



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Dé Céadaoin, 26 Deireadh Fómhair 2011.

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IMLEABHAR 745

VOLUME 745

*Dé Céadaoin, 26 Deireadh Fómhair 2011.
Wednesday, 26 October 2011.*

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: Before the election the Taoiseach not only promised to maintain special needs assistance provision in education but he also supported a motion in this House to increase funding for special needs assistants, SNAs, this year. In September, parents of children with special needs who were starting the new school year were told that there would be a 10% reduction in the number of special needs assistants. In addition, the Government unilaterally decided to withhold 475 special needs assistants from the country's classrooms.

It took only months for the Taoiseach to abandon promises such as no cuts to special needs assistance, and none of the promises he made in February came with small print. After eight months he has settled into his role in Government. It is a Government that is dismissive of the Oireachtas and of anybody who challenges it. The Taoiseach cannot cover up the enormous and growing scale of his broken promises. Schools throughout the country will be on mid-term break next week. I am told by parents, teachers and special needs assistants that the special needs provision and the allocation of special needs assistants are still very inflexible and that there is a huge disconnect between what is happening on the ground and what we hear officially from the Government and the Department of Education and Skills. I have met many parents, teachers and special needs assistants who have articulated this and the fact that real need is being deprived in our schools and children who deserve special needs assistants are not getting that provision.

[Deputy Micheál Martin.]

During a previous Leaders' Questions the Taoiseach promised that every child who required special needs assistance provision would get it. That is not happening. Can the Taoiseach outline if the 475 posts that were withheld have been allocated to children who are in desperate need of such provision, so they can have their constitutional right to an education?

The Taoiseach: There has not been a 10% reduction in SNA numbers. A total of 10% were held back for very good reasons, for example, for cases where sickness or injury might occur, for new pupils and so forth. The majority of those have already been allocated to schools under the appropriate guidelines. The Deputy is aware that the number of SNAs was capped at 10,575. The Minister made a 90% allocation and held back 10%, the majority of whom are now being allocated to schools. We all have access to parents and SNA personnel to discuss the work they do and the responsibility in that regard. The Minister for Education and Skills is due to meet with the National Council for Special Education, NCSE, tomorrow and any issues the council wishes to raise with him will be listened to and dealt with by the Minister directly.

Deputy Micheál Martin: The problem, as I have said repeatedly in the House, is that there is a huge disconnect between what we hear officially and what is happening on the ground and what parents and schools are being told. I cannot articulate that strongly enough. In one case a school with children with severe and profound autism had two teachers summarily removed. The response it received from the Department was that the Department had nothing to do with national council. The Taoiseach said the Minister is due to meet the council. However, everybody outside the House is being told that the Minister cannot intervene with the National Council for Special Education. Can we get away from this parallel universe in Dáil Éireann, which appears to be oblivious of the needs of people and what is happening in terms of the withdrawal of special needs assistants?

Deputy Emmet Stagg: There was no withdrawal of special needs assistants.

Deputy Micheál Martin: There is no need to reference the troika either. My colleagues met with the troika last week and it made it clear that specific detailed policies were a matter for the Government. It was only concerned with global issues in terms of the bottom line.

An Ceann Comhairle: We are not dealing with the troika at the moment.

Deputy Micheál Martin: Can the Taoiseach give a commitment that the 475 special needs assistants will be allocated? That 10% was part of the full year costing and it is now nearly the end of the year, so there has been a little sleight of hand in the withholding of that amount for so long. Will the Taoiseach also confirm that the Government will protect special needs education in the forthcoming budget?

The Taoiseach: As a former Minister for Education the Deputy will be aware that the end of the school year is the end of next June.

Deputy Micheál Martin: I am talking about the budget year. Do not be smart.

Deputy Bernard J. Durkan: Do not go there.

The Taoiseach: Of course, and it is the calendar year as well. There are 80 special educational needs organisers, SENOs, dealing with 18,000 pupils in this case. The Deputy made an allegation of a disconnect and commented about people living in a parallel universe. Politicians

will always blame the person with responsibility. In a democracy it is always right to be able to point out who is responsible and in charge.

The Minister for Education and Skills is dealing with this directly. When the council meets him its representatives will be able to articulate, with more time and more examples, the issues to which the Deputy refers. They will not be talking to an official but to the Minister. He has set out his policy in the House. He held back 10% of the SNAs for a very good reason and he will deal with the issues raised by the council when he meets its representatives tomorrow. There is no disconnect and no living in a parallel universe.

Deputy Michael McGrath: There is in the schools.

The Taoiseach: There is an addressing of the reality as we find it. In this case, the Deputy has articulated a valid question. The Minister for Education and Skills accepts his responsibilities and is dealing directly with the council. If its representatives can give examples of where the current policy is inadequate or is not fulfilling the needs as determined by the professional assessors of children's needs in this case, they will have the opportunity to say that to the Minister directly and for him to give his response.

Deputy Micheál Martin: The letters people are getting say the Minister cannot intervene.

Deputy Gerry Adams: Ar dtús, go n-éirí an t-ádh leis an Taoiseach ag an chruinniú Comhaontas Eorpach níos moille inniu, ach tá níos mó ná "Tá" de dhíth ag an Taoiseach agus caithfidh sé athrú mór a dhéanamh. Mar shampla, on 30 September in Warsaw the Taoiseach ruled out treaty change as part of the effort to solve the euro crisis and he repeated this on 10 October yet on Sunday it is reported that he and other European leaders agreed treaty change. He is involved in negotiating a 50% to 60% writedown in Greek debt, yet he refused to make the case for reductions in banking debt in Ireland. He laments the lack of money here for job creation for various people yet is prepared to pay billions of euro to unguaranteed bondholders in Anglo Irish Bank. Mar a dúirt mé go minic leis an Taoiseach, tá rogha ag an Rialtas — seasamh leis an daonlathas nó leis an super elite. Is léir go bhfuil Fine Gael agus Páirtí an Lucht Oibre leis an super elite. Next Wednesday the Government will pay out €700 million to unguaranteed bondholders and a total of €2 billion between now and the end of January.

There are three questions I wish to put to the Taoiseach. Does he still oppose any further centralisation of fiscal powers and will he assure the House that any treaty changes will be put to a referendum? Will he seek a writedown of Irish banking debt at today's summit? Will he give a clear commitment not to pay €700 million next Wednesday to unguaranteed bondholders? Some €700 million would pay for special needs assistants and hospitals and it would mean no welfare cuts, no household charges and no universal social charge.

The Taoiseach: What was the Deputy's second question?

Deputy Gerry Adams: The second question is will the Taoiseach give a clear commitment not to pay €700 million to unguaranteed bondholders in Anglo Irish Bank next Wednesday? I have put this question to him at least 100 times.

The Taoiseach: Gabhaim buíochas leis an Teachta as a ráiteas ag súil go mbeidh an t-ádh linn nuair a bheidh na díospóireachtaí seo críochnaithe, anocht nó maidin amárach. Níl a fhios agam ag an bpointe seo cé chomh fada agus a leanfaidh an cruinniú seo ar aghaidh. The question of fiscal discipline was raised in the context of one of the governance issues for the eurozone for the time ahead. Clearly the flexibility that exists within the existing instruments which were agreed and signed-off on in July allow for a great deal of activity and scope to

[The Taoiseach.]

occur without any treaty change. I have made my view known very publicly. In a situation where there is a change of competence that would require treaty change by referendum, the Deputy will be aware of the process by which treaty changes are brought about. While it might be an issue for an individual country or for an individual leader to say there is a need for treaty change, for instance, some people might be of the view that if one does not measure up in terms of fiscal responsibility that it would be appropriate to have voting rights withdrawn or be removed from the eurozone or the EU. Things like that would require treaty change.

If one opens the gate to major treaty change, one is talking about Intergovernmental Conferences and much longer periods and a situation where one cannot guarantee the outcome either by time or by Government decision because different governments ratify these things in different ways. The crisis is now and the flexibility exists within the existing instruments to deal with this crisis now. In regard to the discussions I heard on Sunday and in which I participated, 90% can be dealt with without any treaty change.

Deputy Adams will be aware that in the case of treaty change in Ireland, the Attorney General would give legal advice to the Government of the day as to whether a referendum was necessary in respect of any treaty change proposed. It was agreed on Sunday that the eurozone would look at the governance of the way it does its business in the time ahead and that there would be a report back in December about the possibility of limited treaty change — I stress limited treaty change.

I have made my view perfectly clear on this issue. We have to deal with the current crisis now. This country is heading in the right direction. We do not want to lose any assistance or encouragement from our European colleagues to continue on the path of confidence and get out of this mess. From that point of view we will deal with it immediately. I hope that the discussions this evening will have arrived at a point where decisions can be made by the leaders of the eurozone. I hope that clears up the position.

Deputy Gerry Adams: I do not know why the Taoiseach asked me to repeat my second question because he then ignored it entirely.

An Ceann Comhairle: There is a time limit.

The Taoiseach: The Deputy asked about the €700 million. This is not a payment from the Exchequer in the next couple of weeks. This money was allocated by the previous Government to Anglo Irish Bank to pay off these bondholders.

(Interruptions).

The Taoiseach: It is called a promissory note. What we are looking at are discussions and negotiations that can bring about a reduction in the overall level of debt on Irish citizens and a number of opportunities are being explored under the EFSF facility.

Deputy Gerry Adams: A Cheann Comhairle, it is impossible to hear what is being said by the Taoiseach because his Whip keeps talking too loudly.

Deputy James Reilly: It is a bit closer to home.

An Ceann Comhairle: Deputies, please desist.

Deputy Gerry Adams: It is quite cynical. If it was a game of football it would be a cynical foul so let us get back to the main——

An Ceann Comhairle: I am the referee at the moment so do not worry about it. I will referee the match.

Deputy Gerry Adams: You will need to show red cards.

An Ceann Comhairle: A few yellow cards have been issued already on all sides.

Deputy Gerry Adams: Does the Taoiseach have a substitute to send to today's meeting given his dismal efforts to keep a focus on this notion he has, that he can simply say that he rules out treaty change, that he is against treaty change and then it becomes limited treaty change? There is either going to treaty change or not. It appears to me from his reply that he has gone along with the other European leaders and agreed to this upcoming treaty change. Also he has refused to give a clear signal that if such treaty change comes about he will authorise a referendum. This should be a political gesture of confidence in Irish people, the new dawn of politics that he promised would come with his Government. I also think——

An Ceann Comhairle: May we have a question, please?

Deputy Gerry Adams: While I would disagree with Fianna Fáil, it is not good enough to blame it for what the Government will authorise next Wednesday. Will the Taoiseach make it clear that he will not allow that €700 million to be authorised and to consider that all of these issues are pressing down on the most vulnerable in society, those on trolleys, the families of children with special needs, the unemployed? That €700 million and the €2 billion that he will pay out before next January should be used to regenerate the economy and to provide our people with jobs.

The Taoiseach: The Deputy is making allegations that do not stand up. I am only one of the 17 leaders who represents the eurozone countries and one of the 27 who deals with the question of the European Union and the issue of treaty change or not. There was a serious discussion about the governance of the eurozone, how countries should have fiscal discipline and fiscal responsibility and why some countries are AAA rated and some are not. The Deputy will appreciate that the situation that arose in this country has led to a position where we are not AAA rated. We are in a bailout situation. There were serious discussions by serious people about what needs to be done when countries are clearly out of line. How does one grow the Single Market Act which gives so much potential to the European Union? Why do we not have a competitiveness league across Europe where people can say one is now measuring up? This country is improving but we still have a long way to go. Why is it that when one discusses business and finance in the United States or in China that Europe is rarely rated? The answer is that it is all over the place. That is why there needs to be a focus on doing the job properly and within the agreements that are set out.

What was agreed on Sunday is that there would be a report back in December on issues about governance including the possibility of limited treaty change. We have had no problem with a limited treaty change. I just state the reality that one is not going to deal with the eurozone crisis by talking about major treaty change because it takes too long when one has all of the countries that must have Intergovernmental Conferences and meetings of the European Parliament and the Council. Every country would then want to put issues on the table for treaty change themselves. One could be engaged in that process for a considerable period and it would not deal with the eurozone crisis we face today.

The Government is not authorising the payment of €700 million next Wednesday. It is a fact that before the Deputy came to the House that the previous Government signed off on a promissory note of €3 billion every year for ten years.

Deputy Michael McGrath: It is nothing to do with the expenses.

The Taoiseach: That is a fact. What we are dealing with now is the consequence and legacy of that.

Deputy Lucinda Creighton: It is a fact.

Deputy Michael McGrath: That is rubbish.

Deputy Lucinda Creighton: It is not rubbish.

Deputy Michael McGrath: A Cheann Comhairle, is the Taoiseach allowed to mislead the Dáil?

Deputy Bernard J. Durkan: What is the Deputy talking about?

The Taoiseach: That means one must use the flexibility of the instruments that were signed off in July——

Deputy Michael McGrath: That is not what the Minister, Deputy Noonan, said in the Dáil last June.

An Ceann Comhairle: Deputies should please stay quiet.

The Taoiseach: ——to get our overall debt burden down. We have reduced it by approximately €10 billion over the period of the programme——

Deputy Micheál Martin: The Minister said he would not do it.

The Taoiseach: ——because of the interest rate reductions. I would love to be able to say we are in a position now——

Deputy Billy Kelleher: The Taoiseach told everybody before the election.

The Taoiseach: ——where we could make an announcement such as that but I cannot.

Deputy Michael McGrath: And last June.

The Taoiseach: We must deal with the consequences of the legacy position of the Anglo Irish Bank promissory note.

Deputy Micheál Martin: The Minister for Finance, Deputy Noonan, said it.

Deputy Michael McGrath: There was a big announcement in advance of the press conference.

The Taoiseach: The Deputy will miss the opportunity if he thinks the Government can just change that which was signed off on by the previous Government.

Deputy Michael McGrath: The Taoiseach is misleading the Dáil.

The Taoiseach: We are dealing with the legacy of it which means that one must find different ways of negotiating to get the debt level down.

Deputy Michael McGrath: Next week has nothing to do with the promissory note. The Taoiseach knows that.

The Taoiseach: We are all interested in the least amount of payment, which is a crushing burden on the Irish taxpayer, as a consequence of what happened. That is where the politics and the negotiations for the future will be focused. We cannot do anything about any of those things until a decision is made by the leaders in respect of the eurozone crisis.

An Ceann Comhairle: I thank the Taoiseach. He is way over time.

Deputy Michael McGrath: It is unbelievable.

The Taoiseach: There is no point in me standing up in the Dáil and saying to the Irish people that this is going to be sorted out when we have treaty change.

Deputy Pearse Doherty: The Minister, Deputy Noonan, announced it in Washington in March.

The Taoiseach: From past experience, treaty change takes so long to implement——

Deputy Bernard J. Durkan: We thought you had gone away.

The Taoiseach: We must deal with the crisis now. The first meeting of the Heads of State and Government——

Deputy Emmet Stagg: Watch out, Gerry.

An Ceann Comhairle: I am sorry but we are way over time.

The Taoiseach: ——was put off last Sunday week. It was held on last Sunday. The second meeting will be held this evening because of the requirement of some leaders to go back to their parliaments, discuss the issue and get approval for it. I hope we can get this process moved to a point this evening where the leaders can make decisions that can deal with the matter comprehensively. Afterwards, we will look at the question of governance for the future.

Deputy Finian McGrath: Earlier the Taoiseach said there was no disconnect between the Government and people on the ground. I strongly challenge that position.

The Taoiseach: Right.

Deputy Finian McGrath: I also strongly challenge the Taoiseach. He gives the impression that there are no cuts to services for people on the ground. I wish to bring him back to reality. Last week I met representatives of St. Michael's House, the largest provider of intellectual disability services in Dublin, and the third largest in the country. As the Taoiseach is aware, it provides day services for 1,616 people and residential services for 450. A total of 80% of the services are located north of the Liffey and 20% are located south of the Liffey. Coming up to the budget I wish to ask the Taoiseach a few direct questions on St. Michael's House and disability services in general.

