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Minister for Justice and Equality (Deputy Alan Shatter): The House will be aware of the tragic incident in County Wicklow yesterday evening when Garda Ciaran Jones was swept away at Ballysmuttan bridge. The recovery of his remains today in Wicklow is dreadful news. My heart goes out to his parents and family members. I offer my condolences to Garda Jones’s colleagues and friends. The Garda Síochána, and all of us, have lost a brave man who put his life at risk in helping the public at a time of great danger. The Stepaside community has lost a dedicated member of its Garda Force. Garda Jones’s courageous actions were in the finest traditions of the Garda Síochána.

I thank all of those involved in the rescue efforts, including Garda Jones’s colleagues, the local Glen of Imaal Mountain Rescue team, the Defence Forces, Civil Defence, coastguard and members of the public. Their commitment and dedication in such hazardous conditions are deeply appreciated. The extraordinary, dreadful sacrifice, in seeking to save the lives of others in appalling conditions, made by Garda Ciaran Jones will be remembered by all of us in this House.

Deputy Dara Calleary: I join with the Minister and House in expressing my sympathies to the family, colleagues and members of the Stepaside and Wicklow communities on the death of Garda Ciaran Jones. I endorse all that the Minister said.

That Garda Jones was off duty when he undertook to protect his neighbours is an indication of his bravery. Our thoughts are with his family, including his parents who are travelling back from abroad — one can only imagine what they are going through — his brother and sister who were with him at the time of the accident, his colleagues and all those who in the most extraordinary of conditions last night searched throughout the night for him.

It is at times like this that we are reminded of the bravery of our gardaí, on and off duty, in trying to save others in all circumstances. Ar dheis Dé go raibh a anam dílis.

Deputy Stephen Donnelly: I too express my deepest sympathies to the family, friends and colleagues of the late Garda Ciaran Jones. I went to Blessington this morning and asked the chief superintendent if there was anything more people could do or if he needed assistance mobilising volunteers. It is an extraordinary measure of the young man that the chief superintendent told me that such was the response from Garda Jones’s community they could not handle any more volunteers.
Deputy Maureen O’Sullivan: I welcome the Minister’s statement. I recall thinking to myself when watching television footage of the earthquake in Turkey that we are lucky not to have experienced that type of devastating loss of life in Ireland. I then heard that a young off-duty garda had lost his life while trying to help others. This is a sad day for him, his family and his colleagues.

An Leas-Cheann Comhairle: I thank the Minister and Deputies for their contributions.

Ceisteanna — Questions

Priority Questions

Expenditure Reviews

38. Deputy Dara Calleary asked the Minister for Justice and Equality the status of his negotiations with the Department of Public Expenditure and Reform in relation to the overrun on garda costs for the visits of Queen Elizabeth II and President Obama; the measures that have been proposed to make up that overrun; if he will guarantee that no services to the public will suffer as a result of this overrun; and the way he intends to ensure that this will happen.

[31363/11]

Minister for Justice and Equality (Deputy Alan Shatter) (Deputy Alan Shatter): I have previously provided the House with details of the Garda costs that have arisen from the State visits of Queen Elizabeth and President Obama in May of this year. In that regard, Deputies will be aware that the relevant expenditure is approximately €36 million. I appreciate that this figure is substantial but I believe the visits provided this country with substantial benefits, which far outweigh the financial element involved. Additionally, unprecedented security measures had to be put in place and the safety of our visitors had to be the top priority.

Funding for the State visits was not provided for in the Garda Vote for 2011 because the visits had not been planned when the current Garda Estimates were finalised. As a result a significant unanticipated body of expenditure has arisen. I am currently engaging with my colleague, the Minister for Public Expenditure and Reform, in regard to the financial arrangements to be made in respect of the visits. These contacts are ongoing and I expect they will conclude shortly. I can assure the Deputy that an important part of the discussion is to ensure that frontline Garda services will not be adversely affected when it comes to meeting the cost of the visits.

Deputy Dara Calleary: I thank the Minister for his reply. On 19 July 2011, some three months ago, we received from the Minister an answer in regard to the breakdown of costs. It is our duty to support the Minister in his work. There is no doubt of the benefits which accrued from the visits and that the expenditure was necessary in the circumstances. It is three months on from when the Minister provided the House with a detailed breakdown. How many meetings has the Minister had with the Minister for Public Expenditure and Reform, Deputy Howlin, since then? Is he placing any specific demands on the Minister to make up the overspend from within existing Garda resources? In view of the benefit the visits had for the country, is he in a position to get an extra allocation from other Departments given the collective gain for the country?

Deputy Alan Shatter: The reason the funding for the visits has not yet been settled is that, ultimately, it will depend on the overall position in the Garda Vote in 2011. That context is
necessary to take into account all the expenditure and savings on the Vote during the year. This is a process where the relevant figures do not fully emerge until late in the year. We have now reached the stage where the final Garda Vote expenditure figures for 2011 are being established. It is obviously the right time to settle the issue, once the exact position becomes clear.

As I indicated, I expect that my discussions with the Minister for Public Expenditure and Reform will finalise the arrangements shortly. I hope that within a short few weeks the position will be absolutely clear.

It is my obligation, of course, to ensure that we deal with the matter in as financially efficient a manner as possible. If there are some savings in some part of the Garda Vote, that will, to some extent, offset some small part of the additional expenditure incurred.

**Deputy Dara Calleary:** I am supportive of the Minister in his efforts with the Minister for Public Expenditure and Reform but Garda Síochána directive 109/11, which was issued to stations in the past few weeks, will considerably reduce the amount of Garda overtime involved in serving District and Circuit Courts and may have the impact of delaying cases because of the reduction in that overtime. Is that an indication of the kind of measure being taken or is that separate from the need to make up the overspend on the visits?

**Deputy Alan Shatter:** It has no relevance to the visits. It is a question of ensuring that, generally speaking, the Department tries to comply with the overall financial envelope provided in circumstances where the Deputy’s colleagues in government substantially underfunded a number of the Votes within the Department of Justice and Equality thus giving rise to particular difficulties. We are trying to ensure resources are used as carefully and as efficiently as is possible as we go through the year.

**Garda Stations**

39. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality the timeline associated either with making decisions on the closures or on the actual closures of garda stations; and if he will make a statement on the matter. [31294/11]

41. **Deputy Dara Calleary** asked the Minister for Justice and Equality the number of eligible garda who have indicated, by 30 September 2011, that they will be retiring before February 2012; the options examined by the review of the Garda Commissioner in relation to potential closure of garda stations; and if he will make a statement on the matter. [31364/11]

**An Leas-Cheann Comhairle:** The Ceann Comhairle has allowed Deputy Aengus Ó Snodaigh to substitute for Deputy Jonathan O’Brien in regard to Question No. 39.

**Deputy Alan Shatter:** I propose to take Questions Nos. 39 and 41 together.

Members of the Garda Síochána who have reached 50 years of age and have at least 30 years service are eligible to retire on full pension. There are some 900 members of the force currently in this category.

It is estimated that the total number of departures from the force in 2011 will be approximately 500 but we do not yet know how many Garda members will retire before 29 February next year. So far, approximately 40 members have indicated to the Commissioner that they intend to retire between the beginning of January and the end of February next but members have until the end of November to give the required three months notice of an intention to retire by then.
These figures must be seen in the context of plans agreed by the previous Government as part of its compliance with the terms of the EU-IMF agreement to reduce Garda numbers to 13,500 by the end of this year and to 13,000 by 2014. However, what will ultimately determine the sustainable level of Garda numbers is the level of budgetary provision that can be made for the force and the House will be conscious that difficult decisions will have to be made right across the public sector in order to bring our public finances back into balance.

As with every other public sector organisation, therefore, the reality is that the Garda Síochána will have to manage with reduced resources. The Garda Commissioner is, therefore, quite properly reviewing all aspects of the Garda Síochána’s policing model so as to ensure that Garda resources are managed and deployed in the most appropriate manner to meet existing and emerging policing requirements.

The Garda Commissioner’s review will examine all aspects of current policing, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations. While no decision has been taken, a reduction in public opening hours in some Garda stations and the closure of other Garda stations will be issues that the Garda Commissioner will need to address as part of the review. He may well need to consider whether, in appropriate cases, a better policing service could be delivered to a local community by having gardaí out on patrol rather than in a station.

I will carefully consider the outcome of the review and the Commissioner’s policing plan for next year with the objective of ensuring that priority is given to the maintenance of front line services. I will also continue to discuss with my colleague, the Minister for Public Expenditure and Reform, the budgetary provision to be made for the Garda Síochána for 2012 and beyond.

Deputy Aengus Ó Snodaigh: Ar dtús ba mhaith liom comhbhróin a dheanamh le clann Gharda Ciarán Jones, a fuair bás agus é ag déanamh iarracht cuidiú leis an bpobal oíche aréir. Tá a fhios agam gur luadh a bháis luaithe.

The Minister is aware of a major concern about the closure of Garda stations, particularly in rural areas. Predatory gangs are increasingly targeting some isolated communities and the elderly in particular. What additional resources will be focused on these communities if their Garda stations close? Will the Minister guarantee that savings made from the closure of stations will be spent on enhancing Garda activities in the areas affected? Otherwise, this cutback will affect areas that have already seen an increase in predatory attacks.

Deputy Alan Shatter: It is important that the Deputy realise that, if savings are to be affected, they will be necessary. We must reduce public expenditure in 2012 by a minimum of €3.6 billion to meet our EU-IMF requirements. In the context of my Department, I must identify savings that can result. The Garda Commissioner, as the person in charge of the Garda and making operational decisions, must identify appropriate savings. Having said this, we are anxious to ensure that front line services are maintained and that local communities are properly protected.

The substantial review that is under way is considering how to recalibrate the manner in which the Garda operates to provide the protections necessary to local communities and to ensure that those who seek to engage in unlawful behaviour and those who prey on the elderly in rural communities are given no quarter. These issues are part and parcel of the consideration of the approach to be taken. This is one of the reasons I mentioned that, in circumstances in which it may prove necessary to close some small local rural Garda stations, it is essential that appropriate Garda patrols are available to provide the necessary protections. Unfortunately,
we no longer live in an environment where if savings are affected in one area, the money saved can be spent in another area.

**Deputy Dara Calleary:** On 20 September, the Minister told the House that he was due to receive the Commissioner’s proposals on this matter. Has he received them or when does he expect to receive the Commissioner’s policing plan? Given that some closures may be necessary, does the Minister envisage discussing the plan with, for example, joint policing committees or people who have on-the-ground experience as opposed to just with the Commissioner, who is slightly removed from what is occurring on the ground, to ensure an effective community response in the event of a change in the delivery of services?

**Deputy Alan Shatter:** I expect to receive the Commissioner’s draft plan by the end of October — if not by the end of this week, then next Monday. It is a draft plan to which detailed consideration must be given. I am conscious that the Commissioner is the correct person to make operational decisions and I should not interfere with his operational judgment, but I will give careful consideration to the draft plan when it is submitted to my Department. Shortly thereafter, I would expect appropriate decisions to be made.

**Deputy Aengus Ó Snodaigh:** Will the Minister confirm that the savings will not be ploughed back into An Garda Síochána and that it will therefore suffer that loss on top of the loss resulting from the recruitment ban?

Have there been any plans regarding the intended use of the buildings if and when they are closed? Is it intended to sell them off or to put them to some other State use?

**Deputy Alan Shatter:** I remind the Deputy that this State is effectively in receivership and that under the EU-IMF agreement we have an obligation by the end of this year to reduce Garda numbers from 14,500 to 13,500. The previous Government signed up to that commitment but there was no prospect of that reduction being achieved. At best, the Garda force numbers in the context of that agreement will reduce to 14,000 by the end of this year. The obligation we have is to reduce expenditure. It must be reduced across all the different areas of the justice spend, including the Garda. We are examining how we can use reduced resources more efficiently to properly maintain front-line services and to facilitate the Garda Síochána, as the excellent force that it is, to continue to meet all its obligations, provide to the community the protection it requires, continue the effective investigation of crime and ensure the prosecution of those who have broken the law.

**Proposed Legislation**

40. **Deputy Stephen Donnelly** asked the Minister for Justice and Equality with regard to the forthcoming legislation revising the system of bankruptcy, his views on the statement in the Keane Report that the automatic bankruptcy discharge period under the judicial process could be set as low as three years; the time period that he intends to set for discharge from bankruptcy or personal insolvency; his views on the total quantum or percentage of debt that will be discharged under the new bankruptcy or personal insolvency process; and if he will make a statement on the matter. [31293/11]

**Deputy Alan Shatter:** In line with a commitment in the programme for Government the personal insolvency Bill is in the course of being developed in my Department to provide for a new framework for settlement and enforcement of debt and for personal insolvency. The commitment under the EU-IMF Programme of Financial Support for Ireland is to publish the Bill in the first quarter of 2012. It is my objective to publish the measure ahead of the EU-IMF deadline, if possible. Moreover, it is intended that the heads of the Bill, which are expected to
be finalised in the near future, will be forwarded to the Committee on Justice, Defence and Equality for its consideration.

The Deputy will be aware that in developing the Bill, account is being taken of the recommendations of the Law Reform Commission in its recent Report on Personal Debt Management and Debt Enforcement. That report provided an in-depth review of the personal debt regime. The economic and financial effects of certain of the new arrangements that are in contemplation are being carefully assessed to ensure that all relevant issues are addressed and their impact is fully anticipated and understood.

The Deputy will also be aware that, following the publication of recommendations in an interim report of the Law Reform Commission, I provided in the Civil Law (Miscellaneous Provisions) Act 2011 for the reduction of the period to apply to the court for discharge from bankruptcy from 12 years to five years, subject to the same conditions that currently exist and, for the first time in Irish law, for the automatic discharge of bankruptcies on the 12th anniversary of the bankruptcy adjudication order. Those provisions were commenced with effect from 10 October 2011. A number of other mainly technical improvements to bankruptcy law contained in the Act of 2011 are already in force since 2 August 2011.

The question of a further reduction in the period for automatic discharge of a bankrupt and the period for application to the court for discharge from bankruptcy are being considered in the context of finalisation of my proposals on the personal insolvency Bill. The decision will be made having regard to the Keane report as well as the very focused discussion that continues between my Department and key stakeholders to identify the optimum new structures, at minimal cost, to bring about the reform. This necessary consultation, particularly in the context of the totally exceptional developing economic situation, is greatly assisting the development of detailed legislative proposals.

Additional information not given on the floor of the House

As I have said in the House previously, reform of our personal insolvency regime is not a simple task. It is a very complex area of the law and one where the consequences and implications of new policies need to be very carefully assessed. There is a delicate balance to be struck between the various legal rights of the parties involved. We must design a system which is fair to both creditors and debtors alike. Not to do so would make worse a situation that is already difficult for the parties concerned.

The reform of bankruptcy law will invariably focus on the length of the discharge period that will apply to the person adjudicated bankrupt. We debated this point in the House during the passage of the Civil Law (Miscellaneous Provisions) Act 2011 in July. Opinions varied as to the appropriate period. There was consensus that the one-year period that applies in the UK and Northern Ireland is too short, but anything beyond five years is too long, particularly if the bankrupt person has been fully compliant and not behaved fraudulently in any way. No final decision has been taken by the Government in this regard.

The quantum of debt that might be discharged in any new bankruptcy or personal insolvency arrangements has also yet to be decided. In bankruptcy, the debtor’s assets are fully realised for the benefit of creditors and that responsibility falls to the official assignee or a private trustee in bankruptcy. It is not, in my view, realistic to, at this stage, attempt to set down the quantum of debt that might be agreed to be discharged in the context of a non-judicial debt settlement. That would be a matter for the parties concerned. We must be mindful that in any debt arrangement, the debtor or bankrupt must be left with sufficient income to meet reasonable living expenses. Given the complexity of the personal over-indebtedness issue generally
and the economic and financial implications of any changes to the personal insolvency system, these are matters which will require careful consideration by the Government.

**Deputy Stephen Donnelly:** It is good to hear that the Minister will not only meet but introduce the Bill ahead of the IMF timeline set. Specifically with regard to mortgages, the ideal situation would be that the bankruptcy conditions contained in the new legislation would be such that it could be used as a credible threat and, therefore, the person concerned would not necessarily have to go through bankruptcy but could say to the bank that if pushed too hard the person would be declared bankrupt and that the bank should, therefore, reach a settlement.

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

**Deputy Stephen Donnelly:** The Minister mentioned five years in this context. As Minister for Justice and Equality what is his view on five years versus three years, one year or two years? When the Minister publishes the legislation and gives a recommendation on the number of years, will he also publish a comparative analysis that shows what works in other systems and why he has reached the recommendations that he has?

**Deputy Alan Shatter:** There are difficult decisions to be made in this particular area with regard to the number of years. It is not a matter of my personal preference. It is a decision that the Government must make.

The period for bankruptcy and extricating from bankruptcy, for example, in England was reduced to a period of one year. In other states there are different periods of years. There are a number of issues that must be considered in this context. We must ensure that bankruptcy is not used by individuals to evade debts fraudulently. There are those who owe money and those to whom money is owed and the position of both debtors and creditors, and the impact on their lives of the structure we put in place, must be considered.

We are giving careful consideration to how to proceed, both in the context of what I would describe as non-judicial means and also the judicial means of dealing with insolvency. There is a range of different options with regard to arrangements that may be entered into voluntarily with creditors and arrangements that may ultimately require an adjudication in a bankruptcy context.

I do not want to pre-empt the decisions to be made by Cabinet other than to say we are moving ahead carefully in this, but we also must be aware of unintended consequences that could arise that could have a detrimental impact on taxpayers in the State generally. This is a particularly complex area in the context of the unprecedented fiscal difficulties confronting the State and the banking difficulties with which Deputy Donnelly is intimately familiar.

**Deputy Stephen Donnelly:** Will the Minister publish a comparative analysis and the rationale for whatever he does agree?

On the second piece to which he referred in his reply, when the discharge period is ended, is it the Minister’s position that the full quantum of debt owed at that stage will essentially be written off?

**Deputy Alan Shatter:** The reason for publishing heads of Bills once the Government has given detailed consideration to the applicable principles is to afford Members of the Oireachtas Joint Committee on Justice, Defence and Equality, and also Members of the House who wish to attend a meeting of that committee, time to consider them and to give their own input also into the substantive provisions that we ultimately adopt, bearing in mind not only the Keane report and the Law Reform Commission’s recommendations, but the comparative approaches
taken in other jurisdictions. Deputy Donnelly will have every opportunity to engage in that way and I hope that a positive contribution is made by that committee. There is no monopoly of wisdom in this area but there is an urgent need for change.

Question No. 41 answered with Question No. 39.

Departmental Bodies

42. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality that leaving aside the work of the Inter-Departmental Committee being chaired by Senator McAleese, the action he is taking to progress the issue of restorative justice for women of the Magdalene laundry system; his response to the Restorative Justice and Reparations scheme proposed by the Justice for Magdalenes group; when will the State lead on offering an apology and establish the dedicated unit; and if he is seeking legal advice on the proposed Commission for Financial Reparation as prepared by the JFM group. [31295/11]

**Deputy Alan Shatter:** The Deputy will be aware that the Government considered the circumstances of women and girls who resided in the laundries at its meeting on 14 June 2011. As a first step, the Government decided that it was essential to establish fully the true facts and circumstances relating to the Magdalene laundries and a number of actions were agreed.

This included the setting up of an interdepartmental committee to establish the facts of State involvement with the laundries, to clarify any State interaction and to produce a narrative detailing such interaction. I am pleased to say that the committee, under the independent chairmanship of Senator McAleese, has submitted an interim progress report which was considered by Cabinet this morning and arrangements are being made for its publication this afternoon. I welcome the progress that is being made and, in particular, I am pleased to tell the House that the committee is receiving full co-operation from all concerned, including the religious orders and representative groups of women who were formerly resident in the laundries and those who have been campaigning on their behalf.

The Government decision also charged both myself, as the Minister for Justice and Equality, and the Minister of State with responsibility for disability, equality, mental health and older people, Deputy Kathleen Lynch, with meeting the religious congregations and the groups representing former residents of the laundries. One of the purposes of these meetings was to discuss the putting in place of a restorative and reconciliation process as well as the structure that might be utilised to facilitate such process. All of these meetings have taken place, including with representatives from the Justice for Magdalenes group. My Department recently received from them the document referred to by the Deputy and it is currently being considered. I might also add that the views of other representative groups and the religious orders are also being considered. It is important, therefore, to emphasise that we are engaged in a process which is seeking to fully establish the facts and it is too early at this stage to predict what the outcomes might be.

I am pleased with the work being undertaken and the full co-operation which has been received by the group led by Senator Martin McAleese. The dialogue in which we have engaged directly has been very constructive and I wish to commend Senator McAleese for the Trojan work of both him and his group in a very short period of time.

**Deputy Maureen O’Sullivan:** I wish to acknowledge the work of the Justice for Magdalenes group, the members of which have done tremendous work. They have taken up a cause that nobody else wanted to deal with for a very long time.
During the recent theatre festival I attended a play which was based in the Magdalene laundry in Seán MacDermott Street. This was an interactive production so I was there as part of the congregation. I was there for approximately one hour and I thought I would never get out of the place. I can only imagine what the women, the ladies, went through.

I acknowledge the Minister’s reply to my question but it seems that many of the issues raised are at the stage of being considered rather than action being taken. These ladies have waited long enough. I do not wish to be cynical and query if the Minister is waiting until they have all died but there is that element about it.

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

**Deputy Maureen O’Sullivan:** There are specific aspects to my original question. I ask what is being done in the meantime. I do not believe there has been any advance with regard to the apology or the legal advice being sought by the Minister. When does the Minister expect the final report and is he committed to implementing any recommendations?

**Deputy Alan Shatter:** When the Deputy sees the interim report which is being published this afternoon she will note that Senator McAleese describes in great detail the progress that has been made. All of the religious congregations have co-operated with him to the extent that all of their records going back over 90 years have been made available to him and to his interdepartmental group. Substantial work is ongoing within each Department which can provide any information from its files of any description with regard to the State’s contact with the Magdalene laundries going back to 1922. All this information is being compiled. This is very important work because the background, the story of the events that occurred over those years, is perhaps a little more complex when it is put in the context of the different eras and decades, than has been portrayed to date.

I very much welcome the constructive progress that has been made. The Government will not pre-empt the work of Senator McAleese’s group in dealing with the religious orders, the Justice for Magdalenes group and the other groups. When that work is complete, other issues will then be addressed. In the meantime a question does not arise and I ask the Deputy to withdraw the suggestion that anyone is waiting for people to die.

This is the first Government to make specific decisions to address the very genuine worries and concerns that have been expressed by those who lived in the Magdalene laundries. We have put in place a process in which we are also moving forward on other fronts. The possibility of a restorative justice scheme operating is under active consideration between the religious congregations and the former residents. We are looking at the possibility of a repository in which all the records of the laundries are retained. In the meantime, significant progress has been made in a very short period of time by Senator McAleese’s group.

**Deputy Maureen O’Sullivan:** I acknowledge it is this Government which has begun the work. However, an important point needs to be made about the timeframe. Many of these ladies are very elderly and it is being said in certain quarters that there seems to have been a delaying tactic. I look forward to reading the report this afternoon and no doubt there will be a need for a further priority question.

**An Leas-Cheann Comhairle:** Has the Deputy a question at this point?

**Deputy Maureen O’Sullivan:** No.
Other Questions

Garda Traffic Corps

43. **Deputy Derek Keating** asked the Minister for Justice and Equality if he will consider requesting the Garda Commissioner to activate the traffic corps to its maximum during peak traffic times particularly onto and off motorways in the morning time to try and ease the increasing traffic delays; if his attention has been drawn to any traffic plan that the Garda Commissioner, in conjunction with the local authorities, has put in place when a serious accident takes place at a major junction (details supplied); and if he will make a statement on the matter. [30794/11]

**Deputy Alan Shatter:** The function of An Garda Síochána is set out in the Garda Síochána Act 2005 and includes regulating and controlling road traffic and improving road safety. I am informed by the Garda authorities that Garda management, to the greatest extent possible, ensures that the deployment of Garda traffic corps personnel reflects and coincides with identified peak periods of commuter traffic to facilitate the smooth flow of traffic during these times. Within the Dublin region, city and county, a specific traffic management plan — Operation Artery — is in place which allocates traffic corps resources to managing morning and evening peak traffic. Operation Artery operates as an inter-agency response to traffic management involving the four relevant local authorities and the public transport providers.

While one of the primary responsibilities of the Garda traffic corps is traffic management, all Garda resources respond to and deal with traffic management issues. Local Garda management has contingency plans in the event of a major road traffic incident on motorways, major arteries and other thoroughfares, with a major emergency plan in place specifically for an incident on the M50. The primary purpose of such plans is to ensure that such incidents are dealt with as expeditiously as possible to minimise disruption to traffic, to ensure that such incidents are subject to thorough investigation, and to ensure, as far as possible, the smooth flow of traffic by way of early notification to road users, through road-side and overhead noticeboards and the media, of the occurrence of a major incident and rolling traffic diversions.

I am informed that the incident to which the Deputy refers, and in which, tragically, a person was fatally injured, occurred at Steeven’s Lane and involved a Luas tram. Steeven’s Lane, which is not open to through traffic, was immediately closed to allow for the proper investigation of this serious incident, including a technical examination of the scene. An Garda Síochána has agreed protocols in place with Luas senior management when such incidents occur. Every effort is made in such circumstances to ensure continued access to and egress from locations and that road closures and stoppages of rail and tram services are kept to a minimum, while at all times ensuring that all available evidence is collected to allow such incidents to be thoroughly investigated.

**Deputy Derek Keating:** I thank the Minister for his considered and comprehensive reply to my question. The Government’s main focus since its election some months ago has been on our national recovery. Difficulties with the movement of traffic to and from the workplace only delay our national recovery and do not help the economy. Like me, I am sure other Members have experienced considerable logjams following a simple breakdown or accident and this is the motivation behind my question. A co-ordinated response is required and it should involve some of the activities mentioned by the Minister. It should also involve local authorities and, where appropriate, the emergency services.
There is no better example of where the emergency services needed to be involved than yesterday and the experience we all had returning home from work. When I eventually arrived home from the House, I was struck by the comments made by a number of people that but for the support of 98FM, they would not have had much direction on what route to take. Considering the horrendous flooding along the quays, including at the Guinness premises, there was an absence of personnel to assist. I agree that the circumstances were unprecedented, but I would like to see a more co-ordinated response.

**Deputy Alan Shatter:** As someone who was in the city centre yesterday, I can say the weather conditions were exceptional. There was flooding in all sorts of locations. I would like to praise all of those working in the employment of the city council, the Garda Síochána and the fire service for the extraordinary work they did yesterday in very difficult circumstances. They dealt not only with traffic jams but with the exceptional and unusual flooding that took place at a variety of locations across the city, north and south. Certainly, there were traffic delays, but the traffic moved to a better degree than might have been anticipated. One of the difficulties that sometimes arises in extreme weather conditions of this nature is that traffic delays occur, not as a result of accidents, but as a result of dysfunctional traffic lights, which seem to be affected by extreme weather conditions. This is a matter for the city council, but too frequently at times of extreme wet weather, we see traffic lights ceasing to function and a traffic jam developing for no particular reason other than that.

The Garda traffic control centre, which is based at the Garda communication centre in Harcourt Street, co-ordinates the Garda response to traffic management issues in the Dublin region. At the control centre, there is direct access to an extensive range of CCTV facilities, including Garda, Dublin City Council, Dublin Port and Luas cameras. There is a considerable degree of co-ordination between the agencies when a major difficulty arises, which occurred yesterday evening.

**Deputy Derek Keating:** Given the exceptional circumstances to which the Minister referred in some detail, perhaps he can assist me at a suitable occasion in getting a considered report from the Garda Commissioner detailing reports from the emergency services, the Garda Síochána and the local authorities in the greater Dublin region. This would be of assistance in planning for the future.

**Deputy Alan Shatter:** The Garda Síochána traffic control centre liaises directly with the control rooms of the national traffic control centre, Dublin City Council traffic control, South Dublin County Council traffic rooms, the Dublin Fire Brigade, Luas, Dublin Bus, Dublin Port Tunnel, the M50 concession and, in partnership with these agencies, it directs responses to incidents when they occur. There is substantial arranged co-ordination and information exchange at all times.

### Legal Costs

44. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which it is envisaged that various levels of legal fees identified by the public as being excessive are likely to be reduced in the context of current or proposed legislation; if any evaluation has been done to identify those aspects of legal charges deemed to be most costly; if studies have been done to compare the various costs of legal services with those in adjoining jurisdictions; the extent of the calculation that has been done as to the likely benefit accruing to the Exchequer arising from a reduction in the legal costs of the various tribunals; and if he will make a statement on the matter. [31223/11]
66. **Deputy Clare Daly** asked the Minister for Justice and Equality his plans to deal with excessive legal fees being charged, particularly in relation to family law cases which are covered by the in camera rule. [30797/11]

72. **Deputy Catherine Murphy** asked the Minister for Justice and Equality his views that for the purposes of transparency and competition that the in camera rule for family law cases should be relaxed in respect of the fees charged; if he is considering introducing a requirement to keep time records in order to assist the Taxing Master to adjudicate on the fairness of fees charged; if he intends to make other such proposals to ensure that those family law cases that end up in courts are handled in a cost-effective manner; and if he will make a statement on the matter. [31260/11]

78. **Deputy Catherine Murphy** asked the Minister for Justice and Equality if sufficient information is available to introduce penalties for legal professionals who are repeatedly the subject of overcharging following complaints to the Taxing Master; if so, the measures he intends to introduce and the time frame for same; and if he will make a statement on the matter. [31259/11]

**Deputy Alan Shatter:** I propose to take Questions Nos. 44, 66, 72 and 78 together.

In the Programme for National Recovery 2011-16, the Government made a commitment to “establish independent regulation of the legal professions to improve access and competition, make legal costs more transparent and ensure adequate procedures for addressing consumer complaints”. The Legal Services Regulation Bill 2011, published on 12 October, provides the statutory framework for meeting all of these commitments. By the same token, the Bill supports the urgent objectives of structural reform, national competitiveness and economic recovery contained in the EU-IMF-ECB Memorandum of Understanding, while taking account of the recommendations for reform made by the legal costs working group and by the Competition Authority. I had the opportunity to brief the EU-IMF-ECB Troika on the provisions of the new Bill on Monday, 17 October. The Troika considered the Bill to have met both the spirit and the letter of the Government’s relevant undertakings.

The Bill provides three levers of sustainable reform. There will be a new and independent legal services regulatory authority with responsibility for oversight of both solicitors and barristers, an office of the legal costs adjudicator to assume the role of the existing Office of the Taxing Master, which is being conferred with enhanced transparency in its functions. The legal costs regime will be brought into the open with better public awareness and entitlement to legal costs information. There will be an independent complaints mechanism within the new regulatory authority to deal with complaints about professional misconduct and this will be supported by a new independent legal professions disciplinary tribunal. These three levers of change are mutually reinforcing in terms of oversight, standard-setting, enforcement and redress. For example, as well as providing a modernised framework for the adjudication of disputed legal costs, the Bill makes the issue of an excessive bill of costs one of those matters which may be considered as misconduct when a complaint is made to the new regulatory authority.

Part 9 of the Bill sets out, for the first time in statute, a set of legal costs principles that are to guide the assessment of legal costs, the key principle being that of reasonable costs for appropriate work done. Lawyers will be required to notify clients in a more detailed and intelligible way about legal costs. Key changes include the fact that both solicitors and barristers will now have to provide proper costs information. A client has to be issued with a notice of costs as soon as he or she has given instruction to a lawyer and the notice must also specify a cooling-off period allowing the client to consider whether or not to continue with the case.
The process of notification of costs to clients is ongoing and responsive to any developments in the conduct of a case and is not just an initial, once-off exercise. When legal work is completed a detailed bill of costs has to be issued, which also explains that the options of negotiation, mediation or adjudication are available to resolve any disputed aspects of the bill. Contravention of the notification requirements is misconduct and may be taken into account to disallow costs in a costs adjudication.

Arbitrary costs practices, such as imposing the two thirds of senior counsel rule in charging for the services of a junior counsel, are abolished. Recruitment to the role of legal costs adjudicator, previously confined to solicitors of ten years standing only, is now extended to people with a wider skill-set, that is, to similarly qualified barristers and legal-costs accountants. The office of the legal costs adjudicator — currently the Office of the Taxing Master — will be made subject to the governance and accountability practices, such as annual reporting, applied to public bodies generally. The office will be able to issue legal costs guidelines and will, for the first time, maintain a register of decisions on adjudications. This will publicise both the reasoning and outcomes of legal costs adjudications.

It will be possible to publish decisions made by the office of the legal costs adjudicator in regard to family law cases. Provision is made in section 82, subsections (3) and (4), to publish such a decision and the reasoning for it. Only certain information will be withheld, for example, the name of the party to a decision, the name of a child where one is involved and such other information as is protected by rule of law, including, for instance, the in camera rule. This means that the basis of cost adjudication decisions arising from family law cases will become transparent in a way that has not been possible up to now, while the in camera rule and other relevant privacy provisions continue to be observed. A case progression initiative has been operating in recent years in the Circuit Court for family proceedings and such case management has been mandatory for family law cases since October 2008. Under this system cases are listed before a county registrar for a hearing to determine whether they are ready to proceed. I participated in the launch of the Dolphin House initiative last May involving the Courts Service, the Legal Aid Board and the family mediation service of the Family Support Agency. This initiative encourages parties into an alternative mediation process with a special focus on cases involving the welfare of children.

The principles relating to legal costs, which are contained in Schedule 1 to the Legal Services Regulation Bill, include “the time and labour that the legal practitioner has reasonably expended on the matter” concerned. The legal costs adjudicator is obliged, under subsection 95(5) of the Bill, to ascertain reasonably the time taken to carry out the work concerned as part of his or her determination of the appropriateness of work done and the reasonableness of its cost. While solicitors and barristers alike will have to inform clients of any time-based rates that may apply to their work, they will also have to satisfy the other principles relating to legal costs that have been set out. This is considered the best way to achieve a balance between time and the other factors that relate to legal costs, for example, the complexity, urgency and priority of a case. The intention is to avoid creating a situation where over-emphasis of time as the determinant of legal costs could incentivise inefficiency in the handling of cases or be unfairly exploited as a “plodders charter”.

Additional information not given on the floor of the House

The interests of client consumers and legal practitioners will be balanced under this Bill better than ever before, to the mutual benefit of both. Under the provisions of the Bill everyone will be clearer about what should be happening when legal services are being sought or provided, how much these services will cost and where they can go to for independent adjudication if they have a complaint or wish to settle a dispute about legal costs. These measures, combined
with the proposed new business structures for legal practitioners set out in the Bill, will provide a basis for enhanced competition and efficiencies in the legal sector and will lead to a reduction in legal costs. The Bill represents a package of reforms that will be of long-term benefit to the legal professions, consumers and the national economy.

**Deputy Dara Calleary:** I welcome much of what is proposed in the Bill. Shedding light on the issue of legal costs is a particularly welcome amendment, although whether they will be reduced is another argument. I do not want to anticipate the Second Stage debate, but will the Minister indicate when it is intended to bring it forward?

**Deputy Alan Shatter:** I am conscious that this is a detailed and complex Bill. As such, I wish to afford time to Members opposite and to those affected by the Bill, including consumers of legal services and the legal professions, to consider its provisions. It is anticipated that Second Stage will not be taken until after the second week in November, at the earliest, to afford an opportunity for the fullest possible consideration to be given to the Bill before proceeding to detailed debate on it in this House.

**Deputy Jonathan O’Brien:** We were under the impression that this legislation would run to some 300 pages. While the Bill we have been presented with is comprehensive, it comprises just over 100 pages. I am not complaining about this——

**Deputy Alan Shatter:** The Bill was 300 pages in typed print, but when it was printed by Cahill Printers it turned out at approximately 100 pages.

**Deputy Jonathan O’Brien:** Will the Minister confirm that nothing was removed from the Bill at the last minute which he wished to include?

**Deputy Alan Shatter:** Yes. I will be pleased to show the Deputy my very thick folder of typed content. To be specific, there were originally 298 pages of content in typeface, but the printing process reduced that substantially.

**Deputy Bernard J. Durkan:** I thank the Minister for his comprehensive reply. Will he indicate whether an assessment has been done of the extent to which legal fees are likely to be reduced arising from this legislation? I have raised this question many times in the past. It concerns the extent to which legal fees are likely to be reduced arising from the proposed legislation, particularly in respect of the costs of tribunals and the level of legal fees identified by the troika as being a serious impediment to competition. The Minister might indicate in quantifiable times the extent to which the benefit will accrue to the taxpayer arising from that as opposed to a rejigging of the structures which might mean we will end up in the same position we were in when we started.

**Deputy Alan Shatter:** A broad range of issues must be addressed to bring about a reduction in legal fees. Legal fees will be reduced as a consequence of this Bill, first, because of the new transparency that will apply to the charging of legal fees; second, the adjudicative process will cease to be a mystery both to some members of the legal profession as well as to the entire general public by the publication of decisions which should provide for a greater uniformity in the charging of legal fees; and, third, as a consequence of the new structures that will be available that will reduce costs. For example, under the provisions of the Bill it will be possible to directly consult a barrister to obtain advice without having to first consult with solicitors. The Bill envisages the provision of legal advice through alternative structures as well as the current form of solicitors practice and barrister practice being able to continue out of the Bar
Library with barristers operating as sole contractors. Those alternative structures will create the possibility for barrister partnerships, multi-disciplinary firms and the possibility of solicitors and barristers jointly representing clients as advocates in court proceedings.

All of those measures will contribute to cost reduction but the Legal Services Bill is not a magic bullet in affecting cost reduction because a broad range of other things must be done, some of which we are engaged in dealing with. First, we must try to ensure that people use alternative dispute resolution methods as opposed to litigation when disputes arise and I am happy to tell the House that a mediation and conciliation Bill which I hope to bring before the House is at a reasonably advanced stage of preparation. Second, there is a need to provide for greater efficiencies within the court services to ensure our courts operate in a manner which does not unnecessarily give rise to legal costs.

In the context of tribunals, the Deputy is right in saying that tribunals have proved particularly costly. I do not believe there is a way of guaranteeing to the House that if a tribunal in the future is investigating the issue the substantial costs will not be incurred. That is the reason we need new accountability mechanisms and why there is a referendum taking place to facilitate committees of this House investigating matters of substantial public importance and holding hearings with a view to ensuring not only that this House does its duty, but issues that need to be inquired into can be inquired into without the enormous costs that have been incurred in the past through the use of the mechanism of tribunals.

**Deputy Catherine Murphy:** I have not mastered the art of bilocation yet. I was in a committee meeting and missed much of the response the Minister gave. There are a number of components to my questions, the first of which is the requirement to keep records. It is very difficult for the Taxing Master to adjudicate on something if there is no requirement to keep records. I do not know if the Minister indicated in his reply that he intends to make changes but I presume it is open to him to make those type of provisions by way of an amendment to a piece of legislation.

The second component concerns people who are persistently complained to and found to have been offenders in regard to the Taxing Master. Most of those would concern family law cases. The lack of that information does not act as a warning to people when they take on someone to prosecute a case. Those are the areas on which I would like to hear the Minister’s response.

**Deputy Alan Shatter:** The Deputy may have missed hearing me say that an important element of the new reform is that the legal costs adjudication office will have to maintain a record of decisions delivered by it and that they will be published. In the context of the way the legislation is drafted, I hope there will be a facility, for example, for those decisions to be on a website.

In the context of the family law area, while the anonymity of estranged spouses in a family dispute, for example, or the names of their children will be preserved because of the in camera rule, if there is a dispute over legal costs in a family law matter it will be adjudicated upon and the outcome of the adjudication can be published while preserving the privacy of the individuals concerned. The lawyers will not have anonymity in the context of publication. The anonymity applies to the parties, that is, the husband, the wife or the cohabitees in a family dispute or, if it involved an adoption issue, the adopters and perhaps the biological parent but the anonymity will not apply to the law firm under the provisions of the Bill. The fact that these decisions will be published, whether we are dealing with family litigation, civil litigation or any other litigation, will also act as a spotlight on costs that are charged.
As I mentioned in my initial response, where a complaint of excessive charging is adjudicated upon it is an issue that can fall within the context of misconduct as it arises under the Bill, which may result in that matter being dealt with from a disciplinary perspective. There is a range of what I would describe as connected reforms which should not only shed a spotlight in this area but disincentivise persons who overcharge. In fairness to members of the legal profession, not every allegation of overcharging against members of the legal profession is true. Some are true but some are not.

**Deputy Bernard J. Durkan:** To what extent have comparisons in respect of legal fees been made between this jurisdiction and adjoining jurisdictions, for instance, Northern Ireland, the United Kingdom and France, having particular regard to the recognition by the troika of various aspects of our financial services and various structures, legal and otherwise, as being a deterrent in terms of competition and costs? If he has not done so already would it be possible for the Minister to produce a graph illustrating the comparisons between the fees for similar activities here and in the other jurisdictions?

**Deputy Alan Shatter:** I do not have a graph I can produce for the Deputy but I refer him to the initial report and the final report of the Competition Authority published towards the end of 2006 which regarded a range of difficulties within the legal professions as restrictive practices which unduly added to the legal costs for the consumers of the legal profession. I see the legislation to be published as being of substantial benefit to consumers in particular and I hope that when members of the legal profession, both solicitors and barristers, have had an opportunity to reflect on the detailed contents of the Bill they will see it is also modernising the structures through which legal services can be provided, bringing the legal professions out of the 19th into the 21st century and, in sweeping the cobwebs out of the legal corridors, is giving an opportunity to those who wish to be competitive and provide legal services to consumers to do so through new structures which will be to the benefit of both the legal profession and consumers and which I believe will reduce costs because of increased competitiveness.

The view of the troika is that, on average, legal costs in this jurisdiction are something in excess of 20% of what they would be in our neighbouring jurisdiction in England. I am not sure how they have calculated that sum because often it is difficult to do the comparisons.

The issue of legal costs is not simply about what lawyers charge. A range of reforms are necessary to incentivise people to use mediation instead of litigation in resolving disputes and to incentivise lawyers to encourage clients to resolve disputes by agreement where mediation is not necessary. There are substantial reforms needed within our court structures, which ensure that those who have to litigate areas of difficulty in their lives know lawyers are kept waiting around courts from one day to the next with court hearings lasting an hour or a couple of hours while other matters intervene. Court cases end up costing clients of the legal profession for three or four days in court when, if the courts were better organised, the matter might have been dealt with within a single day.

These are specific issues and I have urged the Courts Service to address them in the interests of consumers and also in the interest of the State, in the context of the substantial legal costs the State must meet in dealing with litigation taken against the State.

**Deputy Dara Calleary:** Has the Minister a figure in mind for what people can expect legal costs to be reduced by over, for example, a two year period as a result of full implementation of the Legal Services Bill and addressing the other issues?
**Deputy Alan Shatter:** I cannot give the Deputy an answer to that. Every legal issue is different and every type of legal work that must be undertaken, be it by solicitors or solicitors and barristers and, hopefully also in the future, by barristers alone, can vary. It can depend on not only the issue that must be addressed but also the personality of the client with whom the lawyer is dealing. The Deputy knows that well enough. One cannot prescribe a specific fee that is payable in a range of litigation areas; in other areas it is a great deal simpler. In the making of what I describe as simple wills or the conveyance of a property there are set fees that can be readily identifiable and that people should know they will incur in advance of legal work being undertaken.

**Court Accommodation**

45. **Deputy Billy Kelleher** asked the Minister for Justice and Equality the court houses across the country that are due to be closed by the Courts Service; the reasons for each proposed closure; and if he will make a statement on the matter. [31121/11]

**Deputy Alan Shatter:** As the Deputy should be aware, the provisions of the Courts Service Act 1998 conferred sole responsibility on the Courts Service for management of courts and, as Minister, I have no role in the matter. Section 4(3) of the 1998 Act provides that the service is independent in the performance of its functions, which includes the provision, maintenance and management of court buildings and provision of facilities for court users.

I have, however, had inquiries made and the Courts Service has informed me that in the current financial climate all court venues are kept under continuing review. A number of qualitative criteria are applied to each venue, including case count, condition of the building, proximity of local gardaí, number of sittings per annum and so forth. The service endeavours to ensure, in so far as possible, that venues have cell accommodation available in order to reduce Prison Service escort costs as well as meeting the standard that court users are entitled to expect while also considering the efficiency of the particular court.

The Courts Service board decided at its meeting on 17 October last to approve the closing of the following district courthouses: Ballymote which will be amalgamated with Sligo; Boyle which will be amalgamated with Carrick-on-Shannon — the Circuit Court also sits from time to time in Boyle and these sittings will now take place in Roscommon; Templemore which will be amalgamated with Thurles; Kiltimagh and Claremorris in County Mayo which will be amalgamated with Castlebar. I understand the District Court has not sat in Claremorris since 2009 and that its business has been heard in Kiltimagh. I am informed that the business of all three venues will in future be heard in Castlebar.

While there are no courthouses in Castleisland and Athenry, the Courts Service has informed me that those District Courts sit in very unsuitable premises and will also be relocated. With the exception of Castleisland, which is due to close on 1 December, it is intended that the other closures will take effect early in 2012. In this context it should be noted that the board, over the past 12 years, has amalgamated 140 District Court areas.

Additional information not given on the floor of the House

The Courts Service has informed me that decisions to close a particular venue are generally taken due to its poor conditions, some of which present a health and safety risk which would cost a great deal to rectify. The absence of holding cells in a number of cases is also a factor. However, achieving greater efficiencies, particularly with regard to freeing up judicial staff and Garda time currently spent travelling between venues, is also a consideration. I am informed that this rationalisation policy has gained operational efficiencies, saves time and improves speed of access to justice.
Deputy Dara Calleary: The Minister does not have direct responsibility for the Courts Service, but the service is responsible to the Minister and this House for its budget. I wish to raise a number of concerns that have been expressed about the specific closures outlined by the Minister. First, the users were not consulted. Even though they are represented on the board of the Courts Service the day-to-day users of the courts concerned, that is, the solicitors and judges who work in the courts, were not consulted in advance. Second, when they were consulted they were told, particularly regarding the closure of Kiltimagh, that it was being done for efficiency reasons, not cost saving reasons. When Deputy O’Mahony raised this issue with the Minister last week, the Minister undertook to find out if a cost-benefit analysis for the closure of Kiltimagh had been prepared to measure the extra costs that would be incurred. This would equally apply to Ballymote, Boyle, Templemore and the other venues. There are the extra costs for gardaí travelling, prison issues and extra subsistence costs. Has the Minister found out if those analyses were prepared and will they be published or put before the Oireachtas committee on justice?

Deputy Alan Shatter: The Courts Service has informed me that decisions to close a venue are generally taken due to its poor conditions, some of which present a health and safety risk which would cost a great deal to rectify. The absence of holding cells is a factor in a number of cases. However, achieving greater efficiencies, particularly in freeing up judicial staff and Garda time currently spent travelling between venues, is also a consideration. I am informed that this rationalisation policy has gained operational efficiencies, saves time and improves speed of access to justice. The same matters have informed the consideration given to the closures I mentioned. By achieving efficiencies, one effects savings and one ensures, at a time when there is limited resources, that those resources are used to the best extent in the interests of taxpayers.

Deputy Dara Calleary: One of the concerns expressed is that there is no rural representation on the building sub-committee of the Courts Service. The venues that are being closed, as outlined by the Minister, are all in rural areas. This will put an extra mileage burden on people to get access to justice. Can the Minister bring the concern about the lack of rural representation on the building sub-committee of the Courts Service to the notice of the Courts Service and ask it to address it?

Deputy Alan Shatter: If there is no rural representation on the building sub-committee of the Courts Service, it was calibrated during the term of my predecessor when the Fianna Fáil and Green Party Government was in office. I will certainly inquire into that issue. The Deputy was correct when he said earlier that the Courts Service is independent but that it must report to me. It falls within the envelope of the Department of Justice and Equality in the context of the funding available to the Courts Service. The Courts Service, like all other bodies, is under an obligation to effect efficiencies, ensure that resources are used wisely and, in so far as possible, to achieve savings. The Courts Service cannot be exempt from the savings that must be achieved across the broad range of justice expenditure. That obligation applied to the service in 2011 as a consequence of the funding allocated in the 2010 budget for the service and it will continue to apply in 2012. It is likely that the Courts Service will continue to make decisions to operate with greater efficiency and effectiveness and it is likely that there will be further court closures in 2012.

Joint Policing Committees

46. Deputy Aengus Ó Snodaigh asked the Minister for Justice and Equality his plans to
establish a joint policing committee community fora in areas outside the 14 local drugs task force areas; the timeline for same; and if he will make a statement on the matter. [31232/11]

**Deputy Alan Shatter:** The functions and powers of joint policing committees, JPCs, are set out in the Garda Síochána Act 2005, which provides for a committee in each local authority area. The Act provides that JPCs operate under guidelines issued by the Minister for Justice and Equality after consultation with the Minister for the Environment, Community and Local Government. The current guidelines were issued in September 2008.

The Act also provides for the establishment of local policing fora at neighbourhood level under guidelines. These fora are intended to operate in a more informal way than the JPCs and deepen the engagement between gardaí, the local authority and neighbourhood communities. Guidelines for the establishment and operation of fora were issued by the then Minister in July 2009, following consultation with the Ministers for the Environment, Heritage and Local Government and Community, Rural and Gaeltacht Affairs and other stakeholders. These guidelines restrict the establishment of fora to the 14 areas where local drug task forces operate. It was decided to prioritise the establishment of local policing fora in these areas, in the context of the resources available and in accordance with the national drugs strategy, because their need is greatest. This process is currently under way.

With regard to the JPCs generally, I am aware that some are working better than others, depending on the local authority. As I have already informed the House, I intend shortly to communicate with local authorities to get an overview of how the JPCs are operating and the extent to which their activities are constructive and beneficial to the community and the Garda. My Department, the Department of the Environment, Community and Local Government and An Garda Síochána have commenced work on reviewing the operation of the committees. My intention is that a document will be prepared on the basis of which consultations will take place with the local authorities on how the operation of the committees might be improved, with a view to updating the guidelines. I envisage that this process will be substantially complete in the early part of next year. The role and extent of local policing fora will be examined as part of this process.

**Deputy Jonathan O’Brien:** I thank the Minister for his reply. He touched on one of the critical issues, that some of the joint policing committees are working better than others. I welcome the timeline outlined for the review process. I am aware from experience that it works very well in Cork. However, that is due not to the guidelines but to the individuals who sit on the committee, including members of the Garda who are open to the idea. In other areas where I have discussed the issue with councillors there is not the buy-in from some elements, not just the Garda, but the community and local authorities. That is one area on which we need to tighten up. In Cork, where the system works well and the Garda buy in to the process, it is having an effect on the ground and improves confidence in the Garda. If that could be replicated across the State we would be doing well. That is an area where we need to look at the guidelines.

**Deputy Alan Shatter:** I agree with what the Deputy has said. That is my experience, having sat briefly on one of these committees, that it depends on the Garda and the councillors. The councillors may have choices in the context of how these committees work. They can constructively engage with the Garda and come forward with suggestions in regard to policing in local communities that are generally beneficial and, on the Garda side, if there is openness they will engage. Alternatively, councillors can just use the committees to table a motion or a question to get a written reply, not engage particularly, and send the reply out to their constituents.
The first type of engagement, where there is a dialogue between councillors representing local communities and the local gardaí working on the ground and where there is a degree of openness between the two in problem solving, is most valuable. I hope the review being conducted will provide a greater insight into this and might assist the workings of the committees, where there is a perception that some are not working particularly well, and will feed into the need for any changes that may be made to the guidelines.

**Deputy Jonathan O’Brien:** Does that include giving additional powers, if necessary, to the committees? In the North there is greater participation in regard to the operational process. While the committees are good, additional powers are needed to make them more effective in some areas. Will that review contain recommendations and, if so, is that something on which the Minister is willing to act?

**Deputy Alan Shatter:** As the Deputy is aware, the functions and powers of joint policing committees are set out in the Garda Síochána Act 2005. In the context of the review it would be interesting to get an insight across the country as to the extent to which the provisions contained in that Act are being utilised and applied and whether some committees are more constrained than others. Should the review show that some beneficial changes could be made to the legislation, I am open to looking at that issue. Given the Deputy’s knowledge, he is welcome to feed into the process. I would hope, when the review is complete, to publish it and to discuss it in the House or in the Joint Committee on Justice, Defence and Equality before conclusions are reached from what is learned through the review.

**Leaders’ Questions**

**Deputy Micheál Martin:** I wish to express my sincere sympathy to the family of Garda Ciaran Jones who, though off duty, was trying to assist others in the very sudden flooding which occurred yesterday. His last act was one of great bravery and courage and our sympathies go to his family and friends and also to the young woman who also died. She was found dead this morning as a result of the flooding. I pay tribute to all the emergency personnel for the work they did.

From the little that has been revealed so far, it is hoped there will be sign-off this week on a package of measures which will see the eurozone out of crisis mode. Unlike the governments of other countries, the Taoiseach has not told the House or the people about either his negotiating position or what has been proposed. The Bundestag is receiving a very detailed presentation on exactly what is being discussed, yet all we have heard from the Taoiseach and members of the Government is vague generalities that he expects everything to be all right on the night. Separate to this, his Ministers had been accepting praise for a budget which they voted against.

Will the Taoiseach tell the House exactly what is Ireland’s position in regard to these negotiations? Are we supporting a Greek restructuring of up to 60% in terms of a debt write-down? If Greek sovereign bondholders are being burned widespread recapitalisation of banks will have to be undertaken. This represents the first and probably only opportunity we will get to force bondholders to share the burden in Ireland. That is hugely important for us as a country because the two consistent road blocks to burning bondholders in the Irish banks will be removed. A sovereign default and bank recapitalisation are what we were told would be risked by unilateral action.

Has the Taoiseach put this issue on the summit agenda for discussion? Will he insist there will be no deal unless our concerns are addressed? To miss this first and probably only opportunity to burn senior bank bondholders would be an opportunity lost. Will he confirm if he
discussed the specific issue of not restructuring Ireland’s bank debt with Chancellor Merkel on Sunday last?

The Taoiseach: I join with the Minister for Justice and Equality and Deputy Martin in respect of the tragic incident in which Garda Ciaran Jones lost his life. I am aware of the general circumstances that Garda Jones, who was off duty, was attempting to help persons in distress when this tragic accident occurred. I am also aware of the death of a Filipino national. We extend our sympathies to the two families on what is a tragedy for them arising from the excessive rainfall yesterday and the consequent flooding.

In response to Deputy Martin’s question on the euro, this is a serious matter. The German Chancellor must have the authorisation of the Bundestag for any agreement beyond what was already approved in September. That is why she is addressing her Parliament in respect of that approval.

A broad range of issues was discussed at the meeting of the 27 member states of the European Union. It was not strictly related to the eurozone crisis but that was a central part of the discussion in the latter part of the meeting. The fundamental questions to be answered were raised by a number of speakers. On behalf of this country I made the point strongly, which received support from other countries, that the decisions which it is hoped will be taken on Wednesday, cannot be taken in isolation. They are all interlinked and connected. The fundamental questions being asked were whether we can afford to let Greece default; if €109 billion is sufficient to rescue the situation; to what extent and by what method the ESFS fund can be leveraged; and how a guarantee and to what extent the so-called firewalls can be put in place to prevent contagion and serious issues arising for other countries. Those central questions were the focus of a response from leaders.

For our part I voiced that opinion exceptionally strongly and it received support. The discussions that are ongoing are complex and technical in respect of what needs to be done if the situation is to be rescued. I cannot give any further detail beyond what was discussed at the meeting, both of the eurozone and of the 27 European Union member states. Deputy Martin indicated that the German Chancellor is giving a detailed response to the Bundestag, but that level of complex detail was not discussed at the meetings of the eurozone or the 27 member states.

There was an agreement on the range of the discussions that would take place between the technical people who are looking at the involvement of the private sector in the banks in the Greek situation. Suffice to say that although Prime Minister Papandreou was of the opinion originally that his country could get back to the bond markets at the end of 2012 it is now clearly the situation that Greece will not be able to get back to the bond markets until 2020. That means the situation for Greek citizens will be severe and austere for the next ten years.

The ECOFIN meeting which was to be held tomorrow is now cancelled. Either that means there has been some conclusion at the technical discussions or else that all of this will go to the leaders meeting tomorrow evening at 6 p.m. I cannot give any further update on the matter because officials from the Departments are in Europe at the moment.

Deputy Micheál Martin: I asked the Taoiseach a specific question not about detail. This has always been a serious and complex issue that has involved technical detail. The fundamental question I asked the Taoiseach was about his negotiating position. What is he putting on the table in respect of the Irish position? Is he putting on the table that we——

Deputy Bernard J. Durkan: What was Deputy Martin’s position last year?
Deputy Leo Varadkar: Does Deputy Martin expect us to put our negotiating position on the table now?

Deputy Micheál Martin: ——would seek a restructuring of Irish bank debt, in particular for Anglo Irish Bank? Have we put that on the table? Is the answer “Yes” or “No”? This Parliament is entitled to a basic response to the question. The reason I ask the question is because the Taoiseach made a big deal of that not so long ago, as did the Minister for Transport, Deputy Varadkar, the Minister for Finance, Deputy Noonan, in New York, and the Minister for Jobs, Enterprise and Innovation.

Deputy Bernard J. Durkan: Deputy Martin made a very small deal out of it. He was part of the Government that got us into the mess in the first place.

Deputy Micheál Martin: The Taoiseach said that the banks would not get another red cent beyond the agreed €35 billion until they showed how they would impose losses on all bondholders and creditors. The Tánaiste, Deputy Gilmore, said it would be “Labour’s way or Frankfurt’s way”. Has the Taoiseach resiled from that commitment?

Deputy Michael Noonan: If there was no guarantee there would be no losses.

Deputy Micheál Martin: Do we now take it that all that sort of talk, hype and commitment is dead and buried and is no longer on the table and that the Taoiseach is no longer pursuing it with his European colleagues?

The Taoiseach: No, Deputy Martin cannot take that for granted and he cannot assume that. The negotiating stance of the Government is to reduce the overall debt burden on Irish citizens.

Deputy Micheál Martin: That is not the question.

The Taoiseach: A number of changes have been negotiated in the Memorandum of Understanding that was signed off by the previous Government for the benefit of Irish citizens by the Minister for Finance and the Heads of Government. The interest rate reductions in July will amount to savings of approximately €10 billion over the period of the programme.

Deputy Micheál Martin: The Greek crisis——

The Taoiseach: Deputy Martin asked whether I put the specific question of Anglo Irish Bank on the agenda. The question is why we have to pay Anglo Irish Bank if Greece gets a write-down. Deputy Martin should know that because the Government of which he was a member——

Deputy Micheál Martin: No, Greece is going to default.

The Taoiseach: ——provided Anglo Irish Bank with €1 billion that it will have to pay later.

Deputies: Hear, hear.

The Taoiseach: That is the first point.

Deputy Micheál Martin: I asked the Taoiseach first, if the European Central Bank would——

The Taoiseach: The second point is that Deputy Martin came to the House with other Ministers——

Deputy Micheál Martin: The Taoiseach has gone back to the old games.
The Taoiseach: We are dealing with the consequences of the old days.

Deputy Micheál Martin: I did not say “days”.

The Taoiseach: The promissory note signed off——

An Ceann Comhairle: Deputy Martin should please allow the Taoiseach to reply.

Deputy Micheál Martin: It is very difficult to get an answer to a question.

The Taoiseach: ——by the Government of which Deputy Martin was a member has had devastating consequences for every taxpayer and citizen in the country. That is the fact of the matter. What we have to try to do in dealing with that horrendous legacy——

Deputy Micheál Martin: The Taoiseach said he would burn the bondholders.

Deputy Niall Collins: The Taoiseach has a chance now.

An Ceann Comhairle: Deputies.

The Taoiseach: ——is to take all opportunities when we see ways of dealing with a reduction in the overall debt burden on citizens.

Deputies: Hear, hear.

The Taoiseach: We are not Greece. We are not in the same position as Greece.

Deputy Micheál Martin: That is because of decisions that were taken by the previous Government.

The Taoiseach: We are not facing ten years of austerity whereas Greece will never get back to the bond markets.

Deputy Bernard J. Durkan: Despite the previous Government’s best efforts.

The Taoiseach: We do not seek a haircut in the way that Greece must have one, and the consequences for their citizens——

Deputy Micheál Martin: Greece is about to default on its debt. I am talking about the banking debt.

Deputy Michael McGrath: The Taoiseach should not say it is our debt.

The Taoiseach: ——we will continue to negotiate in a variety of areas to reduce the debt burden on citizens. That is our agenda.

Deputy Micheál Martin: The Taoiseach will not tell us.

An Ceann Comhairle: I thank the Taoiseach.

The Taoiseach: I am pursuing that on a number of fronts.

An Ceann Comhairle: I thank the Taoiseach. I call Deputy Adams.

Deputy Micheál Martin: How many bankers——
Deputy Bernard J. Durkan: Where were the Deputies opposite for the past 15 years? It took them 15 years to sink the country to where it is.

An Ceann Comhairle: I called Deputy Gerry Adams.


An Ceann Comhairle: I thank Deputy Durkan.

Deputy Billy Kelleher: Deputy Durkan should not trivialise a serious debate.

Deputy Alan Shatter: Deputy Martin has amnesia. His brain only started working after 9 March 2011.

An Ceann Comhairle: Please.

Deputy Gerry Adams: Mar a dúirt mé roimh an tseisiúin seo, tá an-bhrón orainn faoin ghardaóg, Ciarán Jones, a fuair bás inné agus faoin duine eile a fuair bás fosta.

I have asked the Taoiseach many times how he squares the Government’s support for a write-off of Greek debt — I have no objection to that — while insisting that Irish people are impoverished and denied their rights as citizens in order to pay the debts of private bankers. On 2 November, the Government will authorise the payment of €700 million to unguaranteed senior bondholders in Anglo Irish Bank. That €700 million would pay for special needs assistants, new hospitals and resources for hospitals. Not paying the money would mean no welfare cuts, household charge or universal social charge. Ar bharr ar sin fosta, tá an Taoiseach sísta brú a char ar ár muintir. Idir seo ag Mí Eanair beidh €2 bhilliúin dá thabhairt do shealbhóirí. Sin airgead arbh fioidh a charaíocht ar leabhair agus ar dhaoinne atá faoi strus ag an uair dheacair seo.

Ba mhaith liom go ndéarfadh an Taoiseach go soiléirí da. Idir an Taoiseach agus an Ghréig, ná leithéid sin a dhéanann an eurozone cinnidh a dhéanamh faoi seolaíocht leis na díospóireachtaí seo chomh maith leis na díospóireachtaí a dhuine de. Is é an t-easnamh rialtais agus an olltairgeacht intíre sa Ghréig ag seasamh ag 162% ag deireadh 2011 agus go n-eireoidh sé go dtí 187% ag deireadh 2013. Ní féidir leis an t-aireálúil leis.

Deputy Gerry Adams: Ní féidir liom díoltóireacht a iomlán.

The Taoiseach: Thug mé freagra don Teachta Adams ar an gceist seo go minic le cúpla seachtain anuas. Tá a fhios agam gur thug an Rialtas roimhe an t-airgead seo do Anglo Irish Bank chun na sealbhóirí a ioc. Is é atá ar siúil anois ná díospóireacht idir an Roinn Airgeadais agus an Rialtas ar thaoibh amháin agus ár gcomhlíonaithe san Eoraip ar an taobh eile faoi choisteanna na hóige a dhéanann a deichniú. Ní hionann muidne agus an Ghréig. Ní fheiceann an Ghréig comhoibriú leis an tseisiúin seo. Tá a fhios agnuair gur thug an Taoiseach go bhfuil sé in ann a fhios a chur don tuairisc seo go bhfuil an Taoiseach deacair leis an strúiúl is fearr ná go bhfuil sé in ann a ghideadh leis an strúiúl is fearr.

Questions

Níor thagair an Teachta Adams nó an Teachta Martin do phostanna, do infheistiocht nó do jabannaí chur ar fáil.

Deputy Dara Calleary: Níl jab déanta ag an Rialtas fós.

The Taoiseach: Sin atá in geist againn go lárnach. Ní féidir le tír ar bith ná le Rialtas ar bith déileáil leis an bpróiseas seo gan postanna a chur ar fáil do mhuintir na hÉireann agus do mhuintir gach uile thir eile. Sin atá i geist againn.

Deputy Dara Calleary: Cá bhfuil siad?

The Taoiseach: Beimid ag d'éanmh dúospóireachta ar na cinnidh sin oíche amárach. Níl a fhios agam an gcríocnóidh an cruíinniú sin go luath, ach beidh mé ann ar feadh na hoíche ar fad.


Deputy Gerry Adams: Chuir mé ceist shoiléir ar an Taoiseach agus ní thugtar cén fáth nach bhfuair mé freagra uaidh. The question is very straightforward. On 2 November the Government, and not the previous Government or Fianna Fáil, will pay €700 million. There is no onus on the Government to do so. It is not legally, morally or politically bound to do so. The money will be paid to unguaranteed bondholders. The money has been taken away from special needs assistants, hospital facilities and other necessary public services. Chuir mé ceist ar an Taoiseach why it is acceptable to write down Greek debt — I have no objection to that — while Irish people have to pay private bankers. It does not make sense.

It would be a great boost to people to know the Taoiseach is standing up for the citizens of the State. Two Irelands are developing under Deputy Kenny’s leadership. There is the Ireland of the banker agus an ciorcal órdha — the golden circle — and the Ireland of the ordinary people, who are suffering at the bottom.

Deputy Derek Keating: Deputy Adams is not suffering.

Deputy Jerry Buttimer: Deputy Adams know all about golden circles.

Deputy Bernard J. Durkan: Let us not go there.

The Taoiseach: I do not deal in the rhetoric of despair.

Deputy Billy Kelleher: This is the rhetoric of deceit.

Deputy Bernard J. Durkan: The deceit took place over a long number of years.

Deputy Timmy Dooley: Was Deputy Durkan not part of it?

The Taoiseach: I prefer to take an optimistic view of how our people and Government together can work through this economic challenge. This country is not Greece. Our citizens, while they are faced with a challenging position, are not in the same league as the Greek people. Prime Minister Papandreou expected to be back in the bond markets by 2012.

Deputy Micheál Martin: He never really meant that.
The Taoiseach: It is now clear that with a debt to GDP ratio of 186% by the end of 2013——

Deputy Gerry Adams: Can the Taoiseach talk about Ireland? An labhróidh sé faoi Éirinn?

The Taoiseach: It will be another ten years before Greece emerges from this difficulty.

Deputy Adams asks what about Ireland. Every international commentator, except Deputy Adams, is now pointing out that the deal which was signed and which has already been renegotiated on three of four occasions by the Government is making serious headway.

Deputy Micheál Martin: The Taoiseach should come off the stage.

Deputy Jerry Buttimer: The Taoiseach is on the stage, and not Deputy Martin.

Deputy Micheál Martin: He voted against everything.

The Taoiseach: I would like to think there is a real understanding of just how serious this issue is, from a European point of view.

Deputy Billy Kelleher: At long last.

Deputy Gerry Adams: Can the Taoiseach give us the Irish point of view?

The Taoiseach: As was stated at last week’s meeting in very trenchant terms, people are absolutely focused on the decisions that must be made.

Deputy Timmy Dooley: They are now. Can the Taoiseach tell us who was not focused?

The Taoiseach: First, can we let Greece default? Second, is €109 billion enough? Third, how will we leverage the EFSF to provide a firewall that will allow for the purchase of bonds and not cause catastrophe for any country? The focus of the eurozone may be on the bigger potential of Spain and Italy. However, as a country that is meeting the challenges of the memorandum of understanding and of our bailout situation, we want to ensure the decisions made are interlinked so all countries are protected and the Greek situation is recognised as being unique and that the decisions taken by the countries of the eurozone see to it that Greece is unique and that every other country is protected by that firewall.

Deputy Micheál Martin: It is interconnected. It is all related.

The Taoiseach: I assure Deputy Adams that the discussions and negotiations I am conducting on behalf of the Government, the Minister for Finance is conducting at ECOFIN——

Deputy Gerry Adams: On behalf of bankers.

The Taoiseach: ——and the Minister of State with responsibility for European Affairs at the General Affairs Council are focused on attempting to get down the overall burden of debt on our people. We have achieved €10 billion by the reduction of the interest rate and we are exploring a number of options to get it down further. I am sure Deputy Adams welcomes that.

Deputy Shane Ross: I join the Taoiseach and other leaders in offering my sympathy on the tragic deaths of the member of the Garda and the Filipino national today.

One of this morning’s newspapers used an unfortunate turn of phrase. I believe it was The Irish Times, which talked about the Italian Prime Minister getting a dressing down from the German Chancellor and the French President. It is important to ask the Taoiseach questions about burning bondholders and Irish default. However, the Taoiseach put his finger on the
issue. Greece is not now the only problem in Europe. The game has moved on to Italy, which is a much more serious potential problem. Yesterday, Chancellor Merkel and President Sarkozy confronted the Italian Prime Minister and told him it was time for him to introduce far more stringent austerity measures. That is undoubtedly true. The Italian austerity measures are unsatisfactory.

Where does Ireland stand on the great quarrels that are going on among the European leaders? It is obvious there is a huge split given the Italian Prime Minister’s robust response to France and Germany that he will not take dictation from them. Where does Ireland stand on the need for austerity in Italy? Where does it stand on the split between Prime Minister Sarkozy and Chancellor Merkel in regard to how much pain should be taken by those who invested in Greece?

The Taoiseach: I spoke to all of the personalities and leaders mentioned by Deputy Ross. For the first time in my attendance at these meetings there was a genuine focus on the fundamentals of what needs to be done. I too have heard the reports of the conversations between President Sarkozy and Chancellor Merkel with Prime Minister Berlusconi. However, I do not know the details in that regard. I am aware that the Italian Government approved an austerity programme. The question now is its commitment to implement it.

Deputy Ross asked where Ireland stands on austerity. No more than anyone else, we do not like it. However, we recognise that following the lifting of political carpets in departments one often finds a great deal of unseemly activity that went on in the past which must be cleaned up in the interest of getting out of a bailout situation. In regard to where Ireland stands on austerity, our people understand the challenge we face. We all want to get out of this situation as quickly as we can. I do not have any direction over Prime Minister Berlusconi. However, there were at the meeting which took place during the week some direct political comments about what needs to be done.

Deputy Timmy Dooley: What did the Taoiseach say?

The Taoiseach: To be honest, a number of prime ministers or leaders may not have been as sufficiently aware of the situation in other countries as they now are. At the conclusion of that meeting there was an understanding of how serious this is in the European context. The Deputy will have heard the comments of President Sarkozy about Ireland echoed by others. While we have done well, there remains a long way to go. No more than Portugal or any other small country, we want everyone to understand that if we are to get out of the bailout, we will need continued support for the path we are on.

My contributions to the various discussions on this matter were to remind people that all the decisions that must be made must be interlinked and must focus not alone on the bigger countries, but on all countries. As the Deputy correctly pointed out, contagion is not limited to the Greek situation or to any other individual country. The decisions to be made by the eurozone leaders tomorrow night must deal comprehensively and conclusively with this issue. It may well be that following those decisions details will have to be worked out, in some cases by the ECOFIN Ministers. There were serious expressions of concern by the leaders in regard to the potential that now exists to deal conclusively with this matter. That discussion went on for some time.

Deputy Shane Ross: I understand the Taoiseach’s reluctance to become involved in another European spat. However, it is important that Ireland is not only perceived as the good poster boy of Europe who is abiding by the rules imposed on him by the IMF-EU and not getting involved in any of the great arguments taking place. The Taoiseach stated in response to my
[Deputy Shane Ross.]

question that he is not in favour of austerity but that it is necessary. Where does the Taoiseach stand when it comes to other nations having to impose austerity on their people? It is all very well saying we have done it and done so successfully, but that is not the position in which I want to be. Where does the Taoiseach and Government stand on the two big powers of Europe saying that another country must impose austerity? Does the Taoiseach stand on one side or the other or is he neutral on the issue?

The Taoiseach: France and Germany never said at the meeting that country X or Y should now impose austerity measures. There was general discussion and agreement on the need for fiscal discipline and control over countries’ spending. Ireland is in the difficult situation it is in because of such lack of control. It is not the case that Chancellor Merkel or President Sarkozy stated what a particular country should do, rather there were strident comments from many people about what needs to be done, including a discussion in respect of governance of the eurozone for the future. Comments were also made by countries not members of the eurozone in regard to their individual economic interests and so on.

Rather than focusing on the requirement for austerity measures in any individual country, there was a clear understanding that there needs to be far greater fiscal control in respect of any individual country and how it does its business. I pointed out for the benefit of the meeting that being in a bailout situation brings with it detailed and complex analysis on a fortnightly basis by a troika of the country’s economic circumstances and that no money will be paid if it exceeds what has been agreed. The marker for Ireland is a return to the bond markets. We do not want that stymied or prevented or for there to be any loss of understanding of just how much encouragement and further assistance a country like ours needs as we proceed.

As pointed out by the Minister for Finance, Deputy Noonan, on many occasions we have achieved a saving of €10 billion for our taxpayers and we need more. In this regard, a number of options and alternatives are under discussion and negotiation. It is not a case of the big powers saying who must impose austerity measures and so on. There is a general acceptance that if Europe is to get this right, and if the eurozone is to plough ahead in a prosperous fashion, countries must ensure fiscal discipline in the manner in which they do their business. We are measuring up to the conditions of our programme. However, I do not want anyone to lose sight of the fact that while we have come some of the way, there remains a long way to go. We need further assistance and will continually point this out in the context of the overall decisions that must be made.

Ceisteanna — Questions (Resumed)

Ministerial Staff

1. Deputy Richard Boyd Barrett asked the Taoiseach if he has any advisors or consultants on health within his Department; and if he will make a statement on the matter. [27361/11]

2. Deputy Gerry Adams asked the Taoiseach the number of special advisors he has appointed since his election as Taoiseach; and the salary paid to each advisor. [28190/11]

3. Deputy Gerry Adams asked the Taoiseach if he will provide a breakdown of the individual responsibilities of the special advisors employed in his Department. [28191/11]

4. Deputy Gerry Adams asked the Taoiseach the advisors on health he has within his Department. [28545/11]
5. **Deputy Micheál Martin** asked the Taoiseach if he has put in place in his Department any expertise in relation to health policy. [31045/11]

**The Taoiseach:** I propose to take Questions No. 1 to 5, inclusive, together.

There are five special advisers in my Department, four of whom are special advisers to me and one of whom is special adviser to the Government Chief Whip. I do not have a dedicated adviser-consultant on health in my Department. A specialist adviser on health was appointed to the Minister for Health and Children of the previous Government but was based in the Department of the Taoiseach and his salary was paid from that Vote.

The primary function of special advisers is to help achieve the Government’s objectives and secure implementation of the programme for Government. Under the supervision of my chief of staff, the special advisers working in my Department provide briefings and advice on a wide range of policy matters as well as performing such other functions as I may direct from time to time. They also liaise with other special advisers in other Departments so that I remain informed on developments across Government.

I am circulating in the Official Report a table showing the salary of each special adviser. The total salary cost of the five special advisers is approximately €576,000, which is 47% less than the €1.1 million total salary cost of the seven special advisers appointed to the Department of the Taoiseach by the previous Administration.

The names and salaries of the special advisers appointed in the Department of the Taoiseach since 9 March 2011 are contained in the following table:

<table>
<thead>
<tr>
<th>Name and Grade</th>
<th>Annual Salary</th>
</tr>
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<tbody>
<tr>
<td>Mark Kennelly, Chief of Staff</td>
<td>€168,000</td>
</tr>
<tr>
<td>Andrew McDowell, Special Adviser</td>
<td>€168,000</td>
</tr>
<tr>
<td>Paul O’Brien, Special Adviser</td>
<td>€80,051</td>
</tr>
<tr>
<td>Angela Flanagan, Special Adviser</td>
<td>€80,051</td>
</tr>
<tr>
<td>Mark O’Doherty, Special Adviser to Chief Whip</td>
<td>€80,051</td>
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**Deputy Richard Boyd Barrett:** My question is specific to the issue of health. Today, 344 people are on hospital trolleys throughout the country. Communities from Roscommon to west Cork to Blanchardstown to Loughlinstown to Tipperary to Galway are outraged because the Government’s health policy is in tatters. We have lost 1,000 nurses in the past two years and 6,000 health workers. The number of bed closures climbed to 2,317 in the past few weeks. It is a disaster. Our health service is being massacred. The Taoiseach’s Government promised the most ambitious reform programme ever in health care and that there would be no closures of accident and emergency services unless better, and what were seen to be better, services were put in their place.

The Taoiseach needs some advice about what is going on in our health service because lives are at stake. Communities are terrified by the dismantling of their local health, accident and emergency and ambulance services. People have come from Bantry today to protest outside the House about what is happening in west Cork. Who is advising the Taoiseach or is he taking any specific advice on how we will deal with the catastrophe in our accident and emergency and health services throughout the country?

**The Taoiseach:** The Deputy’s question was specific. He asked if I had any advisers or consultants on health within my Department and if I would make a statement on the matter. I have made a statement on the matter. I have no specific special advisers or consultants in my Depart-
ment dealing with health. I chair the Cabinet sub-committee on health, which is due to meet again shortly. It will meet every month for the next six months and then review the position. In the past, the Cabinet sub-committee met once every quarter.

I would point out, however, that in a number of hospitals where there was a consistently high and unfortunate number of trolleys over the past years. This has been seriously reduced because of increased competence being put into manage the hospitals. The Minister for Health, who is my chief adviser on health matters, has put together a package for new competency measures to be put in place in respect of the Mid-Western Regional Hospital and University Hospital Galway where, as the Deputy knows, there have been serious overruns in the past.

There is not a simple answer. It takes some time to change that structure but that is where the focus and priority of the Minister lies. We will keep the Deputy updated as decisions are made on this.

The Deputy will also be aware of the special delivery unit which the Minister set up to analyse why these backlogs occur in hospitals in the first place, whether it is due to a virus, a winter vomiting bug, holiday arrangements for cover and so on. These are all areas which have been set out in the programme for Government. The Minister has been clear that we want the very best facilities for, and the very best attention given, to patients in the first instance and facilities to be made available to people working on the frontline to service that. As the Deputy pointed out, we cannot stand over a situation where independent medical advice indicated that in some cases, safety requirements are not up to standard.

Deputy Gerry Adams: I have three questions. *Ba mhaith liom cúpla bomaite a ghlacadh orthu.*

The Taoiseach said he had no health advisers, and it shows. I refer to this notion that it is a winter vomiting bug and so on. It is not winter yet. It is a lack of capacity and a deliberate running down of the public element of our health service.

I was in Our Lady of Lourdes Hospital in Drogheda this morning. The Taoiseach may know that last week, a patient who had been on a trolley for five days was found to have TB. Other patients are now being screened for this dangerous disease.

I understand the Cabinet sub-committee on health has met only once and did not meet over the summer. My question on this issue is — with the Ceann Comhairle’s permission, I would like to come back in on the other questions — does the Taoiseach accept that overcrowding in our hospitals is dangerous to staff and patients alike? Is there not a need for an urgent response from the Government?

I was in Blanchardstown hospital on Saturday with an Teachta Mary Lou McDonald, an Teachta Richard Boyd Barrett and others. Funding for that hospital has been cut by 20%. Should the Government not put in the extra resources which the health service and the public element of our health service require?

An Ceann Comhairle: I remind Deputies that this is Question Time. If they could avoid statements, it would be helpful in order to get through the questions.

The Taoiseach: I could not but agree with the statement that overcrowding in hospital wards is not a good situation.

Deputy Gerry Adams: I did not say it was not a good situation. I said it was a dangerous situation
The Taoiseach: As I said, I do not agree it is a good situation, and nobody would. The question was if we are in a position to deliver the best quality health service for the patients who get into the system with the facilities for those who provide that attention. This needs to be done in a streamlined manner so that we do not have this backup and the situation we have had over the years where there are all these trolleys in hospitals. Everybody here has visited hospitals on numerous occasions.

The Deputy mentioned Blanchardstown hospital. There has been enormous public investment in state-of-the-art facilities there. The hospital is central to the delivery of a quality health service. The Minister for Health and his colleagues have been there in the recent past. I do not have the details before me in respect of what is happening at Our Lady of Lourdes Hospital today but I am sure if the Deputy raises this as a Topical Issue matter, the Ceann Comhairle might consider it in due course.

Deputy Gerry Adams: I know precisely what is happening in Our Lady of Lourdes Hospital. As I said, I was there this morning.

An Ceann Comhairle: I think I selected Deputy Adams for a Topical Issue today.

Deputy Gerry Adams: I really pleased with that. Go raibh míl a maith agat. Is tusa an Cheann Comhairle is fearr sa domhain. Coming back to this issue, one of the anomalies in this State is that the hospital in Blanchardstown is called Connolly Hospital. James Connolly would turn in his grave if he saw the way our patients are being treated. That hospital does not even have an MRI scanner.

In regard to the five point plan, I agree with the sentiment that patients should have full access to proper health care but patients are not getting it. It is unacceptable that so many citizens are on hospital floors, on hospital trolleys and on chairs in hospital corridors.

The Taoiseach has not answered the following question, which has been raised a number of times. My friend, Deputy Mary Lou McDonald, has also raised it. There are a number of special advisers in the Taoiseach’s Department earning a salary of €168,000 which is almost five times the average industrial wage. I believe the Taoiseach is a decent man but I do not know how he can square that. There are 500,000 people on the dole and 150,000 young people have emigrated but the Taoiseach’s Department is in clear breach of the guidelines set down by the Department of Finance. Is that social solidarity? Did the Taoiseach request that the salary cap be breached for these individuals?

The Taoiseach: I want to assure Deputy Adams that this Government is focused on providing the best level of service that we can for patients and the best level of facilities for people who work in the health service. One of the most modern endoscopy units in the country is in Connolly Hospital.

Deputy Joan Burton: Deputy Adams was not there.

The Taoiseach: James Connolly would, I am quite sure, be delighted to know about that unit. The further expansion of the MRI facilities will come. The Deputy understands — he does not live in fantasy land either — that we do not have an endless, bottomless pit of money to provide all of these things now.

Deputy Gerry Adams: Except for the bankers.

The Taoiseach: Remember this — we would not be in this situation but for bankers and the carry on of an incompetent Government. Be that as it may—
Deputy Gerry Adams: Is that a confession?

Deputy Derek Keating: We have nothing to confess.

The Taoiseach: ——Sinn Féin’s Ministers in Northern Ireland do not appear to have any difficulty with imposing serious austerity in health and other areas right across the board.

Deputy Joan Burton: Deputy Adams should examine his party’s record.

The Taoiseach: He talks about two different Irelands. We actually have two different Irelands. Sinn Féin is an all-island party, but it has a different view up North from the one it has down here. It does not seem to have any difficulty in agreeing to pretty serious cutbacks in Northern Ireland, but it hums and haws about everything that happens down here when the Government is in a bailout situation, we are not in control of our economic destiny and we must cut our cloth according to our measure.

Deputy Mary Lou McDonald: That is lame. The Taoiseach needs to try a bit harder.

Deputy Paul Kehoe: The Sinn Féin Deputies do not like the truth.

The Taoiseach: Deputy Adams talks about decisions in respect of advisers. I am not at all happy — how could I be? — about the numbers who are unemployed. That is why, through the Departments of Social Protection, Jobs, Enterprise and Innovation and Finance, we want to put a real emphasis on job opportunities, getting people off the dole and providing up-skilling and retraining opportunities for them so that they can understand and appreciate the dignity of being able to go to work and contribute to their local economies, country and their own well being.

On the one hand, we must deal with the requirements of the memorandum of understanding to get down to 8.6%. In dealing with that challenge, we will put whatever resources we have into providing some sense of confidence in our indigenous economy — small businesses and medium-sized enterprises — to give people opportunities to get off the dole.

Deputy Gerry Adams: The Taoiseach is not answering the question.

The Taoiseach: In 2009, the cost of seven advisers in the Department of the Taoiseach was €1.085 million. It is now €576,000. Call them what one wills, in my Department there are three of the people in question at the lowest level of the public service scale that applies to them.

Deputy Gerry Adams: They are in breach of the Department of Finance’s stipulations.

The Taoiseach: Two of the others are in excess of that level. This reflects the positions they held previously when they worked within the Fine Gael Party. As I pointed out to the Deputy last week, one of the persons working for a Minister was on a private sector salary of €200,000 and is now on a salary of €129,000 or €130,000 in respect of his or her public duties.

It is important that, when people cover a range of Departments and governmental issues, the Minister of the day has at his or her access people of competence who can inform him or her accurately as to what the situation actually is. The cost is very much reduced from what it was.

Deputy Gerry Adams: It is still in breach of the Department of Finance’s guidelines.

Deputy Micheál Martin: In Question No. 5, I asked the Taoiseach whether he had put in place in his Department rather than just in his office any expertise on health policy. I find it
incredible that the answer is “No”. Given that the Department of the Taoiseach through the Taoiseach chairs the Cabinet sub-committee on health, it is unacceptable that there is no health expertise within the broader Department to inform the Taoiseach’s work as chair of that sub-committee and to bring certain perspectives to its work.

The Taoiseach’s fundamental difficulty is that he made commitments on health that could not be realised. In recent months, he has broken hospital after hospital. Roscommon is the classic example, but there are examples in Sligo, the orthopaedic hospital in Mallow and the many others in respect of which he made cast iron guarantees through letters and commitments in advance of the election. He has needed to resile from all of them.

At the macro level in terms of the advice and expertise required, the programme for Government contains two fundamental commitments. First, the move to a not-for-profit trust with insurers for every local hospital. This would be a retrograde step. Insurers would deal with hospitals directly to control costs. The Taoiseach mentioned Ennis and Galway. I understand that tenders have been sought for private outside contractors to manage those hospitals. He needs to spell this situation out further. We need a more comprehensive debate, as it is a specific change.

Second, a pathway to universal hospital care insurance was committed to in the programme. I note the word “pathway” has been introduced for the first time. It was never used prior to the election.

**An Ceann Comhairle:** Could we have a question, please?

**Deputy Micheál Martin:** It is a comprehensive and complex issue. The new wording suggests the Government is resiling from its commitment in terms of the timeline and a genuine commitment to the proposal’s implementation. It suggests that the Department requires some level of expertise on health to enable the Taoiseach to chair the health sub-committee and to allow these issues to be discussed, if that is his desire.

**The Taoiseach:** I can deal with that for the Deputy. Obviously, the special advisers who formerly worked for the party and are now in the Department of the Taoiseach are well able to cover a range of sectors. The economic adviser is up to date with every element of every Department and its budget.

I chair the Cabinet committee on health. It is going to meet next on 10 November. It includes the Tánaiste, the Ministers for Public Expenditure and Reform and Children and Youth Affairs and the Ministers of State with responsibility for primary care and disability, equality, mental health and older people. The chairman and CEO of the HSE also attend, as do senior officials from the relevant Departments. Rather than having an extra bill placed on the public sector and taking in someone to the Department of the Taoiseach, as applied on the last occasion, I deal directly with my own special advisers but also with the Cabinet sub-committee on health. For years, that committee met once per quarter. I was not happy about that and I have informed it that we will meet once per month for the next six months.

**Deputy Micheál Martin:** It has only met once in the past seven months.

**The Taoiseach:** Yes, but the next meeting is on 10 November. To be fair, I accepted the suggestions that came from Deputies about the necessity for a committee on health. I have an interaction with the Minister for Health and his two Ministers of State, who have specific responsibilities, on a regular basis. I do not need to ask for another special adviser to be put into the Department of the Taoiseach to cover health——
Deputy Micheál Martin: I did not say “special adviser”.

The Taoiseach: ——when we have access to the people who run it directly. I do not have consultants on health in the Department of the Taoiseach. I do not have a special adviser on health in the Department of the Taoiseach. The people who are there are well able to get the information I need at any time. We discuss all of these matters at the committee on health and will again on 10 November.

Deputy Micheál Martin: I wish to ask a brief supplementary question.

Deputy Richard Boyd Barrett: On a point of order——

An Ceann Comhairle: We are moving on to Question No. 6 in the name of Deputy Boyd Barrett.

Deputy Richard Boyd Barrett: I wanted to ask a supplementary question. I did not get a chance.

An Ceann Comhairle: We have spent 20 minutes on this issue.

Deputy Richard Boyd Barrett: I want to ask a supplementary question.

Deputy Micheál Martin: On a point of order, are we not allowed to ask supplementary questions?

Deputy Richard Boyd Barrett: I am entitled to a supplementary question.

An Ceann Comhairle: Deputy Boyd Barrett asked his supplementary question.

Deputy Micheál Martin: On a point of order——

An Ceann Comhairle: There is no point of order.

Deputy Micheál Martin: Am I entitled to ask——

Deputy Richard Boyd Barrett: I did not get a supplementary.

An Ceann Comhairle: Will Deputy Boyd Barrett resume his seat, please? I have called Question No. 6.

Deputy Richard Boyd Barrett: But I did not get to ask a supplementary question.

Deputy Micheál Martin: On a point of order——

An Ceann Comhairle: Will Deputy Boyd Barrett resume his seat, please?

Deputy Richard Boyd Barrett: It is normal practice that I get a supplementary.

An Ceann Comhairle: The Deputy asked a simple question of the Taoiseach as to whether he had advisers or consultants on health within his Department. He has answered the question. Will the Taoiseach move on, please?

Deputy Mary Mitchell O’Connor: The answer is “No”.

Deputy Richard Boyd Barrett: I am entitled to ask a supplementary.
Deputy Micheál Martin: It is not ice cream.

An Ceann Comhairle: Will the Deputy please resume his seat? This is Question Time. It is not a debate on health.

Deputy Richard Boyd Barrett: On a point of order——

Deputy Micheál Martin: We do not want a debate, but we are entitled to ask supplementary questions under Standing Orders.

Deputy Mary Mitchell O'Connor: We are wasting time.

Deputy Micheál Martin: I would like to ask a supplementary question on——

An Ceann Comhairle: Does Deputy Boyd Barrett want his next question answered?

Deputy Richard Boyd Barrett: I just want to know whether I am entitled to ask a supplementary question.

An Ceann Comhairle: No, the Deputy is not allowed to ask a supplementary question——

Deputy Richard Boyd Barrett: Why not?

An Ceann Comhairle: ——if it has been answered. Will the Taoiseach please move on?

Deputy Richard Boyd Barrett: The Taoiseach was completely silent.

Deputy Micheál Martin: I would like an opportunity to return to this issue at a later stage.

Deputy Richard Boyd Barrett: I am entitled to ask a supplementary question.

Deputy Micheál Martin: Members are entitled to ask supplementary questions.

Deputy Richard Boyd Barrett: Am I not entitled to a supplementary?

An Ceann Comhairle: No, you are not.

Departmental Agencies

6. Deputy Richard Boyd Barrett asked the Taoiseach the State agencies for which he has responsibility; and if he will make a statement on the matter. [27362/11]

7. Deputy Gerry Adams asked the Taoiseach his plans to reform the National Economic and Social Council. [29505/11]

8. Deputy Gerry Adams asked the Taoiseach if he will provide information on the process of dialogue with the trade unions, the employers and the lead social partners which he aims to commence in November 2011; and if he will make a statement on the matter. [29506/11]

The Taoiseach: I propose to take Questions Nos. 6 to 8, inclusive, together.

The National Economic and Social Development Office, NESDO, is the only State agency under the aegis of my Department. The NESDO was established under the NESDO Act of 2006 and is the body corporate for the National Economic and Social Council, NESC. The role of the NESDO is to advise me on all strategic matters relevant to economic and social development in the State. The role of the NESC is to report to me on strategic issues relating to the efficient development of the economy and the achievement of social justice. The council also
provides a forum for engagement between the Government and the social partners. The NESC has made a major contribution to Irish public policy over almost 40 years. I have high regard for the quality and rigour of its reports and analysis, based not just on excellent research but on the quality of the deliberation among its members. Successive Governments have recognised that and that Ireland’s development requires the support and contribution of a wide range of groups — economic, social and environmental. I believe the council has the potential to continue to make an important contribution in the time ahead. In that regard I have asked it to focus on more immediate and shorter term issues where the experience and insights of members will be valuable, have more frequent shorter reports and reflect the varying or individual views of its members.

In addition, following the dissolution of Comhar, its sustainable development role will be integrated into the work of the council. In this way sustainable development can be integrated into research and action on the significant national challenges we are facing.

I believe that the NESC has an important role to play as the vehicle for engagement on economic, social and environmental issues. I also believe in the importance of social dialogue. In responding to parliamentary questions in this House on 11 October, I confirmed my intention to meet with social partner organisations as part of a wider process of ongoing social dialogue. The exact details and schedule of these meetings have not yet been finalised. I look forward to future contacts with those partners as part of the Government’s efforts to ensure economic and social recovery. In addition the Tánaiste and I will attend a plenary session of the council each year.

I mentioned that NESDO is the corporate body for the NESC. The changes to the NESDO over the last year or so, such as the dissolution of two constituent bodies, mean that we must look again at the legislation to make sure we have the proper governance arrangements in place and to make sure that it properly reflects the role I envisage for the NESC. My Department is doing this at the moment.

**Deputy Richard Boyd Barrett:** I did not hear the beginning of the Taoiseach’s response.

**Deputy Mary Mitchell O’Connor:** That is because the Deputy was talking.

**Deputy Richard Boyd Barrett:** Yes, because I was trying to ask a supplementary question on the earlier matter which I thought I was entitled to ask.

**An Ceann Comhairle:** Does the Deputy want to ask a question?

**Deputy Richard Boyd Barrett:** Yes.

**An Ceann Comhairle:** Will the Deputy please proceed then?

**Deputy Richard Boyd Barrett:** Yes.

**An Ceann Comhairle:** There are other Deputies in this Chamber who have questions.

**Deputy Richard Boyd Barrett:** I understand that but I understood I was entitled to ask a supplementary question.

**An Ceann Comhairle:** No. The Deputy is not entitled to ask a supplementary question. In case he is has any misunderstanding of the position, he asks a question and if he gets a reply to the question, that is it. If he asks a straight question and the answer is given to him, he is not entitled to ask a supplementary question.
Deputy Richard Boyd Barrett: Is it not up to me to decide whether——

An Ceann Comhairle: No. It is not up to the Deputy, it is up to me——

Deputy Richard Boyd Barrett: ———I am happy with the answer?

An Ceann Comhairle: ———because I have to chair this session. It is not a question of our having a debate at Question Time; the Deputy asks a question and he gets an answer.

Deputy Richard Boyd Barrett: I was not asking for a debate; I was asking for a supplementary.

An Ceann Comhairle: Does the Deputy want to ask a supplementary question?

Deputy Richard Boyd Barrett: Yes.

The Taoiseach: The Deputy is making headway now that he has obeyed the Ceann Comhairle.

Deputy Richard Boyd Barrett: I am not.

An Ceann Comhairle: Will the Deputy please proceed?

Deputy Richard Boyd Barrett: I am deeply frustrated that I cannot ask a supplementary.

An Ceann Comhairle: We have 25 minutes remaining for these questions and I ask the Deputy to proceed.

Deputy Richard Boyd Barrett: As I did not hear the beginning of the Taoiseach’s answer, could he clarify if the National Economic and Social Council is the only State agency for which his Department is responsible? If that is the agency for which his Department is responsible, why was a question I put down to him some time ago asking him to comment on a report produced by the council passed to the Minister for Finance for reply? If we ask the Taoiseach questions about an agency for which his Department is responsible, he should have to answer those questions instead of batting them off to another Department for reply.

In respect of what the Taoiseach said about social dialogue, while I take on board his comments about not wanting to incur further costs for his Department or the taxpayer generally in terms of special advisers, might it not be an idea in some areas, particularly important ones such as health where there is a crisis, to have representatives of the INMO and of doctors and nurses on his subcommittee along with representatives from the HSE who might tell him that the reason there is a crisis in our hospitals is because the Government is massacring staff in terms of the number of staff and the budgets?

An Ceann Comhairle: The Deputy asked a question in regard to State agencies. Will the Deputy please stick to the question?

The Taoiseach: The answer to the Deputy’s question is as follows. The Deputy asked me if the National Economic and Social Development Office——

Deputy Richard Boyd Barrett: Council.

The Taoiseach: ———is the only State agency under the aegis of my Department. The answer to that question is, “Yes”. The Deputy also mentioned the importance of having people on the NESC who reflect particular sectors. For instance, under the community and voluntary pillar
nominees there are representatives from Social Justice Ireland, INOU, the Society of St. Vincent de Paul and the NYCI. The membership of the National Economic and Social Council covers a broad range of sectors and personnel of particular ability. As I said in my reply, the latter half of which I hope the Deputy heard, I value their individual presentations and encourage them to state their views when we meet, to have shorter reports and to reflect on the more shorter-term problems that the country faces in terms of this economy and social justice.

In respect of the report on the NECS that the Deputy mentioned, that deals with the broader details of the economy and the Department of Finance would have a particular interest in that.

**Deputy Gerry Adams:** Tá dhá cheist i mo ainm.

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

**Deputy Gerry Adams:** The Taoiseach spoke about short-term projects and ongoing social dialogue which I can only interpret as part of his clear statement previously that he wants to move away decisively from social partnership. He did not tell us how that process will be structured. Will the community and voluntary sectors be involved?

**The Taoiseach:** An féidir leis an Teachta an cheist sin a chur arís? Níor chuala mé go soiléir.

**Deputy Gerry Adams:** Gabh mo leithscéal. Is cuimhin liom — b’fhéidir go bhfuil mé micheart — gur chur NESC moltaí chun cinn i dtáobh obair a chruthú, fás eacnamaíochta a chothú agus banc straitéiseach Rialtais a bhunú? Níl mé cinnte gur tharla sé sin, ach tá méáúsáid mar chás. Cad a tharla leis na moltaí a cuireadh chun cinn?

**The Taoiseach:** Tá a fhios agam gur chur NESC tuarascáil ar fáil faoi churstráin traenála agus buntáiste oibre do dhaoine atá ar chur leis an Aire. Tá an cheart ag NESC an tuarascáil sin a chur ar fáil.

The NESC, for instance, covers the trade union pillar nominees, the business and employer organisation pillar nominees, the agriculture and farming organisation nominees, the community and the voluntary pillar nominees, the environmental pillar, and the Government and independent nominees from the ESRI, NUIG, Queen’s University, Trinity College Dublin, Maynooth College and so on. The NESC reports are important and are considered by individual Ministers and Departments where they are relevant. I value the expressions of interest and proposals they put forward. It is not possible to adopt all of them but they are all valuable and I consider their work to be very useful.

**Deputy Gerry Adams:** The Taoiseach spoke two or three times about valuing the individual contributions. I can only deduce from that that he does not value the reports the NESC has put forward. If he moves away from social partnership, which I believe is his intention, how would the alternative process be structured?

**The Taoiseach:** I mentioned the quality of the debate among members, which is important. I also mentioned that the reports should reflect the varying individual views of the members and therefore when they meet us as a council I do not expect them to have all of that distilled into a few paragraphs stating that this is the considered view. If there are varying views within
the council it is important to hear that. It is an opportunity for the different representative pillars on the council to give their view and ask that it be taken into account. There is a spectrum of views which is important for Ministers and myself to be able to acknowledged but politics is about making decisions on those views.

The answer to the Deputy’s question is “Yes”. They do excellent research and I value the deliberation that they have as a group dynamic, but I also respect the reflected individual views of the members.

**Deputy Micheál Martin:** In terms of the structure of the dialogue with the trade union movement, about which we asked some time back as well, it is not clear what that will be. The Tánaiste mentioned that there would be a structured dialogue with the social partners generally. I think the Taoiseach’s position has been of a more informal kind of engagement. In the context of the dialogue to begin in November, will the Croke Park agreement be up for renegotiation or is it envisaged that it would be covered by that dialogue?

**The Taoiseach:** The Tánaiste set out the views here, with which I agree, to SIPTU on 5 October last. While the engagement with the social partners was a well-established part of the process of government over a number of years, we intend to initiate a process of dialogue and engagement with those who represented the social partners. I cannot give Deputy Martin the dates now, but I think I myself have arranged three meetings with IBEC, ICTU and the IFA over the next couple of weeks. I addressed the IBEC president’s dinner on 22 June last and I met representatives of IBEC on 20 July last. The Tánaiste and I will attend at a plenary session once a year.

When we met both IBEC and the trade unions we made it perfectly clear that the lines of contact and connection to Government are very open. We are not going into the sort of structure that applied there for a long number of years but there is no blockage, to put it that way, on those who were in the social partnerships making contact with Government. That is an important part of the dialogue.

Deputy Martin asked will the Croke Park agreement be up for assessment. The Minister for Public Expenditure and Reform is dealing with that and is in discussions on a regular basis about getting the full implementation of the Croke Park agreement, which, as Deputy Martin will be aware, is a central part of the troika agreement. That has been a challenging position for all concerned and the Minister is very active on that.

**State Awards**

9. **Deputy Derek Keating** asked the Taoiseach if he will consider a national civil award similar to the British OBE, the French Presidential Award, Orde national du Mérite, the New Zealand Order of Merit or the USA Congressional Gold Medal, the purpose of such an award would be for those persons who in any field of endeavour have rendered service to the Republic or the nation through distinguished works or talents or performed outstanding deeds in the national interest; his views that we have much to be proud of in our country and there are many unrecognised patriots in society today; if his attention has been drawn to the fact that there are only two State awards, the Scott Medal and the Fire Service Bravery Medal; and if he will make a statement on the matter. [28194/11]

**The Taoiseach:** The issue of a State honours system has been discussed many times in the past but there has never been all-party support to sustain its development. Such support would be required if consideration of an honours system were to proceed.
While I would have no objections to all-party consideration of this matter, the timing of any such consideration would, of course, have to take cognisance of other political priorities at this time.

For the information of Deputy Keating, I remember that I, as a junior Minister many years ago, implemented the concept of the Gaisce awards, which are the presidential awards for young people. Personally, I do not favour the conferral of formal titles on people. Deputy Keating will be aware that the Tánaiste and Minister for Foreign Affairs and Trade has introduced a new recognition system for Irish people of the diaspora for outstanding contributions and it might be worth having a discussion about this in that context.

Personally, I do not want to see a situation where there are lords, and titles and all of that conferred by the State. As there are the People of the Year awards, the Entrepreneur of the Year awards and other systems, perhaps it might be appropriate if all of the Members were to agree on some form of recognition, be it by an award of the Uachtarán Cháin, as an expansion, if you like, of the Gaisce awards, but I would not want to proceed on that road unless there was all-party consensus.

Deputy Derek Keating: I thank the Taoiseach for his positive response to this proposal.

I wondered at one stage how would we ever reward persons such as former President Bill Clinton and Mr. John Hume, who have made such a significant contribution to the lasting peace in Ireland, persons in business such as Mr. J. P. McManus, Mr. Michael O’Leary and persons in sport. In Ballyfermot, I grew up with the expression ringing in my year, “Run like Ronnie”. Of course, we have been renowned for our successful sportspersons over the years: Ms Katie Taylor in recent times, Ms Sonia O’Sullivan, Mr. Johnny Giles and, indeed, Mr. Mick O’Dwyer. We have been very successful.

The Taoiseach recently had the pleasure of presenting the Person of the Year award to Ms Joan Freeman, another person who has dedicated her life to a wonderful cause of saving the lives of those who are most at risk of suicide but this, of course, is a commercial award. Notwithstanding the fact that I would agree with the Taoiseach in so far as we do not want titles such as “lord”, at the same time I favour some civic opportunity to acknowledge those who have made a substantial and significant contribution to supporting the people of this country in so many ways.

The Taoiseach: The Tánaiste, at the global forum, announced that the Government would shortly introduce a new system of recognition for sustained and distinguished service to Ireland or Irish communities abroad by individual members of the diaspora and he presented the first of those to former President Bill Clinton.

For the information of the Deputies, this question of a State honours system was discussed on many occasions in the past. In 1999, then Taoiseach, Mr. Bertie Ahern, initiated consultations with other party leaders about an honours system. The record shows that the overwhelming majority of the Fine Gael Front Bench, of which the Ceann Comhairle was a member, stated that it should not be pursued further. In October 2007, then Taoiseach, Mr. Bertie Ahern, again wrote to the party leaders and no agreement was reached.

There is no point in proceeding with this unless Members are agreeable that there should be some form of recognition of outstanding contribution by Irish persons for whatever one chooses to specify. If one wants to term it an expansion of the presidential Gaisce for young people or whatever, only on the basis of agreement could we consider this further, but it would not be “lord” or a title of that nature.
Deputy Gerry Adams: To lighten the mood, the Taoiseach might recall that the British Prime Minister, Mr. David Cameron, mistakenly named me as a baron.

Deputy Jerry Buttimer: He was not mistaken at all. Deputy Adams is one.

Deputy Bernard J. Durkan: He was impressed.

The Taoiseach: What is the full title of that?

Deputy Gerry Adams: I thought the Taoiseach might be pleased to know that if he did bring in an award for political U-turns, I would be pleased to nominate him and the Tánaiste as joint honoraries.

Deputy Bernard J. Durkan: Deputy Adams himself would meet that criteria as well.

The Taoiseach: I forget the full range of the title Deputy Adams has there.

Deputy Jerry Buttimer: It is to do with the expenses he has taken.

The Taoiseach: I am not sure how it arrived on Deputy Adams’s desk and I do not know whether he uses it when he goes to Britain or wherever.

Deputy Gerry Adams: Citizen.

Deputy Paul Kehoe: Baron of what?

The Taoiseach: Baron Adams, it sounds great.

Deputy Micheál Martin: I appreciate the question tabled by Deputy Keating and his strong and committed views, but I put it to the Taoiseach that the fundamentals of a republic are based on merit. The great success of the Gaisce programme is that it is a creative productive programme based on the merits of the young people who participate who reach certain thresholds of achievement through their lives.

The notion of honours and awards does not sit easily with a republican viewpoint and a republican perspective. That is a view I would have and would put on the record on the issue tabled. We should maintain our commitment to a merit-based approach to society which has stood us well. In other jurisdictions, not least in Britain, there have been times when the honours system has been brought into disrepute in a number of ways. Would the Taoiseach confirm that view?

The Taoiseach: That comment is very much in line with my own view. I would not like to see a situation where annually, because of who persons might be, some sort of honours or whatever were allocated on that basis.

We might consider at an appropriate time a merit achievement-based recognition — call it what one will — but not honours or the conferral of titles. In respect of real merit and real achievement by persons, perhaps there is a way of giving recognition. I would share Deputy Martin’s view.

An Ceann Comhairle: I call Question No. 10.

Deputy Peter Mathews: A Cheann Comhairle——

An Ceann Comhairle: I want to move on.
Deputy Peter Mathews: Very briefly, 30 seconds.

An Ceann Comhairle: We got an answer here, I am sorry.

Deputy Peter Mathews: I commend Deputy Keating on his contribution.

An Ceann Comhairle: This is Question Time.

Deputy Peter Mathews: Rather than an awards system as in prizes, it would be an honours system as in recognition of lifetime service. It is a maturity, not merely something brief.

Deputy Derek Keating: I thank Members and the party leaders for their contributions. The word “merit” is central to my suggestion. I would agree with the Taoiseach’s suggestion and perhaps the wheels could be put in motion to see if all-party agreement is possible and then proceed if this is the case.

Deputy Bernard J. Durkan: I have similar views to the previous speaker, having pursued this subject matter for many years. I did not allow the matter to rest just because there was nobody who would merit the order of merit. I wish to point out that France is a republic and it has an order of merit or the equivalent and this has been very successful.

An Ceann Comhairle: Has the Deputy a question?

Deputy Bernard J. Durkan: It should be borne in mind that in the case of people who have made a significant contribution to society over a long period of time, some means should be found to recognise this. On the other hand, there are many people who have made a negative contribution to society and we should, therefore, recognise those who have made a positive contribution.

The Taoiseach: In response to Deputy Keating, I will write to the party leaders and representatives about this matter. Deputy Durkan has been an advocate of some system for very many years. I am not sure whether he is talking about a sash down here and a sash in Northern Ireland or whatever but we might have a look at that.

Northern Ireland Issues

10. Deputy Micheál Martin asked the Taoiseach the position regarding his contacts with political leaders from Northern Ireland since 4 October. [28461/11]

11. Deputy Gerry Adams asked the Taoiseach the preparation he has made for the forthcoming meeting of the North South Ministerial Council. [28547/11]

12. Deputy Gerry Adams asked the Taoiseach the contacts he has had with political leaders in Northern Ireland since the resumption of Dáil Éireann. [29742/11]

13. Deputy Gerry Adams asked the Taoiseach if he has raised the issue of the need for an inquiry into the murder of Belfast solicitor Pat Finucane with the British Prime Minister, David Cameron. [29743/11]

14. Deputy Gerry Adams asked the Taoiseach if he has had any recent contacts with the British Prime Minister, David Cameron; and if he will make a statement on the matter. [29744/11]

The Taoiseach: I propose to take Questions Nos. 10 to 14, inclusive, together.
I intend to visit Belfast in mid-November and a programme of engagements including meetings with political leaders is being planned. I am looking forward to the next meeting of the North-South Ministerial Council on 18 November in Armagh. All arrangements have been made. I anticipate that the meeting will review progress across the full range of areas of North-South co-operation.

At the last plenary meeting of the North-South Ministerial Council in June, we had a broad-ranging economic discussion. We stressed that it makes good practical sense to continue to explore areas where efficiencies and economies can be achieved by working together, North and South. We discussed progress made on the satellite radiotherapy unit at Altnagelvin. An update on the A5, north-west gateway to Aughnacloy and the A8, Belfast to Larne, roads projects was also provided and we agreed that a further payment of £11 million pounds sterling would be made in respect of this development. We agreed to finalise deliberations on the outstanding commitments under the St. Andrews Agreement at the forthcoming plenary meeting in November.

The Tánaiste and Minister for Foreign Affairs and Trade, met the Secretary of State for Northern Ireland on Thursday, 6 October. The sixth meeting of the North-South Ministerial Council in institutional format was held in Stormont Castle, Belfast, on 3 October 2011. The Irish Government was represented by the Tánaiste with the Northern Ireland Executive represented by the First Minister, Peter Robinson, acting Deputy First Minister, John O’Dowd and the Minister for Regional Development, Danny Kennedy. Both jurisdictions face substantial budgetary challenges and we discussed shared economic challenges.

Sectoral meetings continue to be held between Ministers, North and South, with meetings held on 12 October on the languages body and on inland waterways, a meeting on aquaculture and marine on 14 October and a meeting on transport on 21 October.

I spoke to the Prime Minister, Mr. Cameron, on 11 October in advance of his meeting with the Finucane family. The Prime Minister informed me that is was his intention to get to the truth of the matter quickly and to issue an apology to the family. This would be achieved, in his view, by the appointment by the British Government of Sir Desmond de Silva, a senior queen’s counsel, to undertake a review of the case. However, I reminded the Prime Minister of the all-party motion passed by the House in 2006 which called for a full independent public inquiry into the murder of Pat Finucane as had been recommended by Judge Cory. As I have said previously in this House, that position has not changed and the Government fully supports the family in its long-standing campaign.

The Government continues to maintain close contact with the Finucane family. At my request and on behalf of the Government, the Tánaiste met with the family and their legal representatives on Monday, 17 October. Discussions with the Tánaiste focused on exchanges with the Finucane family prior to their meeting with the Prime Minister and how best to progress from this juncture.

The Finucane family expressed their deep disappointment with the outcome of their meeting with the Prime Minister as it fell short of genuine expectations. They are determined to continue to seek the truth through a full independent public inquiry. The Tánaiste undertook to pursue the matter with the British Government and to engage fully with them on this issue, having assembled a comprehensive summary and assessment of events to date. My office has also maintained contact with officials in Downing Street on the matter.

