with Directive 1999/74/EC on minimum standards for laying hens. My Department is working with laying hen producers and the poultry industry to ensure that the 1 January deadline is adhered to and that the phasing out of conventional systems to other systems will be as smooth as possible. A Poultry Welfare Scheme to assist producers in complying with the requirements of the Directive is currently in operation. The scheme provides a total of €16 million to producers to assist in the conversion to enriched cages, free range or barn systems.

### Special Areas of Conservation

141. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the reason non-special areas of conservation farmers will get paid for two months more than SAC farmers (details supplied). [24298/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named was approved into the AEOS Scheme with a start date of 1 November 2010.

Under EU Regulations comprehensive checks had to be carried out before approval into the scheme was granted and as these checks were finalised approval letters were issued to applicants. All applications were processed as quickly as possible and due to the complex nature of the checks relating to applications involving SAC areas, these applications were approved with effect from 1 November 2010. The person named has a contract period of 5 years and two months.

### Rural Environment Protection Scheme

142. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Fisheries and Food when payments under the REP scheme, including 2010 balance payments, will be awarded to farmers; the reason for the delay with same; if interest will be awarded due to this delay; and if he will make a statement on the matter. [24316/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** REPS 4 is a measure under the Rural Development Programme, 2007-13, and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before payments can issue.

These administrative checks have been completed and of the 30,300 farmers due a payment in respect of 2010, approximately 750 applicants are currently awaiting their initial 75% payment for the year. This is due to queries which have arisen during these administrative checks. Outstanding queries are being rectified on an ongoing basis, including through correspondence with applicants, and payments issue as soon as the queries are resolved. My Department is also currently making arrangements to process the outstanding 25% payment to farmers in instances where penalties have been imposed. I now expect that these outstanding payments will commence in October to approximately 2,000 farmers with penalties.

Arrangements are also well advanced to issue payments in respect of 2011 and I expect that these payments will commence in November.

### Grant Payments

143. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a forestry premium has not been awarded in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [24330/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The application for the person named has been approved and payment will be made to him in the coming week.

### Milk Quota

144. **Deputy Jim Daly** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for milk quota in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [24382/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Allocations of milk quota from the National Reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The Tribunal examines and makes recommendations on applications for additional quota from individual producers. The named person submitted an application to the Tribunal seeking an allocation of additional quota under the Hardship category. This application was examined on 1 September 2011 and an allocation of 3,000 litres of additional milk quota was made from the National Reserve. The named person and his Co-op have been notified in this regard.

### General Medical Services Scheme

145. **Deputy Jack Wall** asked the Minister for Health if a medical card holder who has a blood test carried out by a general practitioner is covered under the medical card; if so, the reason some general practitioners are charging a fee for this service; and if he will make a statement on the matter. [24257/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Under the General Medical Services (GMS) contract, a general practitioner (GP) is expected to provide his/her patients who hold medical cards or GP visit cards with all proper and necessary treatment of a kind generally undertaken by a GP. Where blood tests form part of the investigation and necessary treatment of patients' symptoms or conditions, these should be provided free of charge to medical card and GP visit card holders. In many GP surgeries, it is the practice nurse who takes blood samples. The HSE significantly subsidises the cost of employing practice nurses.

The HSE has written to GPs pointing out their obligations under their contract in this regard. I would invite patients to follow up with the HSE if they believe they are being wrongly charged. Formal complaints will be dealt with through the HSE's Consumer Affairs Service.

### Hospital Staff

146. **Deputy Robert Dowds** asked the Minister for Health the current patient-consultant ratio at Tallaght Hospital, St. James's Hospital, St. Vincent's Hospital and Connolly Hospital, Dublin; and if he will make a statement on the matter. [24264/11]

147. **Deputy Robert Dowds** asked the Minister for Health his plans to make the patient-consultant ratio more equitable among Tallaght Hospital, St. James's Hospital, St. Vincent's Hospital and Connolly Hospital to ensure equality of care in South County Dublin; and if he will make a statement on the matter. [24265/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 146 and 147 together.