First, why is he cutting front line services to St. Michael's House?

Deputy Bernard J. Durkan: Why is Deputy McGrath getting two salaries?

Deputy Finian McGrath: Is the Taoiseach aware that despite the moratorium on recruitment being in place in recent years €8.7 million has already been cut from St. Michael's House services which led to a reduction of 104 staff? St. Michael's House has upped its game and despite losing 104 staff it has also managed to provide 114 more day care services and 44 more residential services. There is another example of a disconnect and a cut.

[Deputy Finian McGrath.]

Does the Taoiseach accept that St. Michael's House has taken a major hit? On top of that, is he aware that staff have increased productivity and a major reduction in absenteeism from 6.5% to 2.1%. There is another disconnect in terms of the Taoiseach's views on the issues. Why is he planning to cut funding to St. Michael's House in advance of the budget? St. Michael's House has delivered fantastic services to many people and the families of people with intellectual disabilities. Will the Taoiseach deliver for those families and not cut front line services?

The Taoiseach: I do not have the details on the position of St. Michael's House to hand. For the first time the delivery of mental health services is being made a central part of the delivery of health services in general. The Government has ring-fenced funding of €35 million under the remit of the Minister of State, Deputy Kathleen Lynch, for the delivery of those services.

As Deputy Finian McGrath is aware, every Department was asked to reduce costs and that has applied across the board. I appreciate the work done by front line services. I am aware of many cases where psychiatric nurses have retired and have not been replaced because of the moratorium on recruitment. There is a shift from the institutionalised delivery of services to community-based services. The delivery of mental health services as a normal part of the health service is a good thing rather than having it sidelined as it used to be.

I do not have the details of the situation in St. Michael's House to hand but if Deputy Finian McGrath wants to send me the details I would be happy to receive them. Perhaps he wishes to raise the matter as a topical issue with the permission of the Ceann Comhairle. I accept his central point that this is of great importance for those concerned. I appreciate the pressure and difficulties front-line workers have to contend with in the delivery of those services. Many of those for whom the service is provided are demanding mentally and physically on staff.

Deputy Finian McGrath: I thank the Taoiseach for his response. I am trying to encourage him and the Ministers for Health and Finance not to cut these services which have already lost 104 staff. I believe an 8% cut is on the agenda of the Health Service Executive in the coming weeks. An 8% cut in St. Michael's House services will result in the loss of significant services that will wipe out residential and extra care services. I raise that issue with the Taoiseach.

Is he aware that there are 240 parents over 70 years of age caring for their son or daughter with an intellectual disability at home? A total of 147 of those families are in serious difficulty and there is significant pressure on them and on St. Michael's House. They are the figures for people in their 70s and 80s with adult children with intellectual disabilities in their 30s and 40s. They are not large figures and there is an opportunity for creative budgeting and creating care services to look after those people. Does the Taoiseach think it is fair for there to be any cuts in those services? Does he still believe in the just society? Will he support me in ensuring that St. Michael's House and other intellectual disability services are not cut in the next budget?

The Taoiseach: I do believe in a just society. In order to arrive at a situation where that can apply, the structure of the way we deliver services and how Government and its agencies and the services of the State are run need to be changed drastically in many cases. That does not happen overnight.

Deputy Finian McGrath referred to the 240 parents, of whom 147 have serious difficulties. I invite him to send me the details. I will arrange for the Minister of State, Deputy Kathleen Lynch, who has responsibility for the area to meet a delegation from St. Michael's House to hear at first hand what is its problem.

I have already made the point that there are cost reductions across the board in the delivery of services in every sector. We need to arrive at a position where people have facilities to give service to those people. Deputy McGrath talks about the same level of cut across each sector. It does not work that way in reality. Some services are able to take more than others. The concern is for the people who are the object of the exercise and the delivery of the service in the first place.

I ask the Deputy to send the details to me. I do not have them available to me now. I believe in a just society and in the importance of transferring the delivery of mental health services from the sidelines to being a central part of the normal delivery of health services. It is important to ring-fence an allocation for the delivery of those mental health services. It is also important to recognise that a very active Minister of State, who is dealing with this area, has a concern and will do the very best she can within the responsibilities she has.

Order of Business

The Taoiseach: It is proposed to take No. 12, motion re proposed approval by Dáil Éireann of the terms of the United Nations Convention against Corruption (back from committee); No. 12a, motion re statement of Estimates for the Houses of the Oireachtas Commission; No. 15, statements on European Council, Brussels; No. 4, Central Bank (Supervision and Enforcement) Bill 2011 — Second Stage (resumed); 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 not later than the conclusion of Private Members' business 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.; Nos. 12 and 12a shall be decided without debate and any division demanded on No. 12a shall be taken forthwith; the proceedings on No. 15 shall, if not previously concluded, be brought to a conclusion after 80 minutes and the following arrangements shall apply: the statements shall be made by the Taoiseach and by the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order and who may share their time, which shall not exceed 15 minutes in each case, and a Minister or Minister of State shall take questions for a period not exceeding 20 minutes; and the Dáil on its rising today shall adjourn until 2 p.m. on Tuesday, 8 November 2011. Private Members' business shall be No. 27, motion re health services delivery (resumed), to conclude at 9 p.m. tonight, if not previously concluded.

An Ceann Comhairle: There are four proposals to be put to the House. Is the proposal for dealing with No. 4, that the Dáil should sit later than 9 p.m. agreed to? Agreed. Is the proposal for dealing with Nos. 12, motion re proposed approval by Dáil Éireann of the terms of the United Nations Convention against Corruption and No. 12a, motion re statement of Estimates for the Houses of the Oireachtas Commission agreed to?

Deputy Catherine Murphy: The proposal for dealing with No. 12a is not agreed to because——

An Ceann Comhairle: I am sorry. You may not speak.

Deputy Catherine Murphy: ——no logistical provision has been made for the Technical Group. I know Standing Orders do not allow me to say this. That change is required. There is no point in my objecting to the proposal if I cannot say why. It is anti-democratic.

An Ceann Comhairle: Taoiseach, there is an objection to the proposal for dealing with No. 12a. Do you wish to respond?

The Taoiseach: What is the objection?

(Interruptions).

Deputy Catherine Murphy: There is no logistical provision for the Technical Group. My objection is regarding a logistical provision to allow the groups to function. There is no such provision and a political change is required. We believe a contingency should be included in the Houses of the Oireachtas Estimates.

An Ceann Comhairle: If a Deputy is out of order do not switch on the microphone.

Deputy Emmet Stagg: The Deputy should form a political party while she is at it.

Deputy Catherine Murphy: I tried that.

An Ceann Comhairle: Is the proposal for dealing with No. 12a without debate agreed to?

Deputy Catherine Murphy: It is not agreed.

Question put: "That the proposal for dealing with Nos. 12 and 12a be agreed to."

The Dáil divided: Tá, 99; Níl, 24.

Tá

Bannon, James.
Barry, Tom.
Breen, Pat.
Browne, John.
Burton, Joan.
Butler, Ray.
Buttimer, Jerry.
Calleary, Dara.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Collins, Áine.
Collins, Niall.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Corcoran Kennedy, Marcella.
Costello, Joe.
Cowen, Barry.
Creed, Michael.
Creighton, Lucinda.
Daly, Jim.
Deasy, John.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Fitzgerald, Frances.
Fitzpatrick, Peter.

Flanagan, Terence.
Grealish, Noel.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Brian.
Hayes, Tom.
Heydon, Martin.
Humphreys, Heather.
Keating, Derek.
Kehoe, Paul.
Kelleher, Billy.
Kenny, Enda.
Kenny, Seán.
Kitt, Michael P.
Kyne, Seán.
Lawlor, Anthony.
Lyons, John.
McConalogue, Charlie.
McEntee, Shane.
McFadden, Nicky.
McGinley, Dinny.
McGrath, Michael.
McLoughlin, Tony.
McNamara, Michael.
Martin, Micheál.
Mathews, Peter.
Mitchell, Olivia.
Mitchell O'Connor, Mary.
Moynihan, Michael.
Mulherin, Michelle.
Nash, Gerald.
Naughten, Denis.
Neville, Dan.
Ó Fearghaíl, Seán.

Tá—*continued*

Ó Ríordáin, Aodhán.
 O’Dea, Willie.
 O’Donnell, Kieran.
 O’Donovan, Patrick.
 O’Dowd, Fergus.
 O’Mahony, John.
 O’Reilly, Joe.
 O’Sullivan, Jan.
 Perry, John.
 Phelan, John Paul.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.

Ring, Michael.
 Ryan, Brendan.
 Shatter, Alan.
 Sherlock, Sean.
 Shortall, Róisín.
 Smith, Brendan.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Troy, Robert.
 Twomey, Liam.
 Wall, Jack.
 Walsh, Brian.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Collins, Joan.
 Crowe, Seán.
 Daly, Clare.
 Ellis, Dessie.
 Flanagan, Luke ‘Ming’.
 Fleming, Tom.
 Healy, Seamus.
 Healy-Rae, Michael.
 Mac Lochlainn, Pádraig.
 McDonald, Mary Lou.

McGrath, Finian.
 McGrath, Mattie.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O’Brien, Jonathan.
 O’Sullivan, Maureen.
 Pringle, Thomas.
 Ross, Shane.
 Tóibín, Peadar.
 Wallace, Mick.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 15, statements on the European Council, Brussels agreed to? Agreed. Is the proposal that the Dáil on its rising today shall adjourn until 2 p.m. on Tuesday, 8 November 2011 agreed?

Deputy Micheál Martin: It is not agreed.

Deputy Billy Kelleher: It is unbelievable.

Deputy Finian McGrath: We are against holidays.

Deputy Micheál Martin: If I may say so——

(Interruptions).

An Ceann Comhairle: Deputies, please.

Deputy Jerry Buttimer: Let Deputy Martin speak. Let the Punch and Judy show begin.

Deputy Micheál Martin: I find the proposal that the Dáil shall not sit next week extraordinary and incredible given the serious issues facing the eurozone.

Deputies: Hear, hear.

Deputy Micheál Martin: There is no question but that we are in the midst——

(Interruptions).

Deputy Micheál Martin: This is a democratic Chamber. Members should allow people to have their say, without this cynical heckling.

(Interruptions).

An Ceann Comhairle: Could we please have a bit of order?

Deputy Micheál Martin: It is a moment of unparalleled crisis in Europe. Everybody across Europe and the world is talking about it. From all we have heard today, there are no great signs that Europe will solve it either at today's summit or this week and that it will come up with a half-hearted answer which will not be comprehensive or resolute enough. It is imminent and it is at a level similar to the 2008 collapse. It is that serious. Any serious economic analysis of what is happening in Europe confirms that reality.

What does this House propose? It proposes to take next week off in the aftermath of such a serious situation facing the eurozone——

An Ceann Comhairle: I thank the Deputy.

Deputy Micheál Martin: Normally, I would adopt a reasonable approach but I never accepted——

(Interruptions).

An Ceann Comhairle: Can we have some order please?

Deputy Micheál Martin: I never accepted the *bona fides* of this Government when it spoke about Dáil reform, longer sittings and so on because all we have had is superficial and shallow change devoid of any substance. We have a few hours once a month on a Friday, even though we were told we would have Friday sittings. It is a joke and we should see it as such. It is not a serious attempt at reform.

An Ceann Comhairle: The Deputy is allowed a short——

(Interruptions).

Deputy Micheál Martin: The proof of the pudding is in the eating and that is why this motion is before us. The Government did not believe a word of what it said about Dáil reform in advance of the general election and it does not believe it now. How it can propose this in the midst of potentially the worst crisis facing the European Union and the eurozone is beyond belief.

An Ceann Comhairle: I call Deputy Adams.

Deputy Gerry Adams: First of all——

Deputy Alan Shatter: Fianna Fáil could not save Ireland never mind Europe.

Deputy Micheál Martin: Does one genuflect in front of such a learned colleague?

(Interruptions).

An Ceann Comhairle: I ask Deputy Martin to resume his seat.

(Interruptions).

Deputy Gerry Adams: The parties of the Deputies haranguing the suggestion that we meet next week consistently objected to these adjournments. I propose we meet on 1 November so that the Taoiseach can do his democratic duty by the people and by the Dáil and report on the European summit. It will also give us the opportunity to discuss the hand over of €700 million on 2 November and to stop that. Contrary to what the Taoiseach said that this is the responsibility of another Government, it is the responsibility of this Government so it is fair to the Dáil and it is democratic that we meet next Tuesday to deal with these two issues and to move on from there.

Deputy Richard Boyd Barrett: I call Deputy Boyd Barrett on behalf of People before Profit.

(Interruptions).

Deputy Richard Boyd Barrett: I am glad the Government finds the current crisis in Europe so amusing.

Deputy Jerry Buttimer: We find Deputy Boyd Barrett amusing.

Deputy Richard Boyd Barrett: I find Deputy Buttimer amusing as well.

An Ceann Comhairle: Deputy Boyd Barrett should not mind the interruptions.

Deputy Richard Boyd Barrett: Amusement is not the reason we are here. Given the severity of the crisis ripping through the eurozone and the serious uncertainty about the outcome of this crisis, the very least the people of this country are entitled to is that the Taoiseach would report back after the European Council meeting to discuss the outcome and the implications of it.

Given that even the Taoiseach has acknowledged in previous discussions on the possibility of a significant write-down of Greek debt that this might open up some opportunities for Irish debt to be written down, although that has not materialised——

An Ceann Comhairle: I thank Deputy Boyd Barrett. We are not having a debate.

Deputy Richard Boyd Barrett: ——we also deserve a proper report on the outcome in regard to that issue.

(Interruptions).

An Ceann Comhairle: Deputy Boyd Barrett should not mind the interruptions.

Deputy Richard Boyd Barrett: The Greeks got a write-down because they resisted. We have got nothing because we kowtowed.

As we approach the budget, and ordinary people in this country are quaking in their boots at the prospect of further austerity measures, surely we deserve a proper debate before next Wednesday on the Taoiseach's plan to hand over almost €0.75 billion to the bondholders of Anglo Irish Bank when he does not have to. Can we at least have a proper debate next week before he makes that momentous decision in advance of a budget about which people are very fearful?

The Taoiseach: Deputy Martin spoke about this situation being incredible and quite extraordinary and said that it reminded him of the collapse in 2008.

Deputy Micheál Martin: I did not say that.

A Deputy: The Deputy did.

Deputy Micheál Martin: I said we were on the verge of a financial collapse like 2008.

An Ceann Comhairle: The Taoiseach should proceed without interruption.

(Interruptions).

An Ceann Comhairle: The Taoiseach should proceed without interruption.

The Taoiseach: I am sure Deputy Martin shares my view that it is very necessary that the Oireachtas is able to find out what happened in the course of that crisis and why decisions were made in the way they were. I am glad Deputy Martin supports the call for a “Yes” vote in respect of parliamentary inquiries being available to those elected by the people and who are accountable to the people, unlike in lots of other sectors.

Europe and the eurozone face the most serious crisis they have faced in a very long time.

Deputy Dara Calleary: And we are going on holidays.

The Taoiseach: The fundamental questions we are being asked to decide on Sunday are the question of Greece being let down, whether there is sufficient moneys in the €109 billion approved originally, how we leverage that under the European Financial Stability Facility and the facilities to do that and how one proceeds with governance. These are serious issues which will potentially have a serious impact on all the citizens of Europe, in particular those in the eurozone.

I have set out for the Members of the House a process by which we will lead up to the budget on 6 December, which has never been done before in the sense of openness and giving detailed——

Deputy Micheál Martin: Ráiméis.

The Taoiseach: As part of that process, I want Deputy Martin to understand that the Minister for Finance will be in Berlin on Wednesday, where there will be a meeting. I have called a Cabinet meeting for Tuesday to deal with the process we have set out in the run in to the budget. The Dáil will sit for 38 weeks until July next. However, I recognise that when I was on the opposite side of the House, I raised such matters. Therefore, the Dáil will meet at 10.30 a.m. next Wednesday and at 10.30 a.m. next Thursday for normal sittings and Deputy Martin will have his opportunity to have his say about everything.