Finally, I reiterate the Government’s position which is quite clear and which has been communicated to the British Government — the requirement for a full inquiry to be held as set out in the 2006 all-party motion adopted by Dáil Éireann and as expected by the Finucane
family and the international community. I reiterated that view to the Prime Minister in a brief conversation at the EU Council meeting on Sunday.

**An Ceann Comhairle:** I remind Members there are 13 minutes remaining to deal with five questions.

**Deputy Micheál Martin:** I asked about the position regarding the Taoiseach’s contacts with political leaders from Northern Ireland since 4 October. I take it from his reply there have been no contacts with political leaders since 4 October. Will the Taoiseach agree that nothing can be taken for granted regarding the situation in Northern Ireland? Have meetings or contacts been deferred until after the presidential election in order to give the First Minister a chance to return to the day job? Is this the reason there have been no contacts? In my view it is important to maintain contacts with political leaders. It is not just enough to have the institutions established as a result of the Good Friday Agreement; it is important that politicians deliver for the people. Will the Taoiseach comment on a view that it is not the case that the Northern Ireland Executive is working very well and effectively and that over recent years it could have worked much more effectively, particularly from the socio-economic point of view?

I refer to the Finucane case and the inquiry. The Taoiseach stated he reminded the British Prime Minister of the Finucane case. Will he agree that there has been a breach of a solemn agreement between the two Governments as regards the holding of an independent inquiry into the Finucane case? Will he agree that the British position adopted regarding the appointment of a QC to investigate the murder represents a breach of an agreed position between the two Governments and a solemn agreement between the two Governments? Has the Taoiseach put this point in such language to the British Prime Minister?

**The Taoiseach:** There was not any particular reason for not visiting Northern Ireland since October. The visit is planned for November and I hope to undertake a number of engagements. I appreciate the Deputy’s comment in respect of the effective working of the Assembly.

I spoke with the Prime Minister by telephone when he was to meet with the Finucane family. His view was he wanted to get at the truth and to issue an apology to the Finucane family. He said that his preferred method now was to appoint a QC. I reminded him in that telephone conversation that this House had passed a unanimous motion calling for a full public inquiry in the Finucane case and that this was still our view. I said that unless the Finucane family were happy with what was being offered, that remained our view. I reminded him of this view on Sunday in a brief conversation with him.

It is true that following the recommendations of Judge Cory that there should be inquiries into certain matters, this House followed through by establishing the Smithwick inquiry. It remains my view that the same should apply in the case of Pat Finucane, unless the family were to agree otherwise. They do not so agree so there is no change in the position of this House or of the Government in regard to having a full public inquiry into the death of Pat Finucane.

**Deputy Gerry Adams:** I wish to take issue with the manner in which the Taoiseach has grouped these questions together. Leaving everything else aside, the issue of the Pat Finucane inquiry should have been dealt with separately. We do not have much time so I will not ask supplementary questions about the other questions but instead concentrate on the issue of Pat Finucane.

There was an agreement between the two Governments at Weston Park and it is called the Weston Park Agreement. The British Government has now broken that agreement. I welcome
the fact the Taoiseach raised the issue of Pat Finucane’s killing with Mr. Cameron on Sunday. That is good. However, if I understand properly what the Taoiseach told us previously, when he talked to the British Prime Minister on the day he was to meet with the Finucane family, it was the Prime Minister who telephoned the Taoiseach. Was that the first time the British Government told the Taoiseach — just an hour or two before it met the family — that it was not going to go ahead with an inquiry? What about all the contact between the officials, the Tánaiste and the British at Downing Street?

The last time the Taoiseach spoke about this was when the British Queen was here. While I accept entirely that the Taoiseach supports the family, this is a case on which the Government must be very proactive. With respect, I know how this works. I know how the British work and I know how the Government works. The Taoiseach must take this as a personal mission. Sometimes there is a lot of talk here about the North and sometimes the Taoiseach speaks about things he knows better. However, this is an issue he, as Taoiseach, needs to take on as a personal mission. He must say to Mr. Cameron that this is an agreement between two sovereign governments and that he is in breach of it. The Taoiseach needs to catch his attention. We will support him in whatever he does on this issue. It is not an issue on which to be passive, but one on which the Taoiseach must be proactive.

The Taoiseach: The situation is very clear. Judge Cory recommended a public inquiry into this. The British Government, for its part, has made it clear on a number of occasions that it does not want to go down a road of endless public inquiries into so many incidents——

Deputy Gerry Adams: It agreed to this. I was there.

The Taoiseach: I do not speak for the British Government. It has made it clear that it does not want to go down the road of endless public inquiries. I raise this issue on any opportunity I get with the British Prime Minister. I did not hear of the British Government’s decision until the message came through to my office that the Prime Minister wanted to talk to me. I left a Cabinet meeting to take that call and spoke to him. I reminded him, during that conversation, that if what he was offering was not acceptable to the Finucane family, I would not agree to it. I reminded him the Smithwick tribunal was set up following the same recommendation from Judge Cory and that there was unanimous approval and endorsement of a motion from this House that there should be a public inquiry. We have been very clear about that and will continue to state that view.

I cannot stop the British Government appointing Mr. Da Silva QC to look at the million pieces of paper on this issue. I do not know whether he will come across something among those pieces of paper that may point to a real truth. I cannot say that. Obviously, my preference is for a public inquiry as was agreed between the two countries and as was recommended by Judge Cory.

Deputy Gerry Adams: It strikes me, from what the Taoiseach has said — I am not being partisan about this — that he did not remind the British Prime Minister that this inquiry was a solemn commitment from the two governments. That is the flaw on how this case should be advanced. I know the Taoiseach is extremely busy, but I believe he should meet the Finucane family. The family was expecting to meet him and the Tánaiste, but that did not happen. This has been going on for 23 years and the Taoiseach, as leader of the Government, needs to make it a personal mission. I urge him to make a commitment here today that he will make it a personal commitment. The way to come at it tactically and strategically is that it is part of a
solemn agreement made at Weston Park between two governments and that he expects the British Government to keep to that.

There is no point in the British Prime Minister phoning the Taoiseach an hour or two before he meets the family and saying he is sorry, but he has changed this and for the Taoiseach to say that goes against the Dáil and that there is all-party support for it. It was a solemn agreement between the Government here and the British Government. It was not up to the British Government to go off on a solo run. It should have been kept to the commitment it made.

**The Taoiseach:** I am sure the Deputy will appreciate that central to this are Geraldine Finucane and her family and their quest for the truth of what exactly happened in respect of the murder of her husband. Were she to come here and say to me that she would be happy with a QC being appointed to examine all of these papers, she, as the person central to this——

**Deputy Gerry Adams:** The Taoiseach knows she would not do that.

**The Taoiseach:** I agree and I said to the British Prime Minister, that if Geraldine Finucane, on behalf or her family, was not happy with what he was offering, there would be no change in the position here.

I met Ms Finucane in Washington when I was there in March. It was not possible for me to be at the meeting with the Tánaiste and the Finucane family here. The Tánaiste had come back from Korea, I think, and I was somewhere else. I have no difficulty with arranging another meeting with Geraldine Finucane and perhaps I can do that when I have the opportunity to go to Northern Ireland in November, or I can make an alternative arrangement for here or somewhere else. I take the Deputy’s point about the Weston Park agreement. As I said, there is no change in our position here. I would like to see a public inquiry in the case of the murder of Pat Finucane and I will take the opportunity on every occasion I meet with the British Prime Minister to remind him of the position and how important it is in dealing with this to get at the truth and to have it dealt with conclusively.

**Deputy Micheál Martin:** I asked earlier whether the Taoiseach would agree that the action of the British Government in appointing a QC to investigate the murder of Pat Finucane was in itself a breach of a sovereign agreement between two governments which was arrived at solemnly at Weston Park. Does the Taoiseach accept it represents a breach of that agreement?

**The Taoiseach:** In so far as it does not comply with the recommendation of Judge Cory — who was given the documentation to recommend that an inquiry should be carried out in a number of cases — that he felt an inquiry should be carried out and there was agreement that should happen. It is not happening in the case of Pat Finucane and from that point of view it does not live up to the agreement made.

*Written Answers follow Adjournment.*

**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 Paschal Donohoe — the need to provide funding and commence construction work on regeneration projects at O’Devaney Gardens and Dominick Street, Dublin; (2) Deputy Dan Neville — the increase in persons presenting to hospitals due to deliberate self harm; (3) Deputy Olivia Mitchell — the need for consistency and clarity in all regions on the eligibility criteria for JobBridge particularly in relation to graduates signing on for credits; (4) Deputy Michael McNamara — the Revenue loss to the Exchequer arising from an increase in off
licence sales and a decrease in on-premise consumption; (5) Deputy Shane Ross — the possible implementation of cuts in funding to minority faith schools; (6) Deputy John O’Mahony — the need to avoid disruption for exam pupils when teachers retire at the end of February 2012; (7) Deputy Brendan Griffin — possible changes to the ambulance service in County Kerry; (8) Deputy Charlie McConalogue — the provision of out of hours GP care in the north west and specifically proposed changes in the NoWDOC service; (9) Deputy Terence Flanagan — the need to intervene to have AIB review its decision to put a firm, details supplied, into receivership with the loss of 36 jobs; (10) Deputy Eoghan Murphy — the need to deal with emergency planning to deal with severe weather in the Dublin region following yesterday’s flooding; (11) Deputy Brian Stanley — ambulance services in County Laois; (12) Deputy Billy Timmins — the emergency response to the sudden flash floods in the greater Dublin area; (13) Deputy Aodhán Ó Riordáin — the establishment of a compensation scheme for victims of floods in Dublin; (14) Deputy Clare Daly — the need to address the problems in paediatric rheumatology cover at Our Lady’s Hospital, Crumlin, Dublin; (15) Deputy Kevin Humphreys — the need to assist those affected by the recent flooding in Leinster and particularly in Dublin; (16) Deputy Seán Kyne — the need to review both the student grant scheme and the back to education allowance; (17) Deputy Joe Costello — the need to provide a comprehensive response to the flood crisis in Dublin; (18) Deputy Gerry Adams — overcrowding in the emergency department of Our Lady of Lourdes Hospital, Drogheda, County Louth and in particular the need to screen patients and staff following a patient with TB being on a trolley for five days; and (19) Deputy Finian McGrath — flooding in Donnycarney, Fairview, Elm Mount, Artane, and Clontarf areas of Dublin.

The matters raised by Deputies Mitchell, McNamara, McConalogue and Adams have been selected for discussion.

**Order of Business**

**The Taoiseach:** It is proposed to take No. 4, Central Bank (Supervision and Enforcement) Bill 2011 — Order for Second Stage and Second Stage; No. 5, Health (Provision of General Practitioner Services) Bill 2011 — Order for Second Stage and Second Stage; and No. 14, statements on the report by the interdepartmental working group on mortgage arrears (resumed) to be taken no later than 9 p.m. and the order shall not resume thereafter. It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 10 p.m. Private Members’ business shall be No. 27, a motion on health services delivery.

**An Ceann Comhairle:** There is one proposal to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. tonight agreed to? Agreed.

**Deputy Micheál Martin:** I wish to ask about forthcoming legislation which relates to a commitment to bring legislation before the House on another amendment to the Constitution, the children’s referendum Bill. Will the Taoiseach agree that, in future, any such referenda will not take place in the context of a presidential, local or general election? Does he agree that a referendum should be separate from all of those in the future, given the dissatisfaction and unhappiness that exists with the debate on the current referenda? When eight former Attorneys General of different backgrounds ——

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

**Deputy Micheál Martin:** ——have come forward to speak so strongly, they should not be dismissed as speaking nonsense.
An Ceann Comhairle: That is a matter for a parliamentary question.

Deputy Micheál Martin: This is something we should reflect on in the House as we look at the constitutional conventions and the children’s Bill.

An Ceann Comhairle: Is there any matter of a children’s debate or legislation?

The Taoiseach: I have noted the—

Deputy Micheál Martin: I asked for a timetable for the children’s referendum Bill.

The Taoiseach: I cannot give the Deputy a date for the children’s referendum Bill until such time as the children’s advocacy groups, the Minister for Children and Youth Affairs and the Attorney General are happy that a wording that is acceptable can be put into a Bill to be brought forward here. I hope that at the appropriate time in the new year, we can have a referendum on this. In response to the specific question, it is important to have an understanding of the balance between the interest in the referendums and adequate time to have them properly debated. On the question of whether they should be run in conjunction with any election, I do not propose to have an election next year and, in the context of a general election or presidential election, it will not arise.

Deputy Timmy Dooley: The Taoiseach will not be in a hurry to have a presidential election again.

Deputy Paul Kehoe: At least we have a candidate.

The Taoiseach: I take the point the Deputy is making. What Deputy Martin is saying is that there should be a specific run-in and a discussion about any referendum that will take place. We will give consideration to that.

An Ceann Comhairle: I call Deputy McDonald.

Deputy Jerry Buttimer: Who gave Seán the envelope?

Deputy Pat Rabbitte: Finian will support the children.

An Ceann Comhairle: Deputies should show some respect to Deputy Mary Lou McDonald, who is on her feet.

Deputy Jerry Buttimer: I saw the Fianna Fáil posters in Dublin West.

An Ceann Comhairle: I will not ask Deputy Buttimer again. This happens every single day. I ask him to obey the Chair. There is a Deputy on her feet and he should show some respect.

Deputy Jerry Buttimer: I am sorry.

Deputy Mary Lou McDonald: I thank the Ceann Comhairle for defending my honour against Deputy Buttimer, not for the first time.

I note that, according to this week’s schedule, the Taoiseach will hear statements on the European Council meeting tomorrow and will take questions on that. What arrangements have been made for a report to the Dáil after the summit? Will there be a question and answer facility when he comes back? An mbeidh am chomh maith le diospóireacht a bheith againn maidir leis an mbaoín a bhéas á bhronnadh ag an Rialtas ar Bhanc Anglo Irish? Will the Taoiseach allow a debate on Government plans to hand over €700 million—
An Ceann Comhairle: Deputy McDonald is straying and has really gone off the rails.

Deputy Mary Lou McDonald: ——on 2 November to unguaranteed bondholders——

An Ceann Comhairle: Deputy McDonald was going grand until that.

Deputy Mary Lou McDonald: ——rising to a total of €2 billion next January?

An Ceann Comhairle: Deputy McDonald went a little bit astray but the first question is all right.

The Taoiseach: The Ceann Comhairle does not have to defend Deputy McDonald’s honour on the latter part of the question. The proposition is to have a report on Sunday’s meeting tomorrow morning and also to look forward to tomorrow evening’s meeting tomorrow morning. It was not planned to have a question and answer session but if Deputies feel that a question and answer session would be important, we will give consideration to it. We will report back on the decisions taken at the European Council meeting if it concludes tomorrow night. I hear different versions, such as that it might go on for long time and that it might conclude very quickly, but we will report back to the Dáil as required, followed by a question and answer session. Leaders of the parties have the right to ask Leaders’ Questions and other questions arising from that in any event.

Deputy Micheál Martin: Only once a week now.

Deputy Luke ‘Ming’ Flanagan: With reference to No. 35 on the Order Paper, “That the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) be and are hereby annulled.”, will the Government give time to discuss this matter and debate it, given the penal sanctions included in these new regulations? One of these sanctions could mean that a turf cutter could receive up to three years in prison and €500,000 in fines and an old person could potentially have a mobile telephone taken off him or her and have the information on it used to prosecute for ringing a turf cutter to keep the house warm. Will time be provided to discuss and debate this and vote on the introduction of these regulations? If the Government is so fond of them and so keen on them, it should put them to a vote.

The Taoiseach: I heard Deputy Flanagan screeching on the streets of Ballinasloe. If I had got near him, I would have reminded him that turf smoke is very different to other kinds of smoke.

Deputy Luke ‘Ming’ Flanagan: Has the Taoiseach tried both? There is no statute of limitations on the decision to prosecute.

The Taoiseach: I advise the Deputy to bring it before the committee.

Deputy Pat Rabbitte: Put that in your pipe and smoke it.

Deputy Luke ‘Ming’ Flanagan: It is a big joke is that people will be cold.

Deputy Bernard J. Durkan: On promised legislation——

Deputy Luke ‘Ming’ Flanagan: Deputy Buttimer has plenty of oil in his tank.

An Ceann Comhairle: Now Deputy Durkan knows what it is like to be interrupted.

Deputy Bernard J. Durkan: When the current Opposition was in government, on numerous occasions I raised the question of the intentions with respect to the national vetting bureau
Bill. In view of its urgency and in order to keep the matter alive, will the Taoiseach give some indication on the progress on the heads of the Bill and when it is anticipated that the Bill will be before the House? It has been recognised as an urgently required item of legislation, even as far back as five or seven years ago by the previous Administration.

**The Taoiseach:** The national vetting bureau Bill has been passed to the committee for its response to the heads of the Bill. It might be published in this session but it will probably be published in the next session.

**Deputy Timmy Dooley:** Over the course of the weekend, the Minister for Transport, Tourism and Sport indicated he was about to review the State Airports Act. He talked about the privatisation or the potential lease of airports at Shannon and Cork. The notion of privatisation of those airports or the lease arrangement of those airports is not contained in the State Airports Act. Is it proposed to introduce legislation to update or amend that Act to provide for the privatisation or the leasing of those facilities?

**The Taoiseach:** I have not spoken to the Minister about that but I understand he received a proposition from the board about privatisation of the airport for ten to 15 years. The Minister made a statement about reviewing the situation concerning the three airports, while clearly of the view that the original concept of the former Minister, the late Seamus Brennan, could not be fulfilled because of the debt levels involved. I assume the Minister will update the House when he has reviewed the position.

**Smarter Transport Bill 2011 — First Stage**

**Deputy Eoghan Murphy:** I move:

That leave be granted to introduce a Bill entitled an Act to make provision for local authorities to make by-laws for the provision and use of charging bays on public roads for electrically powered and plug-in hybrid vehicles and for the control and regulation of parking by car club vehicles on public roads.

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

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

Question put and agreed to.

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

**Deputy Eoghan Murphy:** I move: “That the Bill be taken in Private Members’ time.”

Question put and agreed to.

**Private Notice Questions**

**Flood Relief**

**Deputy Joe Costello** asked the Minister for Public Expenditure and Reform the need for him to provide a comprehensive response to the flood crisis in Dublin.
Deputy Eoghan Murphy asked the Minister for Public Expenditure and Reform his views on the emergency response planning to deal with the severe weather crisis in the Dublin region in view of the severe flooding which took place yesterday.

Deputy Billy Timmins asked the Minister for Public Expenditure and Reform his views on the emergency response to the sudden flash floods in the greater Dublin area.

Deputy Kevin Humphreys asked the Minister for Public Expenditure and Reform to make a full response to the tragedy which took place last night and this morning in the greater Dublin area.

Deputy Finian McGrath asked the Minister for Public Expenditure and Reform the position regarding the major flooding crisis in Donnycarney, Fairview, Elm Mount, Artane and Clontarf; and if he will make a statement on the matter.

Deputy Aengus Ó Snodaigh asked the Minister for Public Expenditure and Reform to make a statement on the flooding which occurred in Dublin last night.

Deputy Mary Lou McDonald asked the Minister for Public Expenditure and Reform to make a statement on the effects of yesterday’s flooding across the capital and to outline the Department’s response.

An Ceann Comhairle: Deputy Aodhán Ó Ríordáin also submitted a question but is not present in the Chamber.

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): On behalf of the Government I express my deep sympathy to those affected by the flooding of recent days. In particular, I express my condolences to those who have suffered bereavement. The flooding has impacted on homes, commercial premises and infrastructure in several parts of the country. The emotional and financial impact on individuals in these circumstances is severe, with many parts of Dublin badly affected. Met Éireann has indicated that the amount of rainfall on Monday was in excess of the total for the same month last year and was extreme by normal standards. Yesterday saw the highest ever daily rainfall recorded at Casement Aerodrome.

Emergency response planning is, in the first instance, the responsibility of the Department of the Environment, Community and Local Government. That Department has informed me that the local authority services responded to the developing situation by dispatching fire services, drainage and road crews to reported instances of flooding. As the evening progressed and the scale and serious nature of the flooding in Dublin became apparent, Dublin City Council and South Dublin County Council activated their major emergency plan shortly after 8 p.m. yesterday evening, mobilised additional resources, including the Civil Defence, and activated local co-ordination arrangements in order to establish the extent of the issues and manage their combined response with An Garda Síochána, the Health Service Executive and the public transport companies, in addition to normal traffic management arrangements. The Office of Public Works provided pumping equipment at the request of Dublin City Council and will continue to provide any equipment or technical resources that may be of assistance and where called upon by the local authorities concerned.

In accordance with standing arrangements, the Department of the Environment, Community and Local Government, as the lead Department for severe weather emergencies, was notified of the declaration of a major emergency. Departmental officials had been monitoring the
situation before the major emergency was declared. Following assessment of the situation and
given that the problems were confined, in the main, to the Dublin area, where the local co-
ordination arrangements of the major emergency plan had been activated, it was decided not
to activate the national co-ordination-level arrangements. However, Department of the Envir-
onment, Community and Local Government officials continued to liaise with staff in the Dublin
local authorities and to brief officials across other relevant Departments.

A post-event analysis of the response to this emergency by the regional emergency authority
will be undertaken in the coming weeks, with input from all authorities and the OPW. This
will inform the effectiveness of the emergency response and identify any improvements needed.
Significant damage was caused over a broad geographic area, including the southern part of
Dublin where the rivers Dodder, Poddle and Camac all caused flooding. Transport systems
were disrupted as roads and rail lines were flooded and became impassable and signalling
systems failed. Dublin City Council’s traffic management centre worked with the public trans-
port companies and An Garda Síochána to enable people to complete their journey home
last night.

The rain ceased during the night and the focus of the public authorities today has been on
restoring traffic and public transport to full capacity. Forecasts indicate that up to 10 millimetres
of rain will fall today, but further major damage is not anticipated. Nonetheless, there remains
some disruption as damage to infrastructure is assessed. Likewise, the task of assessing the
scale of the damage to both residential and community property began this morning. When an
initial assessment is made, the Government will consider what measures may be required to
alleviate the difficulties caused. A report on the activation of the major emergency plan will
be prepared by the principal response agencies in accordance with standing arrangements. The
OPW will input fully to the review of the response to the emergency.

With regard to the provision of assistance to those affected by the flooding, this is the
responsibility of my colleague, the Minister for Social Protection. The supplementary welfare
allowance scheme functions as a safety net within the overall welfare system in that it provides
assistance to eligible persons whose means are insufficient to meet their needs and those of
their dependants. The main purpose of the scheme is to provide immediate flexible assistance
to those in need. The Department of Social Protection can provide assistance under the scheme
to households affected by emergency events such as flooding. The type of assistance provided
has included the provision, in conjunction with local authorities, of temporary accommodation,
and financial assistance towards essential items such as food, clothing and bedding.

While the Department of Social Protection has had overall responsibility in regard to
humanitarian aid since 2004, any decision to grant humanitarian aid is a matter for the Govern-
ment. Until such time as the full extent of the damage is ascertained, the need for such a
scheme cannot be determined. Arising from the 2009 floods, some €1.65 million in emergency
payments was provided to more than 1,300 households throughout the country. The Govern-
ment will look sympathetically on a request for emergency financial aid should it be made by
those authorities closest to last night’s events.

The OPW has responsibility for capital flood relief activities, in which it has invested more
than €218 million in the last ten years. This has resulted in the completion of several flood
relief schemes throughout the State which have brought much needed relief and peace of mind
to residents and business owners in those areas. Dublin City Council and the OPW recognise
flooding as a significant risk for the city and are pursuing a programme of structural flood relief
works to reduce flood risks in areas throughout the city. Work on the lower stretch of the
River Dodder has been ongoing since 2007, in association with Dublin City Council. The com-
pleted works in the Irishtown area mean the general area was free of the flooding arising from.
the severe weather in recent days. Relief works on further stretches of the River Dodder are in the planning stage and we hope they will be implemented in due course. The OPW has also profiled expenditure for 2012 on the River Wad in the Donnycarney area, where flooding has occurred on several occasions in recent years. A scheme has been designed by Dublin City Council and agreements are being finalised with local stakeholders on its progression.

In addition to these capital schemes, a national programme of catchment flood risk assessment and management, CFRAM, is being commissioned by the OPW throughout 2011. The OPW appointed engineering consultants, RPS, in May 2011 to undertake the eastern CFRAM study. This work will identify and examine in detail the causes of flooding throughout the eastern river basin district catchment area and provide an integrated plan of specific measures to address the significant flood risk factors in a proactive and comprehensive way. The consultant is currently gathering flood event data to analyse what happened and to design solutions for flood risk management measures.

It is often necessary to address localised flood problems in a catchment that require immediate attention pending development of a CFRAM study or where a capital scheme may not be appropriate. To this end, under an initiative announced in 2009, the OPW has provided financial and technical assistance to local authorities to carry out studies or works to address localised flood problems. This scheme is open to all local authorities and will provide them with resources and access to appropriate expertise to develop and implement flood mitigation measures.

From 2010 to date, the Office of Public Works, OPW, has allocated funding of €1.35 million to four local authorities in Dublin and Wicklow to address flooding problems in those regions. The minor works scheme was introduced in 2009 to provide funding to local authorities to undertake works and studies to alleviate flooding problems within their administrative areas. A number of areas have availed of this source of funding from the OPW and have been protected from recent events.

The Office of Public Works is assessing a number of applications from the local authorities. A funding application from Dublin City Council for works on the Santry river in Raheny, with an estimated cost of €150,000, is currently under consideration. Two applications with an estimated total cost of €670,000 from Dún Laoghaire-Rathdown County Council for coastal works at Corbawn Lane and a coastal study are also being assessed. In addition, a further six applications from Wicklow County Council, estimated at €570,000, are currently under consideration. All applications are being assessed having regard to the scheme criteria and the availability of funding for flood risk management.

I reiterate my deep sympathy for people who have suffered loss or hardship as a result of the flooding and affirm my determination and that of the Government that a thorough review of the response by the relevant agencies will be carried out to ensure that we understand what we got right and what we got wrong and also that sufficient funding is put in place to remedy those issues where they arise.

**Acting Chairman (Deputy Peter Mathews):** I call on the Deputies to put their supplementary questions. Time is of the essence and brevity will be appreciated. I call on Deputy Costello.

**Deputy Joe Costello:** I extend my sympathies to the family of the 35 year old woman from Parnell Road who drowned in the flooding last night and to the family of Garda Ciarán Jones who died in the line of duty working heroically to prevent the lives of other people being endangered.

First, in my constituency of Dublin Central virtually the entire area was flooded to a greater or lesser degree. Cabra, the Navan Road, Ballybough, Botanic Avenue, North Strand and East...
Wall were all badly flooded. This is the fifth flooding in ten years. Why does that position still pertain if that degree of flooding is taking place? Second, why were sandbags not available for Cabra or the inner city which would have alleviated the problem and may have prevented many houses being flooded? People were prisoners in their own homes. They had to use bed clothes and various garments to try to keep the water out and had to sweep it out themselves.

I am glad to hear from the Minister for Social Protection, who has just arrived, that short-term measures will be available through the supplementary welfare scheme to allow people deal with issues such as temporary accommodation and financial assistance. How extensive will that fund be available to people in need because enormous damage has been done to residents’ homes, property and so on?

What will be done to alleviate this problem in the future? We do not want to hear again and again that this is a once in 50 or 100 years event. This is becoming almost an annual event — effectively every two years in my constituency. We will have to bite the bullet and address the issue of the structural works that will be required to deal with this matter once and for all.

Deputy Brian Hayes: I know the part of the city the Deputy represents very well and he correctly outlined the extensive flooding that has occurred there over many years. In the first instance it is the responsibility of Dublin City Council to make applications to the OPW in respect of works it believes must be done. I will convey immediately to Dublin City Council the Deputy’s comments about the scale of works that he believes need to be done because it is clear this is an annual problem.

We will look sympathetically on any application but I make the point to all Deputies that where an application comes in to the OPW, it is assessed on one simple criterion, namely, the impact of building a wall or doing some drainage works. If we believe that value comes from the expenditure of money on that we will make that decision. This scheme is open on a 24 hours, seven days basis throughout the year. Local authorities can apply to our Department for funds to deal with alleviative flood risk measures such as those I mentioned earlier.

I cannot answer the Deputy’s question on sandbags not being made available. That is a matter for Dublin City Council in the first instance. If it knew such an event was forecast and its likely effect it should reply explaining the reason sandbags were not provided. That was unacceptable.

On the question of social welfare relief, the Minister may respond to that but in the first instance funding is provided through the social welfare system. The Government will look sympathetically on the need for additional funds to be provided but that must come from the agencies responsible for this area locally, namely, Dublin City Council. We will look upon that request sympathetically.

As to the future, already significant sums of money have been put into flood defences in the past eight years. We are working on the basis of the CFRAM studies, one of which is in the eastern area, but regarding Dublin city and particularly the low lying areas of Dublin city, significant funds have been put in already. More must be put in but as the local authorities produce schemes we will have them assessed and ensure those funds are made available where they can make a difference in these events. These are very significant events some of which occur once every 50 or 100 years. The total amount of rainfall last night was extraordinary but we will continue to respond as the applications arise.

Deputy Joe Costello: At 3.30 p.m. yesterday afternoon my office contacted the local authority to ask if a flood alert had been issued because we had heard a flood alert was issued to the business community. The reply from the local authority was that there was no flood alert. It
was only at 8 p.m. that my office was contacted about the flood alert and not until 9.30 p.m. that local councillors were contacted about it.

Deputy Finian McGrath: That is right.

Deputy Joe Costello: There is no point in the Minister of State saying this was an exceptional event. We had knowledge of it for a period of time. Measures could have been introduced at the time and to keep that information from public representatives is a scandal.

Deputy Finian McGrath: Hear, hear.

Acting Chairman (Deputy Peter Mathews): I want to give the parameters of this discussion. Eight Members put down questions for consideration. They all wish to ask supplementary questions. Both Ministers are here to deal with them but we must be mindful that there is a total of 40 minutes for this discussion and therefore I ask the Deputies to make a mutual effort in that regard.

Deputy Brian Hayes: Would it be easier if we took three questions together?

Deputy Aodhán Ó Riordáin: Take them all together.

Acting Chairman (Deputy Peter Mathews): Yes.

Minister for Social Protection (Deputy Joan Burton): Since around 2004 the Department of Social Protection has been responsible for humanitarian assistance. The level of humanitarian assistance is a matter for the Government as a whole but is administered in general by the Department through community welfare officers. The critical issue that Members can assist with is information on people who are in terrible distress. I am aware of that. I was out last night in the floods. The SWA scheme is meant to provide humanitarian assistance. More complex, longer-term works relating to flooding are obviously primarily a matter for the Office of Public Works.

Acting Chairman (Deputy Peter Mathews): We have agreed that we will take the questions from groups of three Deputies. I call Deputy Eoghan Murphy, who will be followed by Deputy Billy Timmins and Deputy Aodhán Ó Riordáin.

Deputy Brian Hayes: I will deal with the flood alerts then.

Deputy Eoghan Murphy: I do not believe this is only about money. We must acknowledge that the local authority in Dublin city is no longer the correct responsible authority to deal with emergency responses in this city. Deputy Costello has already alluded to the lack of response from the local council last night. I can only outline my own experience. I tried to telephone officials at 9 p.m. last night but the emergency response number for the city council was down. When I managed to get somebody on their private mobile phone, they were not even aware that the number was down. I went onto the website but there was no indication that the number was down, nor was there any indication of the road closures or transport disruptions that had been occurring in the city for approximately four hours.

When I went to Gordon Street with Councillor Kieran Binchy, I found Deputy Humphreys there helping residents to sandbag their homes. I did not see any council officials. I learned that the flooding of those homes could have been averted had the council acted more quickly, but at that stage it had not acted at all. I commend Deputy Humphreys for what he did. The people there owe him a debt of gratitude for the effort he put in. It was something to see.
[Deputy Eoghan Murphy.]

I then went to Newbridge Avenue to see the flood defence walls along the Dodder. The floodgates were still open, although it was between 9.30 p.m. and 10 p.m. The residents and fire crews were trying to close them and when they did, they found they could not lock them because they did not have the correct keys. When the council officials arrived, they did not have them either. We can spend all the money in the world, and we have spent €3 million on the flood defence wall on this stretch of the Dodder, but that type of incompetence renders flood defences meaningless and useless. The local authority must hold up its hands and explain why those gates were not closed. People telephoned Dublin City Council in the afternoon to recommend that they be closed as a precautionary measure, but that did not happen.

Businesses in this city pay rates; in Dublin, 25% of the businesses nationally pay 50% of the total amount of rates to local authorities. Is the local authority the correct authority to protect their properties and businesses in this regard? Can we turn to home owners and ask them to pay rates to a council that cannot protect their properties? I realise the Minister cannot answer these questions directly but it is incredibly important that the local authority does. I believe its representatives should appear before an Oireachtas committee and answer these questions. If they have explanations, they should give them and if they do not, they should put their hands up. I recommend that the Minister consider a proper emergency response plan for this city, one that does not fall to the responsibility of the local authority in the city.

Deputy Billy Timmins: I extend my sympathy to the family of Garda Ciaran Jones, who tragically lost his life. I also extend my sympathy to his parents, brother, sisters, the wider Kilbride community and to the GAA community in Wicklow, of which Ciaran was one of the leading lights. I also sympathise with the family, relatives and friends of the Filipina lady who died and with the Filipino community in Ireland.

The Minister, Deputy Brian Hayes, has put a great deal of time and effort into the provision of funding for flood relief since he took office, but my main concern is the emergency response to the sudden flooding. This is more appropriate to the Department of the Environment, Community and Local Government, the Department of Transport, Tourism and Sport and the Department of Justice and Equality than to the Minister with responsibility for the OPW. Notwithstanding that, I am very angry about this. A number of weeks ago I raised the issue in the House. I spoke in the House after the last big freeze in Dublin when there was chaos. Although I do not have any empirical evidence, yesterday's events were a shambles on the part of the authorities.

I was an hour away from Dublin yesterday, in Wicklow, but at 6 p.m. I knew there was chaos in Dublin and that something had to be done about it. At 6.50 p.m. I was so worried that I telephoned the newsroom in RTE to ask that the station broadcast an alert about the dangers with bridges and small rivers. People who were out in the weather had contacted me and told me it was frightening and dangerous. Only they realised how serious it was, but there was no response. I spoke to people who left Dublin at 4 p.m. yesterday to travel via Jobstown and the Embankment and they told me it was chaotic. I spoke to a lady on the telephone at 6 p.m. She was at Jobstown and at 8 p.m. she was still there, driving around in circles. She had seen no sign of a garda, a fire brigade or ambulance. There was nobody to direct her. When I drove in this morning there was a report the road was closed off. There was a Garda van parked across the road but there were no directions as to where one should go. One had only to look at the surrounding green areas to see the chaos and fear that existed last night, but nothing was done about it.
It is very difficult to merge services that are available 24 hours a day, seven days a week and services that finish at 5 p.m. I ask the Chairman to bear with me on this issue because I am tired——

**Acting Chairman (Deputy Peter Mathews):** It has to be in the form of a question, Deputy.

**Deputy Billy Timmins:** You will be very familiar with the frustration of trying to get to the point. I have seen you encounter difficulties in the past in that regard, so you will appreciate the difficulties I have.

**Deputy Finian McGrath:** Now, now. Bold boy, Billy.

**Deputy Billy Timmins:** It is very important that the Minister, Deputy Joan Burton, and the Minister of State, Deputy Brian Hayes, bring this message to the relevant Ministers and get the local authorities in. We run the emergency plan exercises. I am sure Kingswood was flooded last night. Would the Minister agree that it was chaotic and nobody was in charge? There were some individual workers on the scene but there appeared to be no co-ordination and no plan. It is totally unacceptable. There is a lovely booklet and lovely centre, and the Minister of State gave a lovely speech. However, the effect on the ground is that nothing happens, which is unacceptable.

The Minister should invite the relevant bodies to speak about what they did. Who was supposed to be in charge and where were they at 3 p.m., 4 p.m., 5 p.m. and 6 p.m.? I am glad the Minister gave a commitment about the funding. Several areas in County Wicklow are cut off because bridges and roads have collapsed. I also wish to make another small point.

**Acting Chairman (Deputy Peter Mathews):** Is it an interrogative one? Is it a question?

**Deputy Billy Timmins:** Yes. Would the Minister agree it is regrettable that we have only 40 minutes to discuss a situation in which two lives were lost — it could have been 20 lives — but on other days the Dáil sitting is suspended because we do not have business to fill the time? It is crazy that we only have 40 minutes.

**Deputy Finian McGrath:** Good point, Billy.

**Deputy Aodhán Ó Ríordáin:** I will be brief. I share the anger expressed already and also express my condolences to the families who have lost family members. I will limit my comments to the emergency relief fund and its potential. I understand the complications that might be involved in who oversees and administers it. Ultimately, that is a decision for the Government.

I ask the Ministers to focus on the central issue that most concerns me for the future, house insurance. Deputy Finian McGrath and I were in Donnycarney this morning. I was in Clontarf last night and residents in Artane were on the telephone to me all day today. Since the Wad River has burst its banks on previous occasions the insurance companies are now refusing to insure homes in the Donnycarney area. Those houses are *de facto* worthless. One cannot sell one’s house if one cannot get home insurance because a potential buyer cannot get a mortgage if they cannot get house insurance. The houses are worthless and the owners are liable for all the work that must be undertaken in those homes. Families not only have the emotional trauma of having to move out for the couple of months required to fix things again, but there is also the huge financial heartache.

The city council has let them down time after time. Although moneys have been provided by both the previous Government and this Government for the works to be undertaken, people are still waiting for those works to be carried out. Meanwhile, they are left exposed to the
[Deputy Aodhán Ó Riordáin.]
elements. Today, women, children and families are in floods of tears because now they must bear the financial cost. I have a direct question for the Minister. Those families are financially liable because, through no fault of theirs, they have no home insurance. They have been left high and dry by the insurance companies. Can we find a mechanism to support them at this time? They must keep an eye on the skies every day of their lives until the next flood, which is inevitably only months away unless those essential works are carried out.

**Deputy Brian Hayes:** On the last question raised by Deputy Ó Riordáin about floods and insurance, I have visited many parts of the country and spoken to many communities. A number of them have seen important work carried out by the local authority or the OPW but they still cannot get insurance. I have already met with the Irish Insurance Federation and I hope to be in a position to announce a new protocol over the next month which will give a measure of better communication with the Irish Insurance Federation and the insurance companies, whereby they will know the work we have done and will take account of that. Where the State invests colossal sums of money it is utterly wrong that the insurance companies do not provide the insurance cover.

The Deputy spoke about people being unable to get insurance cover. That is a very real issue for communities throughout the country. My officials are in discussion with the Insurance Federation to see whether we can make some progress on this issue because I am determined that we have a much better means of communication between our Department and the insurance companies that they understand that funding is being put in place.

Deputy Billy Timmins spoke about the emergency response and was critical of it. We have got to learn lessons from this. In the first instance, it is the local authority’s responsibility to lead with other local authorities in responding to the crisis. We need to review that and it will be done. As the Deputy rightly pointed out, it comes under the remit of the Department of the Environment, Community and Local Government but I will ensure the Minister is made aware of the Deputy’s comments and the comments of Deputies Eoghan Murphy, Joe Costello and other colleagues about the lack of response that occurred.

Deputy Costello raised the question of flood alert. I understand it is the responsibility of Met Éireann to inform Dublin City Council or whichever local authority and it is the decision of the local authority to declare a flood alert. It must be asked why this did not happen.

**Deputy Joe Costello:** The alert was extended to the business community but not to the residents or the local and public representatives.

**Deputy Brian Hayes:** I will investigate that issue. Until the Deputy gave me the information I had no information on that issue. I will investigate that and come back to the Deputy. It would be outrageous if a flood alert was issued to the business community but not to householders. This is the first time it has been brought to my attention.

Deputy Eoghan Murphy referred to the lack of communication between the local authority and the agencies. That is his view and I appreciate that view. However, very substantial work was done last night by crews, local authorities, the Garda Síochána and Civil Defence personnel across the city. In some circumstances, if these events are so dramatic and so vast in terms of the amount of rainfall in one day, it is difficult to have the perfect solution. I agree with him that we need to learn lessons from this and we need an immediate review to see what went right and what went wrong because in the first instance it is the responsibility of the local authority — those on the ground — not central Government. If the local authority is seeking additional help we will look upon that request sympathetically.
**Deputy Kevin Humphreys:** I recognise that staff on the ground did much hard work but, unfortunately, the response was poor. Many people in my area have been flooded three and four times. They are not insured not because they did not want to pay, but no insurance company would give them cover, despite having carried out extensive work. I welcome the Minister’s response to that issue and suggest the need to move on quickly and look at ways of helping people. I was in the home of an 84 year old gentleman whose neighbours helped to lift the furniture out of his house. He had no household insurance because he cannot get it. That is horrendous.

The response was poor. If it was vandalism, I committed vandalism last night. I went along with other residents and we hacksawed locks off containers to get sandbags, even though I had been in touch with the council at earlier stages. For me to have to lead a group of residents to cut locks off sheds in order to get out sandbags is unacceptable and needs to be accounted for.

Irish Rail built a dam underneath the DART bridge in Ballsbridge and Ballsbridge has been flooded yet again — I will pass on the information to the Minister of State. A dam continues to be in place. Who gave Irish Rail the permission? Why did it not respond? There must be accountability. We cannot push this further down. After 2002, people were given a guarantee this would not happen again. After Hurricane Charley, the people were promised it would not happen again. We have a responsibility to get to the bottom of this issue. We need to hold the insurance companies accountable.

I ask the Minister of State to head up his Department and ensure that many areas of Dublin are not flooded again. I welcome the Minister for Social Protection to the House. There is a large job to be done by her Department. As I said earlier, many vulnerable people have not got the money to get back on their feet. This is the third and fourth time this has happened. I ask for as generous a response as possible. It is difficult for residents but I ask that she speak with her community welfare officers. Many who will be in tears in the coming days do not know how to get back on their feet. I ask that her community welfare officers to respond in the best manner possible.

**Deputy Finian McGrath:** I thank the Acting Chairman for the opportunity to raise the important issue of flooding. I will deal with three issues — the emergency response, the insurance issue and the action that needs to be taken. Last night and this morning I visited Clontarf, Donnycarney, Fairview, Elm Mount and Artane and spoke with residents and saw at first hand the major damage to their homes and the hurt and anger. The real issue in regard to the response was why no major preparations were made. I was told that Met Éireann informed Dublin City Council that a major issue was about to happen. Even residents told me that they knew more about it than Dublin City Council. The response of the emergency services was pathetic.

In regard to the services, I spent hours on the telephone last night. When I tried to get through to the fire services I waited 25 minutes for a response. Eventually I got through to the person dealing with the fire services but he was apologetic because he could not get through either. If this is an emergency plan, and I as a public representative cannot get through, God help the poor residents and citizens. The Minister of State mentioned the river water in the Elm Mount-Donnycarney area. A flood prevention project has started to deal with the underground river and drainage issue but we need to get on with it.
I met a gentleman this morning who has had at least €15,000 worth of damage caused to his house. He has no insurance and cannot get it. That family is suffering. He has asked me to raise the matter with the Minister. It is all very well to say we will try to do something about it but those people need action and a response from Dublin City Council and the Minister and they want to know when and how it will be done.

**Deputy Aengus Ó Snodaigh:** All Deputies want to thank the emergency services for the Trojan work carried out last night by Dublin City Council, the Defence Forces in Wicklow today, Civil Defence and the Garda Síochána in particular, despite the fact that we all have criticisms.

Will the Minister of State convene the national emergency team to examine specifically the national emergency plans to see what went wrong yesterday because if nothing else, we need to learn? Is it appropriate that it is the local authority that declares an emergency of that scale? The local authority has failed on a number of occasions in Dublin, but not only in Dublin where the local authority has not acted as quickly as we would like and as we presume it is able.

It is a sad day for the HSE and the Filipino community who have lost a worker and the Garda who has lost a colleague, Garda Ciaran Jones. It is also a sad day for many other households and businesses, many of which are in my area and in areas affected by rivers which are culverted and some of which are open but which have not flooded for many decades. While I hope it a once in a lifetime event, I ask the Minister of State to liaise with the local authorities specifically to carry out a survey of culverted rivers in the city to ascertain if they contain material which is causing blockages. Much dumping has taken place in recent years on some of those rivers. If they were clear perhaps that would lessen the problem for some people.

Given what Deputy Timmins and others have said, a survey of the bridges and riverbanks should be carried out. There is a need to ensure they are safe to cross. We recall the problem when the railway track fell in at Portmarnock and it was only spotted by the scouts. We do not want that to happen. Surveys must be undertaken immediately.

Does the Minister of State agree that the problem is exacerbated by the constrained budget, in particular of Dublin City Council? I have been informed that in recent times the clearing of gullies has been reduced at this time of year from once a week to once a month which means that much of the drainage in Dublin was blocked and caused the road flooding which made them impassable. The other factor relating to costs and the constrained budget of Dublin City Council is the fact that we are operating in the city with a reduced number of staff in the fire brigade. Its numbers are reduced by 60 to 70 people because of a recruitment ban. If the positions had been filled then up to 70 extra people would have been available to help with the situation or answer the telephones yesterday.

**Deputy Mary Lou McDonald:** I join with other colleagues in offering sincere sympathies to the families of Garda Ciaran Jones and the young Filipino woman who lost her life in this tragedy. I do not know whether the Minister of State has seen the film “Groundhog Day”. It is a film in which a repetitious cycle of the same day is played endlessly. That is really what the situation is like. In my constituency, all across Cabra, the Navan Road, Blackhorse Avenue, East Wall, Sheriff Street and Drumcondra, flooding occurred and one could have predicted to a household those that were going to get flooded because it had happened before. Any reflection on the emergency response or assessment of the works done to date by the State have to be taken in conjunction with that reality to the forefront of our minds. Houses that had been flooded were flooded again and unless we change the way we do things and invest in preventative measures, they will be flooded from here to eternity.
I do not have the words to describe not just the tearfulness, but the sheer misery only a few short weeks from Christmas of households that have been flooded and the consequent disruption for families. Many of the households have no insurance cover. I welcome the fact that the Minister is in discussion with the Irish Insurance Federation. Let us be frank: sufficient resources have not been invested in flood defence because of the State’s coffers. I dare say the Minister of State will not be able to put his hand on the kind of resources that need to be invested. We have potentially a number of families who cannot now get insurance. What is the State going to do about that? I suggest to the Minister that if the commercial insurers will not insure those homes then the State must.

I ask the Minister for Social Protection to issue clear instructions to community welfare officers to actively assist those individuals and families affected by flooding and that they do not block them with endless red tape, complications and bureaucracy. People have lost virtually their shirt. Their homes are destroyed and they need immediate assistance.

The criticisms of Dublin City Council have been fairly made in the Chamber today. I share the concerns expressed. Equally, it should be said that Dublin City Council is working under considerable financial constraints with the loss of overtime and the recruitment embargo, and it is also dealing with all of the other State agencies such as the emergency services that are understaffed and under resourced. When the Minister of State undertakes a review of the emergency response, he should by all means call each of those agencies to account — that is as it should be — but he should also analyse the Government’s performance and what needs to change in respect of resourcing the arms of the State correctly and also supporting families who are now not just tearful but raging that yet again they are put in that position.

**Deputy Brian Hayes:** On the last point, more than €210 million has been spent over an eight-year period on capital works on flood defences. We are coming from a poor position in comparison to other European countries that have much more sophisticated funding mechanisms in place for many years. Despite the adjustments in recent years this is one area where we have managed to date to ring-fence the budget. This year €40 million will be spent plus a carry-over of €5 million from last year. A significant proportion of that is continuing. Needless to say all Departments are under pressure on the capital side but as far as I am concerned this is a priority area. We know that these events are happening with greater frequency due to climate change. We have a responsibility to catch up in comparison with other countries which, historically, have invested in flood defences. That is my intention as Minister of State with responsibility for the Office of Public Works, OPW.

The previous Government examined the possibility of a State insurance system for families that could not obtain insurance from other sources and turned it down because of the potential liability. I give an assurance to the Deputy to examine the issue again to see if progress could be made. I have met many communities across the country, from Dublin to the west, the south and the north. I am aware of the enormous psychological damage that it causes in communities when one’s house is flooded and one feels a sense of destitution. We have a responsibility centrally and locally to get things right.

Simple things could be done. I was horrified by the lack of communication outlined by Deputy Finian McGrath. I spoke to officials from across Dublin last night from 8 p.m. until 12 midnight about what was happening. I was texting them, ringing them and finding out what was happening through social media. Some local authorities were better than others. It is unacceptable that public representatives would not receive a text message or be otherwise informed of what was happening in their community. I will raise the issue with Dublin City Council. We must improve. Basic things do not cost much money. I refer to things to do with cop-on such as communication through text messages about issues on which Deputies must be
informed because invariably they are deluged with calls from constituents. That issue must be sorted out.

Deputy Ó Snodaigh made a sensible suggestion that I will consider further. He is correct about culverts. In recent years because of the level of development in the city many small rivers and tributaries have been put underground. The question arises of whether the culverts are deep enough given the severity of weather events. OPW engineers have informed me that it is not just a question of the depth of the culverts, it is the angle at which they are built and whether the angle allows the flow to get out into the river as one would expect. We must liaise with local authorities on the issue. I will follow it up.

My understanding about the situation in Dundrum is that it is due to an underground river. Deputy Olivia Mitchell is seated behind me. The river was put underground to facilitate the development. We all saw last night on YouTube and elsewhere the enormous damage that was caused within seconds because a culvert burst. Questions arise in that regard which I will follow up. It is sensible that we would examine the matter of gullies as well, which is also a matter for local authorities. Keeping them clear is particularly difficult at this time of year with falling leaves leading to blockages in the system which exacerbated the situation.

I accept what Deputy Humphreys said about the necessity for much greater responsibility and emergency planning from all and sundry. We must review what has happened and learn lessons from it. My colleague, the Minister for the Environment, Community and Local Government, Deputy Hogan, who has responsibility for this area is leading the review. We must work together to find a better way to ensure that our response to crises such as this represents the best of joined-up Government locally and nationally.

I will send a transcript of the debate to the agencies with responsibility for the issue and seek an immediate reply on the substantive points raised by Deputies for which I or my colleague may not have responsibility.

Acting Chairman (Deputy Peter Mathews): I thank Deputies for their excellent contributions and questions. That concludes the time for private notice questions.

Topical Issue Debate

Employment Support Services

Deputy Olivia Mitchell: I appreciate the opportunity to raise the issue of genuine confusion about eligibility for JobBridge. I refer, specifically, to the eligibility of young graduates.

JobBridge is acknowledged to be an excellent scheme and an ideal opportunity, in a recession, for young people to be eased into the workforce. However, it seems that a large cohort of young graduates are ineligible to participate. I speak about graduates who are living at home, largely because they have no jobs, and because they are assessed on family income, they are not eligible for jobseeker’s allowance which, in turn, prohibits them from participating in the graduate scheme.

In a recent reply to a parliamentary question, the Minister informed me that signing on for credits would entitle a graduate to participate after the requisite 78 days. My concern is twofold. First, a graduate who is ineligible for jobseeker’s allowance and who has never paid a PRSI contribution — has never had a job — cannot sign on for credits and is, therefore, ineligible to participate in the scheme. Second, there is a lack of clarity regarding those who have paid PRSI, perhaps as part of a summer job, and their eligibility. The Department’s website says

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one is eligible if one has paid a contribution in the last two years. Someone in the Minister’s Department told me one is eligible if one has ever paid a PRSI contribution. Several cases have come to my attention of graduates who have worked and paid contributions but have been told they are ineligible for JobBridge. There seems to be inconsistency in this regard.

I ask the Minister to clarify the rules that pertain in these cases and to ensure that all social welfare offices are clear about the criteria. My main concern is the graduates who are not in receipt of jobseeker’s allowance and who have never worked. The rules are clear. They are precluded from the scheme. For them there is a vicious circle in that because they cannot get a job, they cannot sign on and because they cannot sign on, they cannot apply for JobBridge and are disadvantaged in the jobs market. Given that they are forced through unemployment to live at home and, therefore, be assessed on their parents’ incomes, they will be precluded from the scheme forever. The Gradlink scheme, which was subsumed into JobBridge, was aimed, specifically, at this group and it seems unfair that they are precluded.

First, is it possible to relax the rules? I realise there are financial implications, but I am sure people who have no jobs and recognise that they are ineligible for jobseeker’s allowance or benefit would be willing to participate in JobBridge, even for the top-up payment of €50. Second, can the Minister clarify the question of PRSI contributions? What is required in terms of the number and timing of contributions? Can those criteria be made absolutely clear to offices throughout the country?

Minister for Social Protection (Deputy Joan Burton): I am delighted to have an opportunity to reply to the matter raised by Deputy Mitchell.

The JobBridge scheme is the Government’s national internship scheme. It will provide up to 5,000 places for those seeking employment, with an internship opportunity of six to nine months in an organisation in the private, public or community and voluntary sectors. During this time participants will receive an allowance which will consist of a €50 per week top-up to their existing social welfare entitlements.

There are, currently, 2,500 internships advertised on the JobBridge website and just over 2,000 people have commenced an internship. That includes about 625 people who transferred from the FÁS work placement programme, where no top-up was paid. The rest are people who started with the JobBridge internship programme.

In order for an individual to be eligible to participate in JobBridge, the national internship scheme, an individual must be currently in receipt of a live claim, that is, jobseeker’s allowance, jobseeker’s benefit or signing for credit, on the live register and have been in receipt of jobseeker’s benefit, jobseeker’s allowance or signing on for social insurance contribution credits for a total of 78 days or more in the last six months.

A recent graduate signing for credits will be eligible to participate in JobBridge 78 days from the day they first signed on. A person may qualify for credits if they have one paid contribution and do not have a two year gap in their social insurance record when they sign on. If the graduate has never worked, he or she is not eligible to participate in the scheme. However, graduates who are not eligible for JobBridge can avail of the work placement programme. Anyone who is unemployed is eligible to apply for the work placement programme. It is another work experience programme that allows graduates to continue to develop and improve their skills in a work environment.

The scheme has been extremely successful. It has been going for 16 weeks and we have more than 1,400 participants. It is not a graduate only scheme. There is no requirement that a participant would have graduated. It is, however, suitable for people who have completed a certain
level of education or training. Some are graduates or, indeed, postgraduates. The scheme is proving extremely popular. Many employers have offered to take part and host internships.

I will bear in mind what the Deputy has said. The scheme came with conditionality in relation to taking people off the live register. That was one of the IMF conditions that we acceded to. I am conscious of the situation the Deputy describes. We are amending the scheme as we go along where we can get the agreement of the Department of Finance. It came with certain conditionality. However, there is a great deal of enthusiasm about the scheme. It is new to Ireland and we are listening very carefully to any criticisms that are offered. That is the experience of the host employers, of applicants and of those who have commenced internships.

Deputy Olivia Mitchell: I appreciate the Minister’s response. There is a realisation that the group of people of whom I speak fall between all stools.

I am aware of the work placement programme but it is not geared toward graduates. There is a real need for graduate internships. Graduates, particularly in technical or scientific areas, de-skill very quickly if they do not get work opportunities. I am delighted the Minister recognises the need to be flexible and may respond in time to this group.

I take it that the requirement is that an applicant must have made a PRSI contribution in the previous two years.

Deputy Joan Burton: We are keeping the scheme under review. It has been extremely successful. We are limited overall to 5,000 places over a two year period but we will continue to examine the eligibility criteria. The scheme is a labour activation measure. We have agreed with the IMF that people who have been on the live register should be given encouragement options to go back to work or to take part in training. We have clarified that people who are coming directly from training courses can proceed to JobBridge. Last Friday, I was pleased to be involved with Skillnets when 25 people, principally engineers, had received training in areas such as medical devices and were about to participate in JobBridge.

There are many innovations in the scheme. I remain open to innovate further as the opportunity arises, subject of course to the agreement of my colleague, the Minister for Finance.

Alcohol Products Tax

Deputy Michael McNamara: I draw the attention of the House to the increase in off-licence sales and decrease in on-licence sales and to some of the consequences of this for the State. Official figures from the Revenue Commissioners suggest two thirds of beer purchased in Ireland is purchased in pubs, with one third being purchased in off-licences. However, industry sources suggest the figure for pubs is somewhat lower and for off-licences is higher.

Currently, there is a 5% per annum reduction in the amount of alcohol purchased in licensed premises. However, there is no such reduction in regard to alcohol purchased in off-licences. We will soon reach a situation whereby half of all alcohol purchased in Ireland will be from off-licences, rather than pubs as has been the tradition heretofore. This has a number of consequences for the State which are not good, the obvious one being a loss in revenue to the Exchequer. Even if the same amount of alcohol was being sold — it is not because there is a decrease in this regard — VAT is at 21%. Therefore if, for example, supermarkets sell beer at €1 per can as a loss leader, which they are and have been doing, the VAT to the Exchequer is relatively small. On the other hand, the VAT to the Exchequer from the purchase of alcohol from licensed premises at a considerably higher price is much greater.
Approximately 60,000 to 70,000 people are employed in the hospitality sector in Ireland, a great proportion of whom are in the pub business as compared with the off-licence sector which, I understand, employs approximately 4,000. A number of jobs are under threat because of the shift from the consumption of alcohol on licensed premises. Approximately five rural pubs are closing every week, with a resultant loss of employment. By and large, pubs are family businesses which employ people on a casual basis. In response to a question from Tourism Ireland brand tracker in regard to what people look forward to doing when visiting Ireland, 46% of visitors from France, 43% of visitors from the US and 40% of visitors from the UK said they looked forward to visiting an Irish pub. Unsurprisingly, no one looked forward to going to an Irish off-licence as it is hardly a unique experience.

I understand the next budget will not be a giveaway budget. It will on the contrary be a painful budget. However, I wonder if the move from consumption on licensed premises to off-licence sales could be addressed in the forthcoming budget, even if this means favouring the sale of alcohol, from an excise or tax perspective, in pubs, which are supervised environments. It is illegal to sell alcohol to a person who is intoxicated. However, people can purchase as much alcohol as they want from an off-licence. I believe many of the difficulties being experienced on our streets is the result of young people purchasing large amounts of alcohol in off-licences, drinking it at home and then going out onto the street. I ask the Minister to try to address this through taxation measures.

Minister for Finance (Deputy Michael Noonan): I thank Deputy McNamara for raising this issue. The Revenue Commissioners is responsible for the collection of tax on alcohol products. Alcohol products tax is charged by reference to the nature of the product. The same rate of tax applies irrespective of the type of premises in which the product is sold. I am advised by the Revenue Commissioners that for this reason data is not available on the breakdown of alcohol products tax receipts between licensed premises and off-licences.

The basis on which alcohol products tax is charged means there is no loss in the yield from that tax to the Exchequer if a product is sold in an off-licence as opposed to a licensed premises. In fact, the lower prices typically associated with off-sales mean the tax incidence is higher in the case of such sales. The rate of VAT is also the same irrespective of where the alcohol is sold but the yield would be somewhat lower from the sale of a particular product when sold in an off-licence given the typically lower prices in that particular sales channel. However, the rate of VAT from any level of expenditure on alcohol is the same regardless of whether it takes place in an off-licence or a licensed premises.

Receipts from excise duties on alcohol products totalled €826 million in 2010, down from €968 million in 2009. Projected receipts for alcohol excise for 2011 are likely to show a slight increase over 2010. The excise duty on all alcohol products was decreased in budget 2010 by approximately 20%. Prior to this, excise duty on beer had remained unchanged since the budget of January 1994, apart from the introduction in October 2008 of a new 50% lower rate of excise for beers and cider of alcohol strength by volume of less than 2.8%. The duty on cider was increased in December 2001 and duty on spirits was increased in December 2002. Duty on wine was increased in October 2008 by 50 cent per standard 75cl bottle and pro rata increases were applied to related products. The Deputy should be aware that the decreases in 2010 applied across all areas regardless of where the products were consumed or sold.

It is accepted that there has been a general trend towards off-sales in recent years. High pub prices, price discounting in supermarkets, the smoking ban and the introduction of random breath testing for drivers have all contributed to this shift towards the off-trade. While this movement is excise-neutral there is a loss of VAT from sales at lower off-licence prices. A report on the Irish beer market in 2010 published by the Irish Brewers Association earlier this
year indicated that in 2010 some 33.4% of beer was sold through the off-trade as compared with 28.9% in the previous year. This is in line with anecdotal evidence of a trend over time away from on-trade to off-trade.

Deputy Michael McNamara: I thank the Minister for his detailed response. The loss of VAT from sales at lower off-licence prices concerns me. Perhaps the Minister would consider addressing this issue, even if this means raising VAT on off-licence sales so as to ensure licensed premises are better able to compete. I understand there would be legal difficulties in doing so owing to European Union law. However, as I understand it Portugal applies a higher taxation level for alcohol sold in off-licences. Perhaps the Minister would consider introducing similar measures in Ireland to try to protect the few rural pubs remaining.

Deputy Michael Noonan: The same tax regimes applies in respect of alcohol products whether sold off-trade or on-trade. There is no variation in that regard. There would be no possibility of distinguishing for VAT purposes between off-licences and public houses. Pricing in respect of alcohol will be a key issue in the recommendations of the steering committee on substance misuse, which is expected to be published shortly. The recommendations contained in that report will form the basis for a Government action plan on alcohol due early next year. The Deputy could perhaps commence the debate here and continue it when the report is published. We might be able to make some progress by approaching it from a different direction.

General Practitioner Services

Deputy Charlie McConalogue: I thank the Ceann Comhairle for putting this matter on the agenda and ensuring it will be addressed by the Minister. This is a very important issue to County Donegal which has been leading to some concern among people over the past number of days. I have put this on the agenda to give the Minister for Health and his Department the opportunity to reassure people in County Donegal that there is no threat to the continuation of NoWDOC services at the four centres in County Donegal from which it is currently provided and that the service will be maintained at its current level, thus ensuring people have 24 hour access to a GP within a reasonable distance from their homes.

When people contact NoWDOC or a GP in the middle of the night or outside normal office hours, it is not because they have something wrong with them which can wait until the next day; it is because they have a concern in regard to their health that often is an emergency which needs to be addressed by a doctor immediately. There has been some concern, and much coverage in newspapers, in the past week in regard the potential closure of three of the outreach centres in the county, with the GP service from midnight to 8 a.m. being provided through Letterkenny alone. Indeed, there is a rumour that perhaps only one car will be provided.

As we can all understand, that is very concerning and it must be knocked on the head immediately by the Minister and the HSE so that we can all be sure that service will continue to be provided. We had a meeting last Friday, which all Oireachtas Member from the county attended, with HSE management and which was very useful. We made it very clear at that meeting that this must be addressed immediately. HSE management indicated that it does not have any plans to change the service but in written correspondence from the HSE, we have not received absolute clarity that is the position of the Department of Health and the HSE.

This is a red line issue and it is not up for negotiation. The Minister has the opportunity to reassure people and I ask that the Minister of State takes this opportunity to do so.
Deputy Minister of State at the Department of Health (Róisín Shortall): I thank the Deputy for raising this issue. The provision of general practitioner, GP, out-of-hours co-operatives throughout the country is an essential part of our health service and we fully support that policy in terms of strengthening primary care services and ensuring that, as far as possible, care needs are met in the primary care setting. Out-of-hours co-operatives are now in place in all HSE areas, providing coverage in all or in part of all counties. The service can be accessed through a single lo-call telephone number in each region and caters for both public and private patients.

Out-of-hours co-operatives allow GPs to manage the provision of urgently needed care for their patients while their surgeries are closed in the evenings, at weekends and on public holidays. The co-ops also afford GPs reasonable off-duty arrangements. Under the GMS contract, GPs have a responsibility to enable contact to be made with them, or a locum, for emergencies outside normal practice hours. It is a matter for the GPs how they arrange this cover.

The NoWDOC service, which is now ten years in existence, is a co-operative structure between GPs and the Health Service Executive to provide urgent GP services to patients who may require them in the out-of-hours periods, that is, evenings, nights and weekends. It covers Donegal, south Leitrim and north Roscommon, with 98 full-time GPs participating in the service. The budget for the NoWDOC service last year was €3.168 million, while the national budget for GP out-of-hours services last year was almost €100 million. More than 57,000 people contacted the NoWDOC GP out-of-hours service last year and, of these, more than 36,000 were treated at the GP out-of-hours treatment centre or received a home visit. Some 33,600 people contacted the NoWDOC service in the first six months of this year.

In terms of the partnership that exists between the GPs and the HSE, the HSE provides the infrastructure for the service, including support staff, such as drivers, receptionists, nursing staff and so on. The GPs provide the cover for the various doctor rotas for the out-of-hours periods. All calls to the service are handled and triaged in the call centre in Letterkenny and treatment centre visits are arranged by appointment only.

The HSE west is currently reviewing the NoWDOC services. This follows directly from the recommendations of the national review of GP out-of-hours services which was carried out and published in 2010. The HSE, in implementing the recommendations of the national review, is looking at all operational activity, including staff who are employed by the HSE, to ensure that safe and efficient services can be maintained in the current difficult financial environment. This review to date has resulted in the HSE submitting proposals to the trade unions regarding the redeployment of receptionist staff and the expansion of the drivers’ role under the provisions of the public service agreement 2010-2014. These discussions are ongoing and will be concluded in the coming weeks.

The proposed changes reflect the staffing models that operate elsewhere throughout the country and will provide for the continuity of safe patient care at each of the centres which are affected in this proposal, that is, Derrybeg, Carndonagh, Mountcharles and Carrick-on-Shannon.

At the annual general meeting of NoWDOC Limited, the GP members of NoWDOC passed a motion to form a sub-committee to examine viable options for the provision of GP cover for red eye periods and submit proposals to the HSE to outline how such cover might be provided more efficiently without compromising patient safety.

The outcome of the GPs review has not yet been finalised and no proposals have been submitted to the HSE for consideration. While changes to service delivery arrangements may
be proposed in the future, the issue of curtailing or reducing services has not featured in any discussions to date. Again, I thank the Deputy for raising this matter.

**Acting Chairman (Deputy Peter Mathews):** I must confess to my unfamiliarity with the term “NoWDOC”.

**Deputy Charlie McConalogue:** I thank the Minister of State for her reply. I note she said that no changes are proposed to service delivery arrangements. That, in itself, is welcome. However, it is important that it is made absolutely clear to the Department of Health and the HSE, in the future and in these more difficult financial times, that the provision of GP services at centres, which are local to people throughout County Donegal and the rest of the country, are a red line issue and not up for negotiation. No one has any problem with GPs and the HSE talking to each other. However, the key point which has not been made clearly enough today or by the HSE is that from a Department of Health and a HSE point of view the continuation of GP services in a local area and within a reasonable distance from people homes is absolutely critical and will be at the core of any discussions so that people can be assured there is no threat to local GP out-of-hours services, whether red eye or pre-midnight services. That is critical and I ask the Minister of State to be clear in that assurance.

Will the Minister of State comment on the current restriction that applies to NoWDOC cars in that they are restricted to the speed limits even when they are on emergency calls? This does not make sense. Many roads in County Donegal have 80 km/h speed limits because they are not national roads. Only a few weeks ago, a GP car responding to a call in the Carndonagh area was fined and received two penalty points. That needs to be addressed. If someone in County Donegal or elsewhere is waiting on an emergency GP service, one does not want that GP stuck doing 30 mph within a 30 mph zone or 80 km/h within a 80 km/h. One wants the GP to put on the emergency lights and get to the patient as quickly and as safely as possible. Will the Minister of State assure the House that people will continue to have access to GP services within their local areas?

**Deputy Róisín Shortall:** I assure the Deputy that the Government is committed to the development of primary care services and GP care throughout the country. This is one reason for the clear commitment in the programme for Government to provide for free GP care during the Government’s lifetime. It is also one of the reasons we will start debating a Bill this evening on opening up access to the General Medical Services, GMS, scheme. I am working on expanding the number of GP training places, as we want 90% of health care activity to occur at primary care level. During the coming months and years, we will roll out reforms to enable this health activity to take place as close as possible to patients, which is where people want to be treated. It makes sense.

Ensuring access to out-of-hours GP care is part and parcel of the reforms, as it makes sense from the patients’ point of view to deal with people’s conditions early and before they become serious enough to warrant a trip to hospital. This approach also takes pressure off the hospitals. We will discuss this point during Private Members’ business.

I pay tribute to the work of NoWDOC in providing a range of services in the north west during the past ten years. However, it is the contractual responsibility of GPs to ensure out-of-hours cover is provided. While the HSE provides the infrastructure and support services, for example, receptionists, drivers and so on, it is primarily the responsibility of the GPs to ensure that they adhere to the terms of their contracts. The HSE is waiting for the proposals to be returned by the GPs involved to determine the arrangements it will make to ensure the existing cover in the north west is maintained.
I am not in a position to respond on the issue of speed limits, but I will take it on board and determine what can be done.

**Accident and Emergency Services**

**Deputy Gerry Adams:** Tá mé fíor-buíoch don Cheann Comhairle as ucht seans a thabhairt dom labhairt ar an ábhar dáire fíor. Cé go bhfuil áthas orm go bhfuil an Aire Stáit anseo linn, tá mé mishásta nach bhfuil an Aire, an Teachta Reilly, i láthair. Is ceist an-thábhachtach í ceist na ndaoine le TB.

This morning, I visited Our Lady of Lourdes Hospital in Drogheda. I visited it several times in recent months and witnessed many patients, some of whom were elderly, lying on hospital trolleys or sitting on chairs or the floors while waiting to be treated by an overstretched and overworked medical staff. Níl a fhios ag na n-othair seo cathair a fheicfidh siad dochtúir, nó an mbeidh leapacha cearta acu. Tá an córas slándála atá againn sa tír seo ar nós córas sa Tríú Domhan.

Last Friday, it was revealed that a patient who had been on a trolley in the emergency department for five days had TB.

*(Interruptions).*

**Deputy Gerry Adams:** I do not want to cut across the Minister of State and Deputy Ciarán Lynch. Gabh mo leithscéal — tá mé ag caint faoi rud an-thábhachtach. Three other patients and an undisclosed number of staff are being screened for this dangerous disease.

The deterioration in the hospital’s situation is not unexpected. Bhí mé ag tabhairt amach anseo faoi sin. Chuir mé eolas faoi slí criticuíil ina bhfuil saoránaigh sna otharlanna seo roimh an Aire agus an Taoiseach. Three weeks ago, Deputy Tóibín, Dr. Rory O’Hanlon and I wrote to the Health Information and Quality Authority, HIQA, to ask it to launch a full public investigation of the hospital’s emergency department urgently and immediately and to publish the findings. We did so because Drogheda has consistently ranked as the hospital with the worst waiting list in the State. For months, the number of patients on trolleys at the hospital has consistently exceeded 30, resulting in significant pressure on the emergency department. This represents a clear threat to patient safety and welfare. Management at the hospital has responded by putting into effect the full capacity protocol, which means that it identifies spaces in wards in which to place patients even though the wards may not be appropriate to the patients’ health needs.

HIQA declined to order an investigation. In light of the TB case and the ongoing crisis in the emergency department, I am calling on HIQA to reverse its decision. I am disappointed that the Minister for Health is not present, although I am grateful that the Minister of State is substituting for him. If HIQA continues to refuse to order an investigation, the responsibility for doing so falls to the Minister. I am calling upon him to do it.

**Deputy Róisín Shortall:** I thank Deputy Adams for raising this issue. The Minister, Deputy Reilly, is not in a position to take the debate, but I will do so on his behalf.

The incident raised by the Deputy related to a patient who presented to the emergency department of Our Lady Of Lourdes Hospital with symptoms unrelated to TB. In all, the patient spent five days in the emergency department. During his time there, he was given a chest X-ray and was found to have TB. Following the discovery of TB, appropriate isolation and treatment commenced.

During the period that the patient spent in the emergency department, three patients were identified as potentially having had contact with him for more than ten hours. They have been
contacted, counselled and offered testing for TB. All staff with potential contact have been offered counselling and TB testing. Our Lady of Lourdes Hospital has reassured the public about the incident, saying that contact had been made with the patients involved. The HSE is satisfied that the incident has been appropriately handled from the points of view of infection control and contact tracing.

While it is important that any public concern be allayed, I will address the wider issue of emergency department waiting times. The Minister does not consider it acceptable that a patient should wait five days. To tackle unacceptably long waiting times in emergency departments, he set about establishing the special delivery unit, SDU, immediately following his appointment. Its aim is to unblock access to acute services by improving the flow of patients through the system. The SDU is focusing initially on emergency departments and will be working to support hospitals in addressing excessive waiting times for admission to hospital.

**Deputy Gerry Adams:** I have a great deal of sympathy for the Minister of State, who has probably been handed a script to read out, but her reply was unsatisfactory. She did not mention that the patient was on a trolley for five days. Instead, she stated: “In all, the patient spent five days in the emergency department” and the Minister “does not consider it acceptable that a patient should wait five days”. Today is Tuesday. The Minister of State should imagine being restricted to a trolley, even in the best of health, until Sunday. Her reply is not worth the paper on which it is written. Will there be an inquiry? Were we advised of measures that will be put in place to discover how this situation occurred?

In its five point plan the Fine Gael Party pledged to reform the health service and cut waiting lists, but it is prepared to perpetuate the mess initiated by Fianna Fáil and the Progressive Democrats. Today there are 344 patients on trolleys across this State and 28 of these are in Drogheda. The waiting list for hospital treatment has increased by 40% since the start of this year.

The health service is not being properly funded. That is obvious to the professionals — I met with the management briefly today — and to the patients. The Government says the money is not there but that is not true. Politics is about choice and everybody present in this Chamber knows that. The Government is making political choices. A political choice was made to read a script such as the one the Minister of State read. It contains a big lie in that it omits the fact that this person was on a trolley. A political choice will be made on 2 November to give €700 million of the people’s money to unguaranteed banks. The Government is making a political choice in paying off unguaranteed bondholders instead of the fixing the health service. That is not acceptable and I do not mean this personally in terms of the Minister of State, but tá a lán rudaí mícheart leis na rudaí anseo. There are many things wrong but this is one issue and one problem which can be fixed.

There is a hospital up the road from Drogheda that has a 23-bed ward which is closed. Across that region there are 62 patients, mostly elderly people, who have already been medically discharged but have nowhere to go because of the mess in regard to the fair deal scheme.

This matter needs to be resolved. With all the fine rhetoric that sometimes flows about citizens’ rights, the republic and so on, when it comes down to it if one is lying on a trolley in a hospital corridor and contracts TB, that is how one measures one’s republic.

**Deputy Róisín Shortall:** When I responded to the Deputy’s matter, I told him the factual position. The patient concerned was in an emergency department for five days and during that period was discovered to have TB. The appropriate action was taken at that point in terms of isolation and treatment.
I said at the end of my reply that the fact that anybody is on a trolley for five days is not acceptable. That is why this Government is setting about introducing fundamental reforms to the health service. It is an absolute priority of both parties in government to bring about that reform. They are the political choices that this Government is making. We are setting about a root and branch reform of the health service and considerable work has been done to date. It is one of the reasons we are committed to introducing a single tier health system because it is not a question of tinkering at the edges with the existing health system. The issues are much more complex than simply being about funding. The whole system needs to be changed and we are determined to do that. That is set out clearly in the programme for Government which commits to introducing a single tier health system based on providing care on the basis of a person’s need rather than on his or her ability to pay. That will happen as soon as possible. We are introducing an insurance-based health system. We are doing that as soon as possible and in the short term we are introducing significant reforms in the primary case area.

In addition to that, very soon after being appointed, the Minister established the special delivery unit, SDU, whose job is to act as a hit squad, as it were, to target those hospitals where there are difficulties, where systems are not properly functioning, to enable them to deal with the kinds of demands that they have. That work by the SDU is well under way. It has examined a number of hospitals and identified 15 that provide unscheduled care and those hospitals that need urgent support from the SDU. Among those hospitals are eight that currently account for approximately 60% of the trolley count. Our Lady of Lourdes Hospital is one of those eight hospitals. Those hospitals have been identified as needing urgent and high level support from the SDU. The eight hospitals have recently been asked for proposals setting out measures that could be taken quickly in the hospital and-or in a closely related community setting which would significantly relieve pressure on the emergency department by, for example, addressing delayed discharges and having step-down beds. Proposals relating to seven of the hospitals or associated community services have just been received and will need to be given very detailed consideration by the SDU. These proposals from the seven hospitals include proposals from Our Lady of Lourdes Hospital and the SDU is examining those urgently with a view to implementing them very quickly.

A good deal of action is being taken. The Government is committed to longer-term reform and that work is well under way and in the shorter term the SDU is addressing the current logjams that exist in many of our hospital emergency departments. The proposals have just been received from Our Lady of Lourdes Hospital and they will responded to very quickly. I thank the Deputy for raising this issue.

Central Bank (Supervision and Enforcement) Bill 2011: Order for Second Stage

Bill entitled an Act to further provide for the regulation and supervision of financial service providers and financial services; to further provide for the enforcement of financial services legislation; to provide for the protection of persons reporting breaches; for those and other purposes to provide for amendments to, and to further amend and extend, the Central Bank Acts 1942 to 2010 and certain other acts and statutory instruments, and to provide for related matters.

Minister for Finance (Deputy Michael Noonan): I move: “That Second Stage be taken now.”

Question put and agreed to.

Central Bank (Supervision and Enforcement) Bill 2011: Second Stage

Minister for Finance (Deputy Michael Noonan): I move: “That the Bill be now read a Second Time.”
The regulatory failures of the financial crisis have been the subject of extensive and objective analysis. The reports from Professor Patrick Honohan, Messrs. Regling and Watson, the Nyberg commission and the Moriarty tribunal point out the problems to be addressed. Poor supervision, an overly-deferential attitude by regulators, poor assessment of risks and a lack of follow-through on enforcement all played a part in the financial crisis.

The Central Bank (Supervision and Enforcement) Bill 2011 draws on the lessons from that experience. It involves a careful overhaul of the statutory basis for the Central Bank’s regulatory powers.

The Bill brings clarity to the Central Bank’s ability to set requirements. It provides for good information flows and objective analysis to support regulatory supervision. Where things go off course, there is provision for prudential intervention and corrective action. Where the law is broken, there are effective and dissuasive, yet proportionate, sanctions. There are also provisions dealing with restitution and costs after the fact. I should add that my Department and the Central Bank are currently examining further proposals which I may bring forward on Committee Stage.

However, this is not a piece of crisis legislation. It provides a long-term regulatory framework to underpin the regulation of more than 14,000 regulated financial service providers in Ireland which will be covered by the Bill. That includes insurance companies, investment intermediaries, bureaux de change, securities and investment firms and banks.

A financial service involves making money from money and this requires an element of risk taking. Risk to investors, risk to consumers and risk to the financial and economic system. The Bill must provide a prudent yet flexible basis for regulating a sector that is varied, fast-paced and ever-changing. That regulation must be prudentially-based, ensuring that firms identify, monitor and control risk both for their own good and to prevent spillover into the wider sector and the economy. However, it must also ensure effective oversight of regulated firms to ensure proper management of risk by them.

No doubt some will raise the issue of under or over-regulation. The choice between regulation and business success is not black or white. Sound regulation ensures that those well-run firms who abide by the rules do not suffer a competitive disadvantage. It requires balance, proportionality and judgment. A regulator must have the qualities of a good referee; he must establish his authority, have eyes in the back of his head and keep the game flowing.

The National Competitiveness Council has identified the need for robust financial services regulation as key in improving the export competitiveness of the Irish financial services sector. It has stated that “Reform of the regulatory environment to ensure greater transparency and to rebuild trust in the system is critical to sustain and further develop the sector”.

Earlier this year the Taoiseach launched the Strategy for the International Financial Services Industry in Ireland 2011-2016. The strategy sets out a vision for the future development of the IFSC, with the goal of creating 10,000 net new jobs over the next five years. One of the drivers of growth identified for the IFSC is a credible, responsible and proportionate regulatory regime.

Under the relevant European treaty provisions, the European Central Bank must be consulted on proposed legislative changes affecting national central banks. The ECB published a positive opinion on the Bill on 9 September in which it stated that “the ECB welcomes the draft law as enhancing the supervisory and enforcement tools available to the Central Bank of Ireland”.

Of course, legislation alone will not be enough to address the failures of the past. In recent years the level of regulatory activity has intensified with increases in staff numbers and skill
levels at the Central Bank. On-site inspections and review meetings have gone from 606 in 2009 to 1,046 in 2010. Staff levels increased by 17% in 2010 to 1,226.

The Central Bank has published an enforcement strategy for 2011 and 2012 setting out its strategic approach to enforcement for the benefit of consumers and the integrity of the Irish financial services sector as a whole. The Central Bank has also taken a number of measures under its new approach to banking supervision. During 2011 it has re-organised its internal banking supervision structures and it has invested heavily in training all supervisory staff. A panel of risk advisers with specialist and industry expertise has been in operation since September 2010.

I will provide an overview of the provisions of the Bill. Part 1 deals with technical matters such as the interpretation provisions and the commencement of the Bill. Of note within the interpretation provisions is the definition of Irish financial services law as this concept recurs throughout the Bill. The term is used as shorthand to refer to the various instruments which make up the body of financial services law and includes the various enactments which regulate each of the sectors of the financial services industry as well as the Central Bank Acts themselves. An important lesson from the financial crisis is the need for the Central Bank to have access to an independent expert view of the position of financial service providers.

Part 2 provides that the Central Bank may require a regulated financial service provider or a related undertaking — referred to as the “reviewee” — to commission and pay for a report from an independent expert, who is approved by the Central Bank. These reports may be used, for example, for diagnostic purposes to identify risks or issues of concern, or for remedial purposes to follow up on an earlier problem. The Central Bank will prescribe the purpose, scope and form of the report, which must be prepared by someone appearing to the Central Bank to have the necessary skills for the job. The person must also have sufficient detachment to ensure the objectivity of the report — this is important to avoid conflicts of interest or the risk of client bias.

The reviewee will be responsible for the cost of preparing a report. In my Department’s consultations with the industry this point was raised a number of times. Of course, I am sensitive to the issue of placing costs on firms. For that reason, a number of features have been included in the Bill which do not appear in the equivalent UK provisions. Before requiring a skilled person report, the Central Bank must first have regard to whether some other of its powers are more appropriate; the relevant knowledge and expertise of the reviewee to do the report itself; the cost implications for the reviewee; the reviewee’s resources; and the benefit to the reviewee of the report, for example, where the report leads to an improvement in its systems. The provision has been carefully balanced to meet the regulatory need for objective analysis with the cost burden on firms. It also ensures that the cost is borne by the firms being reviewed rather than by the sector at large through a regulatory fee.

One of the distinctive features of Irish financial services legislation is its sheer volume and complexity. There are over 250 separate Acts, statutory instruments and directives to be navigated and understood. Many of these have been amended time and time again, leading us to the point where even the most nimble legal brains have had some difficulty identifying what the law states. A full consolidation of the relevant legislation will be a substantial task but one that is intended will be undertaken in due course.

In the meantime Part 3 begins the process of simplification and clarification as far as it relates to the powers of persons appointed by the bank to gather information. The Statute Book contains some 20 different regimes setting out the powers of authorised officers in the banking, building society, insurance, investment and others sectors. This can create confusion for the regulated financial service providers who must comply with the law, and makes the business of
information-gathering needlessly complex from the Central Bank’s point of view. Part 3 seeks to replace almost all those different regimes, by taking the most useful features of each to create a single regime.

The Bill sets out the persons to whom the authorised officer provisions apply. These include a regulated financial service provider; a related undertaking; any person who holds relevant information; and administrators, special managers and liquidators. An authorised officer may enter a premises being used for the business of a financial service provider or related undertaking or where relevant records are kept. However, an authorised officer cannot enter a private dwelling without a warrant or consent.

Among other things, an authorised officer may search, inspect and secure the premises; inspect and copy records; question persons on action or records; and request a report. This part also provides that an authorised officer may attend meetings of a regulated financial service provider. It is an offence to obstruct or provide false or misleading information to an authorised officer carrying out the functions under this part. Section 6 provides a saver provision in regard to authorised officer powers exercised under enactments now being repealed.

Part 4 provides protection from civil liability and employer penalisation for whistleblowers. Schedule 5 sets out the redress available to employees for penalisation. The provisions are flexible enough to provide for protections outside the strict employer-employee context. The identity of whistleblowers is not to be disclosed without their agreement unless it is necessary to ensure the proper investigation of the matter concerned.

The Bill also provides a mandatory disclosure regime for those performing pre-approval controlled functions — these are prescribed senior or influential positions within financial service providers. Failure to make such a disclosure without reasonable excuse could be grounds for an investigation and action under the fitness and probity regime.

Part 5 deals with the bank’s power to give directions. The Central Bank already holds a range of sectoral powers to issue directions and these are not being repealed. The intention of this power is to enhance the bank’s capacity to make regulatory interventions across the range of its responsibilities in specified serious circumstances. The bank may issue a direction where it is found that a regulated financial service provider or related undertaking is unable to meet its obligations to its creditors or customers, not maintaining adequate capital or other financial resources, failing or likely to fail to comply with financial services law, or jeopardising the rights and interests of its customers.

A direction by the bank must be made in writing to the regulated financial service provider or related undertaking and can include a direction to refrain from providing a financial service for up to 12 months; to raise and maintain capital or other financial resources; to comply with requirements and conditions imposed by financial services legislation, or to make required modifications to its business practices and dealings with third parties.

A regulated financial service provider or related undertaking may apply to the High Court within 14 days to have the direction set aside. Similarly, the bank may apply to the High Court for an order to enforce a direction made to a regulated financial service provider or related undertaking. Following a direction made by the bank, the consent of the High Court is required before any person may commence or continue proceedings for the winding-up, dissolution, receivership, bankruptcy or related proceedings of a regulated financial service provider or related undertaking. Part 6 of the Bill provides for extended powers for the Central Bank to make regulations to ensure the proper and effective regulation of the financial services industry.

The nature of modern financial regulation both in Ireland and internationally is such that there is a need to provide a mechanism for the regulator to issue binding requirements on
matters of detail, procedure and standards across a range of areas. The approach in the Bill allows the primary legislation to set out the policies and principles within which these more detailed requirements may be set out; in other words, the Oireachtas draws the picture and the Central Bank colours it in.

Some of the matters covered in this Part of the Bill may already be the subject of Central Bank codes. The Bill provides a mechanism for these requirements to be set out in a more formal way through regulations. This approach also brings greater clarity to the scope of the Central Bank’s powers to impose regulatory requirements in this way.

The areas in which the Central Bank would be empowered to make regulations include the management and mitigation of risks; administrative, accounting, auditing and reporting arrangements; the training and qualifications of those working in the financial sector; protections for consumers including provision for customers in financial difficulty; the making of loans and other credit facilities; related party lending; and switching.

When making regulations, the Central Bank must consider the need to ensure that the requirements imposed by the regulations concerned are effective and proportionate, having regard to the nature, scale and complexity of the activities of regulated financial service-providers or the class or classes of regulated financial service-providers to whom the regulations apply. The Bill also provides for consultation with the Minister for Finance and broader consultation before the introduction of regulations. Once made, the regulations must be laid before the Houses of the Oireachtas.

Part 7 of the Bill deals with enforcement. Section 44 allows the bank to publish a notice warning the public where it reasonably believes a company is providing a regulated financial service without proper authorisation. Section 45 provides for restitution where a regulated financial service-provider has been found to have committed a breach of Irish financial services law and has become unjustly enriched or other persons have suffered loss. The Bill provides that the Central Bank may apply to the High Court for a restitution order to require the regulated financial service-provider concerned to provide to the Central Bank an amount equal to the unjust gain or loss, which the Central Bank would then distribute to persons who have suffered a loss as a result of an offence. The Bill provides for the bank to recover the costs of an investigation from a regulated financial service-provider convicted of an offence. It is only fair that the burden of funding the investigation of serious wrong-doing falls on the offender rather than law-abiding financial service-providers. Section 47 provides an assurance to all those who may be requested to provide information to the Central Bank in the course of carrying out its regulatory functions that they will not have any liability in contract or tort to employers, customers, counter parties or anyone else, for having provided that information.

Part 8 of the Bill deals with amendments to the administrative sanctions regime provided for in Part IIIC of the Central Bank Act 1942. Administrative sanctions may be imposed on regulated financial service-providers by the Central Bank for prescribed contraventions of Irish financial services legislation in accordance with Part IIIC of the Central Bank Act 1942. The changes proposed in this Bill are intended to increase the penalties the Central Bank may impose for breaches of the law by all regulated financial service providers affected. A number of technical changes are provided for in this Part including enhancements to the bank’s powers to compel witnesses to attend before an inquiry under Part IIIC; clarification of the situation where individuals are party to breaches of Irish financial services law by regulated financial service-providers; and improved powers to ensure compliance with an agreed settlement. Significantly, the Bill doubles the maximum levels of financial sanction to €10 million or 10% of turnover, whichever is the higher, for a body corporate and €1 million for a natural person.

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Part 8 also provides that the Central Bank may suspend or revoke an authorisation as a sanction. This decision would be appealable to the Irish Financial Services Appeals Tribunal.

Part 9 of the Bill deals with miscellaneous matters. The first item, co-operation with overseas regulators, provides that the bank may use its information-gathering and authorised officer powers to collect information in co-operation with overseas regulators. In doing so the bank must be satisfied that the overseas regulator it is assisting is duly authorised to perform corresponding functions in its jurisdiction. In some instances the Central Bank may require the overseas regulator to contribute towards the cost of an investigation being undertaken at its request. This provision is necessary to allow the Central Bank to become a signatory to the multilateral memorandums of understanding of the International Organisation of Securities Commission and the International Association of Insurance Supervisors. There is also an amendment to the Personal Injuries Assessment Board Act 2003 to allow the Governor of the Central Bank to nominate an employee of the Central Bank for appointment as a member of the Personal Injuries Assessment Board.

The Schedules to the Bill provide largely for repeals, revocations and amendments to various Acts and Statutory Instruments consequent upon the changes set out in the Bill.

On publication, I referred the Bill to the Commission on Credit Unions for a recommendation on its application to credit unions. In its interim report, the commission recommended that the powers and functions intended under the Bill should be applied to credit unions. The commission noted that there is an urgency to the issues involved. However, the commission could not arrive at a single position as to the statutory mechanism for applying these powers and functions to credit unions, in other words, whether these powers would apply through this Bill or the credit union-specific legislation being prepared. I will give this issue further consideration as work on both Bills progresses.

This Bill is essential if we are to rebuild confidence in our financial system. The Bill’s importance is underlined by its inclusion as a structural benchmark in the EU-IMF programme. My Department has been engaged in consultation with various stakeholders since publication of the Bill and I remain open to considering constructive suggestions whether made inside this House or otherwise. I commend the Bill to the House.

Deputy Michael McGrath: I wish to share time with Deputy Billy Kelleher, with 15 minutes each.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Michael McGrath: I welcome the opportunity to contribute on Second Stage of the Central Bank (Supervision and Enforcement) Bill 2011. This Bill was commenced last year following the adoption of the Central Bank Reform Act and it forms part of an overall package of measures designed to reform the regulatory system which is crucial for the future of our economy.

We all recognise the abject failure of the regulatory system in Ireland to properly supervise the financial sector during the years of the Celtic tiger. This was, undoubtedly, one of the key factors leading to the severe economic difficulties we now face. The taxpayer has been left with a bill in order to recapitalise the banks. To date, direct capital support by the State runs to approximately €64 billion, which exceeds 40% of Irish GDP. By any international comparison, this is a remarkable figure and it is a measure of the scale and the extent of the failure of the regulatory system to supervise and intervene where necessary in respect of the actions of the very large financial institutions in particular.
We all recognise that the system of regulation was seriously deficient, deferential to the banks and lacked teeth. There was also an unwillingness to act within senior levels of the regulatory system.

It was not just a failing at the level of the Financial Regulator. The Central Bank also failed in its duty to raise any red flag on the prudential side or to warn Government in a robust and vigorous way of the implications for the broader economy of the over-reliance on the construction sector or of the scale of lending that was going on among the principal banks here and the foreign banks. While reckless lending was undoubtedly a prominent part of the system for many years, others in the banking system were possibly also guilty of fraudulent and criminal activity. We should take the opportunity in this debate to say how galling the lack of progress on the investigations is for ordinary people. The investigations into certain transactions at Anglo Irish Bank and other institutions have been going on for almost three years.

Deputy Michael Noonan: We will have to vote “Yes” in the referendum.

Deputy Michael McGrath: It was back in February 2009 that the fraud squad raided the offices of Anglo Irish Bank, but now towards the end of October 2011, while some files are with the DPP, no prosecutions have been brought and no charges have been laid before any court in Ireland with regard to the practices that went on. For the sake of confidence in the democratic and political system, it is essential those matters are brought to a conclusion in the short term.

It was interesting to note the comments from the outgoing Director of Public Prosecutions in a Sunday newspaper at the weekend that it may be necessary to bring in specialist jurors or to provide training and expertise for lay jurors so that they will have the know-how and witherth to adjudicate on some of these complex criminal cases should they come before an Irish court. I hope the Government is taking this matter seriously, because the last thing we want is for cases to come to court and for there to be no satisfactory process whereby justice can be served.

On a positive note, we would all agree that the appointments by the former Minister for Finance, the late Brian Lenihan, of Matthew Elderfield as Financial Regulator and Patrick Honohan as Governor of the Central Bank were landmark appointments. There is wide acceptance across the House and outside of it that these two individuals are performing their functions to the highest standards. They are certainly introducing a new culture in the Central Bank and the financial regulatory system and that is welcome. The Central Bank, which now incorporates the financial regulatory function, now has more staff and a better skills mix. This too is welcome. The figures on the numbers employed by the Central Bank have been outlined and they are significantly higher than the numbers employed in recent years.

We all accept the need to have the right regulations in place and for those regulations to be enforced in an appropriate manner and that is the thrust of this Bill. Its aim, along with the other legislation that has been advanced, is to ensure we have a regulatory system in this country that is fit for purpose and that ensures the scandalous, reckless management of banks, which was allowed to happen for a number of years, never happens again. We can also agree that the model of regulation must focus attention on the areas of most risk. This is an area where there were failings within the financial institutions. The risk assessment systems they employed were almost non-existent. Also, the assessment of risk within the regulatory authority, where the threat to the economy was resting, and the action following that assessment were severely lacking. While we all recognise that the larger banks and financial institutions, which are regulated by the Financial Regulator, clearly contain the highest areas of risk, this
Bill applies to over 14,500 financial service providers here, ranging from the major banks to small local insurance providers and all other regulated financial service providers.

The Office of the Financial Services Ombudsman does tremendous work and some 6,000 to 7,000 complaints are lodged every year with the ombudsman. That office holds a wealth of knowledge and experience that can be used and can feed into a proper regulatory structure. I am not sure how much of a tie-in there is between the ombudsman’s office and the regulatory structure, but it is something we should look at. Individuals are coming forward with complaints based on their personal experience of dealing with the regulated entities and are, in effect, doing the work for the regulatory function. They are highlighting the areas where there are deficiencies and the areas of risk. Those complaints are being adjudicated on by the ombudsman, but I would like to see clarification from the Minister as to whether all of that information is fed into the regulatory system and is used by the Financial Regulator to ensure, for example, that hire purchase companies, money lenders, mortgage and credit intermediaries perform their functions properly. Insurance companies are also subject to scrutiny by the ombudsman’s office and this area will be an increasing area of activity. Last night we had floods in Dublin and we had them in Cork a couple of years ago, where huge issues arose with regard to insurance. This is an area where we can expect to see a growing number of complaints.

It is appropriate that the EU-IMF programme entered into last November contains an emphasis on an improvement to the regulatory system and a requirement that this Bill be advanced. The Bill was published in July and aims to provide the Central Bank with sufficient powers to oversee and enforce the effective regulation of the financial services sector in Ireland. We would all agree that the combination of a well resourced central bank, staffed by skilled personnel, equipped with regulatory powers and within a strong framework is key to the effective regulation of the financial services sector here into the future. The Bill seeks to address a number of the resource concerns, which were identified by the Central Bank in its enforcement strategy 2011-12 and by the new Central Bank enforcement directorate.

Turning to some of the specific elements of the Bill, the provision dealing with the “skilled persons reports” allows the Central Bank to request an independent report into a regulatory matter. This means the Central Bank does not have to rely upon the information provided by the financial services provider in question, but can require an expert independent report on the issue, paid for by the firm. I welcome that the Bill recognises the need to have regard to the cost implications for the firm being reviewed. However, I would like to raise an issue with regard to this. The company in question nominates a firm or individual to prepare the report, which the Central Bank approves, or if it fails to nominate a firm or if confirmation is denied by the Central Bank, the Central Bank will appoint the firm to conduct a review. I suggest a better system would be for the Central Bank to appoint the firm that will carry out the review so that the onus would not be placed on the company which is subject to the review to identify an appropriate reviewer. It would be a more meaningful review if it was conducted by an independent firm selected by the Central Bank. I am sure it could put together a panel of suitable firms to conduct such reviews, similar, for example, to the various framework agreements the OPW entered into in the context of procurement.

It is important to emphasise the need for real independence when the Central Bank assesses the firm that will undertake the report. Firms with clear financial links to the company concerned might compromise the independence of the report. Sometimes it may be difficult for the Central Bank to get under the skin of the transaction and to determine whether there is a connection between the company seeking the review and the company conducting the review. That is the reason it would be more robust and independent for the Central Bank to arrange for the review to be carried out. In addition, given that many of the financial service providers
covered by the Bill are small operations, we all recognise that costs must be kept to a minimum. I will return to that issue shortly.

On the question of authorised officers, the provision consolidates the existing 20 authorised officer regimes into a single regime. The Minister has outlined the legislative challenge it poses. These officers are the front line investigators of regulatory compliance and simplifying the regimes they operate under makes it significantly easier to ascertain information. Under the Bill, they are being given extensive powers and we need to ensure that people of the utmost integrity are being appointed to these positions, people who will not seek to abuse the extensive powers they are granted. They are in a privileged, sensitive position when conducting their work and it is essential there is a proper code of conduct in respect of these authorised officers under the new system.

The whistleblower protection provision protects whistleblowers from victimisation by their employers and from civil liability. If a staff member informs the Central Bank of misdemeanours in the company, he or she will be protected from punishment by that company. We all welcome that in general terms but a number of issues have been raised. In researching this Bill, I came across a number of documents and responses to the legislation. Some of the issues raised are valid, and some of them have been raised by legal firms, accountants and others. While a person who makes a report under the Bill will receive whistleblower protection, it is not yet clear how the reporting obligation will operate in terms of timing. Must reports be made to the Garda Síochána and the Central Bank at the same time? It is not clear what due process, if any, should take place in an organisation before a person makes such a report. Is protection afforded irrespective of whether an internal process has been exhausted? Under the Criminal Justice Act 2011, a person who fails, without reasonable excuse, to report information that could be of material assistance regarding a relevant offence under that Act, or a suspected relevant offence, to the Garda Síochána will be guilty of an offence. However, under the current Bill, the responsibility to report activities is confined to individuals in pre-approved control positions and senior management, not all personnel as set out in the Criminal Justice Act 2011.

Regarding directions, sweeping powers are afforded to the Central Bank and, in general, we do not have a difficulty with this. Similarly, on the issue of making appropriate regulations, a proper framework whereby the Central Bank can conduct intervention actions where appropriate was lacking and has been corrected in this legislation. I also welcome the increase in the level of fines. The lack of a proper deterrent and a lack of willingness to impose the deterrent was one of the factors that contributed to the malaise and the light touch regulatory system in Ireland for some time.

On the issue of sanctions, the Central Bank may revoke the authorisation of a financial services provider, which is welcome. A number of other areas, such as restitution orders and co-operation with overseas regulators, are to be welcomed but I emphasise to the Minister the need to ensure proper consultation with the industry. He referred to consultation in his opening remarks and perhaps he can elaborate on the type of consultation and who he consulted with. Were the representative bodies of small players in the industry consulted? They are the most vulnerable in many respects and the cost implications of ensuring they comply with this legislation will be a major burden for them. We need to ensure that while we weed out any cowboys in the financial services sector, we do not want to stifle the many good operators. At a time when we are trying to restore competitiveness to our economy, costs associated with compliance must be at the forefront of our consideration of this matter.

I refer to the bodies and entities not regulated by this Bill or any legislation, such as debt management advisers and companies such as Home Payments Limited, which collapsed in August with devastating consequences for thousands of its customers in Dublin. While great
emphasis is rightly being placed on ensuring regulated entities are comprehensively regulated, we must move with the same urgency to ensure that people in vulnerable positions, such as people struggling with personal debt and mortgage arrears, are also protected from the companies and businesses providing services. We have published a Bill, which is sitting on the Order Paper, providing for the regulation of debt management advisers. The Minister has asked the Central Bank for feedback and is awaiting it. I urge the Minister to move on that issue with the same speed and urgency with which this Bill is making progress. I look forward to detailed engagement on Committee Stage.

Deputy Billy Kelleher: I welcome the opportunity to speak on this Bill, which is a case of bolting the stable door after the horse has gone down the paddock in the context of oversight, regulation and a lack of enforcement and supervision of the banking sector in recent years. I hope this Bill will go a long way to restoring the confidence of the people, inside and outside Ireland, in ensuring we have a strong, robust regulatory system that sends a strong signal, internationally and nationally, that we are seen to have proper supervision of financial services. Critically, in an international context, the Irish financial services centre is a key component of the Irish economy. It generates a major amount of employment and is seen as an important hub in the provision of financial services. Anything that undermines the confidence of international investors, in terms of banking supervision and regulation, could potentially damage financial services. The financial services sector here has withstood, in general terms, the broader world recession and the damage caused to financial services across the world in respect of employment. The sector is now growing. When speaking publicly about the lack of oversight of banks and financial services in this country, it is important that we do not damage the integrity of the country in broad terms.

This is my first opportunity to speak on financial matters since the return of the Dáil. We must be honest about what we are trying to achieve, which is to ensure that we do not have banks capable of engaging in cowboy activities and reckless lending and becoming so big that they cannot be allowed to fail. That is what happened in recent times. I will take a certain amount of criticism as I was sitting on the Government side of the House for a long period of time. At the time, not only did the Financial Regulator, the Central Bank and the Department of Finance fail, this House failed substantially. It failed because it did not hold anyone to account by raising concerns that we all have now, with the benefit of hindsight, about what the banks were doing. They were involved in speculative lending and forced property prices up, which all fell on mortgage holders in this State.

This was coupled with the emergence of the eurozone and the fact that our economy was out of sync with many other economies. We needed high interest rates and we got low interest rates. The euro was not at the correct value when we joined it, from the point of view of the cyclical nature of our economy. These are historical facts but they lead us to a situation where we have tens of thousands of mortgage holders under major financial pressure because of the activity in the banking sector, developers, the lack of oversight and policy failures. This applies in the context of Government but also in the context of this House. I am not going to apportion blame but trying to highlight the fact that this House never discussed any issue to do with banking, nor did we have a broad debate on banking over many years. There was a general consensus in the House that there would be a soft landing and that we would have potential growth of between 2% and 4% in the years after the rapid growth of the Celtic tiger era. That failed to materialise for a number of reasons. If we want to genuinely address the challenges facing the Minister, this Government and our people in the years ahead, we must be honest about how we arrived at this point and about how we deal with getting out of the equation.
There is a genuine need for an honest investigation into what went wrong and how we can arrive at policy decisions in the years ahead which will ensure it does not recur. A referendum will take place this coming Thursday which seeks to afford the House of the Oireachtas powers of inquiry into matters of public importance. However, under the Commissions of Investigation Act 2004, passed by this House some years ago, we could already have had an inquiry up and running into what went wrong and where the failures arose. The Nyberg report, Honohan report and Regling and Watson report, as well as findings by the Financial Regulator, Mr. Matthew Elderfield, pointed clearly to a lack of oversight in financial regulation as well as policy failures across the board. Instead of waiting an indeterminate period and allowing a political charade to take place in this House, we should have an honest debate on how to get out of our difficulties in a manner which has the support of the public.

We must examine how we can ease the burden on those facing unemployment, mortgage arrears, threatened repossession of the family home and all the other challenges the Minister for Finance faces in framing the budget this December. He must not only devise a sustainable budgetary framework for the coming years which facilitates us in returning to the bond markets but must also ensure it complies with our memorandum of understanding with the EU-IMF-ECB troika. In that context, the Minister must surely accept that we have not yet had an honest debate in this House on all of these issues. Even as early as January and February of this year, a sustained deceit was in evidence in the context of election campaigning. People were promised, for example, that bondholders would be burned and that mortgage interest relief would be extended for those most burdened by mortgage debt as a consequence of negative equity. No action has been taken on either of these issues. Before its publication, the Keane report was held up as a panacea that would address the fundamental issues of mortgage arrears and negative equity. It has not addressed those concerns. We all accept there is no easy solution, but the reality is that people were led to believe that bondholders would be burned, thus reducing the cost to the State of the bank bailout and facilitating some leeway in assisting mortgage holders. That undertaking was clearly given by several political parties at the beginning of the year.

There are great challenges to be faced, unemployment being the most obvious, as well as mortgage arrears, negative equity and Ireland’s international reputation. Our objective is to return to the bond markets and to self-sufficiency in funding our activities. Regarding the memorandum of understanding with the troika, I spoke about it to the former Minister for Finance, the late Brian Lenihan, on several occasions, including only several weeks before he passed away. He was clearly of the opinion that we were bullied by the European Central Bank in terms of accessing the bailout fund. Moreover, we received no support from the European Commission.

I have made the point repeatedly that the Commission is meant to be the guarantor of the various treaties ratified since the Treaty of Rome. However, it has singularly failed to ensure that small nations such as Ireland and Portugal get a fair crack of the whip. No bondholders have been burnt and the burden on taxpayers in this State has not been lessened. Rather, we have been saddled with the full debt. We can argue about whether the bank guarantee was the right action to take but, at the time, the view was that there was no choice in the matter. We now have a situation where promissory notes are being issued on a regular basis to fund the bailout of Anglo Irish Bank. There is a clear obligation on the Government to seek to lighten the burden on this State in order to allow it to become self-sufficient by returning to the bond markets.

The debate in this House, particularly against the backdrop of the general election, was deceitful and dishonest in many cases. People were led up the garden path in being told there was an easy route out of the great difficulties we face. I accept my portion of the blame, but
rewriting history at this early stage does no service to what we all wish to achieve, namely, to get this State back on its feet and back into the bond markets. Ireland has a good reputation internationally and we are a very capable people. In recent days there has been an acknowledgment at European level that we are resilient, resourceful and willing to make tough decisions and to carry our fair share of the burden. However, we are not getting fair treatment from the European Commission in terms of its responsibility to stand up for the rights of small nations. Likewise, the European Central Bank intimidated and bullied this State into accepting a bailout.

On the challenges facing individuals, I recall speaking in this House some years ago about escalating house prices. Many Deputies were making such points. We were aware for a long time that there was a difficulty in regard to escalating house prices, and previous Governments made several interjections, such as serviced land initiatives, amendments to the tax regimes and so on, in an effort to curtail house price increases. Clearly, those initiatives did not work. We were all assured at that time that there would be a soft landing, everything would proceed in a smooth manner and there would be no great difficulties arising from the large debts accrued by individuals. That has not turned out to be the case and we have made no inroads in addressing those problems.

We have, however, made a start in restoring our international reputation, as has been acknowledged by EU leaders. There will be discussion at tomorrow’s summit of the debt crisis facing Europe. For several years, in this Chamber and across all commentary, the only acceptable view was that Ireland’s difficulty was entirely our own fault. That is clearly not the case. There is a broader, European context to the debt crisis. For several years we were told that if we got our house in order in addressing our budget deficit, which we began doing in 2008, that all would be well. That has not happened. The Minister will have the support of everybody in this House if he seeks a genuine renegotiation of our bailout terms. However, there is no point in pretending that he has already succeeded in renegotiating several aspects of the memorandum of understanding. The Minister has renegotiated around the edges. On the fundamental issues, in respect of which the Government made commitments to the Irish people in February this year, there has been no renegotiation. Not a single bondholder has been burnt.

In regard to failures of oversight, there is much talk of prosecutions and investigations into potential criminal activity. Charges were made in this House that the previous Government was hiding bankers from being prosecuted. However, in the eight months since this Government assumed office, no banker has been charged with any crime. A little honesty on all sides of the House might persuade the public that we have the capacity to deal with the fundamental challenges facing us all.

Deputy Mary Lou McDonald: I will resist the strong temptation to pick up the challenge raised by Deputy Billy Kelleher in addressing the issue of “sustained deceit” in Irish political life. I will also stay away from Fianna Fáil revisionism and its bout of chronic amnesia, which we have just seen rehearsed in this Chamber.

The Bill before us this evening strengthens the power of the Central Bank to supervise financial service providers and, where they are found to be in breach of existing regulations, to impose sanctions aimed at protecting the integrity of our financial system and the interests of the users of those services. The Bill also provides valuable safeguards for whistleblowers in order to encourage people to come forward and report suspected wrongdoing, safe in the knowledge that they will not experience negative consequences. It is an important Bill and it has the support of Sinn Féin. Much of its content is of a technical nature. Given the sheer number of financial service providers covered — the Minister referred to 14,000 — that is not
surprising. The Minister outlined the detail of the provisions for skilled person reports for authorised officers as well as sanctions and fines. I will not rehearse these aspects of the Bill.

However, I wish to refer to Part 4. Whistleblowers provide a vital function in exposing breaches not only of law but of good practice in public and corporate life. We must ensure the fullest protection for those brave women and men who are willing to expose bad practice.

I am pleased that the Bill protects whistleblowers from civil liability and victimisation. I am also pleased that this protection extends not only to employers who are implicated in the detail of the information provided but also those outside the employer-employee relationship.

Debate adjourned.

Private Members’ Business

Health Services Delivery: Motion

Deputy Joe Higgins: I move:

“that Dáil Éireann:

noting that:

— the ‘FairCare’ health reform plan of the Minister for Health, James Reilly T.D., is in chaos as a result of health cuts and that as a result there is a spiralling crisis in health service delivery and accident and emergency (A&E) services across the country;

— this crisis in our public health system is particularly manifest in the following areas:

— Limerick: The closures in 2009 of 24 hour A&E departments in Nenagh, Ennis and St. John’s hospitals have resulted in acute overcrowding in Limerick Regional Hospital and promises that additional resources would be made available have not materialised;

— Loughlinstown: The plan to downgrade A&E in St. Colmcille’s will inevitably put pressure on St. Vincent’s Hospital which is already overcrowded and has had to go ‘off call’ on a number of occasions over the last weeks;

— Blanchardstown: The funding cut from €104 million in 2009 to €84 million in 2011 while there is an almost 10% increase in both the local population and the amount of patients treated during this period will inevitably affect patient safety. Twelve beds in Laurel Ward and 16 in the inpatient surgical day ward are set to close. A costing for running the A&E on a 12 hour basis has been performed. This is causing grave concern among residents in the hospital catchment area of 330,000;

— Cork: Planned cutbacks to emergency services in Cork, which include closing Victoria South Infirmary A&E in April, Bantry minor injury assessment unit and unspecified dates for downgrading Mallow and Youghal, will put unacceptable pressure on Cork University Hospital and Mercy Hospital. The downgrading of Skibbereen Ambulance Service to an 8 a.m. to 8 p.m. service leaves west Cork with a wholly inadequate ambulance service: it is already a regular occurrence on weekend nights for no ambulances to be available. West Cork will be dependent on the ambulance in Clonakilty (which serves Rosscarbery to Kinsale) which can take 30 minutes on blue lights to reach Skibbereen and 90 minutes to Castletownbere;
[Deputy Joe Higgins.]