As these are service matters, they have been referred to the Health Service Executive for direct reply.

### Health Services

148. **Deputy Denis Naughten** asked the Minister for Health the number of blue light transfers to the Dublin hospitals from the Galway, Mayo and Roscommon region in the past available 12-month period; the break down of the emergency conditions and time of day; and if he will make a statement on the matter. [24269/11]

149. **Deputy Denis Naughten** asked the Minister for Health the number of number of blue light intra-hospital transfers in the western region in the past available 12-month period; the break down of the emergency conditions and time of day; and if he will make a statement on the matter. [24270/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 148 and 149 together.

As these are service matters, they have been referred to the HSE for direct reply.

150. **Deputy Denis Naughten** asked the Minister for Health the transport service being provided to cancer patients treated at University Hospital Galway; the cost of this service; if it is available to all patients; if there is a client contribution; the number of patients availing of this service in each catchment area and the number of patients who are not availing of this service; and if he will make a statement on the matter. [24295/11]

**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.

### Hospital Staff

151. **Deputy Thomas P. Broughan** asked the Minister for Health the number of consultant cardiologists at Beaumont Hospital, Dublin 9; the number of persons on the waiting list to see a consultant; the average waiting time to see a consultant; the steps being taken to reduce the waiting times; and if he will make a statement on the matter. [24306/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

152. **Deputy Thomas P. Broughan** asked the Minister for Health the number of consultant urologists at Beaumont Hospital, Dublin 9; the number of persons on the waiting list to see the consultant; the average waiting time to see the consultant; and the steps being taken to reduce the waiting times [24307/11]

**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

153. **Deputy Denis Naughten** asked the Minister for Health the location of each angioplast laboratory for the treatment of myocardial infarction; the timeline for treatment to be most effective; the steps which are being taken to improve access to such facilities; and if he will make a statement on the matter. [24326/11]

**Minister for Health (Deputy James Reilly):** The information sought by the deputy is not readily available. However, I have asked the Health Service Executive to supply this information to me and I will forward it to the Deputy as soon as possible.

### Medical Cards

154. **Deputy Bernard J. Durkan** asked the Minister for Health when a medical card will issue in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [24366/11]

**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

155. **Deputy Bernard J. Durkan** asked the Minister for Health the progress of a person (details supplied) in County Laois.; and if he will make a statement on the matter. [24367/11]

**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.

### Medical Cards

156. **Deputy Bernard J. Durkan** asked the Minister for Health the position regarding the determination of eligibility for a medical card in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [24368/11]

**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

157. **Deputy Patrick O'Donovan** asked the Minister for Health if he is satisfied that the appropriate procedures and practices were followed in respect of the care that was administered to a person (details supplied) in County Limerick; and if he will make a statement on the matter. [24391/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

158. **Deputy Patrick O'Donovan** asked the Minister for Health the number of patients transferred from a hospital (details supplied) in County Limerick during the month of January 2011 for the purposes of rehabilitation. [24392/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### National Emergency Plan

159. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport the measures being taken by him to prepare for the potential for extreme cold weather this winter; and if he will make a statement on the matter. [24266/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The overall State response to severe weather events is led by the Department of Environment, Community and Local Government. The Review of the Severe Weather Event of 2010 published by that Department sets out a series of recommended measures, including a number for this Department and our agencies. These are all in the process of being actioned.

My Department co-ordinates with our agencies our operational and communications response to severe weather. As part of the overall review, my Department and our agencies have put in place the necessary actions to improve on our existing resilience to such events in the future. These actions include increased investment in snow clearing equipment by the Dublin Airport Authority to reduce the time it takes to clear the runways/aprons, special equipment to reduce snow impact on railway points, salt procurement and amendments to priority routes on our roads network to facilitate further public transport access. Our *www.transport.ie* website will be used as a communications portal in the event of a future event as part of our contribution towards effective customer service.