A Deputy: Cancel your holiday, Micheál.

(Interruptions).

The Taoiseach: To be clear, the House will sit at 10.30 a.m. on Wednesday and not at 2.30 p.m. and we will not have the week off like we used to year after year when Deputy Martin’s party was in Government.

Deputy Micheál Martin: Do I take it the motion is withdrawn?

(Interruptions).

An Ceann Comhairle: Will Deputy Martin please resume his seat?

Deputy Jerry Buttimer: The Opposition's bluff has been called.

Deputy Billy Kelleher: Those opposite are shell-shocked.

(Interruptions).

An Ceann Comhairle: I take it that the motion is being withdrawn.

Deputy Pat Breen: Shock.

Deputy Bernard J. Durkan: You will have to do——

(Interruptions).

An Ceann Comhairle: Could I have a bit of order, please?

Deputy Billy Kelleher: You will not be going to Killarney for the week.

An Ceann Comhairle: There is no debate.

Deputy Billy Kelleher: If I travel, will the Government give me a refund?

Deputy Pat Breen: Give the Irish people a refund.

Deputy Jerry Buttimer: The lads will have to shop around.

Deputy Gerry Adams: On a point of order——

The Taoiseach: Must I move the amendment?

An Ceann Comhairle: Yes.

Deputy Shane McEntee: Will the Deputies get the placards ready?

An Ceann Comhairle: The motion before the House is that the Dáil on its rising shall adjourn until 2 p.m. on Tuesday, 8 November. If the Taoiseach is changing that——

Deputy Mattie McGrath: U-turn.

The Taoiseach: ——he should move that the Dáil shall sit at 10.30 a.m. next Wednesday.

(Interruptions).

Deputy Micheál Martin: On a point of order, could we hear what is going on, please? I cannot hear.

An Ceann Comhairle: Hold on a second. The House will be told in one minute. If people would only stay quiet, I could ask the Taoiseach to change the motion.

(Interruptions).

The Taoiseach: I propose an amendment to the motion, namely, that Dáil Éireann shall meet next Wednesday at 10.30 a.m. and next Thursday at 10.30 a.m.

Deputy Bernard J. Durkan: Did Deputy Martin hear that?

An Ceann Comhairle: Is that agreed?

Deputy Gerry Adams: No.

(Interruptions).

Deputy Gerry Adams: On a related matter, I cannot hear what is being said.

An Ceann Comhairle: At times I cannot hear either because everyone is shouting.

Deputy Caoimhghín Ó Caoláin: The Ceann Comhairle is pointing his finger in our direction, but he should be pointing it the other way.

(Interruptions).

Deputy Gerry Adams: I just wanted to make that point.

An Ceann Comhairle: I am trying to keep order. If people obey the Chair, we might get somewhere.

(Interruptions).

Deputy Gerry Adams: I propose that we meet on Tuesday, 1 November. It would give us the opportunity to discuss what the Government will do on Wednesday, as meeting on Wednesday would be too late.

Deputy Shane McEntee: The Deputy will not come in on Tuesday.

An Ceann Comhairle: We are not in the business of deciding when we meet. It is for the Government to table a motion on the Dáil's sittings.

Deputy Pat Breen: Hear, hear.

An Ceann Comhairle: Deputy Adams objected to a motion on sitting on 8 November. That motion has been withdrawn and the Government is proposing that we meet at 10.30 a.m. next Wednesday and Thursday. Is that correct?

Deputy Paul Kehoe: Yes.

An Ceann Comhairle: Is the motion agreed?

Deputy Gerry Adams: No.

An Ceann Comhairle: Therefore, I will now put the question.

Deputy James Bannon: "Caoimhghín, advise me quick."

(Interruptions).

An Ceann Comhairle: Could I have some order? Honestly, the Deputies are not a crowd of schoolchildren. We are in a Parliament. Will Members please behave in a proper fashion?

Deputy Mattie McGrath: It is all that side.

An Ceann Comhairle: The proposal is that the Dáil shall meet at 10.30 a.m. on Wednesday, 2 November and at 10.30 a.m. on Thursday, 3 November.

Deputy Richard Boyd Barrett: Make it Tuesday and Wednesday.

Deputy Luke ‘Ming’ Flanagan: Make it Friday.

An Ceann Comhairle: Is the proposal agreed to?

Deputy Gerry Adams: No.

Question, “That the proposal that the Dáil shall meet at 10.30 a.m. on Wednesday, 2 November and at 10.30 a.m. on Thursday, 3 November”, put and declared carried.

Deputy Lucinda Creighton: No man is an island.

Deputy Bernard J. Durkan: Could we meet on Sunday to compromise?

International Agreements: Motion

(Interruptions).

An Ceann Comhairle: Could I have some order, please? Would those who wish to have a conversation please leave the Chamber? The business of the House must continue.

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

That Dáil Éireann approves the terms of the United Nations Convention against Corruption, done at New York on 31 October 2003, a copy of which was laid before Dáil Éireann on 16 September 2011.

Question put and agreed to.

Statement of Estimates for Houses of the Oireachtas Commission: Motion

Deputy Jack Wall: I move:

That Dáil Éireann take note of the Statement of Estimates of moneys required in respect of ongoing expenditure for the period beginning on 1 January 2012 and ending on 31 December 2012, prepared and published by the Houses of the Oireachtas Commission in accordance with section 13 of the Houses of the Oireachtas Commission Act 2003 as amended by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2006 and section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2009, which was laid before both Houses of the Oireachtas on 25 October 2011.

Question put and agreed to.

EU Summits: Statements

The Taoiseach: I am happy to have this opportunity to brief the House on the European Council and the euro summit meeting, which took place in Brussels on Sunday last, 23 October. As the House will be aware, we are in the unusual situation that further meetings of the European Council and eurozone leaders will take place this evening in Brussels. I was anxious, therefore, to use the opportunity also to brief the House to the fullest extent possible on the state of play concerning the various elements of the comprehensive package that continues to be the subject of negotiations among EU partners.

The situation is fast-evolving — elements are being hammered out as we meet — and it would not be appropriate to enter into the exact detail of what is currently on the table. While we have made considerable progress, there are a number of difficult issues that remain to be

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resolved at this evening's meeting. I remain hopeful that it will prove possible to move forward tonight. Europe needs a convincing and comprehensive outcome that will help to restore confidence in the markets and stability in our economies. That is what I will be working to achieve.

A number of important decisions were taken at Sunday's meeting. While the focus was naturally on economic policy, especially the situation within the euro area, we also agreed the EU's position going into two very important international meetings, the G20 Summit in Cannes next month and the Durban climate change conference later this year. Furthermore, the European Council agreed a set of conclusions on foreign policy issues, covering developments in Libya, Egypt, Tunisia, Syria and Iran as well as last month's eastern partnership summit. The European Council also issued a statement welcoming the announcement of the cessation of ETA's terrorist activities.

There were three elements to our work. We began with a meeting of the European Council at 27. Our discussions in this format continued over a working lunch. We then met as the euro summit at 17. In our morning session and over lunch, the focus was on economic matters and, in particular, how to prioritise measures with the greatest potential to generate growth and jobs. We first heard from the President of the European Parliament, Mr Jerzy Buzek, and were briefed by President Barroso on the Commission's proposals as set out in its recent communication, "A Roadmap to Stability and Growth".

In my contribution, I stressed the particular importance of realising the potential of the Single Market, including in the digital area. I also highlighted competitiveness issues and measures to support small and medium-sized enterprises, SMEs, including reducing administrative burdens and securing access to finance. We have to make it easier for businesses across Europe to get on with running their enterprises and employing people. This means reducing red tape, especially for our smallest businesses, and providing as enabling an environment as possible. The Commission has been asked to fast-track work in this area. We all know from our contacts with business people here that SMEs have been particularly affected by the credit crunch. Access to funding is a vital concern for them. This will now be taken up as one of the priority actions under the Single Market Act.

I also set out the particular difficulties of those member states currently in an EU-IMF programme and I urged that all of the Union's resources be mobilised to support them in their efforts to return to the markets. A commitment to this is included in the conclusions. We also called for the adoption of proposals to increase co-financing rates for EU funds by the end of the year. This will have a direct benefit for Ireland.

At my suggestion, specific reference was made to the situation in programme countries in requesting the European Investment Bank to examine how it can further contribute to boosting investment in Europe. My officials and I will now engage closely to ensure we utilise the potential of this opportunity to the maximum. It is important that the issues of growth, stability, jobs and employment be central to any of the European discussions. In a more perfect situation, leaders would be able to go back to their own countries and explain to their citizens the decisions taken by the European leaders as to how Europe can actually encourage, develop and provide an environment for further growth in opportunities and jobs, which are the central issue for people in whichever country they live.

The European Council also called for a stronger focus to be given to the growth enhancing aspects of the Union's external policies so as to maximise their contribution to growth in Europe and to create the right conditions to attract inward investment. In the absence of progress in the WTO Doha Round of trade negotiations, we called for renewed emphasis on concluding bilateral and regional agreements, for capitalising on our relations with neighbour-

ing regions, and for developing a comprehensive investment policy that aims at two-way liberalisation and protection as part of the Union's common commercial policy. Work will be taken forward on this as a priority.

Importantly, the European Council agreed the Union's position for next month's G20 Summit in Cannes. At that meeting the EU will seek to make progress on reforming the international monetary system, strengthening the regulation and supervision of the financial sector, tackling the excessive volatility of commodity prices, and promoting global recovery and sustainable and inclusive growth.

We also endorsed the EU position to be pursued at the Durban climate change conference later this year. The EU will work towards an ambitious and balanced outcome at Durban, stressing the need to take ambitious steps towards a global and comprehensive legally-binding framework for the post-2012 period.

As I already set out, the main discussion of economic matters took place over lunch with 27 countries and then at a meeting of the leaders of 17 countries in the eurozone. Discussions focused on what has been achieved and what remains to be done. While it was not possible to reach final agreement, good progress was made on the comprehensive package aimed at moving beyond the current crisis and restoring stability. There were five elements to this which we hope to be in a position to adopt later today, but obviously I cannot give the House an absolute guarantee on that.

We need to ensure an outcome for Greece that puts its debt on a sustainable path and that allows its economy to be able to recover. The nature of the role of the private sector in that regard is a key and fundamental consideration.

We need to construct credible and robust firewalls to prevent contagion spreading to other member states, especially those already in a vulnerable position. This means maximising the resources available to the European financial stability facility and providing the EFSF with greater flexibility. Several options for this are being explored and we hope to agree on the best approach when we meet later today. The House will be aware of two facilities there — a special purpose vehicle and the insurance method of leveraging greater facility under the EFSF.

This is a vital issue for Ireland. We do not want to see the hard-won progress we have made undermined by events beyond our control. The extent to which our efforts are recognised by partners is gratifying and I sought to stress the fact that we remain vulnerable to negative developments and that there is a shared interest in ensuring that we are adequately protected. The same applies in a number of other countries.

Even as Greece's sovereign debts are restructured and put on a more sustainable footing, the question may arise from Members of the House as to why Ireland remains absolutely committed to sticking to the programme and honouring all of our sovereign debts in full and on time. My answer to that question is simple — this is the course of action that is best for Ireland's economic recovery, growth, employment and creation of jobs for our people in this country. This is a crucial issue and the logic of sticking to our plans is worth debating. The choice for us is between working to improve the programme or completely repudiating it. Importantly, working the deal does not mean passively submitting to its terms. It means attempting to make the deal serve us better by renegotiating its terms on an ongoing basis. Critically, this strategy is working for Ireland.

The economy has started to grow again. GDP increased in both the first and second quarters of this year. This was thanks to strong export growth which was due in turn to improvements in the competitiveness of Irish producers and to Ireland's enduring attractiveness as a destination for foreign direct investment. The public finances have stabilised and the budget deficit

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has started to decline. This year the deficit is expected to be just over 10% of GDP. Last year the underlying deficit was 11.5% of GDP. The 2012 budget will target a deficit of 8.6% of GDP.

Investors' confidence in our ability to successfully tackle our economic and budgetary problems has greatly improved in recent months. For example, the yield on ten-year Irish bonds, which is the notional cost of borrowing for the Government, has fallen from 14.5% to 8.5% since mid-July. This has occurred at the same time as yields on Greek Government bonds have risen to new record levels and is a reflection of the fact that Ireland has met all its programme performance targets to date and is expected to continue to do so.

We have secured better terms under the deal. The most easily quantifiable example is the substantial reduction in funding costs relating to the EU element of the financing package, the savings from which will be about €900 million in 2012 and will rise to almost €1.2 billion in 2014. However, there are other ways in which the terms of the deal have been improved including by setting and achieving ambitious targets for private sector contributions to the cost of recapitalising our going concern banks; the acceptance by the troika of the measures contained in the jobs initiative such as the cut in VAT and employers' PRSI; and in securing the troika's agreement to the replacement of deficit reduction measures incorporated in the original agreement for the 2012-14 period by measures that the Government considers to be more growth and jobs friendly and orientated.

Working the deal represents the best way forward for Ireland. The deal is working for Ireland, but it can be made to work better. The challenge of ensuring that the burden of debt taken on by the Government can be sustained is being surmounted, but surmounting it can be made easier by negotiating further improvements in the terms of the deal. This, the Government is fully committed to doing.

We will continue to seek improvements in the legacy costs that have been incurred by the State in rescuing the banking system, all the more so since these costs reflect in part the cost of protecting the broader European banking system. The increased flexibility for the EFSF that emerged from the European Council meeting of 21 July offers Ireland the opportunity to seek assistance in this regard. The deal to boost the capacity of the EFSF, which we hope to reach in today's discussions, may also offer further opportunities from which we can benefit. More broadly, building on our status as a country that is meeting its commitments, we will push our European partners to pursue policies that stimulate economic growth in Europe and hence create stronger market conditions for our exporters. This is another way of working that deal.

The alternative is to repudiate it. This would be enormously costly for Irish citizens. It would mean walking away from a set of international commitments solemnly entered into. It would mean rejecting the path of reasoned discussion and negotiation with our international partners. The costs of choosing this route would be enormous.

In the first instance, since it would almost certainly bring about a sudden stop to international funding of the Government's borrowing requirement, it would mean that that borrowing requirement would have to be eliminated by abruptly closing the gap between Government revenue and non-interest spending. This would require measures many times harsher than those that will be necessary in budget 2012, and would certainly plunge this economy back into recession.

Since the deal is seen to be working for Ireland and since Ireland is seen to be on the path to debt sustainability, repudiation would be viewed by investors as a situation of "won't pay" rather than "can't pay". The result would be a large and enduring premium on the Government's borrowing costs that would undermine living standards in Ireland for a generation. The

reputational damage inflicted on Ireland by repudiation would likely have serious negative consequences for our international trade and our attractiveness to foreign direct investors. Therefore, a Greek haircut is not a panacea for Ireland's challenge.

There is a perception that imposing big haircuts on bondholders will somehow provide Greece with a passport to painless adjustment. Nothing could be further from the truth. Even after the haircut, it is likely that the Greek debt ratio will be higher than Ireland's. Moreover, extremely harsh austerity measures, much harsher than anything that has been implemented, or is ever likely to be implemented here, will remain the order of the day in Greece for a long time, including the following: the tax-free threshold for income tax is to be lowered from €12,000 to €5,000, the VAT rate applicable to restaurants and bars is to rise to 23% from 13% , monthly pensions above €1,000 are to be cut by 20% and 30,000 civil servants are to be suspended on partial pay. Who could possibly want a similar situation in this country?

The Government is determined that our fate should be a better one. What is being done for Greece, including the steps that will need to be taken to make its debt sustainable, reflects a uniquely difficult situation. I cannot say it often enough or strongly enough; we will not be going down the same road.

An Ceann Comhairle: Is it agreeable for the Taoiseach to finish his speech?

Deputy Gerry Adams: Agreed.

Deputy Michael McGrath: Agreed.

The Taoiseach: I thank the Deputies.