— Roscommon: The downgrading of A&E services in Roscommon represents an unacceptable cut in the level of health services for the people of Roscommon/Leitrim, putting additional pressure on Galway University Hospital where, on 20th October, 37 people were on trolleys;

— South Tipperary: The recent announcement of the closure of the acute psychiatric unit in South Tipperary Hospital;

— Letterkenny: The recruitment embargo means that staff have to be pulled in from other essential services to ensure that the hospital can function as an essential healthcare facility, adversely affecting community and other services; and

— Tallaght: Tallaght Hospital has been historically underfunded. It is the busiest hospital in the State but ranks lowest of the top five hospitals in Dublin for funding. Its catchment area has been expanded from 350,000 to 500,000. The Health Service Executive has identified the need for step down beds and improved primary care as major contributors to increasing pressure on the acute hospitals; recently, however it announced the closing of the Crooksling nursing home in Brittas. Tallaght and Clondalkin have twice the average number of people per general practitioner in Ireland and three times the average in France and Germany;

— the loss of almost 5,000 beds since 1980 and the more recent closure of more than 1,700 beds due to budget cuts and the recruitment embargo means there is a crisis of capacity in our public hospitals that is the immediate cause of the problems in A&Es. There are fewer than 3 acute hospital beds per 1,000 population in Ireland compared to an EU average of 4 beds per 1,000; and

— since 2008 there are 6,000 fewer health-workers in the health service because of the recruitment embargo. These are overwhelmingly frontline staff including 1,000 nurses. The Chief Executive Officer of the Health Service Executive, Mr. Cathal Magee, admits there will be 7,000 more staff lost by 2014, a total loss of 13,000 or 11.7% (2008:111,000; 2011:105,000; 2014:98,000); and

resolves to:

— lift the embargo on recruitment to the health service and to reverse the policy of closing hospital beds — reopening, as a matter of urgency, the 1,700 recently cut beds;

— abandon the policy of closing or downgrading local and regional hospitals;

— safeguard the 24 hour A&E of Blanchardstown Hospital and reverse the bed closures in the Laurel and day surgical wards;

— reverse the downgrading of 24 hour A&E in Nenagh and Ennis to relieve pressure on Limerick Regional Hospital;

— reverse the plan to downgrade the A&E in St. Colmcille’s in Loughlinstown preventing further pressure on St. Vincent’s Hospital;

— reverse the downgrading of 24 hour A&E in Roscommon relieving pressure on Galway University Hospital;

— reverse the announcement of the closure of the acute psychiatric unit of South Tipperary General Hospital;
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abandon planned cutbacks or downgrading in emergency services in the Cork area specifically, at Victoria South Infirmary, Bantry, Mallow, Youghal or the downgrading of the Skibbereen ambulance service;

— lift the embargo at Letterkenny Hospital to ensure that the hospital can function as an essential healthcare facility; and

— impose no further cuts in the health budget 2012.”

I am sharing time with Deputies Richard Boyd Barrett, Seamus Healy and Catherine Murphy.

This motion is in the name of the United Left Alliance Deputies and supported by other Deputies. Our motion lists in a comprehensive way the huge range of attacks on our hospital services particularly and on the health service generally throughout the country. Unfortunately, these attacks are intensifying which bears witness to the fact that instead of the change the Labour Party-Fine Gael coalition Government promised it has continued on where Fianna Fáil and the Green Party left off in terms of the savaging of our public services, in this case health, while at the same time continuing the disastrous policy of austerity begun by its predecessors.

It is incredible that our motion outlines crucial and devastating cuts to areas of our health service, and hospitals particularly, throughout the country and at the same time in two weeks’ time €700 million will be paid to unsecured Anglo Irish Bank bondholders and, if this Government continues to have its way, €3.5 billion by the end of June. That is a devastating condemnation of this coalition of Fine Gael and the Labour Party.

I will concentrate particularly on the effects on Connolly Hospital in Blanchardstown. Connolly Hospital has undergone debilitating cuts in recent years including a cut of €20 million in its budget, from €104 million to €84 million in the past two to three years alone, with consequences for reduction in beds and other difficulties. That comes down to more suffering for people on waiting lists and huge pressure on the frontline staff at Connolly Hospital who, by common consent and the testament of the people who use the service, are model workers in the health field.

In terms of these new cuts to Connolly hospital, incredibly, this week provision is made and is being implemented for the removal of 26 surgical beds from Connolly hospital. The surgical day ward is closing for two weeks and when it reopens only eight beds will continue to operate with another 12 beds being removed from the Laurel ward, making a total of 28.

These new cuts are being implemented without a murmur of opposition from two Ministers who represent the catchment area of James Connolly Hospital, namely, the Minister for Transport, Tourism and Sport, Deputy Varadkar, and the Minister for Social Protection, Deputy Burton. These two Ministers exhibit the most acute cynicism and hypocrisy in their attitude towards Blanchardstown hospital. On 5 October last year, the Minister, Deputy Varadkar, who was then Deputy Varadkar, was withering in his criticism of the most recently announced cuts at that stage which included the closure of 24 beds in Connolly hospital and a total of 118 across the northside hospitals in Dublin. The then Deputy Varadkar stated:

"With 118 beds closed, hospitals on the northside will be a war-zone this winter. I have worked in the Emergency Departments in both Beaumont and Connolly Hospital and also on the wards during winter time. I know how busy it gets during the winter as the number of cases of pneumonia, COPD, heart failure and chest infections soar. With over 100 beds closed, we are facing into an A&E trolley crisis the like of which we have never seen."

That was the Minister, Deputy Varadkar, speaking as a simple Deputy 12 months ago but two weeks ago at a public meeting in regard to the new cuts at Connolly Hospital, Blanchardstown, he baldly declared: “These new cuts will remain and there must be more cuts”. What changed
Deputy Joe Higgins:

in the past 12 months? The only thing that changed is that the Minister assumed high office in Government and then cynically betrayed the people whom he claimed to stand for previously.

The Labour Party Minister, Deputy Burton, is equally cynical and hypocritical in her attitude to the new cuts in Connolly Hospital. Last year, the then Deputy Burton declared: “With proper investment, James Connolly Memorial Hospital will develop into a world class medical facility”. She outlined among her five key priorities for Dublin West making Connolly Hospital a world class medical facility. Now the Minister, Deputy Burton, is silent on the effects of the €20 million cuts in the Connolly Hospital budget and the new cuts just announced. How can she make a world class medical facility and how can she stand for investment in that against the background of the massive cuts to the budget and these new cuts taking out dozens of surgical beds? Like the Minister, Deputy Varadkar, the Minister, Deputy Burton, has displayed the most acute cynicism and hypocrisy.

The people of the catchment area, however, are acutely concerned about these most recent cuts. The closure for a few weeks of the surgical day ward and the huge reduction in beds in the surgical day ward will mean dozens fewer procedures on a daily basis for those now on waiting lists to have their conditions ameliorated. We can be sure that for them it will mean cancellation and rescheduling well into next year, with all the stress and suffering that goes with that, yet two Ministers who represent the area and claim to be champions for Connolly Hospital, its patients and staff are not just silent but are condoning this new round of cuts.

The people of part of the catchment area in the constituency of Dublin West will have an opportunity in two days to make a judgment, through the ballot box, on this monumental cynicism and hypocrisy. I am sure they have already drawn the conclusion that sending another Fine Gael or Labour Party backbencher to this House following their vote next Thursday will simply intensify these draconian cuts and the Government’s determination to continue them, whereas sending a representative of the campaigns that have genuinely fought and continue to fight for the hospital, particularly my colleague, Councillor Ruth Coppinger, would be a massive warning to this Government that these cuts will not be tolerated.

We want investment back in the hospital, the cuts reversed and the Government’s disastrous policy of austerity changed. We need and will have, after Thursday, genuine champions for the hospital, its staff and patients, not fair weather friends for whom it is politically convenient at certain times to support them but who, on getting into positions of power, immediately forget the allegedly solemn promises they made to protect and defend our health service in this area.

Deputy Richard Boyd Barrett: As with so many issues before the election, Fine Gael and the Labour Party were full of fine words, noble sentiments and not a few specific promises when it came to the protection of our health services, accident and emergency services and hospitals in general. The Fine Gael pre-election document spoke about having the most ambitious plan for the health service since the establishment of the State. Fine Gael was going to increase access and make the system much fairer, dismantle the dysfunctional HSE, created by Deputy Micheál Martin, and end the efforts of Fianna Fáil and the former Minister and Deputy, Mary Harney, to privatise the health system by favouring private over public care. With regard to accident and emergency services, the document stated boldly that no accident and emergency services would be withdrawn unless a demonstrably better service was put in place and was seen to work. It also talked about addressing the manpower crisis within the health service and said that Fine Gael would initiate a long-term manpower strategy to tackle the chronic front-line staff shortages.

Not only have all those fine words and noble sentiments been dissolved and the promises broken, but what the party is doing is exactly the opposite. The ambitious plan for reform is
now beginning to look like a very ambitious plan to massacre the public health services, slash the number of beds and front-line health services and to prepare the health system for full-scale privatisation. The evidence can be seen everywhere.

There are people from Skibbereen and Bantry in west Cork in the Visitors Gallery tonight. Throughout the country, people are out on the streets protesting against plans to cut the number of hospital beds, cut budgets and downgrade accident and emergency services that are reeling under the impact of the recruitment embargo which is slaughtering the number of front-line health workers who are able to deliver the services. In west Cork, Donegal, Roscommon, Nenagh, Ennis, Blanchardstown, Loughlinstown, Dundalk, Drogheda and any area one cares to name the services are being slashed.

The figures in that regard are quite shocking. The number of people on trolleys is worse than ever. A total of 344 people were on trolleys today. In Cork University Hospital there were 23 people on trolleys, in Beaumont Hospital it was 37, last Friday in Galway University Hospital it was also 37, in Drogheda today it was 30, in Wexford it was 22 and in St. Vincent’s Hospital it was 24. In fact, in the case of St. Vincent’s Hospital that figure was low compared with the figure on some days last week. On five consecutive days two weeks ago St. Vincent’s Hospital had to go off call for two hours because it simply could not cope. That is the reality. A total of 2,317 beds have been closed, 1,000 nurses have gone from the health system since 2008 and 6,000 other health workers, mainly front line, have also gone. Furthermore, according to the HSE, another 7,000 health workers will be gone by 2014. That is the reality of what the Government is doing to the health service. According to the Irish Nurses and Midwives Organisation, INMO, the number of people on trolleys in the past year has increased by 33%, but the Minister still persists with the attacks, downgradings and cuts in the health service.

All of this is covered and justified with spin and, frankly, lies about reconfiguring services, health and safety issues and, the one I like best, centres of excellence. The Government is busy creating centres of excellence. The truth is, as the Minister, Deputy Varadkar, predicted when he just a humble Deputy, the centres of excellence are war zones. They are like scenes from horror movies except that, unlike the movies, they are real. Accident and emergency departments are overrun, overwhelmed and unable to cope. The Minister is trying to tell us that downgrading or closing accident and emergency services in Roscommon will not make the situation worse in Galway, that doing so in Nenagh and Ennis will not make the situation worse in Limerick, that doing so in west Cork will not make the situation in the bigger hospitals in Cork city much worse or that closing Loughlinstown hospital will not worsen the already overwhelmed situation in St. Vincent’s Hospital. It just does not add up. If one cuts budgets and the number of front-line workers, closes down beds and downgrades services, it is obvious that one will not get centres of excellence but disaster zones which simply cannot cope with the volume of cases coming to them. That is the reality of the so-called fair care policy.

What is really going on behind the spin and the pre-election noble sentiments and promises? We got some indication from the revelation that the Minister is considering bringing in outside private contractors to manage some of our hospitals. That gives the game away. When one wishes to run down a health service or public amenity, the oldest trick in the book is to starve it of resources, claim there are health and safety issues and cause a crisis in that service to terrify people into moving to private providers. This also justifies a more general privatisation onslaught on the health care system. In this manner the Minister can open health care to the same type of privateers and corporate vultures who have wrecked our financial system and who, through speculation and gambling in the financial sector, have crashed our economy. He wishes to hand over our vital health services to those types of people.
This is all linked to the EU-IMF austerity programme. We all know, and no sane person disputes it, that it was greed for profit and the unregulated privatised nature of the financial system that led to the economic catastrophe that is now gripping Europe, yet the EU-IMF demanded privatisation in Greece, Ireland and Italy in these so-called bailout packages. That is what they want. Standing behind them are the general agreement on trades in services and the round table of industrialists in Europe who see services such as health and education as previously protected areas that they can prise open and get their greedy, profit-hungry hands on vital services that people need and from which they can make money. The Government is collaborating with them in destroying our public health services in order to open the door to these corporate vultures who are being assisted by the troika, the EU-IMF-ECB, in demanding austerity cuts and privatisation of our vital services.

I hope the big protests that are beginning to take place in Bantry, have taken place in Roscommon and are planned for Loughlinstown this weekend, and which we saw in Limerick in recent weeks, will link together into a national movement that will resist these vicious, unjustified, brutal, unfair assault that is going on in our public health services and force the Government to reprioritise people and the most needy over bailing out bankers and opening things up for corporate vultures.

**Deputy Seamus Healy:** Any reasonable person looking at the health service will know and appreciate it is in crisis, particularly the hospital services. My colleague has just outlined the reasons for that. What we have is the implementation by the Government of the policies of the previous Government. The three key areas creating that crisis in our hospitals and health services are bed closures, of which there were 1,700 in the past 12 months — 5,000 since 1980 — and the moratorium through which we have lost 6,000 staff since 2008. Another 7,000 will be lost between now and 2014, giving a total of 13,000 staff gone from the system. The third element, as the Minister is aware and which is clearly shown in the case of Blanchardstown hospital, is a budget reduction from €104 million to €84 million. That is a huge reduction but there is an expectation that the same number, if not more, patients will be treated. The throughput is higher, staff are under enormous pressure and the consequences for patients are huge. We know the consequences because we see them every day. Today, there are 344 patients on trolleys and that is happening in every acute hospital throughout the country.

Yesterday, an individual came to my clinic who was unwell and has been waiting for a barium meal for six months. It is unfair that any person should have to wait that length of time for a procedure which is crucial for that person’s health. That is not an isolated case; it is happening in every acute hospital. Despite the best efforts of staff from the top to the bottom, who work above and beyond the call of duty on a daily basis, they simply cannot cope because those three elements are putting the health services in crisis.

The Minister is the political head of the health services. His amendment to the motion refers to the delivery of safe care closer to local communities and freeing up capacity in larger hospitals. I agree 100% with that statement. All international research and professional evidence suggests and proves that is the way to go, that health services should be delivered locally. The same independent international research proves that 95% of all health treatments can be provided locally in safety, as the Minister has described in his amendment. Is it not time the Minister instructed the HSE to implement that policy throughout the health services because it is doing the exact opposite? The Health Service Executive is implementing, by any other name, the Hanley report. It is implementing centralisation and specialisation on a daily basis.

It is time the political head of the health services instructed the HSE to follow the policy he claims to espouse in his amendment which states that it supports the Government’s policy of
developing the role of smaller hospitals to their full potential rather than closing or down-grading them; welcomes the Minister’s intention to publish a framework for smaller hospitals which will include plans to transfer appropriate services from larger hospitals to smaller facilities; and supports the process of local consultation that will help inform future decisions on the organisation of acute hospital services. That is the kind of language we have been listening to from the Health Service Executive for years. What it means is the downgrading and closure of local hospitals, more Nenaghs, Ennis’, Monaghans and Cavans.

The Minister speaks about the transfer of appropriate services from larger hospitals to smaller facilities but he has to transfer some services from those hospitals to do so. That is the key. What happened in respect of Monaghan, Cavan, Nenagh and Ennis is what this paragraph means and it is totally at variance with the proper delivery of safe services locally. I would be absolutely delighted if he was supporting the process of local consultation to help inform future decisions. However, we all know, including the Minister, that is not happening, that the Health Service Executive is a bully boy and makes the decision first without any consultation. After the event, to try to pull the wool over people’s eyes, it involves itself in discussion with some stakeholders not about the decision or the service, but how its decision is to be implemented so there is no local consultation. There should be a real process of local consultation with stakeholders, whether staff, members of the public, service users or patients, before decisions are made. There is no point in having consultation after a decision has been made because the HSE will only have consultation on the basis that it wants to implement the decisions made.

I know that is the case because I have seen it at first hand in south Tipperary where the Health Service Executive made the decision to close the acute inpatient psychiatric unit at South Tipperary General Hospital without any consultation whatsoever. The decision was announced overnight and the first staff knew about it was on the local radio the following morning. Now, after the event, the Health Service Executive will discuss the issue, but it will not discuss the appropriateness of the decision. It will not discuss having a proper options appraisal nor will it discuss a proper cost-benefit analysis of the decision. It will only discuss the implementation of the decision. That will not work.

The policy being pursued by the Health Service Executive is the policy of the Hanly report. It is a policy of centralisation and specialisation. It is a flawed and misguided policy that is not providing a good service to patients in this country. We have seen that at first hand. What else is the reconfiguration of hospital services in Monaghan and Cavan into the hospital in Drogheda? What else is the reconfiguration of hospital services in Ennis and Nenagh into Limerick hospital only the implementation of the Hanly report? That has been an absolute disaster in both cases.

International, independent, professional research shows that medium-sized hospitals of approximately 200 to 300 beds provide the best quality of care, good value and proper access. The suggestion that biggest is best is simply wrong. It is leading to a situation where we have a major crisis in the health service, in particular in hospital services in this country. I support the motion.

Deputy Catherine Murphy: I thank the United Left Alliance for tabling the motion. The Government terms the health care service it intends to build as fair care. It is difficult to visualise what in fact the Minister has in mind. I accept we must build a health care system that gives us the best possible care that is affordable. I do not think any of us would dispute that, but I do not get any sense that this is what is occurring.

It seems that the Department of Finance is running the health service or the mandarins with the financial purse strings in the Health Service Executive. Many of our institutions — educational, health and local government — were largely constructed in the 19th century and we
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[Deputy Catherine Murphy.]

further fragmented and complicated them. It does not seem that we are capable of building the kind of institutional arrangements that are needed for our public services. It is not just about institutional arrangements but the principles under which those arrangements are in place, namely, equality of care and its delivery on the basis of need, and the question of social solidarity where people make a contribution so that everyone has the ability to receive fair services.

The health service is a mixture of voluntary hospitals, public hospitals, private hospitals and co-located hospitals. It is dysfunctional. The overarching dysfunction is complicated by the Health Service Executive, the design of which was flawed from the outset. It does not function for those who work within the system and it certainly does not function for those who require services. There is no doubt that those who can afford to pay for private health care do so because they can expect better outcomes. Essentially, they purchase private health care largely because they are afraid of depending on the public system. When people get into the public system they get very good care but the problem is to get in.

The list of hospitals in the motion and the problems they face is not exhaustive but it gives a snapshot of what is going on. We need to see a map of hospital services nationally and the functions they perform, what hospitals are linked, how many beds are available and how that relates to the population. The census indicates we have a growing population. The greater Dublin area shows consistent growth. Demographics play a part in health care needs. We must see that kind of mapping of the health service.

We have been told that it will take more than one Dáil term to introduce the health care system but we need to have some sort of indication of what is intended and the sequence of what is intended. Currently, there is a reduction in spending and a reduction in staff. The closure of hospitals always has a knock-on effect on the hospitals to which they are linked. For example, when one closes the hospital in Navan, one puts pressure on Blanchardstown hospital. When Blanchardstown hospital is under pressure the Mater Hospital is under pressure. When the Mater Hospital is under pressure, Beaumont Hospital is under pressure. It is a linked system. We are told that when services in Navan are reduced, the other hospitals will pick up the slack if that is necessary, but at the same time one sees the budgets of those hospitals being reduced. It does not appear that a system is being put in place that will be able to deliver.

We talked to some nurses who were outside Leinster House some weeks ago. They begged us to go and look at what they face every day in accident and emergency services and wards. They are told to postpone appointments for people who choose elective surgery. One might not see that as being serious but having spoken to the nurses concerned, it appears serious. They are at the coalface trying to deliver a service in a difficult situation.

Beds are being closed in hospitals and people are being left on trolleys in the same hospitals. The Health Information and Quality Authority, HIQA, has indicated that the situation, for example, in Tallaght hospital was unsafe. There are knock-on problems in terms of infection control when one tries to shoehorn too many people into a small space. It cannot be described as anything other than a crisis.

The recruitment embargo is a crude instrument. Agency nurses are a much more expensive way of delivering health care but they are being used to fill gaps where there is inadequacy. The implementation of the changes is not targeted. That will be problematic when it comes to February when more people leave the system. Those who retire are often at the top end who have been in place for a long time. They are the most experienced and will be the most difficult to replace, in particular those who are on the front line. Adequate consideration has not been given to what will happen in that regard. The lack of step-down facilities is another concern.
I was interested to read something to which this country signed up in 2006. I refer to a TASC report, Eliminating Health Inequalities. It states on page 26 of the report that:

In 2006, the Irish government, together with its EU partners, agreed a statement of common values and principles that underpin EU health systems and provide the framework for an explicit statement of national health policy in this country. Following the decision to exclude healthcare from the scope of the Directive requiring competition in the provision of health services within the EU, the member states acknowledged that health systems are a central part of Europe’s vision of social protection and make a major contribution to social cohesion, social justice and sustainable development.

In their statement, the European health Ministers pledged to protect the values of universality, equity, solidarity and access to good quality care. It is worth elaborating on what these values mean:

Universality — no one is denied access to medical care;

Equity — there is equal access according to need regardless of ability to pay;

Solidarity — the cost of medical care and health systems is borne fairly across society and in such a way that accessibility to all is guaranteed;

Access to good quality care — medical care is safe, of a high quality and responsive to patients’ needs.

I know the world has changed dramatically since 2006. The Lisbon treaty enshrines the Charter of Fundamental Rights. We had two Lisbon treaties. After the financial crash, people came to Ireland to tell us we needed to sign up to the Lisbon treaty. What does the treaty say about health care? It says:

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

We hear nothing now from the European Union about solidarity or the Charter of Human Rights. We hear only about financial matters. We must get back to the point where solidarity, equality and people mean something. We must put Europe under pressure to deliver on this matters.

There is a direct relationship between the €700 that will be transferred to Anglo Irish Bank in the next week and what is happening in the health services. It is astonishing that tens of thousands of people are not out on the street, given what is happening at present. This is a crisis and it needs to be faced up to.

Minister for Health (Deputy James Reilly): I move amendment No. 4:

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

“— welcomes the decision of the Minister for Health, James Reilly T.D., to establish a Special Delivery Unit in his Department, which has already commenced working intensively to reduce unacceptable waiting times in accident and emergency departments, and for access inpatient, day case and outpatient care;
— supports the Government’s policy of developing the role of smaller hospitals to their full potential rather than closing or downgrading them;

— welcomes the Minister’s intention to publish a framework for smaller hospitals which will include plans to transfer appropriate services from larger hospitals to smaller facilities, thereby delivering safe care closer to local communities and freeing up capacity in the larger hospitals;

— supports the process of local consultation that will help inform future decisions on the organisation of acute hospital services;

— notes that the number of inpatient beds is no longer the best indicator of capacity to meet patients’ needs, and that the majority of patients treated in hospitals are now day cases or outpatients;

— welcomes the initiatives being taken by the National Ambulance Service to improve pre-hospital emergency services, both in the Cork region and nationally;

— supports the Government’s policy on implementation of the mental health strategy, A Vision for Change, through the provision of a range of community based patient-centred modern quality mental health services for the Carlow/Kilkenny/South Tipperary area;

— notes that it is not realistic to exempt the health sector from public expenditure, and associated public service employment, consolidation measures required to restore Ireland’s economic sovereignty;

— welcomes the co-operation and flexibility shown to date by health service staff which has ensured that, within the staffing and financial resources available, the health service has increased overall outputs and has continued to meet the health care needs of the population in an appropriate and sustainable manner; and

— supports the need for fundamental reforms of the health service in order to mitigate the impact on services of the required fiscal consolidation measures, including the implementation of universal primary care and the introduction of universal health insurance which will remove two-tier health care and greatly improve access to services for all citizens on an equitable basis.”

Regarding comments made by Deputies Varadkar and Burton, Deputy Joe Higgins asked what happened in the last 12 months. The IMF came to town and we lost our economic sovereignty. If that does not make sense to Deputy Higgins, perhaps he will have a look again.

Deputy Boyd Barrett is now in competition with Deputy Higgins for hyperbole. He talks about massacre and slaughter. I ask him to look at the figures for Tallaght Hospital. He mentioned all the other figures. Two weeks ago four people were lying on trolleys in Tallaght Hospital. At one stage last week, no one was lying on a trolley there. Today’s figures are as follows. This morning 13 people were on trolleys, 11 of whom were there for less than six hours and two of whom were there for between six and 12 hours. At 2 p.m., according to INMO figures, there were five people on trolleys. It is not all doom and gloom. I admit it is not great, but it is not all doom and gloom.

My primary concern as Minister for Health is for the safety of patients. I cannot stand over unsafe services and I will not stand over a return to untenable, unsustainable and irresponsible service provision. I am working tirelessly with my Government colleagues to make sure every service we deliver is of the highest quality for the patients who need it.
Changes in acute hospital services for vulnerable patients always give rise to public concern. This concern is understandable. Nobody wants to feel that their service is being taken away and no one wants to see what they think is a downgrading of their service.

However, we are not doing any of these things. What we are doing is seeking what is best for patients, and then how best to achieve it. My interest is in how we improve the services we provide to patients and how to achieve this as quickly as possible. The Opposition would like to have people believe that this is a system in chaos. That is not the case. Change is always difficult but change is necessary and we must not step back from that imperative. There is nothing clearer. The Government is working to clear policies aimed at delivering coherent changes to provide better structured and better managed, safer care in a very difficult budgetary situation.

As Minister for Health, I want to guarantee equal access to health care for all in our country. It is my view that this can only be achieved through a single-tier system, supported by universal health insurance, which ensures access based on need, not income. There are a number of important stepping stones along the way. These include hospital reform, including the work of the special delivery unit on waiting times and “money follows the patient” funding, with hospitals established as independent trusts. Work is already under way in this area.

Primary care reform is another key step. The Minister of State, Deputy Shortall, will address that issue in a few moments. We will improve and expand the capacity in the sector on a phased basis to allow for gathering of staff and other resources. This will allow us to move from the old hospital-centred model, with its episodic, reactive and fragmented health care, and to deliver a more proactive, joined-up approach.

Once the building blocks are in place, we will be ready to proceed with the introduction of universal health insurance. This system will give patients a choice of health insurer and will guarantee that everyone has equal access to a comprehensive range of curative services, both primary and hospital care.

The reform programme is a significant undertaking and should not be underestimated. With the scope and complex nature of what is planned in mind, the Government has approved an implementation group on universal health insurance. This group will assist in developing detailed and costed implementation proposals and will also help to push the implementation of the reform programme.

The national clinical care programmes under Dr. Barry White, HSE director of clinical strategy and programmes, mark a very significant development for the health services. The clinical programmes have three main objectives: to improve the quality of care delivered to all users of public health services, to improve access to all services and to improve cost effectiveness.

The multidisciplinary, clinician-led approach of the clinical programmes is a particular strength. Clinical disciplines can work together and share innovative solutions for greater patient benefits. Great credit is due to those involved. The work in the programmes also shows that there can be an appropriate expanded role for smaller hospitals and for greatly increased community-based treatment.

One of my biggest concerns is about our emergency services. It is totally unacceptable that patients have to wait hours and sometimes days to be assessed and treated at an emergency department or to be admitted to hospital. I am also dissatisfied with waiting times for some inpatient and day procedures, and with the time some patients wait for outpatient appointments. Long waiting times and bed access cannot be resolved within emergency departments or hospitals alone. Emergency department difficulties must be addressed on a system-wide basis. No part of this health service operates in isolation.
Earlier this year, I established the special delivery unit in my Department. The unit’s role will be to unblock obstacles that stop patients being seen and treated quickly. I have asked the unit to concentrate on a number of priority areas. In emergency departments, for example, admission waiting times are currently unacceptable. People waiting in emergency departments are the most ill and must take the highest priority. Inpatient waiting times have been rising. We are also focusing on this areas. The time from GP referral to an appointment with a consultant is unacceptably long in many specialties. We do not even have accurate figures. However, we are working on this and should have a full handle on it by April of next year. Access time to diagnostics is also too long in many instances.

The special delivery unit is already working on the emergency department issues, visiting emergency departments and examining the data. It has identified 15 hospitals providing unscheduled care that require support. Eight of these require very high support and the HSE has been asked for action plans to address this. The unit will review these plans and will work closely with the hospitals to ensure that long waits on trolleys will be a thing of the past. This week, we will see initiatives taken in the hospitals that are most in need of support, such as Beaumont, Drogheda, Cork, Galway and a number of others.

The special delivery unit initiatives are designed to support medical and nursing staff in the important job they do. Similarly we must support management, and the recent initiatives in Galway and Limerick are to do this.

Smaller hospitals are to be a key part of an integrated hospital service. They will provide a range of services safely, efficiently and as close possible to patients’ homes. Smaller hospitals should be the cornerstone of local provision, with clear links to other services. They should provide a range of diagnostics and expanded elective day surgery and medical procedures. These need to transfer from the larger hospitals, freeing these facilities for more complex work. I have no doubt that when this comes to pass and the pressure comes on the larger hospitals to let this work go to smaller hospitals we shall see more protests from various interest groups and possibly from some of the Deputies sitting opposite.

Deputy Billy Kelleher: And from some Deputies sitting behind the Minister.

Deputy James Reilly: Smaller hospitals now treat small numbers of patients with complex or acutely life-threatening conditions. It is not easy for clinical staff to maintain their skill levels in these complex cases. As such, small hospitals have difficulties in ensuring best outcomes. However, where it is necessary to transfer more complex services from smaller to larger hospitals, the transition must be managed. We want to improve the quality of the service. Key to quality will be the HSE clinical programmes, HIQA small hospital framework recommendations and the programme for Government policy on acute hospital services, including independent hospital trusts licensed by a patient safety authority and a universal health insurance health system. Under the framework, growth in local hospitals will be in ambulatory care, including chronic disease management and day surgery, diagnostics and rehabilitation, with close links to primary health care for the local population.

Smaller hospitals can deliver faster access for patients by increasing elective services in selected specialties. In turn, larger hospitals need to utilise smaller hospitals to meet access requirements for the more complex care only they can provide. We can and will expand the services safely delivered in smaller hospitals, in particular in day surgery, ambulatory care, medical services and diagnostics. It makes little sense to retain all of these services and in so doing clog up larger hospitals. This framework is the first of its kind to describe a genuine and positive role for smaller hospitals. It will be developed further as our reforms take hold and local
communities, health professionals and other stakeholders will continue to be consulted as it develops.

The transformation will not be easy and will not happen overnight. It requires good planning and positive engagement with communities. Successful implementation of this approach means we must also transfer the right services to smaller hospitals. Thus far, there has been the transfer of services to larger centres for reasons of safety. We must rebalance this approach in order that smaller hospitals can develop confidence about their future roles. The flow of activity needs to reverse for less complex work. I have in the past drawn the analogy of sending one’s ten year old Volkswagen to a Ferrari testing centre which, while it will do a great job, is hardly necessary when the local garage would do the job just as effectively and a lot more conveniently. It is important that smaller hospitals continue to provide immediate and urgent treatment in less complex, non life-threatening cases. The expert advice available emphasises that urgent care centres can manage typical presentations to emergency departments, most of which are not complex or life-threatening.

In line with HIQA and international evidence, we are implementing the best care model for complex and emergency cases, to transport seriously ill or injured patients to the centre best equipped to treat them. Ambulance personnel are highly trained and skilled clinical staff. They treat patients immediately at the scene and get them to the most appropriate, not necessarily the nearest, hospital as quickly as possible. Putting in place urgent care centres with ambulance bypass protocols to bring seriously ill patients to larger hospitals is not about closing emergency services, rather it is about making services safe. I am committed to this approach so as to ensure very ill patients have the greatest chance of survival.

Emergency ambulance services are not being diminished. Traditional work practices within the national ambulance service are changing as stations move from on-call to on-duty status. This move to on-duty status means highly trained paramedic crews will be in the stations or their vehicles to respond to calls rather than having to be called out to the station, which is inevitably slower when responding to emergency calls. This is a better way to provide the service and better for patients. On-duty status allows a modern emergency response service to be provided, including paramedics, advanced paramedics, community first responders and GP out-of-hours services, working together to respond to emergencies. This approach is consistent with international best practice and will ensure compliance with HIQA response times and quality standards.

Apart from the strategic initiatives I have addressed, there is a series of positive developments to which I can point. The new unit at St. Vincent’s University Hospital, comprising 100 single rooms and provision for cystic fibrosis patients, is on target to open in April next year. A few days ago I opened the new colposcopy unit at the Coombe Women’s Hospital.

Also, resources have been made available to upgrade the hospital’s theatre and labour suite to bring it up to international standards. As I mentioned, Tallaght hospital is now operating within its monthly budget, with reduced numbers waiting in its emergency department. Management enhancements will shortly be put in place at Limerick and Galway hospitals. Much improved, more up-to-date information is available on waiting lists, with weekly reporting in most hospitals to the special delivery unit enabling the addressing of individuals waiting more than 12 months for procedures. As I said previously, we are for the first time driving not in the dark but with full headlights on. Before the introduction at Our Lady’s Hospital, Navan of a money follows the patient system initiative, no patients were admitted on the day of procedure. Currently, 80% are admitted on the day of procedure, providing for much greater efficiency. Cappagh National Orthopaedic Hospital, in which much greater numbers are being seen, has increased its day of admission figures by 45%.

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On Deputy Healy’s contention about smaller hospitals, I ask him to consider Louth County Hospital as a case in point. While in 2009 there were no care of the elderly cases at the hospital, thus far in 2011 there have been 388. The figure for haemochromatosis patients treated with phlebotomy was 535 in 2009; thus far this year it is 1,783. In respect of colposcopy, the figure in 2009 was nil; in 2010 it was 2,083. The number of surgery cases is up from 3,400 to 3,600; in respect of radiology, it is up from 534 to 3,000 plus, while the number of outpatient assessments is up from 933 to 974. This is the future for the small hospital, namely, appropriate work carried out safely, rather than trying to be all things to all men, with dire consequences.

Regulations to allow pharmacists to deliver the flu vaccine at much reduced cost and with increased accessibility are now in place. Also, later this week I will sign regulations to provide for a fall in fees to GPs from €42 to €28.50. On the catch-up programme for HPV, the cervical cancer vaccine, all girls in secondary school will be vaccinated during the next three years.

The choice for the Opposition is simple: swim against the tide or join us in making the health service a place wherein patients feel safe and those who work in it can feel proud.

Deputy Jerry Buttimer: People matter. The motion is about reform and having a plan for the health service. However, on reading it, one would not know reconfiguration is taking place. Reconfiguration involves the expansion of some services and the opening of new services and facilities, a point cynically not made in the motion which is an attempt from some quarters of the Opposition to exploit people’s fears in seeking a quick and cheap headline. We need to take a reasonable approach to the health service and use proper language. At the very least, we must recognise that we have a Minister for Health who is pioneering and wants to see change. I am confident that at the end of his tenure in office we will have a health system that will be a changed model from the one we inherited. The decision by the Health Service Executive to reconfigure health services in Cork city was made in November 2009, one to which my constituency colleagues, the former Minister, Deputy Martin, and the former Minister of State, Deputy Kelleher, acquiesced. Listening to the comments of the former Minister, Deputy Martin, one would imagine he was never in government or that he had abandoned the concept of collective Cabinet responsibility. Since the HSE announced its reconfiguration plans for Cork city, many of my colleagues and I have engaged with it. We have arranged meetings with HSE managers and listened to them. Many of us expressed concern about the proposed changes and how they were being communicated. I have been told by HSE management in Cork that there will be an independent assessment of the new services to determine if they are delivering improved health care.

The motion refers to the closure of the accident and emergency department at the Victoria South Infirmary Hospital. What it does not do is mention is the opening in December of an acute medical unit in Cork University Hospital, the opening in 2012 of a surgical assessment unit in the same hospital, the opening of an urgent care centre at St. Mary’s Orthopaedic Hospital, the opening in December of a regional pain management service at the Victoria South Infirmary Hospital, the doubling of orthopaedic surgery capacity at Cork University Hospital and the return to that hospital of paediatric orthopaedic surgery services, which service was abolished by the previous Government.

Deputy James Reilly: Hear, hear.

Deputy Jerry Buttimer: The plans outlined by the Minister indicate a clear and comprehensive restructuring of health services in Cork. As a member of the south-west regional health forum, I am aware that reconfiguration has left people less confident about the health service and that there is concern about HSE management at local and national level. The lack of
political leadership during the past 14 years has eroded trust and confidence in the ability of the HSE to deliver change. That is why we will see change under the Minister’s stewardship. We need to see independent verification of any changes and independent verification of claims by the HSE that proposed changes will result in improved delivery of services.

I have concerns about the creation of centres of excellence, in particular in regard to Cork University Hospital, which is overstretched. However, I am willing to listen. HIQA should get involved in this process as it would offer people much needed reassurance on the quality of services provided.

The Minister has been in office for just over seven months. It is politically wrong to blame him for every problem and earlier we heard rhetoric about war zones and crises. The Minister understands that reform of the health service is needed and he is driving that reform. That is why he has proposed radical changes in how the health service is delivered. Those opposite may be cynical and make smart comments but they should give the Minister an opportunity to drive that change, which has not happened for 14 years. We had a series of Ministers who sat at the Cabinet table, hid behind collective responsibility and did not deliver change.

I am happy that change will occur. It will not happen overnight or in seven years. If one talks to health care professionals and people working in the health service, they will tell one that morale is low and that change is needed but they are confident that we have a Minister who, and a Government which, will drive that change.

Everybody will not be happy. Stakeholders by their nature have vested interests and they will not all be happy because they will have to stand by their positions in their little kingdoms or fiefdoms. There will be opportunities for those opposite to jump up and down in their seats, to go out on the plinth and to lead delegations and mass protests.

The treatment of people and health matter. This Government is a reforming one. It has been in office since last March and not for 14 years. In 14 years time, we will have a different health system which has at its core quality health care delivered to the people who matter most.

**Deputy Liam Twomey:** It is very easy to play schoolyard politics when those opposite attempt to have a meaningful debate during Private Members’ time. However, they are spancled by an ideology which opposes but offers no solution. All this talk about anti-capitalism and so on from them gets a bit boring after a while. In case any Members opposite do not understand what I mean by being spancled by ideology, I will explain. To spancel is to tie the two back legs of a cow when one is milking it by hand so she will not kick the bucket.

**Deputy Michael Healy-Rae:** We know what it means.

**Deputy Liam Twomey:** Deputy Healy-Rae should know what it means. That sums up how backward this motion is.

What are those opposite saying? They want to reverse the downgrade, reverse the plan and reverse the announcement. They are reversing themselves into a political cul-de-sac because they are offering nothing to the people who elected them to this House. They have no innovation or solutions.

**Deputy Richard Boyd Barrett:** Are downgrades good?

**Deputy Liam Twomey:** It is not always about money. The health service changes all the time. I know that because I worked in it for long enough. In case Deputy Boyd Barrett has not noticed, we do not have any money.

**Deputy Richard Boyd Barrett:** Can we have some upgrades?
Deputy Liam Twomey: I would like to know what those opposite believe we should do about the future of primary care. What changes should we make in disease prevention, health promotion and patient safety? Do they believe we should leave these nursing homes, which HIQA wants to close, open? Do they believe we should leave elderly patients at risk? Do they believe we should abolish HIQA? What is their view on patient safety besides using it as cliché? They must show us what they are about.

What do they believe is the role of paramedics or rapid response ambulances? Do they believe we should be reactive and react after something happens, like when an accident and emergency department closes or do they believe we should be proactive and get these ambulances, with the appropriate paramedics, to parts of the country where they can make a difference, as per what the Minister discussed? They have nothing to offer on an issue such as that and have nothing to say about air ambulances or about upskilling GPs to work in accident and emergency, as is happening in Ennis hospital currently. They have nothing to say about upskilling GPs to deal with emergencies on the side of the road——

Deputy Clare Daly: Deputy Twomey is not saying much about the Government amendment.

Deputy Liam Twomey: ——or the emergencies we saw GPs deal with in the past in Donegal. They have absolutely nothing to say about those matters.

Neither have they anything to say about the way we are changing the role of pharmacists, GPs and practice nurses to deal with chronic care management. The Minister and the Minister of State, Deputy Shortall, have a vision in this regard but those opposite have nothing to say. These things matter to patients and the people they claim to represent.

Balancing the needs of local communities and access to urgent care with the expectation of how health care professionals believe their patients should be protected can be tricky at times. People who genuinely care about patients do not see the idea of an accident and emergency unit at every crossroad as a way forward. Medicine is changing quite rapidly and we must keep up with those changes, as outlined by the Minister in his contribution. These are the sort of things the Members opposite should be able to discuss.

None of the accident and emergency departments they discussed has any long-term future if it remains as it is now. They must change to have a long-term future. If they do not understand that, they do not understand the health service at all. They are changing dramatically as we speak.

If in a few years time when I am back in general practice, the things that will matter to me are those about which the Minister spoke, namely, admission waiting times in accident and emergency departments, inpatient waiting times, the time between a GP referring a patient for an appointment and the patient seeing the consultant and getting proper access to diagnostics. They are the sort of things I would like to talk about and not the rot we listened to earlier.

Deputy Minister of State at the Department of Health (Róisín Shortall): I am glad to have the opportunity to contribute to this debate. As my colleague, the Minister, already stated, our main concern and that of this Government is the safety of patients. We will not stand over unsafe services. We have been clear about that from the very beginning. We are working hard within Government to ensure that safe and appropriate health services are delivered in the most appropriate setting.

This Government recognises the important role of smaller hospitals in local communities. We believe they represent, and will continue to represent, a fundamental element of an integrated health service in their regions providing as wide a range of treatment and care as possible. The future of health care delivery is about delivering appropriate care in the appropriate setting.
setting. This will mean that some services will move from smaller hospitals to larger ones but it will also mean that services will move from larger hospitals to smaller ones. In future, we will be sure that smaller hospitals will deliver appropriate and safe care for the communities they serve. Access for GPs to services and diagnostics will form a crucial part of the development of the role of smaller hospitals.

In considering the motion, it is important to state that apart from the very many reforms which are already under way and which the Minister outlined, primary care and its development is an essential component of health service reform and in the delivery of the most appropriate care as close to the patient as is possible. In a modern and responsive health care system, up to 95% of people’s day-to-day health and social care needs can be met in the primary care setting. Deputy Healy made that point earlier, and that is our intention. They are the kind of reforms towards which we are working.

It is interesting that the motion refers to things that happened as far back as 1980 and in 2008 and 2009. We have a legacy of a lot of bad decisions which were made by the previous Government. We are setting about reversing them, addressing those past mistakes and introducing the kind of fundamental reforms our health service requires.

We intend to further develop services in the community so that everyone has direct access to integrated multi-disciplinary primary care teams of general practitioners, nurses, physiotherapists, occupational therapists and others. These primary care teams will be supported by a wider range of professionals, including pharmacists, dieticians, psychologists and chiropodists. That will all happen within a health care network.

We intend to develop integrated services in which patients have access to a range of primary care services within their communities, preferably in modern buildings. This is what the public wants and deserves. It makes sense from a health point of view and gives value for money. We are determined to deliver this type of modern, responsive health care system.

We want to develop and strengthen the number of primary care teams that are in place and I intend to build on the progress already made in respect of the primary care strategy. In addition, the programme for Government commits to the removal of cost as a barrier to accessing primary care services. The clear commitment is for the delivery of free access to GP care within the Government’s term. This will be my main job as the Minister of State with responsibility for primary care. The delivery cannot be done overnight. Rather, it must be done incrementally so as to build capacity in the system. We are working in this regard. We also need a separate delivery structure for primary care within the health system so that it does not compete with other demands. We need a ring-fenced budget for primary care. Side by side with that will be key reforms, such as the roll-out chronic disease programmes. These factors have the potential to transform our health services radically.

I am sorry to disappoint the Members opposite, but we will not be handing over the health system to the privateers——

Deputy Jerry Buttimer: Hear, hear.

Deputy Róisín Shortall: ——or the corporate vultures about which Deputy Boyd Barrett is so fond of talking. We intend to reverse the privatisation of the health system introduced by the Ahern-Harney Government. This was our Government’s first statement on health policy. It is naive and misleading of Deputies to suggest that money will solve the problems in the health service. If money was the solution, the problems would have been solved long ago. We need fundamental reform. We recognise the system’s dysfunction to which Deputy Catherine Murphy referred and we are determined to bring about a fundamental reform to provide the modern and responsive health system that the public is entitled to expect.
Deputy Billy Kelleher: May I share time with Deputy Healy-Rae?

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

Deputy Billy Kelleher: The Leas-Cheann Comhairle might tell me when I have three minutes remaining.

I welcome the opportunity to contribute on this motion, which highlights the challenges facing everyone in the provision of health care. There will be ideological debates and differences over how to provide that care, but the Minister and Deputies opposite referred to the fundamental issue, namely, that we should have an honest debate on what we are trying to achieve, how to provide primary care and how to fund health care, be it through universal health insurance or otherwise.

The Minister has only been in Government for a short period, some eight months, but his transformation and that of the parties opposite has been chameleon-like, given the differences between their remarks in the Chamber now and only a short while ago. We should have an honest debate on what was said previously and what is being said today. I filled in for Ministers for Health and Children and answered questions while I was on the other side of the House. Roles have been reversed, but I am listening to some of the same answers.

The closure of hospital beds is a fundamental issue. As recently as last year, the Minister stated that bed closures kept people on trolleys or at home in severe pain. Beds are being closed daily.

It has been suggested that the Opposition does not have a role to play in holding the Government to account, but we must hold the Government to account by highlighting the inadequacies in hospital services and health care provision. We must also hold people on the opposite side of the House politically accountable for their statements and decisions.

I am a fair person and will adjudicate on the longer term. In the short term, the Government has not made a good start. The Minister has rescinded numerous solemn commitments that he gave while on this side of the House and while traipsing across the country promising people the sun, moon and stars. If there are concerns in the country and an opposition to reconfiguration, they were sown by the Minister and no one else. He consistently promised that, if he was elected, accident and emergency services in all hospitals would be defended, there would be more beds and more hospitals would be built. None of this has come about.

Roscommon County Hospital is an example of an appalling U-turn. The people of Roscommon were given a cast iron commitment that their accident and emergency services would be retained and enhanced. Besides sacking the board of the HSE, the Minister’s first decision was to close those services. He hid the closure under the guise of hospital safety, but when issues about Portlaoise hospital arose, the Government had a different view. It can rubblish one report but must commit itself to another. There are glaring inconsistencies in the policies emanating from the Government.

Patient safety is paramount, as the Minister of State, Deputy Shortall, stated. I assume every Deputy is for patient safety. If so, the Minister’s commentary while on this side of the House was reckless. Everything he is doing now in the interests of patient safety is the exact opposite of what he stated he would do while in opposition. For example, he was going to retain accident and emergency services across the countryside.

Let us have an honest debate. I addressed the Seanad numerous times about the reconfiguration of hospital services in County Wexford. Are local Deputies now fully supportive of those proposals? Often——

Deputy Liam Twomey: For the record, there is no contradiction in what I am saying.
Deputy Billy Kelleher: The Minister will have something happen to him often, namely——

Deputy Liam Twomey: The Deputy should show us the record. He is making it up.

Deputy Billy Kelleher: ——the opposition to reconfiguration will come from that side of the House where so far, the casualties of reconfiguration have arisen. The Minister does not need to worry about those of us on this side at all. At the very least we are obligated to hold people to account for the commitments they make during elections and the formation of Governments. This Government’s start to date has not been great.

Cork was mentioned. I defended the reconfiguration of hospital services in Cork while in Government and I will defend them today, but I never slouched around Cork city making empty promises. The people of Cork were given a solemn commitment to the effect that orthopaedic services would remain with St. Mary’s Orthopaedic Hospital.

Deputy James Reilly: Services would be maintained.

Deputy Billy Kelleher: I am afraid the commitment related to orthopaedic services. As a medical practitioner, the Minister knows full well the difference between those and other services. The commitment was that orthopaedic services would remain with St. Mary’s on the north side of the city while all other health services would remain with the other hospitals. I knew at the outset that it was an empty promise, yet it was made by people who also knew. The rigamarole that followed saw an independent review group set up to examine the issue quickly. It threw its eye over the reconfiguration plans and recommended the removal of orthopaedic services to South Infirmary-Victoria University Hospital, which is now under way.

The suggestion is that we can now trust what the Government is telling us, but the parties’ statements while in opposition differ wholly from what is occurring on the ground and the policies being implemented. There is considerable financial pressure, but I knew about it last January and February, as did the Minister. That he could go to Navan and promise to build a new hospital in the north east——

Deputy James Reilly: No one ever promised that. The Deputy is confabulating.

Deputy Billy Kelleher: The Minister clearly promised it. Even the Taoiseach denied——

Deputy James Reilly: Show me where I did. The Deputy should correct the record.

An Leas-Cheann Comhairle: Order, please.

Deputy James Reilly: That remark needs to be corrected. No new hospital was promised in Navan.

Deputy Billy Kelleher: No, the Minister made a promise in Navan about a new hospital in the north east——

Deputy James Reilly: Not in Navan, not by me.

Deputy Billy Kelleher: ——in the context of the reconfiguration of hospital services.

Deputy James Reilly: A former Fianna Fáil Minister stated that not a red cent would be borrowed.

Deputy Billy Kelleher: It is difficult for people to take the Government’s assertion that it will retain services in smaller hospitals seriously when the opposite is clearly the case. For example, strong, brave commitments were made about Mallow General Hospital. The Minister
and I know that the accident and emergency department in Mallow General Hospital will not be retained but promises and commitments were made that it would be retained. The hospital will have a medical assessment unit and patients with serious injuries and illnesses will be transferred to the regional hospital in Cork. Promises were made at local level to retain the accident and emergency department and that undermines people’s confidence in how health services are delivered.

On the broader issue of universal health insurance, we have heard a lot of noise about the merits of the Dutch model. What are the riding instructions and terms of reference of the implementation group established by the Minister to deal with the implementation of universal health insurance? The Minister said it is a long-term plan and the can has been kicked well down the road to the election following the next election. If it will be such a fundamental change to the manner in which health services will be funded in this State, it would be appropriate for us to have sight of the terms of reference given to the implementation group and to have a debate on this issue. Of all the provisions and pronouncements made by the Government, this is a fundamental issue regarding how our health services will be funded in the years ahead. No one other than the members of the implementation group, and perhaps the Minister, know the terms of reference and riding instructions, when it will report back and when implementation of the new universal health insurance will take place. The Minister should examine that and at least have a broader debate on the fundamental issue of the provision of health care in the country.

The Minister sacked the board of the HSE and took personal responsibility for it for a while, but that position has now changed in that in replies to parliamentary questions we are referred continually by the Minister to the HSE. I thank the Minister for that courtesy but he said he would adopt a hands-on approach to the provision of health care and that he would be running the HSE. We have now been informed we will have to wait a longer period than envisaged for legislation to be brought forward to change the governance structures of the HSE, but in the meantime who is running the health services? Is it the Minister, the Minister and the Department of Health, the HSE or who is it? This is allowing a drift to occur in the area of policy making, policy formulation and the implementation of Government decisions.

**Deputy James Reilly:** I can help the Deputy on that. There is still a board of the HSE with a chairman and a chief executive officer. Does that help the Deputy?

**Deputy Billy Kelleher:** It does, but the Minister said he would take a hands-on approach and, bar wearing a gown, he would be the person in charge, but that is not the case at present.

The health services have gone through a major transformation with the establishment of the Health Service Executive and the amalgamation of the health boards. Management change and changes of structures take seven to ten years to implement. The idea that we will go through a huge upheaval again in the health services will only undermine the capability of whatever organisation is there to provide health services to deliver what it is meant to do. In the meantime there must be clarity on the issue. I know from speaking to people in the HSE that they are unsure what policy direction will be taken and who is responsible for provision and delivery of health care in this country.

The national children’s hospital project is a major issue to be decided on by the Government. Many people have had varying views on its location. The Minister expressed a view on it also and as a Deputy representing a Dublin constituency and a general practitioner, his view should be respected. An independent expert group was set up to establish whether the Mater site was the right one and to assess its cost effectiveness. It has reported that it is the most efficient site in terms of having a university hospital and a children’s hospital on the one site. When will the decision on this project be made? I know it has gone before the public expenditure review
group but this is a political decision. It is a decision the Government makes. It is not one for the public expenditure review group.

**Deputy Róisín Shortall:** It is at the planning stage.

**Deputy James Reilly:** It requires planning permission, as I am sure the Deputy understands.

**Deputy Billy Kelleher:** It requires planning but it also requires a political commitment, which can be made prior to planning in the context of whether the Minister is committed to this project. I am concerned that this project has been allowed to drift. It is at the planning stage. The Minister could state that if its gets planning approval, it will be built immediately, but that commitment has not been made and we are still waiting for clarity on that. The planners should be let do their job but if the project is granted planning permission, will the building of it commence immediately? Many people are concerned that there is not a strong political commitment to this project.

I welcome the opportunity to speak on this motion. Every area of the country has been touched by what is proposed. I would like to speak on this matter again in time to come but I want to allow my colleague to contribute.

**Deputy Michael Healy-Rae:** I thank Deputy Kelleher for sharing his time with me. I thank the Minister and the Minister of State for being present.

The Minister said that he feels he is driving with the headlights on and that we are no longer driving in the dark. He should say that to the people in Cahersiveen who have lost their ambulance service during the hours from 8 p.m. to 8 a.m. The people there will not have an ambulance service during those hours, they will not have headlights and they will be in the dark. This region is like no other in terms of the vastness of the area the ambulance service covers. I appreciate what Deputy Twomey stated about a first responder service and he is correct that we will have a first responder service. The Minister should note that during the hours the ambulance service will not be available in Cahersiveen, if an accident or an incident occurs or a person becomes ill on Valentia Island, Ballinskelligs, The Glen or Portmagee, the nearest ambulance base will be in Kenmare, Killarney or Tralee. The quickest time an ambulance can travel that journey is an hour and 45 minutes. The first responder will go out and, one hopes, stabilise the patient, but it will take the ambulance an hour and 45 minutes to arrive on the scene of whatever has happened. That cannot be right. The Minister’s solutions are not applicable to the entire country because of the nature of the geography of the area. The Minister is right in his praise of the on-duty versus the on-call service for some cases but he is blatantly wrong in regard to other cases. This is a case in point where we should retain our ambulance service at night in Cahersiveen. We certainly do not want to see it suspended.

I support the motion and thank the Technical Group for bringing it forward. The dental clinics in Kenmare are under threat. We have already lost the one in Dingle. The Sláinte na Gaeltachta group would not be long telling the Minister what they think of the health service in that at a time when we have a new hospital in Dingle, we are losing our dental clinic which means that the people living in the Dingle Peninsula will have to travel to Tralee, as will the people in Kenmare and Cahersiveen. That is wrong because the distance people have to travel for treatment is ridiculous.

We are losing our call centre in Tralee and in Cork because the service is being centralised in Dublin. We got a bad enough fright when we saw what happened to the processing of medical cards once that service was moved from Tralee.

**Deputy James Reilly:** It has improved.
An Leas-Cheann Comhairle: The Deputy will have to raise those issues some other way. His time is up and I must call Deputy Ó Caoláin.

Deputy Michael Healy-Rae: I make that point that while the Minister may be right in his vision in certain areas, he is wrong in others and it is definitely wrong in the constituency I represent. We have major problems that need to be addressed.

Deputy Caoimhghín Ó Caoláin: My amendment concerns the crisis situation in the north east and I support the amendment of my colleague, Deputy Tóibín, calling for an inquiry into the disgraceful overcrowding at Our Lady of Lourdes Hospital in Drogheda. We are facing into what may be one of the worst ever winters in our health services. If the Fine Gael-Labour Government does not act in accordance with the commitments it gave to the electorate prior to the general election, then the situation outlined at hospitals listed in the motion, and at other hospitals, will deteriorate rapidly.

There are over 1,900 public beds closed in our hospitals, yet the Minister for Health, Deputy Reilly, is in denial about this reality.

On 3 October last, I asked the Minister in the Dáil if he would commence a programme of reopening public hospital beds in view of the research by the Irish Nurses and Midwives Organisation showing that 1,947 public hospital beds are currently closed. I asked if he agreed that more beds closed means more patients suffering needlessly on trolleys and more patients waiting at home in pain due to cancelled operations. He replied: “I do not agree that more beds closed means more patients on trolleys and more people waiting”. I then pointed out that in May 2010, after 33 beds were closed in Beaumont Hospital, Deputy Reilly, as an Opposition Deputy, stated: “More beds closed means more patients suffering needlessly on trolleys and more patients waiting at home in pain due to cancelled operations”. After less than a year in office, the Minister is already parroting the words of his predecessor, Ms Mary Harney. Her words have become his words.

The Minister’s words and those of his Labour coalition partners were all very different when he was in opposition. In The Irish Times, on 8 February 2011, Deputy Reilly stated: “We will put in place an emergency plan to accommodate the predictable surge in activity that occurs every winter”. In that same feature his colleague, then Labour Health spokesperson, Deputy Jan O’Sullivan, said: “In the first months of Government, we will lift the moratorium on replacement of frontline staff where beds or operating theatres are closed because of a shortage of nurses, etc”.

I would appreciate if the Minister paid a little attention to what I am saying.

Deputy James Reilly: I am listening to Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: The programme for Government boasts that this is “the first in the history of the State that is committed to developing a universal, single-tier health service, which guarantees access to medical care based on need, not income”. The reality is very different, as many other speakers have outlined here this evening, and is as set out in the Technical Group motion. Every Deputy in this House could add further information to the lists already in the Technical Group motion about services terminated or cut back in their own constituencies.

Deputy James Reilly: Would Deputy Ó Caoláin achieve it in seven months? I doubt it very much.

Deputy Caoimhghín Ó Caoláin: The situation in the north east——

Deputy James Reilly: A Leas Cheann Comhairle, at what time is this over?

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Deputy Caoimhghín Ó Caoláin: That is a disgrace.

An Leas-Cheann Comhairle: Sorry, Deputy Ó Caoláin has one minute.

Deputy Caoimhghín Ó Caoláin: I have never yet heard a Minister for Health seek to close down a Deputy outlining the facts of the situation in the health services.

Deputy James Reilly: I asked and inquired, as I am entitled to do.

Deputy Caoimhghín Ó Caoláin: With all her faults, Deputy Reilly’s predecessor never attempted that.

An Leas-Cheann Comhairle: Deputy Ó Caoláin to continue.

Deputy Caoimhghín Ó Caoláin: The INMO has pointed out that 842 patients spent time on trolleys in the emergency department at Our Lady of Lourdes Hospital in Drogheda in September 2011 compared to 331 in the comparable month of the previous year, an increase of 154%. The INMO states that this situation will deteriorate even further in the coming months as the winter period is traditionally worse in emergency departments nationwide.

Pressure on the Lourdes and on Cavan General Hospital have been greatly increased by the so-called hospital reconfiguration process in the north east — the removal of services and downgrading of other services in these hospitals. This downgrading process totally contradicts the Minister’s supposed strategy of giving smaller hospitals and primary care a greater role. The hours of the minor injury unit at Monaghan General Hospital are being cut. The rapid response vehicle has been withdrawn from the ambulance service covering County Monaghan and north Louth. Services have been taken away from the Louth County Hospital in Dundalk and from Our Lady’s Hospital in Navan. Clearly, these services must be restored. Nothing less is acceptable.

We had our attention drawn recently to the growing chaos in the Mid-Western Regional Hospital in Limerick where nurses were driven to industrial action, not in pursuit of better pay and conditions for themselves but for the safety of patients. The downgrading of smaller hospitals at Ennis and Nenagh have contributed to that pressure in Limerick.

An Leas-Cheann Comhairle: I ask Deputy Ó Caoláin to move that the debate be adjourned.

Deputy Caoimhghín Ó Caoláin: May I conclude with this?

An Leas-Cheann Comhairle: Briefly.

Deputy Caoimhghín Ó Caoláin: I want a commitment from Fine Gael and Labour that they will not adopt, or even consider, the series of further proposals that are being mooted in regard to a freeze on new medical cards until 2012, the slashing of home-help hours by 600,000 and the removal of 400,000 personal assistant hours. All of these proposals are under consideration and they are a further indication of what some of those within management in the HSE are prepared to do. The Minister has taken on responsibility. He has taken on accountability. Those were his own words. I ask him now to be both.

Debate adjourned.

Report by the Interdepartmental Working Group on Mortgage Arrears: Statements (Resumed)

Deputy Seán Kyne: The issue of mortgage and personal debt is having profound implications for the well-being of everyone in society and it will continue to do so for decades to come
unless positive action is taken now. I am pleased to see the Government, after such a short time in office, is recognising the severity of the problem and actively examining measures to combat it.

There are few solutions to be found in apportioning blame but it must be acknowledged that there is an element of collective responsibility. Banks lent too much and too freely in the recent past; Irish banks were pumped with money by European banks looking to cash in on the Irish property market; builders built quick and fast and, as we are now seeing, to a less than acceptable standard in some instances; some borrowers accepted mortgages too readily without fully thinking through the consequences of the onerous obligations which a mortgage brings; and the Government failed to provide a proper measure of oversight and regulation with catastrophic consequences.

The new Government set up the interdepartmental mortgage arrears working group to examine methods of assisting those grappling with mortgage arrears. It was also set up to ensure that help is provided to those who cannot pay and not to those who choose not to pay.

There is a consensus, not just on the magnitude and the urgency of the debt crisis but also on the solutions to address it. Most of those engaged in the debate believe that new, reformed bankruptcy legislation is required; most recognise that it is not only mortgage debt, but multiple sources of debt, which need to be tackled in a holistic way; and most correctly believe that the vast majority of those suffering from debt problems are genuinely unable to pay rather than simply refusing to do so. It is these who must be supported by Government.

The report is correct in concluding that a blanket debt forgiveness plan would not be practical or beneficial. The cost of such a scheme would be colossal and, more worryingly, it could provide an opportunity for certain persons to escape their responsibilities. It would also be extremely unfair to those with long-established mortgages who have made sacrifices for ten, 20 or more years so as to be able to pay off their home loans, and it would also be unfair on those who, for whatever reason, choose not to take out a mortgage but to rent a home instead.

I fully welcome the recognition from the group that some mortgages are simply unsustainable leaving people in hopeless situations. It is in no-one’s interest that such mortgages be allowed to continue with all the negative effects over-indebtedness can have on individuals and families. Another proposal, that of introducing a mortgage-to-rent scheme, could provide a real solution to some struggling homeowners and would allow families to stay in their homes and the communities in which they have built their lives.

On the legal side of the matter, I positively welcome the Government’s commitment to reform the bankruptcy law which began with the commencement of the new bankruptcy legislation on 10 October. A non-judicial debt settlement system must form a significant component of the reforms on which the Minister for Justice and Equality, Deputy Shatter, and his Department are working.

Perhaps the one area which the group overlooks is the existing supports in place. Ireland is quite progressive in European terms in having the Money Advice and Budgeting Service, MABS. Some 53 locally-managed companies, guided by the Citizens Information Board, provide crucial advice and assistance to over-indebted persons. MABS, along with other groups such as FLAG and the Society of St. Vincent de Paul, are working on the ground, hearing directly of the desperate situations. With a wealth of experience and information, these groups are providing a message loud and clear that the Government must listen.

MABS is already well established and has a proven track record in helping people. Any new debt management and settlement system which would seek to address the totality of a person’s debt, including mortgage debt, credit cards, personal loans etc., must work closely with MABS.
Further support could be provided by experts in the NGO sector who are more firmly consumer-oriented, as opposed to the banks which never have trouble finding resources to fight their corner.

**Acting Chairman (Deputy Charlie McConalogue):** Deputy Kyne has one minute left.

**Deputy Seán Kyne:** On credit cards, we must also accept the banks continued to raise personal credit card limits by writing to advise that the credit card limit had been raised to €2,000, €3,000 or €4,000, and in the case of a friend of mine, to €8,000 on what was a relatively modest income. The banks have been supported and would not exist were it not for the support given by the Irish people. I welcome the Government’s resolve to force the banks to co-operate, to sit down with borrowers in order to find a solution in compliance with the codes of consumer protection and conduct on mortgage arrears. At this stage several reports have been completed and the scale of the problem is widely known and visible in communities across the country. It is now time for urgent action to address the problem because our economic recovery depends on it.

**Deputy Marcella Corcoran Kennedy:** I welcome the opportunity to debate the findings of the Keane report. The issue of mortgage arrears is a very serious matter which many constituents have brought to my attention over the past months. Not only are such people in mortgage arrears but they also have high levels of personal debt, credit card, bank loans or credit union borrowings. In fact, some have advised me that their mortgage not only purchased their house but also their car and, in some cases, their honeymoon. The recklessness which led us to this place during the so-called Celtic tiger years was widespread. The Government and the Financial Regulator appeared to have a total hands-off policy during this time of house-buying mania, allowing the banking system to not only loan money to people without proper scrutiny but to allow them offer unsolicited loans to customers. Encouraging older home owners to release equity in their homes to enable the next generation to get on the property ladder was the order of the day. It was all about commission, as far as I can see.

It is staggering to learn that by June of this year, 45,000 households were in mortgage arrears for more than 90 days. From conversations with my constituents it appears there are different types of borrower affected by mortgage debt. First, the borrower who should never have been loaned the money in the place, because of an unstable income stream or a low level of income which could not sustain regular mortgage payments or take any kind of loss of income. Second, the borrower who could afford a mortgage but because of pay cuts or the loss of a partner’s income, got into difficulties with payment and is also in negative equity. Third, the speculator who may already own his or her own home or have a small outstanding mortgage but who dabbled in becoming a landlord and purchased another property to let. The needs of these borrowers are all different and any attempt to address their situations must reflect these differences.

People in this country are not sleeping at night due to the stress of their indebtedness and the potential loss of their home.

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

**Deputy Marcella Corcoran Kennedy:** I have heard from one constituent who is contemplating moving to a garden shed at the back of his sister’s house, such is the financial pressure on him. This is not right and it is appalling. Others have told me that they want to stay in their home and they want to pay their bills but they need some assistance to do so. Keeping people in their homes must be the cornerstone of our efforts to tackle this problem while freeing up
[Deputy Marcella Corcoran Kennedy.]

household incomes to service mortgage debt and to get money circulating in the economy once again. Losing homes will not benefit anyone.

The credit institutions who were so helpful in lending money whether it could be afforded, must now take a collegial approach by assisting customers to restructure where possible in order to repay their loans. Restructuring will not work for everyone and the challenge for both the Government and society is to provide help for those who need it while being cognisant of our scarce resources.

To this end, some of the recommendations in the Keane report have merit. The suggested mortgage to rent schemes in which approved housing are involved and leasing to local authorities, are interesting proposals which could provide support to more than 10,000 households. I look forward to the Minister of State, Deputy Penrose’s pilot proposals. Trade-down mortgages, split mortgages and sale by agreement, all have their merits but each mortgage problem must be considered on a case-by-case basis. I am most interested in hearing the views of the banks about these proposals.

I commend MABS, the money advice and budgeting service, on its excellent work in assisting people to deal with their finances while acknowledging that the Keane report considers that a more specialised mortgage advocacy service is needed. The Minister for Justice and Equality has undertaken extensive work on a personal insolvency Bill to tackle the current problems of bankruptcy and personal insolvency law without which we cannot solve the mortgage arrears problem. I also look forward to the implementation strategy which will be set out at the conclusion of this debate by the Minister for Finance and the Minister for Justice and Equality to assist those in difficult mortgage situations.

**Acting Chairman (Deputy Charlie McConalogue):** Deputies Seamus Healy and Tom Fleming have ten minutes between them.

**Deputy Seamus Healy:** I welcome the opportunity to speak in this debate. I agree fully with the previous speaker. This is an horrendous situation for people and all of us meet people in our clinics who are in very difficult situations. Many find it difficult if not impossible to sleep at night and many are terrified of the situation in which they find themselves. The vast majority, if not all, are people who want to pay their bills, who want to keep the roof over their head but for various reasons such as unemployment or a reduction in wages or working hours, find themselves unable to meet their mortgage repayments. Many of them will go to extreme lengths to meet those repayments. For instance, they will reduce their food bills or avoid going to the doctor. They will do almost anything to ensure they can meet their mortgage repayments in order to keep the roof over their head. There is something in the Irish psyche that creates a desire to own one’s own home and we are prepared to pay for it. However, many people simply cannot meet their mortgage commitments.

I know of a public servant who had an affordable mortgage of €278,000. The same apartment in the same development was on the private market for €475,000. The owner had been able to repay the mortgage but after two reductions in pay and a pension levy and with the apartment now only worth €150,000, he is in negative equity and is put to the pin of his collar to make the repayments.

This is probably one of the better cases because in many cases people are unable to meet their repayments. A constituent contacted me today. She has lost her job and is now in receipt of social welfare payments and is unable to meet the mortgage repayments. I welcome this report and any contribution to this debate is welcome as we strive to solve the problem. It is regrettable that other stakeholders in this area were not involved in the compilation of this
report such as MABS and New Beginning and those who are in mortgage arrears. The report would have benefited from such inputs.

Every part of the Irish establishment was effectively telling people to get on the property ladder and that this was the time to start. It was predicted that, at worst, the landing would be soft. People were effectively forced to take on mortgages by the establishment, the banks and by the media, with newspapers publishing property supplements on a daily basis. There was no talk of moral hazard when the banks were bailed out, but there appears to be a huge moral hazard with regard to bailing out mortgage holders who are in disarray and difficulty. Properties should be revalued at current prices and mortgage repayments should be based on the current valuation. That is the only way this matter can be solved.

**Deputy Tom Fleming:** The ongoing debate regarding arrears in mortgage repayments, personal loans and utility bills is often trivialised by some commentators who prefer to link the problem to that of over-borrowing. People who use this simple but incomplete argument are not being thorough in their examination of the scale of the problems facing families today.

A number of reports published by the European Union and the Council of Europe in recent years attribute the issue of indebtedness to unforeseen events such as unemployment, sickness or changes in family situations. In one report, the Council of Europe concluded that a high level of consumer credit use is not necessarily an indicator of debt problems.

In recent years, Ireland has experienced a severe income crisis affecting everyone. Repayment capacity is likely to deteriorate for some time to come as a recent spate of cost increases take their toll, including increases in fuel costs, mortgage repayments, insurance costs and inflation in general. It has been argued that Ireland must return itself to a state of competitiveness. I agree with this policy, provided it achieves the right result and gets the country back to work. However, in the meantime, we must accept that reducing all our wages will have a severe negative impact on some people, especially their capacity to service their debts, loans, repayments and utility bills. There is no simple solution to the income crisis and the resulting debt crisis facing families. I believe we must collaborate on what has been suggested up to now.

We must tease out the inter-departmental report, the Keane report, and identify what is practical and workable within it to assist the more than 70,000 borrowers in arrears, a number which is increasing rapidly and which will probably reach 100,000 within a short period.

I welcome the Bill proposed by Deputy Michael McGrath, which is not before time. As I pointed out in this Chamber last May, the Law Reform Commission report has been left gathering dust on the shelf since last December. It should be implemented as it provides personal debt management and debt enforcement strategies and argues for the overhaul of laws that govern debt in Ireland. Its recommendations make sense and represent a breath of fresh air in an area of law that has long been forgotten. We still operate with laws that are antiquated with regard to dealing with debt in society. How can we ask people to accept lower incomes and yet not change the law to address their diminished capacity to service their debts.

I commend Deputy Michael McGrath for drafting realistic proposals, mechanisms and a formula to implement them. We must have a system that deals with people individually and on a case by case basis and must deal with the crisis in a holistic manner. We need to update the laws on personal solvency and bankruptcy. We are in the middle of an income crisis, not just a debt crisis. Families who are affected most need the laws that will protect them. We must act immediately. The Law Reform Commission recommendations and the best input from the Keane report provide the House with the means to act. We cannot delay as protecting homes is paramount.
Deputy Jerry Buttimer: I welcome the opportunity to speak on this issue. Last Friday week, I listened to Mr. Matthew Elderfield in University College Cork and during the course of an excellent discourse he spoke about the importance of the Central Bank and its statutory duty to protect the consumer and safeguard the stability of the financial system. He is right. It is the twin job of the Central Bank to mind and protect people.

This is a very difficult time for people here and the issue is not just about statistics or about a report which is left on a shelf. The issue is about ordinary citizens who are struggling, idtrioblíd, faoi bhrú and under pressure. I welcome the fact that the majority of people are meeting their mortgage and personal financial commitments. However, these are extraordinary times and people in their personal and business lives are going through a medley of emotions which have huge implications for and a profound impact on the quality of their lives and those of their husbands, wives, children and communities. These are difficult times I hope we can overcome and there is an obligation on us all to put in place a plan to ensure this happens.

A particular obligation lies on the Government, the banks, the lending institutions and borrowers to work together. Banks, in particular, must work with people. The Minister of State present, Deputy McGinley, will understand what I am about to say. Our banks must not frighten and intimidate people, but must engage, co-operate, work and collaborate with people to reach an agreement. I am not interested in the fly-by-night merchants who are trying to rip off the system or who want to renge on their debts and responsibilities. I do not speak for them. I speak for the ordinary man or woman who bought a house or invested in a business to create jobs and who now find themselves, often through no fault of their own, in trouble.

Our banks have not helped at all. I go so far as to say that they are telling lies to us. They are lying to the Minister, the Government and even to their employees, because they are not working with and helping people in difficulty. Despite the rhetoric, the statistics and the reports they publish, they are not working with people. They must do so. People are looking to us and to Government, the Central Bank and Mr. Elderfield. I heard Deputy McGrath speak earlier on the Central Bank (Supervision and Enforcement) Bill. I wish we had Matthew Elderfield earlier and a proactive regulatory system sooner, but we did not. Fianna Fáil wants the Government to bring up workable solutions.

I note that the interdepartmental working group puts forward two core objectives which are worth analysing and tweaking. These are to assist those facing real difficulties to remain in their own homes where appropriate and to ensure a distinction between those who cannot afford to pay their mortgages and those who choose not to pay their mortgages. Is it not an extraordinary indictment of the past Government of the past 14 years that today in our cities, towns and throughout the country there are men and women struggling to remain in their homes? I was very struck by Mr. Elderfield’s remarks in UCC that the State, through its taxpayers, has already assumed too great a burden in this crisis. These are the words of our Financial Regulator when speaking on the issue of mortgage arrears in Cork.

Like unemployment, mortgage arrears are a juggernaut set in motion by the financial crisis that has shattered the hopes and dreams of so many families. The report under discussion makes solutions and suggestions, such as trade-down mortgages, split mortgages, mortgage to rent, and a specialised mortgage advice service. However, this must only be the starting point in developing mechanisms for dealing with mortgage arrears. There are two distinct groups who need separate consideration in the devising of a solution to the problem, the owner occupiers and those with buy-to-let mortgages. In June, some 7.2% of owner occupier mortgages were in arrears by more than 90 days. That is up from 3.3% in September 2009. This is a massive increase. Arrears in the buy-to-let category are also increasing rapidly. The report has urged a case by case handling of distressed mortgages. That makes practical sense because no
two loans or entities are the same and the changed financial circumstances of the borrowers will not have the same impact in each case. However, we cannot leave it to the banks to pick a solution from a menu of options. The banks cannot press a button and select an option. The ultimate concern for banks will be the impact of rescheduling on their balance sheets, not the impact on the life of the borrower. The borrower is a person, a husband or wife, a person with a family or a person alone living in a community and these events have a knock-on effect. The Government, as the majority shareholder in the Irish banks, must use its influence to achieve equitable solutions. It must assert its position with the banks. Perhaps there could be a role for a mortgage advice service and, instead of simply advising, it could dictate to the banks the most appropriate form of rescheduling. The Minister is correct when he says there are no easy options. Whatever solution is put in place, our concern must be to enable borrowers to fully participate in society. Whether they purchased a primary residence or a buy to let property, they could never have envisaged such economic devastation. They could not have anticipated jobs disappearing, salaries being cut, personal debt accumulating and mounting mortgage arrears.

We spoke about restructuring, which there is much of in our banks. I welcome the fact that there will be a plan and that we will be able to help people. Where borrowers actively engage with lenders, negotiating a rescheduling of the mortgage must not affect their ability to earn a living and carry on a business. Therefore, it is imperative that the credit ratings of these people cannot be affected because of a negotiated rescheduling. It is equally crucial that the Government, hand in hand with attacking the issue of mortgage arrears, reforms the personal insolvency legislation. The Money Advice and Budgeting Service, MABS, makes the point that “it is counter-productive to address mortgage arrears without simultaneously seeking to manage the issue of personal debt”. The Minister for Justice and Equality has commenced reforming this area but it is also important that we do not delay in rolling out a new personal insolvency regime that facilitates people in negotiating reasonable and practicable settlements.

In conclusion, mortgage arrears is a complex problem that needs careful, balanced consideration. A solution will be difficult but we must seek a fair balance between the competing interests of the taxpayer and the social impact on the lives of those faced with unsustainable mortgages. In saving the banks, the burden borne by the taxpayer has been great. It is now time to ensure that our equity interest results not just in a financial return but also in a social dividend.

**Deputy Catherine Murphy:** We waited in hope for the report on mortgage debt because we all know just how serious the issue is. I was greatly disappointed by two major failures in the report. One was the exclusive nature of the people who put it together and the second was the conservative nature of the report and the piecemeal solution it proposes. Some of the measures are worth doing but it is not a solution. It has prompted a debate in this Chamber and among other organisations. A recent press conference at Buswells Hotel featured a number of organisations, such as FLAC, Threshold, Focus Ireland, the Society of St. Vincent de Paul, New Beginning, Northside Community Law Centre, Ballymun Community Law Centre and Respond!, outlining what they describe as nine key principles to overcome the personal debt crisis. The Law Reform Commission report was an extensive document and had some worthwhile components, some of which have found their way into Government policy. The organisations describe themselves as having “a strong track record of working and campaigning on anti-poverty issues including debt and credit, social housing, social welfare, homelessness and tenants’ rights”. We must recognise that they are front line organisations. Instead of highlighting the disappointments in the Keane report, I want to highlight some of the measures the document produced by these organisations identified as part of the solution.
The document defines the problem as over-indebtedness, which we know. This does not just involve mortgage arrears, we must have a much broader response. The Law Reform Commission proposal says the same. There must be a multidimensional response and it must be coordinated and strategic. The document describes the kind of problems that lead to people being unable to pay, including loss of employment, failed enterprises, ill-health and relationship breakdown. Some of these elements are intertwined. People who are paying the highest amount for credit are those who can least afford it. They often end up with sub-prime mortgages. The lending practices facilitated by regulatory, statutory and Government inaction and indifference are highlighted by the report. The document points out that it is not a question of people deliberately choosing not to pay but lacking the capacity to pay. That is something I recognise because I have had such people come into my office and the fact that I have a box of tissues there permanently describes the stressed state they are in. One person told me that she and her two children eat once a day. Another person told me that he had to sell his home before it was repossessed. He had put the home together brick by brick but now he has lost that and just about covered his costs by selling it. It had been worth much more but he sold it for less. Another person told me of having lost their business, lost their home and having debts following them. The one thing that person wants to do is wake up without the fear one morning. These are real people with real problems and that is why it is so disappointing that front line people dealing with these cases on a daily basis were not part of the deliberation. Consider the peace process in the North, which only worked when we got the two sides together. In this case, we need to get the two sides together.

The document refers to a war of attrition if one only looks at mortgage debt and does not consider other debt. Today’s Irish Independent refers to “400,000 families in arrears as energy firms step up drive to install pay meters”. That amounts to one in every four households. One cannot look at mortgage debt alone and make arrangements for people to pay if one does not consider their ability to pay, which is linked to the amount of their indebtedness. It is not only mortgage indebtedness.

The other Bill being discussed this week also considers the lack of hard evidence on the level of indebtedness. There is a lack of statistics on consumer credit arrears as well as rent and utility debt. We need to find a way of quantifying precisely the extent of the debt. The authors of the report to which I referred argue that the Central Bank should require arrears data from all lenders. That is a positive and achievable proposal.

The report also calls for an independent evaluation of current policy, with a rolling assessment, in order to ensure evidence-based, informed and responsible policy making. The report is measured in its statement that there are no quick-fix solutions, which I accept. It calls for a comprehensive policy framework rather than continuing merely to muddle along in the hope that the situation will improve. That is no longer acceptable. The report points to the consequence of continuing in this mode, including the cost for welfare budgets, the cost in terms of crime and the type of disintegration that will happen in both families and communities. We are already seeing households under great stress in the face of unsustainable debt.

Action is being taken on some of the report’s recommendations, including the introduction of legislation on personal insolvency. That Bill must be brought forward as soon as possible. The report uses the term “settlement, not forgiveness” and makes reference to moral hazard and people being categorised as either “deserving” or “undeserving”. The authors argue that this is a shallow characterisation of such schemes as debt forgiveness. They highlight what is available in other European countries as a norm in terms of dealing with debt problems. We are not the first to deal with this issue and we should employ best practice in other countries. There are other models from which we can learn.
The report also refers to a debt resolution agency, something we discussed last week in this House. The authors point out that the housing debt problem is worsening. While one in ten households was in mortgage arrears at the end of 2010, this had increased to one in nine by March of this year and to one in eight by the end of June. The report indicates that the average amount of arrears is €21,000. We are heading towards a situation where people will surrender their homes rather than waiting for repossession. I have seen evidence of that in my constituency.

The blame game which casts those who purchased homes during the boom as foolish ignores the fact that there was a media consensus at the time, as evidenced by the extensive property supplements, which served to stoke the boom. The Government encouraged people to purchase property and we were told the banks were well capitalised. People queued overnight to secure homes in new developments and thus avoid the inevitable price increase of €10,000 or €20,000 in the next phase. Every expert under the sun was wheeled out to urge people to get onto the property ladder. One cannot blame people for believing what they were told from every quarter. We must have a fair and proportionate response for those who find themselves in an entirely untenable position. The report produced by these groups is a useful addition to the debate.

Deputy Michael McCarthy: I welcome the opportunity to contribute to this important debate on the Keane report on mortgage arrears. The combined issue of personal debt and mortgage arrears is a significant social and economic problem facing thousands of households across the State. The Keane report is not the Government’s final response to the mortgage crisis. Rather, it is a measure of our commitment to it. It is a prescriptive document — a blueprint for action which sets out a suite of options to be considered by the Cabinet in the coming weeks in conjunction with various stakeholders.

It is important that we infuse this debate with some element of positivity. It is important for the people who depend on us to have a robust and mature debate in seeking a solutions-based approach to this issue. We should not contribute to public misery by criticising all attempts to address the problem and by pandering to vested interests. There will be many who will not welcome the solutions proposed in the Keane report. We must stay focused. At the heart of this problem are thousands of families under enormous pressure. The modus operandi of Government in seeking to resolve these difficulties must have these people at its centre, not those on the periphery and certainly not those who would seek to be messenger boys and girls in this House.

The publication of the Keane report is a measure of the Government’s ability and commitment to tackle the mortgage and debt crisis. It is a crisis which sees some 45,000 households in arrears of more than 90 days, including 32,000 in arrears of more than 180 days. In addition, a further 56,000 households have restructured loans, equating to approximately 70,000 mortgage accounts. We must consider the Keane report against the backdrop of the key and guiding principles which underpin it. The first principle is that people in distressed situations who are making honest attempts to meet their financial obligations will not be put out of their home. That was a key principle of the Labour Party leading up to the general election, it is a key principle of the programme for Government and a key recommendation and outcome of the publication of the Keane report.

I welcome the proposals being put forward by Fianna Fáil on this issue. I am favourably disposed to solutions-based approaches but I am taken aback by the speed with which that party has rushed to the aid of distressed mortgage holders. Heretofore, the only solutions available to borrowers and lending institutions were forbearance or foreclosure. The Keane
[Deputy Michael McCarthy.] report offers several possible solutions, including mortgage-to-rent schemes, trade-down mortgages, split mortgages and sale by agreement.

One of the key recommendations is the early introduction of new judicial and non-judicial bankruptcy options. The true extent of Fianna Fáil’s concern for home owners was highlighted in the autumn of 2009 when the Labour Party brought forward a Private Members’ motion in which we indicated that a mortgage crisis was fast approaching and called for a structure to deal with stressed mortgages. Since then the number of people falling behind by 180 days in their mortgage payments has doubled. On that evening, Fianna Fáil, then in Government, talked down the extent of the problem. The stock Government response was to wait to see what happened.

Further highlighting the extent of Fianna Fáil’s concern is the fact that two reports commissioned by the former Government into the problem were never acted upon. The Cooney report was published on the day the Dáil went into recess in the summer of 2010 and it was not debated in this House. Nor were its final recommendations, which were published in November last year. It is wildly disingenuous of Fianna Fáil Members to talk about the urgency of holding a debate on this issue when, on two specific occasions, that party refused to facilitate debate in this House.

There is a growing agenda within certain circles which promotes blanket debt forgiveness. It is in the interest of those promoting it to undermine the key recommendations and the robustness of the Keane report. The Government, in line with the report, is crystal clear on where it stands in regard to blanket debt forgiveness, namely, that it will not happen. Banks are already dealing with arrears on a case by case basis. That may be unpalatable but it is absolutely necessary.

My colleague, the Minister for Social Protection, Deputy Joan Burton, has invited the various stakeholders in the mortgage and personal debt debate to a forum to be held in November. Their views and recommendations on the Keane report on mortgage arrears are welcome and will form part of the solutions that will deal with the complex problems of mortgage and personal debt.

It is incumbent on each of us in this Chamber and in the Seanad to put forward positive, solution-based approaches and not come in here and pander to an elitist circle who have no interest in seeing the recommendations of this report materialised. This report is for people with mortgage arrears, not for vested interests.

Deputy Eamonn Maloney: I welcome this report and compliment Declan Keane and the other members of the working group on publishing it. Unlike some of the previous speakers this evening and during last week’s debate on this subject, who seem to make a virtue of the fact that they are having sleepless nights about two bankers participating in the working group, out of a total of 17, I will lose no such sleep because at the final end of this process it is not two bankers or 100 bankers who will decide on this document or the legislation but the people elected to this House.

Deputy Michael McCarthy: Hear, hear.

Deputy Eamonn Maloney: There has been much critique of this framework document which states clearly that it does not pretend to have the answer to every problem. I compliment the Minister for Finance because after only 20 weeks this group was up and running, so to speak, and in a limited framework of nine weeks we are here discussing it. This problem did not arise last February or March. As my colleague, Deputy McCarthy, pointed out, people were having
a problem with mortgage debt in late 2007 and early 2008. We should deal with facts in regard to it.

This document is not a solution to every problem but for those of us in the Labour Party as part of this Government and our colleagues in Fine Gael, the bottom line is to keep people at risk of losing their family home in their homes. Whatever about the other facets of it the bottom line is that no one will be declared homeless. That is what this report is about, and when the legislation comes before the House it will be for all Members of the House to ensure that it is fit for purpose and that no family should be declared homeless as a result of difficulties with their mortgage.

This is a compassionate document about a human problem where there are children involved, etc. I read some of the critique of it and some people seem to have a hang-up about the possibility that some people may become council tenants. I say to those, without naming them, that I was born in a council estate. My parents were council tenants. I now live in a council estate and I am proud of it. The fear that some people may be declared council tenants is rubbish. Have we learned nothing from the Celtic tiger years when we got carried away, and some people are still being carried away? I look forward to the legislation and have great confidence that this Government will deliver a compassionate resolution to the difficulties of mortgage debt.

**Deputy Mattie McGrath:** I, too, welcome the opportunity to record my views on the Keane report. I do not have any hang-up about the composition of the committee referred to by the previous speaker. It is a pity some people have a hang-up about that because it was the bankers, in the main, who got us into this mess and their expertise, if they have any left, should be sought out. They have a role to play in that regard.

I hope the Keane report will not be another report left on the shelf. I compliment the Minister, Deputy Noonan, on setting up the working group and on the membership he chose. I welcome the timely publication of the report and it is important that we discuss it.

It was welcome to hear Government speakers say that any final decisions will be debated in legislation here and voted by Members of this House. That is important because like previous speakers I do not want to cause a scintilla of additional concern or anguish to the parents, siblings and children of the families affected for whom this problem has become a nightmare. We are aware that over 70,000 family units are experiencing serious problems. That is a tragedy coming off the back of the Celtic tiger and the expectations created during that time when the flames were fanned by the media, the previous Government, most economists and everybody. Enormous pressure was put on anybody under 30 years of age who had never known stringent times. I have children of that age and they do not understand when we talk about the last recession and learning from our past mistakes but we have learned nothing from previous mistakes. Accountants, solicitors, auctioneers and so on got busy and it was a case of buy the house today or it will increase by €10,000 tomorrow. New catch words are being used such as moral hazard and people not deserving something but after we have cherry-picked parts from this report we must ensure that no family home will be taken away. The primary family residence must not be taken from the family.

An aspect of the Keane report with which I do not agree is that the bankers have got out under the wire again. The banking system practically forced the money on people, although I accept they signed for their mortgages but when applying for the mortgage they added in the cost of a holiday, an SUV or whatever. It was all done on a commission basis for the people behind the counter. Many thousands of good, decent people work in the banking industry but the senior and junior managers were zealous to get extra profit for themselves. The problem was greed, which is a horrible word. Those people should not be let slip under the radar again.
The Central Bank or the regulator must get an accurate figure in terms of the full extent of this problem and deal with it. Blanket debt forgiveness is not a realistic option because I refer primarily to the family home. I am not talking about people my age or younger who have 20 houses at this stage. The word “greed” comes to mind again because those people fanned the flames of the market but the ordinary couple who wanted to get married, settle down and purchase their own house did not have a hope. I do not know how the people who bought all the houses thought they would maintain that. We all know people who had enough to maintain one or two but I am not talking about those people. They have to deal with those problems and it has created a problem in their own personal situations but that is another day’s work. They were small, medium and big speculators but I am talking primarily about the family home.

Some of the solutions put forward in this document are unrealistic. I have no problem with anyone in a county council house but I have a problem where it affects a family who have been paying their mortgage for 15 or 20 years. I do not know where the county council will get the funds to take back the houses and rent them. That is not fair because the bank will win again. The taxpayers and the home owners are carrying the can.

Deputy Michael McCarthy: So a victim should be given rent allowance, is that it?

Deputy Mattie McGrath: I did not interrupt Deputy McCarthy. I am not talking about a victim. I am saying we have to protect them.

Deputy Michael McCarthy: What is the alternative?

Deputy Mattie McGrath: We can examine aspects but it is not realistic to expect a family who have not speculated to give up their home. They merely tried to put a roof over their heads and provide for their family and it is unrealistic to expect them to relinquish their stake in that house and rent again.

Deputy Michael McCarthy: How is that—

Acting Chairman (Deputy Charlie McConalogue): We have only a few minutes left.

Deputy Mattie McGrath: The banks approved the massive mortgages and they are not expected to take any of the hit. That is unrealistic. The banks must take a hit. When the Deputies opposite were in opposition they were shouting about the senior bondholders in banks. I appreciate what they are trying to do but we must have a level playing field. We cannot have the banks getting off.

We also must reform the bankruptcy laws—

Deputy Michael McCarthy: Hear, hear.

Deputy Mattie McGrath: ——because people will be demonised for ten, 15 or 20 years or for life. That is killing the spirit of the Irish people. They are in enough trouble at the moment but it is killing entrepreneurship in terms of anyone who is self-employed. Anyone who is trying to work every day and face that every night must find it impossible to sleep.

Debate adjourned.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Wednesday, 26 October 2011.
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 14, inclusive, answered orally.

Questions Nos. 15 to 37, inclusive, resubmitted.

Questions Nos. 38 to 46, inclusive, answered orally.

Garda Vetting of Personnel

47. Deputy Michael McGrath asked the Minister for Justice and Equality the number of applicants on the current waiting list for Garda vetting approval; the year-on-year increase in applicants from 2008, 2009, 2010 and to date in 2011; the average waiting time and the measures he has taken to address this problem; and if he will make a statement on the matter. [31105/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda Authorities that at present, there are around 50,000 applications in the course of being processed and that the average processing time for vetting applications received at the Garda Central Vetting Unit (GCVU) is approximately 9 weeks. While there can be seasonal fluctuations, the average processing time of 9 weeks is a significant improvement on the average processing time of 12 weeks at the end of last year.

There has been a substantial increase in the volume of vetting applications received by the GCVU over recent years. The year on year increase since 2008 is as follows:

<table>
<thead>
<tr>
<th>Year to Year</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011 (to 30/09/11)</th>
</tr>
</thead>
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<tr>
<td>2008</td>
<td>218,404</td>
<td>246,194</td>
<td>291,938</td>
<td>228,454</td>
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</table>

I am very conscious of the need to keep the time required to obtain a vetting to the minimum possible. Since taking office I have taken a number of initiatives with a view to achieving this objective.

In that regard, the sanction of the Department of Finance was obtained to retain the services of 10 temporary employees working in the GCVU. A further sanction was obtained to engage an additional 10 temporary employees and these have recently commenced work in the GCVU.
That brings the staffing levels in the GCVU to 102. This is composed of 5 Gardaí, 76 full-time Garda civilian personnel and 20 temporary civilian personnel. The Unit is headed by a Garda Superintendent. This represents a very significant increase in the level of personnel assigned to the unit, which stood at only 13 before the current process of development in Garda vetting began in 2005. All of this should have a positive impact on processing times. I am looking at other options which may assist further in reducing processing times.

Prison Accommodation

48. Deputy Barry Cowen asked the Minister for Justice and Equality if he will provide an individual breakdown of the recommended capacity of each prison; the current number of inmates incarcerated in them; and if he will make a statement on the matter. [31110/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Prison Service that there were 4,275 prisoners in custody on 20 October, 2011 against a bed capacity of 4,510. This represents an occupancy level of 95%. The information requested with the breakdown per prison is set out in the attached table.

As the Deputy may be aware, there has been a consistent increase in the total prisoner population in Ireland over recent years, with dramatic increases in the number of sentenced prisoners, those being committed on remand and a trend towards longer sentences. The problem of prison overcrowding therefore remains a challenging issue which unfortunately cannot be resolved overnight.

I share the view of the Thornton Hall Review Group that decisive action is required on a number of fronts in order to address the problem of overcrowding and poor physical conditions particularly in Mountjoy and Cork Prisons. As the Deputy will know, the Government has decided in principle to proceed with the construction of new prison facilities at Thornton Hall and also at Kilworth, County Cork, albeit on a much smaller scale and design to that previously envisaged. The timeframe for this project is currently being discussed in the context of the Government’s discussions on capital spending priorities for 2012.

The State has also been engaged in an ongoing capital programme with almost 600 additional prisoner spaces constructed and brought into use since January 2008. There are a number of ongoing projects, most notably the construction of a new accommodation block at the Midlands prison. This will provide a potential 300 spaces, a new kitchen and work training/education block, and an extension to the visits/reception areas. It is planned to have the new block fully commissioned by mid 2012. An administrative building on the Dóchas site has also just been converted into a new accommodation block which will provide 70 spaces. These will become operational next month.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Bed Capacity</th>
<th>Number in Custody</th>
<th>% of Bed Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mountjoy (m)</td>
<td>590</td>
<td>588</td>
<td>100%</td>
</tr>
<tr>
<td>Mountjoy (f)</td>
<td>105</td>
<td>117</td>
<td>111%</td>
</tr>
<tr>
<td>St. Patrick’s</td>
<td>217</td>
<td>186</td>
<td>86%</td>
</tr>
<tr>
<td>Cork</td>
<td>272</td>
<td>281</td>
<td>103%</td>
</tr>
<tr>
<td>Limerick (m)</td>
<td>290</td>
<td>293</td>
<td>101%</td>
</tr>
<tr>
<td>Limerick (f)</td>
<td>34</td>
<td>27</td>
<td>79%</td>
</tr>
<tr>
<td>Castlerea</td>
<td>351</td>
<td>356</td>
<td>101%</td>
</tr>
<tr>
<td>Cloverhill</td>
<td>431</td>
<td>418</td>
<td>97%</td>
</tr>
<tr>
<td>Wheatfield</td>
<td>700</td>
<td>679</td>
<td>97%</td>
</tr>
</tbody>
</table>
Institution | Bed Capacity | Number in Custody | % of Bed Capacity
---|---|---|---
Portlaoise | 359 | 256 | 71%
Arbour Hill | 148 | 149 | 101%
Midlands | 616 | 598 | 97%
Training Unit | 127 | 113 | 89%
Loughan House | 160 | 110 | 69%
Shelton Abbey | 110 | 104 | 95%
Total | 4,510 | 4,275 | 95%

**Restorative Justice**

49. **Deputy Pearse Doherty** asked the Minister for Justice and Equality when he expects to expand the community restorative projects in Tallaght, Dublin 24, and Nenagh, County Tipperary; and if he will make a statement on the matter.  [31241/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Following examination of the final report provided by the National Commission on Restorative Justice my Department, through the Probation Service, introduced a scheme to test a range of restorative interventions for adult offenders based on the recommendations contained in the report.

The scheme involves the expansion of both the Nenagh and the Tallaght projects. The Nenagh Community Reparation project has been expanded into Districts Courts in Tipperary Town, Borrisokane and Roscrea. The Tallaght based project has been expanded to the Criminal Courts of Justice and to Courts in South Co. Dublin.

The objective of the scheme is to build the foundation for the implementation of a robust restorative justice model of practice providing an alternative to a prison sentence of less than 12 months duration. This will test the model’s ability to manage up to 100 adult offenders by Community Reparation and up to 300 by the Restorative Justice Service.

The Probation Service will monitor, oversee, and evaluate the implementation of the scheme and will provide a report on the effectiveness and value for money of the model after a 12 month operational period. The Deputy can be assured that my focus is to encourage the use, to the greatest extent possible, of the menu of non-custodial options available to the courts. I believe the restorative justice concept has a place in that range of available options.

**Traveller Community**

50. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality if he will give details of his proposals, revealed in Geneva, Switzerland, on 6 October 2011, to confer ethnic status on Irish Travellers; and if he will make a statement on the matter.  [31130/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** During the course of the examination by a working group of the UN Human Rights Council of Ireland’s report to that Council, prepared under the Universal Periodic Review procedures of the Council, I was asked, among many other matters, about the position of Travellers in Irish society.

One delegation specifically recommended that Ireland should recognise Travellers as an ethnic minority while other interventions were of a more general nature. I replied that serious consideration is being given to granting such recognition.

I am aware of the long-standing wish of some Travellers that such status be granted but equally that there is no unanimity among Travellers about this issue. The previous Government was of the view that Travellers are not an ethnic minority.
I am aware that dialogue between staff of my Department and representatives of Traveller organisations has taken place on the issue, most recently on 11 November 2010 during the course of a seminar on the third State report under the Council of Europe Convention on National Minorities. Consideration is ongoing and I intend that the question will be before the Government for decision as soon as possible.

Judicial Appointments

51. **Deputy Timmy Dooley** asked the Minister for Justice and Equality the current status of the judicial council; if it will have a role in judicial appointments; and if he will make a statement on the matter. [31114/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** As indicated in the Government Legislation Programme announced by the Chief Whip on 14 September 2011, the Judicial Council Bill is in the course of being drafted with a view to being published in early 2012. As well as providing for the establishment of a Judicial Council which will promote excellence and high standards of conduct by judges, the proposed Bill is aimed at providing a means of investigating allegations of Judicial misconduct supported by the establishment of a Judicial Conduct Committee. Both the Council and the Committee are to include lay representation.

The appointment of judges is, and in my view should remain, a separate matter. Judges are appointed by the President on the advice of the Government. At present, such appointments are dealt with by the Judicial Appointments Advisory Board which was established pursuant to the Court and Courts Officers Act 1995. Under Section 16 of the Act, where a judicial office stands vacant or before a vacancy in a judicial office arises, the Advisory Board submits to me, as Minister for Justice and Equality, the names of all persons who have informed the Advisory Board of their wish to be considered for appointment to that vacancy and the names of at least seven persons whom it recommends for appointment. I then bring the names to Government. Section 17 of the same Act provides that these procedures shall not apply where the Government propose to advise the President to appoint a serving judge. I have asked officials at my Department to undertake a review of the current process of judicial appointment, with particular reference to the practice in other jurisdictions. That review is ongoing and I do not wish to prejudge its outcome — I will be returning to the matter when the review is complete.

Garda Complaints Procedures

52. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Justice and Equality the reason the Garda has failed to investigate an allegation made against a person (details supplied) in County Clare. [30796/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that, following a formal complaint made to An Garda Síochána, investigating gardaí searched the home of the person referred to by the Deputy under warrant in June 2010 and seized a number of items as part of their investigation. The person was subsequently arrested on suspicion of having committed an offence of harassment under section 10 of the Non-Fatal Offences Against the Person Act 1997. An investigation file was forwarded for directions to the Director of Public Prosecutions. In April 2011, the DPP directed no prosecution against the person at that stage. The person subsequently contacted investigating Gardaí seeking to have his property returned. Following review of the matter by An Garda Síochána, the property was returned in September 2011.

The person subsequently complained to the responsible Chief Superintendent in respect of the complaint originally made against him. He declined to refer his complaint to the Garda
Siúchána Ombudsman Commission. He requested that it be dealt with by the Chief Superintendent, who explained the nature of the complaint against him that was the subject of the Garda investigation. The Chief Superintendent responded in writing to the person on 5 October, 2011.

I am informed by the Garda authorities that local Garda management is satisfied that there is no basis for the complaints being made by the person. It remains open to the person to contact the Garda Siúchána Ombudsman Commission.

**Prison Inspections**

53. **Deputy Pádraig Mac Lochlainn** asked the Minister for Justice and Equality when he expects to get a full report on the extent to which those aspects of the recommendations of the Inspector of Prisons and Places of Detention have been implemented; any information he may have about the implementation of these recommendations; and if he will make a statement on the matter. [31240/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I receive regular updates on the implementation of the Inspector’s recommendations. The Inspector himself recognised that in certain areas prisons will not be able to comply with all the recommendations in the short term. As long as there is overcrowding and limitations on resources there will be difficulties in achieving full implementation.

However, progress is being made. To give examples, issues raised by the Inspector regarding the general cleanliness of prisons including the need for broken fittings to be replaced are being addressed by the Governors of each institution. A programme for painting and cleaning is in place in each prison and those programmes are sufficient to meet the needs of that prison.

Areas mentioned by the Inspector include the use of special cells, prisoners’ complaints and the procedure to be followed following deaths of persons in custody. New procedures have been adopted and will be supported by changes to the Prison Rules which have been drafted. These are being finalised in conjunction with the Office of the Attorney General.

The Inspector also referred to minimum standards for prison accommodation and the regimes and services that should be provided. The Government, as you know, is committed to the elimination of slopping out in prisons. The upgrade of more than 100 cells at Mountjoy Prison, including the installation of in-cell sanitation, will be completed by the end of this month. The Irish Prison Service will then consider the feasibility of installing in-cell sanitation in the remaining cells of Mountjoy and to other facilities elsewhere. The completion of the Midlands Prison extension and the provision of 70 extra dormitory style spaces in the Dóchas Centre will mean that 80% of the prisons estate will have in-cell sanitation by mid 2012.

The Inspector also recommended the creation of dedicated committal areas and vulnerable persons units in each closed prison. The Irish Prison Service is looking at all options available to implement these recommendations where they are not already in place.

In relation to the Inspector’s recommendation that drug free units be established in each closed prison to accommodate drug free prisoners, I can advise that Arbour hill, St. Patrick’s Institution, the Training Unit and Wheatfield Prison already have drug free wing/landings or areas within their prisons. A drug free unit in Mountjoy Prison will become operational before the end of the year. The template developed for the operation of this unit should have application across many of the closed prisons where the development of a drug free unit is warranted. To this end, the Health Care Directorate, working in conjunction with prison management, is looking at the options for the development of drug free areas in closed prisons.
Crime Levels

54. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he will provide information on the Garda clearing rates for crime on a divisional basis, broken up into types of crime; and if he will make a statement on the matter. [31233/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from An Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling, publishing and responding to queries regarding recorded crime statistics. I have requested the CSO to provide the detailed statistics which he has sought directly to the Deputy.

Detection rates vary, depending on the types of offences involved, with, for example, an 83% rate for homicides in 2010. I fully support the efforts of An Garda Síochána to maintain detections at as high a level as possible.

55. **Deputy Michael Colreavy** asked the Minister for Justice and Equality the number of information letters issued to victims of crime utilising the Pulse computer system, broken up into divisional areas and based on the year of sending; and if he will make a statement on the matter. [31238/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda Computer system, PULSE, has the capacity to generate automated letters to victims of crime. PULSE letters are sent when a crime is reported to An Garda Síochána. It contains the name of the investigating Garda, how to contact the Garda, details of the PULSE incident number and the number of the National Crime Victims Helpline or Irish Tourist Assistance Service as appropriate. A second PULSE letter is sent to an injured party where a person has been made amenable for the crime, including where a person has been charged, summoned, dealt with by Adult caution or under the Juvenile Diversion Programme.

PULSE letters improve communications with victims of crime through the provision of information and by providing reassurance that their report is being dealt with by An Garda Síochána. The general feedback from victims and victim support organisation has been positive to the PULSE letters.

It can be seen from the table circulated that the number of letters issued in the first two quarters of 2011 was pro rata 11% greater than the number of letters issued in 2010, and was 26% greater than in the first two quarters of 2009.

I am circulating a table containing the information requested.

**Pulse Letters to Victims for 2009-2011**

<table>
<thead>
<tr>
<th>Division</th>
<th>2009 Quarter 3 &amp; 4</th>
<th>2010</th>
<th>2011 Quarter 1 &amp; 2</th>
</tr>
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<tr>
<td>Cavan/Monaghan</td>
<td>1,041</td>
<td>2,123</td>
<td>1,086</td>
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<tr>
<td>Clare</td>
<td>520</td>
<td>1,656</td>
<td>655</td>
</tr>
<tr>
<td>Cork City</td>
<td>1,700</td>
<td>3,883</td>
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<tr>
<td>Cork North</td>
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<td>1,417</td>
<td>896</td>
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</table>


Written Answers

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<th>Division</th>
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<th>2011 Quarter 1 &amp; 2</th>
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<td>1,912</td>
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<td>910</td>
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<td>Sligo/Leitrim</td>
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<td>Wicklow</td>
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<td>National Total</td>
<td>41,163</td>
<td>93,116</td>
<td>51,867</td>
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*Garda Síochána Crime Victims Office, established in Third Quarter 2009

Garda Stations

56. Depute Pádraig Mac Lochlainn asked the Minister for Justice and Equality his plans to close any Garda stations here; the timeframes associated with either decisions on closures or actual closures; and if he will make a statement on the matter. [31239/11]

Minister for Justice and Equality (Deputy Alan Shatter): As with every other public sector organisation, the reality is that the Garda Síochána is going to have to manage with reduced resources. The Garda Commissioner is therefore quite properly reviewing all aspects of the Garda Síochána’s policing model, so as to ensure that Garda resources are managed and deployed in the most appropriate manner to meet existing and emerging policing requirements.

The Garda Commissioner’s review will examine all aspects of current policing, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations.

While no decision has been taken, clearly the reduction in public opening hours in some Garda stations, and the closure of other Garda stations, will be issues that the Garda Commissioner will have to address as part of the review. He may well have to consider whether, in
appropriate cases, a better policing service could be delivered to a local community by having Garda members out on patrol rather than in a station.

I will very carefully consider the outcome of this review and the Commissioner’s policing plan for next year with the objective of ensuring that priority is given to the maintenance of front-line services.

**Crime Strategy**

57. **Deputy Dessie Ellis** asked the Minister for Justice and Equality if he will provide an update on the formulation of a new State anti-crime strategy; the timeline and any possible initiatives to be contained within; and if he will make a statement on the matter. [31231/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Work on the development of a White Paper on Crime is at an advanced stage, following an extensive consultation process. The intention is that this will incorporate a framework National Anti-Crime Strategy which will reflect and respond to the issues raised during the White Paper on Crime consultation process.

**Drug Seizures**

58. **Deputy Robert Dowds** asked the Minister for Justice and Equality the extent to which crystal methamphetamine has become a problem for the Garda; if he regards crystal methamphetamine as having the potential to cause widespread social damage as witnessed in the United States of America; the number of seizures of crystal methamphetamine in each of the last five years; and the steps the Garda and his Department are taking to proactively tackle the potential emergence of this drug here. [31049/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Methamphetamine is a controlled drug under the Misuse of Drugs Acts 1977 and 1984. Recorded seizures of methamphetamine by An Garda Síochána and the Revenue Customs Service, as recorded by the Forensic Science Laboratory, for the years 2007-2011 (up to 30 September, 2011) are set out below.

I am further informed by the Garda authorities that a recent seizure of methamphetamine at Dublin Airport was found to be in crystal form. However, the Garda National Drugs Union is of the opinion that this was an isolated seizure and is not indicative of a new or developing phenomenon with regard to this drug.

The Health Service Executive has also advised that the number of persons currently presenting for drug treatment services who report any use of crystal methamphetamine remains very small. That said, as the Deputy has highlighted, misuse of methamphetamine remains a significant part of the international drug problem and its abuse can result in extremely harmful medical and social consequences. We must therefore continue to monitor the drugs situation as it occurs so as to identify any emerging trends.

As the Deputy may be aware an Early Warning Emerging Trends Sub-Committee, under the auspices of the National Advisory Committee on Drugs (NACD), is in place to monitor emerging trends in problem drug use in this jurisdiction. Representation on this Committee includes a range of State departments and agencies including my own Department and An Garda Síochána.

I am informed that An Garda Síochána is acutely aware of the dangers associated with this drug. In 2007 the Garda National Drugs Unit hosted an international seminar, under the EU-funded AGIS Programme, to examine the potential threat posed by methamphetamine within the European Union.
An Garda Síochána remains committed to tackling the supply of all drugs at all levels in keeping with its commitment to the National Drugs Strategy. An Garda Síochána in liaison with the Customs authorities and its European counterparts, will continue to closely monitor the availability of drugs including methamphetamine within this jurisdiction, based on an ongoing analysis of intelligence and drug-seizure data.

Seizures of Methamphetamine recorded by the Forensic Science Laboratory for each year 2007-2011

<table>
<thead>
<tr>
<th>Year</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011*</td>
<td>1.378 kg (34 cases)</td>
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<tr>
<td>2010</td>
<td>404 g (20 cases)</td>
</tr>
<tr>
<td>2009</td>
<td>1.213 kg (27 cases)</td>
</tr>
<tr>
<td>2008</td>
<td>4.7k gs (26 cases)</td>
</tr>
<tr>
<td>2007</td>
<td>10 g (5 cases)</td>
</tr>
</tbody>
</table>

*(up to 30 September 2011)*

Human Trafficking

59. **Deputy David Stanton** asked the Minister for Justice and Equality if he will provide details of his review of the current legislation on human trafficking and prostitution; and if he will make a statement on the matter. [31265/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I assume the Deputy is referring to the announcement I made last week concerning a consultation process to help inform the future direction of legislation on prostitution. For ease of reference, I am appending the text of the relevant press release and trust that it explains the position in this matter.

Minister Shatter announces publication of his Department’s report on Sweden’s legislation to combat prostitution and human trafficking

17 October 2011

The Minister for Justice, Equality and Defence, Mr. Alan Shatter T.D., today announced publication of a report of the Department of Justice and Equality on Sweden’s legislation criminalising the purchase of sexual services — often referred to as the “Swedish model”.