In relation to our roads network, the National Roads Authority (NRA) are procuring a supply of de-icing salt for the start of the winter season. The NRA will have available a total of 140,000 tonnes (including 40,000 tonnes reserve stock) for use on the national roads network. Additionally 60,000 tonnes of de-icing salt will be available for use on the regional and local roads.

It should be noted that I have in the past few weeks increased the Winter Maintenance Grant from €10 million to €11.25 million to assist local authorities with winter maintenance and to keep important roads clear. The extra €1.25 million was possible through savings in the Department. The funding will help to cover the cost of purchasing, transporting, storing and spreading salt, and other works associated with extreme weather conditions.

In the next few weeks, I will head up a special preparatory meeting involving the key transport agencies to be held in the National Emergency Co-ordination Centre.

### Tax Code

160. **Deputy Jim Daly** asked the Minister for Transport, Tourism and Sport the reason a delay of 12 days is occurring at the Applus centre in Cork to process VRT payment thereby placing substantial amounts of car sales at risk; and if he will make a statement on the matter. [24371/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Issues concerning the payment of Vehicle Registration Tax (VRT) are not a matter for my Department and are more appropriate to the Revenue Commissioners.

### Sports Capital Programme

161. **Deputy Brendan Smith** asked the Minister for Transport, Tourism and Sport when he proposes to introduce a new sports capital programme; and if he will make a statement on the matter. [24372/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Under the Sports Capital Programme, which is administered by the Department of Transport, Tourism and Sport, funding is allocated towards the provision of sports facilities at national, regional and local level. It is the primary vehicle for promoting the development of sports and recreational facilities in Ireland. The Programme has transformed the sporting landscape of Ireland with improved facilities in virtually every village, town and city. The facilities funded range from new equipment for the smallest clubs, to regional multi-sport centres and national centres of sporting excellence. No decision has yet been made about the timing of further rounds of the Programme

### Cycle Facilities

162. **Deputy Joe McHugh** asked the Minister for Transport, Tourism and Sport the strategy for designing off-road cycle tracks; the bodies and functionaries that determine the locations of such tracks, and to list all proposed tracks with each relevant status; if he will indicate the body or functionary whose responsibility it is to ensure that the routes chosen are fully implemented; if he will provide an update on the national off-road cycling strategy; and if he will make a statement on the matter. [24378/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** In accordance with the Programme for Government, I am investing in the National Cycle Policy which calls for a wide programme of action including publicity, education, development of a national cycle network; investment in cycling infrastructure and demonstration projects, including off-road cycle tracks in rural locations; legislative change; improved enforcement of traffic laws and support for sports cycling.

In terms of the development of a national cycle network, the National Roads Authority completed a scoping study for a network in 2010. This study is available from [www.smartertravel.ie](http://www.smartertravel.ie) and identifies potential route corridors, although not actual routes, between urban areas with a population of 10,000 or more that could constitute a national cycle network. Following completion of the study, the Department tasked the National Roads Authority to conduct a feasibility study of the route from Dublin to Galway and onto Clifden.

Side by side with the work of the National Roads Authority, it is a matter for local authorities to identify, design and deliver, as individual demonstration projects, off-road cycling trails in rural locations that can form part of the network. My Department provided significant financial support for the completion of the Great Western Greenway in Mayo and the Carrigaline to

[Deputy Alan Kelly.]

Crosshaven route in Cork and has committed finance to the Fenit to Tralee route in Kerry and elements of the Great Southern Trail in Limerick. My Department is aware of work carried out on a possible route in the Boyne Valley. It is the case that the success of the Great Western Greenway has generated a desire among other local authorities to deliver such projects.

I am keen, though bearing in mind current financial constraints and the forthcoming findings of the comprehensive expenditure review, to support off-road cycling projects as part of a wide programme of action on cycling matters.