Good progress was also made on restoring confidence on Europe's banks through enhancing the quality and quantity of capital available to them and through ensuring their medium term funding so as to safeguard the flow of credit to the real economy. We have first-hand knowledge of how critical it is to get the banking system on to firm ground. That is what we have done through a process of rigorous and credible stress testing, and the consequent necessary capitalisation. Without taking those difficult, but essential, steps earlier this year, we would find ourselves with those issues to face now. The other two elements of the package are agreement on prioritising growth to which I have already referred, and new measures to enhance economic governance, especially, but exclusively, in the eurozone.

Last Sunday, we recognised that we have already done much to strengthen governance since the crisis first broke. The Europe 2020 Strategy has given us a framework to ensure growth-enhancing structural reform. The roll-out of national reform programmes by each of the 27 member states is a vital element of that process. The European semester approach helps to ensure that structural reforms stay on track, including in the Stability and Growth Pact. The euro-plus pact provides us with an improved quality of economic policy co-ordination, and the agreement reached last month of the six new legislative measures, the so-called "six pack" on economic governance allows for a much higher degree of surveillance and co-ordination than we have enjoyed to date, with a view to ensuring sustainable public finances and the avoidance of excessive imbalances. For the way forward, it is important not to underestimate how far we have come.

We recognised also that there is scope to do more to improve fiscal discipline and to deepen economic integration in Europe, particularly within the euro area, not only as an end in itself, but as a further reassurance to the market that once we emerge from the current crisis we have the structures in place necessary to ensure that we never again find ourselves in this position. Ireland has a strong and vested interest in a stable currency and, as I have stated clearly, I support measures to underpin it. We have now agreed that we need to reflect further on how

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to strengthen economic convergence within the euro area, how to improve fiscal discipline and how to deepen our economic union.

European Council President Van Rompuy, who it has been agreed will also chair euro summit meetings for the remainder of his term, has been requested to prepare a report, which will form the basis for a further European Council discussion in December of this year. President Van Rompuy's work will include an exploration of the possibility of limited treaty change.

I stress to the House that at this point the outcome of deliberations on this issue is by no means predetermined. I continue to believe that there is considerable scope within the existing legal framework, a view that is shared by a large number of partners. However, I would be fooling the House if I did not state that there are others who take a different view and who are strongly of the view that some change, however limited, is required. The case for this will have to be examined carefully over the coming months. I have strongly urged partners that we approach this work from first principles — establishing what we want to achieve and, only then, how we need to go about that.

I should add that a theme running throughout our discussions at the weekend was the need to avoid fragmentation of the Union, especially in creating large gaps between those member states that have the euro as their currency and those that do not. This is an important discussion. Obviously, proposed changes to the way we organise our work must respect that basic requirement. This is reflected in the conclusions adopted on Sunday.

I look forward to representing Ireland at this evening's meetings where my focus will be on securing a comprehensive and credible outcome for Europe, for the euro and for Ireland; and for a deal that protects Irish interest and supports and contributes to our recovery. The stakes are high but I believe that, with the right political will, we can find the necessary agreement and arrive at the appropriate decisions. I look forward to coming back to the House next week to brief it on the outcome of the summit. I thank the Deputies for their indulgence in my running over the time here.

Deputy Micheál Martin: This is a moment of unparalleled crisis for the European Union. It is on the edge of a financial collapse, perhaps more severe than the 2008 crisis because of the number of countries involved. This is not about Greece. The growth and prosperity which Europe has secured over nearly 60 years was achieved because of the ways in which states opened up and became intertwined. This is a genuinely pan-European crisis and much time has been wasted over the past three years in attempts to blame it on individual states.

Everyone who cares about the future of Europe wants the European Council to succeed in agreeing a comprehensive and credible plan to tackle the crisis. Unfortunately, anyone who is following what is happening must conclude that these summits have turned into a shambles.

It is two months since it was accepted that past measures were not working, yet what is emerging is another short-term fix which will cause longer-term damage. We are witnessing a destructive failure of leadership and the pursuit of clearly flawed policies. There has been no attempt by the leaders to work collectively and they appear resolutely committed to a course of trying to stay within a policy framework which cannot work. It may well be that what emerges is the best that could be agreed but it is also likely to be not good enough.

As the Taoiseach likes to point out, we have been holding regular debates about European summits. As with so many of the pretend reforms of the past seven months, the adding of time has been accompanied by the removal of substance. Nothing illustrates this better than the treatment of Dáil Éireann this week and last. Other parliaments have received detailed technical briefings about what is being negotiated. Governments throughout Europe have set out

exactly what their positions are. In the case of the Bundestag, it is not only being presented with the detail of negotiations; it will today hold votes, both in committee and in full plenary session. In contrast, the Taoiseach has been asked on at least six occasions in the past fortnight to explain his policies and the proposals which are being considered. He has constantly refused to give any substantive detail. The only serious information which this House has received about what was discussed on Sunday and what will be discussed tonight has come from the media and from Members contacting people in other countries.

Look back at the reports of debates which we have held on previous summits and one will see the Taoiseach and the Minister of State, Deputy Creighton, brushing aside the concerns of Opposition Deputies that agreements were insufficient. They have moved from the heavy amounts of petty partisanship seen in the earlier months to equally unfounded amounts of self-praise. The paraphrasing of official communiqués and widely known outcomes is all we have heard about negotiations.

There has been no attempt to engage in the debate here or to be open about what Ireland's position at the Council will be. The only clear policy is waiting for agreements for which we can claim credit. The Taoiseach's claim during questions last week that Ireland had tabled Greece and bank recapitalisation as agenda items was so brazen that even he has not defended it.

What is known from the media and from contacts in other countries is that some elements of the overall package to be agreed in principle tonight will be positive. However, it will fall far short of providing the clear protection against contagion which is the only way to restore confidence in the eurozone. While the immediate measures on Greece and bank recapitalisation may be sufficient, the scale and terms of available funding for future needs are not enough. At the same time, the reform agenda is heading rapidly down a dead end by focusing on fiscal co-ordination rather than the fundamental issue of financial regulation.

There are those in this House who revel in populist attacks on Europe which are long on empathy but short on substance. I have no sympathy for their approach, which is exactly the same as was employed by members of the Government when they were seeking votes. There is no easy route out of this crisis. The issues involved are highly complex and are, therefore, difficult to get right and easy to misrepresent. There are, however, simple tests which must be met for any package to be credible. The foremost of these is that there must be enough funds readily available to deal with current and possible needs. Given that Italy alone requires €250 billion next year to re-finance existing debt, a genuinely contagion-proof fund would need to be a multiple of what was agreed in July.

Just as important, the fund has to work in such a way as to avoid serious risks to the ratings of different countries and, indeed, the EFSF itself.

The Taoiseach: That is actually accepted.

Deputy Micheál Martin: The idea of leveraging the funding provided by member states through the ECB remains the only one which could be both large enough and contain risk. The absolute refusal to do this may mark the final and most grave mistake which leaders have made this year. The argument of the guardians of ECB orthodoxy claim that such a leveraged fund would betray the founding principles of the bank. In this they are right but what they ignore is that these founding principles have been exposed time and again as being completely flawed. The mandate and orthodoxies of the ECB have been at the core of the cause and worsening of the crisis. It has acted with none of the creativity and effectiveness of other central banks. It has taken a hectoring and destructive approach to many issues and has presented as exceptional support measures which should be seen actually as core functions. The very last

[Deputy Micheál Martin.]

thing which the leaders of Europe should be doing is trying to protect the current legal basis of the ECB. It has done nothing to merit this respect and it continues to be one of the chief obstacles in the way of a sustainable solution to this crisis.

From its interest rate policies to its failure to provide security about its bond policies, the ECB has damaged everyone from home owners to those dependent on State services. The jerry-rigged amalgam of a new IMF special bailout fund and the use of the EFSF funds to provide bond insurance is almost designed to fail. It may take months to put in place and the number of areas in which it could unexpectedly fail or fall, is huge. Europe needs a fund large enough to directly help countries who cannot afford market rates. If lenders know there is a secure safety net then rates will fall and stay down. It has to be simple and clear. The risk of default is gone because the money is there. It can be argued that what is to be agreed is the most that can be agreed but we should not fool ourselves that it is what Europe needs from its leaders. If Greece were not a member of the eurozone, it would certainly have devalued its currency and it would probably have defaulted on sovereign debt. It has operated under serious constraints and Prime Minister Papandreou's government has done an immense amount to address the core issue of the Greek state spending far more than it raises in taxes. It appears the need to write down substantial amounts of its debt is being addressed. It should not have taken more than a year of the bailout programme before this was acknowledged and the failure to do so clearly added to the escalation of the crisis this year. Whatever is agreed about Greece in the coming days should reflect the reality of the market expectation for a high write-off rather than the negotiating positions of the private sector interests.

Some voices have been raised saying that the approximately €100 billion of recapitalisation funding which will be agreed may not be sufficient and that the structure of funding may be too inflexible. More detail needs to be provided before we can tell if this is so. What is certain is that the higher capital provisions which will be required are essential. This recapitalisation process is the event which the ECB and other member states worked to avoid over the past three years. The previous Government was continually pushed to avoid any action which might pose a risk of contagion to banks in other countries. It is a matter of public record, confirmed by figures in many countries, that we sought to write down substantial amounts of bank-related debt. This was blocked because honouring the debt was presented as a condition of financing support for both public services and the functioning of the banking system. Unilateral action was not taken because unilateral action was not possible but the recapitalisation of banks elsewhere, the argument against burning bondholders, is no longer valid in any way. The honouring of these debts is not required to protect the European financial system and it is not required to protect our ability to borrow. The Taoiseach and the Minister for Finance have used a dozen ways of refusing to answer the question of whether burning bondholders is a demand which they have placed on the table. They have refused to state exactly what we have sought and what our arguments have been. Most of the members of the Cabinet think it is a great laugh when they are challenged about their own references to, "not a red cent more for the banks". Given that Sunday's meeting was the third summit in a row where the Taoiseach held no meetings or discussions in advance, his claim of yesterday to be negotiating appears barely credible. If matters continue as they are, we will see a re-run of July where the only contribution our leaders made to the outcome was to wait on the sidelines to claim credit for decisions entirely driven by others.

Deputy Lucinda Creighton: Nonsense.

Deputy Micheál Martin: If Dáil Éireann was today allowed the freedom of the Bundestag to set limits to what was to be agreed, there is no doubt whatsoever that a burning of bank

bondholders would be passed. Ireland played its part last year by not taking unilateral action against the bondholders. A pan-European approach to bank capital has now been agreed so Ireland has a right to demand the freedom to act. The failure of the Taoiseach to state this clearly suggests we may pick up some crumbs but there will be little else. One of the many dispiriting parts of the half-hour yesterday when the Taoiseach kept refusing to reply to questions about the summit, was the brief mention he made about what was being discussed concerning structural reform in the Union. All he mentioned was fiscal control and nothing about the far more important point of financial control. The flaw at the heart of the euro is not the absence of a single fiscal policy but rather it is the mandate of the ECB and the absence of proper control of the financial system. No doubt there will be a form of words agreed concerning constructive engagement or urgent fiscal controls. If one disregards the nice diplomatic language, what the Taoiseach outlined this morning suggests this is the first time the House has heard that we are on a pathway to a referendum on treaty change. That is the inference I took from the Taoiseach's speech this morning. I got an inkling from the contribution of the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, to "The Week in Politics" programme last Sunday night. We are now being conditioned and prepared for that pathway and Van Rompuy has been told to prepare the discussions. That is what is happening. Why can the Government not be more explicit, upfront and honest? The Taoiseach is saying one thing when asked at press conferences and using far more nuanced language to try to obfuscate——

The Taoiseach: He will be back in December.

Deputy Micheál Martin: ——and hide what is actually happening. Those form of words will be meaningless and they have no chance of being agreed or implemented any time in the near future. They are a waste of time and have nothing to do with the causes of the crisis. In contrast, if the leaders were to propose a quick series of treaty changes aimed at broadening the mandate of the European Central Bank and centralising strong financial regulation, this would have every chance of being passed by parliaments and people alike. Alone of the major world economies, the bulk of Europe has a mandate which has as its sole concern the maintenance of loan conditions. This is the main mandate of the European Central Bank. This exclusive mandate sits corrosively at the heart of the bank's culture and operations and it has inflicted misery on millions. It must be broadened to include financial stability and economic growth. Its primary responsibility should be financial regulation and it should be required to be concerned about employment when it takes decisions. While the traditional anti-EU forces would, no doubt, generate a raft of conspiracy theories, these changes would pass an Irish referendum because the Irish people could see the sense and benefit of the changes. Elements of this can and should be done legislatively——

Deputy Richard Boyd Barrett: Ye proposed it.

Deputy Micheál Martin: Any agenda which goes significantly beyond this will end in failure and probably sooner rather than later. When summits are convened but controlled by the agenda of a handful of countries, they rarely generate positive outcomes. When they are convened without leaders actively engaging with each other, they are always failures. I have never seen such a lack of bilateral contact between leaders as has been seen in recent months. The hyping up of casual and brief encounters may make sense in terms of media management but it does nothing for the quality of negotiations. The Taoiseach and the Minister of State, Deputy Creighton, have made references in recent days to praise for Ireland's determined tackling of its problems. What has been brazen — even for them — has been the attempt to claim that this is anything to do with measures introduced by them. All of the fiscal changes being praised

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happened because of a budget the Taoiseach voted against and the bank plans he announced are indistinguishable from those prepared by Brian Lenihan and attacked by Fine Gael and Labour during their search for votes in February.

The strategy of attacking the policies but claiming the credit for their impact is transparent and it will rebound on them. To be fair to the Minister of State, Deputy Creighton, she acknowledged in December the need to enact the budget and she bravely announced she was only voting against it because she was assured it would pass anyway. The Taoiseach is right when he says that Ireland is not Greece. Unlike the situation in Greece, the previous Government chose to try to deal with the crisis rather than run to the country. Positive signs have begun to return, albeit still far too slowly. Our economy retains key strengths and the potential to create employment. Ireland needs a Europe where confidence has been restored. This can only happen if the twin fiscal and financial crises are tackled in a comprehensive and credible way. There is no room for manoeuvre left. If leaders adopt a raft of jerry-rigged half measures tonight, they may well get a short-term bounce, just like the short-term bounces they got in March and July — and the July measures have not been implemented yet despite all of the talk. However, what happens next may be a devastating blow to Europe, its economy and its people. Ireland must raise its voice clearly for decisive action that will be large and secure enough to show that Europe is serious.

Deputy Gerry Adams: I wish to share time with Deputy Pádraig Mac Lochlainn.

Acting Chairman (Deputy Jack Wall): Is that agreed? Agreed.

Deputy Gerry Adams: The handling of the euro crisis by EU leaders has been nothing short of disastrous and if current reports are to be believed, this will continue today. The leaders of France and Germany seem to have taken it upon themselves to decide the future of Europe and the European Union. Their approach to tackling the crisis in the eurozone has been dictated by their national political interests and it seems our Government has been reduced to the role of spectator in all of this. As the Taoiseach said earlier in the conclusion to his remarks, his focus will be on securing a comprehensive and credible outcome for Europe and the euro and on securing a deal that protects Irish interests and supports and contributes to our recovery. I believe that represents the Taoiseach's position. It is a pity that Ireland was not put first and that Irish interests and support for Ireland and its recovery were not put first. That is the flaw in the Government's position.

I do not in any way underestimate the extent of the problem facing the banking sector in Europe. Sinn Féin has called for greater stress testing to unmask the true scale of the problems that the banking sector faces. That crisis was not created by citizens of this State, nor by citizens of Greece, Portugal or Italy nor by other citizens living under austerity. It has been created by greed and by unregulated lending by banks. It is these same big European banks who now appear to be obstructing an agreement being reached which would recapitalise European banks, create a stronger EFSF and see a write-down of Greek debt. The European Union has failed to act in the interests of smaller states. Instead, it has acted in the interests of the big bankers and the narrow political interests of the French and German Governments. The European Union is supposed to be a partnership of equals. It is supposed to be a collective of national governments or state governments working in the best interests of citizens. The reality has been very different.