In July, 2010 Sweden published the findings from the first formal evaluation of its 1999 ban on the purchase of sexual services. In September last year, the Dignity Project arranged a visit to Sweden by a group which included representatives of what was then the Department of Justice and Law Reform and An Garda Síochána to meet officials and experts in this area and to discuss the Swedish legislation and its operation. Following the visit, a report was prepared by the Department for the then Minister, and after consideration by him it was submitted to the Attorney General’s Office.

Since then Minister Shatter has carefully examined the report and the advice subsequently received from the Attorney General.

Announcing publication of the report, Minister Shatter stated “I am determined to ensure that everything that can possibly be done to combat prostitution and human trafficking will be done. However, it will be recognised that any proposal to criminalise the purchase of sex within our legal and constitutional framework raises complex issues and would have to be considered very carefully. Also, it is inevitable that there will be conflicting views about such a proposal and representations made to me in this matter reflect different and genuinely held views. There
Minister Shatter also said:

“I am concerned to ensure that public debate on this issue is open to the widest possible audience. I therefore intend to arrange a consultation process to help inform the future direction of legislation on prostitution”. A consultation document to facilitate this process is being prepared and the Minister will make a further announcement shortly.

The report is available on the Department’s website www.justice.ie.

Ends

Note to Editors

The Dignity Project was an EU funded, inter-agency and inter-jurisdictional research project which examined services provided for victims of human trafficking with a view to replicating best practice models in partner countries. Led by the Dublin Employment Pact and the Immigrant Council of Ireland, Dignity concluded its work at a final conference held in February, 2011.

Legislation introduced in Sweden in 1999 provides that a person who obtains or attempts to obtain a casual sexual relation, in any place, in return for payment commits the offence of purchase of sexual service.

In Ireland, traditionally the law has had two objectives. Firstly, it is aimed at protecting society from the more intrusive aspects of such activity from a public order perspective. For that reason, under the Criminal Law (Sexual Offences) Act 1993, which codified the law relating to prostitution, it is an offence to solicit in a street or public place for the purposes of prostitution. The offence can be committed by the client, the prostitute or a third party — a pimp, for example. The second objective of the law on prostitution is to protect prostitutes from exploitation. Accordingly, under the 1993 legislation, it is an offence to organise prostitution, coerce or compel a person to be a prostitute, knowingly live off the earnings of a prostitute, or keep or manage a brothel.

In this jurisdiction, it is not an offence, in itself, to sell sex. In general, it is not an offence to purchase sex either. However, the Criminal Law (Human Trafficking) Act 2008 made it an offence to knowingly solicit or importune a trafficked person, in any place, for the purpose of purchase of sexual service.

Courts Service

60. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality the timeframe for the proposed upgrade of the ICT system for the courts as well as the appointment of approved persons as receivers in order to introduce the remaining sections of the Fines Act; when he expects to receive this report, including implementation proposals, from the Courts Service; and if he will make a statement on the matter.  [31229/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** As I have previously informed the House, the majority of the Fines Act 2010 has been commenced. It is particularly important to note the commencement of Section 14 of the Act, which for the first time placed an obligation on the court to take account of a person’s financial circumstances before the amount of a fine, if any, to be imposed.
Implementation work is continuing on two key sections of the Act. Section 15 provides for the payment of fines by instalment. There are a number of practical and technical issues required to commence this provision. As the Deputy will appreciate, the current system of payment allows only for a single payment in respect of each fine to be made within a specified period and this payment is recorded on the Courts Service IT system, the Criminal Case Tracking System (CCTS). In order to allow for a fine to be paid by instalments over a year or in certain circumstances longer as the Act provides, it is necessary for the system to be substantially modified to allow for the payment of instalments and to ensure that such instalments are accurately recorded and tracked.

In that regard, I met with the Courts Service management and informed them of this Government’s commitment to ensuring that payment by instalments is introduced as speedily as possible. I requested the Courts Service to consider the matter and to report back with implementation proposals before the end of October 2011. The Courts Service has now reported that work has commenced on the development of the specifications of the necessary changes required to the CCTS to facilitate implementation. The Service is also in the course of establishing a Project Board, which will be representative of the relevant business units, to oversee the development of the CCTS enhancements. Subject to funding availability, it will take approximately 12 months to complete the administrative and technical modifications required.

Section 16 of the 2010 Act will require a judge, consequent on determining that a fine is to be imposed, to make an order appointing an “approved person”, commonly referred to as a receiver, to recover the fine in the event of default.

The Courts Service is engaged in discussions with the Revenue Sheriffs, who have relevant experience through their work in the recovery of outstanding tax liabilities on behalf of the State, with a view to Sheriffs being nominated as approved persons. Again, some IT enhancements will be necessary in order to allow for the electronic transfer of recovery orders and data exchange with the receivers. This work will take approximately six months to complete and will be done concurrently with the other enhancement works already mentioned.

I should also point out that my Department is currently examining a number of proposed amendments to the 2010 Act which may be necessary to address some practical issues in terms of implementation. The Government remains committed to implementing the remaining provisions of the Fines Act 2010 as speedily as possible.

**Legislative Programme**

61. **Deputy Denis Naughten** asked the Minister for Justice and Equality his plans to reform the Irish Nationality and Citizenship Act 1956; and if he will make a statement on the matter. [30800/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have no plans at present to reform the legislation on citizenship and naturalisation beyond those changes contained in the Civil Law (Miscellaneous Provisions) Act 2011.

My primary objective for legislative reform in the immigration area is to progress the Immigration, Residence and Protection Bill 2010 through the Oireachtas. I will, of course, continue to keep the Act in question under review.

**Drug Dealing**

62. **Deputy Gerry Adams** asked the Minister for Justice and Equality his plans or initiatives to deal with low and mid-level drug dealers, not only to arrest and convict, but to disrupt their...
[ Deputy Gerry Adams.]

operations and to ensure they do not profit from their business; and if he will make a statement on the matter.  [31234/11]

Minister for Justice and Equality (Deputy Alan Shatter): Tackling serious crime including drug trafficking remains a key ongoing priority both for the Government and for An Garda Síochána.

These priorities are clearly reflected in the Garda Policing Plan for 2011. A key action in the Plan is the proactive targeting by An Garda Síochána of drug trafficking, including low-level drug dealing.

Under the direction of the Assistant Commissioner at An Garda Síochána’s National Support Services, the Garda National Drugs Unit and the Criminal Assets Bureau are pursuing their respective remits.

As part of this structure, a strategic partnership has been established between the Garda National Drugs Unit and the Criminal Assets Bureau to particularly target those criminals and criminal groups believed to be deriving profits and assets from drug-related criminal activity.

In addition, the Criminal Assets Bureau continues to utilise the services of criminal assets profilers located in Garda Divisions throughout the country. The Bureau uses the valuable local knowledge supplied to them by these profilers to target the assets of known drug dealers in local communities.

The role of the Criminal Assets Bureau in tackling those involved in drug dealing, and the Bureau’s focus on middle and lower ranking criminals, was acknowledged during the public consultation process which informed the development of the National Drugs Strategy 2009-2016.

With regard to further initiatives, the Deputy will be aware that the Programme for Government includes a commitment to strengthen the powers of the Criminal Assets Bureau in relation to the forfeiture of the proceeds of crime.

In this regard, an Expert Group, has been established under the auspices of my Department, to review the operation of the Proceeds of Crime legislation with a view to identifying possible improvements which would serve to enhance the powers of the Bureau. When that work concludes I will bring forward my proposals in the normal way.

Magdalene Laundries

63. Deputy Michael Colreavy asked the Minister for Justice and Equality when he expects receipt of the interim report from the group assessing the State’s responsibilities regarding the victims of the Magdalene laundries; and if he will make a statement on the matter.  [31237/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can advise the Deputy that the Committee, under the independent chairmanship of Senator Martin McAleese, has submitted an interim progress report. The report was considered by Cabinet this morning and arrangements are being made for its publication.

Cash for Gold Industry

64. Deputy Mary Lou McDonald asked the Minister for Justice and Equality if he will provide an update on the progress made and a timeframe for the report of the group within his Department that is looking into the cash for gold industry; and if he will make a statement on the matter.  [31236/11]
Minister for Justice and Equality (Deputy Alan Shatter): My Department is currently finalising a report on criminal justice aspects of the “Cash for Gold” trade and I can inform the Deputy that this report will be submitted to me shortly for consideration. Following consideration of the report I will make an assessment as to what, if any, action, legislative or otherwise, may be required. I will, in due course, make known the report’s findings and any proposals which may arise.

Drug Trafficking

65. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality the relationship between this State and other EU countries in the Maritime Analysis and Operations Centre — Narcotics (MAOC-N); and if he will make a statement on the matter. [25090/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Maritime Analysis and Operations Centre, Narcotics (MAOC-N) was established pursuant to an international agreement concluded on 30 September 2007 between Ireland, the Netherlands, Spain, Italy, Portugal, France and the United Kingdom.

The impetus for this regional initiative was a concern that the analysis of dug imports, in particular cocaine imports from South America into Western Europe, had shown an increase in illicit drug trafficking by sea and air across the Atlantic to Europe and the West African Seaboard. Furthermore, there was a concern about the difficulty in obtaining timely information for actions in this field.

The purpose of the Centre, which is based in Lisbon, is to facilitate cooperation in the suppression of illicit drug trafficking across the Atlantic towards Europe and the West African Seaboard, with the possibility of extending its operations, *inter alia*, into the Western Mediterranean basin. The functions of the Centre are collecting and analysing operational information, enhancing intelligence through better information exchange, and ascertaining the availability of assets to facilitate interdictions in accordance with the national laws of the Parties.

The Centre’s work is primarily focused on intelligence exchange and cooperation between the Parties leading to the interdiction of large maritime and aviation drug shipments and the severing of links between transportation networks and the shore based command and control personnel.

All Parties to the Agreement are members of the Centre. The Executive Board of the Centre is comprised of a representative from each of the Parties. In addition, all of the Parties have national drug liaison officers stationed in the Centre who can assist in the exchange of intelligence with the other State Parties and in the development of international multi-agency operations.

Ireland is represented at the Centre by Liaison Officers from An Garda Síochána and the Revenue Commissioners (Customs Service). While significant funding contributions towards the centre are made by the European Commission, additional costs are borne equally by the Parties to the Agreement.

The Centre has played a significant role in assisting the interception of narcotic shipments destined for the European Union arriving from the Americas. Since the Centre was set up it has assisted in 47 maritime interdictions, which resulted in the seizure of over 52 tonnes of cocaine and over 47 tonnes of cannabis.

*Question No. 66 answered with Question No. 44.*
Asylum Support Services

67. Deputy Richard Boyd Barrett asked the Minister for Justice and Equality his plans to improve the living conditions of asylum seekers living in direct provision; and if he will make a statement on the matter. [31226/11]

Minister for Justice and Equality (Deputy Alan Shatter): In response to this question, I will firstly explain the direct provision system, how it came about, why it remains a necessary feature of the State’s asylum and immigration system.

The accommodation of asylum seekers through the direct provision system is the responsibility of the Reception and Integration Agency (RIA) of my Department. Direct Provision means that the State, through RIA, assumes responsibility for providing for asylum seekers suitable accommodation and certain other services on a full board basis. All accommodation costs, together with the costs of meals, heat, light, laundry and maintenance are paid directly by the State. Asylum seekers in direct provision accommodation also receive a weekly cash allowance which takes account of board and lodgings and other ancillary benefits provided through the direct provision system. Asylum seekers can also apply to Community Welfare Officers (CWO) for assistance to meet a particular once-off need by way of an exceptional needs payment under the Supplementary Welfare Allowance scheme. Payments under this category cover once-off costs such as back-to-school clothing and footwear.

In addition to full board accommodation, RIA coordinates, through other Government bodies, a number of ancillary services to asylum seekers in direct provision accommodation. All asylum seekers are offered free medical screening on arrival in the State and are allowed access to health services on the same basis as for Irish citizens. Asylum seekers in direct provision accommodation will generally qualify for a medical card whereby they are eligible to receive a wide range of health services free-of-charge including GP services and prescribed medicines. Other HSE-provided supports include Public Health Nurse (PHN) service as well as a dedicated asylum seeker psychological service in Dublin.

Asylum seeker children are entitled to access free Primary and Post-Primary education on the same basis as an Irish citizen. In addition, English language supports are made available to adult asylum seekers; in some cases facilities are provided on-site in RIA accommodation centres for such classes. At a number of centres, RIA has provided facilities for on-site pre-school services.

As of today, RIA has 39 asylum seeker accommodation centres throughout the country. The system is a constantly evolving one, taking account of the ebb and flow of residents and of the financial resources available to RIA. Overall demand for RIA services is declining. At the beginning of 2009, RIA was accommodating an overall number of 7,002 asylum seekers. Today, it is accommodating just over 5,500 persons, a reduction of over 21% during this period.

The direct provision system was a necessary response to the large numbers of asylum seekers who arrived into the State from the late 90’s. Before 1999, these asylum seekers were treated as homeless under the structures then in place. These structures were entirely unsuited to the situation facing Ireland and the homeless service of the then Eastern Health Board could not cope and there was a serious prospect of widespread homelessness among asylum seekers.

In response to this serious and unprecedented challenge, the organisation which was subsequently named the Reception and Integration Agency (RIA) was established to coordinate the scheme of dispersal and direct provision for asylum seekers.

The direct provision system is only one element of the State’s response to its international obligations on the asylum issue. As well as educational, health and welfare costs there is the
Questions—  25 October 2011.  Written Answers

asylum determination system itself, as well as the downstream judicial and policing costs. In the period 2005 to 2009 inclusive, the total amount spent across the whole of Government on asylum seekers was €1,275.31 million of which €424.43 million was spent on the direct provision system. Quite clearly, meeting our international obligations in this respect consumes very considerable public monies. But Ireland is not unique in this respect. All countries which take their responsibilities in this area seriously are faced with similar calls on their financial resources. There are no cheaper alternatives to the direct provision system. This was a key finding in the recent Value for Money Report on the direct provision system which was published in 2010 and is on the RIA website — www.ria.gov.ie. In fact, if we were operating a system which facilitated asylum seekers in living independent lives in individual housing with social welfare support and payments, the cost to the Exchequer would be double what is currently paid under the direct provision system.

In relation to the standard of accommodation provided in direct provision, the deputy may wish to note that all accommodation providers are required under contract to ensure that accommodation centres comply and operate in accordance with all statutory requirements of local authorities and state agencies in relation to bedroom capacity, food, food-hygiene, water supply, fire safety and general safety.

In addition, all operators are required to offer menus which reflect the reasonable ethnic dietary customs of asylum seekers. There are 96 nationalities with hugely divergent food and ethnic needs accommodated by RIA at present and in all the large centres, 56-day menu cycles are in place. Other centres, depending on their size, operate 28-day and 14-day menu cycles. In addition, particular emphasis is placed on meeting, to the greatest extent possible, specific needs of asylum seekers. For example, special arrangements are made to cater for the needs of Muslims observing Ramadan.

RIA independent external assessors to conduct comprehensive inspections of all centres on at least an annual basis. These inspections are always unannounced and the inspectors look at all aspects of the accommodation centres in relation to the proprietors’ obligations under the contract. These inspections cover such areas as reception, staff cover, menus, facilities being provided, maintenance of the property and fire and safety issues. In addition, RIA has an internal Inspections Unit which conducts inspections of each of the properties used to accommodate asylum seekers at least on a twice yearly basis. Further unannounced visits are made to accommodation centres throughout the State on a regular basis by senior management to ensure that standards are being maintained. Staff from the Agency hold information clinics on a regular basis in accommodation centres which afford asylum seekers an opportunity to comment on accommodation and operating standards and to discuss other general issues.

Any diminution in standards which comes to the attention of the RIA is immediately followed up and proprietors are instructed to make any changes and improvements deemed necessary. Follow-up inspections are also arranged as appropriate. In cases where standards stipulated in the contract have not been met and the proprietor has not made sufficient efforts to remedy the situation, the contract may be terminated.

A number of asylum seeker accommodation centres have received the Excellence Ireland Quality Association mark (or equivalent) and each year, a number of them qualify as finalists and also feature as winners in the overall National Q Mark Awards. In the most recent award ceremonies (held on 14/10/2011) two centres — Balseskin and Clonakilty — received overall national awards for excellence. RIA welcomes the recognition of standards shown by the EIQA award and the commitment shown by staff and management at the various centres towards achieving and retaining the relevant standards required. The Deputy should note that, notwith-
standing the stringency of its own contractual requirements, RIA does not oblige operators to obtain Q Marks (or equivalent).

RIA staff liaise with providers of accommodation in other European countries and have visited centres elsewhere in the EU. While no two countries accommodate asylum seekers in exactly the same way, RIA strongly contends that the treatment of asylum seekers in this country is, at a minimum, on a par with the best on offer in this context anywhere in the EU. The direct provision system delivers a high standard of service, a consistent standard of service and value for money to the taxpayer through coordinated service delivery to asylum seekers.

I do not believe that any alternative model would deliver the same level and consistency of service to asylum seekers. While the operation of direct provision is being constantly monitored, and is kept under continuous review in my Department, I have no intention of seeking a change in direct provision policy at this time.

Deportation Orders

68. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the role of a company (details supplied) in deportation flights from Ireland; the way this company is operating here; and if he will make a statement on the matter. [31225/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Frontex (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) is the European Union agency for external border security. It is responsible for coordinating the activities of the national border guards in ensuring the security of the EU’s borders with non-member states. Frontex is headquartered in Warsaw, Poland.

Frontex was established by Council Regulation (EC) 2007/2004. The agency started to be operational on 3 October 2005 and was the first EU agency to be based in one of the new EU states.

Frontex’s mission is to help EU Member States implement EU rules on external border controls and to coordinate operational cooperation between Member States in the field of external border management. While it remains the task of each member state to control its own borders, the Agency is vested with the function to ensure that they all do so with the same high standard of efficiency.

Frontex also assists EU Member States and Schengen-associated countries in the coordination of return flights. In the event that somebody is determined by a Member State government to be staying in that country illegally, they may be asked to leave. Most do so voluntarily, but those who do not may be returned to their country of origin by the Member State concerned. In these cases, it is Frontex’s role to coordinate repatriation activities between those countries to ensure that humanitarian standards are met and to maximise efficiency and cost-effectiveness in joint return operations. Together with the experts from the Member States and refugee and asylum organisations, Frontex is also involved in identifying best practices in this area.

The Deputy will appreciate that in light of the above clarification, Frontex is not a company and its operations in Ireland are subject to Council Regulation (EC) 2007/2004.

Courts Service

69. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality the position regarding an admission by the Courts Service that an error was made by backdating a High Court order in the case of a person (details supplied); the modalities to correct such an acknow-
ledged error and to ensure that the person’s rights, which could have been negatively impacted by such a mistake, were restored; how he will facilitate same; and if he will make a statement on the matter. [31228/11]

Minister for Justice and Equality (Deputy Alan Shatter): I understand that the individual concerned has commenced proceedings in the High Court in relation to this matter and in the circumstances it would be inappropriate for me as Minister for Justice and Equality to comment on a matter before the Courts. Furthermore, the Courts are, subject to the Constitution and the law, independent in the exercise of their judicial functions. Accordingly, I cannot intervene in any way in relation to a particular case.

Human Rights Issues

70. Deputy Clare Daly asked the Minister for Justice and Equality his views on whether, when prisoners have flushable toilets in their cells, having to perform toilet functions in front of others amounts to inhuman and degrading treatment. [30802/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can advise the Deputy that all cells with flushable toilets have a modesty screen. A programme to fit improved modesty screens in these cells to provide further privacy from other occupants is currently under way. Such screens have been fitted in Castlerea Prison, Cloverhill Prison and all doubled-up cells in Wheatfield. This programme will continue to be rolled out where necessary and will be completed in 2012.

Prison Accommodation

71. Deputy David Stanton asked the Minister for Justice and Equality the actions he is taking to address overcrowding in prisons; and if he will make a statement on the matter. [31264/11]

Minister for Justice and Equality (Deputy Alan Shatter): There has been a consistent increase in the total prisoner population in Ireland over recent years, with dramatic increases in the number of sentenced prisoners, those being committed on remand and a trend towards longer sentences. As of 20 October, 2011, there were 4,275 prisoners in custody and 755 on temporary release. The number on temporary release equates to 15% of the total prisoner population.

While measures are being taken to upgrade prison facilities and increase the range of non-custodial options available to the courts, the problem of prison overcrowding remains a challenging issue which unfortunately cannot be resolved overnight.

I share the view of the Thornton Hall Review Group that decisive action is required on a number of fronts in order to address the problem of overcrowding and poor physical conditions particularly in Mountjoy and Cork Prisons. As the Deputy will know, the Government has decided in principle to proceed with the construction of new prison facilities at Thornton Hall and also at Kilworth, County Cork, albeit on a much smaller scale and design to that previously envisaged. The timeframe for this project is currently being discussed in the context of the Government’s discussions on capital spending priorities for 2012.

The State has also been engaged in an ongoing capital programme with almost 600 additional prisoner spaces constructed and brought into use since January 2008. There are a number of ongoing projects, most notably the construction of a new accommodation block at the Midlands prison. This will provide a potential 300 spaces, a new kitchen and work training/education block, and an extension to the visits/reception areas. It is planned to have the new block fully commissioned by mid 2012. An administrative building on the Dóchas site has also just been
converted into a new accommodation block which will provide 70 spaces. These will become operational next month.

I am also pursuing alternatives to custody and progress is being made. The recently enacted Criminal Justice (Community Service) (Amendment) Act 2011 requires the sentencing judge to consider the imposition of community service where a custodial sentence of 12 months or less is being considered. My officials are also working on the roll-out of a pilot community service scheme under which offenders who pose no threat to the community are offered earned earlier release in return for community service. In addition, I intend to give new guidelines to the Parole Board for the application of a similar scheme to long-term prisoners. It may take time but I expect to make further announcements about the implementation of these reforms later in the year.

The Fines Act 2010 introduced measures to prevent the automatic imprisonment of fine defaulters. I intend to bring forward new legislative proposals to introduce a system of “attachment orders” allowing a small amount of money to be taken from wages or social welfare facilitating the payment of the debt or fine over time. The concept of restorative justice also has a place in the range of non-custodial options which are available for use by the courts. The Deputy can be assured that my focus is to encourage the use of such options to the greatest extent possible.

Question No. 72 answered with Question No. 44.

International Time Zones

73. Deputy Noel Harrington asked the Minister for Justice and Equality further to Parliamentary Questions Nos. 10 and 16 of 23 June 2011, if he will report any developments or discussions that have occurred since with either his British or European counterparts; if so, and arising from same if he will seek submissions from the public and organisations and State departments on the implications, benefits or disadvantages to Ireland if such a change was made of changing our time zone to European Time; and if he will make a statement on the matter. [31261/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to refer the Deputy to my reply to Question Nos. 10 and 16 of 23 June, 2011 below.

The position remains unchanged.

10. To ask the Minister for Justice and Equality if he had any discussions with either his British counterpart or his European colleagues regarding the possibility of changing our time zone to European Time; his views on the benefits or disadvantages to Ireland if such a change was made; and if he will make a statement on the matter.—Noel Harrington.

16. To ask the Minister for Justice and Equality his plans to conduct a cross Departmental analysis of the potential costs and benefits of advancing time by one hour all year round for Ireland; if his attention has been drawn to the passage of a Bill in the House of Commons undertaking a similar study; and if he will make a statement on the matter. — Noel Harrington

I can inform the Deputy that I am aware of the Bill to which he refers. The Daylight Saving Bill 2010/11 passed its second reading in the House of Commons on 3 December, 2010. I understand that, if it became law, this Private Members’ Bill would require the British Government to conduct a cross-departmental analysis of the potential costs and benefits of the advancing time by one hour for all, or part of, the year. I further understand that such analysis would include a breakdown, so far as possible, of the costs and benefits for England, Wales, Scotland and
Northern Ireland. In light of this, I would expect that each of the devolved administrations in Wales, Scotland and Northern Ireland would ensure that their views and concerns would be fully reflected in any analysis that might be conducted.

Were this cost benefit analysis to be conducted, the Bill requires that an independent Commission would be established to assess it. If that Commission were to conclude that the advancing of time by one hour for all, or part of, the year would be beneficial to England, Wales, Scotland and Northern Ireland then an Order bringing the Commission’s recommendations into effect for a three-year trial period would need to be made. Given that European Union Directive 2000/84/EC results in all EU member states starting and ending summer time simultaneously in order that time differences between member states remain constant throughout the year, this would impose a limitation on the discretion available in this area.

At present Ireland and the United Kingdom operate in the same time zone. Each year summer time begins at 1:00 a.m. Greenwich Mean Time (GMT) on the last Sunday in March when clocks are put forward one hour and ends at 1:00 a.m. GMT on the last Sunday in October when clocks are put back one hour. During summer time our clocks are set at GMT plus one hour and at GMT during winter time. Were clocks to be put forward for an hour for all of the year, clocks would be set at GMT plus two hours during summer time and at GMT plus one hour during winter time. To illustrate this point I wish to inform the Deputy that today in Belfast sunrise was at 4:48 a.m. and sunset will be at 10:04 p.m. If clocks were put forward by one hour sunrise in Belfast would have been at 5:48 a.m. and sunset would be at 11:04 p.m. Six months from now, if clocks were put forward by one hour, sunrise would be at 9:45 a.m. and sunset at 5 p.m. instead of 8:45 a.m. and 4 p.m.

I can also inform the Deputy that in advance of the second reading of the Bill Mr. Edward Davey, Parliamentary Under-Secretary at the Department for Business, Innovation and Skills sought a meeting with our Ambassador in London to discuss issues concerning daylight hours. The meeting took place in November 2010.

I can further inform the Deputy that in February 2011 officials from my Department and our London Embassy met with the Bill’s Sponsor, Rebecca Harris, M.P. in order to find out more about the background to her Bill as well as registering our interest in its passage and the potential implications for this country. While there has been contact with the British no discussions have been held with our European colleagues in relation to this matter as the matter is not at a sufficiently advanced stage.

I have no plans at this time to change the present time zone arrangements or to conduct a cross-departmental cost benefit analysis of advancing time by one hour all year round for Ireland. However, officials of my Department and the Department of Foreign Affairs are keeping a close watch on the issue and should the position I have outlined change I will review the situation.

**Joint Policing Committees**

74. **Deputy Dessie Ellis** asked the Minister for Justice and Equality if he will provide an update on the review of joint policing committees; when this will be finalised and any findings thus far; and if he will make a statement on the matter. [31230/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The functions and powers of Joint Policing Committees (JPCs) are set out in the Garda Síochána Act 2005, which provides for a Committee in each local authority area. The Act provides that JPCs operate under guidelines issued by the Minister for Justice and Equality after consultation with the Minister for the Environment, Community and Local Government. The current guidelines were issued in September, 2008.
The Programme for Government makes a commitment to build on existing community policing partnerships and forums to enhance trust between local communities and their Gardaí. I am aware that some JPCs are working better than others, depending on the local authority. As I have already informed the House, I intend shortly to communicate with local authorities to get an overview of how the JPCs are operating and the extent to which their activities are constructive and beneficial to the community and the Gardaí. My Department, the Department of the Environment, Community and Local Government and An Garda Síochána have commenced work on reviewing the operation of the Committees. My intention is that a document will be prepared, on the basis of which consultations will take place with the local authorities on how the operation of the Committees might be improved, with a view to updating the guidelines. I envisage that this process will be substantially complete in the early part of next year.

In addition, my Department has been engaged in a major consultative exercise leading to the production of a White Paper on crime. One of the issues addressed in this exercise has been the role of the JPCs. The White Paper will set out a policy framework for future strategies to combat and prevent crime. The intention is that this process will lead ultimately to a national anti-crime strategy, in which the JPCs will have a role to play.

Sexual Offences

75. Deputy Denis Naughten asked the Minister for Justice and Equality if he is satisfied with the level of compliance by persons who are subject to the requirements of Part 2 of the Sex Offenders Act 2001; the number of notifications received from other jurisdictions or from Interpol regarding the travel of convicted sex offenders to Ireland between 2009 and 2011; and if he will make a statement on the matter. [30799/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Sex Offenders Act 2001 contains a comprehensive series of provisions aimed at protecting children and other persons. Part 2 of the Act makes persons convicted of a range of sexual offences subject to notification requirements. The provisions of the Act also extend to any offenders convicted abroad of the same range of sexual offences who enter the State. I am informed by the Garda authorities that as of 19 October, 2011 there were 1,175 persons subject to the requirements of Part 2 of the Act.

All offenders subject to the notification requirements are monitored by the Sex Offender Management and Intelligence Unit (SOMIU) at the Garda National Bureau of Criminal Investigation. The Unit is supported by Garda Inspectors nominated in each Garda Division throughout the State. I am informed that the nominated Inspector in each Division has access to all necessary resources within his/her Division to assist him/her in carrying out his/her duties. Where An Garda Síochána becomes aware that an offender subject to the notification requirements has breached those requirements, appropriate action is taken. I am confident that the appropriate level of monitoring is carried out by An Garda Síochána and all breaches of the requirements which come to notice are pursued.

An Garda Síochána receive on a regular basis notifications regarding convicted sex offenders who travel to this country. When SOMIU receives such a notification, it is recorded on the Garda PULSE system and the relevant nominated Divisional Inspector is notified immediately. I am informed that the information requested regarding the number of such notifications received is not readily available and would require a disproportionate amount of time and resources to collate.
My Department is conducting a wide ranging examination of the law on sexual offences, including an evaluation of the Sex Offenders Act 2001. The review is close to completion, and I expect to bring legislative proposals to Government in the coming months.

Garda Stations

76. **Deputy Alan Farrell** asked the Minister for Justice and Equality the funding available to keep Garda stations open; the number of stations in the greater Dublin area; the opening and closing hours of same and the staffing levels available in same; and if he will make a statement on the matter. [31099/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Budget of An Garda Síochána is under constant review and Garda Management closely monitors the allocation of resources, including transfers and retirements, in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level, to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public. Senior Garda Management is satisfied that a full and comprehensive policing service continues to be delivered and that current structures in place meet the requirement to deliver an effective and efficient policing service to the community.

I am informed by the Garda authorities that the personnel strength of the Dublin Metropolitan Region, as of 30 September, the latest date for which figures are readily available, was as set out in the table attached.

All Garda Stations in the DMR are open on a 24 hour basis with the exception of 5 Stations, the opening hours of those Garda stations are as in the following table:

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<th>Division</th>
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<td>Dublin Airport</td>
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<td>Santry</td>
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Questions—25 October 2011. Written Answers

[Deputy Alan Shatter.]

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<td>Shankill</td>
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Fuel Smuggling

77. **Deputy Derek Keating** asked the Minister for Justice and Equality the steps being taken by the Garda to deal with the problem of illegal diesel being sold to reputable outlets; and if he will make a statement on the matter. [30795/11]
Minister for Justice and Equality (Deputy Alan Shatter): The collection of Mineral Oil Tax and tackling the illicit trade in fuel products are primarily matters for the Revenue Commissioners.

I am informed by the Revenue Commissioners that they are very aware of the threat to the Exchequer posed by the laundering of markers from mineral oil and the onward sale and supply of the laundered product as auto diesel.

In response, the Revenue Commissioners employ a broad range of compliance and enforcement strategies to detect and counteract illegal practices involving mineral oils.

I am further advised that these strategies continue to be successful in tackling this form of criminal activity with the ongoing detection of oil laundering plants, the seizure of laundered oil and the detection of retailers found dealing in laundered oil, as well as the detection of haulage companies who are using it in their vehicles.

The Revenue Commissioners are also aware of the existence of a number of unlicensed or suspect retail outlets offering low price diesel. In this regard, Revenue has embarked on a vigorous campaign targeting specific locations nationwide. This action has resulted in a number of these outlets closing down. Evidence regarding the sale of illegal diesel through reputable outlets has not yet been established.

The Revenue Commissioners are fully supported in this area of work by An Garda Síochána. Searches are regularly undertaken by members of An Garda Síochána, at the behest of the Customs authorities as part of intelligence-led operations led by Customs, which have resulted in a number of significant seizures of diesel and the closure of diesel-laundering plants, particularly in border counties.

As an example of this co-operation, a recent multi-agency operation involving An Garda Síochána and the Revenue Commissioners resulted in the seizure of approximately 110,000 litres of diesel, the search and closure of a sophisticated diesel laundering plant, the arrest of four persons, and the search and closure of five filling stations at locations in Dublin and the Midlands.

Furthermore, a Cross Border Task Force, comprising representatives from the Police Service of Northern Ireland, HM Revenue Customs, the UK Serious Organised Crime Agency, An Garda Síochána and the Criminal Assets Bureau and the Revenue Commissioners (Customs Service) has been established.

Arising from the work of this Task Force, a number of groups involved in the laundering and distribution of illegal fuels, operating in both jurisdictions, have been identified and are now being specifically targeted for investigation by all law enforcement agencies concerned.

I can assure the Deputy that our law enforcement agencies continue to tackle, within their respective remits, the problem of illegal diesel.

Question No. 78 answered with Question No. 44.

Garda Strength

79. Deputy Seán Crowe asked the Minister for Justice and Equality if he will provide an update on the proposed civilianisation policy being discussed between himself and the Garda Commissioner and any necessary discussions between him and the Minister for Public Expenditure and Reform in this regard; the likely outcomes and the timeline for implementation; and if he will make a statement on the matter. [31235/11]

Minister for Justice and Equality (Deputy Alan Shatter): There are currently over 2,000 full-time-equivalent civilian support staff in the Garda Síochána.
These staff provide vital support services in a wide range of areas, such as human resources, training and development, IT and telecommunications, finance and procurement, internal audit, research and analysis, accommodation and fleet management, scene-of-crime support and medical services. In doing so, they release highly trained Gardaí from administrative tasks to operational policing.

While the current number of civilian support staff is an increase on previous years the level of civilian support staff in the Garda Síochána is still significantly lower than in many comparable police forces. This is reflected in the 2009 Garda Inspectorate report on Resource Allocation, which called for the numbers of Gardaí available for operational duty to be maximised through a structured programme of civilianisation.

However, in seeking to increase the number of civilian support staff, we must face the reality of the need to reduce overall numbers in the public service. The answer may lie in the more effective use of resources across the public service, including in particular more flexibility in redeployment of staff to priority areas. Indeed, the Garda reform agenda under the Croke Park Agreement contains a specific commitment, agreed by Garda management and the Garda Associations, to augment civilian support staff in the Force through appropriate redeployment of staff from elsewhere in the public service.

**Crime Levels**

80. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which all levels of crime have been committed by persons while on bail in each of the past ten years to date; the way these figures compare with those in other jurisdictions; the number of cases in respect of which serious crime is involved; the nature of these cases; the number of crimes documented as being carried out by those in respect of whom warrants have been issued for previous crimes; if he intends to introduce the necessary legislation to ensure that persons remanded on bail are not in the position to commit further crimes, intimidate witnesses or interact with colleagues in the criminal world; and if he will make a statement on the matter. [31224/11]

441. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the action taken or likely to be taken to prevent recidivism with particular reference to prevention while on bail; and if he will make a statement on the matter. [31570/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 80 and 441 together.

Following the submission in 2004 of a report and recommendations by an expert group on crime statistics, it was decided that the compilation and publication of crime statistics should be taken over by the Central Statistics Office, as the national statistical agency, from An Garda Síochána. The Garda Síochána Act 2005 consequently makes provision for this and the CSO has established a dedicated unit for this purpose. Following the setting up of the necessary technical systems and auditing of the data from which the statistics are compiled, the CSO is now compiling, publishing and responding to queries regarding recorded crime statistics.

I have requested the CSO to provide detailed statistics directly to the Deputy.

The criminal law takes a serious view of offences committed by persons on bail. Section 11 of the Criminal Justice Act 1984 provides that any sentence of imprisonment passed on a person for an offence committed while on bail must be consecutive on any sentence passed on him or her for a previous offence, or on the sentence last due to expire, if more than one is being served. It also provides that the fact that an offence was committed while on bail must
be treated as an aggravating factor at sentencing and that the court shall impose a sentence that is greater than that which would have been imposed otherwise, unless there are exceptional circumstances.

The Bail Act 1997, which gave effect to the terms of the Sixteenth Amendment of the Constitution, provides for the refusal of bail to a person charged with a serious offence where it is reasonably considered necessary to prevent the commission of a serious offence by that person. In addition, section 6 of that Act, as amended by section 9 of the Criminal Justice Act 2007, provides that every bail recognisance is subject to the condition that the accused person shall not commit an offence while on bail.

I am conscious of public concern about the extent to which offences continue to be committed by persons on bail. I share that concern. I believe that bail law must be continually reviewed to ensure that all possible avenues are taken to protect the public against the commission of crime, particularly serious crime, by persons on bail. In doing this, we have to take account of the restrictions which exist in the provisions of our Constitution and the European Convention on Human Rights on the extent to which the right to bail can be limited.

My Department has been engaged in work to consolidate and update bail law with a view to presenting a clear, accessible and modern statement of the law. In the context of that modernisation of the law, I will be seeking to restructure the law so that it has a focus on the protection of the individual and of the public. My intention is that the new proposals will provide better guidance to the courts on how such protection might be provided. I am also taking the opportunity to introduce some general improvements to bail law to improve the overall working of the bail system.

I will bring proposals to Government on the matter shortly.

Departmental Agencies

81. **Deputy Mary Lou McDonald** asked the Taoiseach if he will provide the following information regarding the agencies operating under his aegis (details supplied) namely, the total number of whole-time equivalent staff, the total number of board members, the chairperson and board members respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill. [30918/11]

**The Taoiseach:** The details sought by the Deputy in respect of the two bodies she mentions are as follows.

The Chief State Solicitor’s Office has a whole-time staff equivalent of 230. The Office is part of the civil service and like other Departments and Offices is managed by a Management Advisory Committee, headed by the Chief State Solicitor.

The Office is entirely funded by the Exchequer and has its own Vote (Vote 13). The net total voted allocation for 2011 is €34.188m, of which €14.995m is allocated to payroll.

The Law Reform Commission has a whole-time staff equivalent of 23.

The Commission does not have board members or a Chairperson, but rather a President and four Commissioners. The position of President is currently vacant. The remuneration of the President of the Commission would depend on the circumstances. Appointees to the office of President of the Commission to date have been holders of judicial office. If a serving judge were President they would not receive any remuneration over and above their judge’s salary. A retired judge may receive an amount not exceeding the difference between their pension and the salary they would receive as a serving judge.

The remuneration of the Commissioners is as follows:

One full-time Commissioner: annual salary €184,187.
Two part-time Commissioners: annual salary €23,750 each.

One part-time Commissioner not in receipt of any salary (serving judge).

The Commission is entirely funded by the Exchequer. The total allocation to the Commission in 2011 is €2.301m, of which €1.153m is allocated to payroll.

82. **Deputy Mary Lou McDonald** asked the Taoiseach if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30790/11]

84. **Deputy Mary Lou McDonald** asked the Taoiseach if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30895/11]

**The Taoiseach:** I propose to take Questions Nos. 82 and 84 together.

The National Economic and Social Development Office NESDO is the only agency under the aegis of my Department. NESDO’s staff are paid from my Department’s vote.

83. **Deputy Éamon Ó Cuív** asked the Taoiseach the number of State agencies, independent statutory bodies, State boards or other quangos established by his Department since February 2011; the number which have been abolished; and if he will make a statement on the matter. [30805/11]

**The Taoiseach:** No State agencies, independent statutory bodies, State boards, or other quangos were established or abolished by my Department since February 2011.

*Question No. 84 answered with Question No. 82.*

85. **Deputy Mary Lou McDonald** asked the Taoiseach if he will provide the following information regarding the agencies operating under his aegis (details supplied) namely, the total number of whole-time equivalent staff, the total number of board members, the chairperson and board members respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill. [30919/11]

**The Taoiseach:** The National Economic and Social Development Office (NESDO), which includes the National Economic and Social Council (NESC), comes under the aegis of my Department. The total number of whole time equivalent staff is 19.2.

There are currently 33 members on the NESC Council, which is chaired by the Secretary General of my Department. No remuneration is paid to persons in relation to their membership of the Council.

The grant-in-aid for NESDO for this year, which is paid out of my Department’s Vote, is €2.325m, of which €1.8m has been allocated for salaries.

The Central Statistics Office (CSO) is an Independent Office and is not under the aegis of my Department. Similarly, the National Statistics Board (NSB) which is established under the Statistics Act 1993 is not a board under the aegis of my Department. However to be helpful to the Deputy I am providing the information requested in relation to both the CSO and the NSB.

**Central Statistics Office**

The Central Statistics Office allocation in 2011 is €80.067m, compared with spending of €50.762m in 2010. The increase this year relates to the Census of Population. The total number of whole time equivalent staff serving in the CSO at 30 September 2011 was 828. The peak number of staff was in April, during collection of the census, when more than 5,000 field staff were employed. The total annual wages and salaries bill for the CSO amounted to €35.866m.
in 2010. The corresponding allocation for 2011 is €38.997m for office-based staff and €22.246m for staff engaged in the collection of statistics.

**National Statistics Board**

Under the Statistics Act 1993, the National Statistics Board comprises a Chairperson and seven Board members.

One position on the board is unfilled at present. The Chairperson receives an annual stipend of €8,978 and four of the seven Board members are paid an annual stipend of €5,985. The other members are serving Civil Servants and receive no additional remuneration for serving on the Board. The costs of the Board are met from the CSO Vote.

**Departmental Expenditure**

86. **Deputy Anne Ferris** asked the Taoiseach if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30975/11]

**The Taoiseach:** My Department did not obtain legal advice from a firm of solicitors or from Senior or Junior Counsel, other than through the Office of the Attorney General, during the period in question.

In 2006, the National Economic and Social Development Office (NESDO), following a competitive tendering process for the provision of legal advice services, awarded the contract to Mason, Hayes and Curran. Details of the legal advice sought under this contract is contained in the following table.

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject Matter</th>
<th>Fees Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>January 2007</td>
<td>Presentation to NESDO staff on the National Economic and Social Development Office Act 2006</td>
<td>€8,288</td>
</tr>
<tr>
<td>February 2007</td>
<td>Legal advice on employment law</td>
<td>€7,773</td>
</tr>
<tr>
<td>March 2007</td>
<td>Legal advice on public procurement</td>
<td>€3,574</td>
</tr>
<tr>
<td>May 2007</td>
<td>Legal advice relating to mental health employment law for the National Economic and Social Forum Report Mental Health and Social Inclusion</td>
<td>€4,447</td>
</tr>
<tr>
<td>November 2007</td>
<td>Legal advice on procurement in relation to the FuturesIreland project</td>
<td>€2,627</td>
</tr>
<tr>
<td>February 2008</td>
<td>Legal advice in relation to NESDO IT contract</td>
<td>€336</td>
</tr>
<tr>
<td>August 2008</td>
<td>Legal advice on a recruitment issue</td>
<td>€7,196</td>
</tr>
<tr>
<td>September 2008</td>
<td>Further legal advice on a recruitment issue</td>
<td>€1,885</td>
</tr>
<tr>
<td>March 2008</td>
<td>Legal advice on a Memorandum of Understanding with the Korean Economic and Social Development Commission</td>
<td>€841</td>
</tr>
<tr>
<td>August 2008</td>
<td>Legal advice on National Workplace Survey contracts</td>
<td>€2,221</td>
</tr>
<tr>
<td>September 2008</td>
<td>Legal advice on National Workplace Survey contracts</td>
<td>€3,398</td>
</tr>
<tr>
<td>September 2008</td>
<td>Legal advice on National Workplace Survey contracts</td>
<td>€1,888</td>
</tr>
<tr>
<td>November 2008</td>
<td>Legal advice on National Workplace Survey contracts</td>
<td>€236</td>
</tr>
<tr>
<td>2009</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>
87. **Deputy Mary Lou McDonald** asked the Taoiseach the annual cost of the licensed payroll system, Corepay, to his Department. [31064/11]

**The Taoiseach:** My Department’s payroll is administered by the Department of Justice and Equality’s Financial Shared Services Centre.

I understand that the Minister for Justice and Equality’s reply to an identical question asked by the Deputy will include the information requested in relation to my Department.

### Departmental Agencies

88. **Deputy Mary Lou McDonald** asked the Taoiseach if he will provide a list of all commercial semi-State companies under his aegis. [31400/11]

**The Taoiseach:** There are no commercial semi-State agencies under the aegis of my Department.

### Departmental Expenditure

89. **Deputy Billy Kelleher** asked the Taoiseach the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers, and all agencies under the aegis of his Department. [31525/11]

**The Taoiseach:** Total expenditure by my Department in 2010 on ICT including staff costs, support and maintenance services, hardware, software, and external resources including consultancies, contractors and external service-providers was €1,329,279.

The corresponding figure for the National Economic and Social Development Office (NESDO), the only agency under the aegis of my Department was €178,811.

### Departmental Funding

90. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding the United Nations Relief and Works Agency funding shortfall; its effects on the agency’s works in Gaza and the urgent need for sufficient funding to be made available to the agency next year; and if he will make a statement on the matter. [30734/11]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Jan O'Sullivan):** The United Nations Relief and Works Agency (UNRWA) is the UN agency which has responsibility for the provision of assistance and services to five million Palestinian refugees in five areas of operation, the West Bank, Gaza Strip, Jordan, Lebanon, and Syria. The agency manages a budget of €450 million annually to deliver the range of assistance and services to its target population. These include basic education, health services, community employment schemes and food aid for vulnerable families.

Ireland has been, and continues to be, a strong supporter of UNRWA and its vital work. In the past five years, funding of €21.2 million has been provided by Ireland to assist UNRWA in helping vulnerable Palestinians. In 2011 alone, funding of €4 million in core programme support has been provided by Ireland to UNRWA.

It has come to my attention in recent weeks that UNRWA’s funding situation in Gaza at this point in 2011 is in serious crisis. A number of activities including job creation, agriculture
and fisheries programmes have already been cut back significantly and, in some cases, ceased in June. Of particular concern to me is a funding gap of more than €12 million in the food aid programme which, if not met by donors in the coming weeks, will see the food aid supply to vulnerable refugees in Gaza, including children, breaking down. If this happens, 600,000 refugees will no longer receive vital food rations and 200,000 schoolchildren will no longer receive school feeding supplements. In response to UNRWA's urgent request for further assistance, I have now approved further emergency funding of €500,000 to be delivered to the agency at the earliest opportunity.

It is my earnest hope that other governments will respond with similar speed and flexibility in response to this urgent situation. It is vital that the supply of essential humanitarian assistance to the Palestinian refugee population in Gaza is not interrupted over the coming period.

**Departmental Agencies**

91. **Deputy Mary Lou McDonald** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide the following information regarding the agencies operating under the aegis of his Department (details supplied); the number of whole-time equipment staff; the number of board members, the chairperson and board members respective remuneration packages; the annual wage bill; and the amount of central funding provided to the agency inclusive of wage bill. [30764/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** There are no agencies operating under the aegis of my Department. Below are the details requested for the two bodies that operate under the auspices of my Department: the Development Education Advisory Committee (DEAC) and Emigrant Services Advisory Committee (ESAC). The membership of the Committee was renewed for a further two-year term in April 2010. Members serve in a voluntary capacity and are not remunerated. Travel expenses relating to the work of the Committee are reimbursed on a vouched basis.

The administration of the DEAC is serviced by the Department of Foreign Affairs and Trade from the Department’s overall budget.

The current membership of the Committee is as follows:

Ms Moira Leydon, Assistant General Secretary, Association of Secondary Teachers Ireland (Chairperson).

Mr. Kevin J. McCarthy, Department of Education and Skills Inspectorate.

Ms Annette Honan, National Council for Curriculum and Assessment (NCCA).

Dr. Claire Lyons, Mary I College, Limerick.

Ms Maria Barry, Trócaire.

Mr. Patsy Toland, Self Help Africa.

Dr. Paul Conway, University College Cork.

The primary role of the Emigrant Services Advisory Committee (ESAC) is to advise me on the welfare of and the allocation of grants to Irish community organisations in Britain under the Emigrant Support Programme.
The Committee consists of thirteen members, including two officers from our Embassy in London who act as Chair and Secretary to the Committee. The other eleven members of the Committee serve in a voluntary capacity.

In April of this year, after consultation with our Embassy in London and the Irish Abroad Unit in the Department, I made the following appointments to the Committee:

- Mr. Michael Forde — Chairman of the Irish Diaspora Foundation.
- Mr. Séamus McGarry — Member of the Ireland Fund of Great Britain; Board of Irish Cultural Centre, Hammersmith.
- Mr. Jim O’Hara — Vice Chair, Irish Youth Foundation UK, Chair of Irish Cultural Centre, Hammersmith.
- Cllr. Sally Mulready — Councillor in the London Borough of Hackney; Irish Elderly Advice Network.
- Mr. Tony Cusack — Manager of Irish Centre in Leicester.
- Ms Breege McDaid — Chief Executive, Irish Community Care Merseyside.
- Mr. Tony Corcoran — Tyneside Irish Festival and Secretary of the Tyneside Irish Centre.
- Mr. Des Hurley — Chief Executive, Irish Arts Foundation.
- Ms Bridie Nugent — Board Member of the Irish Welfare and Information Centre in Birmingham.
- Mr. John Gormley Former President of the GAA in Britain.
- Mr. Joe Brown Chair of the Irish Travellers Movement.

The Chairperson is Ms Jane Connolly and the Secretary is Michael Keavaney. The Ireland-United States Commission for Educational Exchange (The Fulbright Commission) and the North/South Ministerial Council (NSMC) do not operate under my direct authority. The Ireland-United States Commission for Educational Exchange enjoys autonomy of management and administration in accordance with section 2(5) of the Educational Exchange (Ireland and the United States of America) Act, 1991. Under section 3(1) of the 1991 Act, the Minister for Foreign Affairs and Trade is responsible for the appointment of four members of the eight-member Commission.

The Commission’s accounts are available in the Oireachtas library. The Good Friday Agreement provides for the establishment of the North/South Ministerial Council and the NSMC Joint Secretariat, which was established in Armagh to support and facilitate the North/South Ministerial Council. It is jointly-staffed by personnel from the Irish and Northern Irish civil services. The NSMC, and each of the North/South Bodies which operate on an all-island basis under the auspices of the NSMC, are accountable to the Oireachtas and the Northern Ireland Assembly.

92. **Deputy Mary Lou McDonald** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30784/11]
Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no State agencies under the aegis of the Department of Foreign Affairs and Trade.

**Ministerial Responsibilities**

93. **Deputy Eoghan Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade if the trade function has moved under his remit, if not when will this occur, if it has happened, to what extent; and if he will make a statement on the matter. [30847/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Following a Government decision on 24 May last, the transfer of trade promotion functions from the Department of Jobs, Enterprise and Innovation to the Department of Foreign Affairs and Trade took place on 1 June. The transfer gives my Department an enhanced role in trade promotion.

On a practical level, my Department now has responsibility for the management of the Export Trade Council and of our Joint Economic Commissions which Ireland maintains with a number of countries. I chaired the first meeting of the Export Trade Council, on Thursday 29 September 2011. In line with the commitment in the Programme for Government the new Council will strengthen cooperation and coordination across all Government Departments and State Agencies involved in the promotion and development of trade and exports and will oversee the progressive implementation of the recommendations set out in *Trading and Investing in a Smart Economy* published last autumn.

I will lead the Irish delegation at the forthcoming meeting of our Joint Economic Commission with the Russian Federation scheduled to take place on 7 November next in Moscow.

The transfer of trade functions has resulted in a closer working relationship with Enterprise Ireland, particularly in relation overseas trade missions which they organise and which are led by myself or my colleague the Minister for State for Trade and Development. Minister O’Sullivan has recently led trade missions to London, Saudi Arabia and Qatar, and will shortly lead one to South Africa. I attended the annual meeting of Asia Pacific Ireland Business Forum (APIBF) in Seoul, on 14 October 2011 and while in the region, took the opportunity to travel to Tokyo to have a number of meetings there focussed on trade and economic issues.

The Department of Jobs, Enterprise and Innovation retains lead responsibility for trade policy, which includes representing Ireland’s trade interests in the context of the EU Common Commercial Policy and at the World Trade Organisation.

**Passport Applications**

94. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs and Trade if passports or travel documents will issue to a person (details supplied) who was born outside Ireland but whose parentage is proved to be Irish; and if not his plans to bring forward urgent legislation to allow them to do so. [30853/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Before issuing a passport to a minor the Passports Act 2008 requires that the Minister must be satisfied, amongst other matters, that the child is an Irish citizen, and that the passport application has been submitted by either a parent or guardian of the child. On 8 June the family sought and were refused a declaration of parentage from the Circuit Court. I can confirm that the Attorney General was on notice of the case and did not offer any objection to the order being made. The consequences of this order are that the Irish citizen male has been found not to be the father of the child and accordingly the child is not entitled to Irish citizenship. In light of this
ruling, which is binding on the State, the Department is not able to issue a passport or other travel document under the Act. I along with my officials fully understand and appreciate the depth of frustration and disappointment experienced by the parents as a result of the difficult and complex situation which they are now in. Nevertheless, it is important to re-state the legal position in regard to that court decision which I have put on record in the House in our debate on 18 October last, that, there is no administrative procedure available to the State to overrule or ignore the determination made by Circuit Court in this case that would allow for the issue of a passport to this person at this stage. That ruling can only be reversed on appeal by the High Court.

The couple’s solicitor has lodged an appeal with the High Court and has been informed that the Attorney General will not oppose the appeal nor seek any costs in this matter. I have informed the couple of this. There is no legislation specifically dealing with surrogacy in Ireland, but existing laws with regard to issues such as citizenship, parentage, guardianship and passports apply. It is clear that legislation is needed to deal specifically with this important and sensitive issue. As provided for in the Programme for Government, it is the Government’s intention to bring forward such legislation. This matter is being dealt with by the Minister for Justice and Equality. However, given the complexity of the issue and the policy involvement of various other Government Departments, including Health, Children, Social Protection and my own, this will take time. In the short term, officials in my Department in conjunction with officials from the Attorney General’s Office, the Department of Justice and Equality and others are currently working on guidelines on dealing with such cases pending the enactment of legislation in this area. Work on the guidelines is at an advanced stage. The aim of the process is to produce guidelines for the public that would bring a degree of clarity on the law applicable to this complex area. It is also hoped to put people on notice in regard to the issues, requirements and difficulties which may arise.

**Departmental Agencies**

95. **Deputy Mary Lou McDonald** asked the Tánaiste and Minister for Foreign Affairs and Trade if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30889/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no State agencies under the aegis of the Department of Foreign Affairs and Trade.

**Departmental Expenditure**

96. **Deputy Anne Ferris** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide details for the years 2006 to 2011, inclusive, of the arrangements that he, any body under his aegis or State agency for which he has responsibility entered into for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors’ firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30969/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department has a Legal Division, staffed by qualified legal professionals who provide legal advice on a wide range of international legal issues. Having such “in-house” legal experts reduces the costs which would be incurred if the Department was to engage externally for similar services.
The majority of other instances where legal advice and services have been required by my Department in the State during the period in question have been handled either by the Attorney General’s Office or the Chief State Solicitor’s Office, or have related to cases processed by the State Claims Agency. As the Deputy will be aware, Government Departments do not directly pay for the legal services provided by the Office of the Attorney General and or the Chief State Solicitor’s Office or for advice from Counsel briefed by them.

Nevertheless, there are from time to time occasions where a need to engage external legal services in the State arises, where the necessary specialised expertise is not available within my Department and cannot be accessed from the AGO or the CSSO. In the period in question this occurred on three occasions, the details of which are included in the table below.

The Department’s Missions abroad may have occasional requirements for legal services and these are sourced from local legal practitioners as and when required.

<table>
<thead>
<tr>
<th>Year</th>
<th>Subject matter</th>
<th>Solicitor/Barrister</th>
<th>Fee</th>
<th>Nature of the work</th>
<th>Tendering</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Passport biometrics</td>
<td>Mason, Hayes &amp; Curran</td>
<td>€39,351.75</td>
<td>Legal advice and associated services</td>
<td>Standard tendering using etenders</td>
</tr>
<tr>
<td>2006</td>
<td>Preparation of tender for transport provision</td>
<td>Ronan Daly Jermyn Solicitors</td>
<td>€10,315.25</td>
<td>Legal advice</td>
<td>Assigned by the CSSO</td>
</tr>
<tr>
<td>2007</td>
<td>EPassport</td>
<td>Matheson Ormsby Prentice</td>
<td>€1,473.78</td>
<td>Oversight of EPassport certification</td>
<td>Recommended by the CSSO</td>
</tr>
</tbody>
</table>

97. Deputy Mary Lou McDonald asked the Tánaiste and Minister for Foreign Affairs and Trade the annual cost of the licensed payroll system, CorePay, to his Department. [31058/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Core International license their CorePay payroll system by way of an annual maintenance and support charge on installed elements. For 2011 the charge is €20,728. New functionality has been implemented during 2011 for which additional licensing is required at a cost of €31,460. There will also be an associated additional support and maintenance charge of €3,680.

Election Monitoring

98. Deputy Finian McGrath asked the Tánaiste and Minister for Foreign Affairs and Trade if he will list persons sent abroad since May 2010 to monitor elections and referendums in tabular form; the process by which election observers are appointed to the observer panel; the number of male and female observers on the panel; and if he will make a statement on the matter. [31134/11]

Minister of State at the Department of Foreign Affairs and Trade (Deputy Jan O’Sullivan): The Government believes that international election monitoring missions have an important role to play in the promotion of human rights and democracy. Irish Aid in the Department of Foreign Affairs and Trade maintains a roster of observers for election monitoring missions. There are currently some 300 people on the roster, 104 women and 196 men.

The main requirements for inclusion on the roster are overseas or domestic experience in the administration of elections, or significant overseas development expertise. Members should also be Irish citizens, be in good health and have an ability to adapt to difficult conditions. Knowledge of foreign languages is also an advantage. Candidates who fulfil the requirements are placed on the roster following an interview. The election observation programme is subject
to continuous monitoring to ensure that it operates efficiently and effectively and provides the best possible value for money.

The Government aims to ensure that, when requested, Ireland is represented at an appropriate level in international observation missions for elections and constitutional referendums. Irish observers participate primarily on missions organised by the European Union and the Organisation for Security and Cooperation in Europe (OSCE), but have also been involved in missions organised by the Council of Europe, the United Nations and the Carter Centre.

A list in tabular form of persons sent abroad between May 2010 and October 2011 to monitor elections and referendums is set out below.

Election observation missions, May 2010 to October 2010

Irish observers act on observation missions as core team members, long term observers (LTOs) and short term observers (STOs).

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>ORGANISATION</th>
<th>ROLE</th>
<th>FORENAME</th>
<th>Surname</th>
</tr>
</thead>
<tbody>
<tr>
<td>May</td>
<td>EU</td>
<td>LTO</td>
<td>Donal</td>
<td>Blake</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>EU</td>
<td>LTO</td>
<td>Edward</td>
<td>Horgan</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>EU</td>
<td>STO</td>
<td>Michael</td>
<td>McNamara</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>EU</td>
<td>STO</td>
<td>Mary</td>
<td>O'Shea</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>EU</td>
<td>LTO</td>
<td>Marion</td>
<td>Roche</td>
</tr>
<tr>
<td>Georgia</td>
<td>OSCE</td>
<td>STO</td>
<td>Colm</td>
<td>Burke</td>
</tr>
<tr>
<td>Georgia</td>
<td>OSCE</td>
<td>STO</td>
<td>Marian</td>
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<td>Georgia</td>
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<td>STO</td>
<td>Geraldine</td>
<td>Cusack</td>
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<td>STO</td>
<td>Seamus</td>
<td>Duffy</td>
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<td>Brian</td>
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<td>OSCE</td>
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<td>Friel</td>
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<td>Fergus</td>
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<td>OSCE</td>
<td>STO</td>
<td>Michael</td>
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<td>OSCE</td>
<td>LTO</td>
<td>Sean</td>
<td>O'Callaghan</td>
</tr>
<tr>
<td>June</td>
<td>EU</td>
<td>STO</td>
<td>Mary</td>
<td>Boland</td>
</tr>
<tr>
<td>Guinea</td>
<td>EU</td>
<td>STO</td>
<td>Michael</td>
<td>Humphreys</td>
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<td>Guinea</td>
<td>EU</td>
<td>STO</td>
<td>Aidan</td>
<td>O'Shea</td>
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<td>July</td>
<td>EU</td>
<td>STO</td>
<td>Peter</td>
<td>Ballagh</td>
</tr>
<tr>
<td>October</td>
<td>OSCE</td>
<td>STO</td>
<td>Killian</td>
<td>Forde</td>
</tr>
<tr>
<td>Bosnia</td>
<td>OSCE</td>
<td>STO</td>
<td>Niall</td>
<td>Gormley</td>
</tr>
<tr>
<td>Bosnia</td>
<td>OSCE</td>
<td>STO</td>
<td>Patrick</td>
<td>Houlihan</td>
</tr>
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<td>OSCE</td>
<td>STO</td>
<td>Paul</td>
<td>McGrath</td>
</tr>
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<td>Bosnia</td>
<td>OSCE</td>
<td>STO</td>
<td>Caíomh</td>
<td>Ni Chonchuir</td>
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<tr>
<td>Bosnia</td>
<td>OSCE</td>
<td>STO</td>
<td>Chiara</td>
<td>Popplewell</td>
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<td>Bosnia</td>
<td>OSCE</td>
<td>STO</td>
<td>Audrey</td>
<td>Ryan</td>
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<tr>
<td>COUNTRY</td>
<td>ORGANISATION</td>
<td>ROLE</td>
<td>FORENAME</td>
<td>SURNAME</td>
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<td>--------------</td>
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<td>---------</td>
</tr>
<tr>
<td>Bosnia</td>
<td>OSCE</td>
<td>STO</td>
<td>Eamonn</td>
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Election Observation Missions (01 January-October 2011)

(51 Observers on 14 Missions)

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Human Rights Issues

99. Deputy Pádraig Mac Lochlainn asked the Tánaiste and Minister for Foreign Affairs and Trade if he supports the exclusion from the EU of produce from Israeli settlements in occupied Palestinian territories; and if he will make a statement on the matter. [31208/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Government’s firm views on the establishment and continued expansion of illegal Israeli settlements in the occupied Palestinian territories are clear and well known. I would support any move at EU level to exclude settlement products from entry to the EU. However, it is clear that such a proposal would not at this point have any prospect of commanding sufficiently wide support.

100. Deputy Pádraig Mac Lochlainn asked the Tánaiste and Minister for Foreign Affairs and Trade when he will meet representatives of the Irish Ship to Gaza campaign to receive their evidence on the reason they believe their boat, the MV Saoirse, was sabotaged by Israeli agents while docked in Turkey; the efforts he has made to establish the facts about this incident that endangered the lives of Irish citizens while on a humanitarian aid mission; and if he will make a statement on the matter. [31278/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): When the reports of the damage to the Saoirse were received, the Irish Embassy in Ankara made inquiries with the Turkish police and customs authorities in the port to ascertain their assessment of what had occurred, and the contention of the crew that this had involved sabotage. I have explained, in reply to previous questions from the Deputy, the reasons why the Turkish authorities did not consider that sabotage had taken place. I would be happy to have the views of the Irish Ship to Gaza group examined. I met with them in June prior to these events, and I am of course already familiar with the case they have made in public, and to the Turkish authorities, in relation to their view that the Saoirse was sabotaged. I would invite them in the first instance to meet with officials of my Department, to determine if they have further evidence beyond this to impart.

The investigation of what happened in a port in Turkey is of course, and will remain, primarily the responsibility of the Turkish authorities.

Passport Applications

101. Deputy Catherine Byrne asked the Tánaiste and Minister for Foreign Affairs and Trade if passport application forms have been amended to show the €65 fee for passports for citizens aged over 65 years; and if he will make a statement on the matter. [31377/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): In December 2010 the previous Government decided that the free facility, which provided those citizens who were aged 65 and over with a 10 year passport free of charge, would be withdrawn. Since 11 April 2011, these citizens must pay the standard adult fees for their selected passport service. Notice of this and other fee changes were published on the Department’s website www.passport.ie and in advertisements in the national press. Current fee information is also available from public notices which are generally displayed in Garda Stations, Post Offices and Passport Offices.

A new print run of application forms and information form notes was issued this summer. The information form notes advise applicants to check the amount of the fee for their requested passport service from these notices when they are applying for passports. This is important as the payment of the wrong fee will delay the processing of their application.
The newly amended information form notes do not include passport fee details. The decision to omit this was based on the following considerations:

(1) The levels of passport fees are reviewed on a regular basis and it would not represent good value for money to have to destroy the existing stock of unused and widely distributed application form notes and replace them with a new version any time there is a fee change.

(2) There is no effective way of updating fee information on the stocks that are in use all over the world at the time of a fee change. Outdated information on these forms has resulted at times in delayed passport delivery.

Applicants are advised to first check the current fees on the Passport Office website or at the Post Office or Garda Station.

It should be noted that the current adult fee for a regular passport is €80 for Passport Express, which is the passport service that is jointly operated by the Department with An Post, and €95 for those applications that are made at a Passport Office or submitted through regular postal services, including registered post.

Departmental Agencies

102. **Deputy Mary Lou McDonald** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide a list of all commercial semi-State companies under his aegis. [31394/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no commercial semi-State companies under the aegis of the Department of Foreign Affairs and Trade.

Pension Provisions

103. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding staff who have moved from southern Departments to the all-island bodies in terms of their pension entitlements; if they are a part of the North-South pension scheme and if their years of service have been transferred to that scheme; and if he will make a statement on the matter. [31496/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department does not have direct responsibility for the all island bodies established under the British Irish Agreement. Questions relating to these bodies and particularly all aspects of the terms of employment and pension entitlements relating to staff who have moved from Departments to the all island bodies should be taken up with the relevant Departments.

The Departments and the bodies for which they are responsible are as follows:

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<td>Waterways Ireland and the Language Body</td>
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<tr>
<td>Jobs, Enterprise and Innovation</td>
<td>InterTrade Ireland</td>
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<td>Communications, Energy and Natural Resources</td>
<td>Foyle, Carlingford and Irish Lights Commission</td>
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<td>Public Expenditure and Reform</td>
<td>Special EU Programmes Body</td>
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<td>Health</td>
<td>Food Safety Promotion Board</td>
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The same applies to the Department of Transport, Tourism and Sport in regard to Tourism Ireland.

**Departmental Expenditure**

104. Deputy Billy Kelleher asked the Tánaiste and Minister for Foreign Affairs and Trade the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers and all agencies under the aegis of his Department. [31519/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The total expenditure in my Department on ICT in respect of Votes 28 (Foreign Affairs and Trade) and 29 (International Cooperation) in 2010 was €15,837,705. This includes staff costs, support and maintenance services, hardware, software, telecommunications and external resources including consultancies, contractors and external service providers. There are no State agencies under the aegis of my Department.

105. Deputy Eoghan Murphy asked the Minister for Finance if he will confirm the cost to the State for the legal costs incurred by the National Asset Management Agency in 2010 and to date 2011. [30848/11]

Minister for Finance (Deputy Michael Noonan): Fees and expenses incurred by NAMA are recovered through the operating activities of the agency. They are published in the quarterly reports of NAMA, which are laid before the Houses of the Oireachtas and published on the NAMA website. The second quarterly report for the period ending 30 June 2011, accompanied by financial statements for the second quarter, was submitted to me as required by the end of September 2011 and I will lay the report before each House of the Oireachtas shortly.

The aggregate legal costs for the year 2010 and the first quarter of 2011 are as follows:

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The figures in the table above do not include legal fees incurred by NAMA as part of the loan due diligence process, which are recovered from the five participating institutions through a reduction in the consideration paid for acquired loans.

**Proposed Legislation**

106. Deputy Finian McGrath asked the Minister for Finance his views on a proposal to create 500 new jobs (details supplied). [31431/11]

Minister for Finance (Deputy Michael Noonan): This question relates to a submission by the Irish Bookmakers Association. The issues raised are being examined in the context of the proposed Betting (Amendment) Bill, which is being drafted at present. The Bill will amend the 1931 Betting Act to *inter alia* establish the regulatory framework for the licensing of remote bookmakers and betting exchanges, including measures to enforce the regulatory framework. The extension of the opening hours of retail betting shops over the winter period is also being considered in that context. The drafting of the Bill, which is fairly complex, is well advanced. The Finance Act 2011 provided measures for the extension of the 1% betting duty to remote bookmakers and a 15% gross profits tax to betting exchanges, subject to a Ministerial Commencement order that can only be commenced when the Betting (Amendment) Bill is enacted.
Pension Provisions

107. Deputy Mary Lou McDonald asked the Minister for Finance the saving that could be made to the Exchequer from reducing the earnings cap on pension contributions from €115,000 per annum to €80,000. [30742/11]

Minister for Finance (Deputy Michael Noonan): The current annual earnings cap of €115,000 acts, in conjunction with age-related percentage limits of annual earnings, to put a ceiling on the annual amount of tax relief an individual taxpayer can obtain on employee or personal pension contributions. I am informed by the Revenue Commissioners that the full year yield to the Exchequer arising from reducing the earnings cap to the amount mentioned in the question is currently estimated to be of the order of €95 million. This figure is provisional and subject to revision. A breakdown of the figures by reference to income levels is available only in respect of the tax relief for contributions to Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) and to the extent that these contributions are included in the personal tax returns of tax payers. With regard to occupational pension schemes (schemes set up by employers), the figures in respect of employee contributions are available only in aggregate form. Information on such contributions is not captured in such a way as to make it possible to associate contributions with individual income levels. For that reason the estimated yield to the Exchequer in respect of these contributions is extremely tentative. The estimated yield is based on assuming that tax relief which would be affected by the changes mentioned in the question is currently allowed at the top income tax rate of 41% and at the maximum age-related percentage limit of earnings. The figure provided could therefore be regarded as the maximum Exchequer yield in respect of those taxpayers.

Public Service Contracts

108. Deputy Kevin Humphreys asked the Minister for Finance if it is his policy to check the tax compliance of companies and persons before they are awarded State contracts; if he will consider directing the Revenue Commissioners to investigate the tax compliance of all contractors and sub-contractors currently working on State contracts; and if he will make a statement on the matter. [30750/11]

Minister for Finance (Deputy Michael Noonan): The policy of my Department, as set out in Circular 43/2006 “Tax Clearance Procedures, Public Sector Contracts” is that, in the case of all public sector contracts of a value of €10,000 (inclusive of VAT) or more within any 12-month period, the contractor (and agent as appropriate) is required to produce either a valid tax clearance certificate or a C2 certificate. The public sector includes all Government Departments and Offices, Local Authorities, the Health Service Executive and other Health Agencies, Educational Bodies and all State Bodies whether commercial or non-commercial (statutory or otherwise) and in general all authorities (agencies/entities/bodies) who finance contracts out of public funds. The Circular is to be interpreted to cover situations where public sector bodies are buying, hiring or leasing goods, services or property or generally expending public monies including, for example, contracts. It is not necessary that a contract be the subject of formal documentation or a tendering process for the tax clearance procedures to apply. Contracts awarded and payments made by public sector bodies to other public sector bodies are excluded from the scope of these procedures.

I am advised by the Revenue Commissioners that the tax compliance of all contractors and sub contractors currently working on State contracts has been verified through the tax clearance or C2 process as outlined above. Further monitoring on sub-contractors’ compliance is carried out through the payments cards application process when the compliance status is reviewed.
before payments in excess of approved amounts can be made without deduction of Relevant Contracts Tax.

In addition, State Bodies, principal and sub contractors are all subject to Revenue’s various compliance programmes which range from unannounced visits to sites to fully comprehensive audits. In that context they may be selected for intervention based on the presence of various risk indicators and other information available to Revenue.

In the future the new Relevant Contracts Tax system that is being introduced by Revenue from 1 January 2012 will ensure that Revenue has access to up to date real time information on-line which they can monitor, review and respond to immediately. The rate of RCT to be applied will change depending on the ongoing tax compliance of the sub contractors. In effect it introduces a system of real time and ongoing tax clearance.

Section 101 of the Minister and Secretaries (Amendment) Act 2011 has placed on a statutory basis the independence of the Revenue Commissioners in the exercise by the Commissioners of their statutory functions under the various taxation and customs enactments, including decisions relating to investigation. This has given effect to the recommendation of the Report of the Tribunal into Payments to Politicians and Related Matters (that is, the report of Mr. Justice Moriarty), that the principle or convention of the independence of the Revenue Commissioners be elevated to the more robust status of a legislative provision.

Tax Yield

109. **Deputy Kevin Humphreys** asked the Minister for Finance the amount he expects to raise through the domicile levy otherwise known as the tax exile levy, by the filing date of 31 October; the amount that has been paid to date; his views that the rules of the levy should be adapted on an ongoing basis to ensure that the largest number of high net worth persons are subject to the levy; and if he will make a statement on the matter. [30765/11]

**Minister for Finance (Deputy Michael Noonan):** The Domicile Levy can be paid at any time up to 31 October in the year following the valuation date, which is 31 December of each year. The first valuation date for the levy was 31 December 2010 and the tax return and payment of the levy for 2010 is not due until 31 October 2011. The yield figure will not be available until after that date. As with other areas of taxation, the rules are constantly kept under review and any changes will be determined in the context of Budget and Finance Bill.

Tax Code

110. **Deputy Kevin Humphreys** asked the Minister for Finance the rate of VAT that applies to bicycle helmets; his views that it is appropriate to levy VAT on such a critical piece of safety equipment and in view of the fact that VAT does not apply to helmets in the UK; if he will consider changing the rules here so that no VAT rate applies to safety helmets; and if he will make a statement on the matter. [30769/11]

**Minister for Finance (Deputy Michael Noonan):** The supply of safety equipment including bicycle helmets for children up to 10 years of age is liable to VAT at the zero rate in accordance with paragraph 10(1) of Schedule 2 of the Value-Added Tax Consolidation Act 2010. The supply of safety equipment for adults and children older than 10 years is liable to VAT at the standard rate of 21% as provided for in Section 46(1)(a) of the VAT Consolidation Act. The application of a reduced rate on safety equipment for adults and older children is prohibited by the EU VAT Directive, with which Irish VAT law must comply. In general, Member States must apply the standard VAT rate to all safety equipment. Under Article 110 of the VAT Directive, where a Member State applied a zero rate of VAT to any item on 1 January 1991,
they could continue to apply the zero rate. It is under this provision that clothing and safety equipment for children is zero rated in Ireland. As the standard rate applied to safety equipment for adults and older children on 1 January 1991, it is not possible for Ireland to apply a VAT rate lower than the standard rate to these items. With regard to the VAT rate applying to safety equipment including bicycle helmets in the UK, the same VAT Directive provision (Article 110), allows the UK to zero rate safety equipment and bicycle helmets for adults as well as children. This is because the UK applied such a rate to safety equipment on 1 January 1991.

Departmental Agencies

111. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30783/11]

115. **Deputy Mary Lou McDonald** asked the Minister for Finance if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30888/11]

137. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide a list of all commercial semi-State companies under his aegis. [31393/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 111, 115 and 137 together.

In response to the Deputy’s questions there are 2 bodies which are classed as commercial agencies and one body classed as non-commercial State agency which come under the aegis of my Department.

The commercial bodies are Anglo Irish Bank and The National Asset Management Agency.

The non-commercial State agency which comes under the aegis of my Department is The National Treasury Management Agency (NTMA). The NTMA is responsible for borrowing on behalf of the Government and managing the National Debt. It also acts as the State Claims Agency, the Manager of the National Pensions Reserve Fund and is the body through which the National Development Finance Agency performs its functions. NewERA has been established in the NTMA, initially on a non-statutory basis. The NTMA assigns staff to the National Asset Management Agency (NAMA) and also provides NAMA with business and support services and systems.

The expenses of the NTMA, including staff costs, are paid directly from the Central Fund. NAMA reimburses the NTMA the costs of staff assigned to NAMA and the costs of business and support services provided to NAMA from its own resources.

Tax Code

112. **Deputy Robert Dowds** asked the Minister for Finance the action being taken to address the issue of the use of transfer pricing to reduce tax paid here by multinational corporations; and if he will make a statement on the matter. [30811/11]

**Minister for Finance (Deputy Michael Noonan):** With effect from the start of this year, codified provisions in relation to transfer pricing address any understatement of profits for Irish tax purposes. These provisions confirm that, for trading transactions between associated persons, the OECD “arm’s-length” standard of pricing must apply. Arm’s length prices are those that would be agreed by independent parties. If the amount payable under the terms of a
transaction between associated persons is greater than the arm’s length amount and reduces the profit, then the arm’s length amount will be deemed to be the amount payable in substitution for the actual amount. If the amount receivable under a transaction is less than the arm’s length amount and reduces the profits, then the arm’s length amount will be deemed to be the amount receivable in substitution for the actual amount. Media reports have incorrectly suggested that highly profitable companies make arrangements using transfer pricing to reduce their payment of Irish corporation tax, effectively bringing the Irish tax rate below 12.5%.

Arm’s-length payments incurred, for the use of assets owned outside the State by an associated foreign company, will reduce the profits of the Irish company concerned. The reports mistakenly attribute to Ireland profits that, in fact, represent the return due to assets owned in other jurisdictions by group companies resident in those jurisdictions. Group companies resident in Ireland pay 12.5% corporation tax on their profits arising here. However, by relating this corporation tax not only to the profits of the Irish-resident companies but, instead, to both those profits and the profits of foreign-resident companies (which are not profits chargeable to Irish corporation tax), these reports produce an average tax rate for the companies concerned that is lower than 12.5% and an inference that Irish profits are not being charged.

Multinational groups, with subsidiaries in other countries as well as in Ireland, incur bona fide expenditures that are paid to foreign group members and reduce Irish profits. This may reduce the average rate of tax for the total profits of the Irish and foreign-resident subsidiaries taken together. Nevertheless, the Irish profits are being charged and the rate of tax actually paid on the profits of Irish-resident subsidiaries is the full 12.5%.

**Tax Reliefs**

113. **Deputy Eoghan Murphy** asked the Minister for Finance when he is due to report on the section 23 consultation process. [30842/11]

**Minister for Finance (Deputy Michael Noonan):** The public consultation on Section 23-type reliefs and other “legacy” property-based tax reliefs, undertaken by my Department concluded at the end of July. Over 700 submissions were made during the consultation, which forms part of an impact assessment process to assess the potential effects of amending, curtailing and/or abolishing such reliefs, in keeping with the commitment in the Programme for Government to curtail tax shelters which benefit very high income earners. Submissions were received from a wide range of organisations and from individuals, and varied in length and scope. These submissions are currently being examined and are adding to our understanding of the dynamic of these reliefs and providing a valuable source of information on the possible impacts on the State and investor groups of potential changes to the treatment of property-based legacy reliefs.

It is anticipated that the analysis of the submissions along with the results of the impact assessment process will be available for consideration in the context of the forthcoming budget.

As the Deputy is aware it is not customary to comment in advance of the Budget on any matters that might be the subject of Budget decisions.

**Tax Code**

114. **Deputy Michael Healy-Rae** asked the Minister for Finance if he will examine ways of reducing the VAT rate on domestic energy, to alleviate fears and hardship that energy costs are having on persons with low incomes. [30867/11]

**Minister for Finance (Deputy Michael Noonan):** I would point out that domestic fuels, namely electricity and gas, are already subject to VAT at the reduced rate of 13.5% in Ireland.
The majority of EU Member States, nineteen of the 27 States, apply higher VAT rates to domestic energy than Ireland. Ireland can avail of this reduced rate because of a provision, under Article 118 of the EU VAT Directive that provides that where a reduced rate applied to a good or service on 1 January 1991, Member States can continue to avail of that reduced rate. However, this provision is restricted in that only a rate of 12% or more may apply to domestic fuels.

The level and timeframe of any changes to the Irish VAT rates will be determined in the context of the annual Budget cycle.

\textit{Question No. 115 answered with Question No. 111.}

\textbf{Departmental Agencies}

116. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will provide the following information regarding the agencies operating under his aegis (details supplied) namely, the total number of whole time equivalent staff, the total number of board members, the chairperson’s and board members’ respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill.

\begin{verbatim}
[30915/11]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy’s question information in relation to bodies listed and which come under the aegis of my Department is as follows: Details requested in respect of the Office of the Appeals Commissioners and Office of the Revenue Commissioners are available in the revised estimates for 2011.

The National Development Finance Agency (NDFA) performs its functions through the National Treasury Management Agency (NTMA). The NTMA had 39 members of staff directly assigned to the NDFA at end-September 2011.

There are eight members of the NDFA Board. The Chairman and Chief Executive of the NDFA (the CEO and a director of the NTMA respectively) receive no fee. The remaining 6 ordinary board members receive a fee of €12,600 per annum, which takes into account a 10% reduction in fees agreed by the Board at the request of the Minister for Finance in 2009. Board fees are charged to the Central Fund.

The National Pensions Reserve Fund (NPRF) is controlled and managed by the NPRF Commission. The NTMA is the Manager of the National Pensions Reserve Fund and the Commission performs its functions through the Manager. The NTMA had 13 members of staff directly assigned to the NPRF at end-September 2011.

There are seven members of the National Pensions Reserve Fund Commission. The Chairperson is paid €51,424 per annum and ordinary members of the Commission (other than the Chief Executive of the NTMA who is an ex-officio member of the Commission and does not receive a fee) are paid €34,283. These fees take into account a 10% reduction in fees agreed by the Board at the request of the Minister for Finance in 2009). The fees paid to the Commission are charged to the National Pensions Reserve Fund.

The NTMA’s shared services (Finance, HR, IT, etc.) provide support to all of the Agency’s business functions, including the NDFA and the NPRF.

The expenses of the NTMA, including staff costs, are paid directly from the Central Fund. NAMA reimburses the NTMA the costs of staff assigned to NAMA and the costs of business and support services provided to NAMA from its own resources. The costs incurred by the NTMA in its role as Manager of the NPRF are set out in the accounts of the National Pensions
\end{verbatim}
Reserve Fund. These costs amounted to €4.5 million in 2010. The costs incurred by the NTMA in relation to the NDFA are set out in the accounts of the NDFA. These costs amounted to €7.1 million in 2010.

Fees and expenses incurred by the NPRF Commission, other than the expenses of the NTMA as outlined above, are charged to the NPRF.

Amounts are advanced from the Central Fund to fund the payment of external advisory fees and expenses incurred by the NDFA in the performance of its financing and advisory functions in relation to specific investment projects. These fees and expenses are reclaimed from State authorities and the amounts advanced are then repaid to the Exchequer.

**State Banking Sector**

117. **Deputy Jim Daly** asked the Minister for Finance if his attention has been drawn to an internal memo circulated recently within AIB instructing all account managers not to pay standing order claims from accounts that exceed the authorised limit even by the slightest amount and not regarding paired accounts that may be in surplus cash; and if he will make a statement on the matter. [30927/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, notwithstanding the fact that the State is a 99.8% shareholder in AIB, the bank is run on a commercial basis and the Government does not interfere in the day to day commercial decisions taken by the board and management of the bank. The matter referred to in the Deputy’s question would clearly fall into this category and I would have no function in the matter.

**Tax Collection**

118. **Deputy Michael McCarthy** asked the Minister for Finance the reason for the delay in processing an appeal in respect of a person (details supplied) in County Cork to the Revenue Commissioners; when a decision on the matter will be forthcoming; and if he will make a statement on the matter. [30930/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that there has been no delay in dealing with this matter. The person concerned wrote to the Office of the Appeal Commissioners on 5th October to make an appeal. The Appeal Commissioners replied on 14th October advising him that, in accordance with the relevant legislation, he should make his appeal through the Revenue Commissioners. In writing to Revenue he should address his letter to Mr. Michael Duggan, Assistant Principal, Revenue Commissioners, Revenue House, Blackpool, Cork, who will ensure that it receives prompt attention.

The person concerned also wrote to the Revenue Commissioners on 5th October seeking an internal review of his tax affairs. Revenue’s Internal Review Unit will ensure that the review is completed as soon as possible.

**Tax Code**

119. **Deputy Catherine Murphy** asked the Minister for Finance if he will consider amending clauses (1) and (111) of paragraph a(11) of the Stamp Duties Consolidation Act 1999; if he agrees the time limit can be a problem when divorce or separation is protracted; if changes to the act are planned; the time frame involved; and if he will make a statement on the matter. [30959/11]
Minister for Finance (Deputy Michael Noonan): The Deputy appears to be referring to Section 92B Stamp Duties Consolidation Act 1999, which relates to first time buyer relief from Stamp Duty on the purchase of residential property. Finance Act 2011 abolished first time buyer relief, along with a number of other reliefs from Stamp Duty on residential property transfers, as part of the process in which the Stamp Duty rate was reduced to 1% on properties valued up to €1 million and 2% on any balance over €1 million. I have no plans at this time to reintroduce this relief so the question of amending the provision does not arise.

Departmental Expenditure

120. Deputy Anne Ferris asked the Minister for Finance if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility, for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30968/11]

Minister for Finance (Deputy Michael Noonan): In general, my Department uses the services of the Office of the Attorney General and the Office of the Chief State Solicitor. However, it also seeks outside legal advisors in circumstances requiring legal services of a specific nature. The costs associated with the Office of the Attorney General and the Office of the Chief State Solicitor are borne by their respective Votes. The following tables set out the detail sought by the Deputy in relation to the legal fees paid by my Department and by the Offices under the aegis of my Department for the years 2006, 2007, 2008, 2009, 2010 and to date in 2011.

The Deputy should note, that information in respect of my Department covers some activities for which responsibility transferred to the Department of Public Expenditure and Reform from July 2011.

Both the national Treasury Management Agency and the Central Bank were unable to provide the information requested by the Deputy in the time available, however this information is being collated and will be issued to the Deputy.

Department of Finance

<table>
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<tr>
<th>Advisor</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011 (to date)</th>
<th>Reason</th>
<th>Tender Yes/No</th>
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<td>Advice in relation to the drafting of construction contracts</td>
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<td>2006</td>
<td>2007</td>
<td>2008</td>
<td>2009</td>
<td>2010</td>
<td>2011 (to date)</td>
<td>Reason</td>
<td>Tender Yes/No</td>
</tr>
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<td>Advice relating to Public Sector Standard Conditions and amendments to Arbitration and Conciliation regulations</td>
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<td>Arthur Cox</td>
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<td>A&amp;L Goodbody</td>
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<td>A&amp;L Goodbody</td>
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<td>Paul O’Higgins S.C.</td>
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<td>Advice provided to Messrs Regling and Watson as part of their preliminary investigation into the banking sector</td>
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<td>David Barniville SC</td>
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<td>Advice in relation to Credit Institutions Stabilisation Act</td>
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<td>Niamh Hyland BL</td>
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<td>Advice in relation to Outside Appointments Board</td>
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</table>
Office of the Appeal Commissioners

Nil reply

Office of the C&AG

The C&AG’s role as auditor of the accounts of all Government Departments, other Funds controlled by the State and many State Sponsored Bodies can lead to situations where the Office has to obtain independent legal advice as a conflict of interest could arise for the Attorney General as the legal adviser representing the body the Office requires legal advice on. The Office procures all legal services for a period of three years at a time, using a competitive open tendering process. It is not possible to set out the individual subject matter of advice sought over each three-year period. Indicatively, the Office seeks a firm of solicitors which can offer the following types of advice; Litigation, Contract Law, Defamation, Employment Law, Administrative Law and Legislation.

Legal advice was sought on a case-by-case basis, where the primary provider of legal services during the period concerned suffered from a conflict of interest. Where the Office procures legal advice separately to this draw down arrangement, the subject of the advice is given in the table below.

Office of C&AG

<table>
<thead>
<tr>
<th>Advisor</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
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<th>2011 (to date)</th>
<th>Reason</th>
<th>Tender</th>
<th>Reason</th>
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<td>Work relating to chapter in Annual Report</td>
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<td>Maurice G Collins</td>
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<td>Mason Hayes Curran</td>
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<td>8,030</td>
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<td>48,599</td>
<td>NAMA due diligence advice</td>
<td>No</td>
<td>Firms approached to participate in tendering process all had a conflict of interest.</td>
</tr>
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</table>
Revenue

I am advised by the Revenue Commissioners that the Revenue Solicitor provides legal services for Revenue and in that capacity engages external barristers in circumstances that require specific legal advices and legal opinions on issues in Tax, Customs and general litigation, for advising proofs for Court and Administrative Tribunal cases and for providing full advocacy services in the conduct of Tax, Customs and general litigation (both civil and criminal) before the District, Circuit, High and Supreme Courts, Appeal Commissioners and other administrative tribunals. The use of a competitive tendering process for these services is not feasible.

Virtually all the fees paid to Counsel relate to tax and customs compliance, including tax avoidance. The requirement for legal advice arises in the context of individual tax and customs cases, which cannot be detailed for reasons of taxpayer confidentiality, where Revenue is challenging, or being challenged. Other than the figures in Table 2 below, it is not possible to disaggregate the fees paid for advice from those paid for litigation and advocacy services.

For completeness, I am advised by the Revenue Commissioners that following competitive tender they entered into contracts with firms of solicitors to provide legal services associated with debt collection and recovery. These are essentially outsourcing contracts and the expenditure is set out in Table 3 below.

Table 1: Total fees paid to Counsel in respect of services provided to Revenue Commissioners, including VAT.

<table>
<thead>
<tr>
<th>Year</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011 (To 30/09/2011)</th>
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<td>1,315,252</td>
<td>1,949,170</td>
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<td>889,130</td>
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</table>

Table 2: Fees paid to Solicitors firms for advice, including VAT

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<th>Year</th>
<th>Firm</th>
<th>Fees</th>
<th>Purpose</th>
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<td>Procurement and contract advice for the provision of Legal Services associated with Debt Collection and Recovery.</td>
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<tr>
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<td>Arthur Cox</td>
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<td>Advice — Employment Law</td>
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<td>2010</td>
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<td>Procurement and contract advice for the provision of security services.</td>
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<tr>
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Table 3: Expenditure on Debt Collection and Recovery, including VAT and outlay.

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<th>2011 (to date)</th>
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**Questions—**


**Written Answers**

[Deputy Michael Noonan.]

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<th>Firm</th>
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<th>2009</th>
<th>2010</th>
<th>2011 (to date)</th>
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**Barristers Fees 2006**

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Written Answers

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Barristers Fees 2007

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### Questions—
Written Answers

[Deputy Michael Noonan.]

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### Barristers Fees 2008

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### Written Answers

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### Barristers Fees 2009

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**Total: €1,660,464.31**

**Barristers Fees 2010**

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### Written Answers

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Total: €889,130.25

Tax Code

121. **Deputy Jack Wall** asked the Minister for Finance the reason a person (details supplied) in County Kildare has not received a P45; and if he will make a statement on the matter. [30977/11]

**Minister for Finance (Deputy Michael Noonan):** I have been advised by the Revenue Commissioners that they have contacted the employer and that a P45 will issue to the person concerned today.

Mortgage Debt

122. **Deputy Sean Ó Fearghaile** asked the Minister for Finance his views on correspondence (details supplied) regarding mortgage debt issues; and if he will make a statement on the matter. [31003/11]

**Minister for Finance (Deputy Michael Noonan):** I would like to thank the Deputy for bringing to my attention the proposals for dealing with the mortgage arrears situation. As the Deputy is aware a lot of discussion has taken place to deal with the mortgage arrears situation and a lot of suggestions have been put forward. In November 2010, the Expert Group on Mortgage Arrears and Personal Debt published its report. All of the Group’s recommendations are listed in Chapter 2 of the Report which can be accessed on my Department’s website: [www.finance.gov.ie](http://www.finance.gov.ie).

More recently, the Economic Management Council, of which I am a member, requested an Inter-Departmental Mortgage Arrears Working Group to consider further necessary actions to alleviate the increasing problem of mortgage over-indebtedness. The Group’s report was published on 12 October 2011 and is also available on my Department’s website. The report was debated in the Dail this week. This debate gave all sides of the House the opportunity to contribute in a constructive and realistic manner to the deliberations on this important issue. As I stated in the House, all of us recognise that the problem is a complex one. Neither the work of the Group nor the report were designed to offer the complete solution to the mortgage arrears problem. As is recommended in the report, further solutions need to be developed by the mortgage lenders and these need to be assessed by the Central Bank. The report sets out some very important recommendations on where the State should play its part by supporting mortgage to rent schemes, establishing a mortgage advisory function and introducing more
appropriate bankruptcy legislation. Its sets out a clear framework for assessing individual situations and a range of suggested solutions.

I have instructed the Banking Division of my Department to begin discussions with the banks to ensure implementation of the measures set out in the report.

**Departmental Expenditure**

123. **Deputy Mary Lou McDonald** asked the Minister for Finance the annual cost of the licensed payroll system, Corepay, to his Department.  [31057/11]

**Minister for Finance (Deputy Michael Noonan):** My Department is a shared services payroll provider and, in addition to paying Finance staff, uses its licensed Corepay system to provide a service for a number of other Government Department/Offices per annum. The annual maintenance and support costs in respect of this service is, €49,200.

The Revenue Commissioners, which is under the aegis of my Department, is not part of my Department's shared services payroll. However, I am informed the annual Corepay costs for that body were, €81,070 in 2010.

**Financial Services Regulation**

124. **Deputy Peter Mathews** asked the Minister for Finance if financial institutions are obliged to lower the interest on a mortgage (details supplied); and if he will make a statement on the matter.  [31145/11]

**Minister for Finance (Deputy Michael Noonan):** As Minister for Finance, I do not get involved in or comment on negotiations/discussions between a borrower with his/her lender. I note that the borrower in question is engaging with the lender. As the Deputy is aware the Central Bank’s Code of Conduct on Mortgage Arrears (the Code) applies to mortgage lending activities with borrowers in respect of their principal private residence in the State. Under the Code, lenders must establish a Mortgage Arrears Resolution Process known as a MARP and use this framework when dealing with borrowers who are in arrears or in pre-arrears situations. Under rule16 of the Code, a lender must establish a dedicated Arrears Support Unit (ASU) to manage cases under the MARP. If a borrower is not satisfied with a decision of the ASU, then he or she can appeal the matter to the lender’s internal appeals board which the lender is obliged to establish under rule 42 of the Code. A copy of the Code is available on the Central Bank’s website: www.centralbank.ie.

125. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Finance his views that it is unfair for lending institutions to raise variable mortgage rates in order to offset losses on tracker mortgages; and if he will make a statement on the matter.  [31152/11]

130. **Deputy Brendan Griffin** asked the Minister for Finance his views on a matter (details supplied); the steps he will take in this situation; and if he will make a statement on the matter.  [31178/11]

134. **Deputy Michael Healy-Rae** asked the Minister for Finance if he will review a matter (details supplied) regarding interest rates; and if he will make a statement on the matter.  [31271/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 125, 130 and 134 together.

As Minister for Finance, I have no statutory role in the setting of interest rates charged by financial institutions regulated by the Central Bank.
The Central Bank has responsibility for the regulation and supervision of financial institutions in terms of consumer protection and prudential requirements and for ensuring ongoing compliance with applicable statutory obligations. Interest rates and financial products are not regulated. Each institution determines the rate it charges its customers, depending on a number of factors, such as cost of funds and commercial considerations (such as competition in the market, risk pricing and the impact on deposit rates).

Despite the Central Bank not having a statutory role in the matter, I have been advised by the Bank that a decision has been taken to require any bank that has received Government capital support to provide an impact analysis of any proposed standard variable mortgage rate increase in terms of the implications for its arrears portfolio and for future capital requirements. The Central Bank has also indicated that the Board of Directors of such a bank must, in future, review and approve this analysis to ensure that proper attention is given to the costs of such actions. The Deputies may wish to refer to the address given by Mr Matthew Elderfield, Deputy Governor of the Central Bank to the Association of Compliance Officers in Ireland at University College Cork on 14 October 2011. This can be accessed on the Central Bank’s website www.centralbank.ie.

The Financial Services Ombudsman is a statutory officer who deals independently with complaints from consumers about their individual dealings with financial service providers that have not been resolved by the providers after they have been through the internal complaints resolution systems of the providers. Because of the independence of the Ombudsman, it would not be appropriate for me to comment on his work or on how long it takes him to carry out his investigations.

National Asset Management Agency

126. **Deputy Pearse Doherty** asked the Minister for Finance if he will release NAMA Q2, 2011 accounts in advance of meeting of the Committee of Public Accounts on 26 October 2011; and if he will make a statement on the matter. [31163/11]

**Minister for Finance (Deputy Michael Noonan):** The second quarterly report for the period ending 30 June 2011, accompanied by financial statements for the second quarter, was submitted to me by NAMA as required by the end of September 2011 and I will lay the report before each House of the Oireachtas shortly.

Banks Recapitalisation

127. **Deputy Peter Mathews** asked the Minister for Finance the amount of Government bonds that were assets of Allied Irish Bank immediately prior to the 31 July recapitalisation; the amount of Government bonds that are assets of Allied Irish Bank currently; and if he will make a statement on the matter. [31171/11]

**Minister for Finance (Deputy Michael Noonan):** The latest publicly available figures on the amount of Eurozone Government bonds, including Irish government bonds, held by AIB were published as part of the EU wide bank stress tests on 15 July 2011. A link to the main release on the Central Bank of Ireland’s website is below. http://www.centralbank.ie/press-area/press-releases/Pages/2011EU-WideBankStressTestResultsforIrishBanksPublished.aspx

The results published by the Central Bank contain an individual PDF report for AIB detailing the various Eurozone and other Sovereign exposures, including Ireland, as of 31 December 2010. The Sovereign debt exposures are shown starting on page 7 of the PDF report. Additionally, AIB provided updated partial disclosure on their sovereign exposures as part of their 30 June 2011 half year results, the full detail of which can be found on page 27 of the
I am informed by the bank that an up-to-date disclosure of its Irish Government bond holdings is not currently available on the grounds of commercial sensitivity and would only ordinarily be updated at accounting period ends or as part of other market announcements.

128. **Deputy Brendan Griffin** asked the Minister for Finance his views on a matter (details supplied); if he intends to deliver on this commitment; and if he will make a statement on the matter. [31173/11]

**Minister for Finance (Deputy Michael Noonan):** The Programme for Government commits the Government to examining a proposal to increase mortgage interest relief to 30% for first time buyers who bought between 2004 and 2008 to be financed in part by the abolition of mortgage interest relief for new buyers from mid 2011. This proposal was considered by the Inter-Departmental Group on Mortgage Arrears but was not recommended by the Group. However, all tax matters remain for consideration in the context of the annual Budget and this remains the position.

**Tax Code**

129. **Deputy Olivia Mitchell** asked the Minister for Finance the reason medical expenses involving hair transplant for female patients suffering from alopecia are not allowable for tax relief; if he will consider allowing same for this condition; and if he will make a statement on the matter. [31174/11]

**Minister for Finance (Deputy Michael Noonan):** Income Tax relief in respect of health expenses is allowable in accordance with section 469 of the Taxes Consolidation Act 1997. The section provides for tax relief for health expenses incurred in the provision of health care. “Health Care” is defined as the prevention, diagnosis, alleviation or treatment of an ailment, injury, infirmity, defect or disability but does not include cosmetic surgery or similar procedures, unless the surgery or procedure is necessary to ameliorate a physical deformity arising from, or directly related to, a congenital abnormality, a personal injury or a disfiguring disease. Hair transplant treatment for androgenetic alopecia (known as female and male pattern baldness) is not regarded as the provision of “health care” and, accordingly, tax relief is not due in respect of expenditure incurred for hair transplant treatment in such cases. However, other forms of alopecia, such as scarring alopecia, are different from androgenetic alopecia and are considered separately by the Revenue Commissioners.

Scarring alopecia, for example, arises because of inflammation or infection of the hair follicles, which results in hair loss. Where ailments such as scarring alopecia are treated with medications to heal the scarring, tax relief would be allowed for the expenses incurred for the medications and the services of a medical practitioner. Hair transplant treatment for scarring alopecia, may also qualify as the provision of health care, if it can be shown that the transplant treatment was not cosmetic and was undertaken for the treatment of a congenital abnormality, a personal injury or a disfiguring disease.

If a person is not satisfied with a decision of the Revenue Commissioners to refuse tax relief under section 469, it is open to the person to appeal to the tax Appeal Commissioners to have the matter reviewed.

Having regard to the approach adopted by the Revenue Commissioners as respects tax relief for non-androgenetic alopecia suffers and the fact that an appeal is available against the Commissioners decision I do not propose to make any changes in this area.
Question No. 130 answered with Question No. 125.

Bank Staffing

131. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide a list of all the current members of the senior management team of Anglo Irish Bank. [31191/11]

132. **Deputy Pearse Doherty** asked the Minister for Finance further to Parliamentary Question No. 24 of 5 October 2011, if he will name the 22 persons who remain at Anglo Irish Bank from the 50 most senior persons employed pre-nationalisation; and if he will make a statement on the matter. [31192/11]

133. **Deputy Pearse Doherty** asked the Minister for Finance if he will confirm that a person (details supplied) is currently an employee at Anglo Irish Bank; if he will detail the positions held by this person on the night of the nationalisation of Anglo Irish Bank, the day after the nationalisation of the bank and and currently within the bank; and if he will make a statement on the matter. [31193/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 131 to 133, inclusive, together.

As the Deputy is aware the Board of the bank is responsible for the day to day operation of the bank, including the appointment of and assignment of staff within the bank. I have no direct function in this regard. The bank has informed me that it is constrained under the provisions of the Data Protection Acts from disclosing the personal details of employees of the bank when a question or series of questions would require the disclosure of personal data of individual employees.

As already indicated my approval, as Minister, is required in relation to the appointment of and terms and conditions of employment of senior management at the bank. I can confirm, in the interests of clarity, that no member of the current senior management team reported directly to the former CEO at the bank prior to nationalisation.

The current members of the senior management team of IBRC are:

- Mike Aynsley — Group Chief Executive Officer;
- Jim Bradley — Chief Financial Officer;
- Gary Marshall — Chief Operating Officer;
- Peter Rossiter — Chief Risk Officer;
- Lizanne White — Chief Legal Officer;
- Tom Hunersen — Group Executive — Corporate and Institutional Recovery;
- Richard Woodhouse — Specialised Asset Management;
- Mark Layther — Recovery Management Ireland;
- Jim Brydie — Recovery Management UK;

Question No. 134 answered with Question No. 125.

Tax Collection

135. **Deputy Seán Kenny** asked the Minister for Finance the number of licensed premises that were audited for tax compliance annually since 2006; the number found to be non-compliant; and if he will make a statement on the matter. [31308/11]
Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the number of audits carried out in relation to licensed premises in each of the years 2007 to 2011 (to August), and the related yield across all tax heads, business and personal, is as follows:

- 2007 — 314 — €11.5m [210 yielding/67%];
- 2008 — 327 — €11.5m [242 yielding/74%];
- 2009 — 307 — €15.7m [230 yielding/75%];
- 2010 — 285 — €7.6m [207 yielding/73%];
- 2011 (to August) — 194 — €4.7m [143 yielding/74%].

Yielding cases includes cases where there was no cash yield but reliefs and losses were restricted. The proportion of yielding cases is in line with Revenue’s risk based audit programme.

These statistics are compiled based on cases with a NACE Code of 5540. NACE Code 5540 is a classification that encompasses licensed bars, licensed premises and licensed vintners. The above statistics do not include audits carried out on hotels, restaurants and off-licences.

I am further advised by the Revenue Commissioners that the operators of licensed premises are controlled and monitored for tax compliance purposes in the same way as taxpayers in all other sectors. Operators of licensed premises, like all taxpayers, are obliged to make accurate returns under the self-assessment system and are liable to Revenue audit in the normal way. I am assured by Revenue that the audit of licensed premises is an ongoing aspect of their work.

The main focus of Revenue continues to be on selecting cases for intervention based on the presence of various risk indicators and other information available. This is the type of targeted intervention that gets best results and that is most likely to change the behaviour of the taxpayer into the future. The targeted approach is greatly enhanced by the computerised Risk Evaluation Analysis and Profiling System (REAP) developed by Revenue. This system categorises taxpayers in accordance with defined risk criteria. The system allows for the screening of all tax returns against sectoral and business norms and provides a selection basis for checks or audits. This effectively means that 100% of self-assessed taxpayers are risk-assessed a number of times a year. REAP contains considerable information on all self-assessed taxpayers, including operators of licensed premises.

Tax Code

136. **Deputy Shane Ross** asked the Minister for Finance his views on whether the curtailment of property reliefs will have a detrimental effect on those who have invested in properties; his plans to support those persons who were encouraged to invest under the promise of such reliefs; and if he will make a statement on the matter. [31310/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy is aware my Department is carrying out an impact assessment of the potential effects of amending, curtailing and/or abolishing property-based “legacy” tax reliefs in line with the commitment in the Programme for Government. The impact assessment process is examining the benefits that may accrue to the Exchequer in terms of additional tax yield as well as consequences for investor groups and the wider economy arising from possible changes to the treatment of these reliefs. The assessment process included a public consultation, which afforded all interested parties an opportunity to present their views and, resulted in the submission of over 700 individual responses.

The response to the consultation is currently being appraised in tandem with research conducted as part of the overall impact assessment. It is anticipated that the analysis of the submissions along
with the results of the impact assessment process will be available for consideration in the context of the forthcoming budget.

As is customary, I do not propose to comment in advance of the Budget on any matters that might be the subject of Budget decisions.

*Question No. 137 answered with Question No. 111.*

**Bank Assets**

138. **Deputy Peter Mathews** asked the Minister for Finance further to Parliamentary Question No. 39 of 13 October 2011, the reasons the courts could refuse to approve the transfer of an asset or liability of a relevant institution to another institution; and if he will make a statement on the matter. [31460/11]

**Minister for Finance (Deputy Michael Noonan):** Part 5 of the Credit Institutions (Stabilisation) Act 2010 (“CIS Act”) provides power to the Minister for Finance to transfer assets and/or liabilities of a “relevant institution” i.e., an institution within the scope of the CIS Act to another institution subject to the approval of the Court. Part 5 of the Central Bank and Credit Institutions (Resolution) Act 2011 provides similar powers to the Central Bank in relation to the assets and/or liabilities of an “authorised credit institution” i.e., an institution within the scope of the 2011 Act to another institution subject to the approval of the Court. The Court would of course consider each case on its merits. It is not the role of the Minister to speculate on the way in which the Court would exercise its statutory functions. However I can highlight a number of provisions of the legislation that are pertinent, which may be of assistance to the Deputy. Section 34 of the CIS Act provides that once the procedures in section 33 of the Act in relation to a proposed transfer order have been completed, the Minister shall apply to the High Court for a transfer order. Section 34 (2) provides that if the Court is satisfied that the requirements of section 33 have been complied with and that the opinion of the Minister under section 33(2) was reasonable and not vitiated by any error of law, it shall make a transfer order on the terms of the proposed transfer order. Section 34 (5) provides that the Court may make a transfer order on terms varied or amended from those in the Minister's proposed order where the Court is satisfied that (a) there has been non-compliance with any of the requirements of section 33 or that the opinion of the Minister under section 33(2) was unreasonable or vitiated by an error of law, (b) it would be appropriate to do so, and (c) to do so is necessary for any purpose of the Act.

Subsection 33(2) stipulates that the Minister may make a proposed transfer order only if, having consulted with the Governor of the Central Bank, the Minister is of the opinion that, having regard to any adverse consequences that may arise as a result of the transfer order, in relation to the interests generally of the creditors of the transferor or, where the transferor is a subsidiary or holding company, in relation to the interests generally of the creditors of the transferor or the relevant institution concerned, making a transfer order in the terms of the proposed transfer order is necessary to secure the achievement of a purpose of the Act specified in the transfer order. Subsection 33(2A) provides that nothing in subsection 33(2) requires the Minister to consider the possible adverse consequences of the transfer order concerned on the interests of a particular creditor or class of creditors of the transferor or relevant institution, as the case may be, or to consider any submission made by a creditor on behalf of that creditor, a class of creditor or creditors generally. The Deputy may also wish to note that section 36(1) of the CIS Act provides that the relevant institution which is the subject of a transfer order, or a member of it, may apply to the High Court, within a specified period, to have a transfer order set aside. Sections 36(3) and 36(4) provide that, on an application under section 36(1), if it is satisfied that there has been non-compliance with any of the requirements of section 33 (proposed transfer orders) or that the opinion of the Minister under section 33(2) was unreasonable or vitiated by an error of law the
Court will set aside the transfer order or, if the Court is satisfied that it would be appropriate to do so, having regard to any report referred to in section 34(3) [i.e., a report prepared by the Central Bank] and that to do so is necessary to achieve any purpose of the Act, make an order varying or amending that order in the manner it considers appropriate.

Part 5 of the Central Bank and Credit Institutions (Resolution) Act 2011 contains similar provisions to those outlined above.

**Tax Collection**

139. **Deputy Michael Healy-Rae** asked the Minister for Finance if a person (details supplied) will be entitled to a refund of the universal social charge; and if he will make a statement on the matter. [31486/11]

**Minister for Finance (Deputy Michael Noonan):** The Universal Social Charge (USC), which came into effect on 1 January 2011, is a tax payable on gross income (after any relief for certain trading losses and capital allowances, but before pension contributions). An individual is liable to pay the USC if his/her gross income exceeds the threshold of €4,004 per annum. USC is not levied on payments from the Department of Social Protection. For 2011, the rates are:

- 2% on the first €10,036;
- 4% on the next €5,980;
- 7% on the balance.

Currently, the USC is calculated on a pay period by pay period basis. This means that, where an individual’s income from employment exceeds €77 per week, the employer will compute and deduct USC from the gross income due to the employee. The rate at which it is deducted will depend on the gross income payable for that week.

Where USC has been deducted and, either, the individual’s gross income is below the threshold amount, or, the USC should have been charged at a lower rate, an overpayment will arise.

If after the end of the year the taxpayer, who is the subject of the question, believes they have overpaid USC, they should contact their local Revenue office for a review of their USC deductions. Following such review, any amount overpaid will be refunded to the taxpayer.

**Tax Code**

140. **Deputy John Lyons** asked the Minister for Finance following the publishing of a report (details supplied), his plans to increase the tax on cigarettes in budget 2012; and if he will make a statement on the matter. [31500/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, taxes are considered in the context of the Budget process. It is the usual practice for the Minister for Finance not to speculate in advance of a Budget on what it will contain; and I do not propose to deviate from that practice.

**Departmental Expenditure**

141. **Deputy Billy Kelleher** asked the Minister for Finance the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software and external resources such as consultancies, contractors and external service providers and all agencies under the aegis of his Department. [31518/11]

**Minister for Finance (Deputy Michael Noonan):** The total expenditure in 2010 on ICT including staff costs, support and maintenance services, hardware, software, and external resources including
consultancies, contractors and external service-providers was €1,557,473. The cost breakdown was as follows:

- Staff Costs €745,075;
- Support and Maintenance €164,058;
- Hardware €351,520;
- Software €62,360;
- Contractors and External Service-Providers €234,460.

There was no expenditure on external resources (including consultancies).

It has not been possible to collate the data on the agencies as requested in the time available. I will however supply the data to the Deputy as soon as possible.

**Budget Submissions**

142. **Deputy Michael Healy-Rae** asked the Minister for Finance his views on a pre-budget submission regarding an increase in the price of cigarettes; and if he will make a statement on the matter. [31529/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware, taxes are considered in the context of the Budget process. It is the usual practice for the Minister for Finance not to speculate in advance of a Budget on what it will contain; and I do not propose to deviate from that practice.