The previous Fianna Fáil-led Governments allowed the banking sector problems to infect the national economy. They put the interests of bankers and speculators above the interests of ordinary citizens. This approach has been dutifully followed by this Government, regardless of

the positions articulated by Fine Gael and the Labour Party in Opposition or during the election campaign. It is clearly Frankfurt's way, not Labour's way. Tá an Ghearmáin agus an Fhrainc ag glacadh éireaball an chait agus tá Fine Gael agus Páirtí an Lucht Oibre leis an tír seo agus muintir an Stáit seo a dhíol síos an abhainn.

There has been speculation of a write-down on Greek debt of in the region of 50% to 60%. Sinn Féin is not opposed to this, but we are opposed to the Taoiseach's refusal to make the case for a reduction in banking debt in Ireland. The Government is willing to negotiate the burning of bondholders in Greece, but it persists with the policy of paying in full the unguaranteed and unsecured bondholders in Anglo Irish Bank. It seems beyond logic to want write downs in Greek sovereign debt while Irish taxpayers pay in full for the recklessness of private speculators.

The Taoiseach is on the record as saying that he is opposed to treaty change — until today. On Leaders' Questions today, the Taoiseach changed his position — another U-turn. He must be heading for the Guinness Book of Records with this one. He said today that he had no problem with limited treaty change. Consistency is not the Taoiseach's strong suit on these matters.

The Taoiseach: Provided it is in everybody's interest.

Deputy Gerry Adams: The President of the European Council spoke of the need to strengthen economic convergence. Does the Taoiseach go along with that? At the conclusion of last Sunday's meeting, it was reported that EU leaders agreed to bring about treaty change that will involve tightening fiscal discipline and deepening the European Union. Today, I asked the Taoiseach if he would commit——

The Taoiseach: They agreed to explore the possibility of limited treaty change. The Deputy should be accurate with his words.

Deputy Gerry Adams: I am accurate in my words. Just watch this space. We have been here before. Does the Taoiseach remember the Nice and Lisbon treaties? How many referenda will we have or will we have any at all?

The Taoiseach: The words were “explore the possibility”.

Acting Chairman (Deputy Jack Wall): Deputy Adams has the floor.

Deputy Gerry Adams: Clearly, the Taoiseach agreed to the treaty changes which were discussed on Sunday and this does not square with his previous objections on that position. If I may say so, his previous position was the right position to take to treaty change. There is a need for the Taoiseach to make it very clear in his remarks today that if this occurs, he will call a referendum and give citizens their say on the issue.

I remind the Taoiseach of the speech he made to the Institute of Directors in which he said:

We will regain our economic sovereignty. We will restore the good name of Ireland among the nations of the world. This is my mission. This is the Government's mission. This is our mission. And there will be no rest until we succeed.

In order to be true to that commitment, the Taoiseach must use the opportunity today to set out his intention to oppose any change in the European treaties, limited or otherwise, and that if he loses that battle, he will go to a referendum. This is not an abstract nor a party political call. These are important issues of democracy. Citizens have the right to have their say.

[Deputy Gerry Adams.]

While this is important at any time, it is crucial at a time when the policies being pursued by the Government are creating so much hardship. Unemployment is rife in communities across this State, with almost half a million people unemployed. The Taoiseach tells us this deal is working for Ireland, but I cannot see that. Almost half of those on the live register have been unemployed for a year or more. Our young people are facing the choice of the dole, the boat or the plane. Some 80,000 young people struggle on the live register and a further 40,000 people are expected to emigrate within a year. Children with special needs are being denied appropriate support and families in negative equity struggle to pay bills.

This all shows the deal is not working, yet the Government continues with these policies. It will bring in a budget and depending on who is talking on behalf of the Government, it will involve savings of somewhere between €3.5 billion and €4 billion. Is féidir roghanna eile a dhéanamh. Tá a fhios ag an Taoiseach gur í obair an Rialtas í ceist a chur faoin rogha atá romhainn. Deireann daoine nach bhfuil slí nó bealach eile ann, ach tá sin mícheart. Tá slí agus bealach eile ann.

Deputy Lucinda Creighton: Cad é?

Deputy Gerry Adams: Another way is possible. Other choices can be made. The Taoiseach can end the madness by going to Brussels today and by refusing to stand over this hand-over next week.

I am extremely disappointed that the Taoiseach would not allow the Dáil to resume next Tuesday to allow this issue be discussed. If he is so clear——

The Taoiseach: The Deputy looks every inch sorry about that.

Deputy Gerry Adams: I am, because I want to have the opportunity to discuss these issues and to be informed by the Taoiseach——

Deputy Micheál Martin: The Taoiseach said previously that the Dáil would return on Tuesday after a bank holiday.

Acting Chairman (Deputy Jack Wall): Please allow Deputy Adams continue.

Deputy Gerry Adams: I want to be informed by the Taoiseach of his policies and the reasons behind them. If I agree with him I want the opportunity to put my agreement on the record and if I do not agree with him I want the opportunity to state a different case. For example, the Taoiseach seems to be totally confused around the issue of Anglo Irish Bank promissory notes. This is a separate issue from the €700 million that comes down on 2 November. That is a payment to private bondholders, which has been undertaken by Anglo Irish Bank with the permission of the Government, not by anybody who came before this Government. The previous Government placed €31 billion of promissory notes in Anglo Irish Bank and the Irish Nationwide Building Society, with a promise to pay €3.1 billion every year for the next ten years. When this Government was elected, it could have changed that but it decided not to. That is the Government's business.

The promissory notes are one issue, but the issue of the €700 million due on 2 November is a different issue. The Taoiseach should have given us the opportunity to discuss that matter because it is clearly on his watch and within his authority and he could stop it if that was his intention.

These bonds are unguaranteed and there is no legal, political and absolutely no moral obligation to pay this money. Tá mé dáiríre faoi sin nuair a deirim go raibh an t-ádh leis ag an

gruinniú. Tá mé fíor cinnte go bhfuil an Taoiseach ar an slí mícheart. Caithfidh sé athrú mór a dhéanamh agus caithfidh sé bheith ina sheasamh le muintir an Stáit seo. Ná bíodh an Taoiseach ag seasamh lena stáit móra.

Deputy Pádraig Mac Lochlainn: My colleague, Deputy Adams, outlined how our national interest should be reflected in the discussions at the EU summit. I share his concerns. There is a need to assert our national interest and the sovereignty of our State. However, what is shaping up as a bad deal for us will also be a bad deal for all of Europe. It looks like the summit will continue to follow the mistakes of the past. European leaders are doing too little, too late. They are placing the demands of wealthy bankers ahead of the needs of the citizens and pursuing austerity when we should be promoting growth. We need to put an end to this. What we know of the tentative agreement at the weekend is that it will continue the failed practice of cutbacks, taking money from taxpayers to bail out banks and placing the burden onto the economies of peripheral states. We are told that they are considering a Europe-wide banking bailout without knowing the cost of the bank recapitalisation. Perhaps the Taoiseach can bring the Anglo Irish Bank case study to the summit to demonstrate what happens when one gives a blank cheque to bankers.

Austerity and bank bailouts will not lead to growth across Europe, the stability of the euro or reduced debt levels. It has failed here, failed in Greece and Portugal and it will fail in the European economy. I accept that we are not Greece and Portugal but the approach of austerity has failed in all economies. What makes European leaders believe it will work across the EU? A number of steps are required at European level if we are to deliver growth and stability across Europe. We need honesty and we need to know the true level of the banking losses. The current EU stress tests failed to deal with the exposure of banks to sovereign debt and continue to overvalue property assets. Once we know the full extent of the problem, we can begin to act.

Reports today suggest the banks are opposed to a substantial write-down, which is no surprise. This is a crisis in banking and finance. Without a substantial write-down, the alternative is an unstructured default, which will have a greater impact on banks. The banks are involved in a game of bluff and that bluff needs to be called. The banks need to step up to the mark and take responsibility for the mess they have created. They must be forced to write down the cost of their bad debts as a condition of any future recapitalisation. The cost of recapitalisation should not be borne by ordinary taxpayers across the EU. An enlarged EFSF is not the vehicle for recapitalisation. The ECB should become the lender of last resort for the European banking system. The ECB performs this function in a number of countries, including Ireland. Rather than printing euro to buy the bonds of European economies, the ECB would be better placed redirecting these facilities to stabilise the European banking system.

Alongside recapitalisation, we need to promote economic growth and employment. In the absence of private sector investment, we need a European stimulus to compliment stimulus programmes in individual member states. The European Investment Bank has twice the lending capacity of the World Bank and it must use this capacity, with national governments, to increase the level of investment and create employment and build infrastructure.

I fear the grand bargain, as it was called at the weekend, will be the failed approach of the previous Irish Government implemented at a European level. I hope that the Taoiseach brings our experiences with him and that he will carry with him the story of many thousands who are on the dole or were forced to emigrate. I hope he will demonstrate clearly that the approach advocated has further depressed our economy. That approach has failed the State and it will fail the European economy. It is remarkable to see an absence of political leadership for so long in Europe and the lack of any real solidarity or a solution. Now, we see the spectacle of

[Deputy Pádraig Mac Lochlainn.]

David Cameron and Nicolas Sarkozy exchanging insults and President Sarkozy and Chancellor Merkel laughing when asked whether Prime Minister Berlusconi's Government in Italy is capable of repaying. This is a damning and symbolic message to send to the people of Europe. To repeat the mistakes made in Ireland and the crazy policy of writing a blank cheque for bankers without carrying out due diligence on the European banking system will lead to profound disaster, even worse than what we have now.

Deputy Stephen Donnelly: I propose to share time with Deputies Clare Daly, Mick Wallace, Richard Boyd Barrett, Catherine Murphy and Shane Ross. We will be brief but devastating.

Last week, the Minister of State, Deputy Creighton, and I were on "Prime Time" discussing the European crisis. The Minister of State said that one should not shout a negotiating strategy from the rooftops. I agree with her that one should not do that but the problem is that we are shouting a negotiating strategy from the rooftops. At the press conference with the troika, we heard the Minister for Finance say that we are not in the business of not paying our debts and that we want to be a country that pays its way in the world, is seen to pay its way and, consequently, is trustworthy for investors. The Minister for Public Expenditure and Reform, Deputy Howlin, said we have established a clear relationship of trust. Had the people of Ireland seen the clip of that press conference in January or February before the election, a significant number of them may not have voted for this Government because that is not what the parties now in Government were saying. The Minister for Finance, Deputy Noonan, described the agreement then as an obscenity and there was much talk of adopting a much more vigorous negotiating strategy with the troika and the bondholders. We have not seen this, while our strategy, at least publicly, is that we state we will pay everyone, including the various bondholder and sovereign debt holders.

Others have adopted different negotiating positions. The Greeks have said that they will not pay it. The Government suggests the Greeks are in meltdown but this is not because of their negotiating position, it is because their economy is not well developed. Iceland also adopted a more vigorous negotiating strategy. Now, the major world banks are playing hardball and are not going to engage in bondholder write-down. Every time that the Government states in the national and international media that Ireland will pay all its debts and, essentially, everyone else's debts, it makes it harder for us to negotiate because it sets the expectations of the market that nothing other than that will happen. I encourage the Government to adopt publicly a much more vigorous position.

Deputy Clare Daly: It is clear that the eurozone is in disarray and that those at the helm do not have a clue how to deal with it. We see that in the talks that are swinging this way and that way like a pendulum, with various solutions that do not hide the intractable problems in the eurozone. This is not an abstract crisis. Many countries are experiencing serious cuts in services and wages, falling living standards, growing unemployment and so on. Greece is the worst affected and the proposition of a 50% to 60% debt write-off in Greece recognises the fact that the troika understands the current renegotiated deal for Greece, which was supposed to provide a solution only last July, is unsustainable. The Greeks will not be able to pay back the money borrowed. We will have a major managed default in the hope that what the Greeks are left to pay back will be realisable and will help to restore confidence. That is a pipe-dream for two reasons. First, the situation facing people in Greece is cataclysmic. It is an absolute nightmare of falling living standards and austerity, where even the *Financial Times* has pointed out that planned tax increases and spending cuts for this year are equivalent to a reduction of 14% in average Greek take-home pay, or more than €5,000 per household. Given that the economy is contracting, even with a write-down the debt is simply unsustainable. Second, the

difficulty for the Greek establishment is the resistance by ordinary citizens, many of whom have just concluded a 48-hour general strike. It is impossible for the authorities to implement austerity measures speedily in those conditions.

The elephant in the room in all of this is Italy, which faces similar problems in implementing austerity. The key point was identified in the *Financial Times* yesterday: “The most disturbing aspect about the eurozone right now is that every crisis resolution strategy depends on a moderately strong economic recovery.” However, the policies of austerity being imposed on member states make recovery impossible. I will ask the Minister about the European semester later.

Deputy Mick Wallace: The politicians of Europe have failed to deal in a substantial way with the crisis facing the eurozone. That is certainly the verdict of the markets, which are running out of patience. Several weeks ago in this House we debated whether €440 billion was an adequate allocation for that great vehicle, the European Financial Stability Facility, EFSF. It is now clear, as we argued at the time, that it will take at least €2 trillion before anything is resolved. Italy represents 20% of the EFSF’s backing, yet that country is far more likely to be withdrawing money from the fund rather than financing it. The entire concept is a joke. Italy and Spain are facing enormous difficulties, but people are slow to realise just how serious the Italian situation is. The one positive likely to emerge in the coming weeks will be the end of Berlusconi’s reign. He has been entirely detrimental to the welfare of the Italian nation.

I am extremely disappointed in how the Government has behaved in its dealings with Europe. Instead of taking the lead and demanding that our situation be improved, we have been at the receiving end of actions taken in response to the latest development. A photograph in yesterday’s *Financial Times*, showing small groups of European leaders discussing the crisis, struck me as sad in that it depicted the Taoiseach standing alone and forlorn. I feel very sorry for him and there is no question that his task is a difficult one. However, the reality is that we have shown terrible weakness in dealing with our problems — more so than all the other European politicians, who have also, in general, been weak. We should have played a much more serious role and been far more forceful in demanding a fair deal for Ireland. Time will prove that we should never have been so receptive to the austerity measures imposed on us, which we took on the chin.

Deputy Richard Boyd Barrett: The deference and submission of this Government to the diktats of the EU and IMF would be understandable if the troika’s strategy showed any sign at all in the last two years of working and any measure of success in containing the crisis and helping to move Europe in a positive direction. It is bizarre in the extreme, given the utter disarray at the European Council, that the Taoiseach should seek to put a positive spin in this House on what is happening. We have had one crisis summit after another, delays, postponements and talk of treaty changes. It goes on and on as the crisis worsens and spreads further. We are now at a point where there are serious fears of a massive collapse in the European economy.

The Government does not seem to comprehend why all of this is happening. The reality is that the policy of bailing out banks and imposing austerity simply does not work. It was always unfair and brutal but, above all, it just does not work. Rather, it contracts growth, which leads to worsening public finances as growth declines, and the downward spiral continues. Greece is in trouble not because its citizens are resisting and, as a result, have forced at least some of the pain onto bondholders. Greece is in deep trouble because the austerity measures demanded of it continue to intensify, on top of those measures already imposed in the last two years. That is what is causing the Greek economy to contract.

[Deputy Richard Boyd Barrett.]

It is now proposed to do the same to Italy, after which it will be done to the rest of Europe. The austerity measures this country is facing will only intensify. How can one expect a different result in the rest of Europe from the disastrous outcome in Greece? The alternative is to say that jobs and economic growth come first and that we will not sacrifice them in order continually to bail out bankers, financiers and bondholders.

Deputy Lucinda Creighton: How does the Deputy propose to create jobs without any banks? That is what he is advocating.

Deputy Richard Boyd Barrett: It is simple; the Government must stop paying off the bondholders. The State must then take over the banking system, decide its priorities and invest in jobs and economic growth.

Deputy Lucinda Creighton: Where is the money to come from?