*Question No. 143 withdrawn.*

**Departmental Agencies**

144. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide the following information regarding the agencies operating under the aegis of his Department (details supplied); the number of whole time equivalent staff; the number of board members; the chairperson and board members respective remuneration packages; the annual wage bill; and the amount of central funding provided to the agency inclusive of wage bill [30743/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Information is provided in the table that follows this reply in respect of certain bodies currently under the aegis of my Department. The information relates to WTE Staff (as of 3rd Quarter 2011); Number Board Members (current); Board Members Remuneration Fees (per annum); Annual Wage Bill (2010); and Funding either provided through the Department (2010). In relation to a number of the bodies listed by the Deputy that have been excluded from the attached table she should note that both the Inspectorate and the National Educational Psychological Service (NEPS) are integral parts of my Department and are not separate bodies; the National Education Welfare Board (NEWB) is now under the aegis of the Minister for Children and Youth Affairs; from September 2011, the National Centre for Technology in Education (NCTE) is no longer an aegis body of the Department but is within the remit of Dublin West Education Centre alongside the Department’s largest support service, the Professional Development Service for Teachers (PDST); the Dublin Institute for Advanced Studies, the Royal Irish Academy and the Royal Irish Academy of Music are not considered to be bodies under the aegis of my Department but instead are deemed to have the same ‘status’ as the universities and ITs and as such are considered part of the Higher Education sector; and the Commission on School Accommodation Needs has been abolished and the staff retired. Any work it did is now done by the Department.
<table>
<thead>
<tr>
<th>Agency Name</th>
<th>WTE Staff (3rd Qtr 2011)</th>
<th>Number Board Members (current)</th>
<th>Board Members Remuneration Fees (per annum)</th>
<th>Annual Wage Bill (2010) (€000s)</th>
<th>Funding provided through the Department (2010) (€000s)</th>
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</thead>
<tbody>
<tr>
<td>Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta (COGG)</td>
<td>3</td>
<td>21</td>
<td>Nil</td>
<td>214</td>
<td>1,715</td>
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<tr>
<td>Commission to Inquire into Child Abuse (CICA)</td>
<td>6.8 (see note 1)</td>
<td>6</td>
<td>See Note 1</td>
<td>419</td>
<td>2,261</td>
</tr>
<tr>
<td>Education Finance Board</td>
<td>3.8 (see note 2)</td>
<td>9</td>
<td>Nil</td>
<td>See Note 2</td>
<td>See Note 2</td>
</tr>
<tr>
<td>FÁS</td>
<td>1,897.48</td>
<td>11</td>
<td>Chairperson: €20,520</td>
<td>108,811</td>
<td>666,898(^1)</td>
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<tr>
<td>FÁS Chairperson: €20,520</td>
<td></td>
<td></td>
<td>Ordinary Members: €11,970</td>
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<td></td>
</tr>
<tr>
<td>Further Education and Training Awards Council (FETAC)</td>
<td>36</td>
<td>14</td>
<td>Nil</td>
<td>2,799</td>
<td>5,200</td>
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<td>Grangegorman Development Agency</td>
<td>7</td>
<td>15</td>
<td>Chairperson: €8,978</td>
<td>482</td>
<td>1,357,055</td>
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<td>Grangegorman Development Agency Chairperson: €8,978</td>
<td></td>
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<td>Ordinary Members: Nil</td>
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<tr>
<td>Higher Education and Training Awards Council (HETAC)</td>
<td>27.8</td>
<td>15</td>
<td>Nil</td>
<td>2,221</td>
<td>1,300(^2)</td>
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<tr>
<td>Higher Education and Training Awards Council (HETAC) Chairperson: €8,978</td>
<td></td>
<td></td>
<td>Ordinary Members: Nil</td>
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<td></td>
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<td>Higher Education Authority</td>
<td>52.2</td>
<td>19</td>
<td>Chairperson: €11,970</td>
<td>3,157</td>
<td>5,500(^3)</td>
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<td>Higher Education Authority Chairperson: €11,970</td>
<td></td>
<td></td>
<td>Ordinary Members: €7,695</td>
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<td></td>
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<tr>
<td>Irish Research Council for Science, Engineering and Technology (IRCSET)</td>
<td>5</td>
<td>14</td>
<td>Nil</td>
<td>303</td>
<td>21,800(^4)</td>
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<td>Irish Research Council for the Humanities and Social Science (IRCHSS)</td>
<td>4.6</td>
<td>11</td>
<td>Nil</td>
<td>321</td>
<td>11,200</td>
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<td>Léargas Ltd — The Exchange Bureau</td>
<td>31.4</td>
<td>5</td>
<td>Nil</td>
<td>2,239</td>
<td>1,195</td>
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<tr>
<td>National Centre for Guidance in Education (NCGE)</td>
<td>6</td>
<td>11</td>
<td>Nil</td>
<td>365</td>
<td>659</td>
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</tbody>
</table>
### Written Answers

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>WTE Staff (3rd Qtr 2011)</th>
<th>Number Board Members (current)</th>
<th>Board Members Remuneration Fees (per annum)</th>
<th>Annual Wage Bill (2010) (€000s)</th>
<th>Funding provided through the Department (2010) (€000s)</th>
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</thead>
<tbody>
<tr>
<td>National Council for Curriculum and Assessment (NCCA)</td>
<td>22.8</td>
<td>25</td>
<td>Nil</td>
<td>1,862</td>
<td>3,837</td>
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<td>National Council for Special Education (NCSE)</td>
<td>108.6</td>
<td>13</td>
<td>Nil</td>
<td>6,031</td>
<td>8,216</td>
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<td>National Qualifications Authority of Ireland (NQAI)</td>
<td>22.8</td>
<td>11</td>
<td>Nil</td>
<td>1,496</td>
<td>2,438</td>
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<td>Residential Institutions Redress Board (RIRB)</td>
<td>28.5 (See note 3)</td>
<td>11</td>
<td>See Note 3</td>
<td>1,374</td>
<td>43,193</td>
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<td>Residential Institutions Review Committee (RIRC)</td>
<td>See Note 3</td>
<td>6</td>
<td>See Note 3</td>
<td></td>
<td>Incorporated into RIRB figures above</td>
</tr>
<tr>
<td>Skillnets Ltd.</td>
<td>19</td>
<td>12</td>
<td>Chairperson: €8,978</td>
<td>1,494</td>
<td>14,330</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ordinary Members: €5,985</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Examinations Commission (SEC)</td>
<td>196.89°</td>
<td>5</td>
<td>Chairperson: €11,970</td>
<td>45,579</td>
<td>54,286</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ordinary Members: €7,695</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The Teaching Council°</td>
<td>30.5</td>
<td>37</td>
<td>Nil</td>
<td>1,900</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

°Funding provided from 1 May 2010, when responsibility transferred to the Department of Education and Skills.

While HETAC’s allocation from the Exchequer in 2010 came to €1.3m they also received approximately €1.9m in fee income. They receive fees from their providers (e.g. ITs, private providers etc) in respect of the wide range of services they provide, such as validation of programmes, certification etc. This figure relates only to the administrative costs of running the Higher Education Authority.

Figures provided for both of the Irish Research Councils (IRCSET & IRCHSS) relate primarily for research scholarships.

Skillnets Ltd is funded through the National Training Fund.

SEC WTE figure includes 45 temporary staff as of 30/09/2011.

This figure for the SEC is net of income from fees.

The Teaching Council has been self-financing since March 2009.

### Notes

**Note 1:** Staffing in the Commission comprises of 6.8 WTE, 3 are full-time civil servants and 3.8 whole time equivalents are on temporary contracts.

**Note 2:** Staffing of the EFB comprises 3.8, 1.8 of which are secondments from the City of Dublin VEC and 2 are on fixed-term contracts. The operation of the Education Finance Board is funded by €12.7 million of the original contribution made by the religious congregations under the Indemnity Agreement for educational support for former residents and their families. The only financial contribution that the Department has made to the EFB relates to monies paid in respect of Travel and Subsistence due to some Board Members.

**Note 3:** Ordinary board members of both the RIRB and RIRC are paid a per diem rate which is currently €668 per day (with pension abatement rules applying were appropriate). The Chairperson of the RIRC is in receipt of a Supreme Court judge’s pension. His salary by the Department taking into account pension abatement has been voluntarily reduced. The chairperson of the RIRB who is a member of the Judiciary retains his judicial salary. The Redress Board avails of the services of an additional legal secretary up to one WTE per annum via an employment agency. Her salary is not included in the annual wage bill. The Review Committee has the services of an administrative assistant via an employment agency and also has the services of 0.7 WTE registrar post involving two staff.
Schools Refurbishment

145. **Deputy Michael P. Kitt** asked the Minister for Education and Skills the position regarding grants on minor works in first level and second level schools; and if he will make a statement on the matter. [30753/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** No decisions have yet been taken regarding the payment of the primary school minor works grant in the current school year. Payment last issued in November 2010 in respect to the school year 2010-11. Since its inception, the minor works grant issued only to primary schools.

Departmental Agencies

146. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30781/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The following non-commercial State agencies are under the aegis of my Department: FÁS, the Further Education and Training Awards Council (FETAC), the Higher Education and Training Awards Council (HETAC), the Higher Education Authority (HEA), the Grangegorman Development Agency, Léargas Limited (the Exchange Bureau), the National Council for Curriculum and Assessment (NCCA), the National Council for Special Education (NCSE), the National Qualifications Authority of Ireland (NQAI), Skillnets Limited, State Examinations Commission (SEC) and the Teaching Council. The NCCA, the NCSE and the SEC are classified as Civil Service agencies.

FÁS Training Programmes

147. **Deputy Robert Dowds** asked the Minister for Education and Skills the measures FÁS has put in place to enable person (details supplied) in Dublin 22 and approximately 20 young persons currently receiving work experience with Dublin City Council to finish their carpentry apprenticeships after the period currently covered by FÁS, which ends on 1 December 2011, which will leave them short of the work experience period needed for qualification by between 10 and 20 weeks. [30812/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** My Department contacted FÁS about the apprenticeship status of the person in question. FÁS has advised that this person is a redundant Carpentry and Joinery apprentice. In order to qualify as a craftsperson, a Carpentry and Joinery apprentice must be employed by a FÁS-approved employer and complete all seven alternating on-the-job and off-the-job phases of his/her apprenticeship, which is a minimum of four years (208 weeks) in duration from the date of registration, as well as achieving the qualifying standard throughout their apprenticeship. The economic downturn has resulted in many apprentices being unable to complete their apprenticeships in the normal manner. However, FÁS has introduced a range of initiatives to allow apprentices complete their apprenticeships without undermining the integrity of the apprenticeship system. The Redundant Apprentice Scheme (RAPS) and the Competency Determination Mechanism (CDM) are two such initiatives. The RAPS allows redundant apprentices to complete the on-the-job phases of their apprenticeship. The CDM has been introduced by FÁS to enable eligible redundant apprentices to complete their apprenticeships, if they are short of the minimum time requirements.
I understand that FÁS placed the person in question on the RAPS with Dublin City Council. I understand he has successfully completed the equivalent Phase 5 (26 weeks) of his apprenticeship with Dublin City Council and is currently on the equivalent Phase 7 (12 weeks) of his apprenticeship with Dublin City Council. He is scheduled to complete his participation on RAPS on 2 December 2011. The person requires an additional 11 weeks of employment to officially complete his apprenticeship. He will be eligible to participate in the CDM. FÁS has advised that in order to progress apprentices through CDM, it is imperative to operate a transparent and equitable scheduling system for eligible apprentices. The FÁS CDM scheduling system is designed to call eligible apprentices on a longest waiting basis. FÁS directly contacts eligible apprentices when their participation on RAPS is successfully completed and their apprenticeship status returns to ‘Redundant’. FÁS will offer the person in question an opportunity to participate in CDM when he successfully completes RAPS and his apprenticeship status returns to ‘Redundant’ on a longest waiting basis.

Schools Refurbishment

148. Deputy Paudie Coffey asked the Minister for Education and Skills the position regarding a devolved grant application in respect of a school (details supplied) in County Waterford; and if he will make a statement on the matter. [30816/11]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department is currently reconsidering an application for funding from the school referred to by the Deputy for the works in question. A decision will be conveyed to the school authority as soon as this process has been completed.

Schools Building Projects

149. Deputy Paudie Coffey asked the Minister for Education and Skills the reasons a school building project has not been advanced in respect of a school (details supplied) in County Waterford despite being included in the school building programme 2009, 2010 and 2011 as being in the category of being ready to go for tender; the progress being made in relation to this application; and if he will make a statement on the matter. [30817/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy may be aware that the project to which he refers was tendered in 2009 and a preferred bidder (contractor) was identified to do the works. Unfortunately, a number of issues outside my Department’s control delayed the progression of this project. However, I am pleased to inform the Deputy that most of these issues have now been resolved. Provided there are no further issues, it is intended that the project will be re-tendered in the coming months and could therefore be in a position to progress to construction in late 2012.

Site Acquisitions

150. Deputy Patrick O’Donovan asked the Minister for Education and Skills the position regarding an application for regularisation of land at a location (details supplied) in County Limerick. [30820/11]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department is aware of the proposed land swap which will facilitate the future development of new changing rooms for the school referred to by the Deputy. My officials will make contact with the relevant legal personnel with a view to progressing the matter further.
School Staffing

151. **Deputy Jim Daly** asked the Minister for Education and Skills the position regarding teaching posts at a school (details supplied) in County Cork; and if he will make a statement on the matter. [30827/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers, for allocating teaching staff and Special Needs Assistants (SNAs) to special schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support. My Department’s Circular 0042/2011 was issued in June this year to notify school management authorities of the staffing arrangements which would apply in special schools in the 2011-12 school year. The circular states that there are a small number of special schools which have significant excess teacher posts and that the NCSE may therefore contact such schools to review the individual circumstances in these schools. The circular indicated that the NCSE may suppress a post in schools which have excess teaching posts in order to create a post in a school which does not have excess posts and which has growing pupil numbers.

The special school referred to by the Deputy caters for pupils with severe or profound disability and ASD. The correct teacher allocation ratio for schools catering for children with severe and profound disability is 6:1. In 2010-11, the school had seven approved class teaching posts, three surplus teaching posts and 28 SNAs. The enrolment is 38 pupils, including nine children newly enrolled for September 2011. One of the surplus teachers retired at the end of the last school year and the school is not eligible for a replacement. A further surplus post has been withdrawn leaving the school with one surplus post above recommended staffing allocation levels. It is the position of both my Department and the NCSE that given the exceptionally high levels of teaching and support staff which have been allocated to the school, that notwithstanding the outcome of any review, the school has sufficient support within its overall allocation to enable it to provide for the teaching and care support requirements of all of the children enrolled to the school.

152. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of primary schools that are in line to lose a development school teacher in this academic year; and if he will make a statement on the matter. [30828/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The criteria used for the allocation of teachers to schools is published annually on my Department’s website. The key factor for determining the level of staffing resources provided at individual school level is the staffing schedule for the relevant school year and pupil enrolments on the previous 30 September. The staffing schedule for the 2011-12 school year was published on my Department’s website in March 2011. While mainstream staffing for any school year is based on the previous September’s enrolment, there is a provision whereby schools experiencing rapid increases in enrolment can apply for additional mainstream posts on developing grounds, using projected enrolment. The retention of such posts in the current school year is subject to schools having achieved their projected enrolment on 30 September. If the enrolment is not achieved, the post allocated on developing grounds is suppressed. The staffing schedule includes an appeals mechanism for schools to submit an appeal under certain criteria to an independent appeals board. Details of the criteria for appeal are contained in the staffing schedule, Circular 0019/2011. The primary staffing appeals board will consider appeals shortly, including those against the suppression of posts that were allocated on developing grounds. At that stage, the allocation process will be fully completed for all mainstream classroom teaching posts and those
allocated on developing grounds. The appeals board operates independently of the Department and its decision is final.

Third Level Courses

153. **Deputy Seán Crowe** asked the Minister for Education and Skills if staff at University College Dublin were aware of the plans to downgrade the postgraduate diploma in education from level 9 to level 8 when students were applying for entry to the course through the postgraduate applications centre in 2010 for entry in 2011. [30829/11]

154. **Deputy Seán Crowe** asked the Minister for Education and Skills his views on the views of students who believe they have been misled when enrolling in the level 9 postgraduate diploma in education in University College Dublin when plans were in place to downgrade the exam to level 8; and if he will make a statement on the matter. [30830/11]

158. **Deputy Seán Crowe** asked the Minister for Education and Skills the reason the decision was taken to downgrade the postgraduate diploma in education at University College Dublin from level 9 to level 8; the reason this decision imposed on students after they had enrolled in the course and paid registration fees; and his views on students affected by this decision and who feel the course they are studying has been badly devalued. [30925/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 153, 154 and 158 together.

Universities are autonomous institutions within the meaning of the Universities Act 1997. My Department does not have any function in relation to their academic affairs, including decisions concerning course provision or consultation processes with students or staff members. I understand that following detailed consultation between the Irish universities and the National Qualifications Authority of Ireland in the context of the ongoing process of implementing the National Framework of Qualifications, the universities have agreed that the initial post-primary teaching qualification, hitherto known as the Higher Diploma in Education and latterly as the Graduate or Postgraduate Diploma in Education, is to be formally included in the National Framework of Qualifications at Level 8 with immediate effect. The universities and the National Qualifications Authority of Ireland have issued a joint communication with further information on the context for the decision. That statement is available at www.nqai.ie/documents/ProfessionalDiplomainEducationcommunication.pdf.

Departmental Agencies

155. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30886/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Employees of all non-commercial State agencies under the aegis of my Department are paid directly from the Exchequer with the exception of the Teaching Council and Skillnets Ltd.

The Teaching Council has been self-financing since March 2008 while Skillnets Ltd staff members are paid from an annual financial allocation made by my Department from the National Training Fund (NTF).
Vocational Education Committees

156. **Deputy Dara Calleary** asked the Minister for Education and Skills when higher education grants in respect of persons (details supplied) currently with County Mayo Vocational Education Committee will be processed; and the amount that each applicant will be awarded. [30900/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The processing of student grants is carried out by local grant awarding authorities — VECs and local authorities.

In this case, the students in question should contact County Mayo VEC to ascertain the position with their applications. As the processing of grant applications is carried out by local grant awarding authorities, the Deputy will appreciate that it would not be possible for me to say if a student would qualify for a grant or what level of grant they might be entitled to.

Community Development

157. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills his views on whether there are impediments to national schools being used by communities for local events. [30903/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm to the Deputy that my Department has a general policy of encouraging the use of school facilities by community and other groups. In 2005, my Department issued a circular letter to all primary school authorities urging them to make their facilities available, where possible, for community and recreation purposes. Any proposal for the use of school facilities outside of normal school hours must be approved by the local school management authority in the first instance and where appropriate, arrangements are put in place to reimburse the school for any additional expenditure incurred by the school associated with such usage.

*Question No. 158 answered with Question No. 153.*

Vocational Education Committees

159. **Deputy Robert Troy** asked the Minister for Education and Skills if he will advise of his future proposals for the vocational education committee offices in County Longford; and if he will consider opening a sub-office for the new amalgamated Longford Westmeath VEC at this location. [30945/11]

160. **Deputy Robert Troy** asked the Minister for Education and Skills if he will be seeking any redundancies following the amalgamating of Longford and Westmeath vocational education committees. [30946/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 159 and 160 together.

In determining Mullingar as a headquarter location, I was aware that both Co. Westmeath and Co. Longford VECs are very closely matched. However, I am satisfied that geographically Mullingar is the most favourable location for the headquarters. I expect that headquarters staff of Co. Longford VEC will move to the designated headquarters location in Mullingar as soon as feasible, although, a sub-office will be maintained in Longford for the immediate term in order to facilitate an orderly merger. The detail in relation to the use or disposal of existing property interests in Longford, following the move of staff to the newly designated head-
quarters in Mullingar, will be worked through by my Department in conjunction with the VECs involved and the new merged body when established.

Staff employed in the VEC headquarters are public servants and under the terms of the Croke Park agreement, such staff employed in a permanent capacity cannot be made compulsorily redundant. However, surplus staff may be redeployed. In common with all areas of the public service, VECs are subject to an Employment Control Framework (ECF). This places an upper limit on the number of staff which a public service organisation can have. Both VECs have each been set ECF targets to be achieved by the end of 2011. Redeployment arrangements to bring about the staffing reductions required to meet ECF limits will be agreed in accordance with the principles of the Croke Park agreement and will involve the unions representative of the grades concerned.

Departmental Bodies

161. **Deputy Brendan Griffin** asked the Minister for Education and Skills if he will confirm that the establishment of Qualifications and Quality Assurance Ireland under the Qualifications and Quality Assurance (Education and Training) Bill 2011 will result in significant savings both to the colleges in comparison to their previous financial outlays to the IQUB, Higher Education and Training Awards Council and Further Education Training and Awards Council and to the State in terms of previous commitments; and if he will make a statement on the matter.

**Minister for Education and Skills (Deputy Ruairí Quinn):** Many education and training providers currently incur fees in the course of their interactions with IUQB, HETAC, FETAC and the National Qualifications Authority of Ireland (NQAI). For example, HETAC and FETAC both charge award fees and HETAC charges providers a fee for programme validation and for agreement of quality assurance procedures. Universities, together with the Higher Education Authority, currently fund the IUQB, and so contribute to the cost of their external quality assurance. NQAI, through ACELS, charges an annual fee for recognition/renewal of recognition for English Language Schools and fees for inspections.

The Qualifications and Quality Assurance (Education and Training) Bill enables fees be charged in relation to the following functions of the Qualifications and Quality Assurance Authority of Ireland (QQAAI):

- Submission and review of quality assurance procedures;
- Application for, and review of, validation by QQAAI of a programme;
- The making of an award;
- Request for, and review of, delegation of authority;
- Submission and review of procedures for access, transfer and progression of learners;
- Authorisation to use the International Education Mark;
- Review of compliance with the Code of Practice on international education, and use of the International Education Mark;
- Lodging an appeal.

The services for which fees will be charged and the level of those fees have not yet been determined. The payment of fees to qualifications and quality assurance bodies is part of broader overall compliance and service costs to providers. There will be savings for providers who currently deal with more than one of the existing bodies and incur costs in complying with currently divergent policies and procedures.
The establishment of QQAAI will result in savings to the Exchequer. It should be noted that NQAI, HETAC and FETAC have already delivered very significant savings since the announcement of the amalgamation in October 2008 through implementation of the moratorium and through expenditure reduction across their range of activities. The bodies’ exchequer allocation for current expenditure in 2011 (€8.823m) is approximately 30% lower than outturn in 2008. Further savings to the Exchequer of €1 million per annum will be achieved over time through further staff reductions in accordance with the Employment Control Framework, through rationalised corporate structures and supports and through integration of services.

Departmental Expenditure

162. Deputy Anne Ferris asked the Minister for Education and Skills if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30966/11]

Minister for Education and Skills (Deputy Ruairí Quinn): It is not possible to provide the information requested in the time available. A reply will issue to the Deputy as soon as the information is to hand.

Schools Building Projects

163. Deputy Patrick O’Donovan asked the Minister for Education and Skills the position regarding an application for funding made by a school (details supplied) in County Limerick. [30981/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The major building project for the school referred to by the Deputy is currently at an early stage of architectural planning. The Design Team are currently working on the Stage 2a submission (Developed Sketch Design). When this submission is received, it will be reviewed in my Department and my officials will then be in contact with the Board of Management of the school with regard to the further progression of the project.

School Accommodation

164. Deputy Patrick O’Donovan asked the Minister for Education and Skills the position regarding an application for funding in respect of a school (details supplied) in County Limerick; and if he will make a statement on the matter. [30995/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The school referred to by the Deputy was allocated devolved funding for the provision of a mainstream classroom under my Department’s Additional Accommodation Scheme in 2010. The school authorities recently sought additional funding towards this building project. My Department’s Planning and Building Unit has sought further clarification from the school authority and this information is currently awaited. As soon as the information is received a final decision will be communicated to the school authority.

Departmental Funding

165. Deputy Brendan Smith asked the Minister for Education and Skills if he has received
the report on funding requirements for the higher education sector from the Higher Education Authority; if he will commit to publishing this report ahead of the budget in December; and if he will make a statement on the matter. [30997/11]

166. **Deputy Brendan Smith** asked the Minister for Education and Skills when he will make a decision on the recommendations in the Higher Education Authority report on third level funding; if any of these recommendations will be included in Budget 2012; and if he will make a statement on the matter. [30998/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 165 and 166 together.

The Higher Education Authority is finalising a report on the sustainability of the existing funding framework for higher education, and I expect to receive it shortly. It is intended that this report will inform consideration by Government of policy options in relation to future funding of the sector. However, I am unable to comment further until I have received and considered the report’s findings.

### Third Level Fees

167. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will commit to no further increases in the student contribution fee in budget 2012; and if he will make a statement on the matter. [30999/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, my colleague, the Minister for Public Expenditure and Reform, is undertaking a Comprehensive Expenditure Review across all areas of Government spending. This process will inform budgetary allocations for the coming years. In this context, the Deputy will appreciate that I am not presently in a position to comment on specific areas of expenditure within my Department.

### Schools Building Projects

168. **Deputy John Halligan** asked the Minister for Education and Skills the time frame regarding the construction of permanent structures for schools when the project has been moved on to the architectural planning stage; the position regarding a school (details supplied) in County Waterford that was informed that the project has been moved on to the architectural planning stage early in 2011 and which were subsequently visited by his Department in May 2011 and assured at the time that their development would be put forward for tender within weeks, the school are still awaiting a response; the reason for the delay in the architectural department; if there are procedures now in place to streamline the process; and if he will make a statement on the matter. [31011/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy was included in the School Building Works Programme announced early in 2011, for completion of the brief and subsequent appointment of a design team. The brief for the project was concluded earlier this month and the project is now ready for the commencement of a tender process for the appointment of a design team.

The tender process for appointment of a design team usually takes between 4 to 6 months following publication of the invitation to tender. My Department will shortly be in touch with the school regarding the commencement of this process.
Departmental Expenditure

169. Deputy Mary Lou McDonald asked the Minister for Education and Skills the annual cost of the licensed payroll system, CorePay annual, to his Department. [31055/11]

Minister for Education and Skills (Deputy Ruairí Quinn): In 2010, payments by my Department in respect of the Corepay system amounted to €209,474. This system is used to pay school employees and pensioners, staff working in my Department, the State Examinations Commission, the Commission to Inquire into Child Abuse, the Residential Institutions Redress Board and Chomhairle um Oideachas Gaeltachta agus Gaelscoláíochta.

Special Educational Needs

170. Deputy Pat Deering asked the Minister for Education and Skills when a school (details supplied) in County Kilkenny will be allocated sufficient funding to facilitate the needs and rights of a person in County Carlow. [31079/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I have arranged for the information provided by the Deputy to be forwarded to the National Council for Special Education (NCSE) for their attention and direct reply. The Deputy may be aware that the NCSE through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from schools for special educational needs supports. The NCSE operates within my Department’s criteria in allocating such support.

The SENO’s co-ordinate special needs education provision at local level and arrange for the delivery of special educational services. They act as single points of contact for parents of students with special educational needs. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie.

Site Acquisitions

171. Deputy Gerald Nash asked the Minister for Education and Skills the position regarding planning for the development of a new primary school (details supplied) in the Ardee area of County Louth; and if he will make a statement on the matter. [31156/11]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department has recently received an application for a permanent school building from the school referred to by the Deputy. The school is currently in temporary accommodation and the acquisition of a new site is required to construct a new school.

The draft Local Area Plan for the town in which the school is located includes provision for the reservation of a site for a new primary school in the town. The suitability of this site will need to be assessed and my Department has made initial contact with the relevant land owner regarding this site.

The acquisition of a suitable site and the provision of a new school will be considered in the context of existing commitments and other competing demands on the Department’s capital budget.

School Accommodation

172. Deputy Gerald Nash asked the Minister for Education and Skills the details of the number of schools who are housed in rented accommodation who received summer works
grants and emergency works grants in 2010; and if he will make a statement on the matter. [31157/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department is not generally a party to individual leases for rented accommodation and would not have the details of how repair and maintenance works are carried out to accommodation rented by individual Boards of Management. It is normally envisaged that landlords would be responsible for the repair and upkeep of rented school accommodation. Therefore schools in rented accommodation do not qualify for funding under my Department’s Summer Works Scheme or Emergency Works Scheme and this is outlined in these schemes. My Department is currently developing a template contract to ensure that these type of issues will be clearly agreed in future leases.

If an application for funding is received from a school housed in rented accommodation that application would be considered based on the lease in place between the landlord and the school authority.

**Bullying in Schools**

173. **Deputy Ann Phelan** asked the Minister for Education and Skills if he will give a written report on the way a formal complaint made by a parent about a teacher bullying a child will be resolved in view of the fact that a person has spent three years and has made contact with the school, board of management, the Ombudsman for Children, Health Service Executive social work department, Five Rivers Ireland and has received no satisfactory result; and the way he proposes to deal with these cases. [31172/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the 1998 Education Act provides the legal framework for the delivery of education to children through recognised schools. All recognised schools are legally owned by the school patrons or trustees and managed by a school’s Board of Management which is also the employer of teachers in a school.

While the Minister for Education and Skills provides funding and policy direction for schools, neither I nor officials of my Department have powers to investigate individual complaints, except where the complaint involves a refused enrolment, expulsion or suspension, in accordance with Section 29 of the 1998 Education Act.

If a parent wishes to make a complaint against a teacher or school they should contact the relevant school authorities. The complaint procedures adopted by most schools are those that have been agreed between the teacher unions and school management bodies. If a parent has a complaint about a teacher or about the school, the first step is to speak to the class teacher, if the complaint is not resolved, the parent should then speak to the school principal. If the complaint is not resolved at this stage the parent can lodge the complaint in writing with the chairperson of the school’s Board of Management/Single Manager/VEC.

If the parent has exhausted the school’s complaints procedure and the complaint has not been resolved, the parent can make an appeal to the Ombudsman for Children. The Office of the Ombudsman for Children may independently investigate complaints about schools recognised with the Department of Education and Skills, provided the parent has firstly and fully followed the school’s complaints procedures. The key criterion for any intervention by the Ombudsman for Children is that the action of the School has had a negative affect on a child.

I understand that the complaint in question has been referred to the Ombudsman for Children’s office. Further guidance to parents on progressing a concern in relation their child’s
solutions is available on the Guide to Services Page of my Department’s website at www.education.ie

Higher Education Grants

174. **Deputy John O’Mahony** asked the Minister for Education and Skills the number of applications received for higher education grants in Galway Vocational Education Committee for 2011-12; the number of applications processed to date; and if he will make a statement on the matter. [31253/11]

175. **Deputy John O’Mahony** asked the Minister for Education and Skills the number of applications received for higher education grants in County Leitrim Vocational Education Committee for 2011-12; the number of applications processed to date. [31254/11]

176. **Deputy John O’Mahony** asked the Minister for Education and Skills the number of applications received for higher education grants in County Mayo Vocational Education Committee for 2011-12; the number of applications processed to date; and if he will make a statement on the matter. [31255/11]

177. **Deputy John O’Mahony** asked the Minister for Education and Skills the number of applications received for higher education grants in County Roscommon Vocational Education Committee for 2011-12; the number of applications processed to date; and if he will make a statement on the matter. [31256/11]

178. **Deputy John O’Mahony** asked the Minister for Education and Skills the number of applications received for higher education grants in County Sligo Vocational Education Committee for 2011-12; the number of applications processed to date; and if he will make a statement on the matter. [31257/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 174 to 178, inclusive, together.

The details requested by the Deputy are contained in the following table:

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<thead>
<tr>
<th>Awarding Body</th>
<th>Number of new applications received</th>
<th>Total number of applications processed</th>
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</thead>
<tbody>
<tr>
<td>Sligo VEC</td>
<td>1,050</td>
<td>820</td>
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<tr>
<td>Co Galway VEC</td>
<td>1,873</td>
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<td>City of Galway VEC</td>
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<td>Leitrim VEC</td>
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<td>Mayo VEC</td>
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<td>493</td>
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<tr>
<td>Roscommon VEC</td>
<td>736</td>
<td>736</td>
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</table>

The information has been supplied to the Department by the Vocational Education Committees concerned and refers to week ending 7.10.11. Information from Leitrim refers to week ending 21.10.11.

* This includes the number of grants awarded, refused, cancelled, transferred to another awarding authority or where further information or documentation has been requested from the student.

Higher Education Grants

179. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills when a decision will be given on an appeal regarding the refusal of a third level grant to a person (details supplied) in County Galway; and if he will make a statement on the matter. [31280/11]
Minister for Education and Skills (Deputy Ruairí Quinn): The appeal to which the Deputy refers was received in my Department on 7th October 2011. The outcome will issue as soon as a review of the case has been completed.

Home-School Liaison Scheme

180. Deputy Marcella Corcoran Kennedy asked the Minister for Education and Skills if he will review a case regarding an overpayment of a home tuition grant calculated and paid by his Department in respect of a person (details supplied); and if he will make a statement on the matter. [31298/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Applications under the Home Tuition scheme are made to my Department by the person in whose care the child is at the time of application through their local office of the National Educational Welfare Board. In this case the National Educational Welfare Board informed my Department that home tuition was being sought for a child at primary level. My Department approved the home tuition as sought. The tutor is engaged by the person whose application has been approved. The grant is claimed in arrears by the approved person. The level of the grant is based on the number of hours of tuition provided and a rate of pay which is based on the tutor’s registration status with the Teaching Council and their qualifications. Two rates of pay apply a standard rate where the tutor is both registered with the Teaching Council and qualified at the level at which the application for tuition has been made, i.e. primary or post-primary. A lower modified rate applies where the tutor does not satisfy both of these requirements. My Department inadvertently paid the home tuition grant at the post-primary standard rate and not at the modified rate. When this administrative error was identified my Department wrote to the person in whose care the child was at the time to notify them of what had happened and advising them of the arrangements for this overpayment to be recovered by offsetting it against subsequent grant payments in this case. A copy of this letter was also circulated to the tutor. My Department is satisfied that at this stage there is no overpayment or underpayment of the total amount of grant payment for this child’s home tuition.

School Accommodation

181. Deputy Aodhán Ó Ríordáin asked the Minister for Education and Skills the position regarding the tenancy entitlements in respect of a club (details supplied) in Dublin 5 and in view of the reality of the club’s position and impasse with the vocational education committee if he will provide a letter of comfort to the club in relation to its future use of the sports facility. [31323/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Following the closure of the school occupying the site referred to by the Deputy in 2007, the City of Dublin VEC was requested by my Department to oversee and manage, on a caretaker basis, the entire site. It is my intention to lease this former community school site, including the sports complex referred to by the Deputy, to the City of Dublin VEC. My Department has requested the VEC to ensure that the club referred to by the Deputy continues to have use of the sports facility following execution of the lease. I am advised that the VEC has provided a draft user agreement to the club for their consideration in anticipation of concluding legal formalities with my Department in the near future. I understand that this draft user agreement recognises the club’s current position as a user of the sports facility outside of school hours. I am advised that the VEC and the club will meet this week to discuss the draft user agreement further. In relation to providing a letter of comfort in relation to future use of the sports facility, given that a user agreement,
providing for use of the sports facility by the club, has already been drafted, it is my Department’s view that this is no longer considered necessary.

**Schools Building Projects**

182. **Deputy Regina Doherty** asked the Minister for Education and Skills the schools in County Meath in which prefabricated buildings are in use at primary and second level; the position of each school on the school building project in tabular form; and if he will make a statement on the matter. [31368/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A list of the primary and post primary schools in County Meath that have rented temporary accommodation is attached for the Deputy’s information. The Deputy may wish to note that in cases where schools have been approved for additional accommodation, schools generally have the option of building permanent classrooms or of purchasing prefabricated buildings. The current status of all projects on the school building programme may be viewed on my Department’s website at www.education.ie and this will be updated regularly throughout the year.

<table>
<thead>
<tr>
<th>School County Building/</th>
<th>School</th>
<th>County</th>
<th>Building/Pre-fab</th>
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<tr>
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### Questions—


**Written Answers**

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<td>Julianstown</td>
<td>Meath Pre-fab</td>
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### School Transport

183. **Deputy Paschal Donohoe** asked the Minister for Education and Skills when school transport will be put in place for a person (details supplied) in Dublin 9; and if he will make a statement on the matter. [31376/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Bus Éireann, which operates the School Transport Scheme on behalf of my Department, has advised that a service is scheduled to commence on Monday 7th November.

### Departmental Staff

184. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will commit to appointing a new dedicated national co-ordinator for the leaving certificate applied programme...

Written Answers

[ Deputy Brendan Smith.]

following the recent retirement of the national co-ordinator for this programme; and if he will make a statement on the matter. [31381/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Professional Development Service for Teachers (PDST) National Coordinator post for support for the Leaving Cert Applied (LCA) programme in post-primary schools was vacated at the start of this school year. Given recent changing priorities and developments in relation to continuing professional development (CPD), notably the Department’s literacy and numeracy strategy, as well as pressure on personnel numbers, it is not intended to fill the National Coordinator vacancy at the present time. However, the levels of resources including personnel available to the PDST are being increased for the 2011/2012 school year. The PDST was established to provide the organisational structures and the flexibility necessary to respond to changing need. The key task of the PDST is to build capacity at all levels within the organisation and among teachers but in particular at advisor and associate level to ensure that CPD needs can be identified and responded to in an effective way within the resources provided. It is proposed to continue to provide for service in the LCA area, with the co-ordination of activities taken over by other personnel within the PDST and with the professional side (i.e. course content/delivery/training of facilitators etc) handled by the 2 PDST advisors who are currently working in this area. The PDST have prepared a comprehensive programme of support for schools engaged in the LCA programme in the current year which includes sessions for new schools and new LCA coordinators and a number of workshops, whole staff supports and web based supports amongst other items. They are also actively looking at further developing their network of part time personnel to further expand the proposed provision.

Special Educational Needs

185. Deputy Simon Harris asked the Minister for Education and Skills when a school’s (details supplied) applications and appeals in respect of special needs assistants and resource hours will be decided by the National Council for Special Education; if he will provide a timeframe for when parents, teachers and pupils can expect to hear the result of their applications and appeals; and if he will make a statement on the matter. [31385/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts. The NCSE has now advised all mainstream schools of their SNA allocation for the current school year, taking into account the care needs of qualifying pupils attending the school. The school in question has currently been allocated 1 full time SNA post and 86.4 Resource Teacher hours. The NCSE has recently published statistical information in relation to the allocation of SNA posts and resource teaching hours to Primary Special and Post Primary Schools. The information is provided on a county by county and school by school basis on its website at www.ncse.ie. The NCSE has a retained capacity to respond to emergency cases, or where additional care needs arise for schools as a result of new school enrolments, injuries or diagnoses, during the school year, in the context of existing SNA provision in the school. The NCSE will advise schools in the near future of a 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. In
relation to the allocation of individual Resource Teaching hours, the position is that for the 2011/12 school year, an allocation of 90% of valid identified resource teaching allocations has been made by the NCSE to schools, including the school referred to by the Deputy, in the first instance, to provide schools with the majority of their allocation, while also preserving enough capacity to deal with late applications and ensure that my Department remains within Employment Control Framework obligations. Schools have now been asked to forward any outstanding applications, or additional outstanding materials to support incomplete applications, to the NCSE for consideration. Consideration is currently being given as to whether there is potential to revise the 90% allocation previously given to schools, and also the extent to which new Resource Teaching allocations can be made, taking into account the number of valid new applications received and in the context of my Departments Employment Control Framework obligations.

**Departmental Agencies**

186. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills if he will provide a list of all commercial semi-State companies under his aegis. [31391/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** There are no commercial semi-state companies/agencies under the aegis of my Department.

**Special Educational Needs**

187. **Deputy Regina Doherty** asked the Minister for Education and Skills if he will provide a copy of the criteria within which the National Council for Special Education operates when allocating resources to schools to support children with special needs. [31416/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department’s criteria in allocating such support. My Departments criteria in relation to the allocation of SNA support is set out in Circular 07/02. Special Needs Assistants are allocated to schools to cater for the care needs of children who have an assessed special educational need. Schools then manage and deploy the SNA resources which have been allocated to them to provide for the care needs of designated pupils. Circular 0006/2011 which was issued by my Department in January of this year sets out the revised arrangements for the allocation by the NCSE of SNA posts with reference to the cap on the number of posts. In considering applications for SNA support, or any review of the level of SNA support which has been provided to schools, SENOs actively engage with both schools and parents to consider the level of SNA support which may be required to meet the care needs of the children concerned, taking into account the level of SNA support currently available to the school. The NCSE also has a retained capacity to respond to emergency cases, or where additional care needs arise for schools as a result of new school enrolments, injuries or diagnoses, during the school year, in the context of existing SNA provision in the school. The NCSE will advise schools in the near future of a 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. My Department’s Circular 37/2011 sets out the arrangements for the 2011/12 school year for the allocation of Resource Teaching hours for children with assessed special educational needs. Finally, the NCSE has issued circulars 01/11 and 02/11 setting out details regarding criteria surrounding allocations and the timeframes for applying for supports for pupils for the 2011/12 school year.
Questions—25 October 2011. Written Answers

National Internship Scheme

188. **Deputy Brendan Griffin** asked the Minister for Education and Skills, further to Parliamentary Question No. 88 of 28 September 2011, when a circular for the national internship scheme will be prepared for national schools; and if he will make a statement on the matter.  [31430/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department issued Circular 46/2011 earlier this month for schools wishing to participate in JobBridge, the National Internship Scheme. Schools or VECs who identify a potential internship opportunity will need to identify a mentor, apply online to advertise that internship and, once approved, the National Employment Service will place the advertisement on the Jobbridge website. Further details on the scheme may be obtained at www.jobbridge.ie.

189. **Deputy Brendan Griffin** asked the Minister for Education and Skills if an inspector will be provided to a person (details supplied) in County Kerry who has applied for the national internship scheme; and if he will make a statement on the matter.  [31433/11]

197. **Deputy Brendan Griffin** asked the Minister for Education and Skills if an inspector will be provided to a person (details supplied) in County Kerry who has applied for the national internship scheme at a national school in County Kerry to complete their diploma in teaching; and if he will make a statement on the matter.  [31489/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 189 and 197 together.

Teachers participating in JobBridge, the National Internship Scheme, are eligible to participate in the probationary process subject to the provisions of circular 0047/2011 “Probationary Requirements for Registration Purposes for Primary Teachers”. Teachers who secure an internship placement should apply to Limerick Education Centre using the OP1 form. They will then be placed on the list for inspection visits.

Higher Education Grants

190. **Deputy Paschal Donohoe** asked the Minister for Education and Skills when persons (details supplied) will be approved student grants from Mayo Vocational Education Committee.  [31439/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The processing of student grants is carried out by local grant awarding authorities — VECs and local authorities. The students in question should, therefore, contact Mayo VEC to ascertain the position regarding their grant applications.

Schools Building Projects

191. **Deputy Denis Naughten** asked the Minister for Education and Skills if he will review the technical guidance document TGD-008 amended last March which specifically prohibits qualified and competent professionals other than architects to supervise school repairs-building works exceeding €200,000 when there is not a substantive element of architectural design; his views that it is appropriate to exclude professionals who have been approved by the Department to bring developments to the construction stage; his reason for this restriction; if he has evaluated the additional costs due to a reduction in competition as a result of this restriction; and if he will make a statement on the matter.  [31441/11]
Technical Guidance Document (TGD) 008 (Engaging Professional Consultants for Small Works)” which is available on my Department’s website is one of a large suite of guidance documents published by my Department. This particular document is provided to assist school authorities with the engagement of consultants and to ensure that any consultants employed are competent and qualified in the appropriate disciplines to carry out the works that they are appointed to do. This document also provides for the appointment of other consultants depending on the nature of the works to be grant aided. TGD 008 provide a balanced approach by allowing access for smaller firms while also ensuring that appropriate consultants are engaged for small works I do not propose to make any changes.

Third Level Fees

192. **Deputy Sean Fleming** asked the Minister for Education and Skills if he will consider putting arrangements in place through the Higher Education Authority to enable third level students to pay students’ contributions in instalments in view of the fact that the lump sum payments are causing severe financial difficulties for many families; and if he will make a statement on the matter. [31455/11]

Minister for Education and Skills (Deputy Ruairí Quinn): A new student contribution of €2,000 was introduced in higher education institutions by the previous Government with effect from the 2011/12 academic year. The student contribution replaces the Student Services Charge and applies to all students who benefit under the free fees scheme. In recognition of the financial pressures that the student contribution may place on families, my Department requested higher education institutions to consider putting in place arrangements under which a student may opt to pay the student contribution in two instalments in a given academic year. I have again asked the Higher Education Authority to request institutions to allow the payment of the contribution in two moieties. While a few institutions do not have this facility at present due to technical/systems limitations and administrative issues that make it impractical to allow for payment by instalments, all institutions have been requested to accommodate students who present with financial difficulties on a case by case basis and, from the academic year 2012/13 onwards, to have systems in place that allow for the payment of the student contribution in two instalments.

Higher Education Grants

193. **Deputy Sean Fleming** asked the Minister for Education and Skills if he will consider a reversal or amendments to modify the changes in criteria to qualify for the non-adjacent rate for third level students in view of the financial hardship it is causing for some persons who are caught by the change of distance rule; and if he will make a statement on the matter. [31456/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The economic circumstances of the country are such that I regret that I am not in a position to reverse or vary any of the changes to the student grant scheme introduced by the Deputy’s Government under Budget 2011. However, students in exceptional financial circumstances can apply for assistance under the Student Assistance Fund. Information on the Fund is available through the access offices of third-level institutions.

Schools Building Projects

194. **Deputy John McGuinness** asked the Minister for Education and Skills the position regarding a school building project (details supplied) in County Kilkenny; the stage it is now
at; the timeframe to complete all stages up to construction; the funding granted to date; and if
he will make a statement on the matter. [31476/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Major Building Project
referred to by the Deputy is currently at an early stage of Architectural Planning. The Design
Team are currently working on finalising the Stage 2a submission (Developed Sketch Design)
which is expected to be submitted to my Department shortly. When this submission is received,
it will be reviewed by my Department and my officials will then be in contact with the Board
of Management of the school with regard to the further progression of the project.

195. Deputy John McGuinness asked the Minister for Education and Skills the position
regarding a school building project (details supplied) in County Kilkenny; if all planning issues
relative to the project have now been resolved; if funding for the project will be approved; the
timeframe for completion of all aspects of the project; and if he will make a statement on the
matter. [31477/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware that a
major building project is being advanced for the school in question. The accommodation brief
for the project is currently being finalised and the next step, following completion of this
process, involves the appointment of a Design Team. There are certain constraints relating to
the site in terms of a protected structure and associated conservation issues. Any substantial
issues relating to these constraints will be addressed at the design and planning stages as the
project proceeds through the architectural planning process. The progression of all large scale
building projects, including this project, from initial design stage through to construction phase
will be considered in the context of the Department’s multi-annual School Building and Mod-
ernisation Programme. However, in light of current competing demands on the Department’s
capital budget, it is not possible to give an indicative timeframe for the completion of all aspects
of the project at this time. The current status of all projects on the school building programme
may be viewed on my Department’s website at www.education.ie and this will be updated
regularly throughout the year. In the meantime, my Department has approved funding for
emergency works to the existing protected structure. These works commenced during sum-
mer 2011.

School Staffing

196. Deputy John Browne asked the Minister for Education and Skills if he will arrange
much needed services to a school (details supplied) in County Wexford. [31487/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy may be aware of the
decision of the previous Government to implement a recruitment and promotion moratorium
in the public sector, which is binding upon all Government departments, non-commercial state
bodies and agencies. In respect of Vocational Education Committees, including Co Wexford
VEC, positions other than teacher and SNA posts in schools, and teacher equivalents that are
directly providing tuition to pupils in schools, in special programmes or in adult and further
education, are comprehended by this decision. It is a matter for each VEC to implement work
prioritisation across different functions, and to deploy available staff to execute those functions.
My Department received correspondence in June 2011 from Co Wexford VEC requesting
sanction to fill an additional caretaker post and increase the number of cleaning hours at
Enniscorthy Vocational College. In response my Department informed the Chief Executive
Officer that under the terms of the moratorium those posts could not be filled and recommended that Co Wexford VEC reallocate or reorganises work or staff according to its priorities.

**Question No. 197 answered with Question No. 189.**

**Higher Education Grants**

198. **Deputy John Lyons** asked the Minister for Education and Skills the number of mature independent students awarded a full maintenance grant in 2010 and 2011; the cost of same; and if he will make a statement on the matter. [31497/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I regret that the grant awarding authorities do not collate information on the number of independent mature students in receipt of the various rates of student grant. The rates of grant effective from January 2011 are:

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<th>Non-Adjacent Rate</th>
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<tr>
<td>Full Maintenance</td>
<td>€3,120</td>
<td>€1,250</td>
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<tr>
<td>Part Maintenance (75%)</td>
<td>€2,340</td>
<td>€940</td>
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<tr>
<td>Part Maintenance (50%)</td>
<td>€1,560</td>
<td>€625</td>
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<td>Part Maintenance (25%)</td>
<td>€780</td>
<td>€315</td>
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The special rate of grant effective from January 2011 is:

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<th>Non-Adjacent Rate</th>
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<tr>
<td>Full Special Rate</td>
<td>€6,100</td>
<td>€2,445</td>
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<tr>
<td>Of which top-up represents</td>
<td>€2,980</td>
<td>€1,195</td>
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All eligible students, including mature students, receive a grant in the range outlined above depending on their particular circumstances. Their fees and/or student contribution are also paid on their behalf.

199. **Deputy John Lyons** asked the Minister for Education and Skills his plans to address the disparity between the back to education allowance recipients and low income mature independent students who have had their full maintenance grant cut from €3,120 to €1,250 in the Budget 2011; and if he will make a statement on the matter. [31498/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Eligibility for the Back to Education Allowance and associated payments is determined and administered by the Department of Social Protection. The BTEA scheme was established to assist people who have been out of the workforce for some time and whose opportunities of obtaining employment would be enhanced by participation in the scheme. In this regard, I understand that there is a requirement to be in receipt of a relevant social welfare payment for a minimum period of time. Effectively, the BTEA scheme enables continued payment of the full rate of social protection benefit or allowance so that, for example, an unemployed person will continue to be supported to enable him/her to upskill and move back into employment. The student grant scheme has a different target group, for example, school leavers and mature learners who wish to return to education and the maintenance portion of the grant represents a contribution towards the living costs of the student. While there have been changes in the eligibility criteria for certain rates of maintenance grant, student grant recipients continue to have their tuition fees and/or student contribution paid in addition to any maintenance payment. Students within this group on particularly
Questions


Written Answers

[Deputy Ruairí Quinn.]

low incomes may also qualify for a top-up in the higher, special rate of maintenance grant. Independent mature students who have been unemployed or who qualify for a relevant social protection payment may opt to hold the BTEA, but may also apply for additional support for their tuition fees and/or student contribution under the student grant scheme.

Departmental Expenditure

200. Deputy Billy Kelleher asked the Minister for Education and Skills the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers; and all agencies under the aegis of his Department. [31516/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The total expenditure in 2010 incurred by my Department on ICT, including staff costs was €8,246,061. This figure represents expenditure by my Department only. The information sought in relation to all agencies under the aegis of the Department is not readily available and would involve an inordinate amount of administrative time to compile. However, if the Deputy has any particular agency in mind I would be happy to have my officials obtain the relevant details and communicate them to the Deputy.

School Accommodation

201. Deputy Brendan Smith asked the Minister for Education and Skills if he will ensure the views and request of a local community are acceded to in the designation of an area as part of the catchment area for a school (details supplied); and if he will make a statement on the matter. [31581/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Catchment boundaries have their origins in the establishment of free post-primary education in the late 1960’s and were determined following consultation with local educational interests. For planning purposes the country was divided into geographic districts each with several primary schools feeding into a post-primary centre with one or more post-primary schools. The intention was and continues to be that these defined districts facilitate the orderly planning of school provision and accommodation needs. Enrolment in individual post-primary schools is the responsibility of the managerial authority of those schools and my Department does not seek to intervene in decisions made by schools in such matters. My Department’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

Presidential Remuneration

202. Deputy Eoghan Murphy asked the Minister for Public Expenditure and Reform if 70% of the President’s remuneration package is tax free; and if he will clarify the total worth of the President’s remuneration package. [30843/11]

204. Deputy Luke ‘Ming’ Flanagan asked the Minister for Public Expenditure and Reform if he will examine the remuneration of the President; and if he will make a statement on the matter. [31155/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 202 and 204 together.
Under the Presidential Establishment (Amendment) Act, 1973, the personal remuneration of the President is set at the rate paid to the Chief Justice plus ten per cent. In accordance with the Act, the personal remuneration of the current President is €325,507 p.a. and is subject to the normal income tax code including the Universal Social Charge. The remuneration of the current President is protected under the Constitution by virtue of Article 12.11.3 which provides that the emoluments and allowances of the President shall not be reduced while in Office.

In line with its stated intention to provide for reduced salary rates for new members of the judiciary, the Government has provided for a revised rate of pay of €249,014 to apply to the person who takes up the office of President following the enactment and commencement of the Single Pension Scheme and Remuneration Bill, 2011. That Bill is currently before the Oireachtas.

Under the legislation the President also receives an allowance related to the Office of €317,434 p.a. which meets the expenses incurred in providing for state functions etc.

I acknowledge that notwithstanding the Constitutional protection afforded to the emoluments of the President while in Office, the current President has voluntarily waived sums due in respect of her entitlements under the legislation. A similar facility will be open to the new President on election.

**Departmental Bodies**

203. **Deputy Eoghan Murphy** asked the Minister for Public Expenditure and Reform if there will be any provisions in budget 2012 to reduce the number of quangos. [30845/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The question of rationalisation and the reduction in the number of State bodies is being considered in the context of the Comprehensive Review of Expenditure and the overall budgetary and estimates process for 2012, and decisions on such matters will be made by the Government over the coming weeks.

The priorities set out in the Programme for Government for the rationalisation of State Agencies states that rationalisation must be cost effective and lead to a more transparent, accountable and efficient public service. The overriding imperative is the absolute requirement to achieve major savings in all areas of expenditure and to reduce staff numbers and administrative overheads. This underscores the need for radical streamlining of bodies, abolishing those bodies whose remit is no longer essential and amalgamation of other agencies or sharing of services between bodies, so that public services and functions can be delivered more cost-effectively.

*Question No. 204 answered with Question No. 202.*

**Consultancy Contracts**

205. **Deputy Seán Kenny** asked the Minister for Public Expenditure and Reform the nationality of the firms which were successful in applying for public contracts in the years 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [31309/11]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The statistics compiled here relate to the years 2008 and 2009. Statistics for 2010 and 2011 are not yet available as they are compiled a year in arrears. The statistics for 2010 are currently being collated and will be available later in the year. Statistics for 2011 will not be collected until 2012.
[Deputy Brian Hayes.]

The statistics attached are only for above threshold tenders that were advertised on [www.eTenders.gov.ie](http://www.eTenders.gov.ie) and for which an award notice was published by the contracting authority. They do not reflect below threshold tenders, the majority of which go to Irish companies.

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<td>United Kingdom incl. Northern Ireland</td>
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</tr>
<tr>
<td></td>
<td>Sweden</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>1</td>
</tr>
<tr>
<td>2009</td>
<td>Ireland</td>
<td>796</td>
</tr>
<tr>
<td></td>
<td>United Kingdom incl. Northern Ireland</td>
<td>175</td>
</tr>
<tr>
<td></td>
<td>Germany</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>USA</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>France</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Spain</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Denmark</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Switzerland</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Finland</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Belgium</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Australia</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Sweden</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>China</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Turkey</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Norway</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>New Zealand</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Italy</td>
<td>1</td>
</tr>
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</table>
### Year Nationality Number of Contracts

<table>
<thead>
<tr>
<th>Year</th>
<th>Nationality</th>
<th>Number of Contracts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Austria</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Greece</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Poland</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Zambia</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Portugal</td>
<td>1</td>
</tr>
</tbody>
</table>

## Electronic Invoicing

206. **Deputy Peter Mathews** asked the Minister for Public Expenditure and Reform if the pilot programme for the introduction of electronic invoicing will be put out to tender; the details of same; and if he will make a statement on the matter. [31473/11]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The National Procurement Service (NPS) in the Office of Public Works is progressing eInvoicing and is preparing the way for pilot projects to take place.

A number of issues have arisen in regard to VAT compliance and EU auditing, which must be resolved before pilot projects can take place. The NPS is in discussions with both the Revenue Commissioners and the EU Commission to resolve these issues. Once these issues have been resolved, pilot projects will commence as soon as possible thereafter.

Plans for the implementation of these pilot projects will be drafted by the NPS and presented to the Forum on eInvoicing for their approval.

## Pension Provisions

207. **Deputy Dominic Hannigan** asked the Minister for Public Expenditure and Reform the position regarding staff who have moved from southern Departments to the all-island bodies in terms of their pension entitlements; if they are a part of the North-South pension scheme and if their years of service have been transferred to that scheme; and if he will make a statement on the matter. [31495/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The North-South Implementation Bodies were set up in 1999 under the Good Friday Agreement. There are six bodies in total, comprising Waterways Ireland, the Food Safety Promotion Board, the Trade and Business Development Body, the Special EU Programmes Body, the North/South Language Body and the Foyle, Carlingford and Irish Lights Commission (Loughs Agency)

Five of the six bodies are affiliated to the North/South Pension Scheme (NSPS), with membership being compulsory for southern-based staff. The exception is the Foyle, Carlingford and Irish Lights Commission (Loughs Agency), which has stayed outside the NSPS, and whose staff have other pension arrangements. Tourism Ireland is also affiliated to the scheme.

Much of the original staffing of the North/South bodies was provided by way of compulsory transfer of persons already employed in the Irish public service. Under the Implementation Bodies agreement between the Irish and British Governments, the pension terms of such staff were protected insofar as those terms were to be not less favourable than the terms they held just before their transfer, for example, Irish civil service pension terms.

Persons who benefitted from this pension protection and who have not opted to switch to other pension terms are categorized as Reserved Rights members of the NSPS. This means that their pension terms are as applying in the prior public service employment at the date of transfer; this reflects the wider guarantee of “no less favourable” treatment for transferees.
This effectively means, among other things, that their years of service for pension purposes are transferred.

Certain transferred persons in NSPS-affiliated Implementation Bodies who benefitted from this pension protection have since opted to avail of a once-off option to switch from Reserved Rights NSPS membership to the mainstream membership category in the NSPS, which is known as Core Terms. This is the default scheme variant for directly-hired employees of NSPS-affiliated Bodies; it provides non-co-ordinated pensions, which means that the occupational pension is not reduced by reference to the State Pension, along with inflation-linkage for post-retirement increases.

**Departmental Staff**

208. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform the saving to the State if all overtime paid to Secretaries General, deputy Secretaries General, assistant secretaries, principal officers higher, principal officers, assistant principal officers higher and assistant principal officers was not paid in 2010. [30741/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The particular civil service grades concerned do not receive overtime payments under their terms and conditions of employment. Accordingly, no such payments were paid to these grades in 2010.

209. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform his views that it is best practice to have his Department’s Secretary General, the Secretary General to the Government and two other senior public servants on the top level appointments committee, TLAC, particularly in view of the exorbitant pay and pension payouts awarded to the said civil servants by TLAC’s generous exit terms. [30744/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** It is my view that it is best practice to have senior managers in the civil service to be involved in the selection process for Assistant Secretaries and Secretary General posts.

210. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform the person responsible for the performance reviews of Secretaries General; if it is the Minister, to whom the Secretary General is appointed, his views that this to be best practice in view of the fact that the Minister and his or her Secretary General are equally reliant on one another to present a positive outlook on the work of the Department. [30745/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The Secretary General is the Civil Service Head of a Government Department. The duties and responsibilities of a Secretary General are set out in the Public Service Management Act 1997. Secretaries General are responsible for managing their Department subject to the policy direction of their Minister. Their responsibilities include producing a Strategy Statement in respect of the Department for the Minister, reporting on its implementation, providing advice to the Minister and ensuring the resources of the Department are used appropriately and effectively. The Secretary General supports the Minister in the carrying out of the latter’s duties and responsibilities as a member of the Government and as political head of the Department.

The Minister’s key conduit of contact with the overall organisational arrangements for the Department should be through the Secretary General.

While Secretaries General are responsible for implementing the Performance Management and Development System (PMDS) within their Departments they, in their own posts, are not
formally part of the process. However, there is a body of procedures against which the performance of the Secretary General can be assessed.

The principal framework for assessing the performance of Secretaries General is the Departmental Strategy Statement which is submitted to the Minister. This, in conjunction with the Annual Output Statements which are submitted to the Minister each year, provide information to allow for an assessment of the organisation’s performance in meeting objectives. The Annual Output Statements make explicit what the public can expect to see delivered, in terms of public service outputs and outcomes, from the public moneys that are voted to them by the Dáil each year. These Output Statements are considered by the relevant Dáil Select Committees alongside their consideration of the Annual Estimates. For the 2011 Estimates, the Annual Output Statements were superseded with a new ‘performance budgeting’ initiative, involving the integration of the key output/output information alongside the financial allocations within the Departmental Estimate itself. This approach, which was piloted for the Finance, Public Expenditure and Reform and Agriculture Groups of Votes, is being rolled out more generally for the 2012 Estimates. The overall intention, in line with Government Programme commitments, is to heighten the focus upon overall performance and delivery by Departments and Offices, and improve accountability by office-holders for the achievement of results.

In most cases, the Secretary General is also the Accounting Officer for the Department with statutory responsibility for preparing the Appropriation Accounts for the Department and giving evidence before the Public Accounts Committee in relation to the management of public funds.

As regards the Secretary General’s Accounting Officer function there is a rigorous independent examination of regularity, propriety and value for money by the Comptroller and Auditor General and the Public Accounts Committee. The Comptroller and Auditor General also carries out individual VFM examinations on the economy and efficiency with which a Department uses its resources.

These review and evaluation processes are critical in promoting a culture of continuous performance improvement.

211. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform his views on whether it is appropriate to have appointed the Secretary General to the Department of Finance to the European Court of Auditors, a position that requires deep technical competence and moral courage, in view of the fact that several international reports have revealed that the Department of Finance in the years prior to and following the financial crisis lacked the technical skills to do its job and was guilty of timidity and deference. [30746/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I support the appointment of the Secretary General of the Department of Finance to the European Court of Auditors. Any specific matter relating to the appointment should be addressed to the Minister for Finance.

**Public Sector Pay**

212. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform the numbers of public sector workers earning less than €20,000, €30,000, €40,000, €50,000, €60,000, €70,000, €80,000, €90,000 and €100,000 per annum and earning more than €100,000 per annum in tabular form. [30747/11]

213. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform the number of public servants earning more than €100,000, €120,000, €150,000, €200,000, €250,000,
Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 212 and 213 together.

I am informed by the Revenue Commissioners that the latest relevant sector-based information available on employees taxed under the PAYE system is derived from income tax returns filed for the income tax year 2009 and represents about 96 per cent of all returns expected at the time the data were compiled for analytical purposes. The figures include PAYE taxpayers who are required to return an income tax return Form 11 where non-PAYE income is greater than €3,174, and do not segregate earnings from public sources and those from other sources. Therefore, the earnings figures shown may include income from non-public-sector sources.

The data also include various forms of income from public sources to groups that would not normally be regarded as being employed within the public service, e.g. those receiving fees, those on State Boards etc. On the basis of the available tax-based data it is not possible to identify and exclude income from public sources to groups that would not normally be regarded as employed within the public service or to distinguish the earnings of employees associated with atypical work patterns. Accordingly, it is likely that the number of lower paid public servants is overstated. On this basis the total numbers of public sector employees, and the breakdown of those numbers by income ranges, is set out as follows.

<table>
<thead>
<tr>
<th>Income Tax Year 2009 Range of Gross income</th>
<th>Public Sector Employees Total Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>€0 — €20,000</td>
<td>105,745</td>
</tr>
<tr>
<td>€20,001 — €30,000</td>
<td>68,202</td>
</tr>
<tr>
<td>€30,001 — €40,000</td>
<td>75,717</td>
</tr>
<tr>
<td>€40,001 — €50,000</td>
<td>63,026</td>
</tr>
<tr>
<td>€50,001 — €60,000</td>
<td>39,650</td>
</tr>
<tr>
<td>€60,001 — €70,000</td>
<td>24,294</td>
</tr>
<tr>
<td>€70,001 — €80,000</td>
<td>16,647</td>
</tr>
<tr>
<td>€80,001 — €90,000</td>
<td>10,822</td>
</tr>
<tr>
<td>€90,001 — €100,000</td>
<td>7,295</td>
</tr>
<tr>
<td>€100,001 — €120,000</td>
<td>8,472</td>
</tr>
<tr>
<td>€120,001 — €150,000</td>
<td>5,194</td>
</tr>
<tr>
<td>€150,001 — €200,000</td>
<td>2,026</td>
</tr>
<tr>
<td>€200,001 — €250,000</td>
<td>704</td>
</tr>
<tr>
<td>€250,001 — €300,000</td>
<td>419</td>
</tr>
<tr>
<td>€300,001 — €350,000</td>
<td>277</td>
</tr>
<tr>
<td>€350,001 — €400,000</td>
<td>146</td>
</tr>
<tr>
<td>€400,001 — €500,000</td>
<td>132</td>
</tr>
<tr>
<td>Over €500,000</td>
<td>77</td>
</tr>
<tr>
<td>Totals</td>
<td>428,845</td>
</tr>
</tbody>
</table>

The earnings data in the table relate to 2009 which does not reflect the pay reduction introduced for public servants from January 2010 (ranging from 5% to 20%) or the subsequent measures introduced by the current Government further reducing the pay of Office Holders and introducing a general pay ceiling of €200,000 for future appointments to higher positions.
across the public service, a general pay ceiling of €250,000 for future appointments to CEO posts within Commercial State Companies and a voluntary waiver system of up to 15% for current post holders who have salaries in excess of the relevant pay ceiling.

**Departmental Agencies**

214. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30788/11]

215. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30893/11]

219. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will provide a list of all commercial semi-State companies under his aegis. [31398/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 214, 215 and 219 together.

In response to the Deputy’s question the only State Agency that comes under the remit of my Department is An Post National Lottery. An Post national Lottery is classed as a commercial semi-State company.

**Departmental Expenditure**

216. **Deputy Anne Ferris** asked the Minister for Public Expenditure and Reform if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers’ and solicitors’ firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30973/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** In general, my Department uses the services of the Office of the Attorney General and the Office of the Chief State Solicitor. However, it also seeks outside legal advisors in circumstances requiring legal services of a specific nature. The costs associated with the Office of the Attorney General and the Office of the Chief State Solicitor are borne by their respective Votes.

Since it’s establishment in July 2011 my Department has had no expenditure on legal services. The Deputy should note, that expenditure in relation to legal services, from 2006 to July 2011 for my Department is covered by material provided by the Department of Finance, given that the Department of Public Expenditure and Reform was not officially established until last July.

The following tables set out the expenditure on legal services by agencies under the aegis of my Department from 2006 to date.

**Office of the Information Commissioner/Office of the Commissioner for Environmental Information**

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Fees paid</th>
<th>Advice sought</th>
<th>Tender Y/N (if not why)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Mason, Hayes &amp; Curran</td>
<td>258,079</td>
<td>See below</td>
<td>Y</td>
</tr>
<tr>
<td>2006</td>
<td>Emily Egan</td>
<td>43,230</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2006</td>
<td>Brian Murray</td>
<td>4,519</td>
<td></td>
<td>N*</td>
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</tbody>
</table>
The Office of the Information Commissioner engages legal advisors for the following purposes; to act for the Commissioner in relation to appeals to the High Court of review decisions of the Commissioner and in relation to any subsequent appeal to the Supreme Court, to advise generally on procedural matters arising under the FOI Acts; to provide legal advice on the interpretation of the FOI Acts or of other statutes, or on other legal questions; to assist, where appropriate, in the drafting of decisions by the Information Commissioner or her staff under the FOI Acts and to advise, where appropriate, on referring questions of law to the High Court under subsection 42(5) of the FOI Acts.

The Office of the Commissioner for Environmental Information engages legal advisors for the following purposes; to act for the Commissioner in relation to appeals to the High Court, made under Article 13 of the Regulations and in relation to any subsequent appeal to the Supreme Court; to advise generally on matters arising from the Commissioner’s role in the Regulation or the Directive, including matters of European law; to assist, where appropriate, in the drafting of decisions by the Commissioner or her staff and to advise, where appropriate, on referring questions of law to the High Court under Article 11(9) of the Regulations.

Office of the Ombudsman

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Fees paid</th>
<th>Advice sought</th>
<th>Tender Y/N (if not why)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Mason, Hayes &amp; Curran</td>
<td>699</td>
<td>See below</td>
<td>Y</td>
</tr>
<tr>
<td>2006</td>
<td>Garrett Simons</td>
<td>303</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2006</td>
<td>Eileen Barrington</td>
<td>1090</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Fees paid</td>
<td>Advice sought</td>
<td>Tender Y/N (if not why)</td>
</tr>
<tr>
<td>------</td>
<td>---------------------------</td>
<td>-----------</td>
<td>---------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>2007</td>
<td>Mason, Hayes &amp; Curran</td>
<td>21,653</td>
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<td>Y</td>
</tr>
<tr>
<td>2007</td>
<td>Bairbre O’Neill</td>
<td>968</td>
<td></td>
<td>N*</td>
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<tr>
<td>2008</td>
<td>Mason, Hayes &amp; Curran</td>
<td>18,633</td>
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<td>Y</td>
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<tr>
<td>2008</td>
<td>Berna Grist</td>
<td>3,230</td>
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<td>N*</td>
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<tr>
<td>2008</td>
<td>Nuala Butler</td>
<td>1,032</td>
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<td>N*</td>
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<tr>
<td>2009</td>
<td>Mason, Hayes &amp; Curran</td>
<td>32,040</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2009</td>
<td>Gerard Durcan</td>
<td>13972</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2009</td>
<td>Siobhan Phelan</td>
<td>1,215</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2009</td>
<td>Niamh Hyland</td>
<td>8,246</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2010</td>
<td>Mason, Hayes &amp; Curran</td>
<td>28,655</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2010</td>
<td>Nuala Butler</td>
<td>835</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2011</td>
<td>Berna Grist</td>
<td>2,500</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2011</td>
<td>Eamonn Galligan</td>
<td>907</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2011</td>
<td>Nuala Butler</td>
<td>2,783</td>
<td></td>
<td>N*</td>
</tr>
</tbody>
</table>

The Office of the Ombudsman engages legal advisors to provide legal advice on the interpretation of the Ombudsman Act, other statutes, statutory instruments, regulations etc. as applying to bodies within remit or on other legal questions and to represent the Ombudsman in any legal proceedings in which the Office is involved.

Standards in Public Office Commission (SIPO)

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Fees paid</th>
<th>Advice sought</th>
<th>Tender Y/N (if not why)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>A &amp; L Goodbody</td>
<td>11,326</td>
<td>See below</td>
<td>Y</td>
</tr>
<tr>
<td>2007</td>
<td>A &amp; L Goodbody</td>
<td>96,251</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2007</td>
<td>Malone &amp; Co.</td>
<td>8,558</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2008</td>
<td>A &amp; L Goodbody</td>
<td>30,118</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2009</td>
<td>A &amp; L Goodbody</td>
<td>6,014</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2010</td>
<td>A &amp; L Goodbody</td>
<td>75,639</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2011</td>
<td>A &amp; L Goodbody</td>
<td>54,562</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2011</td>
<td>Berna Grist</td>
<td>2,500</td>
<td></td>
<td>N*</td>
</tr>
<tr>
<td>2011</td>
<td>Oliver P. Morahan &amp; Sons</td>
<td>14,074</td>
<td></td>
<td>N*</td>
</tr>
</tbody>
</table>


*The Offices of the Ombudsman/Information Commissioner/Commissioner for Environmental Information and the Standards in Public Office Commission engage legal advisors following the completion of formal tender processes. On occasion, Counsel is required to represent one of the Offices in the Courts. In such cases, Counsel is generally engaged on the recommendation of the relevant Office’s legal advisors, having regard to the nature of the court case, the relevant
expertise required and the availability of Counsel. Furthermore, the Offices are approved bodies under the Direct Professional Access (DPA) Scheme of the Bar Council. Occasionally, legal advice is urgently required from a person who is known to have expertise in a particular area and is familiar with the work of the Office. In such cases, Counsel is directly engaged under the DPA arrangements.

**Public Appointments Service (PAS)**

PAS uses the services of the CSSO and the AG’s office in the significant majority of cases (if counsel are required they are retained by those Offices on PAS’s behalf). Other expenditure on legal advice during this period is set out in the following table:

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Fees paid</th>
<th>Advice sought</th>
<th>Tender Y/N (if not why)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008</td>
<td>Matheson Ormsby Prentice</td>
<td>€17,000</td>
<td>Legal advice on a commercial contract of a particularly complex nature</td>
<td>N</td>
</tr>
<tr>
<td>2010</td>
<td>Mason, Hayes and Curran</td>
<td>€990 + VAT</td>
<td>Legal advice on the drafting of a disciplinary process for dealing with absenteeism</td>
<td>Y</td>
</tr>
</tbody>
</table>

**Commission for Public Service Appointments (CPSA)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Fees paid</th>
<th>Advice sought</th>
<th>Tender Y/N (if not why)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Matheson, Ormsby, Prentice (MOP)</td>
<td>63,000</td>
<td>See below</td>
<td>Y</td>
</tr>
<tr>
<td>2007</td>
<td>Matheson, Ormsby, Prentice (MOP)</td>
<td>13,000</td>
<td></td>
<td>Y</td>
</tr>
<tr>
<td>2008</td>
<td>Matheson, Ormsby, Prentice (MOP)</td>
<td>115,000</td>
<td></td>
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The Commission for Public Service Appointments engages legal advisors for the following purposes: provision of legal advice on the interpretation of the Public Service Management (Recruitment and Appointments) Act 2004, other statutes, statutory instruments, regulations as applying to Government Departments and Offices, Local Authorities, An Garda Síochána, the Health Information and Quality Authority, the Health Service Executive and any other Public Service body that may come within the Commission’s remit; to provide advice on the conduct of investigations into allegations of breaches of the Commission’s Codes of Practice; to review the findings and offer advice on reports of such investigations; to advise generally on
procedural, implementation and related ancillary matters (to include but not be restricted to 
advices on matters relating to court proceedings) whether arising under the Public Service 
Management (Recruitment and Appointments) Act 2004 or otherwise.

State Laboratory

The State Laboratory did not directly seek legal advice from solicitors, Senior or Junior 
Counsel in the years 2006-2011. Any legal advice obtained was done through the offices of the 
Chief State Solicitor or the State Claims Agency and related to Fixed Term Contracts (2008) 
and compensation claims in connection with the issue of incorrect results (2009).

Office of Public Works (OPW)

<table>
<thead>
<tr>
<th>Advisor</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
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Questions— 25 October 2011. Written Answers

[Deputy Brendan Howlin.]

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<th>Advisor</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
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<th>2011</th>
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<th>Tender Yes/No</th>
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<td>Brian Lynch &amp; Assoc</td>
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<td>113,014</td>
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<td>Property Mgt — Augustine House</td>
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<td>Nael G Bunni</td>
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<td>1,110</td>
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<td>Mins Office Advice</td>
<td>*</td>
</tr>
</tbody>
</table>

*The OPW have advised my Department, that in relation to the tendering process it will require more time to collate the information requested and it will revert directly to the Deputy when this is completed.

Valuation Office

The Valuation Office had no expenditure on legal services in the period in question.

Public Service Contracts

217. **Deputy Sean Fleming** asked the Minister for Public Expenditure and Reform if he will confirm if public servants’ contracts of employment, in general, only require one month’s notice of a person’s intention to retire or resign; if his well intentioned request for three months’ notice has no legal effect; and if he will make a statement on the matter. [31190/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The notice period required in contracts of employment can vary across the Public Service.

The three month notice period was introduced across the Public Service in light of the particular circumstances that we now face. It is anticipated that there could be a large increase in the number of retirements of staff in the run up to the end of the “grace period” i.e. the period during which the calculation of pension is unaffected by the pay reductions applied under the Financial Emergency Measures in the Public Interest (No 2) Act 2009. In order to protect public services it is critical that management in each of the sectors have knowledge of the numbers of staff retiring and the business areas that will be affected by potentially large scale departures.
We are also required under the terms of our Memorandum of Understanding with the EU/ECB/IMF to make quarterly returns on the progress being made in relation to reductions in numbers. Accurate and early information on intended retirements will be an important part of this reporting requirement. It will provide information on whether the reduction in the public service pay bill arising from impending retirements is sufficient to meet our commitments under the Memorandum of Understanding.

In light of the potential demands on HR and pensions sections across the Public Service, the three month notice period will also allow time to process applications for retirement. While the three month notice period has no direct legal force, where staff fail to give the full three months notice it may result in a delay in the payment of their pension benefit.

The three month notice period was introduced specifically to deal with retirements coming up to February 2012 and further instructions will issue in relation to the notice period for retirements which take place after 29 February 2012.

Departmental Expenditure

218. **Deputy Dara Calleary** asked the Minister for Public Expenditure and Reform if he will outline the status of his negotiations with the Department of Justice and Equality regarding the overrun on Garda costs for the visits of Queen Elizabeth II and President Obama; and the measures that have been proposed by the Department of Justice and Equality to make up overspend. [31206/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** My Department has been engaged with the Department of Justice about the matter of cost management on expenditure in connection with these events, and we expect shortly to receive a report from that Department in this regard.

*Question No. 219 answered with Question No. 214.*

Departmental Agencies

220. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide the following information regarding the agencies operating under the aegis of his Department (details supplied): the number of whole time equivalent staff, the number of board members, the chairpersons’ and board members’ respective remuneration packages; the annual wage bill and the amount of central funding provided to each agency inclusive of wage bill. [30775/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The list provided by the Deputy refers to a variety of organisations and groups, including Expert Groups, Councils, two Agencies and two Offices of the Department. The information requested by the Deputy in respect of those Agencies that have a Board structure and separate staff complement is set out in Table 1.

In relation to the two Offices of the Department, the Office of the Registrar of Friendly Societies and the Patents Office, their staffing requirements are met from within the overall staff allocation for my Department. As regards the other organisations listed, namely:

- Advisory Council for Science, Technology and Innovation,
- Expert Group on Future Skills Needs,
- Irish National Accreditation Board,
- Management Development Council,
Questions— 25 October 2011. Written Answers

[Deputy Richard Bruton.]

- National Competitiveness Council,
- Office of the Chief Scientific Adviser to the Government,

These are representative advisory Groups and Councils for which the Department or one of its Agencies provides secretariat support. The Department may, where appropriate, be represented on these bodies. The costs associated with these bodies are, in general, met from the resource allocations of the Department or of the Agency that hosts the Groups. However, the Expert Group on Future Skills Needs (EGFSN) reports jointly to me and to the Minister for Education and Skills. The costs of the EGFSN are met from the National Training Fund, which is administered by the Minister for Education and Skills.

Information in relation to the Irish Takeover Panel is being collated and I will arrange to forward it to the Deputy at the earliest opportunity.

Finally, I can advise the Deputy that, in March 2010, in light of the recommendations in the “McCarthy Report”, a decision was taken that transferred the funding allocation previously made available by this Department in respect of the Irish Council for Bioethics (ICB) to the Department of Health and Children. Subsequently, as part of the programme for agency rationalisation and in line with the Government decision taken last year to dissolve the Council. I understand that an application seeking voluntary strike-off of the company was lodged with the Companies Registration Office in February of this year.

Table 1:

<table>
<thead>
<tr>
<th>Agency</th>
<th>No. of WTE Staff</th>
<th>No. of Board Members</th>
<th>Remuneration Packages</th>
<th>Agency Wage Bill (2011 Est)</th>
<th>Total Agency Exchequer Funding (2011 Est)</th>
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<tr>
<td>InterTradeIreland(^1)</td>
<td>47.11</td>
<td>12</td>
<td>Chairman — €1,341,000</td>
<td>€8,041,000</td>
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<tr>
<td>National Standards Authority of Ireland(^2)</td>
<td>163.55</td>
<td>13 (currently 9 with 4 vacancies)</td>
<td>Chairman — €13,237,068</td>
<td>€6,336,000 (excluding Capital of €500k)</td>
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</table>

Note 1: InterTradeIreland is one of the six North/South Implementation Bodies established under the Belfast Agreement (the ‘Good Friday Agreement’) in 1998. It is jointly funded on a 2:1 ratio, respectively, by the Department of Enterprise, Trade and Innovation in Dublin and the Department of Jobs, Enterprise and Investment in Northern Ireland. Its total annual budget from both Departments in 2011 is €12m and the figures quoted in the table reflect my Department’s contribution towards its wage bill and total running costs. The Board is made up of 6 representatives each from the South and the North of Ireland and the current Chairman is a representative from the North.

Note 2: The National Standards Authority of Ireland generates income from fees for services that it provides, which reduces the Exchequer contribution required to deliver its services.

221. Deputy Mary Lou McDonald asked the Minister for Jobs, Enterprise and Innovation if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30786/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The information requested by the Deputy is as follows:

The Competition Authority
The County and City Enterprise Boards
Enterprise Ireland
Forfás
The Health and Safety Authority
IDA Ireland
InterTradeIreland
The Irish Auditing and Accounting Supervisory Authority
The National Consumer Agency
The National Standards Authority of Ireland
The Personal Injuries Assessment Board
Science Foundation Ireland
Shannon Free Airport Development Co. Ltd.

Proposed Legislation

222. Deputy Clare Daly asked the Minister for Jobs, Enterprise and Innovation the date on which he will bring forward the legislation to re-establish joint labour committees in view of their importance to the lives of the workers they cover and the statement by the Government that their re-establishment would be given the highest priority. [30809/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): On 26 July 2011 the Government agreed a package of radical reforms to the Joint Labour Committee and Registered Employment Agreement wage setting mechanisms. The reform proposals deal with recommendations made and issues raised in the Independent Report on the JLC/REA systems (Duffy/Walsh report) as well as the outcome of the recent High Court ruling in the Grace Fried Chicken constitutional challenge.

The proposed measures will provide for the retention of the JLC and REA systems, subject to the reforms that are required to place them on a more secure legal and constitutional footing. They will also reinstate a robust system of protection for workers in these sectors in the aftermath of the High Court ruling.

Heads of a Bill to give effect to the reform proposals have been prepared by the Department of Jobs, Enterprise and Innovation, agreed by Government, and communicated to the Attorney General, who has agreed to give the highest priority to drafting this legislation. It is my intention to have a Bill ready to introduce to the Oireachtas at the earliest possible opportunity this term.

Financial Services Regulation

223. Deputy Joan Collins asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn to the fact that 93 industrial and provident societies have failed consecutively for the past five years to submit annual returns to the Registry of Friendly Societies; if his attention has been drawn to the fact that the non-filing of annual returns constitutes an offence under the Industrial and Provident Societies Acts; the number of consecutive years a society may fail to submit such returns before the Registry of Friendly Societies decides to implement the law and cancel the registration of such societies; and if he will make a statement on the matter. [30877/11]

239. Deputy Joan Collins asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn to the fact that societies registered by the Registrar for Friendly Societies
are required by law to file an annual return with the Registry of Friendly Societies no later that the 31 March each year and that the non-filing of annual returns constitutes an offence under the Industrial and Provident Societies Acts; if he will list the name and address of each society registered by the Registrar for Friendly Societies under the Industrial and Provident Societies Acts which has failed to file an annual return for the years 2008, 2009 and 2010; and if he will make a statement on the matter. [31552/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 223 and 239 together.

As evidenced by previous replies to the Deputy in relation to this matter over the last 4 weeks (replies dated 20, 27 and 28 September and 11 October refer) I am aware that a number of Industrial and Provident societies have failed to file annual returns to the Registry of Friendly Societies, and of the legislative position with regard to same.

The initiation of enforcement action is a matter for the Registrar of Friendly Societies, and I have previously advised the Deputy that the Registrar is now considering such action in respect of Industrial and Provident societies, following on from targeted enforcement cam-paigns in 2010 and 2011 of Friendly Societies and Trade Unions.

It is not the practice of the Registrar to publish lists of societies in instances where enforce-ment action is under consideration. In the event that enforcement action is taken against a society notice is published in Iris Oifigiúil, and in the next subsequent Annual Report of the Registrar of Friendly Societies, which lists societies that are cancelled during that year. The Registry also holds the individual file of each society, the information on which is available for inspection by the public. It is open to the Deputy to make enquiries to the Registry of Friendly Societies regarding any individual named society.

Departmental Agencies

224. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30891/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The employees of the Personnel Injuries Assessment Board (PIAB) and Shannon Development are not paid out of Exchequer funds but are paid from the own resource income of the agencies themselves. In the case of the remaining non-commercial State agencies coming under my Department’s remit, the employees are paid out of Exchequer funds, subject to the following exceptions and clarifi-cations:-

**Forfás**

Forfás has one fixed term contract position, located with the Discover Science & Engineering Programme, the funding for which is provided by the European Space Agency. The salary cost of three members of Forfás staff, based with the Irish National Accreditation Board (INAB) is met through fee income generated from accreditation activities. In addition, the partial cost of a small number of other staff, supporting the work of the Expert Group on Future Skills Needs, (equivalent to approx 2.5 full time equivalents) is met from the National Training Fund.

**Irish Auditing and Accounting Supervisory Authority (IAASA):**

Pursuant to section 14 of the Companies (Auditing and Accounting) Act 2003, a grant not exceeding 40% of IAASA’s programme of expenditure is provided by the Exchequer. The remaining 60% is funded by a levy on each prescribed accountancy body that is subject to the
supervision of IAASA. The exception to this framework is the funding for IAASA’s functions under the Transparency (Directive 2004/109/EC) Regulations 2007 (S.I. 277 of 2007) which is provided solely by the Exchequer.

National Consumer Agency

The payroll of 20 staff on secondment to the National Consumer Agency from the Central Bank is funded by the financial services sector by means of a levy. The payroll is managed by the Central Bank on behalf of the National Consumer Agency. All other staff of the Agency are paid directly from the Exchequer.

InterTradeIreland

Two-thirds of InterTradeIreland’s costs are paid from the Vote of the Department of Jobs, Enterprise and Innovation. One-third of the body’s costs are paid by the Northern Ireland Department of Enterprise, Trade and Investment.

The National Standards Authority of Ireland (NSAI)

The Exchequer grant to the National Standards Authority of Ireland is solely for payroll purposes. However, the amount allocated equates to approximately 47% of the total payroll costs incurred by the organisation. The remainder is funded from own resourced income through fees charged for standards and certification services.

Employment Support Services

225. **Deputy Peadar Tóibín** asked the Minister for Jobs, Enterprise and Innovation the grants or funding available to a person (details supplied). [30926/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department does not provide direct funding or grants to businesses but rather provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom assistance is delivered directly to businesses. The role of the CEBs throughout the country is to provide a source of support for micro-enterprise in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level. The CEBs unique role positions them as a first point of contact for persons wishing to set up in business. The Boards give priority to manufacturing and internationally traded services, and support micro-enterprise businesses through both financial (grants) and non-financial (advice, training and mentoring) “soft supports”, subject to certain eligibility criteria and provided that the proposed projects have the capacity to achieve commercial viability.

CEBs can assist in the establishment, and/or development, of new and existing micro-enterprise businesses subject to the following main eligibility criteria:

- the enterprise must be in the commercial sphere;
- the enterprise must demonstrate a market for the product/service;
- the enterprise must have a capacity for growth and new job creation;
- the enterprise must not employ more than 10 people;
- the enterprise must not give rise to deadweight or displacement.

It is considered inappropriate to support areas such as retail enterprises, personal services (e.g. hairdressers, gardeners, etc), professional services (accountants, solicitors, etc) lacking export potential, construction, etc, as it is considered that these generally give rise to unacceptable deadweight (where projects would have proceeded anyway) and/or displacement (where the projects simply displace business from other players in the market) concerns.
Deputy Richard Bruton.

Longford CEB have advised me that the business promoter has availed of the soft supports offered by the CEB and, whilst not every business may be eligible for direct financial grant support, the services of the CEB remain available to the business as appropriate and the promoter is therefore advised to remain in contact with the CEB going forward. The Board may be contacted at: Longford County Enterprise Board, Longford Enterprise Centre, Templemichael, Ballinalee Road, Longford. Phone: 043 3342757, Email: info@longfordceb.ie.

Departmental Expenditure

226. Deputy Anne Ferris asked the Minister for Jobs, Enterprise and Innovation if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or any State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors’ firms concerned and the fees paid; the nature of the work concerned; if, in each case, the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30971/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The information requested by the Deputy for the period from 2007 to the present date is set out in the following tables. The information from 2007 to end-October 2010 had already been collated in response to a previous Parliamentary Question that consumed considerable resources within my Department at the time. Information relating to the year 2006 is not readily available and the compilation of this information dating back more than five years would consume a disproportionate amount of resources in my Department at a time of significant work pressure. However, if the Deputy considers that the information relating to 2006 is particularly relevant and essential, I will arrange for the relevant data to be provided in due course.

In general, as with all Government Departments, my Department obtains most of its legal advice through the services of the Office of the Attorney General, although certain Offices of my Department, for example, the Office of the Director of Corporate Enforcement and the Companies Registration Office, employ dedicated legal expertise given the specialised nature of the work involved.

<table>
<thead>
<tr>
<th>Name of Company/ Payee</th>
<th>Purpose</th>
<th>Cost (€)</th>
<th>Was Competitive Tendering Process Held? (Yes/No)</th>
<th>Reason Competitive Tendering was not undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rosemary Healy-Rae, BL</td>
<td>Legal Advice to NERA</td>
<td>€968</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract</td>
</tr>
<tr>
<td>Noel J. Travers BL</td>
<td>Legal Settlement on Scrutiny of set of Regulations in connection with the transposition of Directives 2010/35/EU on transportable pressure equipment and 2010/61/EU on the carriage of dangerous goods by road</td>
<td>€2,247</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract</td>
</tr>
<tr>
<td>Name of Company/Payee</td>
<td>Purpose</td>
<td>Cost (€)</td>
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<td>------------------------------------------------</td>
</tr>
<tr>
<td>Remy Farrell</td>
<td>Counsel’s Opinion / Advice(ODCE)</td>
<td>€544</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Úna Ní Raifeartaigh</td>
<td>Counsel’s Opinion / Advice(ODCE)</td>
<td>€29,645</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
</tbody>
</table>

### 2010 Payments

<table>
<thead>
<tr>
<th>Name of Company/Payee</th>
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<th>Was Competitive Tendering Process Held? (Yes/No)</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Nessa Cahill</td>
<td>Counsel’s Opinion / Advice (ODCE)</td>
<td>€3,896</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Declan Murphy</td>
<td>Counsel’s Opinion / Advice(ODCE)</td>
<td>€3,339</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Remy Farrell</td>
<td>Counsel’s Opinion / Advice(ODCE)</td>
<td>€3,237</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>John Hennessy BL.</td>
<td>Advice in relation to investigations under Section 19 of the Companies Act 1990.</td>
<td>€15,246</td>
<td>No</td>
<td>Nominated by the Chief State Solicitor’s Office (CSSO).</td>
</tr>
<tr>
<td>Conor Feeney BL.</td>
<td>Legal Settlement on Scrutiny of set of Regulations in connection with the transposition of Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work</td>
<td>€605</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract</td>
</tr>
<tr>
<td>Noel J. Travers BL.</td>
<td>Legal Settlement on Scrutiny of 5 sets of Regulations in connection with the transposition of Directive 2008/68/EC on inland transport of dangerous goods on behalf of the Department and Department of Transport</td>
<td>€5,150* (* €1,283 refunded from Dept. of Transport)</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract</td>
</tr>
<tr>
<td>Brian Murray</td>
<td>Advices (ODCE)</td>
<td>€10,214</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Caroline Costello</td>
<td>Advices (ODCE)</td>
<td>€424</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
</tbody>
</table>
### Written Answers

**[Deputy Richard Bruton.]**

<table>
<thead>
<tr>
<th>Name of Company/Payee</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Paul Anthony McDermott</td>
<td>Advices (ODCE)</td>
<td>€14,218</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Paul O’Higgins</td>
<td>Advices (ODCE)</td>
<td>€5,143</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Thomas C. Smyth</td>
<td>Advices (ODCE)</td>
<td>€32,670</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Nessa Cahill</td>
<td>Advices (ODCE)</td>
<td>€1,892</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Tom Mallon</td>
<td>Advices (ODCE)</td>
<td>€557</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Remy Farrell</td>
<td>Advices (ODCE)</td>
<td>€756</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Catherine Donnelly</td>
<td>Advices (ODCE)</td>
<td>€4,235</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Kilroys Solicitors</td>
<td>Provision of legal advice on Export Credit Insurance issues</td>
<td>€7,213</td>
<td>No</td>
<td>Specialist expertise, where detailed knowledge of the specific individual policies is a prerequisite.</td>
</tr>
<tr>
<td>Rosemary Healy — Rae, BL</td>
<td>Legal Advice received by NERA for Labour Court Representation</td>
<td>€2,286</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract.</td>
</tr>
</tbody>
</table>

### 2009 Payments

<table>
<thead>
<tr>
<th>Name of Company/Payee</th>
<th>Purpose</th>
<th>Cost (€)</th>
<th>Was Competitive Tendering Process Held? (Yes/No)</th>
<th>Reason Competitive Tendering was not undertaken</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Hennessy BL</td>
<td>Advice in relation to investigations under Section 19 of the Companies Act 1990</td>
<td>€503</td>
<td>No</td>
<td>Nominated by the Chief State Solicitor’s Office (CSSO).</td>
</tr>
<tr>
<td>John Hennessy BL</td>
<td>Advice in relation to investigations under Section 19 of the Companies Act 1990</td>
<td>€1,823</td>
<td>No</td>
<td>Nominated by the Chief State Solicitor’s Office (CSSO).</td>
</tr>
<tr>
<td>Brian Murray</td>
<td>Representation in Court / Advices (ODCE)</td>
<td>€7,341</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Maurice G Collins</td>
<td>Representation in Court / Advices (ODCE)</td>
<td>€121,840</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Nessa Cahill</td>
<td>Advices (ODCE)</td>
<td>€3,130</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Paul O’Higgins</td>
<td>Representation in Court / Advices (ODCE)</td>
<td>€35,235</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Philip Rahn</td>
<td>Representation in Court / Advices (ODCE)</td>
<td>€8,602</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Remy Farrell</td>
<td>Representation in Court / Advices (ODCE)</td>
<td>€18,740</td>
<td>See Footnote 1</td>
<td>Drawn from Panel of Legal Professionals.</td>
</tr>
<tr>
<td>Quinlan Dillon &amp; Company</td>
<td>Representation in Court / Advices (ODCE)</td>
<td>€75</td>
<td>No</td>
<td>Below threshold for public advertising of contract</td>
</tr>
<tr>
<td>Name of Company/Payee</td>
<td>Purpose</td>
<td>Cost (€)</td>
<td>Was Competitive Tendering Held? (Yes/No)</td>
<td>Reason Competitive Tendering was not undertaken</td>
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</tr>
<tr>
<td>Kilroy Solicitors</td>
<td>Provision of legal advice on Export Credit Insurance issues</td>
<td>€32,336</td>
<td>No</td>
<td>Specialist expertise, where detailed knowledge of the specific individual policies is a prerequisite.</td>
</tr>
<tr>
<td>Mason Hayes Curran</td>
<td>Public Procurement Advice</td>
<td>€24,247</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract.</td>
</tr>
</tbody>
</table>

2008 Payments

<table>
<thead>
<tr>
<th>Name of Company/Payee</th>
<th>Purpose</th>
<th>Cost (€)</th>
<th>Was Competitive Tendering Held? (Yes/No)</th>
<th>If not, please indicate reason (for information of Minister and Secretary General)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mason, Hayes &amp; Curran</td>
<td>Legal Advice on Procurement Issues.</td>
<td>€8,534</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract.</td>
</tr>
<tr>
<td>Kilroy Solicitors</td>
<td>The provision of legal advice on issues arising in the operation of the Export Credit Insurance Scheme as and when required.</td>
<td>€16,263</td>
<td>No</td>
<td>Specialist expertise, where detailed knowledge of the specific individual policies is a prerequisite.</td>
</tr>
<tr>
<td>Emily Gibson BL</td>
<td>Legal Services for the Advisory Group on Media Mergers</td>
<td>€5,596</td>
<td>No</td>
<td>Restricted tender, as below threshold for public advertising of contract.</td>
</tr>
<tr>
<td>Mathias Kelly QC</td>
<td>Advice in connection with investigations under Section 19 of the Companies Act 1990</td>
<td>€167,171</td>
<td>No</td>
<td>Nominated by the Office of the Attorney General.</td>
</tr>
<tr>
<td>Mason Hayes Curran</td>
<td>Public Procurement Advice (CRO)</td>
<td>€57,540</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract.</td>
</tr>
</tbody>
</table>

2007 Payments

<table>
<thead>
<tr>
<th>Name of Company/Payee</th>
<th>Purpose</th>
<th>Cost (€)</th>
<th>Was Competitive Tendering Held? (Yes/No)</th>
<th>If not, please indicate reason (for information of Minister and Secretary General)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mason Hayes &amp; Curran</td>
<td>Legal Advice (NERA)</td>
<td>€16,611</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract.</td>
</tr>
<tr>
<td>John Hennessy BL</td>
<td>Advices in relation to investigations under section 19 of the Companies Act 1990</td>
<td>€126,324</td>
<td>No</td>
<td>Nominated by the Chief State Solicitor’s Office (CSSO).</td>
</tr>
</tbody>
</table>
[Deputy Richard Bruton.]

<table>
<thead>
<tr>
<th>Name of Company/Payee</th>
<th>Purpose</th>
<th>Cost (€)</th>
<th>Was Competitive Tendering Process Held? (Yes/No)</th>
<th>If not, please indicate reason (for information of Minister and Secretary General)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matthias Kelly QC</td>
<td>Advice in connection with investigations under section 19 of the Companies Act 1990</td>
<td>€162,742</td>
<td>No</td>
<td>Nominated by the Office of the Attorney General.</td>
</tr>
<tr>
<td>Mason Hayes Curran</td>
<td>Public Procurement Advice (CRO)</td>
<td>€14,744</td>
<td>Yes</td>
<td>Below threshold for public advertising of contract.</td>
</tr>
<tr>
<td>McCann Fitzgerald</td>
<td>Legal advice in relation to the Industrial and Provident (I&amp;P) Acts (CRO)</td>
<td>€18,184</td>
<td>No</td>
<td>Specialist knowledge of the issues.</td>
</tr>
</tbody>
</table>

**Footnote 1** — The ODCE employs its own in-house solicitors and, accordingly, rarely engages external solicitors (though external solicitors are regularly used to witness the swearing of affidavits by ODCE staff). In accordance with general practice in this area, the solicitors employed by the ODCE identify, and engage Counsel to provide advice to, and represent, the ODCE. Counsel are selected on the basis of their knowledge and experience of the issues involved in the relevant cases with a view to achieving successful outcomes for the Office. The Office maintains a Panel of Legal Professionals who expressed an interest in being assigned work by the Office on foot of public advertisement. Inclusion on the Panel is open to all suitably qualified legal professionals.

227. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation the annual cost of the licensed payroll system, CorePay, to his Department.  [31060/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Core International license their CorePay payroll system by way of an annual maintenance and support charge on the elements installed. My Department’s records indicate that for 2011 this charge amounts to €16,459.32. Additional Core licencing was required for new functionality modules implemented during 2011. My Department’s records indicate that these licences cost €30,129 and attract a maintenance and support charge of €1,542.75 in 2011 and €6,534 per annum thereafter. All figures are inclusive of VAT.

**Organised Crime**

228. **Deputy Mattie McGrath** asked the Minister for Jobs, Enterprise and Innovation the number of cash for gold companies that currently exist here; the number of new cash for gold companies that have been established in the past two years; the industry specific regulations by which these companies are regulated; his views on whether this industry requires some industry specific regulations; his plans to introduce industry specific regulations to address growing levels of crime involving the theft of jewellery; and if he will make a statement on the matter.  [31095/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department does not maintain official statistics on the number of cash for gold companies.

As regards the possible link between this trade and criminality I understand that my colleague the Minister for Justice and Equality is finalising a report on the “Cash for Gold” trade. I also understand from my colleague the Minister for Justice and Equality that his Department has been in contact with the Commissioner of An Garda Síochána with a view to monitoring the situation. The Commissioner has reported that all “Cash for Gold” premises have been visited by An Garda Síochána and the operators of these businesses have been made aware of their responsibilities and obligations with regard to purchasing gold and jewellery.
229. **Deputy Mattie McGrath** asked the Minister for Jobs, Enterprise and Innovation the number of scrap, iron and metal yard companies that currently exist here; the number of new companies that have been established in the past two years; the industry specific regulations by which these companies are regulated; his views on whether this industry requires some industry specific regulations; his plans to introduce same to address growing levels of crime involving the theft of scrap metals; and if he will make a statement on the matter. [31096/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department does not maintain official statistics on the number of scrap, iron and metal yard companies. Neither does my Department have any sector specific regulations in relation to these companies. Insofar as there is a possible link between such companies and criminality the appropriate authority for dealing with such criminality would be An Garda Síochána to whom all thefts of scrap metals should be reported.

**Departmental Agencies**

230. **Deputy Charlie McConalogue** asked the Minister for Jobs, Enterprise and Innovation the services currently being provided through the Industrial Development Agency office in Letterkenny, County Donegal; the staff numbers currently based there; if there has been a reduction in the staff numbers operating from the office in recent times; and if he will make a statement on the matter. [31274/11]

231. **Deputy Charlie McConalogue** asked the Minister for Jobs, Enterprise and Innovation if it is planned to continue to base the new north west regional manager of the Industrial Development Agency at the IDA office in Letterkenny, County Donegal, as has been the case in the past; and if he will make a statement on the matter. [31276/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 230 and 231 together.

IDA is an autonomous agency set up by statute with a mandate to attract foreign direct investment from manufacturing and internationally-traded services companies into Ireland, and to support new and existing FDI operations so as to maximise the related industrial employment, output, exports, economy expenditures including wages, and corporation tax contributions.

The management and location of IDA staff is a day-to-day operational matter for the Agency and not one in which I have a function. IDA decides where it needs its resources in order that it can meet its strategic goals. IDA Ireland’s strategy, “Horizon 2020” sets out the Agency’s targets for direct job creation in the FDI sector to 2014 of 62,000 direct jobs in 640 investment projects over the period, resulting in an additional 105,000 jobs overall in the economy. In implementing this ambitious strategy the Agency has also set specific regional goals of

- Securing 50% of all investments into locations outside of Dublin and Cork.
- Transforming the existing FDI base across the country to develop, retain and grow employment in client companies operating here.

In the context of achieving successful implementation of its strategy and challenging job creation targets, IDA is maximising efficiency through increasing the organisation’s focus on business generation/client facing activities, which will ultimately benefit all regions. During 2010, a Business Transformation Process was carried out in IDA, which examined every job in
the organisation. The outcome provided opportunities to free up staff resources for core business generation activities and needs to ensure that IDA meets its job targets.

The Agency informs me that the North West Region was in the unique position of having 2 offices; one in Letterkenny and one in Sligo. These have now been merged into one North West regional office in Sligo where the new North West Regional manager will be based, when appointed. IDA continues to have two people working out of the Letterkenny office and informs me that no staff cuts have taken place in Letterkenny.

Under the National Spatial Strategy, Letterkenny is one of 9 Gateway locations and will continue to be a key location of focus for the winning of foreign direct investments. The North West Region has 36 IDA client companies employing almost 5,000 people. Indeed, Letterkenny had 2 key client announcements in the past year with the 200 person expansion of United Health Group, who now employ over 400 people, and Zeus, who expanded their manufacturing facility and will create 75 additional jobs. Examples of other client companies in Letterkenny are Pramerica with 800 employees; Sita, 90 employees; Medisize, 140 employees and Abbot with 140 employees.

**Health and Safety Regulations**

232. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Jobs, Enterprise and Innovation if regulation 30 of SI 299 of 2007, Safety, Health and Welfare at Work (General Application) Regulations 2007, is the only regulation governing the testing of local exhaust ventilation; his views on whether this regulation is insufficient to protect workers from equipment which might cause exposure to substances that cause asthma and other health problems, including contaminants; if he will legislate for mandatory testing of local exhaust ventilation as in other European countries to protect workers from airborne contaminants; and if he will make a statement on the matter. [31277/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) requires every employer to ensure, in so far as is reasonably practicable, the safety health and welfare at work of his or her employees. The employer’s duty extends to the design, provision and maintenance of plant and machinery or any other articles that are safe and without risk to health.

Regulation 30, of Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 2007), is concerned with inspection of work equipment both permanently installed and also equipment that is moved from place to place requiring assembly each time. Work equipment can be subject to a wide range of causes of deterioration which in turn can present workplace hazards. Regulation 30 provides that equipment should not go into use until it has been inspected by a competent person to ensure that it has been properly installed and is safe for operation. Inspection relates to a wide range of hazards. Evidence of such inspections must be recorded and kept available for inspection by the Health and Safety Authority. Regulation 30 (b) (i) provides for periodic testing where appropriate.

In addition in relation to chemical agents, Regulation 6(1)(b) of the Safety, Health and Welfare at Work (Chemical Agents) Regulations 2001 (S.I. No. 619 of 2001) places a duty on employers to ensure that any engineering control measure, which can include local exhaust ventilation (LEV) systems, is properly maintained and used. It requires the employer to ensure that adequate inspection, testing and maintenance of plant and equipment occurs. As LEV systems vary in complexity, the frequency of maintenance and testing specified by the manufacturer, supplier or European Standard should be observed as a minimum.
The above regulations derive in the main from EU law which has been formulated taking into account the wide range of hazards which can arise in workplaces. In relation, *inter alia*, to equipment which might cause exposure to substances that cause asthma and other health problems, including contaminants, the 2005 Act provides that it is the duty of employers in all workplaces to identify hazards and to put in place measures to control exposure to such hazards. Compliance with this general duty, in addition to the specific duties set out above, should provide adequate protection for workers.

**Departmental Agencies**

233. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation if he will provide a list of all commercial semi-State companies under his aegis. [31396/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I can advise the Deputy that none of the agencies under the aegis of my Department are commercial semi-State companies.

**Proposed Legislation**

234. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation if he will bring forward legislation to criminalise the problem of forced labour, which is necessary for Ireland to become compliant with Article 4 of the European Convention on Human Rights; the date for bringing forward this legislation; and if he will make a statement on the matter. [31437/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** Forced labour in the context of trafficking is currently criminalised by the Criminal Law (Human Trafficking) Act 2008 which is legislation that falls within the remit of the Minister for Justice, Equality and Defence. As regards the act of forced labour without trafficking, I would point out that international instruments such as those of the International Labour Office draw a clear distinction between employment i.e. voluntary labour, on the one hand, and forced labour, on the other.

Employment rights and industrial relations legislation, which falls within my remit, regulates matters arising during, or on termination of, a contract of employment and is concerned with matters relating to voluntary employment. While it can and does make provision for criminal offences, it is almost unheard of in practice and the vast majority of issues arising are dealt with by quasi-judicial tribunals or by arbitration e.g. Rights Commissioners.

Forced labour or slavery can embrace activities that are much more serious than the mere failure to respect labour laws and working conditions and which by definition are not based on contracts of employment. I understand that other jurisdictions, such as is the case in the United Kingdom, have made provision with regard to slavery, servitude and forced labour under their respective criminal codes. I have no plans to bring forward legislation on forced labour that might be most appropriately achieved within the criminal law code.

**Consumer Protection**

235. **Deputy Peter Mathews** asked the Minister for Jobs, Enterprise and Innovation if mortgages from local authorities fall under the remit of the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995; and if he will make a statement on the matter. [31458/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The European Communities (Unfair Terms in Consumer Contracts) Regulations, which gave effect to the corre-
sponding European Council Directive on Unfair Terms in Consumer Contracts, applies to any term in a contract concluded between a seller of goods or supplier of services and a consumer which has not been individually negotiated. Whilst contracts for financial services such as mortgages may indeed come within the scope of the Regulations, certain terms within such contracts are excluded from the scope of the Regulations. It is ultimately a matter for the courts to determine whether a specific term of a contract is unfair having regard to the features of the contract and the particular provisions of the regulations.

Departmental Correspondence

236. **Deputy John McGuinness** asked the Minister for Jobs, Enterprise and Innovation his response to a submission made to him dated 9 August 2011 from an organisation (details supplied); if the issues raised have been sorted or resolved; and if he will make a statement on the matter. [31479/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** A comprehensive response to the submission from the Electro-Technical Council of Ireland (ETCI) was sent to Mr Hanly on 5 October. In relation to the issues raised in the submission, in particular, international memberships, the position is that the National Standards Authority of Ireland (NSAI) took the view that, given the extent of the public funding, both direct and indirect, provided by it for the work of the ETCI, a private company, that it would be more appropriate and transparent if NSAI took over the international memberships directly. As Ireland’s National Standards Body, set up under the NSAI Act of 1996, it is entirely appropriate that NSAI is the member of these organisations while the ETCI functions as the sectoral committee. This shift in membership secures Ireland’s membership of these international institutions for the future. I understand that the NSAI and the ETCI have concluded a Memorandum of Agreement under which NSAI has taken over as the Irish member of the European Committee for Electrotechnical Standardization (CENELEC) and the International Electrotechnical Commission (IEC).

The submission also raised concerns about the enforcement of Health and Safety legislation and I am informed that senior executives of ETCI recently met with the Health and Safety Authority to discuss this matter. As the issues concerning the Commission for Energy Regulation fall within the remit of the Minister for Communications, Energy and Natural Resources, the submission was forwarded to that Department for consideration and direct reply to the Deputy’s correspondent.

Enterprise Support Services

237. **Deputy Michael Healy-Rae** asked the Minister for Jobs, Enterprise and Innovation the position regarding a start-up grant in respect of a person (details supplied); and if he will make a statement on the matter. [31485/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department does not provide direct funding or grants to businesses but provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom assistance is delivered directly to businesses. The role of the CEBs throughout the country is to provide a source of both financial and non-financial assistance support for eligible micro-enterprises in the start-up and expansion phases, to promote and develop indigenous micro-enterprise potential and to stimulate economic activity and entrepreneurship at local level.
The CEBs unique role positions them as a first point of contact for persons wishing to set up in business. I am advised that Kerry CEB has not had contact with the promoter to initiate a grant application. The project promoter may therefore in the first instance wish to contact Kerry CEB to discuss what options may be available to him. Kerry CEB may be contacted directly at Kerry County Enterprise Board, County Buildings, Rathass, Tralee, Co. Kerry, Phone: 066-7183522 Email: kerryceb@kerrycoco.ie. Alternately, contact details for the CEB network are available through their national website www.enterpriseboards.ie.

Departmental Expenditure

238. Deputy Billy Kelleher asked the Minister for Jobs, Enterprise and Innovation the total expenditure in 2010 on information and communications technology, ICT, including staff costs, support and maintenance services, hardware, software and external resources, including consultancies, contractors and service providers and that of all agencies under the aegis of his Department. [31521/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My Department’s ICT End of Year Statement for 2010, as submitted to the Department of Public Expenditure and Reform, indicates that total expenditure on ICT costs in that year, exclusive of staff costs, was €6,857,783. My Department’s ICT Start of Year Statement for 2010 estimates ICT staff costs for the period, on the basis of staff complement and the mid-point salary per grade excluding overheads, at €1,497,680. The ICT costs of agencies under the remit of my Department is a day-to-day operational matter for those agencies.

Question No. 239 taken with question No. 223.

Social Welfare Benefits

240. Deputy Paudie Coffey asked the Minister for Social Protection the position regarding rent supplement in respect of a person (details supplied) in County Waterford; and if she will make a statement on the matter. [30815/11]

Minister for Social Protection (Deputy Joan Burton): The community welfare service (CWS), and the community welfare officers providing it, transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP. The person concerned has been awarded rent supplement from 1st August 2011. The first payment including arrears was made on 24th October.

Social Welfare Code

241. Deputy Eoghan Murphy asked the Minister for Social Protection if her attention has been drawn to the fact that approved retirement funds are liable to PRSI at class S and those with an annuity of an equal amount are exempt from paying PRSI; and if she will make a statement on the matter. [30844/11]

Minister for Social Protection (Deputy Joan Burton): Under social welfare legislation any payments received by way of pension are not regarded as reckonable emoluments for the purposes of self-employed Pay Related Social Insurance (PRSI). Pension annuities provide a secure means of converting savings into pension income to be paid over the span of the individual’s life and thereby avoid the danger that pensioners could exhaust their pension savings in their lifetime. Annuities payable under a retirement annuity contract are, therefore, regarded as a payment by way of pension and not subject to PRSI.
Approved retirement funds or ARFs are funds managed by a qualifying fund manager into which an individual may invest the proceeds of their pension fund when they retire. The income and gains of such funds are exempt from tax within the fund. Any amounts withdrawn from an ARF are referred to as a distribution. A distribution is treated as income from an employment and accordingly subject to income tax within the PAYE system. Unlike annuity products, ARFs are not pensions but are treated as assets. As such, distributions from ARFs fall within the charge to self-employed PRSI. It should however be noted that only distributions made before pension age will attract the charge to PRSI as social insurance only applies to individuals between the ages of 16 and 66. Once the individual reaches pension age, PRSI will not be charged.

**Social Welfare Appeals**

242. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding mortgage interest supplement appeals which are taking more than six months for a decision; if they will be expedited; and if she will make a statement on the matter. [31435/11]

**Minister for Social Protection (Deputy Joan Burton):** Following on from the transfer of the Community Welfare Service from the Health Services Executive (HSE) to the Department of Social Protection, with effect from Saturday 1st October, legislation was commenced which provides that appeals for supplementary welfare allowance (SWA), which includes Mortgage Interest Supplement, are now made to the Social Welfare Appeals Office. Up to now, the legislation provided for a 2 step process, first to the Health Services Executive (HSE) and, if still dissatisfied, to the Social Welfare Appeals Office.

I am aware that the processing times for appeals is very considerable. I am assured by the Chief Appeals Officer that she is keeping the methods of operation by which the Social Welfare Appeals Office conducts its business under constant review, and that the processes are continuously being enhanced to reduce the backlogs in the Office and, overall, to reduce the processing times for dealing with appeals.

**Pension Provisions**

243. **Deputy Nicky McFadden** asked the Minister for Social Protection if she will consider the possibility of allowing unemployed persons who intend to emigrate to encash their accumulated funds in the private pension scheme to fund their travel and upkeep while abroad; and if she will make a statement on the matter. [31445/11]

**Minister for Social Protection (Deputy Joan Burton):** As you are aware, pensions are a long-term investment aimed at ensuring that a person has an adequate income in retirement. Government policy supports this aspiration. However, under the provisions of the Pensions Act 1990, if a person with less than two years qualifying service leaves a pension scheme, they are entitled to a refund to the value of their own contributions less tax at the basic rate. The Pensions Act also provides that a person can transfer their pension rights to a scheme operated by their new employer or to a vehicle which is capable of accruing pension benefits. There are no proposals at present to amend the legislation to provide for further access to pension funds.

**Employment Support Services**

244. **Deputy Sean Fleming** asked the Minister for Social Protection if she will consider a reduction in the JobBridge criteria from 12 weeks to four weeks to facilitate students who wish to participate in this scheme; and if she will make a statement on the matter. [31454/11]
Minister for Social Protection (Deputy Joan Burton): In order for an individual to be eligible to participate in JobBridge, the National Internship Scheme, an individual must:

- be currently in receipt of a live claim (Jobseekers Allowance/Jobseekers Benefit/Signing for Credits) on the Live Register;
- have been in receipt of Jobseekers Benefit, Jobseekers Allowance or signing for Social Insurance Contribution Credits for a total of 78 days or more in the last 6 months.

Time spent on Back to Education Allowance, VTOS, FÁS/Fáilte Ireland Training courses, Youthreach, FIT, Community Employment Schemes, TÚS, the Rural Social Scheme, Back to Work Scheme, FAS Job Initiative or Job Assist may now count towards the 78 day qualifying period. However, individuals must still have signed back on to the Live Register and be in receipt of JobSeekers Benefit/Allowance or Jobseeker credits immediately before commencing on JobBridge.

The policy objective of the Scheme is to prioritise scarce resources on those on the Live Register so as to increase their chances of leaving it thereby ensuring a reduction in Exchequer costs over time. The optimum time for interventions of this nature is at three months and, therefore, the 3 month eligibility criteria for the scheme will remain in place.

Social Welfare Benefits

245. Deputy Pat Breen asked the Minister for Social Protection the reason a person (details supplied) has not been facilitated; and if she will make a statement on the matter. [31549/11]

Minister for Social Protection (Deputy Joan Burton): There is no record in the Department of a redundancy claim having been received from the person referenced by the Deputy.

246. Deputy Brendan Griffin asked the Minister for Social Protection if a person (details supplied) in County Kerry is eligible for participation in community employment scheme; and if she will make a statement on the matter. [30754/11]

Minister for Social Protection (Deputy Joan Burton): Under the current community employment eligibility guidelines, the person concerned is not eligible to apply for a position on the programme as he is not in receipt of any payment from the Department of Social Protection. He would need to be in receipt of one of the qualifying payments to be eligible or be in receipt of Jobseekers Benefit/Assistance for at least 12 months prior to participation. A full listing of the eligibility criteria for community employment is available at: http://www.fas.ie/en/Communities/CommunityEmployment/Eligibility-Participant/default.htm

Social Welfare Code

247. Deputy Kevin Humphreys asked the Minister for Social Protection about the recommendations the advisory group on tax and social welfare has made to date; the date on which she expects the group to advise on PRSI rates and social welfare entitlements for the self-employed; and if she will make a statement on the matter. [30757/11]

Minister for Social Protection (Deputy Joan Burton): Creating jobs and tackling poverty are two of the key challenges that we face. It is essential that our tax and social protection systems play their part in addressing these issues and ensure that work is worthwhile. To this end, I established an Advisory Group on Tax and Social Welfare last June. The main rationale for setting up the Advisory Group is to harness expert opinion and experience in order to address
a number of specific issues and to make cost-effective proposals for improving employment incentives and achieving better poverty outcomes, particularly child poverty outcomes.

The Advisory Group has been asked to examine a number of specific issues and make recommendations on these, including child and family income supports, working age income supports, the appropriate unit of assessment in both the tax and social welfare codes, the interaction of the tax and social welfare codes, issues concerning social insurance for self-employed people and any other issues that may be referred to it.

The Group’s method of working is based on producing modular reports on the priority areas identified in the terms of reference. Where possible, the aim is to provide recommendations that can be acted upon in time for the annual budget/estimates and legislative cycle and to allow the Government to best address its commitments under the EU/IMF Programme of Financial Support.

I understand that the Group is currently prioritising the area of family and child income supports so that it can make a contribution in time for the 2012 Budget and I expect to receive recommendations in this regard in the near future. Thereafter, I expect that the Group will address the other issues provided for in its work programme including that of social welfare entitlements for the self-employed.

Employment Support Services

248. **Deputy Brendan Griffin** asked the Minister for Social Protection if there are circumstances under which a person may have an extension granted to the duration of their participation in a community employment scheme; and if she will make a statement on the matter. [30758/11]

**Minister for Social Protection (Deputy Joan Burton):** In general, the maximum participation limit for community employment is one year with the opportunity to extend for a further year if this is considered by FÁS as the most suitable and cost effective measure to assist the CE participant in gaining employment. A participant may be eligible for different periods of engagement and extensions on CE due to a range of circumstances, including their age, the nature of the qualifying payment and/or time already spent on CE. Extensions of a CE placement have to be requested a minimum of eight weeks before the proposed finish date by the CE Project Supervisor. Once an extension application is received by the local FÁS office, a determination is made as to whether the placement is the most suitable and cost effective measure to assist the client in gaining employment. Participants who are deemed job-ready by the Supervisor are not extended in order to free up the place for another client. If no request for an extension is requested then the person must leave the scheme and re-qualify under the published eligibility rules for any further participation on the CE scheme. The local FÁS employment office will be able to give advice on individual circumstances and the opportunities to extend participation on CE.

As Minister for Social Protection I do not have a role in the administration of individual cases in regard to the operation of the Community Employment (CE) programme. The administration of individual cases under CE is a day-to-day matter for FÁS as part of its responsibility under the Labour Services Act, 1987, as amended by Part 3 of the Social Welfare (Miscellaneous Provisions) Act, 2010.

Departmental Agencies

249. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if she will provide a list of all non-commercial State agencies under the aegis of her Department. [30789/11]
Minister for Social Protection (Deputy Joan Burton): The three statutory bodies operating under the aegis of the Department are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of the Department. Additional information in relation to these bodies is available on the Department’s website at www.welfare.ie/EN/AboutUs/Pages/stateagencies.aspx

Social Welfare Benefits

250. Deputy Michelle Mulherin asked the Minister for Social Protection the position regarding an application for carer’s allowance in respect of a person (details supplied) in County Mayo; and if the application will be expedited. [30806/11]

Minister for Social Protection (Deputy Joan Burton): I confirm that an application for carer’s allowance has been received from the person in question. On completion of the necessary investigations relating to all aspects of her claim a decision will be made and the person concerned will be notified directly of the outcome. The average time taken to process a claim to completion, including assessment of the claimant’s means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

Pension Provisions

251. Deputy Dessie Ellis asked the Minister for Social Protection the measures she is undertaking to ensure she can afford to pay the State pension. [30823/11]

273. Deputy Dessie Ellis asked the Minister for Social Protection the measures she is undertaking to ensure she can afford to pay the State pension into the future. [31015/11]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 251 and 273 together.

The challenges facing the Irish pension system are significant. The fundamental principle is that people need to participate in the workforce for longer and they need to contribute more towards their pensions if they are to achieve the income they expect or would like to have in retirement.

The population share of those aged 65 and over is expected to more than double between now and 2050, from 11% to 26%. People are living longer and healthier lives with average life expectancy set to rise even further in the future, up to 88 years for women and 83.9 for men. In contrast, the share of the working age population is projected to decline gradually from 68% to 58%. There are currently six people of working age for every pensioner and this ratio is expected to decrease to less than two to one by mid-century. These changes are taking place and therefore, the task of financing increasing pension spending will fall to a diminishing share of the population who are at work. Spending on public pensions that is, social welfare pensions and public service occupational pensions, is projected to increase from approximately 5% of GDP in 2008, to almost 15% by 2050.

Therefore, as announced in the National Pensions Framework and as provided for in recent legislation State pension age will be increased gradually to 68 years. This will begin in 2014 with the standardisation of State pension age at 66. State pension age will be increased to 67 years in 2021 and to 68 in 2028. It is worth noting that, until the early 1970s, the qualifying age for SPC was 70 years of age. The recent legislative changes in this regard also fulfil one of the commitments in the EU/IMF Programme of Financial Support for Ireland.

By gradually increasing the qualifying age for State pension people will be further encouraged to remain in employment beyond 65 years of age and the option of deferring beyond
pension age is currently being explored by my Department. The numbers currently at work drop dramatically at 65 years of age. The Quarterly National Household Survey Q4 2010 showed that 77.2% of people aged 45-54 years were at work. This drops to 64.3% for 55-64 year-olds and to just 8.7% for people aged 65 years or older.

As provided for in legislation since 1997, the minimum paid requirement for State pension (contributory) will increase to 520 next year. Changes outlined in the National Pensions Framework include a ‘total contributions’ approach from 2020 to replace the current averaging system. This means that from 2020 a person will require 30 years’ contributions and credits to qualify for maximum pension with 10 years’ contributions required for a minimum pension. This system will be fairer as the level of pension payment will be proportionate to a person’s working career e.g. a person with 25 years contributions will receive 25/30ths of a pension. Sustainable public finances are a prerequisite for maintaining an adequate system of social protection as well as achieving future economic stability and growth. The appropriate level of overall expenditure by my Department in the years ahead will be considered in the context of Budget 2012 and subsequent Budgets.

**Social Welfare Code**

252. **Deputy Robert Dowds** asked the Minister for Social Protection her plans to reduce the maximum rates payable for rent supplement, either in general or in a number of specific local authority areas; and if she will make a statement on the matter. [30839/11]

289. **Deputy Dominic Hannigan** asked the Minister for Social Protection the flexibility there is for community welfare officers when giving rent allowance to allow persons who live on the borders between two county lines when the maximum amount that is permissible under the rent allowance scheme is different but this is not reflected in the house rental costs of the area; her plans to peg the highest amount of money available on rent allowance to the average house price in a given area as opposed to an arbitrary geographical line that house prices do not see; and if she will make a statement on the matter. [31244/11]

315. **Deputy Dessie Ellis** asked the Minister for Social Protection if she will guarantee that rates of rent supplement will be safeguarded at their current level. [30402/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 252, 289 and 315 together.

The purpose of rent supplement is to provide short-term support to eligible people living in private rented accommodation, whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

Rent supplement is subject to a limit on the amount of rent that an applicant may incur. Rent limits are set at levels that enable eligible households to secure and retain basic suitable rented accommodation, having regard to the different rental market conditions that prevail in various parts of the country. It is essential to ensure that state support for rent supplement tenants, who form a substantial section of the rental market, does not give rise to inflated rental prices with particular negative impact on those tenants on lower incomes, including those who are in low paid employment.

Staff administering rent supplement have the authority to set levels lower than those provided for in the regulations, in respect of sub-divisions of their functional areas, where this is appropriate. This allows for lower rent levels to apply in certain locations within counties reflecting local market conditions. Under normal circumstances rent supplement is not paid...
where the rent charged for the accommodation is above the relevant maximum rent limit. However, staff do have some flexibility around making payment above these limits.

The most recent rent limit review established new maximum rent limits from June 2010 and I am satisfied that the rent limits are sufficient to enable eligible households to secure and retain basic suitable rented accommodation.

The current rent limits will remain in force until December 2011 and will be reviewed later this year with a view to establishing new rent limits. The review will be based on analysis of data sets available to the Department on private rental prices within the state. This will include information supplied by the Central Statistics Office, the Private Residential Tenancies Board and other publicly available data sources.

**Social Welfare Appeals**

253. **Deputy John O’Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive a decision regarding a disability allowance claim; and if she will make a statement on the matter. [30841/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 01 June 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 14 October 2011 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

254. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when an decision will be made in respect of an appeal regarding jobseeker’s allowance in the case of a person (details supplied) in County Kildare; if a supplementary welfare allowance payment can be made in the interim with particular regard to the need for financial help in this instance; and if she will make a statement on the matter. [30852/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 22 June 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 29 August 2011 and the appeal was assigned to an Appeals Officer on 11 October 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The person concerned claimed supplementary welfare allowance. However, the claim was subsequently closed as he failed to supply the required documentation and information. It is still open to the person concerned to supply the relevant information to his local Community Welfare Officer who will determine his entitlement.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.
255. **Deputy Charlie McConalogue** asked the Minister for Social Protection when an oral hearing will take place in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [30858/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order. In the context of dealing with the considerable number of appeals now on hand, the Department made 9 additional appointments to the office earlier this year.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person’s oral hearing will be heard, but he will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

256. **Deputy Charlie McConalogue** asked the Minister for Social Protection when an appeal will be heard in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [30859/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of the appeal of the person concerned took place on 14 September 2011 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

257. **Deputy Robert Troy** asked the Minister for Social Protection if she will expedite a review regarding a decision to refuse domiciliary care allowance in respect of a person (details supplied) in County Westmeath. [30874/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 21 September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer in due course for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

**Departmental Agencies**

258. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if all non-commer-
cial State agency employees under her Department’s aegis are paid directly from the Exchequer. [30894/11]

**Minister for Social Protection (Deputy Joan Burton):** The three statutory bodies operating under the aegis of the Department of Social Protection are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of the Department.

Employees of the Social Welfare Tribunal, the Citizens Information Board and the Office of the Pensions Ombudsman are paid directly from the Exchequer.

Salaries of employees of the Pensions Board are paid from annual fees received by the Board from occupational pension schemes and from providers of Personal Retirement Savings Accounts and trust Retirement Annuity Contracts.

**Social Welfare Benefits**

259. **Deputy Charlie McConalogue** asked the Minister for Social Protection the position regarding a domiciliary care allowance in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [30905/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received on 22nd August 2011. This application has been forwarded to one of the Department’s Medical Assessors for their medical opinion on the case. Upon receipt of this opinion, a decision will issue to the customer. It should be noted that it is currently taking up to ten weeks to process an application.

**Departmental Agencies**

260. **Deputy Mary Lou McDonald** asked the Minister for Social Protection if she will provide the following information regarding the agencies operating under her aegis (details supplied) namely, the total number of whole time equivalent staff, the total number of board members, the chairperson and board members respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill. [30923/11]

**Minister for Social Protection (Deputy Joan Burton):** There are no full-time staff allocated to the Social Welfare Tribunal. One member of staff from my Department acts as Secretary to the Tribunal as part of their normal duties.

The Tribunal consists of a Chairperson and four ordinary members, two nominated by ICTU and two nominated by IBEC. All are appointed by the Minister.

The Chairperson and members do not receive an annual salary but are paid appearance fees for attending hearings or meetings. The Tribunal holds hearings and meetings as required to deal with social welfare entitlement issues arising in the context of industrial disputes.

The chairperson is paid a set fee of €488.11 per sitting day at hearings and €73.44 for attending meetings. Members are paid a set fee of €136.71 per sitting day at hearings and €68.36 for attending meetings. They also have an entitlement to travel and subsistence expenses, where appropriate.

The Deputy mentions the Social Welfare Appeals Office and while the Appeals Office functions independently of the Department of Social Protection, it is none the less not a separate agency. It is managed by the Chief Appeals Officer who is an official of the Minister.
Social Welfare Appeals

261. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal for carer’s allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [30928/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer’s allowance has been received from the person in question. On completion of the necessary investigations relating to all aspects of his claim a decision will be made and the person concerned will be notified directly of the outcome. The average time taken to process a claim to completion, including assessment of the claimant’s means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

Social Welfare Benefits

262. **Deputy Paschal Donohoe** asked the Minister for Social Protection the position regarding an application for rent allowance in respect of a person (details supplied) in Dublin 7; and if she will make a statement on the matter. [30938/11]

**Minister for Social Protection (Deputy Joan Burton):** The community welfare service (CWS) and the community welfare officers providing it transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

The person concerned made an application for rent supplement on 19th September 2011. The person concerned has been requested to provide further documentation in order to process her application for rent supplement. When this information is received the persons entitlement can be decided.

Social Welfare Appeals

263. **Deputy Dan Neville** asked the Minister for Social Protection when an oral hearing will be arranged in respect of a person (details supplied) in County Limerick. [30942/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal, from the person concerned, was referred to an Appeals Officer who proposes to hold an oral hearing in the case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order. In the context of dealing with the considerable number of appeals now on hand, the Department made 9 additional appointments to the office earlier this year.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person’s oral hearing will be heard, but s/he will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Departmental Expenditure

264. **Deputy Anne Ferris** asked the Minister for Social Protection if she will provide details
for the years 2006 to 2011, inclusive, of the arrangements entered into by her, any body under her aegis or State agency for which she has responsibility, for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if she will make a statement on the matter. [30974/11]

Minister for Social Protection (Deputy Joan Burton): The information requested is currently being compiled within the Department and will be made available to the Deputy as soon as possible.

Departmental Expenditure

265. Deputy Mattie McGrath asked the Minister for Social Protection the total cost to the taxpayer of all works related to the name change of her Department from the Department of Social and Family Affairs to the Department of Social Protection; and if she will make a statement on the matter. [30979/11]

Minister for Social Protection (Deputy Joan Burton): The name of my Department was changed to the Department of Social Protection by the previous Government, following an announcement by the then Taoiseach, in March 2010 regarding a redistribution of Departmental responsibilities, affecting a number of Departments. Additional costs of €30,000 approx. were incurred by my Department in terms of website amendments, stationery costs, changes to signage and information leaflets. As is standard practice, my Department continues to use all remaining stationary, leaflets and other printed materials in the previous name of the Department until it has been exhausted.

The name of the Department was previously changed in 2002, again following a redistribution of responsibilities decided by the Government at that time.

Question No. 266 withdrawn.

Social Welfare Appeals

267. Deputy Finian McGrath asked the Minister for Social Protection the position regarding an illness benefit appeal in respect of a person (details supplied) in Dublin 9. [30991/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the illness benefit claim, of the person concerned, was disallowed following an examination by a Medical Assessor of the Department who expressed the opinion that he was capable of work. An appeal was registered on 07 October 2011 and in accordance with the statutory procedures the relevant department papers and the comments of the Social Welfare Services on the matter raised in the appeal have been sought. In that context, an examination by another Medical Assessor will be carried out.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

268. Deputy Michael Creed asked the Minister for Social Protection if persons (details supplied) in County Meath are entitled to mortgage interest subsidy; and if she will make a statement on the matter. [30993/11]
Minister for Social Protection (Deputy Joan Burton): The community welfare service (CWS), and the community welfare officers providing it, transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

There is no record of an application for mortgage interest supplement (MIS) from the persons concerned. If they wish to have their entitlement to MIS assessed, then they should visit the Department’s representative who administers supplementary welfare allowance in Ashbourne Health Centre on Thursday mornings between 10am and 1pm where an assessment for entitlement to MIS can be carried out.

269. Deputy Pádraig Mac Lochlann asked the Minister for Social Protection her views on the impact on post offices of having social welfare payments paid directly into a bank account rather than a post office account; and if she will make a statement on the matter. [31001/11]

Minister for Social Protection (Deputy Joan Burton): The range of payment options offered by my Department includes payment at a local post office via electronic information transfer (EIT), through a bank, building society or certain credit unions via electronic funds transfer (EFT) or payment by cheque.

At present, An Post can direct pension and child benefit payments transferred via EFT into An Post State Savings Accounts. Consideration is being given to extending this facility to customers in receipt of certain other scheme payments. An Post also currently provides front office services for AIB and National Irish Bank. In such cases although the account is not held by the post office, social welfare and other customers can access their accounts and manage their payments through the network of post offices around the country.

The current contract with An Post for the payment of welfare customers at Post Offices expires on the 31st December 2013. Public sector contracts for the supply of products and services are generally awarded following a publicly advertised, competitive tendering process. In line with public procurement guidelines and in the interests of economy, the Department is required to seek tenders for the delivery of social welfare payments before the current contract with An Post expires in 2013.

In addition, the award of public sector contracts with a significant financial value is subject to various EU Directives. This ensures that the taxpayer receives value for money and that all potential suppliers are given the opportunity to put forward for efficient, effective and competitive solutions for consideration and evaluation.

While it will of course be open to An Post to bid for the new contract, the development of the An Post network and services is a matter for An Post to consider in consultation with the Department of Communications, Energy and Natural Resources.

270. Deputy Jack Wall asked the Minister for Social Protection the reason a person (details supplied) in County Kildare is now being requested to provide the up-to-date status of their housing needs when they have already submitted documentation and tenancy agreements showing that they have been in rented accommodation for ten months; and if she will make a statement on the matter. [31002/11]

Minister for Social Protection (Deputy Joan Burton): The community welfare service (CWS) and the community welfare officers providing it transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.
When the person concerned was awarded his rent supplement payment in June 2011 it was on the basis that he would have his housing needs assessed by the local authority. This assessment is still required in relation to his on-going entitlement and to date he has not provided the assessment of housing need.

271. **Deputy Jerry Buttimer** asked the Minister for Social Protection the option now available in respect of a person (details supplied) in County Cork. [31006/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned may make an application for domiciliary care allowance (DCA). In order to qualify for DCA, a child must have a disability so severe that it requires the child needing care and attention and/or supervision substantially in excess of another child of the same age. This care and attention must be given by another person, effectively full-time, so that the child can deal with the activities of daily living. The child must be likely to require this level of care and attention for at least 12 months.

Each application is assessed on an individual basis taking account of the evidence submitted.

In addition, the person concerned can contact the information officer in their local Social Welfare Office or any Citizens Information Centre who will advise them of other forms of assistance that may be available to them.

**Social Welfare Appeals**

272. **Deputy Mattie McGrath** asked the Minister for Social Protection when a decision will be made on a social welfare appeal in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [31010/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received on 10th February 2011. This application was referred to one of the Department’s Medical Assessors who found that the child was not medically eligible for DCA. A letter issued on 7th April 2011 where the person concerned was advised of the decision to refuse the allowance. The person concerned subsequently lodged an appeal against this decision. She was informed by the Social Welfare Appeals Office on 3rd October 2011 that the appeal had not been allowed.

The decision/appeal process for this application is now complete. All the available information was provided to the appeals officer before the appeal was considered. However, if the person concerned has new or additional information, it is open to her to re-apply.

*Question No. 273 answered with Question No. 251*

**Departmental Expenditure**

274. **Deputy Mary Lou McDonald** asked the Minister for Social Protection the annual cost of the licensed payroll system, Corepay, to her Department. [31063/11]

**Minister for Social Protection (Deputy Joan Burton):** The annual licence and maintenance costs for CorePay and related online products — Payslip online, online Overtime, online P60, PRD60 and Income Levy Cert for 2011 was €48,209.

**Social Welfare Benefits**

275. **Deputy John McGuinness** asked the Minister for Social Protection if an application for
carer’s allowance will be expedited and approved in respect of a person (details supplied) in County Carlow. [31066/11]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an oral hearing of the appeal of the person concerned took place on 18 October 2011 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

276. **Deputy John McGuinness** asked the Minister for Social Protection if an application for disability allowance now under appeal will be expedited and approved in respect of a person (details supplied) in County Carlow. [31067/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the disability allowance claim, of the person concerned, was disallowed following an assessment by a Medical Assessor of the Department who expressed the opinion that he was medically unsuitable for the allowance. An appeal was registered on 23 September 2011 and in accordance with the statutory procedures the relevant department papers and the comments of the Social Welfare Services on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 277 withdrawn.*

278. **Deputy Patrick O’Donovan** asked the Minister for Social Protection the position regarding an application for jobseeker’s allowance and habitual residence in respect of a person (details supplied) in County Wexford; and if she will make a statement on the matter. [31074/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned were registered in that office on 12th September 2011. It is a statutory requirement of the appeals process that the relevant departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 5th October 2011 and the appeal was assigned to an Appeals Officer on 19th October 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

**Internship Programme**

279. **Deputy Joe McHugh** asked the Minister for Social Protection her views on the case of an person (details supplied) in County Donegal who is in receipt of €40 weekly jobseeker’s, and who is being offered €50 per week to undertake a national internship scheme position at
a premises which is 20km from home; her plans to amend the scheme so that there is a clear financial incentive taking into account distances to work for participants; and if she will make a statement on the matter. [31086/11]

**Minister for Social Protection (Deputy Joan Burton):** JobBridge — the national internship scheme is a voluntary scheme which provides internship opportunities of either 6 or 9 months for unemployed individuals on the live register, in organisations in the private, public and community voluntary sectors. The scheme is limited to individuals who are currently on the Live Register and have been in receipt of jobseekers allowance/benefit or are signing on for credits for at least 3 of the last 6 months.

Individuals participating on the scheme will maintain their existing social welfare entitlements and will also receive a weekly top up payment of €50. The weekly social welfare entitlement plus the top up payment will be paid in a single allowance known as the internship allowance.

It is considered that the €50 top-up payment represents a meaningful incentive to encourage eligible, unemployed individuals to avail themselves of the opportunity to gain valuable work experience and skills that will keep them close to the labour market and / or lead to employment.

**FÁS Training Programmes**

280. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if her attention has been drawn to the impact that the FÁS funding cuts over the past four years have had on a youth centre (details supplied); the steps she will take secure funding at least at the current level for next year; and if she will take steps to reverse the recent cuts to ensure this vital community resource can continue delivering quality services. [31087/11]

**Minister for Social Protection (Deputy Joan Burton):** Under the Local Training Initiative Juniors Programme (16-19 year olds), FÁS has funded 18 places with this youth centre for the last 10 years with a budget of €67,384 per year excluding training allowances. In 2009, FÁS approved an additional 16 placements for a Local Training Initiative Seniors Programme (18-25 year olds) in the youth centre with a budget of €59,896 per year excluding training allowances. I have been able to confirm that there has been no reduction in funding to the youth centre over that period of time.

All contractual arrangements are made on an annual basis by FÁS taking local requirements and circumstances into account and based on the annual allocation of funding provided for the Programme.

**Social Welfare Benefits**

281. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Social Protection the reason the back to education allowance programme requires the applicants to be on jobseeker’s payment for more than nine months consecutively; and if she will make a statement on the matter. [31140/11]

**Minister for Social Protection (Deputy Joan Burton):** The back to education allowance (BTEA) scheme is a second chance education opportunities scheme. As such its function is to facilitate persons who, earlier in their life, could not fully avail of educational opportunities now access further education. Qualification criteria are required to ensure that the allowance does not, of itself, become a factor for signing-on the Live Register in the first place.
Currently the period for which a person is required to be on a qualifying social welfare payment before accessing the third level option is 9 months (234 days); this was reduced from 12 months in 2010. Persons in receipt of a statutory redundancy payment may be in a position to access BTEA more quickly.

Periods spent on qualifying social welfare payments, which are not broken by more than 12 months (52 weeks), may be used in determining if an applicant satisfies the qualifying period criteria. I believe an official from my Department has been in contact with you in relation to the specific query attached to your question.

282. **Deputy Ciarán Lynch** asked the Minister for Social Protection the number of households in receipt of mortgage interest supplement, MIS, the number in positive equity; the number in negative equity; and if she will make a statement on the matter. [31142/11]

**Minister for Social Protection (Deputy Joan Burton):** Since 2005 mortgage interest supplement expenditure has increased from €6.3 million to €66 million in 2010. The budget for 2011 is €77m. The number of households claiming the allowance has increased from 3,200 at the end of 2005 to over 18,700 at the end of September 2011. This represents a 480% increase in the number of households receiving support.

My Department has no information on the number of households in receipt of mortgage interest supplement who are in positive or negative equity.

283. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when a person (details supplied) in County Galway will receive compensation to help them re-locate after flooding damage to their house in 2009; and if she will make a statement on the matter. [31168/11]

**Minister for Social Protection (Deputy Joan Burton):** The Government has provided various types of support to people affected by the November 2009 flooding. Humanitarian Aid payments were made, both in the immediate aftermath of the flooding and subsequently to enable eligible households to resume living at their home. Flood relief works were also undertaken in some of the affected areas and other works are at an advanced state of preparation. Discussions also took place with representatives of the insurance industry regarding giving households access to appropriate house insurance at a reasonable cost.

Subject to certain conditions the Government also decided to provide support to a small number of families who are continuing to experience significant housing problems as a result of the November 2009 flooding and are considering the possibility of relocating rather than resuming living at their original home.

The household of the persons concerned has been visited by an official from the Department and a report of their circumstances has been completed. The Department has received a report from the Office of Public Works in relation to the house of the person concerned and expects to be in a position to make a decision on the case shortly.

284. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when an oral hearing will take place with respect to an appeal for invalidity pension in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [31169/11]
Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal, by the person concerned, was registered in that office on 9 August 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. As part of this consideration, the Appeals Officer will decide if an oral hearing is appropriate in this case.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

285. **Deputy Brendan Smith** asked the Minister for Social Protection when a domiciliary care allowance application will be approved in respect of a person (details supplied) in County Cavan; and if she will make a statement on the matter. [31176/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 21 September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer in due course for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

286. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the number of persons under the age of twenty five years who are currently in receipt of jobseeker’s allowance and or benefit payments; and if she will make a statement on the matter. [31180/11]

Minister for Social Protection (Deputy Joan Burton): The information requested by the Deputy is in the attached tabular statement. There were 71,064 claimants aged under 25 on Jobseeker’s Allowance and 9,424 on Jobseeker’s Benefit

<table>
<thead>
<tr>
<th>Age</th>
<th>18</th>
<th>19</th>
<th>20</th>
<th>21</th>
<th>22</th>
<th>23</th>
<th>24</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jobseeker’s Benefit</td>
<td>23</td>
<td>171</td>
<td>554</td>
<td>1,253</td>
<td>2,004</td>
<td>2,519</td>
<td>2,900</td>
<td>9,424</td>
</tr>
<tr>
<td>Jobseeker’s Allowance</td>
<td>5,222</td>
<td>8,724</td>
<td>10,127</td>
<td>10,857</td>
<td>11,775</td>
<td>12,410</td>
<td>11,949</td>
<td>71,064</td>
</tr>
<tr>
<td>Total</td>
<td>5,245</td>
<td>8,895</td>
<td>10,681</td>
<td>12,110</td>
<td>13,779</td>
<td>14,929</td>
<td>14,849</td>
<td>80,488</td>
</tr>
</tbody>
</table>

287. **Deputy Jack Wall** asked the Minister for Social Protection the reason a person (details supplied) in County Kildare is only entitled to €100 supplementary welfare allowance while they are awaiting their illness claim in view of the fact that when they were in receipt of jobseeker’s allowance they were in receipt of the maximum rate; and if she will make a statement on the matter. [31218/11]
Minister for Social Protection (Deputy Joan Burton): Since January 2010 the maximum amount of supplementary welfare allowance (SWA) payable to a person less than 22 years of age is €100 per week. The person concerned has been awarded his maximum entitlement under the SWA scheme.

Social Welfare Code

288. Deputy Bernard J. Durkan asked the Minister for Social Protection the policy grounds on which the eligibility criteria for the back to education allowance scheme was compiled, with particular reference to the need to be on jobseeker’s allowance or benefit for the nine months preceding the making of an application; her views that the eligibility criteria are sufficient to encourage persons to take opportunities for employment prior to returning to education; her plans to revise the eligibility criteria for the back to education allowance scheme; and if she will make a statement on the matter. [31243/11]

Minister for Social Protection (Deputy Joan Burton): A person wishing to pursue back to education allowance (BTEA) scheme 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.

A waiting period is considered essential given that BTEA confers entitlement to income support for an extended period and avoids establishing a pull factor to the Live Register. It is also considered necessary as it reduces unnecessary provision, for those who will leave the Live Register in any event, in the context of targeting scarce resources at those who need it most.

The qualifying period for the second level option of the scheme has remained at 3 months in recognition of the need for more urgent intervention in the case of people who have not completed formal second level education. With effect from 19th July 2010, the period for which a person is required to be on a qualifying social welfare payment before accessing third level education under the BTEA was reduced from 12 months to 9 months (a 2 year qualifying period continues to apply to participants coming from Illness Benefit). Since 2007, people who are awarded statutory redundancy may access BTEA immediately, provided an entitlement to a relevant social welfare payment is established prior to commencing an approved course of study.

However, if a person wishes to pursue a part time education course they may be able to do so while still obtaining their jobseekers 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 jobseekers benefit, participation on a course does not grant any extension to the normal period for which jobseekers benefit is paid.

At present there are no plans to change the qualifying criteria for the BTEA scheme. However, all employment schemes will continue to be monitored in the context of the objectives of the scheme and the changing economic circumstances.

Question No. 289 answered with Question No. 252.

Departmental Records

290. Deputy Jack Wall asked the Minister for Social Protection if a person (details supplied) in County Kildare can be furnished with a statement of their rent allowance for 2010; and if she will make a statement on the matter. [31248/11]
Minister for Social Protection (Deputy Joan Burton): The community welfare service (CWS) and the community welfare officers providing it transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

A statement of her rent supplement payments for 2010 will issue to the person concerned shortly.

Social Welfare Fraud

291. Deputy Dominic Hannigan asked the Minister for Social Protection the number of social welfare fraud inspectors in County Meath; the amount of social welfare fraud that has been detected; the amount that this has saved the Exchequer; and if she will make a statement on the matter. [31284/11]

Minister for Social Protection (Deputy Joan Burton): The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of my Department which processes in excess of 2 million claims each year and makes payments to some 1.4 million people every week. However, it is important to recognise that the vast majority of people are receiving the entitlement due to them.

Fraud control figures are compiled in the Department on a regional basis, not on a county basis. County Meath is included in the Dublin North Region. This region also includes parts of county Dublin and the Social Welfare Local and Branch Offices in Balbriggan, Ballymun, Blanchardstown, Coolock, Finglas, Kilbarrack, Navan Road, King’s Inns Street, Swords, Navan, Kells and Trim.

The savings resulting from fraud control activity in the Dublin North region for the period January to end of September 2011, are over €111 million. These savings arise from a range of control activities including reviews on social welfare claims in payment, carried out in the Dublin North Region by the Social Welfare Local Offices and Social Welfare Inspectors.

This savings figure does not include details from the Special Investigation Unit (SIU) within the Dublin North region, as the SIU savings are compiled separately on a national basis. The savings resulting from fraud control activity by SIU on a national basis, to the end of September is €45.9 million.

In addition to these savings figures in the Dublin North region, additional control savings as a result of reviews carried out directly by headquarters offices on customers in Co Meath are not available and are not included here.

Control savings are an estimate of the savings from various control activities across the schemes in payment. Control savings are not actual monies recovered by the Department. If this control work did not take place, social welfare expenditure would increase by this level over time.

There are 89 inspectors are in the SIU whose exclusive function is fraud prevention, detection and deterrence. There are currently 47 Social Welfare Inspectors working in the Dublin North Region, which includes those who are assigned to the SIU. All Social Welfare Inspectors have a significant role to play in the control of abuse of the Department’s schemes, by preventing fraudulent claims going into payment and by reviewing claims in payment, in addition to carrying out inspections on employers. In addition, all staff working in the Department, including those working in the social welfare local and branch offices in Co Meath, have a significant role in combating social welfare fraud and abuse.
The Deputy should also note that I recently launched a new Fraud Initiative (2011-2013) which is aimed at putting in place a range of actions to combat fraud and abuse of the social welfare system and to ensure that the public can have confidence and trust in the system. As Minister, I am very conscious of the need to protect public money and I am determined to ensure that abuse of the system is prevented and is dealt with effectively when detected.

Social Welfare Benefits

292. **Deputy Jack Wall** asked the Minister for Social Protection further to Parliamentary Question No. 252 of 18 October 2011, regarding an application for mortgage interest relief for a person (details supplied) in County Kildare, will the person be informed regarding the additional information requested in view of the fact that it is this person’s understanding that all information requested was provided; and if she will make a statement on the matter. [31291/11]

**Minister for Social Protection (Deputy Joan Burton):** The community welfare service (CWS), and the community welfare officers providing it, transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

The Department has advised the person in question what information is currently outstanding in order to process his application. The person concerned should contact his local supplementary welfare allowance administrative office if he needs any clarification in relation to the outstanding information requested.

Social Welfare Appeals

293. **Deputy Jim Daly** asked the Minister for Social Protection the position regarding a widow’s pension in respect of a person (details supplied); and if she will make a statement on the matter. [31314/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal, by the person concerned, was registered in that office on 20 October 2011 and will be referred, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

294. **Deputy John McGuinness** asked the Minister for Social Protection if an application for rent allowance will be expedited and approved in respect of a person (details supplied) in County Kilkenny. [31365/11]

**Minister for Social Protection (Deputy Joan Burton):** The community welfare service (CWS), and the community welfare officers providing it, transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

The person concerned was refused a rent supplement on the grounds that she is living in private rented accommodation for less than 183 days prior to her application and she was not deemed as being in need of housing by her local authority.
Social Welfare Appeals

295. **Deputy Patrick O’Donovan** asked the Minister for Social Protection the position regarding a rent supplement appeal in respect of a person (details supplied) in County Wexford; when a decision will issue; and if she will make a statement on the matter. [31367/11]

**Minister for Social Protection (Deputy Joan Burton):** Following on from the transfer of the Community Welfare Service from the Health Services Executive (HSE) to the Department of Social Protection, with effect from Saturday 1st October, legislation was commenced which provides that appeals for supplementary welfare allowance (SWA) will be made to the Social Welfare Appeals Office. Up to now, the legislation provided for a 2 step process, first to the Health Services Executive (HSE) and, if still dissatisfied, to the Social Welfare Appeals Office.

As part of that process, any appeals that have been submitted in recent weeks to the HSE are being transferred to the Social Welfare Appeals Office. These appeals will be registered and acknowledged by the Social Welfare Appeals Office in due course. In this case, I am informed by the Social Welfare Appeals Office that an appeal for SWA for the person concerned has not yet been registered. The Chief Appeals Officer has assured me that all appropriate measures are being taken to address the smooth transfer of SWA appeals to her office.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Employment Support Services

296. **Deputy Regina Doherty** asked the Minister for Social Protection the number of community work places that have been allocated under the Tús scheme to Ashbourne, County Meath; the number of these places that currently remain unfilled; and if she will make a statement on the matter. [31369/11]

**Minister for Social Protection (Deputy Joan Burton):** Tús is a community work placement initiative which will provide up to 5,000 short-term, quality work opportunities for those who are unemployed for more than a year when fully operational. This initiative is being delivered through the network of local development companies and Údarás na Gaeltachta in Gaeltacht areas.

Meath has been allocated 100 participant placements plus 5 supervisory positions. Meath Community Rural and Social Development Partnership Limited has been tasked with the delivery of Tús in County Meath. To date, over 100 work placements in community and voluntary organisations have been identified in Meath with half of these currently available to be filled. Allocates are not made to specific towns; however, each local development company is required to have regard to the level of local service needs, and to achieve a balance of placements across their operation areas and sectors of activity. As part of the initial roll-out phase, the Partnership company is currently employing 21 people; 17 people have been assigned to other training or are not in a position to take up a work placement at this time. The remaining placements are due to be filled over the coming months with full delivery to be achieved by the end of March 2012.

Social Welfare Appeals

297. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the medical grounds on which the application for carer’s allowance was refused in the case of a person (details
Minister for Social Protection (Deputy Joan Burton): The person concerned was refused carer’s allowance on the grounds that the care recipients are not so disabled as to require full-time care and attention as prescribed in regulations. On 12th October 2011, she was notified of this decision, the reason for it and of her right of review or appeal within 21 days.

I am advised by the Social Welfare Appeals Office that a form for the opening of an appeal has been forwarded to the person concerned and requesting her to state the grounds for her appeal. On receipt of her reply the appeal will be opened and processed in the normal manner.

298. Deputy Bernard J. Durkan asked the Minister for Social Protection, further to Parliamentary Question No 107 of the 13 October 2011, the full mortgage repayments, including interest, involved; if payments of mortgage or part thereof have been suspended; if the circumstances in the case will be further reviewed; and if she will make a statement on the matter. [31372/11]

Minister for Social Protection (Deputy Joan Burton): The community welfare service (CWS), and the community welfare officers providing it, formally transferred to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP. The purpose of mortgage interest supplement is to provide short term income support to eligible people who are unable to meet their mortgage interest repayments in respect of a house which is their sole place of residence. The supplement assists with the interest portion of the mortgage repayments only. The position remains as advised in question number 107 which I answered for the Deputy on 13th October 2011, which is that the person concerned was refused mortgage interest supplement as she has sufficient income to meet her mortgage interest costs.

299. Deputy Michelle Mulherin asked the Minister for Social Protection the position regarding an application for respite care grant in respect of a person (details supplied) in County Mayo and if the processing of the application will be expedited. [31378/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned were registered in that office on 5th September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 21st September 2011 and the appeal was assigned to an Appeals Officer on 12th October 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Departmental Agencies

300. Deputy Mary Lou McDonald asked the Minister for Social Protection if she will provide a list of all commercial semi-State companies under her aegis. [31399/11]

Minister for Social Protection (Deputy Joan Burton): There are no commercial semi state companies under the aegis of the Department of Social Protection.
Employment Support Services

301. **Deputy Regina Doherty** asked the Minister for Social Protection, further to Parliamentary Question No. 137 of 5 October 2011, if she will direct this Deputy to the studies or qualifying research that proves the optimum times for interventions or assistance to jobseeker’s is three months. [31420/11]

**Minister for Social Protection (Deputy Joan Burton):** There is significant ‘churn’ on the Live Register, with, for example, over 530,000 claim closures in 2010 and 300,000 from January to August 2011. 35-40% of closures have under three months claim duration, 55-60% have under six months duration and 75-80% have under twelve months duration. Given this context, there is a tension between the desire for early intervention and efficiency in the process, including the need to avoid deadweight i.e. avoiding the allocation of scarce resources to interventions with people who would have left the Register without intervention. Against this background, three months on the Live Register has been identified as an appropriate point in time for unemployed people to be referred to or avail themselves of certain programmes that will provide work experience, guidance, training and/or education that will in turn support them in returning to the Labour Market. At that point, the person will have had the opportunity to search for work and, if unsuccessful, will be supported in avoiding a drift into long term unemployment. Studies carried out by bodies such as the OECD, ESRI, NESC would generally support this approach.

Social Welfare Appeals

302. **Deputy Brendan Smith** asked the Minister for Social Protection when an application for farm assist will be processed and approved in respect of a person (details supplied) in County Cavan; and if she will make a statement on the matter. [31429/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 23 August 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 3 October 2011 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

303. **Deputy Patrick O’Donovan** asked the Minister for Social Protection the position regarding an appeal against a decision to deny invalidity pension to a person (details supplied) in County Limerick. [31447/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 23 August 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 3 October 2011 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Depart-
Social Welfare Benefits

305. **Deputy Paschal Donohoe** asked the Minister for Social Protection the level of payments made to medical card holders or registered benefit recipients who were later found to be deceased during 2009 and 2010; if she will provide a full breakdown of the cost to the State; and if she will make a statement on the matter. [31467/11]

**Minister for Social Protection (Deputy Joan Burton):**

Ensuring that the right person is paid the right amount of money at the right time is an integral part of the day-to-day work of the Department. In excess of 2 million claims each year are processed and over one million people receive a payment each week. It is important to note that the vast majority of people receiving those payments are fully entitled to them. Overpayments generally arise as a result of revised decisions on entitlement made by deciding officers. These officers decide the effective date of a revised decision having regard to the new facts or new evidence and the circumstances of the case. Payments made to customers of the Department who were later identified to be deceased during 2009 and 2010 amounted to some €7.8m, on a total of 9,850 cases.

This Department receives on-line notification of deaths from the General Registrar’s Office (GRO) as soon as deaths are registered. The average value of overpaid benefits to deceased customers represents approximately one month’s payment. This indicates that the Department is generally either notified of the pensioner’s death by the next of kin within one month, or receives the information from the GRO. As claims are generally being terminated within one month of a recipient’s death, any overpayments arising are assessed in a timely manner.

The Department is fully committed to recovering 100% of overpayments arising as a result of suspected fraud or error. Effective debt recovery is seen as an integral part of the deterrent to fraudulent claiming. Debt holders should be aware that a social welfare debt will remain on their records until fully recovered. This will result in a reduction of all future entitlements up to and including state pension. Following the death of a customer who owes a debt, the Department continues to have a claim on any estate remaining. In 2010, the Department recovered overpayments totalling over €7.8m from the estates of deceased pensioners.

The Deputy should note that I recently launched a new Fraud Initiative (2011-2013) which is aimed at putting in place a range of actions to combat fraud and abuse of the social welfare system and to ensure there is public confidence and trust in the system. Given this enhanced approach, the Department plans to increase the level of debt recovery by reviewing the overall approach, particularly in the context of overpayments that have arisen from suspected social welfare fraud. While the details, including in particular legal requirements, will have to be examined closely, a range of options will be explored under this initiative with a view to both minimising overpayments and increasing recoveries. The consideration of all options in these areas has, of course, to be balanced, clearly taking into account the core income support and social inclusion purpose of social protection payments.

Community Employment Schemes

306. **Deputy Brendan Griffin** asked the Minister for Social Protection the date on which a person (details supplied) in County Kerry will be eligible for participation in a community employment, CE, scheme; if participation in any future CE schemes will be dependent on the...
person continuing to qualify for illness benefit or if their circumstances will allow CE scheme participation without qualifying for continued illness benefit; and if she will make a statement on the matter. [31490/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been in receipt of illness benefit from this Department since 18th May, 2011. Under current eligibility criteria, he will be eligible to apply for a community employment position after six months on illness benefit — i.e. 18th November, 2011, subject to receiving a letter of exemption from this Department.

**Social Welfare Code**

307. **Deputy John Lyons** asked the Minister for Social Protection her plans to introduce a signing on policy for all qualified adults; and if she will make a statement on the matter. [31501/11]

**Minister for Social Protection (Deputy Joan Burton):** Most social welfare schemes provide for payment of an increase for a qualified adult. A qualified adult is normally defined as a spouse, civil partner or cohabitant who is wholly or mainly maintained by the claimant. For jobseeker schemes, the claimant is required to ‘sign on’ at regular intervals to certify that he or she continues to satisfy the conditions of the scheme. As these conditions do not apply to qualified adults, there is no requirement for them to sign on and there are no plans to introduce this arrangement.

**Employment Support Services**

308. **Deputy John Lyons** asked the Minister for Social Protection the number of companies in County Sligo that have had or have any interns through JobBridge; the number of same; and if she will make a statement on the matter. [31502/11]

**Minister for Social Protection (Deputy Joan Burton):** As of 19 October, 2011, there are 43 organisations in County Sligo hosting internships under the JobBridge scheme.

**Departmental Expenditure**

309. **Deputy Billy Kelleher** asked the Minister for Social Protection the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers and all agencies under the aegis of her Department. [31524/11]

**Minister for Social Protection (Deputy Joan Burton):** The total expenditure by my Department on ICT in 2010 was €46,579,390.00. Please see a breakdown of figures in the following table. In relation to the relevant State agencies, it has not proved possible in the time available to obtain the required information but I have arranged for the agencies to furnish the information requested for their respective organisations, and this will be passed on to you when received.

<table>
<thead>
<tr>
<th>ICT Expenditure 2010</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>External Service</td>
<td>9,270,360.00</td>
</tr>
<tr>
<td>Consultancy</td>
<td>242,544.00</td>
</tr>
<tr>
<td>IT Training</td>
<td>175,896.00</td>
</tr>
</tbody>
</table>
Social Welfare Appeals

310. **Deputy John McGuinness** asked the Minister for Social Protection further to a previously withdrawn parliamentary question if there is an outcome to this case and the claims for jobseeker’s allowance and back to education allowance in respect of a person (details supplied) in County Kilkenny. [31534/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an oral hearing of the jobseekers allowance appeal of the person concerned took place on 4 October 2011 and the Appeals Officer is now considering the appeal in the light of all the evidence submitted, including that adduced at the hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined. The back to education allowance (BTEA) is a non-statutory scheme and, consequently, decisions are not appealable to the Social Welfare Appeals Office. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 311 withdrawn.*

312. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [31550/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal, by the person concerned, was registered in that office on 18 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

313. **Deputy Pat Breen** asked the Minister for Social Protection the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [31553/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal, by the person concerned, was registered in that office on 19 September 2011 and was referred to an Appeals Officer on 20 October 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection.
and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

**Employment Support Services**

314. **Deputy Mattie McGrath** asked the Minister for Social Protection if she has a timeframe set out for the review that she wishes to carry out of the operation of the programmes and initiatives funded by her to support persons who are unemployed to return to work, further training and or education; when she expects this review to commence and be completed; the format this review will take; if members of the public will have an opportunity to make submissions to this review; and if she will make a statement on the matter. [31580/11]

**Minister for Social Protection (Deputy Joan Burton):** My Department operates a wide range of supports and initiatives to support the unemployed and other recipients of social welfare payments. Schemes and programmes are monitored on an ongoing basis to ensure they remain fit for purpose. Initial work on the review has commenced. It will take a number of months to complete. The precise format of the review is currently being determined. Employment programmes which are run by FÁS and also training programmes run by FÁS were the subject of a review carried out by Forfas in February of last year. It should also be noted that it is my intention to evaluate the JobBridge Scheme which commenced in July, 2011, and my Department is currently working on a request for tender which will issue shortly.

*Question No. 315 answered with Question No. 252.*

**Departmental Agencies**

316. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide the following information regarding the agencies operating under the aegis of his Department, the number of whole time equivalent staff, the number of board members, the chairperson and board members respective remuneration packages; the annual wage bill and the amount of central funding provided to the agency inclusive of wage bill. [30772/11]

317. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30777/11]

318. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30882/11]

322. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide a list of all commercial semi-State companies under his aegis. [31387/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 316 to 318, inclusive, and 322 together.

The information sought by the Deputy concerning non-commercial bodies/agencies funded from my Department’s Vote Group is set out in the following table. The bodies in question are as follows:

- National Museum of Ireland
- National Library of Ireland
As reflected in the in the annual Revised Estimates Volume (REV), Exchequer funding for administrative purposes, including payment of wages and salaries, is provided to all of these bodies. In the case of the North/South Implementation bodies established under the British Irish Agreement — Foras na Gaeilge, the Ulster-Scots Agency and Waterways Ireland — it should be noted that funding is provided by both my Department and the Department of Culture, Arts and Leisure in Northern Ireland.

Details of the expenditure allocations made available to the bodies in question are published each year in the annual REV and the Appropriation Account. The REV also includes Agency Statements, which provide details in relation to expenditure on administration and pay in the previous year. These publications are available on the website of Department of Public Expenditure and Reform at www.per.gov.ie and on the website of the Office of the Comptroller and Auditor General at www.audgen.gov.ie.

There are no commercial semi-Stage agencies or bodies operating within my Department’s ambit.

<table>
<thead>
<tr>
<th>Name of Agency</th>
<th>Number of whole time equivalent staff serving at 30/09/2011</th>
<th>Number of board members (including Chair)</th>
<th>Annual remuneration payable to Chairs and board members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterways Ireland</td>
<td>359.81</td>
<td>No board</td>
<td>N/A</td>
</tr>
<tr>
<td>Foras na Gaeilge</td>
<td>61</td>
<td>16</td>
<td>Chair: €12,600; Vice-Chair: of €10,350; Board members: €8,100 (south); £5,510 (north)</td>
</tr>
<tr>
<td>Ulster-Scots Agency</td>
<td>16.54</td>
<td>8</td>
<td>Chair: £8,570; Board members: €8,100 (south); £5,510 (north).</td>
</tr>
<tr>
<td>Údarás na Gaeltachta</td>
<td>92.8</td>
<td>20</td>
<td>Chair: €20,520; Board members: €11,970</td>
</tr>
<tr>
<td>Name of Agency</td>
<td>Number of whole time equivalent staff serving at 30/09/2011</td>
<td>Number of board members (including Chair)</td>
<td>Annual remuneration payable to Chairs and board members</td>
</tr>
<tr>
<td>------------------------</td>
<td>------------------------------------------------------------</td>
<td>------------------------------------------</td>
<td>--------------------------------------------------------</td>
</tr>
<tr>
<td>Crawford Art Gallery</td>
<td>14</td>
<td>16</td>
<td>No fees paid</td>
</tr>
<tr>
<td>National Library of Ireland</td>
<td>109.27</td>
<td>12</td>
<td>Chair: €9,450; Board members: €6,300</td>
</tr>
<tr>
<td>Heritage Council</td>
<td>16</td>
<td>11</td>
<td>Chair: €8,978; Board members: €5,985</td>
</tr>
<tr>
<td>National Gallery of Ireland</td>
<td>113.20</td>
<td>16</td>
<td>Chair: €8,978; Board members: €5,985</td>
</tr>
<tr>
<td>National Concert Hall</td>
<td>59</td>
<td>15</td>
<td>Chair: €8,978; No fee paid to board members</td>
</tr>
<tr>
<td>National Museum of Ireland</td>
<td>164.99</td>
<td>16</td>
<td>Chair: €8,978; Board members: €5,985</td>
</tr>
<tr>
<td>Irish Museum of Modern Art</td>
<td>81</td>
<td>15</td>
<td>Chair: €8,978; No fee paid to board members</td>
</tr>
<tr>
<td>Arts Council</td>
<td>46</td>
<td>13</td>
<td>Chair: €8,978; Board members: €5,985</td>
</tr>
<tr>
<td>Irish Film Board</td>
<td>15</td>
<td>7</td>
<td>Chair: €8,978; Board members: €5,985</td>
</tr>
<tr>
<td>National Archives</td>
<td>44.7*</td>
<td>No board</td>
<td>N/A</td>
</tr>
<tr>
<td>Chester Beatty Library</td>
<td>32.5</td>
<td>12</td>
<td>No fees paid</td>
</tr>
<tr>
<td>An Coimisinéir Teanga</td>
<td>6.4*</td>
<td>No board</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Part of overall Departmental numbers

319. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide the following information regarding the agencies operating under his aegis (details supplied) namely, the total number of whole time equivalent staff, the total number of board members, the chairperson’s and board members’ respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill [30920/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The Deputy will appreciate that it is not possible to provide the information requested within the constraints imposed by a ‘details supplied’ Question. I am, however, arranging for the available information in relation to relevant agencies coming within my Department’s ambit to be provided directly to the Deputy as soon as possible.

**Departmental Expenditure**

320. **Deputy Anne Ferris** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by that him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30962/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware, my Department was established on 2 June 2011. I am advised that from that date no legal advices of the nature referred to in the Deputy’s Question were obtained by my Department. With regard to bodies within my Department’s ambit, the Deputy will appreciate that the seeking of such legal advices is part of the day-to-day operational responsibilities of the bodies in question. I am arranging, therefore, for the terms of the Deputy’s Question to be transmitted to the heads of relevant bodies with a request that they provide information, to the extent feasible, directly to the Deputy.
321. **Deputy Mary Lou McDonald** asked the Minister for Arts, Heritage and the Gaeltacht the annual cost of the licensed payroll system, CorePay, to his Department. [31051/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** As the Deputy will be aware, my Department was established on the 2nd of June 2011. As payroll services are provided to my Department by the Financial Shared Service of the Department of Justice and Equality, the annual license maintenance expenditure in relation to the payroll system Corepay is borne by that Department.

*Question No. 322 answered with Question No. 316.*

### Wildlife Conservation

323. **Deputy Dominic Hannigan** asked the Minister for Arts, Heritage and the Gaeltacht if he will ban open season hunting on the curlew in November until such a time as a full and through analysis of the population trends of the curlew can be established; and if he will make a statement on the matter. [31443/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I refer the Deputy to my reply to his Question No. 278 of 18 October 2011, where I stated that my Department was reviewing the inclusion of the curlew on the shooting list in view of the steep decline in breeding curlews. Following the review and consultation process outlined in that reply, I intend to make a decision on the matter early in 2012. I do not propose to change the Open Seasons Order until I have considered my Department’s review.

### Departmental Expenditure

324. **Deputy Billy Kelleher** asked the Minister for Arts, Heritage and the Gaeltacht the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers; and all agencies under the aegis of his Department. [31512/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I am advised that the total expenditure on ICT incurred by agencies within my Department’s ambit during 2010 was as set out in the table that follows. My Department, as currently configured, was established on 2 June 2011. The Deputy will appreciate, therefore, that it is not feasible to provide meaningful details of Departmental expenditure on ICT during the timeframe specified.

<table>
<thead>
<tr>
<th>Name of Agency</th>
<th>Total Expenditure on ICT in 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterways Ireland</td>
<td>€1,476,125</td>
</tr>
<tr>
<td>An Foras Teanga: Foras na Gaeilge</td>
<td>€267,437</td>
</tr>
<tr>
<td>An Foras Teanga: Ulster Scots Agency</td>
<td>€23,492</td>
</tr>
<tr>
<td>Údarás na Gaeltachta</td>
<td>€545,296</td>
</tr>
<tr>
<td>An Coimisinír Teanga</td>
<td>€23,712</td>
</tr>
<tr>
<td>Crawford Art Gallery</td>
<td>€6,060</td>
</tr>
<tr>
<td>National Library of Ireland</td>
<td>€560,434</td>
</tr>
<tr>
<td>Heritage Council</td>
<td>€169,593</td>
</tr>
<tr>
<td>National Gallery of Ireland</td>
<td>€261,550</td>
</tr>
<tr>
<td>National Concert Hall</td>
<td>€310,765</td>
</tr>
<tr>
<td>National Museum of Ireland</td>
<td>€776,617</td>
</tr>
<tr>
<td>Irish Museum of Modern Art</td>
<td>€109,000</td>
</tr>
<tr>
<td>Arts Council</td>
<td>€725,214</td>
</tr>
</tbody>
</table>
Warmer Homes Scheme

325. **Deputy Frank Feighan** asked the Minister for Communications, Energy and Natural Resources the reason Mureas, a company operating under the warmer homes scheme, is not completing applications approved for attic and wall insulation, which has meant that only the attic has been finished with promises that staff would return to complete walls; the steps he will take to ensure those half finished projects are completed; the steps he will undertake to have Mureas complete its commitments under the scheme; and if he will make a statement on the matter. [30862/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Better Energy: Warmer Homes delivers a range of energy efficiency measures to households that are vulnerable to energy poverty. This will enable over 20,000 low-income homes to benefit from energy efficiency retrofit measures this year. The scheme is managed by the Sustainable Energy Authority of Ireland (SEAI) and delivered through a range of Community Based Organisations (CBOs), augmented by a panel of private contractors. Due to the mixed delivery model and variations across CBOs, the number of measures available to particular homes can vary from region to region.

Most, but not all, of these CBOs are in a position to deliver cavity wall insulation (CWI) as well as standard measures under the scheme. Standard measures include attic insulation, draught proofing, lagging jacket, CFLs and energy advice. In County Roscommon there are two CBOs operating — one which delivers standard measures only (Mureas) and a second which delivers standard measures plus cavity wall insulation, Roscommon Integrated Development Company (RIDC). In defined circumstances last year the SEAI allowed RIDC to deliver cavity wall insulation to homes that were allocated to Mureas. If the Deputy has information that suggests there are homes that were promised cavity wall insulation by Mureas, but who have not yet received it to date, then I will ensure my officials investigate the matter fully.

There has been a significant uptake in applications and interest in the Warmer Homes Scheme over the last three years. SEAI’s objective is to maximise the number of vulnerable homes to receive support, in line with budgetary and other resources. While SEAI advises that surveys are carried out on eligible homes to identify a range of potential measures, lower cost measures are given priority in order to address the maximum number of vulnerable homes within available resources. Interventions are limited to single visits per home.

The SEAI recently held an information day for members of the Oireachtas. Staff from SEAI were on hand to explain the current range of schemes and programmes and to address any queries. Queries in relation to individual applications are an operational matter for the SEAI and dedicated hot lines for both schemes are available (Better Energy: Warmer Homes hot line — 1800 250 204 and Better Energy: Homes hotline — 1850 927 000). In addition, the SEAI has recently established a specific email address for queries from Oireachtas members which can be sent to oireachtas@seai.ie and will be dealt with promptly.

Housing Grants

326. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources the date on which the proposed pay as you save home retrofitting scheme will come
[Deputy Catherine Murphy.]

into operation; the measures home owners may expect from the scheme; if the scheme will apply to rented properties; and if he will make a statement on the matter.  [30732/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Programme for Government includes a commitment to roll out a Pay-As-You-Save (PAYS) energy retrofit scheme after 2013. Such a scheme will substitute for Exchequer funding currently being provided. The 2011 capital allocation is €91.4m. To date under Better Energy: Homes, efficiency upgrades have been completed in 45,990 homes this year and over 100,000 homes since the programme commenced in 2009.

The PAYS concept is an innovative financing mechanism that would allow consumers to finance upgrades directly through the energy savings generated. My Department has established a project team to undertake the necessary technical and financial analysis of a PAYS model in the Irish context and will submit an initial report to me in the coming weeks. The potential application of a PAYS mechanism to rental properties is being assessed as part of the analysis.

**Departmental Bodies**

327. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources the position regarding the formation of the inland fisheries forum; and if he will make a statement on the matter.  [30756/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The National Inland Fisheries Forum is established by Inland Fisheries Ireland (IFI) in accordance with section 7(4)(a) of the Inland Fisheries Act 2010, (No 10, 2010).

The Chairperson of the National Inland Fisheries Forum, Derek Davis, and membership was appointed in accordance with the terms of reference agreed with IFI, as provided for in section 7(4)(b) of the statute. The Forum is required to meet not less than twice a year. The first meeting of the Forum took place on 20 October 2011. The Forum consists of 60 members who were appointed following an open selection process conducted by the Public Appointments Service on behalf of IFI.

The Forum includes a broad spectrum of stakeholders in the inland fisheries sector who have demonstrated knowledge or expertise in a number of key sectors including, inter alia, recreational and commercial fisheries, environment, business, tourism, marketing, aquaculture and agriculture. In appointing members, recognition was given to the importance of a regional dimension to the composition of the Forum ensuring each River Basin District is appropriately represented.

I believe that the Forum will provide a meaningful channel of communication between the stakeholders and management of the inland fisheries resource. I expect that the Forum will provide the various stakeholders with an opportunity to influence policies on how the resource is managed and developed in the current challenging economic climate and into the future. I would like to put on record of the House my appreciation to the members for the time and attention they have committed to the Forum, noting that the valuable spirit of volunteerism is alive in the inland fisheries sector.

**Departmental Agencies**

328. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will provide the following information regarding the agency operating under the aegis of his Department (details supplied) the number of whole time equivalent staff;
the number of board members; the chairperson and board members respective remuneration packages; the annual wage bill and the amount of central funding provided to the agency inclusive of wage bill. [30771/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Mining Board consists of a Chairman and two ordinary members. The Secretary to the board is not a full time position and is resourced from Department funds.

The current fees payable to the Chairman are as follows:

| Fees per day for public and private sittings | €582.97 |
| Fees per full day for any necessary attendance (other than sittings) in discharge of the Board’s business | €200.93 |

There are no fees payable to the members of the Board. As the Board meets only when required to do so funding is provided as required.

329. Deputy Mary Lou McDonald asked the Minister for Communications, Energy and Natural Resources if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30779/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I can inform the Deputy that the number of non-commercial State bodies, including regulators, under the aegis of my Department is 11, as follows:

— Broadcasting Authority of Ireland
— Inland Fisheries Ireland
— Commission for Communications Regulation
— Commission for Energy Regulation
— Digital Hub Development Agency
— Foyle, Carlingford and Irish Lights Commission (Loughs Agency)
— National Oil Reserves Agency
— Irish National Petroleum Corporation
— Mining Board
— Ordnance Survey Ireland
— Sustainable Energy Authority of Ireland

Postal Service

330. Deputy Regina Doherty asked the Minister for Communications, Energy and Natural Resources in view of the recent changes to postal services in Ashbourne, County Meath and the fact that the nearest sorting office is in Dunshaughlin, County Meath, and there is no public transport between Ashbourne and Dunshaughlin, if he can suggest an alternative mechanism
by which persons who work full time and have no access to private transport, can retrieve their post from An Post; and if he will make a statement on the matter. [30837/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have no statutory role in relation to the issues raised by the Deputy. An Post’s mail handling and delivery services are an operational matter for An Post and details of these services, including options in place for customers in regard to re-delivery of un-delivered mail, are available from An Post at www.anpost.ie.

**Departmental Agencies**

331. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30884/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Pay allocations in respect of three of the non-commercial State agencies under the aegis of my Department are provided for in my Department’s Vote. They are:

— Digital Hub Development Agency

— Inland Fisheries Ireland

— Sustainable Energy Authority of Ireland.

**Energy Policy**

332. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources if he has reviewed chapter three of the International Monetary Fund World Economic Outlook published in April 2011 (details supplied); the policy actions he proposes to address the serious challenges raised by the IMF in chapter three of this report; and if he will make a statement on the matter. [30934/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Ireland remains critically dependent on imported fossil fuels, particularly oil and natural gas. This dependency underlines the immediate and long term imperatives of enhancing energy security, reducing price volatility and ensuring energy sustainability. National energy policy objectives are in line with overall EU policy objectives and are informed by the critical work of the International Energy Agency (IEA) on all aspects of energy supply.

The IMF Economic Outlook, which draws on IEA forecasts and analysis, points to the possibility that global oil markets have entered a period of increased scarcity and concludes that policymakers should strengthen measures to reduce the risks from potential oil scarcity. The Government is fully committed to delivering national energy efficiency and renewable energy objectives which are aimed at moving the economy away from reliance on imported, carbon intensive fossil fuels.

The electrification of transport offers significant potential for Ireland, not just in terms of energy efficiency but also because of the ability to use cheaper grid sourced electricity, an increasing amount of which will be sourced from renewable resources as we progressively deliver on our ambitious target of 40% renewable generation by 2020. In addition, the Biofuel Obligation Scheme incentivises and enables the sustainable growth of an Irish biofuels market.
affording opportunities for indigenous biofuel producers and allowing for the displacement of traditional oil products in the transport sector.

The Better Energy scheme provides Exchequer supported incentives for energy efficiency and renewable energy upgrades, brings 25 energy suppliers on board as partners to directly offer upgrade services to consumers and supports energy efficiency upgrades in low-income private housing. Delivery on these commitments will progressively reduce our dependence on imported fossil fuels, while supporting energy competitiveness and security as well as employment and economic activity.

Electricity Generation

333. **Deputy Catherine Murphy** asked the Minister for Communications, Energy and Natural Resources the estimated additional cost of the Meath-Tyrone interconnector project, having regard to the fact that a circuitous route has been selected to avoid the very high concentrations of one-off housing along the route; and if he will make a statement on the matter. [30935/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The planning, development and routing of transmission line infrastructure is a matter for EirGrid, the State owned body responsible for the electricity transmission system. I have no statutory function regarding the planning and construction of energy networks.

Housing Grants

334. **Deputy Dan Neville** asked the Minister for Communications, Energy and Natural Resources if there is a grant assistance available to a person (details supplied) in County Limerick. [30939/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I announced the launch of Better Energy: the National Upgrade Programme, in May this year as part of the Government’s Jobs Initiative. Better Energy: Homes encompasses the three established energy efficiency and renewable energy programmes: the Home Energy Savings Scheme (HES), the Warmer Homes Scheme (WHS) and the Greener Homes Scheme (GHS). Measures supported under Better Energy Programme are those designed to deliver the greatest energy savings, thus optimising the value achieved from the Exchequer funding and the value for the householder. The measures grant-aided under this strand include roof and wall insulation, high efficiency boilers, heating control upgrades and solar thermal.

Support for biomass and wood pellet burners through the Greener Homes Scheme was designed to develop a mature and functioning market, which is now in place. Having achieved its objectives wood pellet, wood gasification and heat pump technologies are no longer grant aided and the Scheme has now closed. The Sustainable Energy Authority of Ireland (SEAI) administers Better Energy on behalf of my Department. Queries in relation to individual applications are an operational matter for the SEAI and queries in relation to individual applications are an operational matter for the SEAI and dedicated hot lines for both schemes are available (Better Energy: Warmer Homes hot line — 1800 250 204 and Better Energy: Homes hot line — 1850 927 000). All queries, from scheme applicants and public representatives, on delivery dates for individual households and/or funding arrangements are dealt with immediately. In addition, the SEAI has recently established a specific email address for queries from Oireachtas members at oireachtas@seai.ie.

Departmental Expenditure

335. **Deputy Anne Ferris** asked the Minister for Communications, Energy and Natural Resources if he will provide details for the years 2006 to 2011, inclusive, of the arrangements...
entered into by him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30964/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In the time available, it has not been possible to conclude an examination of the relevant records. Officials within my Department are continuing the examination of the position and I will revert to the Deputy as soon as possible.

Broadcasting Services

336. Deputy Michael McCarthy asked the Minister for Communications, Energy and Natural Resources the towns and townlands in west Cork which will not be covered by the new Saorview digital television service next year following the switch from the analogue service; and if he will make a statement on the matter. [31005/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Issues relating to television coverage in specific areas of the country are an operational matter for RTÉ. The Broadcasting Act 2009 provides for RTÉ to rollout a digital TV network to the same extent as the analogue TV network. RTÉ has informed my Department that the current analogue TV network covers 98% of the population and that its new digital TV network called Saorview will also cover 98% of the population.

RTÉ has developed a website providing information on the Saorview service including coverage information and this is available on its website www.saorview.ie.

In addition, RTÉ is planning to launch a new ‘free-to-air’ satellite service to cover the remaining 2% of the population. RTÉ is not obliged to provide a satellite service and is doing so on its own initiative. It is my understanding that, once the satellite service has launched, it will mean that Ireland will have a national TV network covering 100% of the population, for the first time. RTÉ is currently testing the satellite service to check, inter alia, coverage and other issues and to ensure the availability of satellite receivers, once it launches. RTÉ considers that the service will be ready to launch in early 2012.

Departmental Expenditure

337. Deputy Mary Lou McDonald asked the Minister for Communications, Energy and Natural Resources the annual cost of the licensed payroll system, CorePay, to his Department. [31053/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): My Department paid €23,343 ex VAT in annual licensing costs of Corepay system in 2010. Earlier this year however, my Department entered into a shared services agreement with the Department of Finance which now hosts payroll facilities on the Department of Communications, Energy and Natural Resource’s behalf.

Telecommunications Services

338. Deputy Joe McHugh asked the Minister for Communications, Energy and Natural
Resources the position regarding a date for broadband roll-out at a location (details supplied) in County Donegal; and if he will make a statement on the matter. [31080/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The area referred to in the Deputy’s Question is covered by the National Broadband Scheme (NBS). Full broadband services have been available to all premises throughout the NBS target areas, including St. Johnston in County Donegal, since October 2010. Information on the NBS is also available at http://three.ie/nbs/.

339. Deputy Éamon Ó Cuív asked the Minister for Communications, Energy and Natural Resources if, in view of the reply he gave to Deputy Noel Coonan on 11 October 2011, he will confirm that the e-mail address, nationalbroadbandscheme@nbs.ie, exists; if it does not, he will correct the record of Dáil Éireann; and if he will make a statement on the matter. [31279/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Deputy correctly points out the error in the email address given in respect of the dedicated National Broadband Scheme mailbox operated by my Department. The correct information, as appears on my Department’s website, should have read: nationalbroadbandscheme@dcenr.gov.ie.

I wish to apologise to the House for this inadvertent typographical error and wish to correct the record where it appeared in responses to previous Parliamentary Questions. Accordingly, I wish to amend the response to Parliamentary Question Number 197 dated 31 May 2011 to the Deputy, Parliamentary Question Number 321 dated 27 September 2011 to Deputy Creed and to Parliamentary Question Number 305 dated 11 October 2011 to Deputy Coonan insofar as the email address is concerned.

Housing Grants

340. Deputy Dominic Hannigan asked the Minister for Communications, Energy and Natural Resources the number of homes in County Meath that have been approved for work under warmer home scheme; if he will provide a breakdown of each of the type of work being done on homes in County Meath; the average waiting time after grant approval in County Meath for the work to be carried out; and if he will make a statement on the matter. [31287/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The low income housing / energy poverty strand of Better Energy aims to provide energy efficiency improvements to low-income homes unable to afford the cost of implementing such measures. ‘Better Energy: Warmer Homes’ delivers a range of energy efficiency measures to households that are vulnerable to energy poverty. The scheme is managed by the Sustainable Energy Authority of Ireland (SEAI) and delivered through a range of Community Based Organisations (CBOs), augmented by a panel of private contractors. Due to the mixed delivery model and variations across CBOs, the number of measures available to particular homes can vary from region to region.

To date, energy efficiency improvements in over 73,000 homes have been made under Better Energy: Warmer Homes. In 2010, 24,291 homes benefitted under the scheme, including 954 homes in County Meath. 13,313 homes have been improved to the end of September 2011, including 238 homes in County Meath. The measures installed include attic and cavity wall insulation, draught proofing, hot water cylinder lagging jacket and CFLs. Homeowners are also given energy advice. In 2011 to date, 225 homes in County Meath received attic insulation, 104 homes received cavity wall insulation and 172 homes received draught proofing.
There has been a significant uptake in applications and interest in the scheme over the last three years. The success of the scheme in 2010 led to increased awareness and demand, and a subsequent increase in waiting times. There are currently 11,223 homes nationwide on the Better Energy: Warmer Homes waiting list, of which 214 are in County Meath. While the waiting time for measures may vary, depending on demand and the CBOs and contractor capacity for that particular area, SEAI are working towards a six-month timeframe for service delivery. SEAI is currently working with the CBOs and private contractors to prioritise delivery in the coming months to those homes which have been waiting for the longest period, subject to resource availability.

**Departmental Agencies**

341. **Deputy Mary Lou McDonald** asked the Minister for Communications, Energy and Natural Resources if he will provide a list of all commercial semi-State companies under his aegis. [31389/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I can inform the Deputy that the number of commercial semi-State bodies under the aegis of my Department is seven, as follows:

— An Post
— Bord Gáis Éireann
— Bord na Móna
— EirGrid
— Electricity Supply Board (ESB)
— Raidió Teilifís Éireann
— Teileifís na Gaeilge

**Broadcasting Services**

342. **Deputy Paudie Coffey** asked the Minister for Communications, Energy and Natural Resources if there is any facility for Irish citizens in Northern Ireland or the UK to access Irish television stations through the new Saorview service; and if he will make a statement on the matter. [31432/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** As the Deputy may be aware, a Memorandum of Understanding (MoU) was signed by the British and Irish Governments on 1 February 2010. The Memorandum deals with broadcast services and related radio spectrum issues in the context of the provision of digital terrestrial services on the island of Ireland and provides for cooperation between the authorities in both jurisdictions on this issue. One of the main aims of the Memorandum is to ensure the continued provision of TG4 in Northern Ireland after the switch-off of the analogue broadcast signals on 24 October 2012. Under the Memorandum, the UK Government has also agreed to facilitate the widespread availability of RTÉ 1 and RTÉ 2 on the Northern Ireland digital terrestrial television network.
My Department continues to engage with ComReg, the Broadcasting Authority of Ireland, the Department of Foreign Affairs and Trade, RTÉ and the Authorities in the UK on these issues and much progress has been made to date. I can confirm that the UK authorities have made spectrum available in Northern Ireland to facilitate this aim and work in now continuing on the detailed planning and procurement required to make these services available in Northern Ireland by the end of 2012.

In addition, the Memorandum has facilitated the development of a coordinated approach on both sides of the border in respect of the roll-out of digital terrestrial television (DTT) and analogue switch-off. I recently announced Wednesday 24 October 2012 as the official date of completion of the digital TV switchover, when the analogue TV network in Ireland will be switched off. Digital UK also announced that the analogue TV network will also be turned off in Northern Ireland on 24 October 2012, in order to make the transition to digital as straightforward as possible for TV viewers and broadcasters.

In addition to the reception of signals from the Northern Ireland DTT network, certain parts of Northern Ireland will continue to receive the Irish channels from ‘overspill’, which is when broadcast signals are received outside of the intended coverage area. This currently happens to an extent within the existing analogue system and will continue to occur after analogue switch-off with the Saorview DTT system. There are currently no plans, however, for extending the coverage of the services available on Saorview to Britain.

Natural Gas Grid

343. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources his views on the Western Development Commission paper, Why Invest in Gas, which outlines the clear benefit of extending the natural gas distribution network to the north west; and if he will make a statement on the matter. [31440/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Commission for Energy Regulation (CER), which is a statutory, independent body, has, since 2002, been charged with all aspects of the assessment and licensing of prospective operators who wish to develop and/or operate a gas distribution system within the State under the Gas (Interim) (Regulation) Act 2002. I have no direct statutory function in relation to the connection of towns to the gas network.

The development and expansion of the natural gas network is in the first instance a commercial matter for Gaslink, which is mandated under Section 8 of the Gas Act 1976, as amended, to develop and maintain a system for the supply of natural gas that is both economical and efficient. The CER, in 2006, approved a new network connections policy, which created the opportunity to reassess the feasibility of connecting certain towns to the gas network. In order for any town to be connected to the gas network, certain economic criteria need to be satisfied as a prerequisite. The policy allows for the appraisal of a town either on its own or as part of a regional group of towns.

This policy ensures that, over a certain period, the costs of connecting the town, or group of towns, to the network are recouped through the actual economic consumption of gas and the associated tariffs. Otherwise, uneconomic projects will increase costs for all energy consumers.

Having regard to the CER policy on new towns connections, Bord Gáis Networks, and more recently Gaslink, have carried out a comprehensive review of towns not connected to the national gas network. In April 2010, Gaslink published its ‘New Towns Analysis Phase 3’ report. The study is a comprehensive assessment of 39 towns not already connected to the national gas network. It was approved for publication by the CER following detailed economic...
analysis based on the criteria outlined in the CER’s policy. The report reviewed the feasibility of connecting 11 towns in the West and North West region which are again the focus of the Western Development Commission paper, ‘Why Invest in Gas’. However, the Gaslink report found that none of the towns qualified for connection on economic grounds. Consequently, there would appear to be no case for connecting these towns to the network.

The analysis by Gaslink supports the results of a feasibility study, commissioned by my Department in July 2004. That study concluded that the extension of the Galway Mayo pipeline to Sligo and Donegal would require 100% subvention of the capital costs and would also require an annual subvention to offset the operational costs of the pipeline. Based on this cost benefit analysis, there would appear be no case for the investment of State funds to extend the gas network to the towns examined. In the meantime, Gaslink will continue to review towns which did not qualify for connection under the Study and other towns on an ongoing basis. The key factor which would qualify a town or group of towns in any future review would be a significant increase in demand for natural gas, probably resulting from the addition of a new large industrial or commercial facility.

344. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 329 of 18 October 2011, the actions he will take to ensure the future of an economically crucial project (details supplied) in County Kerry; if his attention has been drawn to the jobs potential for County Kerry associated with this project; and if he will make a statement on the matter. [31465/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Since 2002, the regulation of the gas market has been the responsibility of the Commission for Energy Regulation (CER), which is statutorily independent in the performance of its functions. I have no direct statutory function in relation to liquefied natural gas (or LNG) projects, including specific projects like the Shannon LNG project.

I understand that Shannon LNG — a wholly owned subsidiary of the US firm Hess LNG — received full planning permission in 2008 for its proposed “merchant” development of a liquefied natural gas (LNG) re-gasification facility near Ballylongford in County Kerry.

I also understand that Shannon LNG, among others in the gas industry, currently has an interest in the outcome of a deliberative process being undertaken by the CER in regard to the regulatory treatment of the gas interconnectors with Great Britain. This issue, currently under consideration, is an extremely complex regulatory question given not least the implications for gas and electricity business and domestic consumers. The CER’s ongoing deliberative process in this regard is at an extremely advanced stage with a decision expected to be made in the next month or so.

I strongly welcome Shannon LNG’s proposal to construct a merchant LNG re-gasification terminal, as did my predecessor on several occasions. Within the EU, Member States differ significantly in their reliance on LNG with some states having zero imports while others such as Spain import LNG for the bulk of their gas requirements.

The project, should it proceed, would be the first LNG terminal on the island of Ireland. With 96% of Ireland’s gas demand currently being supplied through the interconnectors, the proposed facility would provide additional security of supply, in that it would bring diversity to Ireland’s supply sources and bring direct connectivity for the first time between Ireland and the global LNG market. The prospect of such a facility is therefore a potentially positive step for the island of Ireland in energy security terms. The employment aspects would also be beneficial were the project to go ahead.
While neither I nor my Department have any direct role in regard to the project, pro-active support for the project can be demonstrated by the ongoing engagement by Ministers and Departmental officials with the company. The CEO of Shannon LNG has been in regular contact with the Department and the CER in regard to the project since its announcement in 2006. Since assuming office, I have met with senior management in Shannon LNG and Hess LNG and also with a local delegation in regard to the project.

**Departmental Expenditure**

345. **Deputy Billy Kelleher** asked the Minister for Communications, Energy and Natural Resources the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers, and all agencies under the aegis of his Department. [31514/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** My Department ensures that all public procurement procedures as outlined by the Department of Finance are adhered to during the procurement process. As part of these processes every effort is being undertaken to ensure value for money and achieve cost reductions.

Notably, my Department earlier this year, as part of the Croke Park Agreement, has implemented an agreement with the Department of Agriculture, Fisheries and Food to receive a service from that Department for the maintenance of IT helpdesk services and network infrastructure. This arrangement, which is the first shared service to apply to a full Government Department, will provide long-term savings on licensing and maintenance costs and is likely to be a model for future IT services for smaller Government Departments. A further shared services initiative has been entered into with the Department of Finance who host payroll facilities for my Department from September 2011.

The purchase of IT equipment for Agencies under the aegis of my Department is an operational matter for each Agency and I have no function in that regard. However, each Exchequer funded Agency makes annual returns to the Department of Public Expenditure and Reform on all ICT expenditure.

**Telecommunications Services**

346. **Deputy Jim Daly** asked the Minister for Communications, Energy and Natural Resources the options available to a community that is availing of Government supported broadband scheme delivered by a company (details supplied) and is not receiving the minimum speed promised under the scheme; and if he will make a statement on the matter. [31559/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Firstly, I should clarify that Enniskeane, County Cork is not covered by the National Broadband Scheme (NBS). Outside of the NBS Area, “3” the NBS service provider, operates as a private telecommunications service provider and I have no role in resolving customer dissatisfaction with the service provided. Where broadband subscribers have complaints or issues relating to the quality and/or consistency of the service they are receiving and have exhausted the Service Provider’s (in this case 3’s) complaints process, they should refer the matter to ComReg, the independent regulator for the sector.

While Enniskeane falls outside the NBS area, the neighbouring Electoral Divisions of Cashel (ED Ref: 47078) and Baurleigh (ED Ref: 47045) come within the ambit of the Scheme. For residents availing of a service in these NBS areas, the NBS contract guarantees service levels and imposes a service credit regime on “3” with financial consequences in the event that minimum specification service levels are not met. My Department and its external consultants
actively monitor coverage within the NBS areas. Any NBS customer experiencing problems with the NBS service can contact 3’s customer care centre 24 hours a day, 7 days a week by phone at 1913 (free of charge).

My Department has a role when customers have fully utilised 3’s established complaints process and consider their complaint has not been resolved. It operates a dedicated NBS mailbox, which NBS customers can contact by email at nationalbroadbandscheme@dcenr.gov.ie with any comments or complaints they may have about their NBS service.

Election Management System

347. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government if he will consider extending the right to vote in EU and Dáil elections to non-EU immigrants who have been given leave to remain here; and if he will make a statement on the matter. [30810/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Subject to age and residency requirements, a person’s citizenship determines the polls at which he or she is entitled to to vote, as follows:

- all non-citizens are entitled to vote at local elections,
- non-citizens who are citizens of EU Member States are entitled, in addition, to vote at European Parliament elections,
- British citizens may vote in Dail, European Parliament and local elections. While no agreements are currently in place, electoral law provides that citizens of other EU Member States, with whom Ireland may enter into an agreement to allow each other’s citizens to vote in their respective National Parliaments, are also entitled to vote in Dail elections, and Irish Citizens alone are entitled to vote in Presidential elections and referendums. While electoral law is subject to ongoing review I have no proposals at present to extend the current arrangements for voting by non-citizens.

Local Authority Services

348. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if he will establish a centralised debt management service for local authorities; and if he will make a statement on the matter. [31179/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 153 of 5 October 2011. The position is unchanged.

Building Regulations

349. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the financial assistance available to the residents of Priory Hall, Dublin 13, who have had to leave their apartment complex due to a lack of fire safety through no fault of their own and also need help with mortgage repayments if they are moved from a hotel to another apartment block in the interim while works are completed and forced to pay rent on top of a mortgage which is not an option for owners; and if he will make a statement on the matter. [31423/11]
350. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that a number of serious issues have been raised by residents and the fire officer in relation to an apartment complex (details supplied) in Dublin 22; the steps he will take to ensure that these issues will be satisfactorily resolved; and if he will make a statement on the matter.  [31647/11]

351. **Deputy Joanna Tuffy** asked the Minister for the Environment, Community and Local Government his views on the need for an urgent review and reform of building and fire regulations and inspection regimes, ending self-regulation; and if he will make a statement on the matter.  [31731/11]

382. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government if he will be contacting all local authorities requesting them to carry out an audit of all multi-unit buildings built during the boom years and further requesting them to confirm to him that there are no more complexes like Priory Hall throughout the country; and if he will make a statement on the matter.  [31424/11]

383. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government the assistance available to the residents of Priory Hall, Dublin 13, who have had to leave their apartment complex while the apartment block is upgraded due to a lack of fire safety; and if he will make a statement on the matter.  [31425/11]

384. **Deputy Terence Flanagan** asked the Minister for the Environment, Community and Local Government his plans to make policy changes to ensure that cases like Priory Hall, Dublin, never happen again; and if he will make a statement on the matter.  [31426/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 349 to 351, inclusive, and 382 to 384, inclusive, together.

My Department is liaising with local authorities in relation to significant building control issues that have arisen in other multi-unit developments across the country, including the Aras na Cluaine Complex, Clondalkin, Dublin 22 which has already been the subject of court proceedings brought by South Dublin County Council. Local authorities already have extensive powers of inspection and enforcement under current legislation and have used such powers on a number of occasions where circumstances similar to those at Priory Hall have arisen. I have urged local authorities to continue to use all of the powers currently available to them to address serious building defects.

I attach high priority to consumer protection in the area of quality construction of new dwellings. That is why, in July 2010, I announced a number of measures to be advanced by my Department and local authorities with a view to improving compliance with, and oversight of, the requirements of the Building Regulations. In broad terms the measures will involve:

(a) the introduction of mandatory certificates of compliance by builders and designers of buildings confirming that the statutory requirements of the Building Regulations have been met;

(b) more efficient pooling of building control staff and resources across the local authority sector to ensure more effective and meaningful oversight of building activity;

(c) standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions;
(d) better support and further development of the building control function nationwide.

Mandatory certification and improved inspection arrangements are key reforms which will, I believe, have the capacity to improve the quality of buildings and will lead to further strengthening of the regulatory regime as early as possible in 2012. It is important to note, however, that a robust system of building control does exist and this is demonstrated by the Priory Hall situation where the local authority is successfully using its powers to make the appropriate party responsible.

In relation to further financial assistance and help with mortgage repayments for Priory Hall residents, I understand that Dublin City Council, having moved quickly to make arrangements for the provision of temporary accommodation for affected residents who required it, continues to engage with the residents in order to address and advise them in relation to specific family and individual needs. I have no function in relation to this aspect of the matter but I have asked Dublin City Council to do all they can to assist the affected residents and see them through this very stressful and distressing ordeal. I would also urge relevant financial institutions to show similar compassion and understanding in their dealings with affected residents.

Local Authority Funding

352. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government the position regarding an application for funding for precinct improvement works at a location (details supplied) in Dublin 4; and if he will make a statement on the matter. [30740/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I refer to the reply to Question No. 419 of 5 July 2011 which sets out the position in this matter. My Department is still awaiting the submission to it from Dublin City Council of a cost benefit analysis as well as a full capital appraisal, which when submitted will facilitate a full assessment of the proposal.

Social and Affordable Housing

353. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if local authorities are mandated to consider if persons on social housing lists have had their housing needs fulfilled when they are accepted onto the rental accommodation scheme; if they will still be considered for housing opportunities on social housing lists; and if he will make a statement on the matter. [30749/11]

**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 in May 2011 this year 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. The Housing Agency will shortly issue updated and more detailed guidance to authorities on the matter.

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, the housing needs of the tenants become 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.

Departmental Agencies

354. Deputy Mary Lou McDonald asked the Minister for the Environment, Community and Local Government if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30782/11]

380. Deputy Mary Lou McDonald asked the Minister for the Environment, Community and Local Government if he will provide a list of all commercial semi-State companies under his aegis. [31392/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 354 and 380 together.

The following is a list of the State Agencies under the aegis of my Department. None are considered to be commercial State Agencies.

— An Board Pleanala
— Building Regulations Advisory Board
— An Chomhairle Leabharlanna
— Comhar
— Dormant Accounts Board
— Dublin Docklands Development Authority
— Environmental Protection Agency
— Housing Finance Agency
— Housing and Sustainable Communities Ltd
— Irish Water Safety
— Limerick Northside Regeneration Agency
— Limerick Southside Regeneration Agency
— Local Government Management Agency (combines Local Government
— Management Services Board and Local Government Computer Services Board)
— National Travelers Accommodation Consultative Committee
— Private Rental Tenancies Board
— Radiological Protection Institute of Ireland

— Western Development Commission

Pobal is a Limited Company and the Dormant Accounts Board will be dissolved and functions transferred into my Department. Not included above are the Affordable Homes Partnership, the National Building Agency, and the Rent Tribunal as these bodies have been subsumed into other bodies within my Department as detailed below.

On 10th October 2011 I announced further rationalisation of State agencies in my Department.

— An Chomhairle Leabharlanna will be dissolved, with any key residual functions to be subsumed into an existing public body.

— Comhar, the Sustainable Development Council, will be integrated into the National Economic and Social Council (NESC).

— The Housing and Sustainable Communities Agency (HSCA) has been established and is operating on an administrative basis. It rationalises the functions of the National Building Agency (NBA), the Affordable Homes Partnership (AHP) and the Centre for Housing Research (CHR). The AHP and the CHR have been closed down and the NBA is in the process of being wound down.

— The Local Government Management Services Board and the Local Government Computer Services Board are merging as the Local Government Management Agency. Pending necessary legislation, a common board and Chief Executive have been put in place on an interim basis and joint management arrangements are being implemented. The rationalisation process includes the closure of regional offices in Limerick and Waterford and other non-pay savings have been achieved by rationalising the use of products and services such as software licensing, hardware infrastructure, phone systems etc.

— The Limerick Northside and Southside Regeneration Agencies are being serviced by a single executive, and resources freed up through this are being used to deliver the Phase 1 implementation plans for Limerick Regeneration. (The agencies’ roles will be replaced through the development of a joint management arrangement in 2012 for Limerick City and Limerick County Council as a step to the merger of the two Councils);

— The administrative functions of the Rent Tribunal have transferred to the Private Residential Tenancies Board.

— The functions of the Fire Services Council are now subsumed into my Department.

Local Authority Funding

355. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government when Monaghan County Council will be reimbursed for expenditure already incurred (details supplied); and if he will make a statement on the matter. [30857/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department will finalise its examination of the County Council’s payment claims referred to in the question as soon as possible, in the light of additional information supplied by the Council.
Public Sector Pay

356. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government the saving to the State if all local authority salaries were capped at €100,000 per year.  [30880/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The capping of salaries of local authority employees would involve changes to their terms and conditions and is a policy matter for the Minister for Public Expenditure and Reform.

Departmental Agencies

357. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer.  [30887/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The employees of the State Agencies under the aegis of my Department are funded from the income of the State Agencies in question rather than directly from the Exchequer. A variety of funding mechanisms of State Agencies are in place including core funding from my Department, levies on local authorities, and income generation from services supplied.

358. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government if he will provide the following information regarding the agencies operating under his aegis (details supplied) namely, the total number of whole time equivalent staff, the total number of board members, the chairperson and board members respective remuneration packages, the total annual wage bill; and the total amount of central funding provided to the agency inclusive of wage bill.  [30906/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The table contains the information requested in relation to the State Agencies under the aegis of my Department. There are twenty one Agencies plus Pobal which is a limited company.
<table>
<thead>
<tr>
<th>Agency / Board</th>
<th>WTE</th>
<th>Total Number of Board Members</th>
<th>Remuneration of Chair 2011</th>
<th>Remuneration of Board Members 2011</th>
<th>Total Annual Wage Bill 2010</th>
<th>Total Central Funding 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Homes Partnership</td>
<td>0.00</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
<td>See IHSCA</td>
<td>See IHSCA</td>
</tr>
<tr>
<td>An Bord Pleanála</td>
<td>159.40</td>
<td>10</td>
<td>PPC Rate €206,616 and the Non PPC Rate €196,285</td>
<td>Deputy Chairperson — Non PPC Rate €126,718 Ordinary Board Members — PPC €127,588 and the Non PPC Rate €121,208</td>
<td>€9,997,343.00</td>
<td>€13,565,000</td>
</tr>
<tr>
<td>An Chomhairle Leabharlanna</td>
<td>14.90</td>
<td>13</td>
<td>€8,978.00</td>
<td>€0.00</td>
<td>€911,365.00</td>
<td>€0.00</td>
</tr>
<tr>
<td>Building Regulations Advisory Board</td>
<td>0.00</td>
<td>22</td>
<td>€8,978.00</td>
<td>€0.00</td>
<td>€0.00</td>
<td>€0.00</td>
</tr>
<tr>
<td>Comhar</td>
<td>5.1</td>
<td>25</td>
<td>Vacant</td>
<td>Nil</td>
<td>€305,598 (of which €172,497 relates to contract staff)</td>
<td>€390,874.00</td>
</tr>
<tr>
<td>Dormant Accounts Board</td>
<td>0.00</td>
<td>11</td>
<td>Nil</td>
<td>Nil</td>
<td>€0.00</td>
<td>€0.00</td>
</tr>
<tr>
<td>Dublin Docklands Development Authority</td>
<td>18.00</td>
<td>8</td>
<td>€0.00</td>
<td>€1,923,000.00</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>323.70</td>
<td>5</td>
<td>Salary Scale Director General; Non-PPC: €173,647; PPC: €182,787</td>
<td>Salary ScalesPPC: €127,588; Non-PPC: €121,208; PPC: €145,952; Non-PPC: €138,655</td>
<td>€20,015,000.00</td>
<td>€19,093,781.00</td>
</tr>
<tr>
<td>Housing Finance Agency</td>
<td>11.00</td>
<td>11</td>
<td>€11,970.00</td>
<td>€7,695.00</td>
<td>€662,233.00</td>
<td>€0.00</td>
</tr>
<tr>
<td>Interim Housing &amp; Sustainable Communities Agency (IHSCA)</td>
<td>38.20</td>
<td>8</td>
<td>€11,970.00</td>
<td>€7,695.00</td>
<td>€992,421.00</td>
<td>€2,127,000</td>
</tr>
<tr>
<td>Irish Water Safety</td>
<td>6.00</td>
<td>13</td>
<td>€8,978.00</td>
<td>€0.00</td>
<td>€326,416.00</td>
<td>€539,000.00</td>
</tr>
<tr>
<td>Limerick Northside Regeneration Agency</td>
<td>8.00</td>
<td>17</td>
<td>€8,550.00</td>
<td>€5,985.00</td>
<td>€1,412,206.00</td>
<td>€8,396,236</td>
</tr>
<tr>
<td>Limerick Southside Regeneration Agency</td>
<td>8.00</td>
<td>17</td>
<td>€8,550.00</td>
<td>€5,985.00</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Local Government Computer Services Board</td>
<td>77.80</td>
<td>11</td>
<td>€0.00</td>
<td>€0.00</td>
<td>€6,180,581</td>
<td>Nil</td>
</tr>
<tr>
<td>Local Government Management Services Board</td>
<td>27.50</td>
<td>€0.00</td>
<td>€0.00</td>
<td>€2,168,947</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Agency / Board</td>
<td>WTE</td>
<td>Total Number of Board Members</td>
<td>Remuneration of Chair 2011</td>
<td>Remuneration of Board Members 2011</td>
<td>Total Annual Wage Bill 2010</td>
<td>Total Central Funding 2010</td>
</tr>
<tr>
<td>--------------------------------------------</td>
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<td>----------------------------</td>
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<td>-----------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>National Building Agency</td>
<td>3.80</td>
<td>8</td>
<td>See IHSCA</td>
<td>See IHSCA</td>
<td>€3,450,368</td>
<td>Nil</td>
</tr>
<tr>
<td>National Traveller Accommodation Consultative Committee</td>
<td>0.00</td>
<td>12</td>
<td>€8,978.00</td>
<td>€0.00</td>
<td>€0.00</td>
<td>€0.00</td>
</tr>
<tr>
<td>Private Residential Tenancies Board</td>
<td>55.40</td>
<td>11</td>
<td>*</td>
<td>*</td>
<td>Salaries €1,769,746</td>
<td>€0.00</td>
</tr>
<tr>
<td>Rent Tribunal</td>
<td>0.00</td>
<td>7</td>
<td>*</td>
<td>*</td>
<td>€1,118,861</td>
<td>-</td>
</tr>
<tr>
<td>Radiological Protection Institute of Ireland</td>
<td>46.20</td>
<td>12</td>
<td>€7,695.00</td>
<td>€7,695.00</td>
<td>€3,210,000.00</td>
<td>€3,685,000.00</td>
</tr>
<tr>
<td>Western Development Institute of Ireland</td>
<td>13.40</td>
<td>12</td>
<td>€8,978.00</td>
<td>€5,985.00</td>
<td>€867,000.00</td>
<td>€1,683,000.00</td>
</tr>
<tr>
<td>Pobal</td>
<td>0.00</td>
<td>9</td>
<td>Nil</td>
<td>Nil</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Members are paid a per diem fee for attending board and committee meetings and when they sit as members of tenancy tribunals. Details regarding the amounts paid are published in the annual reports of the PRTB.
The entries for Total Annual Wage Bill and Total Central Funding refer to end of 2010. The other columns contain current information. Whole Time Equivalents (WTE) are as of Q3 2011.

The following should be noted in relation to the Agencies listed:

- The Building Regulations Advisory Body and the National Travellers Accommodation Consultative Committee are boards whose administrative functions are carried out by my Department.

- Comhar — Under new arrangements, the sustainable development role currently performed by Comhar Sustainable Development Council (SDC) is to be integrated in the national Economic and Social Council (NESC). In that context, Comhar SDC will be discontinued and an orderly wind down will be concluded by the end of this year.

- The Designated Area Appeals Advisory Board is no longer with this Department.

- The Heritage Council is no longer with this Department.

- Met Éireann is a Division of the Department rather than a State Agency.

- Referenda Commissions are temporary in nature and are not agencies.

- The Rent Tribunal’s administrative functions are now carried out by the Private Residential Tenancies Board.

- The Local Government Computer Services Board and the Local Government Management Services Board are served by a single board.

- The Affordable Homes Partnership ceased operations on 31 December 2010.

- The Boards of An Bord Pleanala and Environmental Protection Agency are executive in function and are full time, salaried positions.

- An Pobal is a private, not for profit company.

- The Centre for Housing Research is now subsumed into Interim Housing and Sustainable Communities Agency.

The Remuneration to Chairs and members of Boards state the level of fee to which they are entitled.

**Waste Management**

359. **Deputy Olivia Mitchell** asked the Minister for the Environment, Community and Local Government if he intends to move towards a county-wide franchising system for waste collection rather than the current system which allows for competition between private waste collectors; the rationale behind such a proposal; and if he will make a statement on the matter. [30954/11]

373. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will review a matter (details supplied) regarding the waste market here; and if he will make a statement on the matter. [31272/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 359 and 373 together.
The Programme for Government contains a commitment to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service. A public consultation on the issues involved, designed to inform the policy development process, concluded in September 2011. All of the responses received, including those from the range of players within the waste industry and for the consumers of waste services, are being examined and I intend to bring policy proposals to Government before the end of the year.

Departmental Bodies

360. Deputy Alan Farrell asked the Minister for the Environment, Community and Local Government the position regarding the pyrite working group; and if he will make a statement on the matter. [30958/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I understand that the Pyrite Panel has commenced its work and is meeting with various groups and individuals who can assist the Panel in completing its task.

Departmental Expenditure

361. Deputy Anne Ferris asked the Minister for the Environment, Community and Local Government if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and/or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30967/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information requested in respect of payments made by my Department from 2006 to 2011 is set out in the table. This does not include costs associated with the Planning Tribunal; payments of this nature by agencies or bodies under the aegis of my Department are a matter for the agency or body concerned.

<table>
<thead>
<tr>
<th>Year</th>
<th>Name of Firm or Solicitor/Barrister</th>
<th>Subject Matter/Nature of Work</th>
<th>Fees Paid</th>
<th>Competitive Tendering Process</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>Noel J. Travers, Barrister</td>
<td>Legal advice on draft statutory instrument relating to implementation of Kyoto Protocol</td>
<td>€3,630</td>
<td>Below €5,000 threshold</td>
</tr>
<tr>
<td>2007</td>
<td>Alexander J. Owens, Senior Counsel</td>
<td>Chair of Expert Group to examine and make recommendations on various legal issues pertaining to land access for recreational use.</td>
<td>€25,894</td>
<td>No competitive process due to nature of matter concerned</td>
</tr>
<tr>
<td>Year</td>
<td>Name of Firm or Solicitor/Barrister</td>
<td>Subject Matter/Nature of Work</td>
<td>Fees Paid</td>
<td>Competitive Tendering Process</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td>-----------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>2007</td>
<td>Peter Fitzpatrick &amp; Co. Legal Cost Accountants</td>
<td>Advice on settlement costs in Uniform Construction vs Limerick City Council</td>
<td>€1,604</td>
<td>Below €5,000 threshold</td>
</tr>
<tr>
<td>2007</td>
<td>William Fry Solicitors</td>
<td>Legal advice on contracts for Rental Accommodation Scheme</td>
<td>€13,310</td>
<td>Yes</td>
</tr>
<tr>
<td>2007</td>
<td>Philippe Sands</td>
<td>Legal advice on nuclear safety issues</td>
<td>€4,117</td>
<td>No competitive process, due to nature of matter concerned</td>
</tr>
<tr>
<td>2007</td>
<td>Philippe Sands</td>
<td>Legal advice on nuclear safety issues</td>
<td>€1,565</td>
<td>No competitive process, due to nature of matter concerned</td>
</tr>
<tr>
<td>2007</td>
<td>Niamh Hyland</td>
<td>Legal advice on nuclear safety issues</td>
<td>€6,060</td>
<td>No competitive process, due to nature of matter concerned</td>
</tr>
<tr>
<td>2007</td>
<td>Eoghan Fitzsimons</td>
<td>Legal advice on nuclear safety issues</td>
<td>€12,120</td>
<td>No competitive process, due to nature of matter concerned</td>
</tr>
<tr>
<td>2007</td>
<td>Paul Sreenan</td>
<td>Legal advice on nuclear safety issues</td>
<td>€10,100</td>
<td>No competitive process, due to nature of matter concerned</td>
</tr>
<tr>
<td>2008</td>
<td>William Fry Solicitors</td>
<td>Legal advice on contracts for Rental Accommodation Scheme</td>
<td>€15,625</td>
<td>Yes</td>
</tr>
<tr>
<td>2008</td>
<td>William Fry Solicitors</td>
<td>Legal advice on contracts for Incremental Purchase Scheme</td>
<td>€48,840</td>
<td>Yes</td>
</tr>
<tr>
<td>2008</td>
<td>William Fry Solicitors</td>
<td>Legal advice on contracts for tenant purchase of local authority apartments</td>
<td>€48,857</td>
<td>Yes</td>
</tr>
<tr>
<td>2009</td>
<td>A&amp;L Goodbody</td>
<td>Legal advice on tender and contract documentation relating to the provision of a Premium Rate Weather Service</td>
<td>€6,075</td>
<td>No competitive process. Continuation of contract previously awarded</td>
</tr>
<tr>
<td>2009</td>
<td>Anthony Collins SC, Margaret Gray JC</td>
<td>ECJ Dangerous Substances infringement case. Advice on drafting of Programming Document.</td>
<td>€14,701 and €7,290 respectively</td>
<td>Counsel appointed by CSSO.</td>
</tr>
<tr>
<td>2009</td>
<td>Eugene Regan, Senior Counsel</td>
<td>Legal advice on transposition of Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plant.</td>
<td>€901</td>
<td>No competitive process — legal advice was previously given in this area</td>
</tr>
<tr>
<td>2009</td>
<td>FR Kelly — Barrister</td>
<td>Market Development Programme — Advice on logo patent</td>
<td>€592</td>
<td>Yes</td>
</tr>
<tr>
<td>2009</td>
<td>Matheson, Ormsby,</td>
<td>Market Development</td>
<td>€1,063</td>
<td>Yes</td>
</tr>
<tr>
<td>Year</td>
<td>Name of Firm or Solicitor/Barrister</td>
<td>Subject Matter/Nature of Work</td>
<td>Fees Paid</td>
<td>Competitive Tendering Process</td>
</tr>
<tr>
<td>------</td>
<td>------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>2010</td>
<td>Prentice</td>
<td>Programme — Advice on terms and conditions for a student competition</td>
<td>€507</td>
<td>Yes</td>
</tr>
<tr>
<td>2010</td>
<td>FR Kelly — Barrister</td>
<td>Market Development Programme — Advice on terms and conditions for a student competition</td>
<td>€343</td>
<td>Yes</td>
</tr>
<tr>
<td>2010</td>
<td>Matheson, Ormsby, Prentice</td>
<td>Programme — Advice on terms and conditions for a student competition</td>
<td>€54,450</td>
<td>Services provided consequent on appointment as an authorised person under section 224 of the Local Government Act 2001.</td>
</tr>
<tr>
<td>2010</td>
<td>John Hennessy Senior Counsel</td>
<td>To prepare a report concerning the financial and related risks faced by Dublin City Council in connection with the agreement between the Council and Dublin Waste to Energy Ltd.</td>
<td>€14,925</td>
<td>No competitive process. Continuation of contract previously awarded</td>
</tr>
<tr>
<td>2010</td>
<td>A&amp;L Goodbody</td>
<td>Legal advice on tender and contract documentation relating to the provision of a Premium Weather Service</td>
<td>€63,959.72</td>
<td>No competitive process due to time critical constraints and continuation of advice provided on the same cases to the Department formerly with responsibility for foreshore.</td>
</tr>
<tr>
<td>2010</td>
<td>Arthur Cox Solicitors</td>
<td>Legal advice and drafting of Foreshore Legal Documents</td>
<td>€59,035</td>
<td>No competitive process due to time critical constraints and previous advice provided in the area.</td>
</tr>
<tr>
<td>2011</td>
<td>Margaret Gray BL</td>
<td>The drafting of Regulations to comply with Articles 3(6) and 4(3) of EU Directive 2003/35/EC relating to Public Participation</td>
<td>€7,622</td>
<td>No competitive process due to time critical constraints and previous advice provided on the same cases to the Department formerly with responsibility for foreshore.</td>
</tr>
<tr>
<td>2011</td>
<td>Arthur Cox Solicitors</td>
<td>Legal Advice and Drafting of Foreshore Legal Documents</td>
<td>€59,035</td>
<td>No competitive process due to time critical constraints and previous advice provided on the same cases to the Department formerly with responsibility for foreshore.</td>
</tr>
</tbody>
</table>

In addition to the payments above, some other contractual arrangements for services contain an element of recoupment for incidental legal fees.

**Fire Service Personnel**

362. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the correct pass mark to be obtained in the breathing apparatus training course undertaken by fire fighters; and if he will make a statement on the matter. [30984/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The training of fire service personnel is the statutory duty of individual fire authorities under
the Section 15.1 of the Fire Services Act 1981. Fire authorities provide initial recruit training, as well as training in the use of breathing apparatus to an agreed national syllabus, for all entrants to the fire service. My Department’s National Directorate for Fire and Emergency Management provides a Central Training Programme for fire officers which complements and supplements local training programmes through a ‘Train-the-Trainer’ model.

My Department has published National Guidance to assist fire authorities to provide consistent and safe training in the use of breathing apparatus, which is a basic tool of the firefighter. In this regard, *The Use of Breathing Apparatus in the Fire Service* (2007) and *Guidance on the Provision and Assessment of Breathing Apparatus Training* (2010) are both available from my Department’s website at www.environ.ie. Initial training in the use of breathing apparatus provides firefighters with the necessary skills and knowledge to use breathing apparatus in a competent and safe manner. Fire authorities also provide ongoing training, including refresher training on the use of breathing apparatus, as well as training in response to specialist incident types, such as road traffic accidents, hazardous materials, rescues, etc as appropriate to the hazards in their functional areas.