Deputy Richard Boyd Barrett: We should refuse to pay the next instalment of €750 million to Anglo Irish Bank's bondholders.

Deputy Lucinda Creighton: The Deputy is against everything.

Deputy Richard Boyd Barrett: We should refuse to pay €3 billion to those bondholders next year and for ten years thereafter. That is the alternative. It is about time this Government broke its addiction to the failed neoliberal ideology of austerity and bailing out bankers and bondholders.

Deputy Lucinda Creighton: If the Deputy offered a feasible alternative I would listen to it.

Deputy Richard Boyd Barrett: The Minister of State always heckles because she does not want to listen.

Deputy Lucinda Creighton: What the Deputy is proposing is pie in the sky.

Deputy Catherine Murphy: Governments talked such a good game throughout the Celtic tiger years that the European Union accepted as fact that Ireland was enjoying an economic miracle. Ireland was a reference country in regard to the Nice treaty, pointed to as the member state to which the ten accession states should aspire. As a member of the Committee of Public Accounts between 2005 and 2007, I recall that this notion was reinforced to the members of a visiting German delegation. However, they were also told that if the cheap money from Germany ever dried up we would be in trouble and that there was a very high level of personal indebtedness.

We are once again talking a good game. The Government is saying that our debt, both personal and national, is sustainable, that we can pay unsecured private debts and, to top it all, that we can secure a referendum change. All the claps on the back in the world will not insulate those with huge mortgage and personal debt, those facing cuts in public services or the 450,000 people without jobs. The Government keeps telling us that it must be honest with citizens in pointing out that there is no money and that the country is in receivership. There is persistent talk of the need to "act honestly". We should expect the Government, when its members negotiate on our behalf, to be honest about the real situation rather than presenting some type of fairytale. What is being put forward by the Government does not match the facts. Where is the Europe of solidarity? What of the Charter of Fundamental Rights? All we are seeing is one crisis after another.

Deputy Shane Ross: I agree with much of what my colleagues have said. It is not a great position for Ireland to be in to be applauded by other European leaders and by the *Financial Times*. The Government claims we are achieving our objectives. That is not so. We are achieving Europe's objectives and the bankers' objectives but we are not doing anything which is in the interests of the Irish people. We are doing something in the interests of the Irish Government, and the applause the Taoiseach and the Minister for Finance are getting for buckling under to the deal negotiated by the last something is something I do not welcome.

In terms of what I would like to hear, if we are the good boys of Europe and top of the class, what are we getting in return? Are we getting any reciprocal clout at the tables of Europe? Does anybody really listen to Ireland? We are in the political dog house and the European dog house and we have accepted that position by lying down and rolling over. That is not the position we should be in. Greece has constantly deceived, rebutted, opposed and challenged Europe. Greece is getting a reward for that whether we like it or not.

Deputy Lucinda Creighton: That is ridiculous.

Deputy Shane Ross: Greece is getting a large amount of its debt written off. I am not suggesting——

Deputy Lucinda Creighton: People are being killed on the streets in Greece. Is that what the Deputy is advocating?

Deputy Shane Ross: ——that we behave dishonourably but we should not go to the tables of Europe week after week to be applauded for crucifying the Irish people at the behest of the people in Europe. That is not where the interests of the Irish people lie. The interests of the Irish people lie in the Taoiseach, Deputy Kenny, and the Minister of State, Deputy Creighton, coming back and saying we have respect in Europe. They are worried that we will not pay back the bond holders and the bankers and even the threat of that would get us a better deal and a certain amount of respect. I see no evidence in what the Taoiseach's says that they take a blind bit of notice of what Ireland says at the tables in Europe or in the eurozone. We may be one of equals among the 17 or the 27 but we are in danger of becoming a pushover. That is not where we should be and that is a bad negotiating position to be in.

Acting Chairman (Deputy Jack Wall): We will now have questions, the period for which is not to exceed 20 minutes.

Deputy Micheál Martin: Greek default will be a serious event for Greece and we should not pretend otherwise. The sovereign default in Greece will have a very serious impact on Greece's economy and society for a decade but the issue is that because of Greek default there will be a major pan-European recapitalisation of banks. The argument against burning bank bond holders, therefore, is no longer valid. That is the net point.

As I said in my contribution, the previous Government had no choice in terms of acting unilaterally. It made it clear it could not act unilaterally because the argument was that we would create contagion, the risk of default elsewhere and a collapse of the eurozone but that is no longer the case. A new situation is emerging in terms of the summit on Sunday that will take place today and the resolution that will come about. In essence, if Greece defaults and takes a haircut of 50% or 60%, which is probably a more realistic figure, many mainland European banks will be exposed and there will have to be recapitalisation, and that is where we should be negotiating and making it clear that our position in terms of bank bond holders should change. We played our part last year by not taking unilateral action. The pan-European approach to bank capital will now be agreed. We have a right to demand freedom of action

[Deputy Micheál Martin.]

and I ask the Minister of State if we have put that on the agenda. Yes or no? Have we asked for our bank debt to be restructured and for the bank bond holders to be burned? Have we put that on the table?

Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton): The Deputy finds it easier to simplify what is an extremely complex set of negotiations. The European Council summit will take place this evening followed by the eurozone Heads of State and Government meeting and the issue of Irish bank debt restructuring or write-down is not on the table, nor do we want it to be on the table.

Deputy Micheál Martin: So we have not put it on the table.

Deputy Lucinda Creighton: It is not on the table.

Deputy Micheál Martin: Is the Minister of State saying we have not put it on the table?

Deputy Lucinda Creighton: It is not on the table for the summit this evening.

Acting Chairman (Deputy Jack Wall): Allow the Minister of State to reply.

Deputy Lucinda Creighton: The Minister for Finance, Deputy Michael Noonan, has been engaged in a process of negotiating——

Deputy Micheál Martin: Have we put it on the table?

Deputy Lucinda Creighton: ——on all aspects of our programme, including——

Deputy Micheál Martin: So we have not put it on the table at the summit meeting.

Deputy Lucinda Creighton: I just said clearly that it is not on the table for this evening's summit. Of course not.

Deputy Micheál Martin: Of course not? I asked a simple question: Have we as a Government put it on the table?

Deputy Lucinda Creighton: It is very clear. The Taoiseach has already said that——

Acting Chairman (Deputy Jack Wall): Deputy Martin——

Deputy Lucinda Creighton: I have answered the Deputy's question. I said "no".

Deputy Micheál Martin: Thank you.

Deputy Lucinda Creighton: It is not on the table for this evening's summit.

Deputy Micheál Martin: I am not being smart——

Deputy Lucinda Creighton: You are——

Deputy Micheál Martin: ——but for six weeks I have asked this question and all I want is a simple answer. Has the Irish Government sought to put this issue on the agenda? That is all I want to know, yes or no.

Deputy Lucinda Creighton: That is a very different question.

Deputy Micheál Martin: It is not; it is what I asked.

Deputy Lucinda Creighton: This entire debate——

Deputy Micheál Martin: Why can we not get a straight answer?

Deputy Lucinda Creighton: ——is about the European summit this evening——

Deputy Micheál Martin: In which we are a participant.

Deputy Lucinda Creighton: ——about which the Deputy expressed great anxiety that we would not have an opportunity to discuss it next week.

Deputy Micheál Martin: We are a participant.

Deputy Lucinda Creighton: The Deputy now has an opportunity to discuss it in the House and the answer is that Irish debt write-down is not on the table for tonight's European summit.

Deputy Micheál Martin: And we have not put it on the table.

Deputy Lucinda Creighton: If the Deputy wants to ask the broader question as to whether the Irish Government is engaged in negotiations on the issue of debt sustainability for Ireland in a broader context, yes, it is a topic for discussion. The Minister for Finance, Deputy Noonan, has raised it with the President of the European Central Bank——

Deputy Micheál Martin: No, sorry——

Deputy Lucinda Creighton: ——and with bilateral partners——

Deputy Micheál Martin: On a point of order——

Deputy Lucinda Creighton: ——as has the Taoiseach. We are doing everything——

Acting Chairman (Deputy Jack Wall): Deputy Martin, please.

Deputy Lucinda Creighton: The Government as a united force is doing everything in its power to try to negotiate a better, more sustainable deal for Ireland but if the Deputy is asking me, regarding the European summit this evening, whether we are trying to achieve private sector involvement in the same way the Greeks are doing, of course not because that would be extremely and extensively damaging to Irish banking——

Deputy Micheál Martin: The French banks are doing that. There will be a recapitalisation of banks.

Deputy Lucinda Creighton: ——and to broader Irish economic interests.

Deputy Micheál Martin: It is on the agenda.

Deputy Lucinda Creighton: The French banks have not been recapitalised to the same extent——

Deputy Micheál Martin: They will be.

Deputy Lucinda Creighton: ——Irish banks have been recapitalised.

Deputy Micheál Martin: They will be.

Deputy Lucinda Creighton: Even after the anticipated——

Deputy Micheál Martin: They have to be.

Deputy Lucinda Creighton: If the Deputy does not want me to answer the question I will sit down and he can keep on pontificating to the House.

Deputy Micheál Martin: The point I am making is——

Acting Chairman (Deputy Jack Wall): I call Deputy Adams.

Deputy Micheál Martin: But it is on the agenda.

Acting Chairman (Deputy Jack Wall): Please, Deputy Martin, please take your seat.

Deputy Micheál Martin: Bank recapitalisation is on the agenda.

Acting Chairman (Deputy Jack Wall): Deputy Martin.

Deputy Micheál Martin: The Taoiseach said it but we have not put ours on with that. That is the point.

Acting Chairman (Deputy Jack Wall): I call Deputy Adams.

Deputy Lucinda Creighton: Irish banks were recapitalised last March, as Deputy Martin is well aware.

Acting Chairman (Deputy Jack Wall): Minister, please. Other Deputies are offering. This is not intended to be an interaction between two Members. Other people are offering and they must be facilitated.

Deputy Micheál Martin: I just want an answer.

Deputy Lucinda Creighton: You do not want to hear the answer.

Deputy Gerry Adams: I thank the Minister for her clarity. I spent months, including up to today, trying to get that clarity from the Taoiseach. When I asked him earlier if the Government will be seeking a write-down of Irish banking debt at today's summit he did not answer me. The Minister of State has just said it is not on the table. That is the flaw in the Government's position.

I draw the Minister of State's attention to the fact that the Taoiseach, in response to a question from me here some weeks ago, stated that he was against further fiscal powers being centralised in Europe. He stated on two occasions that he was opposed to treaty change. Today he stated: "We recognised also that there is scope to do more to improve fiscal discipline and to deepen economic integration in Europe, particularly within the euro area ...". He went on to state: We have now agreed that we need to reflect further on how to strengthen economic convergence within the euro area, how to improve fiscal discipline and how to deepen our economic union. All of that is a complete U-turn in terms of his previously stated position. I agree with the Teachta ansin who said the Government is making its negotiating position very clear, and the Taoiseach did that again at length here.

Acting Chairman (Deputy Jack Wall): Does Deputy Adams have a question?

Deputy Gerry Adams: First, will the Government recognise even at this late stage that it has a duty to put the issue of a write-down of Irish banking debt at today's summit? Second, could the Minister of State give us some indication whether, if there is to be treaty change, a referendum be held?

Deputy Lucinda Creighton: On the issue of bank debt write-down, I again reiterate for the benefit of Deputy Martin who chose not to listen to me when I answered his question that it is not a topic for discussion at this evening's Council meeting. The Deputy is entitled to disagree with that. The reality is that the Greek Government is not seeking private sector involvement in its debt and does not want a write-down of its debt. It would prefer to be in the same position as Ireland, whereby we have returned to a position of growth, emerged from recession and begun a serious effort at consolidating public spending and getting our economy back to a far more competitive position with a real prospect of returning to the financial markets in 18 months. That is our task.

Our position is not in any sense comparable to that of Greece, nor do we wish to be. The notion, suggested by Deputy Ross earlier, that Greece was somehow getting its way by being in a position in which it must be rescued by the rest of the European Union and particularly the eurozone is a fallacy. We do not aspire to being a position where our economy is so close to bankruptcy that we must be bailed out.

Deputy Gerry Adams: I did not ask that question.

Deputy Lucinda Creighton: The global financial system is absolutely dependent on trust and confidence. We have worked very hard, particularly in the past six months. I also give credit to the late Brian Lenihan for some of the work he did to try to control public spending. I have always acknowledged that. I do not approach this in a mealy-mouthed fashion.

However, we have done enormous work in the past six months in trying to rebuild Ireland's reputation. It is not about being patted on the back or being told one is the best boy or girl in the class. It is simply a question of regaining and restoring credibility so we can aspire to regaining our economic independence and getting back into the financial markets in the near future, which is a prospect that does not exist for the Greek Government and the Greek people.

Deputy Gerry Adams: The Minister is not answering my two questions.

Deputy Lucinda Creighton: There is no prospect of Greece re-entering the financial markets within the next ten years.

Deputy Gerry Adams: I did not ask about Greece.

Deputy Lucinda Creighton: I was anxious to explain. The Deputy asked me about the Government's position so it is fair——

Deputy Gerry Adams: I asked about treaty change and the change in the Government position.

Deputy Lucinda Creighton: That was the second part and I will come to that. However, the Deputy asked me about the Government's position regarding PSI for Ireland, in other words, write-down of Irish debt. I believe I am entitled to give my view on the background to that and why the Government is so insistent that we meet our targets and benefit from or take advantage of the fact that we have now emerged from recession and are back in a positive growth position.

[Deputy Lucinda Creighton.]

As regards the question about treaty change, it is very difficult to predict whether President Van Rompuy will bring forward a proposal on a treaty change to December's European Council meeting. If that happens and if it is agreed there will follow a long and protracted process involving European governments and parliamentarians and all other stakeholders, to change the treaties of the European Union. If that involves a transfer of competence or power from the our national Parliament and Government to the European institutions, of course a referendum would be held in which the Irish people would have the opportunity to vote for or against the proposal. I cannot predict that this would be the outcome, it is impossible to say.

However, at this point we are very forcefully putting forward the argument, along with many of our other partners, that we consider it possible and feasible to achieve the type of integration that is required for European member states to work more closely together and to improve, strengthen and stabilise the European monetary union through the existing instruments, that is, the existing treaties. That is our position and we will continue to articulate it.

Acting Chairman (Deputy Jack Wall): There are only eight minutes left. Four Deputies are offering and others are seeking to ask supplementary questions. I ask Members to take that into consideration when they are putting their questions.

Deputy Richard Boyd Barrett: Could the Minister of State explain what appears to be the bizarre position the Government is articulating in its statement today? She correctly condemned the last Government for getting us into this mess and for signing up to an unsustainable deal to pay off the gambling debts of bankers and bondholders. It is nauseating in the extreme that Fianna Fáil can pontificate about deals it set up.

Deputy Micheál Martin: No, we are not saying that.

Deputy Richard Boyd Barrett: Yes, you are. You make it up as you go.

Deputy Micheál Martin: Do not mislead people. The Deputy is a propagandist.

Deputy Richard Boyd Barrett: Having correctly criticised the last Government for this, the Minister of State is seriously telling us it is a bad thing for Greece to get an unsustainable debt written down and it is a good thing for us that we must continue to pay off the gambling debts of bankers and bondholders.

Acting Chairman (Deputy Jack Wall): Can we have a question, Deputy?

Deputy Richard Boyd Barrett: I am nearly there. How can it be a good thing? The Minister of State might argue it is necessary and I would strongly disagree with her, but it is bizarre in the extreme to say it is a good thing for Ireland because the financial markets will be happy. The financial markets got us into this mess. Who cares what they think?

Deputy Lucinda Creighton: The people who want mortgages or to start businesses.

Deputy Richard Boyd Barrett: What are we going to do about jobs and growth and how does paying off gambling debts to bankers and bondholders help jobs and economic growth?

Deputy Lucinda Creighton: The Deputy is deliberately trying to misconstrue what I am saying.

Deputy Richard Boyd Barrett: I am looking at the statement.

Deputy Lucinda Creighton: My statement?

Deputy Richard Boyd Barrett: The Taoiseach's statement.

Deputy Lucinda Creighton: The Deputy is trying to suggest that we are somehow enjoying the fact that we are in an IMF programme and that it ought to be the Government's objective to remain in an IMF programme, where we essentially do not have control over our economic destiny or the parameters of our annual budget. That is preposterous position to put forward.

The issue with Greece is not that it will not pay but simply that it cannot pay. We are in a different position. All the outside expert analysis which has examined the sustainability of Irish debt acknowledges that there are difficult challenges ahead and that it is not easy but equally acknowledges that we can continue on this course.

Deputy Richard Boyd Barrett: Tell that to the 450,000 unemployed.

Deputy Stephen Donnelly: That is absolutely untrue.

Deputy Lucinda Creighton: If we stick to the commitments we have already signed up to and if we focus our efforts on growth, investment and creating an environment——

Deputy Richard Boyd Barrett: Where is the investment?

Deputy Lucinda Creighton: ——for the Irish economy to grow, we can meet our targets and deficit objectives and we can emerge from this crisis. That is the position.

Deputy Richard Boyd Barrett: Where is the investment?

Acting Chairman (Deputy Jack Wall): Please, Deputy.

Deputy Richard Boyd Barrett: Tell us where there is investment.

Deputy Lucinda Creighton: There is inward investment from a range of global multi-national companies——

Deputy Clare Daly: Name one.

Deputy Lucinda Creighton: ——which have invested in this country.

Deputy Richard Boyd Barrett: Investment is collapsing.

Deputy Lucinda Creighton: If the Deputy had his way and we reneged on all the debt Ireland has signed up to, there would be absolutely no investor confidence in this country. The Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton, announced a new investment only yesterday and there was the announcement regarding Twitter headquarters a few weeks ago.

Clearly, the environment is very difficult but the reality is that Ireland's economy has returned to growth this year. We are ahead of our projected growth targets. We will achieve 1% growth this year and it will be greater next year.

We are on the right path and consumer confidence will begin to grow, particularly if Deputy Boyd Barrett and others stop talking about defaulting and reneging on our obligations. That would mean all investment in this country would dry up and there would be zero confidence in our banking sector. It is already difficult to get banks to lend to small businesses, companies and enterprises that are trying to create and maintain jobs. What the Deputy is advocating is entirely irresponsible because it would lead to a drought of investment. There would be zero

[Deputy Lucinda Creighton.]

investment and we would return to recession. If that is the Deputy's solution, it is an irresponsible one.

Acting Chairman (Deputy Jack Wall): I will call the four Deputies offering to put their questions and call on the Minister of State to reply. There are only two minutes left so Deputies should be brief.

Deputy Clare Daly: Could the Minister of State outline her position on the European semester which was mentioned by the Taoiseach and discussed in the European Parliament yesterday? Under this the European Commission and Council will now get the first look at governments' budgetary plans in advance of elected parliaments and the European Parliament will not have the ability to amend the Council's diktats. How could that possibly further the democratic interests of citizens? Is it not just a recipe for imposing austerity because it is not possible to get away with it through parliament?

Deputy Stephen Donnelly: The Minister of State has just said that all of the economic analysis states that Ireland's debt is sustainable and if we stick to this programme we will get out of it. It does not. If all the economic analysis she is looking at says that, I ask her to give me a call and I will send her expert analysis from all over the world, including the IMF, which says the opposite.

In regard to the strategy, does the Minister of State accept that every time the Governments says it will pay everybody their debts it makes it harder not to do so because the expectation is set in the markets that is what is going to happen? With regard to the summit, what is the Government's position on the fiscal consolidation given that A. J. Chopra and others are beginning to say that it is more and more likely we are potentially drifting into a European superstate?

Deputy Mick Wallace: Will the Minister of State consider an analysis in last week's edition of *The Guardian* which put forward the notion that many of today's problems have come from an unwillingness to re-finance Greece, Ireland and Portugal in the early days? Their share of the euro area public debt to GDP ratio is ridiculously low and cancelling out their debt would have been less painful than the present arrangement. The crisis arose because markets and rating agencies saw the stupidity of European leaders who were ineffective when it came to rescuing indebted countries and who introduced self-defeating austerity programmes. Fear produced a ballooning of the interest rate spread and thus the problems have dramatically got out of control because of poor decision-making by the Europeans in the first place.

Deputy Micheál Martin: I have been consistent on these issues from the outset. We have always said there could not be unilateral action by Ireland, and that is what we said before the election. The parties in Government made it clear they would unilaterally burn bondholders — they have reneged on that. The position is now different because at this summit there is a pan-European approach to bank capital and to recapitalising banks across Europe. Given that this is, perhaps, the first and only opportunity we may get to restructure our approach to bank capital in terms of our bank debt, why are we not availing of that opportunity and putting it on the agenda for this summit? President Sarkozy has been arguing for this for the last number of months. He wants the EFSF to take up the recapitalisation of French banks, not the French Government, because he does not want his country's credit rating to be affected.

Deputy Gerry Adams: I thank the Minister of State for her clarity which was very refreshing. She should, perhaps, take Leaders' Questions and the Taoiseach's questions from herein.

Acting Chairman (Deputy Jack Wall): A question please, Deputy, we are over time.

Deputy Gerry Adams: The promissory note covering Anglo Irish Bank and Irish Nationwide is not part of the troika Memorandum of Understanding so this is a decision of the Government. Why does the Minister of State not say that as part of getting traction in the negotiations that is the path she will take? It is beyond understanding why the point of seeking a write-down of Irish banking debt is not on the agenda or on the agenda of this summit. I have a very direct question which I hope will be responded to with the Minister of State's customary clarity. Was it put on the agenda and, if so, did the other leaders refuse to allow it to be discussed or was it not put on the agenda?

Deputy Lucinda Creighton: Sorry, Deputy——

Deputy Gerry Adams: Did the Minister of State attempt to put it on the agenda and, if so, was it refused or was no attempt made to put it on the agenda?

Acting Chairman (Deputy Jack Wall): The Minister of State has three minutes in which to answer the questions.

Deputy Lucinda Creighton: I do not know how I will manage to answer them all in three minutes. The question in regard to the European semester is very much part of Government policy. We have supported it throughout the very complex negotiations at European Council level and as it passed through the European Parliament. I contend that if we had a mechanism, such as the European semester, in place during the past 14 years the profligacy and irresponsible expenditure of taxpayers' money that occurred here would not have happened——

Deputy Brian Hayes: Hear, hear.

Deputy Lucinda Creighton: ——and we would have a much more sustainable position with the result that the crisis in Ireland, probably, could have been averted. The Government and I are strong supporters and proponents of the European semester and we are already co-operating with that mechanism. The first review was at a Council meeting in September but I can clarify that.

Deputy Donnelly asked about fiscal consolidation and the creation of a European superstate. It is nobody's objective to create a European superstate and I do not believe it is the objective of the vast majority, if any, of the member states. There is a need for greater fiscal co-ordination and that is already happening. It is clear from the conclusions which have emerged from previous European Council meetings and the detail which has emerged from ECOFIN and the finance Ministers meetings at eurozone level that there is greater fiscal co-ordination. We support that and it is in our interest and in the interest of the proper functioning of the eurozone. I do not see that as a cause for concern or that automatically can lead to the assumption that everybody wants to create a European superstate because that is not the position.

From an Irish point of view, when we get into this type of discussion a certain concern is always raised on the issue of corporation tax. Perhaps that was at the back of the Deputy's mind when he asked that question. Our position is clear. The new Government, from March onwards, took a strong and robust position on defending our corporate tax rate. I believe our position has been vindicated and many European partners recognise that. It was never under attack.

Deputy Micheál Martin: I never——

Deputy Lucinda Creighton: I do not believe the Deputy participated in those debates at European Council level. The Taoiseach did participate and I can assure the Deputy there was robust exchange and huge pressure applied. When I visited Paris and Berlin on behalf of the Government very significant pressure was being applied. The Deputy is a little naive if that is his view.

Deputy Micheál Martin: What was the formula?

Acting Chairman (Deputy Jack Wall): Please, Deputy Martin.

Deputy Lucinda Creighton: In regard to Deputy Wallace's point, is the article in today's edition of *The Guardian*?

Deputy Mick Wallace: No, it was in last week's edition.

Deputy Lucinda Creighton: The nub of the issue is that it is the objective of the Government to reduce our overall debt burden. We have employed every mechanism available to us at this point. It is important to note — a point which is glossed over and is not alluded to by anybody on the Opposition benches — that the savings the State will incur by virtue of the renegotiation of the interest rate of our overall loan package amounts to €10 billion, which is not insignificant. It would be nice, perhaps occasionally, if Members of the Opposition would allude to any of the Government's successes on behalf of this country. Perhaps I am a little fanciful in believing that could ever happen.

Deputy Micheál Martin: This is akin to scoring goals from the sideline.

Acting Chairman (Deputy Jack Wall): Silence please.

Deputy Lucinda Creighton: We have a common interest. I hope we have a common interest in achieving the best possible outcome for this State.

Acting Chairman (Deputy Jack Wall): We are 12 minutes over time. I am sorry, we have to bring the debate to a close.

Deputy Lucinda Creighton: If there is any issue I have not managed to address I apologise. I have tried to be as clear as possible and we will have an opportunity next week to review the work of the European Council.

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

Question again proposed: "That the Bill be now read a Second Time."

Acting Chairman (Deputy Jack Wall): I call Deputy Mary Lou McDonald who has 28 minutes remaining in the slot.

Deputy Mary Lou McDonald: I will not need 28 minutes. I am pleased the Bill protects whistleblowers from civil liability and victimisation. I am pleased also that this protection extends not only to employers who are implicated in the detail of information provided but also to those outside the employer-employee relationship.

The Bill goes further in providing a mandatory regime for those with senior or important functions within financial service providers. There should always be a compulsion to disclose any information relating to breaches of law or good practice, particularly by those holding

senior management positions. One concern I have with this section is the absence of any compulsion on the Central Bank to act on information provided by whistleblowers. I understand that it is not possible to act on every single piece of information provided, but the experience of many whistleblowers under the previous regulatory regime suggests that some form of obligation to act should be inserted into the Bill. Sinn Féin will bring forward sensible amendments on this matter, in the spirit of the Bill itself, on Committee Stage and I hope the Minister will give them due consideration.

I am also pleased to see the significant increase in penalties available to the Central Bank for persons or financial service providers in breach of their legal requirements. That should go some way to giving the regulator the teeth that were so badly lacking in the years preceding the financial crisis of 2008.

Sinn Féin is often critical of legislation laid before this House by Government, but we have always said that we would support proposals that are positive. The Central Bank (Supervision and Enforcement) Bill 2011 is one such proposal and is a welcome addition to the regulatory powers available to those bodies and individuals tasked with ensuring that financial service providers behave in a way that is correct, responsible and in the public interest.

I wish to take this opportunity to make a few more general remarks about the regulation of financial service providers. As highlighted in the Government's own report of the commission of investigation into the banking sector, our recent financial crisis was caused by a range of factors. Regulation did exist that could have been used by the regulator in the years leading up to the crash of 2008. However, neither the regulator himself nor the Ministers of the day were willing to fully use the powers already vested in them to address the reckless and inappropriate behaviour in our financial institutions. While it is clear that there is a need to strengthen the regulatory code there is also a need to strengthen the obligations on the regulator, the Central Bank and Government to ensure they act in an appropriate and timely manner to any breaches of existing regulations. While the recent intervention by the regulator on the issue of mortgage interest rate charges is an example of this, it must become a more frequent practice and one that is fully backed up by the strong support of Government.

There is also a need to recognise that regulatory breaches or bad practice can be incentivised by other areas of Government policy, such as monetary policy and tax policy. Reckless behaviour by financial institutions prior to the 2008 financial crash was incentivised by the excessive tax breaks provided for by successive Finance Acts under the previous Government and, crucially, by lax monetary policy pursued by the European Central Bank. If the policy and legislative environment in which our financial service providers operate actively encourages them to behave in a way that is detrimental to society in general, then that policy environment must also be subject to change.

I make these brief comments in order to demonstrate an important point, namely, that a responsible financial services sector requires much more than strong regulation. It requires the political will to enforce, from the regulator's office through to the Governor of the Central Bank and up to the Minister for Finance and the Taoiseach. It also requires an end to reckless and unsustainable tax policies, particularly with respect to tax breaks, many of which continue to be on our Statute Book. Crucially, it also requires an end to the one-size-fits-all monetary policy imposed on by the European Central Bank. While the policy of cheap money pursued in the early years of the euro is no longer with us, the one-size-fits-all policy is still in place. The pendulum has clearly swung too far, much to the detriment of small and medium-sized enterprises and those who rely on this sector for employment. Excessively restrictive lending is just as bad for society and the economy as excessively loose lending.

[Deputy Mary Lou McDonald.]

I wish to again place on the record Sinn Féin's full support for the Bill and our intention to seek to amend the Bill in a constructive and positive spirit on Committee Stage but I also urge the Government to go much further in ensuring that the conditions that led to the financial crash in 2008, and in particular the fiscal and monetary environment which incentivised the crash, are subject to real policy and legislative change so that the terrible events of the crash are never ever repeated.

Deputy Richard Boyd Barrett: I wish to share time with Deputy Catherine Murphy.

Acting Chairman (Deputy Jack Wall): Is that agreed? Agreed.

Deputy Richard Boyd Barrett: I thank the two officials from the Department of Finance for going through the Bill with me for approximately an hour and a half and trying to explain its dense content. As I understand it the Bill must be introduced in the context of a complicated situation in terms of the more than 200 legislative items relating to the Central Bank and the financial services sector. Anyone who can work his or her way through that body of legislation deserves much credit. Whatever I may think about the ultimate content or policy direction of the Bill it must be considered a step forward at some level to move towards a situation where we can at least understand what the laws are that govern the banking system in this country. Perhaps it is somewhat telling that this is the situation; that we do not understand the legal situation surrounding banking — that it is incomprehensible. That is not a great place to be and it may be somewhat explanatory of some of the problems we face.

Without having forensically analysed what I heard at the briefing or having forensically gone through the Bill, there may be aspects of it that need to be queried, but its general direction is at least moving the right way. I accept that it is a positive move, in so far as there is an acknowledgement of the need to regulate the banking sector to a greater degree than has been the case until now.

It is a step in the right direction, in so far as the Bill refers to an increase in penalties on financial institutions and individuals who are guilty of inappropriate or illegal malpractice or behaviour. Anything that might encourage and provide legal backing for more whistleblowing among people in the industry is to be welcomed.

The context of the Bill is important because if all this legislation is not to be just tokenism it must tackle the problem we have had. I do not believe that this Bill or the credit institutions legislation will tackle the problem we now face. It is not a problem. It is a major, and possibly catastrophic, financial and economic crisis.

The legislation is tokenistic and does not address the key problems. Let me say why this is true. I find it difficult to credit the Government or the troika, which demanded the legislation, being serious about reining in the banking and financial sectors. With the new supercharged bailout facility for the banks and the talk of greater recapitalisation of the banking system across Europe, the Government is telling banks that no matter what crimes they have committed, how irresponsible they have been or how much damage they have done to our economy they will be bailed out and there is no end to the extent of the bailout. A trillion euro is now being spoken of while it was €440 billion. Some people say the figure could be €2 trillion. There is no end to the bank bailout.

Austerity policies are currently being implemented and are inflicting terrible suffering on ordinary and vulnerable people in Greece and Ireland, and soon in Italy and elsewhere in Europe. We can do those things with gusto. We can lash into the innocent and vulnerable, massacre jobs in the public service and privatise like crazy because we are able to pay. As the

Minister of State, Deputy Creighton, said, “We can pay”. She means ordinary people can pay. She and the troika think we can pay. That assessment is questionable. Can ordinary people pay? The question of payment is not abstract. It is a matter of livelihoods, and even of lives if the cuts apply to health and education.