The approach to establishing breathing apparatus competency is set out in detail in the *Guidance on the Provision and Assessment of Breathing Apparatus Training* referred to above. Breathing apparatus training involves both instruction to impart knowledge and practical exercises to enable learners to apply the knowledge gained in a series of progressive learning activities. It comprises three separate areas: breathing apparatus wear in scenario based exercises; practical tests, such as user maintenance, and an examination of acquired knowledge, which can be either written or oral. Learners are required to demonstrate competence and knowledge across the range of areas, with marking schemes set out for each. Learners who may be unsuccessful on a first attempt are afforded an opportunity to repeat the training and demonstrate the required competence and knowledge.

**Local Authority Housing**

363. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government the name of the successful applicant for the post of Sligo regeneration community liaison person; the location of the liaison person’s office in Sligo; the number of hours that the liaison person has been employed since they were appointed on 1 September 2011; the number of hours the liaison person has spent in Sligo since their appointment; the officials or community representatives the liaison person has met from Sligo since their appointment; and if he will make a statement on the matter. [30985/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I refer to my reply to Question No. 345 of 11 October 2011. The Liaison Officer reports to the Chief Executive Officer of the Housing Agency. I will ask the Agency for the detailed information sought with regard to the Liaison Officer’s and the officer’s work programme to date and I will forward this to the Deputy as soon as possible.

I understand the Agency will shortly publicise details of the independent liaison service to be provided as part of the planning phase of the Sligo regeneration project, including the name of the Liaison Officer, together with details of the office address, contact details etc. Given that the Liaison Officer will act independently of the local authority and my Department in facilitating consultation locally, I do not intend to ask my Department to look for or maintain a record of the persons or organisations with whom the officer has contact in the course of liaison duties.
Departmental Expenditure

364. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government the annual cost of the licensed payroll system, CorePay, to his Department. [31056/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):
The annual maintenance and support cost to my Department in respect of the Corepay payroll system in 2011 was €64,549.

Departmental Agencies

365. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government if the Housing Finance Agency sourced loans on the open market in the early 1980s or if this money was provided from the Exchequer; if the agency or the local authority it advanced money to would bear a financial cost from reducing the interest rate of 12.5% on a local authority mortgage; and if he will make a statement on the matter. [31138/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): In the 1980s the Housing Finance Agency sourced long term fixed rate finance in the form of bond issues on the Irish pound market. These bonds are due to mature in 2018. Funds were on lent by the Agency to local authorities and then by local authorities to individual households at a rate of 10.5%. The mortgages represented exceptional value at the time and into the early 1990s.

However, the structural fall in interest rates since the mid-1990s precipitated a substantial increase in loan redemptions, as borrowers were given the right to prepay these loans without penalty from 1989. While borrowers have had the benefit of penalty-free prepayment the Agency has had to bear the costs arising from the mismatch arising from different amounts still outstanding on the bonds and the mortgages. This amounted to €4.9 million in 2010 and this mismatch will continue to 2018 (when the bonds fall due for repayment).

Planning Issues

366. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government if he has any plans to review the retail planning guidelines; and if he will make a statement on the matter. [31147/11]

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. 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.

Unfinished Housing Developments

367. **Deputy Timmy Dooley** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 239 of 20 July 2011, if the Dun na Ré estate in County Clare has been granted funding to carry out work to finish the estate; and if he will make a statement on the matter. [31154/11]
Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): It is presumed the reference is to the Unfinished Housing Developments Safety Initiative which made funds available to Local Authorities to remedy aspects of unfinished estates which posed a health and safety risk to members of the public and residents of estates. My Department has not made funds available to finish the construction of housing developments. An application for funds in respect of the Dun Ri estate in Bunratty, Co Clare to make safe those elements which are deemed a health and safety risk has been received from Clare County Council. The application has been referred back to Clare County Council for additional information to be supplied. On receipt of the data requested my Department will make an allocation based upon the complete application.

Water Charges

368. Deputy Eoghan Murphy asked the Minister for the Environment, Community and Local Government if water charges will apply to vacant rental properties that are yielding no income and are not in use. [31185/11]

369. Deputy Eoghan Murphy asked the Minister for the Environment, Community and Local Government if water charges apply to vacant properties, if the owners of these properties have the right to have the water turned off. [31186/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 368 and 369 together.

The Memorandum of Understanding between Ireland and the EU/IMF includes a commitment to introduce water charges for households. The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in households connected to public water supplies and move to a charging system based on usage. My Department is currently preparing a strategy to implement these proposals and further details will be announced following the Government's consideration of the proposals.

Local Authority Housing

370. Deputy Catherine Byrne asked the Minister for the Environment, Community and Local Government if his attention has been drawn to a development (details supplied) in Dublin 18, which is lying idle; if this development can be let to tenants; if he will ensure that the developer fulfils their obligations to the authorities; and if he will make a statement on the matter. [31188/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): The development in question has been included in the 2011 National Housing Development Survey database, published on 12 October 2011. I am committed to exploring all options for bringing unsold suitable residential stock into productive use for social housing purposes and am open to proposals in that regard.

Any questions regarding compliance with the various statutory requirements, including the planning and building codes, should be directed to Dublin City Council.

Mortgage Arrears

371. Deputy Sean Fleming asked the Minister for the Environment, Community and Local Government when a code of conduct on mortgage arrears to be applied by local authorities will be introduced; and if he will make a statement on the matter. [31189/11]
Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): My Department issued comprehensive guidance to local authorities on the treatment of mortgage arrears in March 2010. That guidance was based on the Central Bank’s first statutory Code of Conduct on Mortgage Arrears to ensure that cases of local authority mortgage arrears are handled in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned.

To reflect the content of the Central Bank’s revised Code of Conduct — which replaced the previous code from 1 January 2011 and was informed by the deliberations of the Expert Group on Mortgage Arrears and Personal Debt — my Department is currently preparing updated guidance to local authorities in consultation with the City and County Managers Association.

Rural Development Programme

372. Deputy Maureen O'Sullivan asked the Minister for the Environment, Community and Local Government the way the rural development and RAPID programmes are being specifically identified; and the information available to him to indicate that they are experiencing high structural unemployment. [31212/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Rural Development Programme 2007-2013 (RDP) represents a substantial investment in rural areas and plays a significant role in sustaining and creating rural employment. Axes 3 & 4 (LEADER) of the RDP, for which my Department has responsibility, continue to facilitate access to significant financial resources for rural communities. The main objectives of the RDP are to improve the quality of life in rural areas and facilitate the diversification of the rural economy. The RDP is designed to address directly many of the challenges facing rural communities including the need to increase economic activity and stimulate job creation; improve access to basic services for rural dwellers and encourage rural tourism based on sustainable development of natural resources. The programme is inclusive in its approach to arriving at solutions to such challenges using a “bottom up method” where local communities provide local solutions.

Enterprise supports have played a distinct role in successive programmes facilitating rural development in Ireland, including the current and previous LEADER elements of such programmes. The current programme includes significant allocations directly for the creation and development of business ideas (€45.3m) as well as specific support for farm families to facilitate diversification into non-agricultural activities (€15.6m). There is also a specific measure for tourism initiatives which can and does include support for tourism related business ideas (€42.8m).

Along with the direct support for enterprise generation and development available through the RDP the programme also provides substantial support for community led initiatives to address issues such as social cohesion and small infrastructural deficits particularly in the context of the promotion of tourism in rural areas. For example the programme supports the establishment and/or renovation of community facilities and the improvement of public amenities in tourist areas, as well as supporting the provision of niche training in adapted and new skills for rural dwellers and communities.

The RAPID (Revitalising Areas by Planning, Investment and Development) Programme aims to improve quality of life for residents living in 51 designated disadvantaged areas through the improved planning and co-ordination of state services and through the delivery of new investment in services and facilities. The Programme aims to ensure that priority attention is given to tackling the spatial concentration of poverty and social exclusion within these areas,
through targeting of State resources. These services/projects are implemented through prioritisation of national and local agency funding streams and more effective co-ordination of services at a local level. It is a matter for each individual Department to respond to issues of funding within its area of responsibility, including in relation to unemployment. The RAPID leverage schemes were initiated in 2004 in order to support small-scale projects identified locally in each of the RAPID areas. These schemes are co-funded by relevant State agencies and support projects focusing on estate enhancement, graffiti clean-up, traffic calming, CCTV, health and sports facilities, and the provision of playgrounds.

Question No. 373 answered with Question No. 359.

Housing Developments

374. Deputy Éamon Ó Cuív asked the Minister for the Environment, Community and Local Government when approval will be given to Galway County Council to allow the Cluid Voluntary Housing Project in Letterfrack, County Galway, to lodge a planning application; when funding will be approved for this project; and if he will make a detailed statement on the current state of play of this project. [31281/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): My Department’s involvement with voluntary and co-operative housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the schemes, and the certification that projects comply with the relevant terms and conditions, are the responsibility of the local authority.

The proposal by Cluid Housing Association for 25 units of accommodation to be provided under my Department’s Capital Assistance Scheme (CAS) was approved for inclusion in the voluntary housing work programme in February, 2010. Following evaluation of a preliminary proposal, my Department requested Galway County Council to submit certain technical information and a preliminary cost plan for the project. This was received in July 2011. Following a review of the information, my Department recently requested additional detailed specifications, appropriate drawings and a cost plan for the scheme. On receipt of this information, my Department will make a decision with regard to advancing the project through the statutory planning and public procurement stages. A decision on funding will be made following the completion of the procurement stage.

375. Deputy Dan Neville asked the Minister for the Environment, Community and Local Government the position regarding St. Joseph’s Foundation, Charleville, County Cork, regarding a proposal for development of day and residential service for adults and children with autism-Asperger syndrome; if he is giving his full support to this project in view of the fact that the foundation has now submitted a full planning application following a number of pre-planning meetings with Limerick County Council; and if will he ensure support for this project. [31292/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department’s involvement with voluntary and co-operative housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the schemes, the processing of applications and the certification that projects comply with the terms and conditions of the funding schemes, are the responsibility of the local authority.

Local authorities are responsible for the assessment and appraisal of all new voluntary sector projects and ensuring that they are advanced through the planning, procurement and imple-
mentation phases in accordance with the requirements of the Capital Works Management Framework for publicly funded capital projects.

The Approved Housing Body is liaising with Limerick County Council with a view to making an application for funding under any new call for proposals for CAS projects. It is my intention to consider issuing such a call following the completion of the Comprehensive Review of Expenditure process.

**Local Authority Funding**

376. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government the reason South Dublin County Council believe it is discriminated against as per the motion passed on 10 October 2011; and the action he will take to address the matter. [31301/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I have received a copy of the motion passed by South Dublin County Council on 10 October 2011. General purpose grants from the Local Government Fund are my contribution to meeting the difference between the cost to local authorities of providing a reasonable level of day to day services and the income available to them from local sources and from specific grants. These grants are allocated having regard to a range of factors including the overall funding available for the grants, the cost to each local authority of providing its services, the income available to each local authority from local sources and specific grants, and the need to ensure that each local authority receives a baseline allocation that will provide financial stability.

The 2012 allocations will be based on an analysis of these factors at individual local authority level and the level of overall funding available to me. It will be my objective to ensure that General Purpose Grant funding continues to make a significant contribution towards enabling local authorities to continue to provide a reasonable level of services to the public.

**Departmental Agencies**

377. **Deputy Seán Kenny** asked the Minister for the Environment, Community and Local Government the names of persons on the board of An Bord Pleanála, the Environment Protection Agency and the Private Residential Tenancies Board; when each person’s term on the board is due for renewal; and if he will make a statement on the matter. [31302/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested is set out in the following table.

<table>
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<tr>
<th>Board</th>
<th>Name of Member</th>
<th>Date of Renewal</th>
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<tr>
<td>An Bord Pleanála</td>
<td>Chair Dr. Mary Kelly</td>
<td>29/08/2018</td>
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<td></td>
<td>Angela Tunney</td>
<td>06/11/2011</td>
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<td></td>
<td>Brian Swift</td>
<td>02/12/2011</td>
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<td>Jane Doyle</td>
<td>31/12/2011</td>
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<td>Karl Kent</td>
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<td>Conall Boland</td>
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<td>Mary MacMahon</td>
<td>26/11/2011</td>
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<td>Fionn O’Regan</td>
<td>26/04/2016</td>
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<td></td>
<td>Vacancy</td>
<td>30/06/2010</td>
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<td></td>
<td>Vacancy</td>
<td>03/04/2010</td>
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Wildlife Conservation

378. **Deputy Shane Ross** asked the Minister for the Environment, Community and Local Government if he will make a commitment to ensuring the welfare of the Booterstown Nature Reserve, County Dublin, which has been delivered to a receiver; his plans on the importance of protecting areas of natural importance which may have been handed over to a receiver in view of the financial crisis; and if he will make a statement on the matter. [31311/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Under the Planning and Development Act 2000, as amended, and associated Regulations, a planning authority, or An Bord Pleanála as appropriate, is required, when dealing with a planning application which was not accompanied by an environmental impact statement, to carry out a screening in appropriate cases for environmental impact assessment, under Council Directive 85/337/EEC (the Environmental Impact Assessment Directive), and to carry out an environmental impact assessment in cases where the proposed development would be likely to have significant effects on the environment. A planning authority or the Board is also required, when dealing with a planning application, to carry out a screening for appropriate assessment under Council Directive 92/43/EEC (the Habitats Directive), and to carry out an appropriate assessment where significant effects on a habitat cannot be ruled out. The planning authority or the Board may not grant permission for a proposed development which an appropriate assessment had determined would adversely affect a European site unless:

- there are imperative reasons of overriding public interest, and
- the Minister for Arts, Heritage and the Gaeltacht considers that compensatory measures proposed are sufficient, and
- in the case of a priority habitat, the European Commission have been consulted.
Tax Code

379. **Deputy Seamus Kirk** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the concern among vintage car and tractor enthusiasts in respect of the rate of motor tax and the type of diesel oil which can be used for these vehicles; and if he will make a statement on the matter. [31319/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A concessionary rate of motor tax was introduced on 1 July 1991 for vintage vehicles. To qualify for the vintage rate a vehicle must be constructed more than 30 years prior to the commencement of the period in relation to which the licence is sought.

The rates of motor tax were initially set at £10 (€13) for motorcycles and £25 (€32) for all other vehicles. The current rates are €22 for motorcycles and €48 for all other vehicles, which must be regarded as very favourable rates of tax.

The question relating to diesel oil is a matter for the Minister for Finance.

*Question No. 380 answered with Question No. 354.*

Departmental Schemes

381. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government when he will begin accepting applications for the capital assistance scheme that approved housing bodies can avail of when developing housing; and the amount of funding that will be allocated to the programme. [31407/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The Capital Assistance Scheme will continue in 2012, though the level of Exchequer funding for the scheme next year is not yet determined, pending the outcome of the Comprehensive Review of Expenditure and the conclusion of the estimates process. A decision on whether to issue a call for proposals for new projects will be made once the level of funding for 2012 has been determined and having regard to the level of commitments on existing projects.

*Questions Nos. 382 to 384, inclusive, answered with Question No. 349.*

Local Authority Housing

385. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government if mortgages from local authorities fall under the remit of the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995; and if he will make a statement on the matter. [31459/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Unfair contract terms, as prescribed by the European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 relate to all business to consumer contracts with the exception of specific contract types listed in the Regulations, and of specific terms within contracts. As such, it is my understanding that mortgage contracts involving local authorities fall within the scope of the Regulations.

386. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government the role of the relevant local planning authority in respect of planning permissions granted for voluntary housing co-operatives; if the local authority has any responsibilities relat-
Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

Each local authority, in its role as planning authority, may grant or refuse planning applications in accordance with the requirements of the Planning and Development Acts 2000 to 2010 and regulations made thereunder. Voluntary and cooperative housing schemes are subject to planning requirements in line with standard practice.

Local authorities are responsible for the assessment and appraisal of all new voluntary sector projects and ensuring that they are advanced through the planning, procurement and implementation phases in accordance with the requirements of the Capital Works Management Framework for publicly funded capital projects.

In the case of new voluntary or co-operative housing developments, it is a matter for the approved housing body, as Contracting Authority under the terms of the funding schemes, to ensure that such developments comply with the relevant statutory planning and building standards. The approved housing body, as Employer under the terms of the building contract, is responsible for ensuring proper standards of materials and construction.

Local authorities also have responsibility for the enforcement of statutory requirements under the legislative codes governing Fire Safety, Building Control and Planning and Development. Under these legislative codes, local authorities have strong powers to:

(i) scrutinise proposals and inspect works in progress;
(ii) serve enforcement notices for non-compliance;
(iii) institute proceedings for breaches of regulatory requirements;
(iv) seek High Court injunctions if non-compliance poses considerable and serious danger to the public.

Where a complaint is made in relation to a potential building defect, such as inadequate pipework, the local authority would be expected to examine the matter before deciding what action, if any, may be required.

Election Management System

387. Deputy Maureen O'Sullivan asked the Minister for the Environment, Community and Local Government if he is satisfied that the electoral law, in regard to election material that it is an offence to print posters, leaflets and so on without an imprint, is being enforced; if there have been any prosecutions in regard to same; if any candidates have not had a refund of election expenses for failing to have the imprint; and if he will make a statement on the matter. [31464/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

Electoral legislation provides for a wide range of offences including a requirement to show on the face of every notice, bill, poster or similar document relating to an election or referendum, the name and address of the printer and of the publisher of such documents. Enforcement of the law is a matter for An Garda Síochána and I understand that the Minister for Justice and
Equality has sought a report from the Garda on this issue. There is no link between the electoral offence referred to and the reimbursement of a candidate’s election expenses.

**Social and Affordable Housing**

388. **Deputy Billy Timmins** asked the Minister for the Environment, Community and Local Government the position under SI 84 of 2011 regarding assessment of housing need whereby a person has already moved out of the family home and is in rented accommodation; and if he will make a statement on the matter. [31493/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** It is open to any person or household to apply to a housing authority for an assessment of their housing need. It is a matter solely for the housing authority concerned to determine whether an applicant for social housing support is eligible for and in need of that support. The authority must make its determination in accordance with the provisions of section 20 of the Housing (Miscellaneous Provisions) Act 2009, and regulations made under that section, primarily the Social Housing Assessment Regulations 2011, having regard to the particular circumstances of the case. As Minister I am precluded from exercising any power or control in relation to any particular case with which a housing authority is or may be concerned.

Regulation 23 of the Social Housing Assessment Regulations 2011 sets out the aspects of a household’s current accommodation to which the housing authority shall have regard when determining a household’s need for social housing support. Detailed guidance was issued to housing authorities by my Department at the time the Regulations came into effect. This guidance includes suggested approaches for authorities when considering applications for social housing support, including situations where the applicant is living in their current accommodation for a period of less than 3 months and situations where the applicant claims it is no longer possible to live in the family home.

**Departmental Expenditure**

389. **Deputy Billy Kelleher** asked the Minister for the Environment, Community and Local Government the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers and all agencies under the aegis of his Department. [31517/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The total expenditure in 2010 from my Department’s Administrative Budget on ICT including staff costs, support and maintenance services, hardware, software, and external resources including consultancies, contractors and external service-providers was €5.126 million. ICT expenditure for Agencies under the aegis of my Department is a matter for the agencies themselves.

**Farm Management**

390. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if farmers will be permitted to spread slurry until mid-November this year due to the exceptionally wet August and September and the resulting difficulties associated with these months of heavy rainfall and the very wet conditions since the extension to 31 October, which was announced recently; and if he will make a statement on the matter. [31547/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Good agricultural practice involves the application of fertilisers as early as practicable in the
[Deputy Phil Hogan.]
growing season in order to maximise the uptake of nutrients by crops and to minimise pollution risks to water.

I have extended the period during which slurry could be spread, up to and including 31 October 2011, in recognition of the adverse weather experienced in Ireland during the month of September in particular. This arrangement has been put in place, as an exceptional measure, following consultation with the Minister for Agriculture, Food and the Marine. I am not prepared to consider a further extension to the period for spreading slurry.

Constitutional Issues

391. **Deputy Finian McGrath** asked the Minister for Justice and Equality his views on a matter regarding Article 43 of the Constitution (details supplied) [30804/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** It is outside the scope of my function to offer an interpretation of the kind sought by the Deputy.

Equality Issues

392. **Deputy Finian McGrath** asked the Minister for Justice and Equality if his attention has been drawn to the practice by employers applying for preliminary hearings to deal with legal issues before the Equality Tribunal prior to a normal hearing being held; if he will provide figures for the number of such applications made in each of the past four years and the number granted; the criteria used to decide whether such applications ought to be granted; his views on whether such applications are desirable practice given that employees involved have to devote additional time and expense in defending such legal applications; if the Equality Tribunal has the power to award expenses and costs to employees when such applications are successfully defended; if he is considering any legislative changes that will impact on such applications being made; and if he will make a statement on the matter. [31135/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Provision for dealing with preliminary matters is set out in section 79, subsections (3) and (3A) of the Employment Equality Acts. It should be noted that it is only used in cases where the preliminary issue is detachable from the substantive issue and where it would save the parties the need to go to full investigation on that issue. In all cases, where an application is made by the parties for a matter to be dealt with as a preliminary issue, the decision is that of the Equality Officer alone.

Statistics on the number of cases in which consideration was given to dealing with specific questions as a preliminary issue are not currently compiled by the Tribunal. Details as requested by the Deputy would require the expenditure of a disproportionate amount of staff time and resources. It is therefore not possible to provide the details sought. However, my Department has been informed by the Director of the Equality Tribunal that, of the 1,043 cases closed in 2010, only seven were the subject of the preliminary issue process.

I should stress that the Director of the Equality Tribunal and his Equality Officers are independent in the exercise of their statutory functions and therefore I cannot comment on individual cases. Decisions by the Director or the Equality Officers concerning preliminary issues may be appealed by either the complainant or the respondent to the Labour Court. They may also be appealed on a point of law to the High Court. The Director of the Equality Tribunal is also subject to judicial review by the High Court.

There is no provision in the Employment Equality Acts for the Director of the Equality Tribunal to award expenses and costs to either party in a complaint. I have no proposals to change these provisions of the Employment Equality Acts.
Visa Applications

393. Deputy Gerry Adams asked the Minister for Justice and Equality if it is standard practice to handwriting on the passport of foreign nationals wishing to visit Ireland if their visa application has been refused; and the standard practice for informing a foreign national that their application to visit has been refused. [31317/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that when a visa application is received from an applicant, it is routine practice for the Visa Office or Irish Mission concerned to record on the visa page of the applicant’s passport the fact that a visa application has been made. Only in circumstances where the visa is granted will a visa sticker be affixed in the passport over this record. There is no prohibition on the recording in writing in the passport that a visa application has been refused.

As is the case with all refused visa applications, the refusal decision and the reasons for that decision are sent by way of letter to the applicant. In some instances however, depending on the particular circumstances applying in the country where the visa application is submitted, an alternative method of communication may be used. For example, in the case of Irish Visa Office, Moscow, the postal service has at times proven to be unreliable. Therefore, persons are informed of a visa refusal, usually by phone or e-mail and a faxed/scanned copy of the refusal letter can be sent to them on request.

In relation to all applications refused at the Irish Naturalisation and Immigration Service headquarters in Dublin, in addition to the customary letter explaining the refusal reasons, the refusal decision and the reasons for that decision are posted promptly on-line (in a format confidential to the applicant).

Garda Stations

394. Deputy Brendan Griffin asked the Minister for Justice and Equality the position regarding the provision of a garda station (details supplied) in County Kerry; and if he will make a statement on the matter. [30738/11]

Minister for Justice and Equality (Deputy Alan Shatter): The programme of replacement and refurbishment of Garda accommodation around the country is progressed by the Garda authorities working in close cooperation with the Office of Public Works, who have responsibility for the provision and maintenance of Garda accommodation.

I am informed by the Garda authorities that the construction of a new Garda Station in the area referred to by the Deputy is nearing completion and it is expected that the new Station will be handed over to An Garda Síochána in the coming months.

Departmental Agencies

395. Deputy Mary Lou McDonald asked the Minister for Justice and Equality if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30787/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that the following non-commercial State agencies are under the aegis of my Department:

— Censorship of Publications Board
— Courts Service
— Criminal Assets Bureau
[Deputy Alan Shatter.]

— Equality Authority
— Equality Tribunal
— Forensic Science Laboratory
— Garda Síochána Complaints Board
— Garda Síochána Confidential Recipient
— Garda Síochána Inspectorate
— Garda Síochána Ombudsman Commission
— Irish Film Classification Office
— Irish Human Rights Commission
— Irish Prison Service
— Irish Youth Justice Service
— Legal Aid Board
— National Disability Authority
— Office of Commissioners for Charitable Donations and Bequests for Ireland
— Office of the Data Protection Commissioner
— Office of the State Pathologist
— Parole Board
— Private Security Authority
— Probation Service
— Property Registration Authority
— Property Services Regulatory Authority

**Court Procedures**

396. **Deputy Clare Daly** asked the Minister for Justice and Equality the status of the review of the in camera rule as indicated in the national report to the recent Universal Periodic Review in which he stated his intentions to review this issue further with a view to ensuring that information on cases and outcomes is made public on a systematic basis and the steps he will take to overcome the unintended effect that there is little transparency or public awareness of what is happening in the family law system. [30825/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Further to the commitment in the Programme for Government to modernise and reform aspects of family law, I have asked officials in my Department to review the operation of the in camera rule. I am aware that, as facilitated by provisions in the Civil Liability and Courts Act 2004 on the reporting of family law cases, the Family Law Reporting Project carried out between 2007 and 2009 provided a
useful insight to family law and its operation in the courts for the public in general. However, the cost of maintaining the project in the longer term means that it was not sustainable in the light of prevailing economic conditions. My Department’s review will be considering what further provision can and should be put in place.

**Departmental Expenditure**

397. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality if he will confirm the costs to the State of the legal aid scheme in 2010 and 2011. [30848/11]

**Minister for Finance (Deputy Michael Noonan); Minister for Justice and Equality (Deputy Alan Shatter):** Fees and expenses incurred by NAMA are recovered through the operating activities of the agency. They are published in the quarterly reports of NAMA, which are laid before the Houses of the Oireachtas and published on the NAMA website. The second quarterly report for the period ending 30 June 2011, accompanied by financial statements for the second quarter, was submitted to me as required by the end of September 2011 and I will lay the report before each House of the Oireachtas shortly.

The aggregate legal costs for the year 2010 and the first quarter of 2011 are as follows:

<table>
<thead>
<tr>
<th></th>
<th>2010 €m</th>
<th>Q1 2011 €m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Fees</td>
<td>3.31</td>
<td>0.88</td>
</tr>
</tbody>
</table>

The figures in the table above do not include legal fees incurred by NAMA as part of the loan due diligence process, which are recovered from the five participating institutions through a reduction in the consideration paid for acquired loans.

398. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality the amount paid to gardaí in overtime for attending in court in 2010; and the way this compares to the amount paid by the Director of Public Prosecutions in barristers’ fees in the same year. [30849/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Garda authorities have estimated that in 2010 expenditure on overtime arising from the attendance of Garda personnel in court amounted to approximately €13.5m. As I am not responsible for the payment of legal fees on behalf of the Director of Public Prosecutions I do not have the other details referred to by the Deputy.

**Departmental Agencies**

399. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30892/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that all non-commercial State Agency employees under my Department’s aegis are paid directly from the Exchequer.

**Residential Institutions Redress Scheme**

400. **Deputy Clare Daly** asked the Minister for Justice and Equality if he will issue a comprehensive explanation as to the reason the survivors of the Bethany Homes have been excluded...
from the interdepartmental committee (details supplied); and the steps he will take to ensure that these victims are given equality of treatment with Catholic victims. [30912/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Government has charged the inter-departmental committee with clarifying any State interaction with the Magdalen institutions and producing a narrative detailing such interaction. There are presently no plans to expand its brief beyond those institutions.

Magdalen institutions are not a particularly Roman Catholic phenomenon. Many such institutions were founded by lay people in the 19th century both in Britain and Ireland to provide a place of refuge or asylum for women. However at the time the State was established, the 10 Magdalen institutions in the 26 counties were run by Roman Catholic religious congregations.

Citizenship Applications

401. Deputy John O’Mahony asked the Minister for Justice and Equality the reason for the delay in approving citizenship in respect of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [30914/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received, from the person referred to by the Deputy, in July 2007. Applications are processed individually and it is not possible to give an indication of how long it will take to finalise a particular case. The application from the person concerned is currently being processed with a view to establishing whether she 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.

Departmental Agencies

402. Deputy Mary Lou McDonald asked the Minister for Justice and Equality if he will provide the following information regarding the agencies operating under his aegis (details supplied), namely, the total number of whole time equivalent staff, the total number of board members, the chairperson and board members respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill. [30917/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.
Crime Levels

403. **Deputy Finian McGrath** asked the Minister for Justice and Equality if there is evidence of male prostitution in an area (details supplied) in Dublin. [30932/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the area referred to is within the Dublin Bridewell Garda District. I am also informed that local Garda management advise that no incidents of the type referred to by the Deputy have been recorded in the area. I am further informed that the area is the subject of regular foot patrols by uniform personnel, supplemented by District and Divisional mobile patrols, including the District Detective and Drug Units and the Divisional Crime Task Force and Traffic Corps personnel. One member of the local Community Policing Unit is specifically allocated to this area and is in regular contact with local residents.

Local Garda management closely monitors and keeps under review patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. Current policing plans in the area are designed to address issues of crime and public order offences. Community policing is a central feature and core value of policing policy, and current policing strategies are predicated on the prevention of crime, public order offences and anti-social behaviour.

Citizenship Applications

404. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will review the refusal to grant naturalisation in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [30950/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Parliamentary Question 369 on 11 October, 2011. The position remains as stated.

*The person referred to in the Deputy’s Question applied for a certificate of naturalisation in September 2011. This application was considered under the provision of the Irish Nationality and Citizenship Act 1956, as amended and it was decided to refuse same. The reason for the decision was disclosed to the person in question in a letter dated 6 October 2011. It is open to the person concerned to lodge a new application for a certificate of naturalisation with the Citizenship Division of my Department if and when they are in a position to meet the statutory requirements.*

The said Act does not provide for a formal process of appeal on review. However, it is open to the individual concerned to lodge a new application if and when she is in a position to meet the statutory requirements applicable at that time.

Departmental Expenditure

405. **Deputy Anne Ferris** asked the Minister for Justice and Equality if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and-or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30972/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that, for the most part, the legal services sought by my Department are coordinated and paid for by the Office of the Attorney General and the Chief State Solicitor’s Office. These services are typi-
cally sought in the context of the preparation of legislation, legal advice in respect of policy
issues and in the management of litigation including judicial reviews. In a number of instances,
my Department has sought and paid for legal advice and services additional to those provided
centrally by the Attorney General and the Chief State Solicitor. As the Deputy will also be
aware, the subject matter of the advice, and the advice itself, represent privileged information.

I regret to inform the Deputy that the information sought by her is not retained in a fashion
which would permit ready extraction. The level and amount of detail in her request would
necessitate the search of a voluminous quantity of files across the entire Department. This
would require the expenditure of a completely disproportionate amount of staff time at inordinate
cost to my Department at a time of reducing resources. I have no responsibility for the
nature and/or subject matter of legal advice procured by State agencies as these are matters of
day to day administration for the agencies concerned for which they are wholly responsible
and accountable.

Human Rights Issues

406. Deputy Dessie Ellis asked the Minister for Justice and Equality when he will have a
decision as to whether the Criminal Justice (Human Trafficking) Act 2008 is sufficient to cover
the offence of forced labour without the element of movement being required or if new legis-
lation is needed to tackle the problem. [30989/11]

407. Deputy Dessie Ellis asked the Minister for Justice and Equality if his attention has been
drawn to the fact that Ireland is in breach of Article 4 of the European Convention on Human
Rights by not having legislation to criminalise forced labour; the steps being taken to address
same; when will it be addressed.; and if he will make a statement on the matter. [30990/11]

420. Deputy Maureen O’Sullivan asked the Minister for Justice and Equality if a new law is
required to create the offence of forced labour; if existing legislation, the Criminal Justice
(Human Trafficking) Act 2008, is sufficient to deal with this problem; and if the existing legis-
lation is sufficient, the reason that it is not being used. [31211/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos.
406, 407 and 420 together.

Firstly, I should say that there has been no ruling that Ireland is in breach of Article 4 of the
European Convention on Human Rights for not having legislation to criminalise forced labour.
The Criminal Law (Human Trafficking) Act 2008 criminalises the trafficking of persons for the
purposes of labour exploitation (including forced labour), sexual exploitation and exploitation
consisting of the removal of a person’s organs. For the purposes of the Act, the term “trafficks”
is broadly defined. For example, the commission of an offence does not require cross-border
movement or illegal entry into the State. It includes recruitment, taking a person into one’s
custody, care or charge, and providing the person with accommodation or employment.
However, the legislation is primarily an anti-trafficking measure and was never intended to
address any of the above exploitative phenomena outside the context of human trafficking.

This does not necessarily mean that a person subjected to forced labour but who has not
been trafficked (or where trafficking is difficult to prove) does not have the protection of the
criminal law. It is likely that activities constituting forced labour could be prosecuted under a
range of offences, for example, false imprisonment, blackmail, assault, the coercion offence in
the Non-Fatal Offences Against the Person Act 1997, offences under employment law and
health and safety legislation, immigration law, etc.
Internationally, forced labour covers a diverse range of exploitative behaviours. The extent and nature of the phenomenon in this jurisdiction is unclear. At the request of my Department and with a view to establishing the exact nature of alleged abuses, the Garda authorities have recently completed an analysis of allegations of forced labour which have come to their attention. The results of the analysis are currently being examined in my Department so that any legislative and administrative measures required to address deficiencies can be identified. In the event that a need for additional legislative measures is established, proposals will be brought to Government in the usual manner.

Departmental Expenditure

408. Deputy Mary Lou McDonald asked the Minister for Justice and Equality the annual cost of the licensed payroll system, CorePay, to his Department. [31061/11]

Minister for Justice and Equality (Deputy Alan Shatter): The annual licence renewal cost in respect of 2011 for the CorePay software system amounted to €98,065.68, which covers the payroll systems for the Department of Justice and Equality, the Department of the Taoiseach, the Department of Arts, Heritage and the Gaeltacht, An Garda Síochána, the Irish Prison Service, the Courts Service, the Property Registration Authority of Ireland, the National Museum of Ireland and the National Library of Ireland.

Criminal Prosecutions

409. Deputy Finian McGrath asked the Minister for Justice and Equality if he will review a matter (details supplied) regarding false allegations. [31069/11]

421. Deputy Michael Healy-Rae asked the Minister for Justice and Equality his views on correspondence regarding false allegations of child sexual abuse (details supplied); and if he will make a statement on the matter. [31220/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 409 and 421 together.

The wide range of matters raised by the Deputies have been noted in my Department, insofar as they are matters for which I have responsibility. As the Deputies are aware, family law proceedings in the courts are held in camera. The making of any false allegations of child sexual abuse would of course be a serious matter, and any person who has knowledge of such false allegations should bring them to the attention of An Garda Síochána.

Orders made under the Guardianship of Children Act 1964, as amended, concerning guardianship and custody of, and access to, children, are subject to section 3 of the Act which requires the courts to regard the welfare of the child as the first and paramount consideration. Any proposal requiring automatic changes in custody arrangements in specified circumstances would not respect this very important principle.

In respect of the provision of legal aid in the family law matters referred to, the Legal Aid Board is the statutory body providing civil legal aid in such matters. The Board has procedures in place, underpinned by legislation, which allow for the termination of a legal aid certificate where it is deemed warranted by a client’s behaviour in the conduct of proceedings. The Board has informed me that it regularly represents both parents in the family law matters referred to and does not in any way discriminate between fathers and mothers in the granting of legal aid or in the conduct of cases. The Board completely rejects any notion that its solicitors would be in any way complicit in the making of any such false allegations, and I fully support the Board’s stance in that respect.
Crime Levels

410. Deputy Finian McGrath asked the Minister for Justice and Equality the position regarding the deterioration of parts of the city centre (details supplied).  [31084/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that local Garda management is aware of the issues affecting certain city centre areas where drug treatment services are provided through clinics.

The Deputy will, of course, appreciate that while the overall aim of the Health Service Executive is to have patients treated in their local communities, wherever this is possible, this is not always feasible and such treatment must be provided in a clinic setting.

Having said that, I can inform the Deputy a number of policing initiatives have been put in place by local Garda management to prevent and disrupt criminal behaviour, including the sale, distribution and use of drugs and anti-social behaviour in the locality. The area referred to by the correspondent is also subject to regular patrols by uniform and plain-clothes units, including the Community Policing and Garda Mountain Bike Units, local Detective and Drug Unit personnel, supplemented as required by the Divisional Crime Task Force and Traffic Corps personnel.

I am advised that local Garda management closely monitors such patrols, and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in these areas to ensure optimum use is made of Garda resources, and that the best possible Garda service is provided to the public. At this time, Garda Management is satisfied that a full and comprehensive policing service is being delivered and that current structures in place meet the requirements of the delivery of an effective and efficient policing service to the residents concerned.

In addition, An Garda Síochána continues to liaise with the relevant authorities at the drug treatment centres and with the transport service providers to reduce the opportunity for criminal activity and there is ongoing liaison through the Community Policing Unit with local residents and the business community to further address any issues of concern. Finally, I am assured by the Garda authorities that the situation will be kept under review.

Proposed Legislation

411. Deputy Mattie McGrath asked the Minister for Justice and Equality his plans to introduce increased regulation in the cash for gold and scrap metal industries in view of the increased amount of robberies of gold and metal; and if he will make a statement on the matter.  [31098/11]

Minister for Justice and Equality (Deputy Alan Shatter): My Department is currently finalising a report on criminal justice aspects of the ‘Cash for Gold’ trade and I can inform the Deputy that this report will be submitted to me shortly for consideration. Following consideration of the report I will make an assessment as to what, if any, action, legislative or otherwise, may be required. I will, in due course, make known the report’s findings and any proposals which may arise.

My Department has been in close contact with the Commissioner of An Garda Síochána with a view to monitoring the position in respect to the ‘Cash for Gold’ trade. I can inform the Deputy that the Commissioner has reported that all ‘Cash for Gold’ premises in the State have been visited by An Garda Síochána and the operators of such premises have been made aware of their responsibilities and obligations with regard to purchasing gold and jewellery. In addition, I have been informed that contact information has been provided to ‘Cash for Gold’
operators by An Garda Síochána which will facilitate the reporting of any suspicious activity. The Commissioner has also indicated that any new ‘Cash for Gold’ premises that may be identified will be visited by An Garda Síochána.

I should inform the Deputy that my Department has no role in relation to the scrap metal industry. Of course, any report of robberies of gold or metal should be referred to An Garda Síochána. With regard to the Deputy’s assertion that there has been an increase in the amount of robberies of gold and metal, I have requested the CSO to provide statistics directly to the Deputy.

412. **Deputy Brian Stanley** asked the Minister for Justice and Equality if he will commit to abolishing ground rents. [30310/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 already contains a statutory scheme whereby any person may, at reasonable cost, acquire the fee simple in his or her dwellinghouse. The scheme is operated by the Property Registration Authority and since it was introduced in 1978, over 80,000 applicants have availed of it to acquire the freehold title to their property.

I should point out that a High Court judgment upholding the constitutionality of the ground rents legislation was delivered in early 2006 but was subsequently appealed to the Supreme Court. That appeal has been heard and the Supreme Court has reserved its judgment. The operation of the law in this area continues to be monitored in my Department.

**Deportation Orders**

413. **Deputy Finian McGrath** asked the Minister for Justice and Equality the process and steps involved in deciding to issue a deportation order against a non-Irish national; if he will state the length of time a deportation order lasts before a person can return to the State; if he will detail the number of deportation orders that he has signed since taking up office; and if he will make a statement on the matter. [31136/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Deportation Orders can be made against failed asylum seekers or other categories of illegal immigrants. Failed asylum seekers will have already had a comprehensive and thorough examination of their asylum claim by the Office of the Refugee Applications Commissioner and, should they appeal, by the Refugee Appeals Tribunal. The option is then open to them to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006 (S.I. No. 518 of 2006). If their application for Subsidiary Protection is refused, their file is considered under Section 3 of the Immigration Act 1999 (as amended), and Section 5 of the Refugee Act, 1996 (as amended). Any representations submitted by them or on their behalf are considered in detail by reference to the criteria listed in Section 3 of the 1999 Act, as well as relevant international human rights instruments and domestic legal provisions, including Constitutional provisions where appropriate.

For illegal immigrants who have not claimed asylum or Subsidiary Protection, their file is considered in full in the same way as outlined above for failed asylum seekers under Section 3 of the Immigration Act 1999, (as amended) including any representations submitted by them or on their behalf by reference to the criteria listed in Section 3 of the 1999 Act, as well as relevant international human rights instruments and domestic legal provisions, including Constitutional provisions where appropriate.

A Deportation Order requires a person to remove themselves from the State and remain thereafter outside the State. A person cannot return to the state if a Deportation Order has
been issued against them and they have been removed. However, where new information in relation to a person who is the subject of a Deportation Order is brought to my attention by such a person or by their legal representative outlining significantly changed circumstances from those that pertained at the time the Deportation Order was signed, it is open to such persons to apply under Section 3(11) of the Immigration Act 1999 to have their Deportation Order revoked. Since 9 March, 2011, a total of 725 Deportation Orders have been made.

Departmental Funding

414. Deputy Finian McGrath asked the Minister for Justice and Equality the budget provided to the parole board for each of the past five years; if he will confirm his intention to establish the parole board as an independent statutory body; the reasons for this decision; if he will estimate the additional annual budget required for the first year of operation as an independent board; and if he will make a statement on the matter. [31137/11]

Minister for Justice and Equality (Deputy Alan Shatter): The budgetary allocations provided to the Parole Board along with the actual spend for the past five years are set out in the accompanying table. The spend for this year will not be known until year end.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Allocation</th>
<th>Actual Spend</th>
</tr>
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<tbody>
<tr>
<td>2007</td>
<td>€275,000</td>
<td>€305,000</td>
</tr>
<tr>
<td>2008</td>
<td>€292,000</td>
<td>€386,000</td>
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<td>2009</td>
<td>€288,000</td>
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<tr>
<td>2010</td>
<td>€275,000</td>
<td>€394,000</td>
</tr>
<tr>
<td>2011</td>
<td>€291,000</td>
<td>n/a</td>
</tr>
</tbody>
</table>

I recently announced my intention to enact legislation to place the interim Parole Board on a statutory footing. I believe this will help to strengthen the Parole Board and improve its functions and, while it may not be possible to introduce the relevant legislation this year, it is my hope to do so next year. In that context, I will be considering exactly what role it will play and what powers it should have. The budget required for the first year of operation will also be a matter for consideration.

Visa Applications

415. Deputy Sean Fleming asked the Minister for Justice and Equality if he will reconsider an application for an Irish visa from a person (details supplied) in view of the fact that the person, on arrival, will be covered by private medical insurance and will not be any burden on the State; and if he will make a statement on the matter. [31148/11]

Minister for Justice and Equality (Deputy Alan Shatter): It is open to the person concerned to appeal the decision to refuse the visa sought within two months of the date of refusal notice, in this instance before 11 December 2011. Each visa application, or a related appeal, is considered on its individual merits with the onus resting with the applicant to satisfy the Visa Appeals Officer as to why the visa sought should be granted. Any supporting information/documentation it is wished to have taken into consideration should be submitted. Guidelines on the visa appeals process can be found on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

I should remind the Deputy that queries in relation to the status of individual Immigration cases may also be made direct to INIS by Email using the Oirechtaas 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

416. **Deputy Sean Fleming** asked the Minister for Justice and Equality the position regarding an application for residency in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [31149/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy holds a Stamp 3 residency permission until the 31st January, 2012. The person concerned has already submitted an application to extend this permission to remain for a further 12 months. I understand from INIS that this is being given favourable consideration and a decision will issue to the person closer to her renewal date in January.

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.

Rights of People with Disabilities

417. **Deputy Micheál Martin** asked the Minister for Justice and Equality if he is satisfied with the arrangements he has put in place to co-ordinate disability issues on a cross-departmental basis; and his role in this regard. [28452/11]

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** The Programme for Government commits to publishing, “following wide consultation, a realistic implementation plan for the National Disability Strategy (NDS), including sectoral plans with achievable timescales and targets within available resources and ensuring whole-of-government involvement and monitoring of the Strategy, in partnership with the disability sector”.

As the Minister responsible for disability, in line with this commitment, I am in the process of assessing the monitoring and implementation structures already in place for the strategy. I will be announcing in the near future, the details of revised structures and processes for co-ordinating, monitoring and implementing the progression of the NDS. I am confident that the fresh approach which I am introducing, will re-invigorate the implementation of the National Disability Strategy and will assist in meeting the commitment in the Programme for Government.

Courts Service

418. **Deputy Dara Calleary** asked the Minister for Justice and Equality if he will outline the 2012 service plans for Courts Service facilities in County Mayo; the courthouses that will be closed in that county; and if he will make a statement on the matter. [31207/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service and I have no role in the matter. Section 4(3) of the 1998 Act provides that the Courts Service is independent in the performance of its functions, which
include the provision, maintenance and management of court buildings and provision of facilities for court users.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that at a meeting on 17 October last the Courts Service Board approved proposals to formally transfer District court business from Kiltimagh and Claremorris to the District Court sitting in Castlebar. Castlebar will therefore deal with the business previously conducted at the three venues and the Service has assured me that there is sufficient capacity in Castlebar to do this. These changes will take effect early next year.

As the Deputy will be aware, an excellent Courthouse is available in Castlebar where a €12 million project was completed in 2004. This refurbishment saw the number of courtrooms increased to four; additional improved public waiting areas; provision of consultation and practitioners rooms, extended court offices, judges’ chambers, universal access and an enhanced sense of privacy and dignity for all court users. The facilities have capacity for video conferencing and digital recording of proceedings which are requirements of an efficient 21st century court building.

The Courts Service has informed me that there are no further plans at this time to close or amalgamate other courthouses in County Mayo during 2012 beyond what has recently been announced. The Service keeps all venues across the country under constant review to ensure that, insofar as is possible, they meet the standard that court users are entitled to expect and also allow for best use of time and resources. This review is essential when the best use of all of available resources is of paramount concern having regard to the current financial climate and to an increase in court business of 40% nationwide over the past five years.

**Prison Accommodation**

419. **Deputy Maureen O’Sullivan** asked the Minister for Justice and Equality the specific time frame to bring prison conditions in line with international standards with particular regard to the issues of overcrowding, slopping out, violence and the lack of effective complaints and monitoring mechanisms. [31210/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy may wish to note my response to an earlier Question on the implementation of recommendations relating to prison conditions made by the Inspector of Prisons.

I receive regular updates on the implementation of the Inspector’s recommendations. The Inspector himself recognised that in certain areas prisons will not be able to comply with all the recommendations in the short term. As long as there is overcrowding and limitations on resources there will be difficulties in achieving full implementation.

However progress is being made. To give examples, issues raised by the Inspector regarding the general cleanliness of prisons including the need for broken fittings to be replaced are being addressed by the Governors of each institution. A programme for painting and cleaning is in place in each prison and those programmes are sufficient to meet the needs of that prison.

Areas mentioned by the Inspector include the use of special cells, prisoners’ complaints and the procedure to be followed following deaths of persons in custody. New procedures have been adopted and will be supported by changes to the Prison Rules which have been drafted. These are being finalised in conjunction with the Office of the Attorney General.

The Inspector also referred to minimum standards for prison accommodation and the regimes and services that should be provided. The Government, as you know, is committed to the elimination of slopping out in prisons. The upgrade of more than 100 cells at Mountjoy
Prison, including the installation of in-cell sanitation, will be completed by the end of this month. The Irish Prison Service will then consider the feasibility of installing in-cell sanitation in the remaining cells of Mountjoy and to other facilities elsewhere. The completion of the Midlands Prison extension and the provision of 70 extra dormitory style spaces in the Dóchas Centre will mean that 80% of the prisons estate will have in-cell sanitation by mid 2012.

The Inspector also recommended the creation of dedicated committal areas and vulnerable persons units in each closed prison. The Irish Prison Service is looking at all options available to implement these recommendations where they are not already in place.

In relation to the Inspector’s recommendation that drug free units be established in each closed prison to accommodate drug free prisoners, I can advise that Arbour Hill, St. Patrick’s Institution, the Training Unit and Wheatfield Prison already have drug free wing/landings or areas within their prisons. A drug free unit in Mountjoy Prison will become operational before the end of the year. The template developed for the operation of this unit should have application across many of the closed prisons where the development of a drug free unit is warranted. To this end, the Healthcare Directorate, working in conjunction with prison management, is looking at the options for the development of drug free areas in closed prisons.

Question No. 420 taken with Question No. 406.

Question No. 421 taken with Question No. 409.

Garda Stations

422. Deputy Pádraig Mac Lochlainn asked the Minister for Justice and Equality if he will give a commitment that he will not sign up to the closure of any Garda station until joint policing committees, local communities and community organisations including community alert committees, parish councils and representative groups for the elderly or disabled in each affected community are consulted and have the opportunity to make their case for the station’s retention. [31222/11]

Minister for Justice and Equality (Deputy Alan Shatter): As with every other public sector organisation, the reality is that the Garda Síochána is going to have to manage with reduced resources. The Garda Commissioner is therefore quite properly reviewing all aspects of the Garda Síochána’s policing model, so as to ensure that Garda resources are managed and deployed in the most appropriate manner to meet existing and emerging policing requirements.

The Garda Commissioner’s review will examine all aspects of current policing, including the deployment of personnel, the utilisation of modern technologies and the operation of Garda stations.

While no decision has been taken, clearly the reduction in public opening hours in some Garda stations, and the closure of other Garda stations, will be issues that the Garda Commissioner will have to address as part of the review. He may well have to consider whether, in appropriate cases, a better policing service could be delivered to a local community by having Garda members out on patrol rather than in a station.

I will very carefully consider the outcome of this review and the Commissioner’s policing plan for next year with the objective of ensuring that priority is given to the maintenance of frontline services.

Juvenile Offenders

423. Deputy Catherine Murphy asked the Minister for Justice and Equality the resource
challenges he foresees relating to the youth diversion scheme; if he has had discussions with other Departments regarding same; the outcome of these discussions; the Departments that have a role to play in delivering this scheme; if there is a formal relationship between him and other Departments; and if he will make a statement on the matter. [26012/11]

Minister for Justice and Equality (Deputy Alan Shatter): I must presume that the Deputy’s question is about diversion as it relates to youth crime. The Diversion Programme operates in accordance with Part 4 of the Children Act 2001, as amended, and under the general super-intendence and control of the Garda Commissioner. The aim of the Diversion Programme is to deal with juveniles who offend, by way of administering a formal or informal caution, thus diverting the offender away from the courts and minimising the likelihood of further offending. The programme embraces, whenever possible, the principles of restorative justice and it pays regard to the needs of the victims of youth offending. The programme has shown to be successful in diverting young offenders away from crime by offering guidance and support to the young people and their families.

In September I published the 2010 Annual Report of the Committee appointed to monitor the effectiveness of the Diversion Programme. This report gives details of the resources deployed by the Commissioner in relation to the programme. There were 7 new Juvenile Liaison Officer (JLO) posts created in 2010 to bring the total number of JLO posts to 123, comprising 115 Gardaí and 8 JLO Sergeants. It is the responsibility of the Garda Commissioner to decide on the prioritisation and allocation of resources within the force.

The work of the Garda Juvenile Liaison Officers under the Diversion Programme is supported by the Irish Youth Justice Service (IYJS) through the funding and oversight of 100 Garda Youth Diversion Projects (GYDPs) across the country. I wish to inform the Deputy that I will continue to maintain responsibility for the diversion and community aspects of the work of IYJS, while my colleague the Minister for Children and Youth Affairs will take responsibility for the Children Detention Schools in Oberstown. I will be consulting closely with my Ministerial colleague and with the Garda Commissioner in the continuing development of programmes to tackle youth crime.

Other Departments do not have a direct role in the delivery of the Diversion Programme, but they can support it indirectly by the provision of services to children in the groups most at risk. The focus of my colleague, the Minister for Children and Youth Affairs, is on harmonising policy issues that affect children in areas such as early childhood care and education, youth justice, child welfare and protection, children and young people’s participation, research on children and young people, youth work and cross-cutting initiatives for children. An Garda Síochána, the Probation Service and the Irish Youth Justice Service contribute to this work by membership, where appropriate, of various structures under the umbrella of the Department of Children and Youth Affairs including Children Services Committees and the National Children’s Strategy Implementation Group. I also have 2 nominated representatives on the National Children’s Advisory Council and a representative of the National Education Welfare Board.

Crime Levels

424. Deputy Nicky McFadden asked the Minister for Justice and Equality the measures that are in place to combat the rising theft of saleable scrap metals on farms; and the regulations in place to prevent the sale of stolen metal on the black market. [31246/11]
Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that An Garda Síochána is aware of an increase in the theft of metal. An Garda Síochána is targeting such crime, and burglaries and theft-related crimes generally, through a number of initiatives, including Supporting Safer Communities, which lay particular emphasis on burglary prevention and reduction, and a targeted response to burglary. Divisional Officers have been advised of measures which can be put in place to prevent and reduce such crime.

Such crime can be tackled only by a collaborative effort and a targeted multi-agency response. An Garda Síochána is in contact with stakeholders particularly affected by this type of crime, including the Irish Farmers’ Association, the Electricity Supply Board, telecoms, transport companies and brewing concerns and with local authorities and the Department of the Environment, Community and Local Government.

An Garda Síochána has undertaken a number of initiatives to raise awareness of metal theft. One such initiative is the development of advice on farm machinery theft prevention as part of the Garda Supporting Safer Communities campaign in June, 2011. This initiative provides advice on securing vulnerable farm equipment and is supported by the Irish Farmers’ Association. The advice is available on the Garda website www.garda.ie.

I am informed that a Garda Metal Theft Crime Prevention and Reduction Plan is currently in preparation.

Citizenship Applications

425. Deputy Martin Heydon asked the Minister for Justice and Equality the position regarding an application for naturalisation in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [31252/11]

Minister for Justice and Equality (Deputy Alan Shatter): Officials in the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy’s question.

Section 15 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The conditions are that the applicant must -

- be of full age
- be of good character
- have had a period of one year’s continuous residency in the State immediately before the date of application and, during the eight years immediately preceding that period, have had a total residence in the State amounting to four years
- have, before a judge of the District Court in open court, in a citizenship ceremony or in such manner as the Minister, for special reasons, allows—
  
  (i) made a declaration, in the prescribed manner, of fidelity to the nation and loyalty to the State, and

  (ii) undertaken to faithfully observe the laws of the State and to respect its democratic values.

In the context of naturalisation, certain periods of residence in the State are excluded. These include -
• periods of residence in respect of which an applicant does not have permission to remain in the State
• periods granted for the purposes of study
• periods granted for the purposes of seeking recognition as a refugee within the meaning of the Refugee Act, 1996.

Section 16 of the Irish Nationality and Citizenship Act 1956, as amended, provides that the Minister may, in his absolute discretion, waive some or all of the statutory conditions in certain circumstances i.e. where an applicant is of Irish descent or of Irish associations; where an applicant is a person who is a refugee within the meaning of the United Nations Convention relating to the Status of Refugees; or where an applicant is a Stateless person within the meaning of the United Nations Convention relating to the Status of Stateless persons.

It is open to any individual to lodge an application for citizenship if and when they are in a position to meet the statutory requirements as prescribed in the Irish Nationality and Citizenship Act 1956 as amended.

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.

426. **Deputy Simon Harris** asked the Minister for Justice and Equality the reason for the delay in processing an application for naturalisation as an Irish citizen in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [31296/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received, from the person referred to by the Deputy, in April 2008.

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.

**Crime Levels**

427. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of fixed penalty notices that have been issued for alcohol-related disorder for the years 2007 to 2010,
inclusive, and to date in 2011; the offences for which penalty notices can be issued; the amount generated through penalty notices; his plans to extend this scheme; and if he will make a statement on the matter. [31306/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Section 184 of the Criminal Justice Act 2006, which came into operation on 1 August, 2006, inserted into the Criminal Justice (Public Order) Act 1994 provision for a fixed charge procedure in relation to the offences of intoxication in a public place and disorderly conduct in a public place (sections 4 and 5 respectively of the Criminal Justice (Public Order) Act 1994). The provisions were amended by sections 20 and 21 of the Intoxicating Liquor Act 2008. The fixed charge is €100 and €140 for offences contrary to sections 4 and 5 respectively, which increases by 50% if not paid within a 28 day period. A summons issues if the charge is not paid within 56 days.

I am informed by the Garda authorities that the following table shows the number of fixed charge notices issued for offences contrary to these sections from October, 2008 to August, 2011. It is not possible to provide statistics for the number of fixed charge penalty notices issued in 2007 and in 2008 up to October without a disproportionate use of resources.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of fixed charge notices</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011 (to August)</td>
<td>3,985</td>
</tr>
<tr>
<td>2010</td>
<td>5,347</td>
</tr>
<tr>
<td>2009</td>
<td>3,718</td>
</tr>
<tr>
<td>2008 (from October)</td>
<td>344</td>
</tr>
</tbody>
</table>

I am informed that it is not possible to provide information on the amount generated to date by fixed charge notices for alcohol related offences without a disproportionate use of resources. I currently have no plans to extend the scheme.

**Road Traffic Offences**

428. **Deputy Seán Kenny** asked the Minister for Justice and Equality the procedures that gardaí must take when dealing with a vehicle which is travelling at high speed; and if he will make a statement on the matter. [31307/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

**Sexual Offences**

429. **Deputy Shane Ross** asked the Minister for Justice and Equality his plans to direct Irish Internet service providers to employ means through which access to Internet sites depicting child sexual abuse is restricted; and if he will make a statement on the matter. [31312/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The internet is a worldwide phenomenon with no borders and no single organisation controlling it. There is, however, an existing self-regulatory framework for internet service providers (ISPs) in operation in Ireland which actively encourages the adoption of best practice procedures aimed at limiting the proliferation of illegal child pornography content online. Members of the public may report such material to the [www.hotline.ie](http://www.hotline.ie) service of the Internet Service Providers’ Association of Ireland.
(ISPAI). If the material is hosted here and deemed to be illegal and in contravention of Irish law, ISPAI members are obliged to remove such materials. If the material is hosted in another jurisdiction, it is notified to the internet hotline in that jurisdiction and/or to the relevant law enforcement agencies for follow up, with the aim of having illegal content taken down.

At present all of the mobile phone operators in Ireland, under a voluntary agreement brokered by the European Commission with the GSM Alliance Europe, the association representing European mobile phone operators, implement a form of filtering on their mobile internet service, which prevents access to websites which have been identified as containing child pornography content.

In a number of EU Member States, a system of internet blocking/filtering has been introduced on a voluntary basis, whereby a “blocklist” of sites containing child pornography is made available by the police or other competent authorities, and is utilised by individual ISPs to prevent access to such content. It is generally acknowledged that all such internet blocking or filtering systems are not foolproof and can be circumvented in certain circumstances. However, such filtering systems are understood to be useful in preventing internet users from inadvertently encountering such illegal content. Of course, the key objective from a law enforcement perspective is to achieve the removal of such material from the internet at source.

A draft proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography was published in 2010 by the European Commission and is currently being negotiated by the EU institutions. The draft Directive contains a proposal which may require Member States to implement some form of blocking system in relation to websites containing child pornography. Ireland’s participation in the adoption and implementation of this Directive has been approved by the Government and the Oireachtas. The Directive is in the course of its final negotiations at EU level and is expected to be adopted in the near future. A two year period from the date of its adoption will apply to the transposition of this Directive into national law and possible further options to combat child pornography online will be considered in that context.

Residency Permits

430. Deputy Regina Doherty asked the Minister for Justice and Equality the reason behind the refusal to renew a Garda National Immigration Bureau card in respect of a person (details supplied) in County Meath; and if he will make a statement on the matter. [31370/11]

Minister for Justice and Equality (Deputy Alan Shatter): I have been informed by officials in the Irish Naturalisation and Immigration Service that the person referred to by the Deputy was initially granted residency in the State as the dependant of her parents who are EU nationals. However, her parents have now left the State and she no longer qualifies for residency under EU Treaty rights.

I am further informed that this person recently made an application for residency based on being in a de facto relationship with an Irish national. The application was refused as the couple failed to submit documentary evidence to prove that their relationship had been for a duration of at least two years.

They were advised that it is open to them to submit another application when the person in question and her partner can provide evidence that will support her application. I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be
obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Garda Operations

431. **Deputy Finian McGrath** asked the Minister for Justice and Equality if he will review a matter (details supplied) regarding anti-social behaviour in an area. [31373/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the premises referred to is within Whitehall Garda Sub-District. Local Garda management is aware of difficulties being experienced by residents in the area as a result of anti-social behaviour in the vicinity of the premises.

Liaison is maintained with the proprietor, management and staff of the premises regarding the difficulties being experienced. The premises is also subject to regular inspections under the liquor licensing legislation. Liaison is also maintained by the Community Policing Unit with local institutions and groups, and arrangements are being made to raise awareness of the difficulties caused by anti-social behaviour.

The area is the subject of regular patrols by uniform and plain clothes personnel, including the Community Policing Unit and the Mountain Bike Unit, supplemented as required by the District and Divisional Detective and Drug Units.

Local Garda management closely monitors and keeps under review patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public.

Current policing plans in the area are designed to address issues of crime and public order offences. Community policing is a central feature and core value of policing policy, and current policing strategies are predicated on the prevention of crime, public order offences and anti-social behaviour.

Departmental Agencies

432. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will provide a list of all commercial semi-State companies under his aegis. [31397/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that the bodies and agencies attached to my Department provide public services in the broad Justice area, and, as such, do not engage in any significant commercial activity.

Garda Vetting of Personnel

433. **Deputy Pearse Doherty** asked the Minister for Justice and Equality when a person (details supplied) in County Dublin may expect to receive Garda clearance. [31422/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** It is not clear what form of clearance the Deputy is referring to.

If he is referring to Garda Vetting issued by the Garda Central Vetting Unit then it is not possible to check the status of such an application in the absence of the date of birth of the individual concerned.

If however, the Deputy is referring to a different process, then the Garda authorities have advised me that further details will be required in order to make the necessary inquiries.
Deportation Orders

434. **Deputy Seán Ó Fearghaile** asked the Minister for Justice and Equality if he will defer the deportation of a family (details supplied) in County Kildare; and if he will make a statement on the matter. [31462/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The members of the family in question are subject to Deportation Orders and they are legally obliged to comply with any reporting requirements placed on them by the Garda National Immigration Bureau. To date they are continuing to report to the Bureau as directed.

However, there remains the option of applying to me for revocation of the Deportation Orders pursuant to the provisions of Section 3 (11) of the Immigration Act, 1999, as amended. However I wish to make clear that such an application would require substantial grounds to be successful and must be based on new information which was not capable of being presented to me prior to the Deportation Orders being signed. 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.

Control of Firearms

435. **Deputy John McGuinness** asked the Minister for Justice and Equality if he or the Garda Commissioner will set down guidelines which will inform applicants for firearm certificates of the meaning of the description good and sufficient reasons for requiring the firearm thus assisting all concerned regarding what is required by the legislation and the process; and if he will make a statement on the matter. [31478/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have asked the Garda Commissioner for a report on the matter and I will write to the Deputy when it becomes available.

Departmental Expenditure

436. **Deputy Billy Kelleher** asked the Minister for Justice and Equality the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers and all agencies under the aegis of his Department. [31522/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Total ICT expenditure for the Department and all agencies under the aegis of the Department in 2010, including staff costs, support and maintenance services, hardware, software, and external resources including consultancies, contractors and external service-providers was in the region of €26,445,000. These figures comprise expenditure for the following areas:

1. The Department itself and the bodies/offices/agencies on its IT Shared Service (see full list below)
2. Irish Prison Service
3. Irish Naturalisation and Immigration Service
4. Financial Shared Services
5. Equality divisions and agencies until their transfer to the Department of Community, Equality and Gaeltacht Affairs

The Department’s IT Shared Service, operating since 2003, provides centralised IT services to approximately 2,000 users in the Department and 27 agencies nationally and internationally. This approach ensures that the Department achieves economies of scale for the provision of these services, whilst reducing administration costs. Contracts and expenditure are regularly reviewed and suppliers engaged with to ensure that products and services are delivered at the most cost-effective rates.

A cross Departmental and cross agency ICT Governance Group, set up in early 2011, which has a remit in relation to the strategic overview and management of ICT developments, now reviews all proposed ICT expenditure to ensure value for money is achieved.

List of Departments, Offices and Agencies on the IT Shared Service:

Department of Justice and Equality
Anti Human Trafficking Unit
Casino Commission
Coroner’s Service
COSC
Criminal Injuries Compensation Tribunal
Criminal Law Codification
Equality Authority
Equality Tribunal
Financial Shared Services
Garda Inspectorate
INIS
Irish Film Classification Office
Irish Youth Justice Service
National Disability Authority
National Property Services Regulatory Authority
Office for Internet Safety
Office for the Promotion of Migrant Integration
Office of the Commissioner of Charitable Donations and Bequests
Office of the Data Protection Commissioner
Office of the Inspector of Prisons
Office of the Refugee Applications Commissioner
Parole Board
Private Security Authority
Reception & Integration Agency
Refugee Appeals Tribunal
State Pathology
Victims of Crime
Illicit Trade in Tobacco

437. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality his views on the penalty for cigarette smuggling (details supplied); and if he will make a statement on the matter. [31532/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The penalties for offences relating to the smuggling of tobacco products and the sale of illicit or counterfeit tobacco are provided for in the Finance Acts. The Finance Acts are, of course, a matter for the Minister for Finance.

With regard to the particular penalties imposed by the Courts in dealing with this offence type, the position is that the Courts are, subject only to the Constitution and the law, independent in the exercise of their judicial functions and the conduct of any court case is a matter entirely for the presiding judge.

It is not open to me to comment or intervene in any way in relation to how particular proceedings are conducted or on the outcome of those proceedings. It is a matter for the court having considered all the circumstances of the case to impose an appropriate penalty.

The question of whether there should be further amendments to the penalty provisions applying to these offences is a matter for my colleague Mr. Michael Noonan TD, Minister for Finance.

Garda Vetting of Personnel

438. **Deputy Billy Timmins** asked the Minister for Justice and Equality the position regarding a Garda vetting application in respect of a person (details supplied); if this will be dealt with as a matter of urgency; and if he will make a statement on the matter. [31560/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Authorities that a vetting application was received by the Garda Central Vetting Unit (GCVU) in respect of the person concerned and that it is currently being processed.

A response will issue to the registered organisation in due course. All organisations registered with the GCVU are aware of the time taken to process applications and have been advised to factor this into their recruitment and selection process. I am informed that the current processing time is an average of 9 weeks.

Expenditure Reviews

439. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which he will ensure that budgetary reviews currently undertaken by him will not result in a reduction or diminution of Garda cover having particular regard to existing and identified sensitive areas in regard to organised crime; and if he will make a statement on the matter. [31568/11]

440. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will ensure that current budgetary reviews in his Department will not materially affect the extent to which the resources of An Garda Síochána are available to meet the challenges of organised crime; and if he will make a statement on the matter. [31569/11]

443. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality his proposals to ensure the availability of the maximum resources to tackle criminal gangland activity; and if he will make a statement on the matter. [31572/11]
Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 439, 440 and 443 together.

As I have indicated to this House on many occasions, tackling serious and organised crime, and bringing those involved to justice, is a key priority for the Government. At operational level the implementation of specific measures to deal with criminal gangs and their criminal activities is a matter for the Garda Commissioner.

I also wish to make it clear that when it comes to the general allocation of financial resources to An Garda Síochána the Government is committed to maintaining frontline services. I will, of course, continue to engage with my colleague the Minister for Public Expenditure and Reform regarding the Garda budget for 2012 and beyond.

Garda management closely monitors the allocation of resources, including transfers and retirements, in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level, to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public. Senior Garda Management is satisfied that a full and comprehensive policing service continues to be delivered and that current structures in place meet the requirement to deliver an effective and efficient service to the community.

Question No. 441 answered with Question No. 80.

Garda Equipment

442. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will ensure that the full of extent of technology required remains available to the gardaí notwithstanding the economic situation having particular regard to the need to ensure adequate resources in respect of crime prevention, detection and punishment; and if he will make a statement on the matter. [31571/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that resources to ensure that Information and Communications Technology (ICT) is used effectively by An Garda Síochána will continue to be made available to the greatest extent possible. Over the past number of years there has been considerable progress in the delivery of new ICT solutions to support An Garda Síochána. These include major initiatives such as the deployment of a Digital Radio System and an Automated Fingerprint Information System.

Question No. 443 answered with Question No. 439.

Prison Committals

444. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which an assessment has been carried out in to the number of prison spaces currently occupied by persons incarcerated for non-criminal offences; the number of persons if known in respect of whom warrants have been issued and are outstanding in respect of criminal offences; and if he will make a statement on the matter. [31573/11]

Minister for Justice and Equality (Deputy Alan Shatter): I understand that the Deputy is referring to the number of individuals who are in custody for non payment of fines, debtor offences and contempt of court. The numbers of such individuals in custody on 30 September, 2011 is set out in the table below.
It is not possible to provide the information requested on the number of persons in respect of whom warrants have been issued and are outstanding in respect of criminal offences without the manual examination of the numerous records concerned. This would require a disproportionate and inordinate amount of staff time and effort which can not be justified in current circumstances where there are other significant demands on resources.

The Deputy will appreciate that in cases involving persons being held in contempt of court, the ongoing detention of the person concerned is a matter for the Courts. Consequently it is not open to me to intervene in this matter. I might also mention that the Fines Act 2010 introduces a number of measures to prevent the automatic imprisonment of fine defaulters. In particular it has provisions dealing with capacity to pay, payment by instalments, recovery by appointment of a receiver and community service in default of payment of a fine. I intend to introduce further measures which will allow recovery by means of attachment of earnings orders.

### Garda Operations

445. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which provision is being made or enhanced to combat the activity of criminal gangs; and if he will make a statement on the matter. [31574/11]

448. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he has monitored the level of activity in criminal gangs; and if he will make a statement on the matter. [31577/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 445 and 448 together.

Tackling serious crime remains a key ongoing priority both for the Government and for An Garda Síochána.

The Policing Plan of An Garda Síochána for 2011 sets out the commitment of An Garda Síochána to pro-actively target groups and individuals engaged in organised criminal activities.

Accordingly, the Garda Commissioner has put special measures in place to combat criminal gangs. These measures include the deployment of significant resources with a number of operational approaches, including a multi-agency approach and the use of intelligence-targeted operations.

The lead role in this approach is being undertaken by the Garda Organised Crime Unit which targets organised criminal gangs. The Unit works in conjunction with other Garda national units such as the Emergency Response Unit, the Bureau of Fraud Investigation and the Criminal Assets Bureau.

All of these units cooperate very closely and as a result of targeted Garda operations in this area a number of persons (including members of criminal groups) are before the Courts charged with serious offences.

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
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<tbody>
<tr>
<td>Fines Offences</td>
<td>13</td>
</tr>
<tr>
<td>Debtor Offences</td>
<td>0</td>
</tr>
<tr>
<td>Definite contempt of court</td>
<td>5</td>
</tr>
<tr>
<td>Indefinite contempt of court</td>
<td>3</td>
</tr>
</tbody>
</table>
Through this work the monitoring of organised criminal gangs is ongoing and is kept under constant review.

The Deputy will also be aware that the criminal law targeting organised crime has, in recent times, been the subject of significant amendment, primarily with the introduction of the Criminal Justice (Amendment) Act 2009 and other related pieces of legislation including the Criminal Justice (Surveillance) Act 2009 with regard to covert surveillance, and the Criminal Justice (Miscellaneous Provisions) Act 2009 with regard to the use of weapons.

As I have indicated previously to the House, it is my intention to keep under review the question of whether any further improvements could be made to the overall legislative framework in this area to render it more effective. In this regard, I have recently written to the Garda Commissioner to ascertain his views on the operation of this body of legislation and, in particular, the operation of the 2009 Act. In addition, in accordance with the commitments contained in the Programme for Government it is my intention, in due course, to bring forward legislative proposals which will serve to strengthen the powers of the Criminal Assets Bureau in relation to forfeiting the proceeds of crime.

Crime Prevention

446. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the degree to which provisions are being made to prevent money laundering; and if he will make a statement on the matter. [31575/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 replaced the money laundering provisions of the Criminal Justice Act 1994 and transposed the requirements of the third EU Money Laundering Directive.

The Act strengthens Irish legislation on money laundering by creating broader money laundering offences and extending anti-money laundering regulatory systems.

The scope of the offence of money laundering was broadened substantially under the Act and now includes any concealment, conversion, handling etc. of property where a person knows, believes, or is reckless as to whether property represents the proceeds of “criminal conduct”. Criminal conduct is defined (in section 6) to include any conduct that constitutes an offence, whereas formerly the definition was confined to indictable (serious) offences.

The Act provides that a “designated person” is required to carry out what are known as customer due diligence measures. These include verifying the identity of customers and monitoring their transactions in order to detect money laundering. Section 42 of the Act requires a “designated person” who knows, suspects or has reasonable grounds to suspect, on the basis of information obtained in the course of business, that another person has been or is engaged in money laundering or terrorist financing to report this to the Financial Intelligence Unit of the Garda Bureau of Fraud Investigation and the Revenue Commissioners.

The Act defines a “designated person” to include a credit or a financial institution, an auditor, external accountant or tax adviser, a relevant independent legal professional, a trust or company service provider, a property service provider, a person who directs a private members club at which gambling activities are carried on, a person trading in goods in respect of transactions involving the receipt of cash of at least €15,000 or any other person of a prescribed class. The Act provides for designated persons to be supervised as regards their money-laundering prevention responsibilities by a relevant competent authority. Banks and other credit and financial institutions are supervised by the Central Bank, accountants by their relevant designated accountancy body, solicitors and barristers by the Law Society and Bar Council respectively and any remaining designated persons are supervised by an authority prescribed by the Mini-
ster. The Act for the first time designated the Minister for Justice and Equality as a competent authority for a number of sectors that were previously unsupervised for this purpose.

Prison Services

447. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the degree to which rehabilitative programmes remain available throughout the prison service with particular reference to those accused of minor crimes; and if he will make a statement on the matter. [31576/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Irish Prison Service provides a range of rehabilitative programmes which have the dual purpose of providing prisoners with purposeful activity while serving their sentences and encouraging and equipping them to lead productive lives on release. The full range of services is available to all prisoners, although prisoners on shorter sentences may not be able to complete the full range of coursework and programmes. Staff however have a wealth of experience in tailoring programmes to suit both short term and long term prisoners and endeavour to provide as complete a regime as possible within the time available.

Programmes provided include healthcare, psychiatric, psychological, educational, work and training, vocational, counselling, welfare and spiritual services. These are important in addressing offending behaviour, drug and alcohol addiction, missed educational and vocational opportunities, anger management, and self management in the interest of encouraging positive personal development and preparation for re-integration and resettlement on release from custody.

Educational services are available at all institutions and are provided in partnership with a range of agencies including the VECs, Public Library Services, Colleges and the Arts Council. The Department of Education and Skills provides an allocation of 220 whole-time teacher equivalents which has remained unaltered since 2007. Literacy, numeracy and general basic education provision is the priority and broad programmes of education are made available which generally follow an adult education approach. During 2010, approximately 35% of the prison population attended classes. A significant expansion and development of vocational training programmes has taken place in recent years with over 90 workshops in place capable of catering for in excess of 800 prisoners each day. 874 prisoners attended such courses last year, up from 376 who participated in 2009.

The Psychology Service offers group and individual interventions to all prisoners. Group interventions include programmes on motivational enhancement, relapse prevention, anxiety management, dialectical behaviour therapy, stress management, enhanced thinking skills and anger control. A particular emphasis has been put on the development of programmes for prisoners convicted of sex offences and violent offences. Individual interventions comprise therapeutic work focusing on mental health care and offence-related issues, motivational and crisis counselling. Progress is also being made on the development of programmes based on risk assessment and rehabilitation needs.

The Probation Service also helps prisoners to maintain links with family and community agencies, encouraging them to address their offending behaviour, and engaging prisoners in individual counselling and group counselling programmes such as offending behaviour, addiction, violence and sex offending.

*Question No. 448 answered with Question No. 445.*

Courts Service

449. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent if any
to which changes have been implemented to address any backlog in the courts system; if there are particular areas identified as being in need of specific attention in this regard [31578/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The management and administration of the courts, as the Deputy will be aware, is a matter for the Courts Service. The allocation of the business of the courts, scheduling of court cases and the management of court lists are matters for the judiciary and the Presidents of the courts. The Deputy will also be aware that judges are, subject to the Constitution and the law, independent in the exercise of their judicial functions.

I am informed that the judiciary monitor waiting times and backlogs of court cases on an ongoing basis to ensure that delays are kept to a minimum. Measures introduced by the President of the High Court have resulted in marked improvements with many cases now receiving trial dates within a single legal term. Additional judges are assigned by the Presidents to Circuits and to Districts to assist with the disposal of cases where backlogs have arisen. The Courts Service works with the judiciary to ensure that all cases are dealt with and disposed of as speedily as possible.

Notwithstanding this I intend to take action, within my area of responsibility as Minister, to seek to address particular problems as they arise. For example, following a judgment last year of the European Court of Human Rights I recently established an Expert Group under the chair of Mr Paul McDermott, SC to consider, inter alia, how delays might be alleviated and I look forward to considering their report when it is to hand.

As the Deputy will be aware, an area of particular concern is the backlog at Supreme Court level which currently stands at 37 months. The Government is committed to establishing a court of appeal and in this regard my Department is further considering the report of the Working Group on a Court of Appeal. My Department, also, is in the process of finalising the Heads of a Mediation and Conciliation Bill that will provide a more structured approach to mediation in the legal system and will assist in removing the pressure on court time and the courts.

**Witness Intimidation**

450. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality his plans if any to prevent intimidation of witnesses by criminals on bail; and if he will make a statement on the matter. [31579/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Section 41 of the Criminal Justice Act 1999 makes it an offence to harm or threaten, menace or in any other way intimidate or put in fear a person who is assisting in the investigation by An Garda Síochána of an offence or a witness or potential witness or a juror or potential juror in proceedings for an offence or a member of his or her family, intending to obstruct, pervert or interfere with an investigation or the course of justice.

The original penalty provided for in the 1999 Act upon being found guilty under this section was 10 years. In view of the gravity with which this type of criminal activity is viewed, the penalty was increased to 15 years by the Criminal Justice (Amendment) Act 2009.

The Gardaí rigorously enforce the provisions of the law relating to witness and jury intimidation and, of course, will continue to do so.

**Departmental Agencies**

451. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will provide the following information regarding the agencies operating under the aegis of his Department (details supplied), the number of whole time equivalent staff, the number of board members;
the chairperson and board members respective remuneration packages; the annual wage bill and the amount of central funding provided to the agency inclusive of wage bill  [30774/11]

**Minister for Defence (Deputy Alan Shatter):** The information requested in relation to the Army Pensions Board and the Board of Civil Defence is as follows:

<table>
<thead>
<tr>
<th>Name of Agency</th>
<th>Number of Board Members</th>
<th>Whole Time Equivalent Staff Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Defence</td>
<td>14</td>
<td>25.2</td>
</tr>
<tr>
<td>Army Pensions Board</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

There is no remuneration paid to the members of these boards.

<table>
<thead>
<tr>
<th>Name of Agency</th>
<th>Estimated Annual Wage Bill 2011</th>
<th>Budget Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Defence</td>
<td>€1,226,770</td>
<td>€5,585,000</td>
</tr>
<tr>
<td>Army Pensions Board</td>
<td>€83,102</td>
<td>€103,000</td>
</tr>
</tbody>
</table>

452. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will provide a list of all non-commercial State agencies under the aegis of his Department.  [30780/11]

454. **Deputy Mary Lou McDonald** asked the Minister for Defence if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer.  [30885/11]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 452 and 454 together.

The non commercial State agencies under the aegis of the Department of Defence are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard.

The staff of the Civil Defence Board and the Army Pensions Board are paid from the Exchequer by the Department of Defence.

In the context of settling the Estimates for the Department of Defence for 2010, the Government decided that the national sail training scheme operated by Coiste an Asgard would be discontinued as recommended in the Report of the Special Group on Public Service Numbers and Expenditure. As a result, no funding was provided in 2010 or 2011. No staff have been seconded to Coiste an Asgard since 2010, and the Board will be dissolved shortly.

**Defence Forces Strength**

453. **Deputy Robert Troy** asked the Minister for Defence further to Parliamentary Question No. 150 of 12 October 2011, the established strength in each rank as provided in Defence Force regulations and the strength by rank which he now approved in tabular form.  [30836/11]

**Minister for Defence (Deputy Alan Shatter):** The attached tables outline the established and actual strength in each rank of the Reserve Defence Force, Army, Naval Service and Reserve Defence Force Training Authority as at 30 September 2011, the latest date for which figures are available. I understand a detailed response to Question No. 150 of 12 October 2011 will be issued to you later this week.
### Army Reserve

<table>
<thead>
<tr>
<th>Lt Col</th>
<th>Comdt</th>
<th>Capt</th>
<th>Lt</th>
<th>Total Officers</th>
<th>SM</th>
<th>BQMS</th>
<th>CS</th>
<th>CQMS</th>
<th>SGT</th>
<th>CPL</th>
<th>Total NCOs</th>
<th>PTES</th>
<th>CADETS</th>
<th>Total</th>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Army Res Established Strength</td>
<td>3</td>
<td>130</td>
<td>274</td>
<td>277</td>
<td>684</td>
<td>18</td>
<td>18</td>
<td>106</td>
<td>133</td>
<td>838</td>
<td>1723</td>
<td>2836</td>
<td>5772</td>
<td>0</td>
</tr>
<tr>
<td>Army Res Actual Strength as at 30 September 2011</td>
<td>3</td>
<td>82</td>
<td>170</td>
<td>280</td>
<td>535</td>
<td>12</td>
<td>14</td>
<td>81</td>
<td>79</td>
<td>582</td>
<td>888</td>
<td>1656</td>
<td>2916</td>
<td>0</td>
</tr>
</tbody>
</table>

### Naval Reserve

<table>
<thead>
<tr>
<th>Lt Col</th>
<th>Comdt</th>
<th>Capt</th>
<th>Lt</th>
<th>Total Officers</th>
<th>SM</th>
<th>BQMS</th>
<th>CS</th>
<th>CQMS</th>
<th>SGT</th>
<th>CPL</th>
<th>Total NCOs</th>
<th>PTES</th>
<th>CADETS</th>
<th>Total</th>
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</tr>
<tr>
<td>Naval Res Established Strength</td>
<td>0</td>
<td>4</td>
<td>28</td>
<td>0</td>
<td>32</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>12</td>
<td>24</td>
<td>48</td>
<td>88</td>
<td>280</td>
<td>0</td>
</tr>
<tr>
<td>Naval Res Actual Strength as at 30 September 2011</td>
<td>0</td>
<td>3</td>
<td>10</td>
<td>7</td>
<td>20</td>
<td>0</td>
<td>3</td>
<td>10</td>
<td>30</td>
<td>53</td>
<td>151</td>
<td>0</td>
<td>224</td>
<td></td>
</tr>
</tbody>
</table>

### Non-Integrated RDF Training Authority (RDFTA):

<table>
<thead>
<tr>
<th>Lt Col</th>
<th>Comdt</th>
<th>Capt</th>
<th>Lt</th>
<th>Total Officers</th>
<th>SM</th>
<th>BQMS</th>
<th>CS</th>
<th>CQMS</th>
<th>SGT</th>
<th>CPL</th>
<th>Total NCOs</th>
<th>PTES</th>
<th>CADETS</th>
<th>Total</th>
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<td></td>
</tr>
<tr>
<td>RDFTAN on Int Established Strength</td>
<td>1</td>
<td>4</td>
<td>17</td>
<td>1</td>
<td>23</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>2</td>
<td>15</td>
<td>11</td>
<td>32</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>RDFTA Actual Strength as at 30 September 2011</td>
<td>0</td>
<td>4</td>
<td>8</td>
<td>6</td>
<td>18</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>10</td>
<td>0</td>
<td>13</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
[Deputy Alan Shatter.]

Question No. 454 answered with Question No. 452.

Departmental Expenditure

455. **Deputy Anne Ferris** asked the Minister for Defence if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility, for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30951/11]

**Minister for Defence (Deputy Alan Shatter):** The Chief State Solicitors Office and the State Claims Agency deal with all legal matters on behalf of the Department. As such it would seldom arise that the Department procures the services of external solicitors and barristers directly. In 2007 McCann Fitzgerald solicitors were contracted, through a competitive tendering process, to provide legal drafting, research and advice services in relation to the drafting of new Rules and Procedure and Court Martial Rules following the enactment of the Defence (Amendment) Act, 2007. A payment for this service was made in 2008 to the value of €53,845 which included VAT. No legal firm was involved in the preparation of the tender documents.

The Defence Forces Canteen board has procured legal advice from B.P. McCormack & Son, Solicitors. The only payment made in the years listed was a payment of €5,505.50 in 2008 in relation to two cases. Firstly, advice was sought concerning the amendment of regulations and, secondly, legal advice was sought in a case taken by an employee of the Board.

In 2011, AL Goodbody Solicitors were paid €21,168.75 for their work in relation to a conciliation hearing between the Department and a building contractor. No competitive tender competition was held due to the short timescale available between notification of the requirement for legal advice and the date of the conciliation meeting. AL Goodbody was selected to provide this service on the basis that they had been engaged by the Department of Finance to provide advice on the contract documents that were the subject matter of the hearing.

456. **Deputy Mary Lou McDonald** asked the Minister for Defence the annual cost of the licensed payroll system, Corepay, to his Department. [31054/11]

**Minister for Defence (Deputy Alan Shatter):** The annual running cost of the Corepay payroll system for my Department, based on 2011 payments, is €72,734. This cost is broken down as follows:

| Annual Maintenance (paid to Core International) | € |
| Annual Support Costs for Oracle Database Licences for 400 users (paid to Oracle EMEA) | 41,837 |
| | 30,897 |

Note: These licences also allow the 400 users to access the eBusiness suite of Oracle applications used for accounts and integrated management information systems in the Department.

Departmental Bodies

457. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will provide a list of all commercial semi-State companies under his aegis. [31390/11]
Minister for Defence (Deputy Alan Shatter): There are no commercial semi-state bodies under the aegis of the Department of Defence.

Departmental Expenditure

458. Deputy Billy Kelleher asked the Minister for Defence the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers; and all agencies under the aegis of his Department. [31515/11]

Minister for Defence (Deputy Alan Shatter): The total expenditure on ICT in 2010 for my Department and agencies under the aegis of the Department is as follows:

<table>
<thead>
<tr>
<th></th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Defence¹</td>
<td>3,605,012</td>
</tr>
<tr>
<td>Defence Forces²</td>
<td>6,545,268</td>
</tr>
<tr>
<td>ODF</td>
<td>40,750</td>
</tr>
</tbody>
</table>

¹This includes the Civil Defence Board and the Army Pensions Board as the Department provides IT services to both.
²This does not include staff costs for the Defence Forces as it was not possible to collate the relevant staff costs within the timeframe required. This information will be provided to the Deputy in writing once it has been collated.

Grant Payments

459. Deputy Paul J. Connaughton asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will receive an area-based payment; and if he will make a statement on the matter. [30751/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 4th May 2011. This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection.

During this visit discrepancies were found in relation to a number of parcels. As a result of these discrepancies the claimed area of 20.56ha was reduced to 19.4ha. Under EU Regulations if the total area found is not sufficient to support the number of entitlements held penalties will be applied per the Terms and Conditions of the scheme. In this case the number of entitlements held by the person named is 20.24. As the difference between the area declared and the area found is more than 3%, under EU Regulations, the difference between the area found and the area claimed is doubled and deducted from the area found. As a result the area put forward for payment under the Single Payment Scheme was 17.72ha.

Formal notification of these results will be forwarded to the person named in writing. If the person named is not satisfied with the results of the inspection, he may seek a review by contacting his Local Office. He also has the right to appeal the outcome of any such review to the Independent Agriculture Appeals Office.

460. Deputy Paul J. Connaughton asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will receive an area-based payment; and if he will make a statement on the matter. [30752/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person
named on the 21st April 2011. This application was selected for and was the subject of a Ground Eligibility Inspection.

During this visit discrepancies were found in relation to number of parcels. As a result of these discrepancies the claimed area of 34.5ha was reduced to 33.15ha. Under EU Regulations if the total area found is not sufficient to support the number of entitlements held penalties will be applied per the Terms and Conditions of the scheme. In this case the number entitlements held by the person named is 34.47. As the difference between the area declared and the area found is more than 3%, under EU Regulations, the difference between the area found and the area claimed is doubled and deducted from the area found. As a result the area put forward for payment under the Single Payment Scheme was 30.51ha.

Formal notification of these results will be forwarded to the person named in writing. If the person named is not satisfied with the results of the inspection, he may seek a review by contacting his Local Office. He also has the right to appeal the outcome of any such review to the Independent Agriculture Appeals Office.

**Milk Quota**

461. **Deputy Paul Connaughton** asked the Minister for Agriculture, Food and the Marine if a person (details supplied) in County Galway who has applied for additional milk quota will be successful; and if he will make a statement on the matter. [30763/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Department has received an application from the person named to purchase quota in the first stage of the 2012/2013 Milk Quota Trading Scheme.

Applications to the scheme are currently being processed. I expect to be in a position to announce the results of the Scheme in early December. However, results specific to the outcome of an individual’s application will be notified to the applicant by his/her milk purchaser, around that time also.

**Departmental Agencies**

462. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will provide the following information regarding the agencies operating under the aegis of his Department (details supplied); the total number of whole-time equivalent staff; the number of board members; the chairperson and board members respective remuneration packages; the annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill. [30770/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The information requested by the Deputy can be found listed in the following table. The Agriculture Appeals Office, An Foras Orgánaíach and COFORD (National Council for Forest Research and Development) are not agencies but are part of my Department and as such would be included in any Departmental figures.
<table>
<thead>
<tr>
<th>Body</th>
<th>Total Number of Staff (Full-time equivalents)</th>
<th>Total Number of Board Members</th>
<th>Remuneration</th>
<th>Total Annual Wage Bill</th>
<th>Total Amount of Central Funding for each Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquaculture Licensing Appeals Board (ALAB)</td>
<td>0.251</td>
<td>7</td>
<td>Chair: €8,978; Ordinary Board member: €5,985</td>
<td>—</td>
<td>€300,000</td>
</tr>
<tr>
<td>Bord Bia (Irish Food Board)</td>
<td>97</td>
<td>15</td>
<td>Chair: €20,520; Ordinary Board member: €11,970</td>
<td>€9.16m</td>
<td>€35.182m</td>
</tr>
<tr>
<td>Bord Iascaigh Mhara</td>
<td>125.2</td>
<td>5</td>
<td>Chair: €11,970; Ordinary Board member: €7,695</td>
<td>€8,949m including pensioners</td>
<td>€16.738m</td>
</tr>
<tr>
<td>Marine Institute</td>
<td>188.1</td>
<td>8</td>
<td>Chair: €11,970; Ordinary Board member: €7,695</td>
<td>€7.4m (Centrally Funded Staff) €3.325m (Other wage costs funded independently of central pay funding)</td>
<td>€24.2m</td>
</tr>
<tr>
<td>National Milk Agency</td>
<td>5</td>
<td>14</td>
<td>Only the Chair receives remuneration of €8,978 per annum</td>
<td>€340,930</td>
<td>Nil</td>
</tr>
<tr>
<td>Sea Fisheries Protection Authority (SFPA)</td>
<td>96</td>
<td>3</td>
<td>Authority is comprised of 3 staff. No additional remuneration paid to Authority members.</td>
<td>€7.2m</td>
<td>€10.9m</td>
</tr>
<tr>
<td>Teagasc</td>
<td>1,262.55</td>
<td>12</td>
<td>Chair: €20,520; Ordinary Board member: €11,970</td>
<td>€79.709m</td>
<td>€126.165m</td>
</tr>
<tr>
<td>Veterinary Council of Ireland</td>
<td>4</td>
<td>19</td>
<td>No remuneration is paid to Board members</td>
<td>€202,585</td>
<td>Nil</td>
</tr>
</tbody>
</table>

1Department of Agriculture, Food and the Marine staff

463. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30776/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are 12 State Bodies that fall under the aegis of my Department, 8 of which are classified as non-commercial and are listed as follows.

State Body

Aquaculture Licensing Appeals Board

Bord Bia

Bord Iascaigh Mhara

Marine Institute

National Milk Agency
Deputy Michelle Mulherin asked the Minister for Agriculture, Food and the Marine the reason for the delay in processing of an application for the single payment for 2011 in respect of a person (details supplied) in County Mayo; the date by which the payment will be made; and if he will make a statement on the matter. [30814/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): There are no delays in payments to farmers under the Single Farm Payment Scheme, the earliest payment date provided for under EU rules being 1 December. However, mindful of the significance to the wider rural economy of the Single Payment, earlier this year I successfully sought the approval of the Commissioner to have advance payments made as and from 17 October. This is the earliest possible legal date for making payments, being the start of the new EU financial year.

Insofar as the person named is concerned, an application under the 2011 Single Payment Scheme was received on 13 April 2011, processing of which has recently been completed, thereby allowing 50% advance payment to issue on 17 October.

465. Deputy Michelle Mulherin asked the Minister for Agriculture, Food and the Marine the reason for the delay in REP scheme 2010 payment in respect of a person (details supplied) in County Mayo; and if he will expedite the processing of this application and the issue of payment. [30824/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st of September 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a discrepancy arose in relation to the parcel use on two of the land parcels listed on the application of the person named. Officials in my Department have been in direct contact with the person named with a view to resolving the problem and issuing payment as quickly as possible.

466. Deputy Charlie McConalogue asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Donegal; and if he will make a statement on the matter. [30826/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in January 2009 and received full payment for the first two years of their contract. In addition, 75% of their third year payment issued on 13th June 2011 for the amount of €5,551.85.

An area based discrepancy was subsequently discovered following a cross check between the SPS application for 2010 from the person named and the REPS agri-environmental plan which
has resulted in the imposition of a penalty and a delay in processing the final 25% payment under REPS 4 for 2010. My Department is currently making arrangements to process the outstanding 25% payments to farmers in instances where penalties have been imposed. These outstanding payments will commence in the next week or so.

Arrangements are also well advanced to issue payments in respect of 2011 and I expect that these payments will commence in November.

**Fisheries Protection**

467. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine his views regarding herring fishery in 2011 (details supplied); when he expects a decision to be made on the matter; and if he will make a statement on the matter. [30851/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Earlier this year I asked the fishing industry and other interested parties to make proposals on the future management arrangements for all Irish herring fisheries, including the Celtic Sea stock. In response to this a number of proposals were received, many offering conflicting views, particularly in regard to the need to ring fence the fisheries. Taking account of the views expressed I have asked my Department to prepare options for my consideration taking all issues into account. When I have chosen a preferred option, I plan to make this available to Industry representatives for views before making a final decision on the management arrangements for 2012 herring fisheries.

**Grant Payments**

468. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will receive their area based payment; and if he will make a statement on the matter. [30869/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 18 April 2011, processing of which has recently been completed, thereby allowing payment to issue shortly, directly to the nominated bank account of the person named.

**Departmental Agencies**

469. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30881/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Most non-commercial State Bodies under the aegis of my Department receive direct funding from my Department. This funding is used to cover a wide variety of activities depending on the nature and remit of the body. It also covers the admin and salary costs of the organisation. The National Milk Agency is funded by a levy on the Dairy industry and does not receive any finance.

**Grant Payments**

470. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [30901/11]
Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st of September 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in relation to the accumulation of actions on one of the land parcels. Officials in my Department have been in contact with the person named with a view to resolving the problem and issuing payment as quickly as possible.

471. Deputy John O’Mahony asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a disadvantaged area aid payment; and if he will make a statement on the matter. [30904/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 9 May 2011.

This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection. This inspection was completed and the results are now being processed.

In the vast majority of inspected cases amendments have had to be made to the maps in order that the Land Parcel Identification System that is used for making payments to farmers is kept up-to-date. Processing of these changes is continuing and priority is given to applications who were the subject of a Ground Eligibility Inspection.

472. Deputy John O’Mahony asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a disadvantaged area aid payment; and if he will make a statement on the matter. [30913/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 10 May 2011, processing of the application has recently been completed, thereby allowing payment to issue to the applicant on 21 October 2011.

473. Deputy Charlie McConalogue asked the Minister for Agriculture, Food and the Marine when a single farm payment will issue to a person (details supplied) in County Donegal; and if he will make a statement on the matter. [30952/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme was received from the person named on 7 April 2011, processing of which was recently completed, thereby allowing payment to issue to the person named on 17 October.

474. Deputy John O’Mahony asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a disadvantaged area aid payment; and if he will make a statement on the matter. [30956/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 18 April 2011, processing of which is now complete, thereby allowing payment to issue to the applicant on 21 October 2011.
Departmental Expenditure

475. **Deputy Anne Ferris** asked the Minister for Agriculture, Food and the Marine if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by him, any body under his aegis or State agency for which he has responsibility, for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30961/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Due to the volume of the information requested by the Deputy, it was not possible to provide it in the required time. I will forward it to the Deputy as soon as it is available.

Grant Payments

476. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Roscommon will receive a payment; the reason for the delay in same; and if he will make a statement on the matter. [30978/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 27 April 2011, following processing of which an over-claim was identified in respect of a land parcel declared by the person named. The person named has been written regarding the matter and, on receipt of a satisfactory reply, the application will be further processed with a view to appropriate payments issuing at an early date thereafter.

Departmental Schemes

477. **Deputy Michael Lowry** asked the Minister for Agriculture, Food and the Marine the reasons an application for the 2010 organic farming scheme was rejected in respect of a person (details supplied) in County Tipperary; the number of other persons in this situation; if other persons in these circumstances have been approved for payment; and if he will make a statement on the matter. [31016/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Organic Farming Scheme was suspended in July 2009 to facilitate a review of the Scheme. Following this review, the Scheme was re-opened from 1 January, 2010 with revised scheme conditions. The purpose of the new requirements, which include the submission of a five year business plan and the completion of an approved training course, is to identify applicants who are most likely to deliver increased organic output nationally and to target support towards those operators who intend producing products which are currently in deficit.

On applying to join the Scheme, the person named made a written declaration that he agreed to be bound by the terms and conditions of the Scheme and that he understood that it was his responsibility to acquaint himself with the conditions of the Scheme. While the requirement to submit a business plan with the application is clearly stated in the Scheme conditions which were published in 2010 the person named did not submit a business plan and was subsequently informed that he was ineligible.

Departmental Expenditure

478. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine the annual cost of the licensed payroll system, CorePay, to his Department. [31050/11]
Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In 2011 the annual cost of the Corepay Licence (including software support and maintenance) for my Department is €25,548.84.

Grant Payments

479. Deputy Michael Creed asked the Minister for Agriculture, Food and the Marine if a grant has been paid to a person (details supplied) in County Cork; and if he will make a statement on the matter. [31091/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Grant aid was paid by my Department under the Farm Improvement Scheme to the person named on 12 September 2011.

Disadvantaged Areas Scheme

480. Deputy John O’Mahony asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a disadvantaged area payment; and if he will make a statement on the matter. [31093/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 13 May 2011, processing of which is now complete, thereby allowing payment to issue to the person named on 21 October.

Grant Payments

481. Deputy Michelle Mulherin asked the Minister for Agriculture, Food and the Marine the reason for the delay of all payments issuing to a person (details supplied); and if he will expedite the matter. [31141/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in June 2009 and received full payment for the first year of their contract. In addition, 75% of their second year payment issued on 23rd February 2011 for the amount of €7,364.54.

An area based discrepancy was subsequently discovered following a cross check between the SPS application for 2010 from the person named and the REPS agri-environmental plan which has resulted in the imposition of a penalty and a delay in processing the final 25% payment under REPS 4 for 2010. My Department is currently making arrangements to process the outstanding 25% payments to farmers in instances where penalties have been imposed. These outstanding payments will commence in the next week or so.

Arrangements are also well advanced to issue payments in respect of 2011 and I expect that these payments will commence in November.

482. Deputy Éamon Ó Cuív asked the Minister for Agriculture, Food and the Marine the reason there is a delay in digitising maps for a person (details supplied) in County Galway; the steps he proposes to take to rectify this issue in view of the fact that the processing of an agri-environment option scheme application is being delayed as a result; and if he will make a statement on the matter. [31150/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st November 2010.
Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. Subsequent to submitting his application to participate in the scheme, the person named submitted an amendment to the areas applied for under AEOS which required the re-digitisation of land parcels. However, he did not submit the map which is required setting out the situation. My Department has now requested the person named to submit a map and, when it is received, will proceed with the re-digitisation and the processing of payment as quickly as possible.

**Suckler Cow Quota**

483. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine when a response will issue to an appeal lodged (details supplied); and if he will make a statement on the matter. [31151/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named registered four animals under 2008, seven animals under the 2009 and nine animals under the 2010 Suckler Welfare Scheme. During the course of processing the case errors were encountered in the case of calves born in each of the three years.

Letters were issued on 17 August 2009, and 16 June 2011 respectively in respect of the 2008 and 2009 born calves. My Department has received no reply from the applicant. In addition, the applicant did not register any of the measures required under the Terms and Conditions in respect of the 2010 born calves.

The person named did not attend the mandatory training course associated with the Scheme and, therefore, the person named was excluded from the Scheme with effect from 2010 as he did not meet one of the primary requirements under the Terms and Conditions of the Suckler Cow Welfare Scheme.

**Grant Payments**

484. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding a final sheep payment to be paid to a person (details supplied) in County Cork; and if he will make a statement on the matter. [31177/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An official of my Department has been in direct contact with the person named, who indicated that he has had no sheep since 2008. He has been advised that he is, therefore, ineligible under the Grassland Sheep Scheme.

**Registration of Title**

485. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Food and the Marine further to Parliamentary Question No. 215 of 13 October 2011, if he accepts the authenticity of a Land Registry sealed and certified copy of a folio which indicates the ownership of the property; when the DVO became aware of the existence of a dispute; if he will indicate the basis on which it was concluded that a dispute can directly affect the ownership of a property that is correctly registered in the name of an individual; if it is being asserted that probate purporting to encompass the estate inclusive of the lands is deemed to be the appropriate benchmark as opposed to certification of the ownership of the lands; if he is asserting that a will and or grant of probate arising equates with the existence of a duly certified document regarding the ownership of the lands as distinct from the estate; and if he will make a statement on the matter. [31194/11]
Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): As has been previously indicated to the Deputy, a herdnumber is an administrative arrangement under the Disease Eradication Schemes and does not denote ownership of stock or lands. Accordingly, ownership of land is not the primary concern in relation to registration as a herdowner under the Disease Eradication programme.

My Department is aware that, in the case in question, in February 2011, the Cork Circuit Court ordered that lands that were formerly owned by the original herdowner and transferred to a daughter now be divided between a son and a daughter. My Department is aware that this decision is being appealed to the High Court. In the circumstances, it is not intended to take any action in relation to the registration of the herdowner until the issue of ownership is resolved.

Grant Payments

486. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will receive an area-based payment; the reason for the delay; and if he will make a statement on the matter. [31215/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 13 May 2011. On processing the application over-claims were identified on two of the parcels declared by the applicant. These issues were resolved and payment issued to the applicant on 21 October 2011.

487. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) will receive a disadvantaged area payment and a single farm payment, which are being delayed due to digitisation of two small parcels of land; and if he will make a statement on the matter. [31216/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 11th April 2011.

This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection.

This inspection was completed and the results are now being processed.

In the vast majority of inspected cases amendments have had to be made to the maps in order that the Land Parcel Identification System that is used for making payments to farmers is kept up-to-date. Processing of these changes is continuing and priority is given to applications who were the subject of a Ground Eligibility Inspection.

488. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [31288/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 10 May 2011. Final processing of the application has recently been completed and payments under both Schemes issued on 21 October 2011.

Disadvantaged Areas Scheme

489. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when dis-
advantaged area payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [31289/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was recently assigned ownership of the herd-number.

The Single Payment entitlements have been transferred to the person named by way of inheritance and payments arising from the Single Payment Scheme and the Disadvantaged Areas Scheme will issue in the near future.

**Forestry Sector**

490. **Deputy Joe Carey** asked the Minister for Agriculture, Food and the Marine the steps whereby an applicant can change a forester or forestry company subsequent to the grant of technical approval without resubmitting the original application; and if he will make a statement on the matter. [31313/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An applicant with technical approval to plant must submit a new application if they wish to change their registered forester. Applications under the Afforestation Scheme include an assessment of the site by the registered forester both from an environmental and silvicultural perspective, together with his/her operational proposals for the planting of the site. The registered forester must, inter alia, declare that the application meets the Scheme conditions and that the proposal is in compliance with the necessary protocols, procedures, silvicultural and other standards as prescribed by the Department.

**Suckler Cow Quota**

491. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine his plans to reverse the decreasing number of suckler cows in the national herd; and if he will make a statement on the matter. [31320/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The size of the overall national herd and its various components is primarily a function of market forces; the allocation of economic resources is underpinned by the relationship between supply and demand with price and, ultimately, profitability reflecting the interaction of these factors. The operation of these dynamics is clearly illustrated in the current market situation at domestic level.

The latest analysis of the national and international beef markets undertaken by Bord Bia indicates that Irish beef production in 2011 is expected to fall by about 8% on 2010 levels because of the strong live export trade and lower calf registrations in recent years. To date this year, cattle supplies at meat plants are over 4% or some 54,000 head lower than in 2010. As a result, average carcase prices for cattle to date this year are between 15% and 18% higher than for last year depending on the category and quality of the animal.

It must be acknowledged that the Government has already channelled significant funding to the suckler cow sector. Payments to farmers by my Department under the Suckler Cow Welfare Scheme amounted to €113.5m since its introduction. Approximately €20.5m has been paid through the scheme in respect of animals born in 2010 and, depending on the number of successful applicants, this figure could potentially reach €25m by the end of the year.

Furthermore, my Department and its agencies engage in a range of activities that provide a sound framework for the future development of the beef sector. These include the advisory and research output of Teagasc, Bord Bia’s Quality Assurance Scheme and its promotional activities.
work in expanding beef sales at home and abroad together with the Beef and Sheepmeat Capital Investment Fund for the processing industry. My Department also makes a significant contribution to the Irish Cattle Breeding Federation which plays a critical role in improving genetic quality in the suckler herd. In addition, my Department is continuing its efforts to facilitate market access for Irish beef in a range of third countries that can offer alternative outlets to exporters along with real potential for expansion. All these investments and services serve to underpin the suckler cow herd.

While the increased output value of stock is welcome news for producers, I recognise that direct supports under the Common Agricultural Policy (CAP) are crucial to the future of the livestock sector and I have repeatedly stated my commitment to protecting the level of supports available to farmers under the CAP post-2013 regime. In this regard, I will use my best endeavours to shield and defend Irish agriculture generally, including suckler cow production, in the forthcoming negotiations on the CAP reform proposals.

**Live Imports**

492. **Deputy Seamus Kirk** asked the Minister for Agriculture, Food and the Marine if his attention has been drawn to the number of calves being imported from Romania and other areas; if he is satisfied with the veterinary health check arrangement for same; and if he will make a statement on the matter. [31321/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under Single Market rules Member States are precluded from interfering with free trade in animals except on animal health grounds and all animals moving in intra community trade must be certified as complying with EU animal health requirements. In the case of bovines, this means that they must be certified as free from TB/Brucellosis and EBL in accordance with Community legislation as appropriate. In addition, all ruminants imported to Ireland from beyond the UK must be certified as compliant with Community Bluetongue provisions. As an additional precaution, my Department continues to test all ruminants imported for BT, which exceeds the provisions of Community BT legislation.

As a further precaution, all cattle (including calves entering the State from areas other than Northern Ireland) are subjected to a precautionary treatment against Warble Fly by my Department within days of import.

I am aware that some 2,500 calves were imported into Ireland in the three months between 1 July and 30 September and my Department is fully aware of the need for continual vigilance in maintaining the highest level of disease free status in Ireland. The importer also has a critical role in ensuring that no diseases are introduced to Ireland that might jeopardise the good standing of Ireland the Food Island.

**Departmental Agencies**

493. **Deputy Mary Lou McDonald** asked the Minister for Agriculture, Food and the Marine if he will provide a list of all commercial semi-State companies under his aegis. [31386/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The commercial State Sponsored Bodies that fall under the aegis of my Department are listed in a table.

- State Body
- Bord na gCon
- Coillte
Horse Racing Ireland
Irish National Stud

**Suckler Cow Quota**

494. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding a suckler welfare scheme in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [31405/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named registered twenty eight animals under the 2010 Suckler Welfare Scheme.

Payment has already issued for eleven of the animals and a further one has been approved for payment, which will issue in the near future. Information is outstanding for four animals and these cannot be further processed until this information has been received and found to be in order. The twenty eight animals included a set of twins. Under the Terms and Conditions of the Scheme payment will only be made for one of the twins.

The remaining eleven animals have been rejected from the scheme for non-compliance with the Terms and Conditions of the Scheme. The person named was informed and also advised his right to seek a review of the decision. Following this review, the decision was upheld and the applicant was notified in writing of the outcome of the review on 17 October 2011. It is open to the applicant to appeal the decision to the Agriculture Appeals Unit.

**Milk Quota**

495. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the way under the milk quota trading scheme, quota is distributed to the four priority categories; the number of applications from these four priority categories received under the recent trading scheme; and if he will make a statement on the matter. [31408/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Milk quota allocations from the priority pool to the priority categories are effected in the following order of preference:

1. Successors
2. Producers with “Lost Lease” Entitlements.
3. New and Recent Entrants to Dairying Under 35 Years.
4. Category 1 Producers/New and Recent Entrants to Dairying over 35 Years.

The following extracts from the detailed rules of the Milk Quota Trading Scheme explain the process of quota allocation through the priority categories:

1. Successors

   First priority for the allocation of surrendered quota is granted to a son, daughter, nephew or niece of

   (i) a person who was no longer entitled to temporary lease his/her quota in accordance with Regulation 27 of S.I. No. 94 of 2000, as amended, and who sold his/her quota under the 2000, 2001 or the 2002 Milk Quota Restructuring Scheme,

2. Producers With “Lost Lease” Entitlements

The remaining quota after allocation in accordance with 1 above is available for allocation to producers who had taken out a land and quota lease before 1 April 2000, which has expired. The net entitlement to quota is based on the following criteria:

Producers whose land and quota leases expired on 31 March 2011 and/or expired on 31 March 2010, or earlier, on the following basis:

(a) 2/3 of milk quota leased with land where the lease expired on 31 March, 2011 and which has not been or will not be renewed,

and/or

(b) 1/3 of milk quota leased with land where the lease expired on 31 March 2010 and where permanent allocations from previous Restructuring or Trading Schemes have not satisfied the full entitlement arising from the lease,

and/or

(c) any previous entitlements arising from land and quota leases that expired on 31 March 2009, or earlier and which have not already been satisfied by permanent allocations under previous Restructuring or Trading Schemes.

The quota remaining in the Priority Pool after the allocation of quota in accordance with 1 and 2 above is allocated on a distribution ratio of 3:2 between:

3. New And Recent Entrants To Dairying Under 35 Years Of Age on 31st March 2012 (including those who have obtained quota from the Scheme for New Entrants to Dairying but who have not yet commenced production).

4. Category 1 Producers/New And Recent Entrants To Dairying Over 35 Years of age on 31st March 2012 (including those who have obtained quota from the Scheme for New Entrants to Dairying but who have not yet commenced production).

Category 1 Producers are defined as existing producers whose total permanent quota does not exceed 350,000 litres.

Access to quota from the priority pool for categories 3 and 4 expires when the applicant’s total permanent quota reaches 350,000 litres.

The processing of applications is on-going; therefore I am not yet in a position to comment on the numbers of applications received in the four priority categories for this stage of the Trading Scheme. I intend to announce the results of the scheme in early December and the figures will be available at that time.

Grant Payments

496. Deputy Tom Hayes asked the Minister for Agriculture, Food and the Marine his plans to reduce forestry premiums in budget 2012. [31412/11]
Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Funding for forestry in 2012 is, like every other item in my Department’s budget, subject to the outcome of the Comprehensive Review of Expenditure and will be determined in the context of ongoing discussions on the framing of the 2012 Budget. I am committed however to achieving the highest possible level of funding for forestry, to ensure a sustainable and viable industry.

497. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Galway has not received an area-based payment; when same will issue; and if he will make a statement on the matter. [31413/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 16 May 2011, processing of which is now complete, thereby allowing payment to issue to the applicant on 17 October.

498. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Galway has not received an area-based payment; when payment will issue; and if he will make a statement on the matter. [31414/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 15 April 2011, processing of which is now complete, thereby allowing payment to the person named on 21 October.

**Fur Farming**

499. **Deputy Aodhán Ó Ríordáin** asked the Minister for Agriculture, Food and the Marine if he will reaffirm his commitment to end fur farming; if the animal health and welfare Bill will deal with this issue; and if he will make a statement on the matter. [31418/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): It is my intention to publish an Animal Health & Welfare Bill this year. However, as the Deputy will be aware the Bill is a complex one and will require extensive work in conjunction with the Office of the Parliamentary Counsel to complete the required legal drafting. Once a complete draft is available I intend to publish the Bill. The issue of fur farming is being examined in the context of the ongoing drafting of the Bill. I have also established a group within my Department to review all aspects in relation to fur farming and I anticipate that their review will be completed in the near future.

**Disadvantaged Areas Scheme**

500. **Deputy John O’Mahony** asked the Minister for Agriculture, Food and the Marine the number of farmers who receive disadvantaged area aid payment in County Mayo; the number of farmers who have received their payment to date; and if he will make a statement on the matter. [31442/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Given that payments under the 2011 Disadvantaged Areas Scheme only commenced on 22 September and, to date, payments worth in excess of €185 million have issued to 84,134 farmers nationally, representing 84% of those who applied, it can readily be seen that there are no delays in the issuing of these payments.

Specifically with regard to Mayo, the details are set out in a table:
Applicants | Numbers paid | % paid | Value  
---|---|---|---
Mayo | 11,665 | 9,973 | 85.50% | €21,098,197

Payments continue to issue, on a twice-weekly basis, as individual cases are confirmed eligible for payment. It should be borne in mind that the number of applicants under the Scheme is determined by the classification of the land declared; however, as there are annually some 5,000 applicants with eligible land who do not satisfy the minimum stocking density requirement (0.15 livestock units per forage hectare), the payable number, both nationally and per county, will inevitably ultimately be somewhat lower than the figures for number of applicants quoted above.

501. **Deputy John O’Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a disadvantaged area aid payment; and if he will make a statement on the matter. [31444/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 26 April 2011, processing of which is now complete, thereby allowing payment to issue to the applicant on 21 October.

**Grant Payments**

502. **Deputy John O’Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their disadvantaged area aid payment; and if he will make a statement on the matter. [31446/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 5 May 2011, processing of which is now complete, thereby allowing payment to the applicant on 21 October.

**Direct Payment Schemes**

503. **Deputy Patrick O’Donovan** asked the Minister for Agriculture, Food and the Marine if he received an application under the single payment scheme in 2006 or 2007 from a person (details supplied) in County Limerick; the decision that was made on any application received in those two years; and if he will make a statement on the matter. [31451/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named submitted an application for consideration of an allocation of entitlements under the New Entrant category of the 2007 National Reserve. This category catered for farmers who commenced farming after 31 December 2002. Applicants were required to submit an application under the 2007 Single Payment Scheme in order to be considered for an allocation of entitlements from the National Reserve. The person named did not submit an application form under the 2007 Single Payment Scheme and therefore was deemed ineligible. A letter outlining this decision issued to the person named on 27 May 2008 and he was given an opportunity to appeal. No appeal was received regarding this case.

In addition the person named submitted an application under the New Entrant category of 2011 National Reserve. This category caters for farmers who commenced farming after 15 May 2009. The application for the person named was deemed ineligible as he commenced farming...
prior to 15 May 2009. The person named was notified in writing of this decision on the 14th October, 2011 and was given an opportunity to appeal.

An appeal was received on 21 October 2011 and it has been forwarded to the Independent Single Payment Appeals Unit who will carry out a review of my Department’s decision and will correspond directly with the person named.

Grant Payments

504. *Deputy Caoimhghín Ó Caoláin* asked the Minister for Agriculture, Food and the Marine the reason disadvantaged area payment has not issued in respect of the year 2010 to a person (details supplied) in view of the fact that payment has issued relating to 2011; and if he will make a statement on the matter. [31472/11]

*Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):* An application under the 2010 Disadvantaged Area Scheme was received from the person named on 17 May 2010 following processing of which a dual claim was identified in respect of one land parcel declared by the person named. My Department has written to both parties involved and is awaiting clarification regarding the matter and, on receipt of a satisfactory reply, the application will be further processed with a view to appropriate payment issuing at an early date thereafter.

505. *Deputy Brendan Griffin* asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [31475/11]

*Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):* An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 14th April 2011.

This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection.

This inspection was completed and the results have now been processed. Payment under the Disadvantaged Area Scheme and a 50% advance payment under the Single Payment Scheme will issue without delay. The balancing payment under the Single Payment Scheme will issue in December.

506. *Deputy Michael Healy-Rae* asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) has not received REP scheme or single farm payment or headage; and if he will make a statement on the matter. [31484/11]

*Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):* The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st November 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in relation to the re-digitisation of land parcels for AEOS purposes. This particular problem has now been addressed with a view to issuing payment as quickly as possible.

An application under the 2011 Single Payment Scheme was received from the person named on 12 May 2011. A number of the land parcels listed on the application required digitisation on to my Department’s Land Parcel Identification System which is now complete. Disadvantaged Area Scheme and Single Payments Scheme payments will issue shortly.
507. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine when payments will issue to a person (details supplied) in County Kerry. [31494/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 16 May 2011. On processing the application one of the parcels declared by the applicant was found to be overlapping with a parcel claimed by another applicant and both parties were written to in this regard. While the reply received on 19 October 2011 resolved the issue concerning the overlap, a further over claim was identified following the clarification provided by the person named. The person named was written to on 21 October 2011 in this regard and when a reply is received it will be given prompt attention by my Department.

**Departmental Expenditure**

508. **Deputy Billy Kelleher** asked the Minister for Agriculture, Food and the Marine the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers; and all agencies under the aegis of his Department. [31511/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The total IT expenditure for my Department in 2010 (including staff costs, support and maintenance services, external support etc.) was circa €27,200,000.

My Department provides a robust and resilient ICT infrastructure to customers, staff, agents and partners including shared service offerings to state agencies and other Government Departments. The ICT operations within my Department are a fundamental part of the payment systems for the Single Payment, REPS and other systems. The ICT system is also a key element of our animal health and animal traceability systems which are crucial to our ability to export. In addition it also supports a wide range of modern and efficient IT systems that underpin the Department’s critical business processes. Savings are achieved on an ongoing basis by leveraging maximum value from existing investments, negotiating reductions on contracts and software licences, and careful management of external resources for software development.

As part of the Croke Park Agreement, a minimum of 5% saving in IT expenditure will be achieved in each year from 2012 to 2014. In relation to agencies under the aegis of my Department, the budgets and procedures in place for the purchasing of IT equipment for each State agency is an operational matter for the agencies themselves.

In order to provide the Government with a comprehensive set of decision options to meet the funding constraints in the National Recovery Plan, 2012-2014, the Department has carried out a comprehensive review of both current and capital expenditure. This Review which covers all areas of the Department’s activities will be considered as part of the overall pre-budget deliberations and the 2012 Estimates process of the Government.

**Pigmeat Sector**

509. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his plans to ensure the survival here of the pig industry; and if he will make a statement on the matter. [31527/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The pig industry is a valuable component of the overall agri-food sector, and has a farm gate value in excess of €300 million. The sector supports approximately 7,000 jobs including production, slaughter, processing, feed manufacture and services and these are dispersed around the country. Pro-
duction, prices and exports grew significantly during 2010 and the impact of this growth was felt at all levels of the production cycle. Prices during 2011 have remained higher than in both of the previous years and currently stand at €145.94/100 kg, some 9.2% ahead annually, while production has increased by over 8%.

Exports for the first six months of 2011 reached almost 84,000 tonnes, an increase of 23% compared to the same period in 2010. The value of this trade, at some €196 million is 18% ahead year on year. All markets have registered an increase with trade outside of the EU more than doubling.

While there has been a significant increase in prices and export volumes in 2011, high feed costs, most notably cereals and compound feed remain an issue. Pig producers are especially affected by the increase in cereal prices since June 2009, given that cereals account for 75% of feed.

Prices of pigmeat and of course feed are ultimately determined by demand and supply considerations. For my part, I will continue to press the European Commission to make use of all the available market supports when circumstances require it, to ameliorate the worst effects of price volatility. Indeed the Aids to Private Storage Scheme introduced for pigmeat earlier this year played a significant role in putting a floor under pigmeat prices at that time.

From a National perspective, the ‘Food Harvest 2020 Report’, which was published in July 2010, sets out the vision for the future of the food industry including the pig sector. The Report targets a 50% increase in the value of output by 2020. This is a target set by the industry for itself. I am personally chairing a High Level Group to ensure that the steps necessary to facilitate the development of the sector are taken. My Department and its agencies will, along with industry, play a central role in this regard.

For example Teagasc, through its Moorpark pig research facility, the provision of FETAC courses in pig production and benchmarking pig herd performance, plays a critically important role in improving productive capacity at farm level.

In so far as international trade in Irish pigmeat is concerned, I have been extremely active in developing relationships in new and expanding markets in order to build the kind of confidence in Irish production and control systems that provide a platform for long term trading relationships in the future. As part of that effort, I hosted a visit from the Chinese Vice-Minister for Agriculture earlier this year, and signed a mutual co-operation agreement in the agri-food sector. In addition, my Department has this year hosted inspection visits from Australia, the Philippines, South Korea and China, with a view to opening new markets and expanding the presence of Irish pigmeat in existing markets. And of course Bord Bia continues, through its marketing and promotional activities, and through the pigmeat quality assurance scheme, to consolidate the position of Irish pigmeat on the domestic market and to expand its presence on EU and third country markets.

I can assure the Deputy that my Department and its agencies will continue to work closely with the industry to ensure that it can continue to develop and grow in accordance with the targets in the Food Harvest 2020 Report.

Grant Payments

510. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the reason for the delay in issuing the payments for the disadvantaged area scheme and the single payment scheme to a person (details supplied) in County Cork; and when payments will issue.  [31546/11]
Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 3 May 2011, processing of which was recently completed, thereby allowing the 50% advance of the Single Payment to issue on 17 October and payment under the Disadvantaged Areas Scheme to issue on 21 October.

511. Deputy Brendan Griffin asked the Minister for Agriculture, Food and the Marine when REP scheme 4 payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [31548/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in February 2009 and received full payment for the first year of their contract. In addition, 75% of the second year payment issued on 7th April 2011 for the amount of €8,467.90.

An area based discrepancy was subsequently discovered following a cross check between the SPS application for 2010 from the person named and the REPS agri-environmental plan which has resulted in the imposition of a penalty and a delay in processing the final 25% payment under REPS 4 for 2010. My Department is currently making arrangements to process the outstanding 25% payments to farmers in instances where penalties have been imposed. The outstanding payments will commence in the next week or so.

Arrangements are also well advanced to issue payments in respect of 2011 and I expect that these payments will commence in November.

512. Deputy John O’Mahony asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their disadvantaged area aid payment; and if he will make a statement on the matter. [31555/11]

513. Deputy John O’Mahony asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive their single farm payment; and if he will make a statement on the matter. [31556/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 512 and 513 together.

An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 31 March 2011, processing of which has recently been completed, thereby allowing payment under both Schemes to issue shortly.

Afforestation Programme

514. Deputy Tom Fleming asked the Minister for Agriculture, Food and the Marine if he will consider reintroducing the reforestation grants; and if he will make a statement on the matter. [31558/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Reforestation Scheme was limited in scope and provided grants to enable private landowners to replant where a non-commercial crop of trees had been felled. It was not available in instances where a commercial crop of timber had been felled. Very few applications were received under the scheme in the years prior to its cessation.

I have no plans to reintroduce reforestation grants at this time.
Adoption Services

515. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs the waiting time for the release of adoption documentation to adoptees in the Cork area; and if she will make a statement on the matter. [31379/11]

516. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs if she will investigate the case of an adoptee (details supplied) who is still waiting on the release of documentation; and if she will make a statement on the matter. [31380/11]

517. **Deputy Ciarán Lynch** asked the Minister for Children and Youth Affairs the way and where a person may access medical records relevant to a period spent in an institution (details supplied) prior to adoption; and if she will make a statement on the matter. [31419/11]

527. **Deputy John McGuinness** asked the Minister for Children and Youth Affairs if the adoption files are now available from Bessborough and the Health Service Executive; if adoptees have been granted access to the files; if there is a delay in granting access; and if so, the action being taken by the HSE to speed up this process; and if she will make a statement on the matter. [31482/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 515 to 517, inclusive, and 527 together.

Following talks with the HSE, the Sacred Heart Order and officials from my Department, the HSE agreed to take responsibility for the adoption files of the Sacred Heart Adoption Society located in Bessborough, Blackrock, Co. Cork. In announcing this, the HSE stated that as and from the 1st of August 2011, the HSE Adoption Service has agreed to take over the management of the adoption files. Issues in relation to accessing these files, including issues of waiting times and access to medical records, should be directed to the HSE Regional Adoption Service, St Stephens Hospital, Glanmire, Co. Cork

518. **Deputy Olivia Mitchell** asked the Minister for Children and Youth Affairs if she will ensure that funding for bodies facilitating adoption be channelled by the Health Service Executive to accredited adoption services and particularly to the Arc Adoption service as the only accredited inter-country adoption service; and if she will make a statement on the matter. [30761/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Under the Adoption Act, 2010, only accredited agencies can provide adoption services. My Department does not have a dedicated funding stream in relation to accredited agencies providing adoption services. The allocation of HSE funding is a matter for the Executive.

**Departmental Agencies**

519. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she will provide a list of all non-commercial State agencies under the aegis of her Department. [30778/11]

520. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if all non-commercial State agency employees under her Department’s aegis are paid directly from the Exchequer. [30883/11]
Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 519 and 520 together.

The table below sets out the list of non-commercial agencies that come under the aegis of my Department. They are all funded by the Exchequer.

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<tr>
<th>Agency</th>
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<tr>
<td>Family Support Agency</td>
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<td>Adoption Authority of Ireland</td>
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<tr>
<td>Office of the Ombudsman for Children</td>
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<tr>
<td>National Education and Welfare Board</td>
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**Departmental Expenditure**

521. **Deputy Anne Ferris** asked the Minister for Children and Youth Affairs if she will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by her, any body under her aegis or State agency for which she has responsibility, for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if she will make a statement on the matter. [30963/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): My Department was formally established on 2nd June 2011 and to date it has incurred no expenditure obtaining legal advice.

With regard to agencies under the remit of my Department, payment for legal services is an operational matter for the agencies themselves and such information is not held by my Department.

**Constitutional Amendments**

522. **Deputy Timmy Dooley** asked the Minister for Children and Youth Affairs when she plans to hold a referendum on the substantive issue relating to the rights of the child; and if she will make a statement on the matter. [31012/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Programme for Government 2011 states that the Referendum on Children’s Rights is a priority, and that the wording of the proposed referendum will be along the lines of that proposed by the All-Party Joint Committee on the Constitutional Amendment on Children.

Since taking office, both myself and staff of the Department of Children and Youth Affairs have had a number of meetings with the Attorney General to progress this commitment. Work on the wording of the referendum is ongoing, focusing on ensuring that the proposed Referendum reflects the deliberations and conclusions of the Joint Committee and the commitment of the Programme for Government. It is my intention to seek approval from Government for the proposed wording, with a view to holding the referendum next year.

**Departmental Expenditure**

523. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs the annual cost of the licensed payroll system, CorePay, to her Department. [31052/11]
Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Deputy might wish to note that the Department of Health is providing a shared financial service to my Department and any costs associated with the running and operation of the payroll system are being met directly by that Department.

Youth Services

524. Deputy Aengus Ó Snodaigh asked the Minister for Children and Youth Affairs if her attention has been drawn to the impact that the City of Dublin Youth Service Board funding cuts over the past four years have had on a youth centre (details supplied); the steps she will take to secure funding at least at the current level for next year; and if she will take steps to reverse the recent cuts to ensure this vital community resource can continue delivering quality services. [31089/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Youth Affairs Unit of my Department supports the delivery of a range of youth work programmes and services for all young people, including those from disadvantaged communities, by the voluntary youth sector. In particular, the Youth Affairs Unit provides targeted supports to disadvantaged, marginalised and at risk young people through the Special Projects for Youth Scheme, the Young Peoples Facilities and Services Fund Rounds 1 and 2 and Local Drugs Task Force Projects.

The Youth Centre referred to by the Deputy is currently in receipt of funding under the Young People’s Facilities and Services Fund (Rounds 1 and 2) and the 2011 allocation to the Centre is €248,247. Funding is administered to the Youth Centre by the City of Dublin Youth Service Board (CDYSB)

In determining allocations to initiatives and schemes in 2011 my Department has made every effort to minimise the impact of the reduction in the Youth Affairs budget on front line youth work services. In light of continuing budgetary constraints, the Youth Affairs budget in 2012 will again require careful management with a focus on prioritising existing youth service provision and protecting jobs and pay in so far as is possible. Officials from my Department are in contact with representatives of the youth sector, including the City of Dublin Youth Service Board, on an ongoing basis to ascertain the sector’s views on how best to minimise the impact of these budgetary constraints. Every effort will be made to notify the various youth work organisations and administering agencies, in this instance, CDYSB, of their 2012 allocations as speedily as possible.

525. Deputy Dominic Hannigan asked the Minister for Children and Youth Affairs the grants provided to organisations under the youth service general scheme and the special projects for youth scheme for groups in County Meath; and if she will make a statement on the matter. [31290/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Youth Affairs Unit of my Department supports the delivery of a range of youth work programmes and services for all young people including those from disadvantaged communities. This support includes financial assistance for national and major regional youth work organisations under the Youth Service Grant Scheme (YSGS) and targeted youth work responses for young people through the Special Projects for Youth Scheme (SPY).

Through the Youth Service Grant Scheme, grant-in-aid funding is provided on an annual basis to 31 voluntary national and regional youth work organisations. These organisations provide universal youth work opportunities for young people aged between 10 and 21 that are

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educational and elective, structured and systematic and which aim to improve young people’s life chances and experiences. Funding is provided to the national structures of these organisations to support work with young people at regional and local level. In particular, organisations such as Ogras, the Irish Girl Guides, Foróige and Youth Work Ireland are active in the Co. Meath area.

In addition under the Special Projects for Youth Scheme, my Department provides funding to Meath Youth Together on an annual basis. In 2011, a grant of €106,506 has been allocated to this Navan-based project which is affiliated to Youth Work Ireland. This project provides a range of programmes services for some 7,000 young people on an annual basis. Programmes and services include the “Meet and Eat Youth Café” lunchtime and evening service, the Youth Health Information and Support service, the “TeenBetween” Support service and youth club development support.

Departmental Agencies

526. **Deputy Mary Lou McDonald** asked the Minister for Children and Youth Affairs if she will provide a list of all commercial semi-State companies under her aegis. [31388/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** There are no commercial semi-State companies under the aegis of my Department.

*Question No. 527 answered with Question No. 515.*

Departmental Bodies

528. **Deputy Dara Calleary** asked the Minister for Health if the Health Information and Quality Authority applied to the Department of Finance for approval to appoint investigating officers and a regional director during the period 1 January 2010 to 31 December 2010, in view of the fact that there was a recruitment embargo in place. [30868/11]

**Minister for Health (Deputy James Reilly):** The role and responsibilities of the Health Information and Quality Authority (HIQA) have increased in recent years and its financial allocation and staffing compliment have increased accordingly. The Health Sector (Non Commercial State Agencies) Employment Control Framework 2011 — 2014 provides for exemptions for professional and technical grades involved in essential frontline inspection and welfare services subject to the approval of my Department. My Department is in regular contact with HIQA in relation to its resource requirements and I can confirm that applications for a number of such posts were received and approved during 2010. In addition, HIQA may from time to time, apply for approval to appoint Authorised Officers under Section 70 of the Health Act 2007 to assist the Authority in carrying out an investigation. These appointments are generally of short duration and terminate once the investigation is completed.

Departmental Expenditure

529. **Deputy Michael Healy-Rae** asked the Minister for Health if the findings of the value for money report due at the end of this month will in fact prompt more investment when value is identified and divestment when it is not (details supplied). [30902/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As indicated by the Deputy, the funding of disability services by the Department of Health is the subject of a detailed Value for Money and Policy Review as part of the Government’s Value for Money Reviews for the period 2009 to 2011.
As part of the overall VFM review, a separate Expert Reference Group on Disability Policy was established to look specifically at existing disability policy and whether it needs to be changed to better meet the expectations and objectives of people with disabilities. As part of this review, a public consultation process on existing disability services was also undertaken which confirmed that people with disabilities and their families, more than anything else, are looking for more choice in the services they receive and more control over how they access them.

The report proposes a very significant reframing of disability services towards a model of individualised supports, underpinned by mainstreaming of all public services. On this basis, State funding would be allocated based on an independent assessment of individual needs. Following the needs assessments, individual support plans would then be drawn up and individualised budgets allocated from which the supports and services needed would be purchased.

A number of mechanisms are proposed to achieve this, including a broker system where the person, or his/her family, has the choice and control but the broker administers the budget and commissions supports and services on their behalf, or direct payments where the person or family manages the budget and purchases the supports themselves. This process should, over time, result in a rebalancing of resources from the services which are less effective to services which support the achievement of quality outcomes within a value for money framework.

The Expert Reference Group’s Report has now been released for the public and interested parties to have their say and I would encourage all those with an interest in this area to make their views on the future direction of disability services known.

The VFM exercise is due to be completed by year end and it is then my intention in conjunction with Minister Reilly to ensure that proposals for the future of our disability services are brought to Government.

**Health Services**

530. **Deputy John McGuinness** asked the Minister for Health if mobility allowance will be paid to a person (details supplied) in County Kilkenny. [31483/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy’s question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

**Action Against Tobacco Industry**

531. **Deputy Damien English** asked the Minister for Health if his attention has been drawn to the fact that the Australian Government has introduced legislation requiring plain or generic packaging for cigarettes from 1 July 2012; if he is considering introducing plain packaging on cigarettes here; if he or the tobacco policy review group have sought legal advice on whether such legislation would be permissible here in the context of domestic, European and international intellectual property and trade law; and if he will make a statement on the matter. [30729/11]

**Minister for Health (Deputy James Reilly):** I previously indicated to the House in May that I am aware that the Australian Government has initiated legislation requiring plain packaging for cigarettes. My Department receives regular updates from the Australian Embassy as to the progress of this legislation, which is currently being debated in the Australian Senate. It should be noted, however, that on June 27 2011, Philip Morris Asia (PMA) initiated legal action against the introduction of this legislation. The company announced that it had served a notice
of claim on the Australian Government, stating its intention to pursue legal action over plans to introduce plain packaging in Australia for tobacco products.

With regards to the possibility of introducing plain packaging here in Ireland, I believe it is one of a range of measures under consideration by the Tobacco Policy Review Group (TPRG). I anticipate that the report of the TPRG will be completed in the coming months and I will consider the recommendations therein with a view, thereafter, to bringing the Review outcomes to Government for consideration.

I am also aware that plain packaging is being considered in the context of the possible revision of the Tobacco Products Directive and I await with anticipation the Commission’s legislative proposal in this regard which is due in the first half of 2012. The outcome of this forthcoming revision of the Tobacco Products Directive and the outcome of the Australian litigation will further inform future policy in this area.

532. Deputy Damien English asked the Minister for Health when he will introduce the necessary regulations requiring graphic health warnings on cigarette packets as provided for in the Public Health (Tobacco) (Amendment) Act 2011; the allotted time period after the regulation has been signed for industry to comply with the new law; if he will ensure that all deadlines are met; and if he will make a statement on the matter. [30730/11]

Minister for Health (Deputy James Reilly): Section 5 of the Public Health (Tobacco) (Amendment) Acts 2002-2011 sets out the penalties for those guilty of any offences under the Act including non-compliance with the time-frames which will be set out in the new Regulations.

533. Deputy Damien English asked the Minister for Health when he will introduce the Tobacco Products (Control of Advertising, Sponsorship and Sales promotion) Regulations 2011; if this regulation will set a mandatory pricing level below which cigarette prices cannot be lowered; his views that this mechanism will ensure that cheap tobacco products do not now become available on the Irish market; and if he will make a statement on the matter. [30731/11]

Minister for Health (Deputy James Reilly): In March 2010, the European Court of Justice ruled that Ireland, by imposing minimum retail prices for cigarettes, was in contravention of Article 9(1) of Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco. The revised draft Regulations have now been forwarded to the European Commission to ensure that they align the Irish legislation with Article 9(1) of the Directive.

As a consequence of the Court judgement, Ireland can no longer set a mandatory pricing level below which cigarette prices cannot be lowered, as this would be restricting the freedom of industry to make effective use of competitive advantage. However, the regulations do contain a range of measures to ensure that quantitative rebates, which are outside the scope of the Directive and are unrelated to cost differences, are prohibited.

Medical Cards

534. Deputy Seán Ó Fearghaíl asked the Minister for Health if he will expedite an application for the renewal of a medical card in respect of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [30733/11]

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 Accommodation

535. Deputy Brendan Griffin asked the Minister for Health when additional accommodation will be opened at Dingle Community Hospital in County Kerry (details supplied); and if he will make a statement on the matter. [30739/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Departmental Funding

536. Deputy Aodhán Ó Ríordáin asked the Minister for Health if he will provide an update on the reduced funding allocated to the Irish Osteoporosis Society; and if he will make a statement on the matter. [30755/11]

574. Deputy Maureen O’Sullivan asked the Minister for Health the reason there has been a drop in funding in respect of an organisation (details supplied). [31214/11]

582. Deputy Finian McGrath asked the Minister for Health his views on a submission on osteoporosis in Ireland (details supplied). [31315/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 536, 574 and 582 together. As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Services

537. Deputy Paul J. Connaughton asked the Minister for Health when a decision will issue in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [30759/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

Departmental Agencies

538. Deputy Mary Lou McDonald asked the Minister for Health if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30785/11]

549. Deputy Mary Lou McDonald asked the Minister for Health if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30890/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 538 and 549 together.

The following table sets out the list of non-commercial agencies that come under the aegis of my Department and specifies whether they are self funding or Exchequer funded (i.e. funded by my Department or the Health Service Executive).

<table>
<thead>
<tr>
<th>Agency</th>
<th>Exchequer Funded/Self Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>An Bord Altranais</td>
<td>Self funding</td>
</tr>
<tr>
<td>Dental Council</td>
<td>Self funding</td>
</tr>
<tr>
<td>Drug Treatment Centre Board</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>Agency</td>
<td>Exchequer Funded/Self Funding</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>Food Safety Authority of Ireland</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>Food Safety Promotions Board</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>Health and Social Care Professional Council</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>Health Information Quality Authority</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>Health Insurance Authority</td>
<td>Self Funding</td>
</tr>
<tr>
<td>Health Research Board</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>Irish Blood Transfusion Service</td>
<td>Self Funding</td>
</tr>
<tr>
<td>Irish Medicines Board</td>
<td>14% Exchequer funded — 86% Self funding</td>
</tr>
<tr>
<td>Medical Council</td>
<td>Self funding</td>
</tr>
<tr>
<td>Mental Health Commission</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>National Cancer Registry Board</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>National Council for the Professional Development of Nursing and Midwifery</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>National Paediatric Hospital Development Board</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>National Treatment Purchase Fund</td>
<td>Exchequer funded</td>
</tr>
<tr>
<td>Opticians Board</td>
<td>Self funding</td>
</tr>
<tr>
<td>Pharmaceutical Society of Ireland</td>
<td>Self funding</td>
</tr>
<tr>
<td>Pre-Hospital Emergency Care Council</td>
<td>Exchequer funded</td>
</tr>
</tbody>
</table>

**Health Services**

539. **Deputy Terence Flanagan** asked the Minister for Health his views regarding the re-tendering process in respect of the provision of enhanced home care service; and if he will make a statement on the matter. [30818/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

**Medical Cards**

540. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Mayo; if the application will be expedited; and if he will make a statement on the matter. [30821/11]

**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.

541. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the position regarding an appeal on the refusal to extend a medical card application in respect of a person (details supplied) in Dublin 15; and if this will be expedited in view of the fact that the original decision was taken in May 2011 and the lengthy process is causing much stress. [30822/11]

**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**

542. **Deputy Niall Collins** asked the Minister for Health if he will sanction an early appointment for an MRI scan at Cork University Hospital in respect of a person (details supplied) in County Cork. [30832/11]
Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals have been instructed to ensure that, by the end of 2011, they have no patients waiting more than 12 months for treatment. Where they fail to do so, the NTPF will source the necessary treatments elsewhere and an appropriate budgetary adjustment will be made.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Medical Cards

543. Deputy Niall Collins asked the Minister for Health if a medical card will be renewed in respect of a person (details supplied) in County Cork. [30833/11]

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

544. Deputy Marcella Corcoran Kennedy asked the Minister for Health the number of bed units available in facilities (details supplied); the number of beds currently empty in these facilities; the number of patients waiting for beds at these facilities; his plans to utilise the vacant beds; and if he will make a statement on the matter. [30838/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Departmental Expenditure

545. Deputy Eoghan Murphy asked the Minister for Health the steps being made to increase the funding of the National Office for Suicide Prevention. [30846/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): e Government has prioritised the reform of our mental health services in line with A Vision for Change — the Report of the Expert Group on Mental Health Policy (2006) and Reach Out — the National Strategy for Action on Suicide Prevention 2005-2014. is commitment was clearly shown in the Programme for Government which provides for the ring-fencing of €35 million annually from within the overall health budget to develop community mental health services and to implement Reach Out. This is currently being considered as part of the Estimates process for 2012 and future years. Any increases in funding for the National Office for Suicide Prevention (NOSP) will be decided in this context.

Medical Cards

546. Deputy Jack Wall asked the Minister for Health the position regarding an appeal against the decision to grant a doctor only medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [30854/11]
Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

**General Practitioner Services**

547. **Deputy Robert Dowds** asked the Minister for Health if he will outline the extent to which general practitioners are double or triple jobbing. [30875/11]

548. **Deputy Robert Dowds** asked the Minister for Health if double or triple jobbing is an issue when general practitioners are concerned; and, if so, his views that such behaviour has a negative impact on the standard of care provided to patients. [30876/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): I propose to take Questions Nos. 547 and 548 together.

GPs may also be contracted to provide services under other schemes such as the Childhood Immunisation Scheme, the Cervical Screening Programme, the Methadone Treatment Scheme and the Health (Amendment) Act 1996 covering patients with Hepatitis C. The Medical Council is the statutory registration authority for medical practitioners in Ireland. The Council regulates doctors to practise medicine in the State. Its statutory role, as outlined in the Medical Practitioners Act 2007, is to protect the public by promoting and better ensuring high standards of professional conduct and professional education, training and competence among registered medical practitioners. One of the key responsibilities of the Medical Council is the setting of good medical practice, and medical practitioners must demonstrate a commitment to fulfilling professional responsibilities by adhering to the standards specified in the Council’s “Guide to Professional Conduct and Ethics for Registered Medical Practitioners”. Doctors must always be guided by their primary responsibility to act in the best interests of their patients.

*Question No. 549 answered with Question No. 538.*

**National Treatment Purchase Fund**

550. **Deputy Bernard J. Durkan** asked the Minister for Health the number of patients referred under the National Treatment Purchase Fund; the number treated within this jurisdiction; the number treated outside this jurisdiction; and if he will make a statement on the matter. [30898/11]

Minister for Health (Deputy James Reilly): The total number of surgical procedures carried out under the National Treatment Purchase Fund (NTPF) to date is 163,315. The NTPF does not normally send patients for treatment outside Ireland. The Fund has, where particular circumstances warranted it, sent a small number of patients abroad for treatment. For example, the Fund has arranged for patients living in border counties to be treated in private facilities in Northern Ireland. Of the 163,315 total surgical procedures carried out over 95% were treated in Ireland, 0.5% were treated in England (2002-2008), 0.02% treated in USA (2004-2006), 3.9% were treated in Northern Ireland (2002 to date Sept 2011). The number of surgical procedures undertaken by the NTPF, broken down by year, is set out in the table below.

<table>
<thead>
<tr>
<th>Year</th>
<th>Treated</th>
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</thead>
<tbody>
<tr>
<td>2002</td>
<td>1,920</td>
</tr>
<tr>
<td>2003</td>
<td>7,832</td>
</tr>
<tr>
<td>2004</td>
<td>13,627</td>
</tr>
</tbody>
</table>
The Government is embarking on a major reform programme of the health system. The aim of this reform is to deliver a single-tier health service, supported by universal health insurance, which will ensure equal access to care based on need, not income. A key immediate priority was the establishment in June of the Special Delivery Unit (SDU), to drive down waiting times for patients and a lot of work has already been undertaken in that regard. The resources of the NTPF will be refocused to align with the work of the SDU, and crucially, will allow for a progressive improvement in the performance of the acute hospital system.

**Departmental Agencies**

551. **Deputy Mary Lou McDonald** asked the Minister for Health if he will provide the following information regarding the agencies operating under his aegis (details supplied) namely, the total number of whole time equivalent staff, the total number of board members, the chairperson and board members respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of wage bill. [30916/11]

**Minister for Health (Deputy James Reilly):** The information requested is being collated and will be forwarded to the Deputy as soon as it is available.

**Medical Cards**

552. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [30922/11]

**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**

553. **Deputy Jerry Buttimer** asked the Minister for Health his proposals for developing a dedicated cystic fibrosis care unit at Cork University Hospital or alternatively if he will provide funding to enable Build4Life develop such a facility using money raised by its fund-raising efforts; and if he will make a statement on the matter. [30924/11]

**Minister for Health (Deputy James Reilly):** I have stated my Department’s policy that there must be sufficient inpatient beds to treat all people with cystic fibrosis who require hospitalisation.

I am happy to say that construction of the new 100 bed unit at St Vincent’s hospital is well under way and is due to be completed next year. The new building, which has single en-suite

<table>
<thead>
<tr>
<th>Year</th>
<th>Treated</th>
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<tbody>
<tr>
<td>2005</td>
<td>14,580</td>
</tr>
<tr>
<td>2006</td>
<td>16,931</td>
</tr>
<tr>
<td>2007</td>
<td>22,069</td>
</tr>
<tr>
<td>2008</td>
<td>23,927</td>
</tr>
<tr>
<td>2009</td>
<td>22,370</td>
</tr>
<tr>
<td>2010</td>
<td>24,118</td>
</tr>
<tr>
<td>2011 total to end Sept 2011</td>
<td>15,941</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>163,315</strong></td>
</tr>
</tbody>
</table>
rooms and isolation rooms, will play a vital role in the treatment of patients with cystic fibrosis and a range of other conditions.

Cork University Hospital has the second largest adult cystic fibrosis (CF) centre in Ireland. The CUH centre currently caters for the needs of 145 adult patients attending from the Munster region.

In September 2007, Dr Barry Plant was appointed as the Director of the adult cystic fibrosis programme at CUH. Since his appointment, Dr Plant has worked closely with various HSE services, philanthropic organisations such as Build4Life and CFAI, and scientific research agencies in advancing the needs of these patients. In June of 2008, Dr Plant, in consultation with the CF Multi Disciplinary Team and the CF community locally, submitted a ‘Statement of Need’ for CF services to the Executive Management Board of Cork University Hospital. This document, which was approved by the Board, outlined a strategic plan to develop CF services in the hospital, including the provision of day and inpatient facilities.

**CF Day Centre**

The CF Day Centre, which opened in CUH in May of this year, caters for most clinical needs of CF patients. It includes five isolation rooms, a dedicated CF gym, a multidisciplinary team room and consultant rooms. The capital costs for this development were provided through a partnership approach between HSE South and the Build4Life organisation.

**Inpatient Isolation and Bed Facility:**

Currently, Dr Plant is working with the Executive Management Board of the CUH to develop a designated inpatient unit, with en-suite rooms for CF patients. A location has been identified for a combined designated adult inpatient facility and respiratory unit. This is in a vacated ward on the CUH campus. Provisional plans and costings have been made, with an estimated build cost of approximately €3m.

The hospital is working in partnership with Build4Life to co-fund this development. To date, Build4Life has raised over €2m to support CF capital developments at CUH. HSE South is examining ways to secure additional capital funding to complete the unit, in the context of decreasing capital budget allocations in the present stringent climate. The need to develop the adult in-patient facility remains a Board and HSE South priority and the HSE will continue to work with Build4Life to complete this project.

I recently met with the Cystic Fibrosis Association of Ireland and I am keenly aware of the needs of people who live with CF.

I am actively considering a Lotto application from Build4Life and will make a decision shortly and will inform the Deputy and Build4Life when I have done so.

**Health Service Staff**

554. **Deputy Ciara Conway** asked the Minister for Health the position regarding the transfer of Health Service Executive personnel, particularly regarding if transfers have been stopped, even if a post has been filled in the current area where a worker is, and a vacancy is available in the area they have requested to be transferred to; and if he will make a statement on the matter. [30936/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.
555. **Deputy Robert Troy** asked the Minister for Health if any staff are to be transferred from Roscommon or Navan hospitals to other hospitals that have taken over emergency activities; and if he will make a statement on the matter. [30948/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Departmental Expenditure

556. **Deputy Anne Ferris** asked the Minister for Health if he will provide details for the years 2006 to 2011, inclusive, of the arrangements entered into by that him, any body under his aegis or State agency for which he has responsibility for the obtaining of advice from a senior or junior counsel and or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers and solicitors firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and if not, the reason; and if he will make a statement on the matter. [30970/11]

**Minister for Health (Deputy James Reilly):** With regard to the information requested by the Deputy concerning legal services obtained by the Department between 2006 and 2011, the available information, which is set out in the tables that follow, covers the period from January 2007 to November 2010. Information concerning the period December 2010 to date is currently being collated and will be forwarded to the Deputy as soon as it is available. I am advised that this is acceptable to the Deputy.

In early 2009 the Department invited a number of solicitors to submit prices for work. Based on the prices received the Department made offers to the solicitors concerned and those who accepted were included on a panel for use by the Department. In previous years, for small drafting jobs which were below tendering limits, the Department felt that better value for money could be obtained from using those familiar with the relevant requirements.

With regard to agencies under the remit of my Department, payment for legal services is an operational matter for the agencies themselves and such information is not held by my Department.

<table>
<thead>
<tr>
<th>Year 2007</th>
<th>Name of solicitor or barrister</th>
<th>Amount paid €</th>
<th>Reason</th>
<th>Tendered (yes/no — please explain if no)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>Conor Feeney, BL</td>
<td>2,500</td>
<td>Review of Draft SI transposing EU Directive 2005/36/EC-Recognition of Professional Qualifications—as they apply to Pharmacists</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice</td>
</tr>
<tr>
<td>2007</td>
<td>Noel Travers</td>
<td>3,267</td>
<td>Preparation of Final Advisory Report of Counsel regarding the implementation of Directive 2001/83/EC, as amended, into Irish Law</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice</td>
</tr>
<tr>
<td>2007</td>
<td>Maire Ni Shuilleabhain</td>
<td>3,400</td>
<td>Drafting of regulations to give effect to EC Regulation 178/2002</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice</td>
</tr>
<tr>
<td></td>
<td></td>
<td>510</td>
<td>Drafting of regulations defining Marginal, Localised and Restricted Activity</td>
<td></td>
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</tbody>
</table>
### Written Answers

**Year 2007**

<table>
<thead>
<tr>
<th>Name of solicitor or barrister</th>
<th>Amount paid €</th>
<th>Reason</th>
<th>Tendered (yes/no — please explain if no)</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Fry 2007</td>
<td>27,326</td>
<td>To advise and assist the Oversight Committee on the Health Repayment Scheme in ensuring that it fulfils its obligation in ensuring that the repayments scheme is implemented in the most effective way possible while still serving the principles of equity, probity and transparency and ensuring that the constitutional rights of all concerned are protected.</td>
<td>Yes</td>
</tr>
<tr>
<td>Donal McGuinness 2007</td>
<td>63,427</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
</tr>
</tbody>
</table>

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*Deputy James Reilly.*
<table>
<thead>
<tr>
<th>Year 2007</th>
<th>Name of solicitor or barrister</th>
<th>Amount paid €</th>
<th>Reason</th>
<th>Tendered (yes/no — please explain if no)</th>
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<tbody>
<tr>
<td>2007</td>
<td>Rory White</td>
<td>60,076</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
</tr>
<tr>
<td>2007</td>
<td>Vivian Lavan</td>
<td>47,654</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
</tr>
<tr>
<td>2007</td>
<td>Mervyn Hickey</td>
<td>75,867</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
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<tr>
<td>2007</td>
<td>Caroline Timmons</td>
<td>44,275</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
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<tr>
<td>2007</td>
<td>Crionna Creagh</td>
<td>47,293</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
</tr>
<tr>
<td>2007</td>
<td>Kara Turner</td>
<td>17,401</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
</tr>
<tr>
<td>2007</td>
<td>Gail Nohilly</td>
<td>14,744</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
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<tr>
<td>2007</td>
<td>Fintan Valentine</td>
<td>5,649</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
</tr>
<tr>
<td>2007</td>
<td>Conor Feeney, BL</td>
<td>2,500</td>
<td>Legal advice sought on the drafting of a Statutory Instrument implementing European Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications as regards nurses and midwives</td>
<td>Mr Feeney was engaged to provide legal advice on the drafting of this SI as he had previously been engaged by the Department of Education and Science as was (now Department of Education and Skills) in relation to the transposition of the general provisions of the Directive</td>
</tr>
<tr>
<td>2007</td>
<td>Conor Feeney, BL</td>
<td>500</td>
<td>Legal advice sought on the drafting of a Statutory Instrument implementing European Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications as regards nurses and midwives</td>
<td>Mr Feeney was engaged to provide legal advice on the drafting of this SI as he had previously been engaged by the Department of Education and Science as was (now Department of Education and Skills) in relation to the transposition of the general provisions of the Directive</td>
</tr>
<tr>
<td>2007</td>
<td>William Fry</td>
<td>60,500</td>
<td>Report on the Financial &amp; Legal advice on authorisation and ownership options in relation to VHI</td>
<td>Yes</td>
</tr>
<tr>
<td>2007</td>
<td>Noel Whelan</td>
<td>3,327</td>
<td>Drafting Disability Regulations</td>
<td>No — below the threshold (Public Procurement Guidelines)</td>
</tr>
</tbody>
</table>
**Written Answers**

**[Deputy James Reilly.]**

<table>
<thead>
<tr>
<th>Year 2007</th>
<th>Name of solicitor or barrister</th>
<th>Amount paid €</th>
<th>Reason</th>
<th>Tendered (yes/no — please explain if no)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007-2009</td>
<td>Diarmuid O’Donovan (BL)</td>
<td>484,900</td>
<td>The Government established a Commission under the Commissions of Investigation Act, 2004 into matters relating to Leas Cross Nursing Home. The Minister appointed Mr O’Donovan as the Sole Member of the Commission.</td>
<td>No- Sole Member was appointed under the Commissions of Investigation Act, 2004. Sole member nominated his legal team who were also appointed under the 2004 Act.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>919,286</td>
<td>Legal team nominated by the Sole Member consisted of 1 Solicitor and 5 Junior Counsels.</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>Elizabeth Carty</td>
<td>33,113</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board.</td>
<td>No**</td>
</tr>
<tr>
<td>2007</td>
<td>Nicola Murray Hayden</td>
<td>64,875</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board.</td>
<td>No**</td>
</tr>
<tr>
<td>2007</td>
<td>Rebecca Broderick</td>
<td>39,398</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board.</td>
<td>No**</td>
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<tr>
<td>2007</td>
<td>Robert W Haughton</td>
<td>31,115</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board.</td>
<td>No**</td>
</tr>
<tr>
<td>2007</td>
<td>Denise Brett</td>
<td>21,835</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board.</td>
<td>No**</td>
</tr>
<tr>
<td>2007</td>
<td>Deirdre O’Kane</td>
<td>30,424</td>
<td>In respect of Orders of Discovery nominated by the Attorney General.</td>
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Total Amount Paid for 2007 — €2,110,942

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<tr>
<th>Year 2008</th>
<th>Name of solicitor or barrister</th>
<th>Amount paid €</th>
<th>Reason</th>
<th>Tendered</th>
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<tr>
<td>2008</td>
<td>Conor Feeney, BL</td>
<td>500</td>
<td>For drafting advice in relation to EC (Control of Drug Precursors) Regulations</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
</tr>
<tr>
<td>2008</td>
<td>Conor Feeney, BL</td>
<td>605</td>
<td>For drafting advice in relation to a SI to authorise prison officers under Misuse of Drugs legislation</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
</tr>
<tr>
<td>Year</td>
<td>Name of solicitor or barrister</td>
<td>Amount paid €</td>
<td>Reason</td>
<td>Tendered</td>
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</tr>
<tr>
<td>2008</td>
<td>Conor Feeney BL</td>
<td>726</td>
<td>Draft regulations under S18 of the Pharmacy Act 2007 and draft rules of the Pharmaceutical Society of Ireland (PSI) relating to the registration of retail pharmacy businesses</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
</tr>
<tr>
<td>2008</td>
<td>Conor Feeney BL</td>
<td>363</td>
<td>Draft regulations under S18 of the Pharmacy Act 2007 and draft rules of the PSI relating to the registration of retail pharmacy businesses</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<tr>
<td>2008</td>
<td>Conor Feeney, BL</td>
<td>605</td>
<td>Review of draft PSI (Fees) Rules 2008</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2008</td>
<td>Conor Feeney, BL</td>
<td>2,601</td>
<td>Draft statutory instrument implementing Professional Qualifications Directive as regards pharmacists under the Pharmacy Act 2007</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2008</td>
<td>Conor Feeney, BL</td>
<td>484</td>
<td>Legal advice on the EC (Recognition of Professional Qualifications of Pharmacists) Regs 2008</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2008</td>
<td>Máire Ni Shuilleabhain</td>
<td>425</td>
<td>Drafting of European Communities (Cosmetics Products) (Amendment) (No. 2) Regulations 2008</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>1,360</td>
<td>Drafting of Medicinal Products (Prescription &amp; Control of Supply) (Amendment) Regulations</td>
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<td>1,700</td>
<td>Drafting of Poison Regulations</td>
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<td>Drafting of Cosmetic Products Regulations</td>
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<td>Drafting of Regulations on dietary foods for special medical purposes</td>
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<td>Drafting of Regulations on energy-restricted diets</td>
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<td>255</td>
<td>Drafting of Regulations to give effect to Directive 2006/142 labelling, presentation and advertising of foodstuffs</td>
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<td>255</td>
<td>Drafting of Bottled Waters amendment Regulations</td>
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<td>1,700</td>
<td>Drafting of Regulations on infant formulae and follow-on formulae</td>
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<td>595</td>
<td>Drafting of Regulations (Additives, Colours &amp; Sweeteners) (Amendment) Regulations 2008-(giving effect to Directive 2006/52)</td>
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<td>170</td>
<td>Drafting of Regulations (Additives, Colours and Sweeteners) (Amendment) Regulations 2008-(giving effect to Directive 2006/128)</td>
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<td>Drafting of EC (Purity Criteria on Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2008 giving effect to Directive 2006/129</td>
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<td>Drafting of Regulations on Dietary Foods for Special Medical Purposes</td>
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<td>Drafting of Regulations to give effect to Directive 2007/68 on labelling, presentation and advertising of foodstuffs</td>
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<td>Drafting of Regulations (Additives, Colours and Sweeteners) (Amendment) (No. 3) Regulations 2008-(giving effect to Directive 2008/60)</td>
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<td>Drafting of Regulations to give effect to Directive 2008/5 on labelling, presentation and advertising of foodstuffs.Drafting advice in respect of tobacco regulations</td>
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<td>765</td>
<td>Drafting advice in respect of tobacco regulations</td>
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<td>2008</td>
<td>William Fry</td>
<td>29,723</td>
<td>To advise and assist the Oversight Committee on the Health Repayment Scheme in ensuring that it fulfils its obligation in ensuring that the repayments scheme is implemented in the most effective way possible while still serving the principles of equity, probity and transparency and ensuring that the constitutional rights of all concerned are protected</td>
<td>Yes</td>
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<tr>
<td>2008</td>
<td>Donal McGuinness</td>
<td>318</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
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<tr>
<td>2008</td>
<td>Crionna Creagh</td>
<td>4,235</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
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<tr>
<td>2008</td>
<td>Conor Feeney, BL</td>
<td>2,500</td>
<td>Legal advice sought on the drafting of a Statutory Instrument implementing European Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications as regards dentists</td>
<td>Mr Feeney was engaged to provide legal advice on the drafting of this SI as he had previously been engaged by the Department of Education and Science as was (now Department of Education and Skills) in relation to the transposition of the general provisions of the Directive</td>
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<tr>
<td>2008</td>
<td>Conor Feeney, BL</td>
<td>726</td>
<td>Legal advice sought on the drafting of a Statutory Instrument implementing European Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications as regards nurses and midwives and dentists</td>
<td>Mr Feeney was engaged to provide legal advice on the drafting of this SI as he had previously been engaged by the Department of Education and Science as was (now Department of Education and Skills) in relation to the transposition of the general provisions of the Directive</td>
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<tr>
<td>2008</td>
<td>Conor Feeney, BL</td>
<td>2,500</td>
<td>Provision of legal services in relation to the consolidation of the Nurses Act 1985 with new legislation for the regulation of nurses and midwives</td>
<td>The Department sought quotations from 3 Barristers for the provision of legal services in relation to the consolidation. Mr Feeney provided the lowest quote</td>
</tr>
<tr>
<td>2008</td>
<td>David Holland S.C</td>
<td>17,784</td>
<td>Legal advice provided to the Inquiry Team in relation to the Monageer Inquiry</td>
<td>Senior Counsel was nominated directly by the Attorney General, and payment sanctioned by the Department of Finance</td>
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<tr>
<td>Year 2008</td>
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<td>2008</td>
<td>Elizabeth Carty</td>
<td>41,256</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board</td>
<td>No**</td>
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<td>2008</td>
<td>Nicola Murray Hayden</td>
<td>63,290</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board</td>
<td>No**</td>
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<tr>
<td>2008</td>
<td>Rebecca Broderick</td>
<td>76,938</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board</td>
<td>No**</td>
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<td>2008</td>
<td>Robert W Haughton</td>
<td>27,655</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board</td>
<td>No**</td>
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<tr>
<td>2008</td>
<td>Denise Brett</td>
<td>7,798</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board</td>
<td>No**</td>
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Total Amount for 2008 — €292,84

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<tr>
<td>2009</td>
<td>Noel Travers</td>
<td>3,037</td>
<td>Drafting and legal settling of European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2009</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<tr>
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<td>2,976</td>
<td>Drafting and legal settling of European Communities (Nutrition Labelling of Foodstuffs) Regulations 2009</td>
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<td>2,308</td>
<td>Initial drafting and legal advice on draft European Communities (Certain Contaminants in Foodstuffs) Regulations 2010</td>
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<td>2009</td>
<td>Conor Feeney</td>
<td>303</td>
<td>Drafting and legal settling of European Communities (Additives, Colours and Sweeteners) (Amendment) Regulations 2009</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2,308</td>
<td>Drafting and legal settling of European Communities (Dietary Foods for Special Medical Purposes) Regulations 2009</td>
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<td>Year 2009</td>
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<td>1,215</td>
<td>Drafting and legal settling of European Communities (Infant Formulae and Follow-On Formulae) (Amendment) Regulations 2009</td>
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<td>Draft and legal settling of Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations 2009</td>
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<td>1,215</td>
<td>Review of Draft European Communities (Emergency Measures Chilli, Chilli Products, Curcuma and Palm Oil) Regulations 2009</td>
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<td>Drafting and legal settling of European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2009</td>
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<td>6,804</td>
<td>Initial preparation and review of Draft S.I. European Communities (Official Controls of Foodstuffs) Regulations 2010</td>
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<td>2009</td>
<td>William Fry</td>
<td>14,798</td>
<td>To advise and assist the Oversight Committee on the Health Repayment Scheme in ensuring that it fulfils its obligation in ensuring that the repayments scheme is implemented in the most effective way possible while still serving the principles of equity, probity and transparency and ensuring that the constitutional rights of all concerned are protected.</td>
<td>Yes</td>
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<tr>
<td>2009</td>
<td>Donal McGuinness</td>
<td>3,403</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
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<td>2009</td>
<td>Mervyn Hickey</td>
<td>21,073</td>
<td>In respect of Orders of Discovery</td>
<td>Documentary Counsel nominated by the Attorney General*</td>
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Total Amount for 2009 — €60,048
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<tr>
<td>2010</td>
<td>Conor Feeney, BL</td>
<td>607</td>
<td>For drafting advice in relation to EC (Control of Drug Precursors) Regulations</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2010</td>
<td>Conor Feeney, BL</td>
<td>1,815</td>
<td>For drafting advice re the Misuse of Drugs Legislation on “legal highs”</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2010</td>
<td>Conor Feeney, BL</td>
<td>605</td>
<td>For drafting and advice on PSI Regs</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2010</td>
<td>Conor Feeney, BL</td>
<td>363</td>
<td>For drafting advice for the Misuse of Drugs (Amendment) (No.2) Regulations 2010</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2010</td>
<td>Noel Travers</td>
<td>3,025</td>
<td>Drafting and legal settling of European Communities (Certain Contaminants in Foodstuffs) Regulations 2010</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>2,987</td>
<td>Preparation of initial advices in respect of the proposed transposition of EC Directive 97/43/Eurotom</td>
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<td>2010</td>
<td>Conor Feeney</td>
<td>1,696</td>
<td>Drafting and legal settling of European Communities (Official Controls of Foodstuffs) Regulations 2010</td>
<td>Chosen from a panel used by the Dept for drafting and legal advice.</td>
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<td>3,267</td>
<td>Drafting and legal settling of European Communities (Import of Food of non-animal origin) Regulations 2010</td>
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<td>Legal settling of(1) Food Safety Authority of Ireland (Amendment of First Schedule) Order 2010(2) European Communities (Hygiene of Foodstuffs) (Amendment) Regulations 2010(3) European Communities (General Food Law) (Amendment) Regulations 2010</td>
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<td>2010</td>
<td>Patrick Terry</td>
<td>€3,751</td>
<td>Drafting Medicinal Products (Control of Wholesale Distribution) Regulations 2007 (Amendment) Regulations 2010, Medicinal Products (Control of Manufacture) Regulations 2007 (Amendment) Regulations 2010 &amp; Medicinal Products (Control of Placing on the Market) Regulations 2007 (Amendment) Regulations 2010</td>
<td>4,325</td>
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<td>2010</td>
<td>Caroline Timmons</td>
<td>€605</td>
<td>Drafting and legal settling of European Communities (Cosmetics Products) (Amendment) Regulations 2010</td>
<td>Chosen from a panel used for drafting and legal advice.</td>
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<td>2010</td>
<td>Jennifer Goode</td>
<td>€2,541</td>
<td>Drafting and legal settling of European Communities (Extraction and Solvents used in the production of Foodstuffs) Regulations 2009</td>
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<td>2010</td>
<td>William Fry</td>
<td>€12,048</td>
<td>To advise and assist the Oversight Committee on the Health Repayment Scheme in ensuring that it fulfils its obligation in ensuring that the repayments scheme is implemented in the most effective way possible while still serving the principles of equity, probity and transparency and ensuring that the constitutional rights of all concerned are protected</td>
<td>Yes</td>
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<td>2010</td>
<td>Paddy Terry</td>
<td>No payment made yet</td>
<td>To settle regulations under the Adoption Act 2010</td>
<td>Chosen from a panel used for drafting and legal advice.</td>
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<td>2010</td>
<td>Brian C. Murray</td>
<td>€3,781</td>
<td>Thalidomide documentation review</td>
<td>Assigned by the Office of the Attorney General</td>
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<td>Ellen Gleeson</td>
<td>€4,537</td>
<td>Thalidomide documentation review</td>
<td>Assigned by the Office of the Attorney General</td>
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Questions—

Written Answers

[Deputy James Reilly.]

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<td>2010</td>
<td>Rebecca Broderick</td>
<td>€802</td>
<td>Legal advice in respect of Lourdes Hospital Inquiry and the Lourdes Hospital Redress Board</td>
<td>No**</td>
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Total Amount for 2010 — €49,840 (up to November 2010)
Grand Total for 2007-2010 = €2,513,677
* The term Documentary Counsel refers to Junior Counsel with an expertise in the area of Orders of Discovery. They were nominated by the Attorney General’s Office.
** In 2006, the Department agreed to allow Judge Harding Clark, who headed the Lourdes Hospital Inquiry and the subsequent Lourdes Hospital Redress Board, to retain the services of her legal team in order to advise on the redress scheme.

Medical Cards

557. Deputy Seán Ó Fearghaíl asked the Minister for Health if he will expedite an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [30987/11]

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

558. Deputy Brendan Griffin asked the Minister for Health the amount of money spent on infant formula that is given away free in hospitals by county; and if he will make a statement on the matter. [30996/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Medical Cards

559. Deputy Seán Ó Fearghaíl asked the Minister for Health if he will expedite an application for a medical card renewal in respect of a person (details supplied); and if he will make a statement on the matter. [31013/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Departmental Expenditure

560. Deputy Mary Lou McDonald asked the Minister for Health the annual cost of the payroll system Corepay annual licence to his Department. [31059/11]

Minister for Health (Deputy James Reilly): My Department uses Corepay software for payroll and also provides payroll services to the Department of Children and Youth Affairs and the Adoption Authority of Ireland. The indicative costs for the most recent full year (2010) are €51,000 approx. These costs include Corepay licenses, Corepay maintenance and support services together with the relevant Oracles database licenses required to run the services.

Medical Cards

561. Deputy John McGuinness asked the Minister for Health the timeframe involved to
process and approve a medical card in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter. [31068/11]

**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 Waiting Lists

562. **Deputy John McGuinness** asked the Minister for Health if an early date for an operation will be arranged at Waterford Regional Hospital in respect of a person (details supplied) in County Carlow. [31072/11]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals have been instructed to ensure that, by the end of 2011, they have no patients waiting more than 12 months for treatment. Where they fail to do so, the NTPF will source the necessary treatments elsewhere and an appropriate budgetary adjustment will be made.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

563. **Deputy Pearse Doherty** asked the Minister for Health when a person (details supplied) in County Donegal will receive an appointment for consultation in Tallaght Hospital; and if he will make a statement on the matter. [31081/11]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals have been instructed to ensure that, by the end of 2011, they have no patients waiting more than 12 months for treatment. Where they fail to do so, the NTPF will source the necessary treatments elsewhere and an appropriate budgetary adjustment will be made.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

### Health Services

564. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the number of motorised transport grant applications received; the number of same approved; and the number rejected in County Donegal for each of the years 2007, 2008, 2009, 2010 and to date in 2011. [31083/11]
Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy’s question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

565. **Deputy Aengus Ó Snodaigh** asked the Minister for Health if her attention has been drawn to the impact that the Health Service Executive and drug task force funding cuts over the past four years have had on a youth centre (details supplied); the steps he will take to secure funding at least at the current level for next year; and if he will take steps to reverse the recent cuts to ensure this vital community resource can continue delivering quality services.  [31088/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): In the region of €1.418m has been made available to Dublin 12 Local Drugs Task Force by my Department in 2011, of which €116,500 was allocated to the centre referred to by the Deputy. A further €111,000 was allocated to the centre this year by the HSE, as part of its range of supports for community and voluntary provision in the area of drugs education and prevention. Due to the challenging economic environment, the funding available to Drugs Task Forces has been reduced in recent years. In line with Government policy, Drugs Task Forces have been requested to avoid impacting on front line services as far as possible. Similarly, the HSE has sought to manage the impact of reductions through prioritising direct services to those individuals and families directly affected by drug misuse. Funding in relation to 2012 will be determined in the context of the estimates process taking into account the need to protect front line service provision.

566. **Deputy Brian Stanley** asked the Minister for Health the costs of fluoridation here; and if he will make a statement on the matter.  [30309/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): The HSE spent approximately €4.78 million on fluoridation of public water supplies in 2010. The costs include hydrofluorosilicic acid — the chemical used for fluoridating water — operational and some minor capital costs.

567. **Deputy Olivia Mitchell** asked the Minister for Health in view of the ever-expanding numbers being catered for by agencies providing direct services to those with intellectual disability, and that at the same time they have received cuts in funding over each of the past four years, he will ensure, that like last year, they will not be asked to take the same level of cuts as the rest of the health service in the upcoming budget; and if he will make a statement on the matter.  [31143/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The level of funding available for the health budget is being considered as part of the Comprehensive Review of Expenditure and Estimates process for 2012 which is currently underway. Deliberations by the Government on the expenditure allocations for next year are likely to continue up until Budget time and it would not be appropriate for me to comment further at this stage pending the outcome of those deliberations. The very difficult financial position facing the Exchequer will obviously require very careful management across all areas of expenditure.

A major priority for the Government in the coming months will be to finalise the current Value for Money and Policy Review of Disability Services to ensure that existing funding for people with disabilities is spent to best effect. It is now more important than ever that large scale spending programmes of this nature are subject to detailed periodic review. The VFM Efficiency and Effectiveness Review will make recommendations that will ensure that the very
substantial funding, €1.5 billion, provided to the specialist disability health sector is used to maximum benefit for persons with disability, having regard to overall resource constraints which affect all sectors at this time.

As Minister for Equality, Disability, Mental Health and Older People I am committed to ensuring that the needs of our citizens who have a disability are addressed across the whole of Government.

Hospital Waiting Lists

568. **Deputy Mary Lou McDonald** asked the Minister for Health the reason the scheduled operation for a person (details supplied) has been repeatedly delayed since May of this year; and if this is a standard of care he is satisfied to stand over. [31144/11]

**Minister for Health (Deputy James Reilly):** The Deputy’s question relates to an individual service delivery matter and accordingly I have asked the HSE to respond directly to her.

Medical Cards

569. **Deputy Mary Lou McDonald** asked the Minister for Health the reason an appeal for a medical card has been under review since May of this year in respect of a person (details supplied); and if he will confirm when the appeal process will be completed and a judgement made. [31146/11]

**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 Waiting Lists

570. **Deputy Bernard J. Durkan** asked the Minister for Health if and when an appointment for 19 February 2013, for an examination can be brought forward in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [31170/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

571. **Deputy Regina Doherty** asked the Minister for Health the reason a person (details supplied) in County Meath, is on the waiting list in excess of 12 months to see a cardiologist; and if he will make a statement on the matter. [31182/11]

**Minister for Health (Deputy James Reilly):** I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals have been instructed to ensure that, by the end of 2011, they have no patients waiting more than 12 months for treatment. Where they fail to do so, the NTPF will source the necessary treatments elsewhere and an appropriate budgetary adjustment will be made.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appoint-
[Deputy James Reilly.]

ment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Health Services

572. **Deputy Catherine Byrne** asked the Minister for Health when a nursing home (details supplied) is due to close; the number of patients that are to be transferred to other facilities; the location to which they are to be transferred; the number of these patients originally from the local communities of Inchicore, Kilmainham, Drimnagh and Bluebell in Dublin; and if he will make a statement on the matter. [31195/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The nursing home in question was established in 1959. It was originally a Tuberculosis clinic opened in 1935. There are 80 residents currently at the facility. There is also a day centre at the front of the main building providing a service to older persons from the local community. The HSE decided to close the home and transfer the majority of services to the new modern purpose built unit at Hollybrook Community Nursing Unit at Inchicore. The new CNU at Inchicore has a total capacity of 50 beds. It has not been opened to date due to the current constraints on staffing.

As capacity of the new CNU is less than that at the home referred to by the Deputy the proposal also envisages that some staff and residents will transfer to other public units. This will provide the HSE with an opportunity to reopen beds that are closed at these facilities.

I would like to reassure the Deputy that the residents will remain our primary concern. Selection of alternative placements will be informed by the medical and care needs of each resident as evaluated by clinical staff. It is important to emphasise that no resident will be placed in a more costly financial position because of the move. I understand that the indicative timescale for the transfer is between 3 and 6 months. The Deputy will be aware that the Health Service Executive has sole operational responsibility for the delivery of health and social services, including those at this facility, accordingly, the matter has been referred to the Executive for direct reply.

573. **Deputy Jack Wall** asked the Minister for Health if a person (details supplied) in County Kildare is entitled to dental procedures; and if he will make a statement on the matter. [31209/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

*Question No. 574 answered with Question No. 536.*

575. **Deputy Brendan Smith** asked the Minister for Health when the Health Service Executive rapid response vehicle will be operational again in the north east; and if he will make a statement on the matter. [31219/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Medical Cards

576. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [31221/11]
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.

577. **Deputy Ciarán Lynch** asked the Minister for Health when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [31251/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

**Hospital Staff**

578. **Deputy Jim Daly** asked the Minister for Health if his attention has been drawn to a situation in Crumlin children’s hospital, Dublin, at which the only paediatric rheumatologist is taking maternity leave and is not being replaced for her time absent; if his further attention has been drawn to the fact that a patient (details supplied) travelling from west Cork once every two weeks has been told they will now not meet a qualified doctor to prescribe specialist drugs; and if he will make a statement on the matter. [31275/11]

Minister for Health (Deputy James Reilly): I can confirm that the Health Service Executive has identified Paediatric Rheumatology as a priority service for children’s health services and has approved the recruitment of a new Paediatric Rheumatology Consultant for Our Lady’s Children’s Hospital, Crumlin.

The Paediatric Consultant post already in place in Our Lady’s Children’s Hospital, Crumlin, will shortly fall vacant due to maternity leave. A locum position was recently advertised but unfortunately there were no applicants for the post. The hospital is currently in discussion with the Children’s University Hospital, Temple Street, to identify the level of support they can provide to ensure continued service delivery. I can assure the Deputy that the Health Service Executive will continue its efforts to ensure that this important service can be maintained.

I have referred the specific issue of a patient travelling to Crumlin from outside Dublin to the Health Service Executive, as this is a service matter.

**Community Drugs Projects**

579. **Deputy Éamon Ó Cuív** asked the Minister for Health the funding provided for community drugs projects this year; if there has been any cut in the funding during the year; the allocation to each drugs task force in 2011; if the funding to any drugs task force has been cut during the course of the year; if so, the reason for such a cut; and if he will make a statement on the matter. [31282/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): In excess of €30 million has been made available to Local and Regional Drugs Task Forces in 2011 for community based drugs initiatives in 2011. There were no cuts to Drugs Task Force funding during the course of the year and the allocation to each Drugs Task Force is set out in the following table.

<table>
<thead>
<tr>
<th>Local Drugs Task Forces</th>
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<tr>
<td></td>
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<tr>
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Questions—25 October 2011. Written Answers

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Regional Drugs Task Forces

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<td>Overall Total</td>
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Mental Health Services

580. **Deputy Dominic Hannigan** asked the Minister for Health the number of rehabilitation and recovery teams in County Meath to support persons with a mental health problem to enable them to live independently in the community; the professions on these teams; the number of specialist rehabilitation and recovery teams in County Meath; the professions that these teams consist of; and if he will make a statement on the matter. [31285/11]

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.

581. **Deputy Dominic Hannigan** asked the Minister for Health the national ratio of population to community mental health teams; the current ratio for persons in County Meath; and if he will make a statement on the matter. [31286/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): There are currently 124 General Adult Community Mental Health Teams (CMHTs) nationally, serving a population of 4,239,848*. This equates to 1 General Adult CMHT per population of 34,192.

It is difficult to extrapolate the ratio of CMHTs to the population in County Meath, as the HSE Mental Health Service is not configured on a geographical county basis. Mental Health
Services in Co Meath are, in the main, provided by the Louth/Meath Mental Health Service and 4 General Adult CMHTs operate exclusively in County Meath serving a population of 128,303; this equates to 1 General Adult CMHT per population of 32,075. However it is important to note that, in addition,

a) part of East Meath is served by CMHTs in Co. Louth and

b) 4 District Electoral Divisions in Co. Meath are served by CMHTs in HSE Dublin Mid Leinster.

* taken from 2006 Census

*Question No. 582 answered with Question No. 536.*

Health Services

583. **Deputy Seamus Kirk** asked the Minister for Health his views on the lack of toilet facilities at the new accident and emergency unit at Our Lady of Lourdes Hospital in Drogheda, County Louth; if his attention has been drawn to plans to resolve this issue; and if he will make a statement on the matter. [31318/11]

**Minister for Health (Deputy James Reilly):** The management and delivery of the health capital programme is a service matter. Therefore your question has been referred to the Health Service Executive for direct reply.

Medical Cards

584. **Deputy John McGuinness** asked the Minister for Health if a medical card will be renewed as a matter of urgency in respect of a person (details supplied) in County Carlow [31366/11]

**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

585. **Deputy Finian McGrath** asked the Minister for Health if he will review a matter in respect of a person (details supplied) in Dublin 3 [31374/11]

**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.

586. **Deputy Billy Kelleher** asked the Minister for Health if he will detail the waiting time for the provision of orthopaedic shoes through the public system in the Cork area; and if he will make a statement on the matter. [31382/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy’s question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

587. **Deputy Billy Kelleher** asked the Minister for Health the reason a disabled person (details supplied) in County Cork who has not had replacement shoes in two years has been informed it will be a further 12 to 14 months before they will receive new shoes and can he confirm if this is factually correct. [31383/11]
Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy’s question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Departmental Agencies

588. Deputy Mary Lou McDonald asked the Minister for Health if he will provide a list of all commercial semi-State companies under his aegis [31395/11]

Minister for Health (Deputy James Reilly): The Voluntary Health Insurance Board is the only commercial state body that comes under the aegis of my Department.

Mental Health Services

589. Deputy Noel Harrington asked the Minister for Health his priorities regarding the mental health sector taking into account concerns (details supplied) about the changes in the staffing levels in this sector over the coming years in view of the ban on recruitment for permanent posts and the non replacement of those retiring; and if he will make a statement on the matter. [31402/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Government has prioritised the reform of the mental health service in line with A Vision for Change. This commitment was clearly shown in the Programme for Government which provides for the ring-fencing of €35 million annually from within the overall health budget to develop community mental health services and to ensure early access to more appropriate services for adults and children. This is currently being considered as part of the Estimates process for 2012 and future years. My priority as Minister of State with responsibility for Mental Health will be to further advance the implementation of A Vision for Change. I have asked the HSE to prepare an implementation plan, which will identify specific areas of priority that can be progressed over the next three years, with timelines, detailed costs, structures and identifiable person(s) responsible for driving the change including delivery on the commitments in our Programme for Government. Issues related to staffing levels particularly in community mental health teams will also be examined in this context.

Departmental Staff

590. Deputy Michael Creed asked the Minister for Health if the position of principal dental officer in his Department has been filled; and if he will make a statement on the matter. [31403/11]

Minister for Health (Deputy James Reilly): The current moratorium on the filling of posts has meant that my Department has not been in a position to fill the post of Chief Dental Officer. Future decisions on this post will be taken against the backdrop of my Department’s need to balance the delivery of business priorities with falling levels of overall resources.

Hospital Services

591. Deputy Brendan Smith asked the Minister for Health when he will meet a delegation (details supplied); and if he will make a statement on the matter. [31417/11]

Minister for Health (Deputy James Reilly): The HSE is planning to change the opening time of the Minor Injuries Unit at Monaghan to an 8 hour 5 day service and expects that this will take effect from 1st November. This change is to be viewed as a temporary measure and will be reviewed in 2012.
I have emphasised to the HSE the need to ensure that the impact of such changes to patients is minimised and that all changes are fully communicated. I understand that arrangements, which include staff redeployments and a communications plan, are being put in place by the HSE in relation to this change.

The HSE does not anticipate that this change will have an effect upon the number of patients awaiting admission to an in-patient bed in Cavan General Hospital as the patients treated in the MIU are patients with minor injuries only and would not require admission to an in-patient bed.

In relation to meeting with the Clones Town Council, they should communicate their request to my Department and it will be considered in the usual manner.

592. **Deputy Finian McGrath** asked the Minister for Health the position regarding the cystic fibrosis unit (details supplied) at Beaumont Hospital, in Dublin [31428/11]

**Minister for Health (Deputy James Reilly):** Beaumont Hospital is one of the 6 specialist centres that provides services to adults with cystic fibrosis. In the 2008 Budget, a special allocation of €2.5m capital funding was provided to enable the hospital to provide facilities for ambulatory care of people with cystic fibrosis. This new facility opened on 26th October 2010 and provides a significantly enhanced service to adult patients with CF.

This enabled the provision of the new dedicated Outpatient facility for patients with CF. This Unit facilitates a comprehensive range of services from the multidisciplinary teams. These services include outpatient clinics, a drop in centre/base for clinical assessments with medical consultants and nurses, and the provision of treatments that otherwise may have required hospitalisation.

The new consultation and treatment rooms have an air filtration system which facilitates 12 air changes per hour, approximately three times the average rate in a normal room. This reduces the time needed between patients for the purposes of infection control.

At present there are four dedicated en-suite isolation rooms for the CF Service in Beaumont Hospital. The CEO, Beaumont Hospital, is aware of the requirement to increase capacity and is committed to identifying the additional facilities and resources required to meet the increased demand.

With priority access to a number of en-suite inpatient rooms, the need for an adult with CF being admitted as an inpatient via the Emergency Department is now a rare occurrence.

The Deputy will also be aware of the development of the new 100 bed Unit being built at St Vincent’s Hospital which encompasses both in-patient and day care facilities for patients with Cystic Fibrosis. It represents a major improvement in the care of Cystic Fibrosis patients in Ireland. The development at the hospital will provide a state of the art clinical building which will include up to date isolation facilities with accommodation for people with cystic fibrosis.

This 100 inpatient bed unit (in single en-suite rooms) will accommodate the needs of patients with cystic fibrosis and many other patients whose medical requirements necessitate single en-suite facilities. One ward (20 beds) in the new Unit will be dedicated for use by cystic fibrosis patients. Twenty per cent of the beds on each of the 5 wards will be isolation rooms. This represents best practice in terms of infection control. It will also provide 10 single day treatment rooms with en-suite sanitary facilities.

The Government is acutely aware of the challenges that people with cystic fibrosis and their families face in managing their condition and fully acknowledges the need for and support the provision of dedicated accommodation in an environment which allows appropriate isolation
for improved infection control. The Government supports the continued roll-out of regional services for patients with cystic fibrosis.

**Health Services**

593. **Deputy Aodhán Ó Riordáin** asked the Minister for Health the supports he is supplying to persons and families affected by genetic neuromuscular conditions; his views that every person with muscular dystrophy should be entitled to the medical card; if the long-term illness scheme will be extended to cover conditions such as myasthenia gravis and Charcot-Marie-Tooth disease; and if he will make a statement on the matter. [31436/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the first part of the Deputy’s question relates to service matters I have asked the Health Service Executive (HSE) to outline the services and supports provided for people with neuromuscular conditions directly to the Deputy.

**Medical Cards**

The Health Act of 1970 provides the legal basis for awarding a medical card. The legislation requires the HSE to have regard to the person’s overall financial situation. All persons seeking a medical card are assessed by the HSE as to their ability to arrange GP services without undue hardship. There are no plans to provide for the granting of medical cards to any particular group of patients with specific medical conditions. However, the HSE does look beyond the applicant’s financial situation and has regard to other matters they consider appropriate in assessing a person’s individual circumstances for a medical card. This assessment can address individual circumstances, including an illness or medical circumstances that result in financial hardship, or the costs associated with the provision of medical treatment. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

**Long Term Illness Scheme**

Under this scheme patients with a prescribed disease or illness of a long-term nature are provided with medicines and medical and surgical appliances without charge. While people with muscular dystrophy are eligible for the Long Term Illness Scheme there are no plans to extend the list of conditions covered by the Scheme. However, the terms of the scheme will be reviewed in the context of the Government’s proposals for Universal Health Insurance and free GP care at the point of delivery.

**Hospital Services**

594. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the status of the review of Loughlinstown hospital accident and emergency department; the safeguards that will be put in place for the hospital’s acute beds; and if he will make a statement on the matter. [31438/11]

**Minister for Health (Deputy James Reilly):** There is a joint HSE/Departmental group which is developing a framework for the future development of smaller hospitals with oversight from a steering group comprising of HSE and Departmental officials. No external consultants are being used for this process. Consultation covering all the key stakeholders including patients and public representatives, will be an integral part of the process and plans for the consultations required are currently under development and are expected to be completed shortly. The three hospitals in the region (St. Michael’s, St. Columcille’s and St. Vincent’s) are working together with the HSE to ensure that the appropriate level of service is provided in the best location to ensure clinical safety, quality and patient safety and to manage risk. No downgrading of the
emergency department at St Columcille’s hospital has been announced. Work has been ongoing for a number of months and transfer of services from one site to another will not occur until all patient safety issues and clinical issues are fully considered. Any future changes will take place within the context of the Clinical Programmes and the developing Framework for smaller hospitals.

595. **Deputy Tony McLoughlin** asked the Minister for Health if he will consider the setting up of a rapid access prostate cancer clinic for Sligo General Hospital; and if he will make a statement on the matter.  [31450/11]

596. **Deputy Tony McLoughlin** asked the Minister for Health if he will supply a specific date or week in the last quarter of this year when he expects mammography services at Sligo General Hospital to be up and running and operational  [31452/11]

597. **Deputy Tony McLoughlin** asked the Minister for Health if he can supply a specific date or week in the last quarter of this year when he expects colonoscopy services at Sligo General Hospital to be up and running and operational  [31453/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 595 to 597, inclusive, together.

The Deputy’s questions relate to service delivery matters and accordingly I have asked the HSE to respond directly to him.

**Medical Cards**

598. **Deputy Paschal Donohoe** asked the Minister for Health the number of medical card holders per year since 2005; and if he will make a statement on the matter.  [31468/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The information requested by the Deputy is set out in the table below.

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<thead>
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<th>Date</th>
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<tr>
<td>01-01-2006</td>
<td>1,155,727</td>
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599. **Deputy Paschal Donohoe** asked the Minister for Health the number of houses, per county in which there are multiple holders of medical cards registered as residing there; and if he will make a statement on the matter.  [31469/11]

**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 Waiting Lists**

600. **Deputy Patrick O'Donovan** asked the Minister for Health when a person (details supplied) in County Mayo will be called for an eye operation.  [31474/11]
Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals have been instructed to ensure that, by the end of 2011, they have no patients waiting more than 12 months for treatment. Where they fail to do so, the NTPF will source the necessary treatments elsewhere and an appropriate budgetary adjustment will be made.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

601. Deputy John McGuinness asked the Minister for Health if an early appointment at the ENT in Waterford Regional Hospital will be arranged in the case of a person (details supplied) in County Carlow; if he will expedite the matter [31480/11]

Minister for Health (Deputy James Reilly): I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. In this regard I have established the Special Delivery Unit (SDU), which will work to unblock access to acute services by dramatically improving the flow of patients through the system, and by streamlining waiting lists, including referrals from GPs. The SDU is working closely with its partner agencies — mainly the HSE and the NTPF.

As a priority, public hospitals have been instructed to ensure that, by the end of 2011, they have no patients waiting more than 12 months for treatment. Where they fail to do so, the NTPF will source the necessary treatments elsewhere and an appropriate budgetary adjustment will be made.

As this is a service matter, it has been referred to the HSE for direct reply. Should the patient’s general practitioner consider that the patient’s condition warrants an earlier appointment, he/she would be in the best position to take the matter up with the consultant and facility involved.

Health Services

602. Deputy John Browne asked the Minister for Health when a mobility allowance claim will be approved in respect of a person (details supplied) in County Wexford [31488/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy’s question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Hospital Accommodation

603. Deputy John Lyons asked the Minister for Health if his attention has been drawn to any reduction in the number of beds in both the male acute admission unit and the female acute admission unit at Sligo General Hospital; and if he will make a statement on the matter. [31499/11]
Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Consultancy Contracts

604. Deputy Billy Kelleher asked the Minister for Health the scope and role of outside management consultants if they are introduced into University Hospital Galway and Mid-Western Regional Hospital, Limerick; and if he will make a statement on the matter. [31503/11]

605. Deputy Billy Kelleher asked the Minister for Health if the introduction of outside management consultants into regional hospitals is the first step towards establishing hospital trusts; and if he will make a statement on the matter. [31504/11]

606. Deputy Billy Kelleher asked the Minister for Health if the outside management consultancy positions in regional hospitals have been tendered for; and if he will make a statement on the matter. [31505/11]

607. Deputy Billy Kelleher asked the Minister for Health the cost of tendering for outside management consultancy positions in regional hospitals; and if he will make a statement on the matter. [31506/11]

608. Deputy Billy Kelleher asked the Minister for Health if, in advance of the decision to introduce outside management consultants into regional hospitals, consultations were held with interested parties in the Croke Park Agreement; if the move is permissible under the Agreement; and if he will make a statement on the matter. [31507/11]

609. Deputy Billy Kelleher asked the Minister for Health the number of management posts vacant at the University Hospital Galway and at the Mid-Western Regional Hospital, Limerick; and if he will make a statement on the matter. [31508/11]

610. Deputy Billy Kelleher asked the Minister for Health the number of management posts vacant in each regional hospital; and if he will make a statement on the matter. [31509/11]

611. Deputy Billy Kelleher asked the Minister for Health if a value for money, cost benefit analysis and SWOT analysis has taken place in advance of any decision to introduce outside management consultancy positions into regional hospitals; and if he will make a statement on the matter. [31510/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 604 to 611, inclusive, together.

In order to strengthen the performance of acute hospitals which perform crucial roles within our health service, the HSE has identified a need to have available from time to time Senior Executives, either team-based or individuals, on a short-term basis to strengthen executive teams; lead a project or programme; provide an injection of skills; or assist in the transformation agenda set by Government.

In June 2011, the HSE invited tenders from potential service providers to compete for appointment to a four-year Framework Agreement for Personnel Placement and Supply Services. Under the Framework Agreement, service providers can be asked to source and supply either senior interim managers or more long-term senior management candidates. At present, the HSE is focussing on getting senior interim managers in place.
Following a tender process, a Framework Agreement, involving five companies, was established in September 2011. In October 2011, the five companies were invited to participate in a mini-competition to source and propose candidates for an Interim Management Support Structure for HSE West. The competition has closed and the proposals are being evaluated. As this process is still underway, it would be inappropriate for me to comment any further on it at this stage.

Under these arrangements it is planned to recruit a Chief Executive Officer for the Galway University Hospitals Group. It is also intended to strengthen management capacity in the HSE Mid-Western region by putting in place a similar Interim Management Support Structure.

It is envisaged that existing managers in these locations will benefit from a transfer of knowledge and skills while working alongside these senior interim managers resulting in the further development of the management and service delivery capability. The information and consultation mechanism used in the context of the planned Interim Management Support Structure for HSE West was in line with the terms of the Public Service Agreement. The HSE engaged with the relevant staff representative body at both a national and local level.

The number of management posts vacant in other regional hospitals other than in the HSE-West is not immediately available. I have asked the HSE to collate this information and reply to the Deputy directly.

**Departmental Expenditure**

612. **Deputy Billy Kelleher** asked the Minister for Health the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers and in all agencies under the aegis of his Department. [31520/11]

**Minister for Health (Deputy James Reilly):** Total ICT expenditure in 2010 on ICT in the Department of Health (formerly Department of Health & Children) was €1.965m. This figure contains expenditure for a number of smaller agencies that my Department provides shared ICT services to, including the former Office for the Minister for Children and Youth Affairs which has since been incorporated in the newly established Department of Children and Youth Affairs.

The requested details in relation to the agencies under my Department’s aegis are not readily available as it is an operational matter for the agencies themselves and my Department does not routinely compile or hold this information. I am referring the Deputy’s question to the relevant agencies including the Health Service Executive for its attention and direct reply to the Deputy.

**Alcohol Prices**

613. **Deputy Michael Healy-Rae** asked the Minister for Health his views on proposals regarding the introduction of a minimum price for alcohol; if it will result in a loss of jobs; and if he will make a statement on the matter. [31528/11]

**Minister for Health (Deputy James Reilly):** A National Substance Misuse Strategy Steering Group was established in 2009. It is examining the development of policy to deal with a wide range of key issues relating to the supply, pricing, availability and marketing of alcohol — including the issue raised by the Deputy — along with measures for the policy areas of prevention strategies, treatment, rehabilitation, alcohol and substance dependency research and infor-
mation. The report of the Steering Group is close to completion; I expect to receive proposals in the coming months and I will then brief my colleagues in Government on these. In the meantime, I will not pre-empt the work of the group.

**Departmental Funding**

614. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding funding in respect of an organisation (details supplied); and if he will make a statement on the matter. [31531/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The level of funding available for the health budget in 2012 is being considered as part of the Comprehensive Review of Expenditure and annual budgetary process which is currently under way. Deliberations by the Government on the expenditure allocations for next year are likely to continue up until Budget time and it would not be appropriate for me to comment further at this stage pending the outcome of those deliberations. The very difficult financial position facing the Exchequer will obviously require very careful management across all areas of expenditure.

The Health Service Executive will continue to fund Muscular Dystrophy Ireland subject to any overall resources limitations that may arise for all service providers in the disability sector generally.

**Medical Cards**

615. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter. [31536/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

**Medical Aids and Appliances**

616. **Deputy John McGuinness** asked the Minister for Health if a new motorised scooter will be provided in respect of a person (details supplied) in County Kilkenny; and if he will expedite a decision. [31537/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy’s question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

617. **Deputy John McGuinness** asked the Minister for Health if a special bed and hoist will be provided in respect of a person (details supplied) in County Carlow; and if he will expedite a decision. [31539/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

**General Medical Services Scheme**

618. **Deputy John McGuinness** asked the Minister for Health the reason for the delay in approving the transfer of a medical card patient to another general practitioner. [31540/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.
Medical Cards

619. Deputy John McGuinness asked the Minister for Health if a medical card will be approved in respect of a person (details supplied) in County Kilkenny; and if he will expedite a response. [31542/11]

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

620. Deputy John McGuinness asked the Minister for Health if an early appointment will be arranged in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter. [31545/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the HSE for direct reply.

621. Deputy Caoimhghín Ó Caoláin asked the Minister for Health, further to Parliamentary Question No. 466 of 20 September 2011, when a reply will issue from the Health Service Executive. [31582/11]

Minister for Health (Deputy James Reilly): I understand that the Health Service Executive responded to the Deputy on the 7th October 2011 in relation to this matter.

Health Services

622. Deputy Finian McGrath asked the Minister for Health if he will review a matter in respect of a person (details supplied) in County Dublin. [31587/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy’s question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Road Traffic Offences

623. Deputy Brendan Griffin asked the Minister for Transport, Tourism and Sport if a person disqualified from driving here in January 2011 is automatically disqualified from driving in the United Kingdom; and if he will make a statement on the matter. [30737/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): A person disqualified for holding a driving licence in this country must surrender their licence to the Licensing Authority that issued the licence in the first instance. Failure to do so is an offence under the Road Traffic Acts. Once the period of disqualification has expired, they will be notified accordingly and may then reclaim their licence from that Authority. Such a person may not drive in any EU Member State, including the UK, for the duration of the period of disqualification, as they no longer hold a valid driving licence.

Departmental Agencies

624. Deputy Mary Lou McDonald asked the Minister for Transport, Tourism and Sport if he will provide a list of all non-commercial State agencies under the aegis of his Department. [30791/11]
645. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if he will provide a list of all commercial semi-State companies under his aegis. [31401/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 624 and 645 together.

The information sought by the deputy is set out in the following tables. Table 1 lists the Commercial State Agencies under the remit of my Department while Table 2 lists the Non-Commercial Agencies.

**Table 1 Commercial State Agencies**

<table>
<thead>
<tr>
<th>Agency</th>
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<tbody>
<tr>
<td>CIE</td>
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<tr>
<td>Bus Éireann</td>
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<tr>
<td>Iarnród Éireann</td>
</tr>
<tr>
<td>Bus Atha Cliath</td>
</tr>
<tr>
<td>Railway Procurement Agency</td>
</tr>
<tr>
<td>Dublin Airport Authority</td>
</tr>
<tr>
<td>Cork Airport Authority</td>
</tr>
<tr>
<td>Shannon Airport Authority</td>
</tr>
<tr>
<td>Irish Aviation Authority</td>
</tr>
<tr>
<td>Port of Cork Company</td>
</tr>
<tr>
<td>Drogeda Port Company</td>
</tr>
<tr>
<td>Dublin Port Company</td>
</tr>
<tr>
<td>Dun Laoghaire Harbour Company</td>
</tr>
<tr>
<td>Shannon Foynes Port Company</td>
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<tr>
<td>Port of Waterford Company</td>
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<td>Galway Harbour Company</td>
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<tr>
<td>New Ross Port Company</td>
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<tr>
<td>Wicklow Port Company</td>
</tr>
<tr>
<td>Arklow Harbour Commissioners</td>
</tr>
<tr>
<td>Baltimore &amp; Skibbereen Harbour Commissioners</td>
</tr>
<tr>
<td>Bantry Bay Harbour Commissioners</td>
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<tr>
<td>Kinsale Harbour Commissioners</td>
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</tbody>
</table>

**Table 2 Non Commercial Agencies**

<table>
<thead>
<tr>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commission for Aviation Regulation</td>
</tr>
<tr>
<td>Fáilte Ireland</td>
</tr>
<tr>
<td>Irish Sports Council</td>
</tr>
<tr>
<td>Medical Bureau of Road Safety</td>
</tr>
<tr>
<td>National Roads Authority</td>
</tr>
<tr>
<td>National Sports Campus Development Authority</td>
</tr>
<tr>
<td>National Transport Authority</td>
</tr>
<tr>
<td>Railway Safety Commission</td>
</tr>
<tr>
<td>Road Safety Authority</td>
</tr>
<tr>
<td>Tourism Ireland</td>
</tr>
<tr>
<td>Marine Casualty Investigation Board</td>
</tr>
</tbody>
</table>

625. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if all non-commercial State agency employees under his Department’s aegis are paid directly from the Exchequer. [30896/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Not all non-commercial State agencies are funded by the Exchequer. The amount of funding provided to the non-
[Deputy Leo Varadkar.]

commercial agencies for general administrative expenses, including staffing, can be found in the Book of Estimates.

626. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport if he will provide the following information regarding the agencies operating under his aegis (details supplied), namely, the total number of whole-time equivalent staff, the total number of board members, the chairperson’s and board members’ respective remuneration packages, the total annual wage bill and the total amount of central funding provided to the agency inclusive of the wage bill. [30921/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The fee levels which apply to chairpersons and board members of State agencies are set out in the reply which I gave to Dáil Question 285 on 13th October 2011. However, in some cases board members may have voluntarily declined to accept fee payments.

Neither the Commission for Aviation Regulation nor the Railway Safety Commission have a board. However, there is a Railway Safety Advisory Council. The Commission for Taxi Regulation was subsumed into the National Transport Authority on 1st January 2011. I have no direct function in relation to the Commissioners of Irish Lights. My Department simply provides a contribution to the general administrative expenses of that organisation.

The number of board member positions in each of those agencies which are the subject of this question and for which I have responsibility is set out in the following table. The amount of central funding provided to the agencies is available in the Book of Estimates. With regard to the other information requested by the Deputy, the provision of the material is a matter for the agencies themselves. I have forwarded the Deputy’s question to the agencies concerned for their direct response. If the Deputy does not receive a reply within ten working days, please advise my private office.

<table>
<thead>
<tr>
<th>Board</th>
<th>No. of Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine Casualty Investigation Board</td>
<td>5</td>
</tr>
<tr>
<td>Medical Bureau of Road Safety</td>
<td>5</td>
</tr>
<tr>
<td>National Roads Authority</td>
<td>12</td>
</tr>
<tr>
<td>National Transport Authority</td>
<td>12</td>
</tr>
<tr>
<td>Road Safety Authority</td>
<td>11</td>
</tr>
<tr>
<td>Railway Safety Advisory Council</td>
<td>14</td>
</tr>
</tbody>
</table>

**Taxi Regulations**

627. **Deputy Brendan Ryan** asked the Minister for Transport, Tourism and Sport if his Department or any State body, such as the Taxi Regulator, keeps a record of all part-time taxi drivers and those who rent plates from taxi owners; and if he will make a statement on the matter. [30947/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** The regulation of the taxi industry, including matters related to the rental sector in the small public service vehicle (SPSV) industry and the maintenance of records of part-time drivers, is a matter for the National Transport Authority (NTA) under the Taxi Regulation Act, 2003. I
have arranged for your question to be forwarded to the NTA for direct response. Please advise my Office if you do not receive a response within ten working days.

The review of taxi regulation which I am chairing, is examining all aspects of taxi regulation and will make specific recommendations on matters such as licensing, enforcement, vehicle standards, supply issues in rural and urban areas and future dialogue with the taxi sector. The review will enable the necessary further reforms of the sector to allow consumers to have confidence in the taxi system while also ensuring that legitimate and competent operators and drivers can be rewarded by operating fairly under a regulatory framework that is adequately enforced. The work of the review will be completed in November when I will announce my plans for the sector.

Departmental Expenditure

628. **Deputy Anne Ferris** asked the Minister for Transport, Tourism and Sport if he will provide details for the years 2006 to 2011, inclusive, in respect of his Department, any body under his aegis or State agency for which he has responsibility, of the arrangements entered into by the aforesaid for the obtaining of advice from a senior or junior counsel and-or a firm of solicitors; the subject matter for which advice was sought; the names of the barristers’ and solicitors’ firms concerned and the fees paid; the nature of the work concerned; if in each case the matter was advertised for competitive tender and, if not, the reason; and if he will make a statement on the matter. [30976/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The following table sets out details of the arrangements entered into by my Department since my appointment as Minister in March 2011 in relation to the obtaining of advice from external senior/junior counsel or solicitors. In respect of information prior to March 2011, I am having that information collated and it will be forwarded to the Deputy in due course.

With respect to the bodies under the aegis of this Department, this is a matter for the bodies themselves. I have, however, forwarded the Deputy’s question to the bodies concerned for their response. If the Deputy does not receive a reply within ten working days, please advise my private office.

<table>
<thead>
<tr>
<th>Year</th>
<th>Name of Senior/Junior/solicitors</th>
<th>Payment Made</th>
<th>Reason for Procurement/Nature of work</th>
<th>Was service procured through competitive tendering (Yes or No)</th>
<th>Reason (if service was not procured by competitive tender)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>Mr. Remy Farrell Senior Counsel</td>
<td>€7,562.50</td>
<td>Review of Legislative Act</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>Conor Feeney B.L. (Junior Counsel)</td>
<td>€1,000</td>
<td>Drafting regulations in connection with the transposition of EU Directive</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>Gallenalliance Solicitors</td>
<td>Fee of €3,500 agreed but not yet paid</td>
<td>Legal advice</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Road Traffic Offences

629. **Deputy Finian McGrath** asked the Minister for Transport, Tourism and Sport the posi-
Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The management of the M6 Toll Plaza is the responsibility of the National Roads Authority and not something in which I have any function. I have referred the matter to the National Roads Authority for direct response to you. If you do not receive a reply within ten working days please contact my private office.

Road Network

630. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport the amount of public money that has been spent on drawing up plans for a bypass relief road for Claregalway, County Galway; the year in which work began on drawing up the plans; his views on same; and if he will make a statement on the matter. [31017/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects such as the N17 Claregalway Bypass is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. Noting the above position, in reference to national roads, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

Regarding regional and local road expenditure to date on the Claregalway (Baile Chlair) inner relief road project, €71,852 was spent in 2009 under the RLR Strategic Road Grants Scheme towards the planning and design stage of this project. Galway County Council have been allocated €100,000 towards the design of this project in 2011. As the Deputy is aware, the improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of section 13 of the Roads Act 1993. Works on these roads are funded from local authorities own resources and are supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

Departmental Expenditure

631. **Deputy Mary Lou McDonald** asked the Minister for Transport, Tourism and Sport the annual cost to his Department of the for the licensed payroll system, CorePay. [31065/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The annual cost for maintenance and support on Corepay licences is approximately €21,000.

Driving Tests

632. **Deputy Derek Keating** asked the Minister for Transport, Tourism and Sport to indicate, in tabular form, the number of persons who applied for their driving test between 4 January and 4 April 2011; and if he will make a statement on the matter. [31164/11]

633. **Deputy Derek Keating** asked the Minister for Transport, Tourism and Sport to indicate, in tabular form, the number of persons who took their driving test from 4 April 2011 to 4 October 2011; and if he will make a statement on the matter. [31165/11]
Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 632 and 633 together.

The subject matter of these particular questions, i.e. the operation of the driving test, is the responsibility of the Road Safety Authority, and I have referred the questions to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

Departmental Bodies

634. Deputy Derek Keating asked the Minister for Transport, Tourism and Sport if he will outline the members of the Road Safety Authority, RSA; the authority's policy on driving testing learner drivers; if he will provide details of the authority's learner driver forum members; and if he will make a statement on the matter. [31166/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): In September of this year, following the expiry of the term of the original Board of the Road Safety Authority, I appointed a new Board consisting of a mix of experience from the previous Board and some new members. The new Board consists of the following (reappointed members are marked with a *): Mr Gay Byrne* (Chair); Ms Áine Cornally*; Dr Áine Carroll; Mr Seán Finan; Ms Myra Garrett*; Mr Aaron McHale*; Mr Ronan Melvin; and Mr Edward Rock. The appointment of the Chair is subject to his appearance before the Oireachtas Committee. I understand that Mr. Byrne is scheduled to appear before the Committee on 15th November 2011.

The driving test is a legal requirement in order to receive a full driving licence, and requirements for the test are set out in law rather than as a matter of RSA policy. Details of the test requirements are set out in Regulation 26 of the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006). Learners must hold a learner permit for at least six months before taking the test and, as of April 2011, new learner car drivers must also undertake mandatory lessons before being allowed to take the test.

The RSA, as part of its work, engages with key stakeholders through a variety of means on many matters. Any forum operated by the RSA is the responsibility of the Authority itself. I have, therefore, referred that part of the Deputy’s question, relating to a learner drivers forum, to the RSA for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

Road Safety

635. Deputy Derek Keating asked the Minister for Transport, Tourism and Sport if he is satisfied with the present arrangements relating to the standards and requirements to be a professional driving instructor; the benefits of this new policy; and if he will make a statement on the matter. [31167/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): There are many measures necessary to promote safety on our roads and I believe that having standards for professional driving instructors is one of them. The existence of a recognised standard, through the regime of registering Approved Driving Instructors (ADIs) is also beneficial for the industry and ensures that rogue operators are kept out of the system. The existing standards and requirements for ADIs, which were introduced in 2009, are, of course, open to consideration and review. Following a process of examination of how these standards are operating, the Road Safety Authority, which is responsible for overseeing the ADI system, has recently made a number of proposals to adjust and improve the system. My Department is examining these proposals at present and I expect to be in a position to decide on them in the near future.
I consider it important that systems such as the ADI regime should be subject to periodic review and I remain open to considering other adjustments to the system as and when they may become necessary.

Road Network

636. Deputy Dara Calleary asked the Minister for Transport, Tourism and Sport the position regarding a road project (details supplied) in County Mayo; and the amount spent on a road project (details further supplied) in County Mayo. [31203/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The improvement and maintenance of regional and local roads in its area, is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded under these grants is also a matter for the local authority.

I understand that Mayo County Council wrote to the National Roads Authority seeking additional funding for the Bridge at Turlough, Co. Mayo, however all of the 2011 regional and local road grants have now been fully allocated and there are no further funds available from which an additional allocation could be made. It is however open to the council to include this project among its applications for consideration for funding under the Specific Improvement Grants Scheme in 2012.

In relation to the traffic calming measures at Ballyvary Co. Mayo, as Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads is a statutory matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act.

Noting the above position, I have referred the Deputy’s question to the NRA for direct reply. Please advise my private office if you don’t receive a reply within 10 working days.

Road Safety

637. Deputy Dara Calleary asked the Minister for Transport, Tourism and Sport if he is satisfied with the operation of the national car test facilities here; his views that 20 minutes is an adequate amount of time to complete a comprehensive test; if his attention has been drawn to the ongoing human resources difficulties within this service; and if he will make a statement on the matter. [31204/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has overall responsibility for the operation, oversight, development, quality assurance and delivery of vehicle testing arrangements.

The testing function is currently carried out by Applus+ under a contractual arrangement with the RSA, who exercise a supervisory role to ensure that the service provided by Applus+ conforms to the conditions of that contract. The RSA continuously monitors Applus+ performance and has regular meetings with them to ensure compliance with contract requirements. To
assist the RSA in carrying out this role, the Authority has appointed external contractors to
monitor performance by Applus+, and to report regularly to the RSA.

I understand from the RSA that Applus+ has confirmed to them that booking slots have not
been reduced to 20 minutes. The shortest slots are in large volume centres and have an average
duration of 28 minutes. Activity at some NCT test centres declined during the current quarter
due to a drop in demand allied to an increase in the number of owners failing to keep appoint-
ments (“no shows”).

This situation arises every year and, as in previous years, Applus+ has increased the average
number of appointments at 7 centres to minimise its impact. In these centres the time allocated
per slot, for a test with an average duration of 20 minutes, has been reduced from 35 minutes
to 32.5 minutes. Time slots at other centres are unaffected and those in the affected centres
will revert to 35 minutes in January when demand increases and the number of “no shows”
decreases.

Internal human resources are a matter for Applus+ and the RSA in relation to the perform-
ance of the NCT contract. However, I understand that a number of human resource matters
are due to be heard by the Labour Relations Commission.

Road Network

638. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport if he or the
National Roads Authority has received a request for funding from Mayo County Council for
an emergency road project (details supplied). [31205/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Trans-
port, Tourism & Sport, I have responsibility for overall policy and funding in relation to the
national roads programme. The planning, design and implementation of individual road pro-
jects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007
in conjunction with the local authorities concerned.

Within its capital budget, the assessment and prioritisation of individual projects is a matter
in the first instance for the NRA in accordance with Section 19 of the Roads Act.

Noting the above position, I have referred the Deputy's question to the NRA for direct
reply. Please advise my private office if you don’t receive a reply within 10 working days.

Rail Services

639. **Deputy Nicky McFadden** asked the Minister for Transport, Tourism and Sport if he will
provide an update on the expected availability of Wi-Fi broadband services on Intercity trains
to and from Athlone, County Westmeath; and if he will make a statement on the matter.
[31245/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an
operational matter for Iarnród Éireann. I have referred the Deputy’s question to the company
for direct reply. Please inform my private office if you do not receive a reply within ten work-
ning days.

Departmental Expenditure

640. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport if
he will communicate with the Department of Social Protection as to the cost to the Exchequer
of social welfare assistance required for former employees of a company (details supplied) in
County Donegal; if he will ask for a report from the Department of Social Protection to enable
Written Answers


Questions—

[Deputy Charlie McConalogue.]

him to make an assessment on the net cost if any to the State of providing financial assistance to the operations of the ferry in order to keep its employees in employment; and if he will make a statement on the matter. [31273/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The cost to the Exchequer of social welfare assistance paid to former employees of this private commercial ferry company is a matter for the Minister for Social Protection and my Department has no role in relation to this matter.

As I previously advised the Deputy on 13th October 2011, it is not the practice of my Department to subsidise loss-making ferry services nor are there any funds available to my Department for this purpose.

Road Network

641. Deputy Seán Kenny asked the Minister for Transport, Tourism and Sport the revenue and profit raised from each toll bridge for each of the past three years for which figures are available; and if he will make a statement on the matter. [31303/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority (NRA) under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

Noting the above position, I have referred the Deputy's Question to the NRA for direct response. Please advise my private office if you do not receive a response within ten working days.

The East Link Toll Bridge is the only toll facility on a non-national road. Financial information in respect of that facility would be available from Dublin City Council.

Tourism Promotion

642. Deputy Seán Kenny asked the Minister for Transport, Tourism and Sport the additional steps being taken to promote cruise tourism here in 2012; the budget allocated for same; and if he will make a statement on the matter. [31304/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The matter raised is an operational matter for Fáilte Ireland and Tourism Ireland. I have referred the Deputy's Question to the agencies for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Road Traffic Offences

643. Deputy Seán Kenny asked the Minister for Transport, Tourism and Sport the main offences for which penalty points were awarded in 2010; the way they compare with 2008 and 2009; and if he will make a statement on the matter. [31305/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the collection and compilation of statistics on penalty points.

I have referred the Deputy's question to the Road Safety Authority for direct reply. Please advise my private office if you do not receive a reply within 10 working days.
Swimming Pool Projects

644. **Deputy Michael McCarthy** asked the Minister for Transport, Tourism and Sport the funding allocated to public swimming pools in Ireland in 2009, 2010 and 2011, respectively, in tabular form; the amount allocated each year to capital and refurbishment funding, to allocations for disability access, and to any other areas relating to public swimming pools; and if he will make a statement on the matter. [31324/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):**
Under the Local Authority Swimming Pool Programme (LASPP) grant-aid up to a maximum of €3.8m per pool is provided to local authorities for the construction of a new local authority pool, a replacement pool or the refurbishment of an existing pool. A new pool is one located in an area that does not have a pool, a replacement pool may be on the site of a former pool or on a greenfield site in the same area.

Under the Programme the following grant aid was allocated to local authorities in 2009, 2010 and 2011.

<table>
<thead>
<tr>
<th>Name of Pool</th>
<th>Type</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loughrea</td>
<td>New</td>
<td>€1.7m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>De Paul, Navan Road, Dublin</td>
<td>Refurbishment</td>
<td>€0.65m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Ross</td>
<td>Replacement</td>
<td>€3.8m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballybofey/ Stranorlar</td>
<td>New</td>
<td></td>
<td>€3.8m</td>
<td></td>
</tr>
<tr>
<td>Loughlinstown</td>
<td>New</td>
<td></td>
<td></td>
<td>€3.8m</td>
</tr>
</tbody>
</table>

In 2011, a total of €10.67m in funding has been approved for energy upgrading and enhanced disabled access for 33 local authorities in respect of 56 pools, as set out in tabular form hereunder.

<table>
<thead>
<tr>
<th>County</th>
<th>Local Authority</th>
<th>Pool Name</th>
<th>Grant €000s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Galway</td>
<td>Galway City Council</td>
<td>Leisureland Salthill</td>
<td>€400.00</td>
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<td>Louth</td>
<td>Drogheda Borough Council</td>
<td>Drogheda Leisure Centre</td>
<td>€307.40</td>
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<tr>
<td>Cavan</td>
<td>Cavan County Council</td>
<td>Cavan Regional Sports Centre</td>
<td>€379.66</td>
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<td>Limerick</td>
<td>Limerick County Council</td>
<td>Askeaton Pool and Leisure Ltd</td>
<td>€198.12</td>
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<td>Clare</td>
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<td>Shannon Swimming and Leisure Centre</td>
<td>€200.30</td>
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<td>Wicklow</td>
<td>Arklow Town Council</td>
<td>Arklow Swimming Pool</td>
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<td>Meath</td>
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<td>LeisureLink Navan</td>
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<td>Offaly</td>
<td>Offaly County Council</td>
<td>Tullamore Leisure Centre</td>
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<td>Westmeath</td>
<td>Westmeath County Council</td>
<td>Athlone Regional Sports Centre</td>
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<td>Cork</td>
<td>Youghal Town Council</td>
<td>Youghal Leisure Centre</td>
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<td>Mayo</td>
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<td>Westport Leisure Centre</td>
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<tr>
<td>County</td>
<td>Local Authority</td>
<td>Pool Name</td>
<td>Grant €000s</td>
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<td>Roscommon</td>
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<td>Roscommon Leisure Centre</td>
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<td>Thurles Leisure Centre</td>
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<td>Kilkee Waterworld Ltd</td>
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<td>Lahinch Seaworld Ltd</td>
<td>€42.50</td>
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<td>Wicklow Coral Leisure Centre</td>
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<td>Birr Leisure Centre</td>
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<td>Carlow</td>
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<td>Graiguecullen Swimming Pool</td>
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<td>Waterworld Bundoran</td>
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<td>Ballinasloe Leisure Centre</td>
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<td>Carrick on Shannon Pool</td>
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<td>Drumshanbo Outdoor Pool</td>
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<td>Louth</td>
<td>Dundalk Town Council</td>
<td>Dundalk Swimming Pool and Leisure Centre</td>
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<td>Mayo</td>
<td>Mayo County Council</td>
<td>Ballina Swimming Pool</td>
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<td>Monaghan</td>
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<td>Monaghan Leisure Centre</td>
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<td>Roscommon</td>
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<td>Castlerea Outdoor Pool</td>
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<td>Waterpoint Enniscrone Pool</td>
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<tr>
<td>Westmeath</td>
<td>Westmeath County Council</td>
<td>Mullingar Swimming Pool</td>
<td>€212.50</td>
</tr>
</tbody>
</table>

Total | | | €10,672.05 |
The grants were allocated on the basis that local authorities would complete the work and draw down the grants before the end of this year.

*Question No. 645 answered with Question No. 624.*

**Road Network**

646. **Deputy Michael McCarthy** asked the Minister for Transport, Tourism and Sport his plans to safeguard the N71 Bandon to Inishannon road, County Cork, against structural deterioration during the winter months in view of damage it has endured in recent winters; the current funding provisions in respect of the road; and if he will make a statement on the matter. [31409/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act.

Noting the above position, I have referred the Deputy’s question to the NRA for direct reply. Please advise my private office if you don’t receive a reply within 10 working days.

**Departmental Agencies**

647. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the reason the Irish Aviation Authority is not complying with the directive stated in the letter dated 15 December 2008, from a person (details supplied) which states that with effect from 1 January 2009, employers must discharge their existing responsibility to allow PRSI relief at source on the social welfare benefit payments, in particular maternity benefit, and handed over by their employees; and if he will make a statement on the matter. [31434/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The subject matter of this particular question, i.e. the discharge of PRSI reliefs, is the responsibility of the Irish Aviation Authority, and I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

**Departmental Expenditure**

648. **Deputy Billy Kelleher** asked the Minister for Transport, Tourism and Sport the total expenditure in 2010 on ICT, including staff costs, support and maintenance services, hardware, software, and external resources, including consultancies, contractors and service providers, and all agencies under the aegis of his Department. [31526/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Department of Transport’s total expenditure on ICT in 2010 was €10,408,589. The expenditure of agencies is an operational matter for the agencies concerned. I have referred the Deputy’s question to them for direct reply. Please advise my private office if you do not receive a reply within ten working days.

**Road Network**

649. **Deputy Joan Collins** asked the Minister for Transport, Tourism and Sport if all local
authorities submitted their revised restoration improvement three-year programme, restoration improvement schemes maps, restoration maintenance schemes forms to the National Roads Authority by 16 March 2011, in compliance with the contents of circular RLR 2/2011; the local authorities, if any, that did not submit the required documentation by 16 March 2011; if road restoration improvement or road restoration maintenance grants were withheld as a result; and if he will make a statement on the matter. [31554/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The majority of local authorities submitted their Restoration Programme forms on time. A total of 7 local authorities were late with their submissions and had their access to the grant payment system restricted until all forms were returned. There are no Restoration Programme forms currently outstanding and therefore all restrictions have been lifted.