When Europe and the Government are engaged in an ongoing and endless bailout of the banks that caused this crisis, would anyone in the financial sector take seriously the intent of a Bill such as this? It is laughable to suggest that our Government or the European political establishment are serious about taking on the malpractice, sharp practice and irresponsible and reckless behaviour of the bankers and the financial system. How can they take the legislation seriously when we are saying that no matter what they have done we will bail them and make society pay for the bailout?

Yesterday, the Minister for Finance said the Bill was based on various analyses of why the crisis had taken place. He referred to the Nyberg report. Some of the measures in the Bill relate to points made by Peter Nyberg. In so far as these measures represent moves in the right direction they are to be welcomed. However, the fundamental points made by Nyberg — Nyberg does not go half as far as I would go in his analysis — are not addressed in the Bill nor in the previous one.

Deputies on this side of the House continually raise issues with regard to the financial and banking crisis but the Government does not want to engage on these issues. Opposition Deputies have raised the issue of markets. In the second paragraph of his report Peter Nyberg says the crisis arose from “group-think reinforced by a widespread international belief in the efficiency of financial markets”. The observation is repeated on page 2 and several times throughout the report. Nyberg says, “The paradigm of efficient financial markets provided the intellectual basis for the assumption that financial markets would tend to be stable and efficient”. He also repeats this observation on a number of occasions throughout the report.

This point is not addressed in this Bill or in the previous Bill dealing with banks and credit unions. Everything indicates that the policy of the Government and the European Union is to continue to defer to those financial markets. We heard the Minister of State and the Taoiseach saying precisely that. The entire strategy of the Government in dealing with this unprecedented economic crisis is to get back to a point where the financial markets will be pleased with us and happy with what we are doing. Government strategy is to prove to the financial markets that we are, so called, competitive.

The Government refuses even to entertain a debate about the merits of competition. Members of the Government are addicted to the idea that competition is a good thing and they will not even acknowledge the role played by competition in the crisis. I argue that it played the pre-eminent and crucial role, which is what Peter Nyberg says. He says, “Globalisation of markets and EU membership increased foreign competition in the Irish financial market putting pressures on bank margins” and so followed the reckless behaviour. Why do we not address this matter or even acknowledge that it may be an issue or that competitive pressures are not always be a good thing?

We saw how concrete and practical this view is when we heard representatives of the Irish Bank Officials Association, IBOA, speaking at a recent meeting of the Joint Committee on Finance, Public Expenditure and Reform. Despite all the legislation, which is quite technical and tries to reduce the problem down to being a technical one, the IBOA, the people who work on the shop floor in the banks, tell us that nothing has changed in the banks. The culture is just the same. There is pressure to sell, sell, sell and to persuade people to use credit cards and buy products whenever and wherever possible. That is the banking culture. Workers feel

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under major pressure to behave in that way. Why has the culture not changed? It is because of the pressure of competition and profit.

If one questions these practices, as we do, and ask the Government to address these fundamental questions and their contribution to the financial crisis we are told we are being ideological and utopian and do not understand how things really work. Pardon us if we think, given all that has happened, that the question of what really works and is realistic should be thrown back at the Government.

Sitting suspended at 1.30 p.m. and resumed at 2.30 p.m.

Ceisteanna — Questions

Priority Questions

Army Barracks

1. **Deputy Dara Calleary** asked the Minister for Defence if he discussed the proposed closure of military barracks with the army authorities during his trip to the Lebanon on 14 to 16 October 2011; the conclusions of those deliberations; if he has reached any decision on barrack closure recommendations; and if he will make a statement on the matter. [31634/11]

2. **Deputy Jonathan O'Brien** asked the Minister for Defence the timeline for either the decision to be taken on the closure of Defence Force barracks or the actual closures of barracks; if he will detail the closures barracks by barracks and explain the results of these closures as regards personnel and the operational capacity of the Defence Forces; and if he will make a statement on the matter. [31636/11]

3. **Deputy Seamus Healy** asked the Minister for Defence if he will confirm that Kickham Barracks, Clonmel, County Tipperary will remain open as a fully manned and fully functioning army barracks; and if he will make a statement on the matter. [31735/11]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 1 to 3, inclusive, together.

As of now, no decision has been made by Government on the future of any military installation. However, the closure of barracks will shortly be considered by Government as part of the comprehensive review of expenditure.

Various commissions, reports and studies dating back to the 1990s identified barrack closures as a fundamental requirement for improving military effectiveness and efficiency. Since 1998, a total of ten barracks have been closed under two barrack consolidation programmes. A total of €84.98 million has been realised from the disposal of six of these barracks and part of another. The moneys realised from the sale of these and other Defence properties have been reinvested in equipment and infrastructure for the Defence Forces.

My priority must be to ensure that all decisions regarding resource allocation are focused on maximising the capabilities of the Defence Forces and ensuring its continued operational capacity. Also, I am anxious to ensure, in so far as is possible, that the Government is not compelled by fiscal and budgetary constraints to effect any substantial further reduction in the current number of personnel in the Defence Forces. As on previous occasions, a Defence Forces security assessment will inform deliberations on any proposed closures.

I regret that prior to this matter being considered by Government in the context of the overall review of expenditure, uncertainty has arisen as to the future of barracks and that this is a cause of concern to members of the Defence Forces and family members. As a consequence of the appalling financial legacy inherited by the Government, we are obliged to implement a substantial reduction in public expenditure. My obligation as Minister for Defence is to engage fully in the review of expenditure that is being undertaken. The Government has no choice but to ensure that this State fully meets its obligations under the EU-ECB-IMF agreement concluded by the previous Government in November 2010. Against that background, it is completely unrealistic to ask, as has been asked in that past, that any aspect of defence expenditure, including barrack operation and maintenance, be excluded from review.

Deputy Dara Calleary: I compliment the Minister on his trip to the Lebanon to meet our forces there. I understand that this morning a new batch of troops was in training in the Glen of Imaal this morning. We wish them well.

Has the Minister received a report on consolidation of barracks from the military authorities? If so, will he publish it before making a decision? On the Minister's comment in regard to the uncertainty around this issue, that uncertainty is not being introduced by Members of this House but by military authorities who are visiting the barracks and giving indications in regard to their future. We have presented several opportunities in the House for the Minister or representatives of his Department to demonstrate how much will be saved from a further consolidation programme in the context of a property market in which Government will be unable to sell the properties, the considerable amount it will cost to protect the barracks it proposed to consolidate or close and the extra money by way of allowances and cost of movement. No one from the Minister's Department has taken the opportunity to demonstrate to us what savings, if any, will be made.

I compliment the Minister on his meeting last Thursday with the groups from Cavan, Mullingar and Clonmel. Arising out of that meeting, was any information given to the Minister by the military authorities or local groups which the Minister is now prepared to use in assessing the reports before him?

Deputy Alan Shatter: Later Questions deal with the President's visit to our troops in Lebanon. I accompanied the President on her visit to Lebanon. It was a worthwhile and informative visit. I do not want to take up the time allocated to this question to address that issue other than to say it was a great pleasure to accompany the President and Senator McAleese on that visit and to see at firsthand the extraordinary work she does and the warmth she shows to our troops who are engaged in peacekeeping and to everyone she meets. The President makes an extraordinary impression on those she meets, including on members of the Lebanese Government during our meeting with them.

On the closure of barracks, at the request of Fine Gael colleagues I met with groups from the areas mentioned in the media in respect of barrack closures. Our meetings last week were detailed, lengthy and considered. I thank the groups who met with me. We had a worthwhile and constructive engagement. I listened carefully to all that they had to say. As I have stated previously in the House, no final decisions have been made. The concerns expressed to me by the groups will feed into the process in which we are currently engaged. I explained to the groups, as I did to Members of this House, the enormous financial constraints under the Government is operating. My obligation as Minister for Defence is not merely to identify savings that can be achieved next year and the years following in order to meet our EU-IMF obligations but to ensure the resources we have are used wisely and in a manner that ensures the Defence Forces can to the maximum extent possible meet its obligations as a civil authority and in international missions in which it is engaged.

Deputy Jonathan O'Brien: On the comprehensive review on spending, will any analysis be undertaken of the impact of consolidation or closure of barracks on local economies? While money might be saved through the consolidation of barracks, the removal of a barracks from a local community could lead to job losses because there are local services which rely on them. Has any analysis been done of what moneys will be saved versus the potential loss of revenue in terms of jobs and community services? If so, will it form part of any decision or will such decision be based only on how much can be saved through the consolidation or closure of barracks?

Deputy Alan Shatter: My primary obligation as Minister for Defence, while remaining aware of the impact of barracks in local communities, is to ensure that we use the resources provided to the Defence Forces to the best extent possible. Bearing that in mind, I must make decisions based on the importance of retaining men and women, the number of which has now fallen below 9,500, or buildings in the Defence Forces. These are serious decisions which I must address.

The delegations with whom I met expressed concern in regard to the impact on local towns of any possible closures. I am conscious of the concerns articulated to me. However, should closures take place, it is anticipated, based on past experience, that the impact on local communities would be negligible because most of the personnel serving in barracks which close continue to live in the areas in which they previously resided. Following the closure of four barracks in 2009, no families have as yet made claims for allowances which they could have claimed had they moved residential location. It is not anticipated, if there are closures, that there will be widespread movement of people out of local towns. This means that closure of a barracks does not to any extent result in people losing their jobs, rather it means that the location of where they work rather than live changes. Much of the spending power of those who served in a barracks in a particular location remains within the area in which their families live.

If we were in different financial times and if the State was flahulach with money this would not be an issue we would necessarily be pursuing. In the context of the review, I must have regard to advice given to me by those in the Defence Forces as to the strategic necessity and relevance of particular barracks and as to whether the Defence Forces could perform functions more efficiently by further barracks consolidation. That, of course, is a very serious issue which must feature in any final decision we make.

Deputy Seamus Healy: I thank the Minister for his response and for meeting the deputation from Clonmel last Thursday. In regard to any decision to close any of the barracks — Clonmel is the one about which I am most concerned — surely the focus should not only be on the effects on the Department of Defence. Surely there should be a full appraisal of all the consequences of a closure and a full cost benefit analysis of all the effects of a closure, including the effects on families.

It has been said there will be no redundancies or job losses as a result of this but what is meant is that there will be no compulsory job losses. Significant numbers of soldiers will not be able to transfer, as the Minister said. The Clonmel people have indicated that in the event of a closure, it would cost a family in the region of an additional €3,000 per year for transport. That means many soldiers will find themselves in the position of having to leave the Defence Forces. There will be knock-on effects in regard to additional social welfare payments and higher education grants payments, for instance.

There will be significant effects on the local economy. At our meeting last week, the chief executive officer of the local chamber of commerce indicated that 30 local suppliers supplied the barracks. There is no doubt there will be knock-on effects resulting in jobs losses and

probably even the closure of local businesses. Will the Minister focus not only on the Department of Defence but on the consequences of such a closure?

Deputy Alan Shatter: I thank the Deputy for his question and for his courtesy when we met the delegation from Clonmel. I am acutely conscious that the closure of barracks is disruptive both for the men and women based in a particular barracks and for family members. I am under no illusion in that regard. It is disruptive and creates inconvenience and difficulty and I am conscious of that. I am also conscious that it has some economic consequences for local suppliers of individual barracks. I am simply saying that in the overall context of the experience of the closure of barracks, it does not result in wholesale movement of families from one town to another. I am advised that has not been the experience of the four barracks closures the previous Government effected in 2009.

At the end of the day, my duty as Minister for Defence is to ensure we have a Defence Force that can operate to the optimum of its capabilities and to ensure the reduced resources available to me are applied in the most efficient manner and that there is not a waste of resources. I am also very concerned, as I know the Deputy is, to ensure that we maintain, as best we can, the strength of the Defence Forces. In the early 1980s, the Defence Forces stood at 15,000. We are now just below 9,500, a figure below which I do not want us to drop. I would like us to retain 9,500 as the strength of the Defence Forces and not go below that. Until the budgetary matters are addressed, I cannot even guarantee that will be the case.

If I have a choice of maintaining barracks and buildings, which I am advised by those who are expert in these things in the Defence Forces have no strategic importance, and by retaining them having reduced numbers within the Defence Forces or if I have the alternative option of at least doing my best to maintain numbers and, as a result close barracks which have no strategic importance, I would prefer we retain the number of men and women in the Defence Forces than maintain barracks which may only be partially filled because of the reduction in numbers. This is a very serious issue.

The Deputy will appreciate that in the very detailed discussions we had with the delegation from Clonmel, they understood the dilemma I have in this context. This is an issue about which we will have to make final decisions as we go through the month of November.

Deputy Jonathan O'Brien: On the impact analysis of closing a barracks, the Minister said the indications were that there would be minimal impact on local economies. Have reports been done on that following previous closures? If so, are those reports available? Can Opposition spokespersons get copies of them?

Deputy Seamus Healy: An important factor in the case of Kickham Barracks in Clonmel is that the complex is a protected structure. There might have been a chance of selling a barracks in buoyant property times but the fact this complex is a protected structure and is particularly important will mean it will not be possible to this property if it comes on the market. We do not want to end up with a barracks like McKee Barracks, which is effectively derelict.

Deputy Dara Calleary: Can the Minister make the advice he has received from the experts in terms of military efficiency, the make-up of the barracks structure in the country and the most recent advice he has available to the House while removing the security aspects of it? Clearly, we do not want to see any that would jeopardise security procedures. Could he place other general information in the Oireachtas Library or before the Oireachtas committee?

Deputy Alan Shatter: To take Deputy Calleary's question, I cannot recall advice given by the military authorities to the Minister for Defence being published in the manner in which he states. There are clear security issues involved in that type of matter and it would be inap-

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propriate and a dangerous precedent to publish that type of advice. I believe the Deputy knows that.

Every barracks in the country has unique features in the context of their history. Some buildings in various barracks have preservation orders on them. The barracks constructed in Cavan some years ago and from which I met delegation last week was a state-of-the-art barracks built for a particular purpose. I reiterate to Deputies that the circumstances in which we find ourselves, the reduction in real numbers in the Defence Forces and the importance of ensuring we use the capabilities to the maximum possible extent, require that we address these issues and we make what may well be very difficult decisions.

In the context of the current financial climate, I referred to the moneys raised from the sale of barracks. It probably was not envisaged in 2009 that the four barracks that were closed would give rise to very substantial moneys being realised but based on arrangements completed and arrangements being entered into, it is estimated that by next spring, approximately €5.5 million will be raised from the sale of properties associated with the four barracks closures in 2009.

If barracks are closed, I believe value can be realised from those sales to the benefit of the Defence Forces to reinvest in equipment and maintain equipment standards to the highest level and to the benefit of local towns in that if alternative uses can be identified for barracks, it may stimulate the economies of local towns instead of having a detrimental impact on them. These issues are of significant importance and we will address them carefully should barracks close.

Defence Forces Personnel

4. **Deputy Dara Calleary** asked the Minister for Defence the total size of the Permanent Defence Force he aims to achieve in Budget 2012; the overall size of the defence organisation in total in the 2012 Budget; the specific areas in which he will increase troop numbers as per his comments of 21 September 2011; and if he will make a statement on the matter. [31635/11]

Deputy Alan Shatter: As Deputy Calleary knows, the defence organisation has a proud record of reform and modernisation and the number of Defence Forces' personnel, civilian employees and civil servants within the Department of Defence has reduced while capabilities and services have improved. This is in contrast to the broader public sector where overall numbers increased during the past decade. This afternoon, I outlined my view that the Permanent Defence Force should be maintained at a strength of approximately 9,500 personnel.

I am advised by the military authorities that the strength of the Permanent Defence Force as of 30 September, the latest date for which figures are available, was 9,458, comprising 7,666 Army, 784 Air Corps and 1,008 Naval Service personnel. A total of 290 general service recruits have been enlisted in the Permanent Defence Force to date in 2011. This figure comprises 215 Army, 35 Naval Service and 40 Air Corps. There has also been an intake of 32 cadets in recent weeks. The need for further recruitment will be kept under review in light of the demands arising across the three services and the resources available.

The budgetary consolidation measures called for under the terms of the EU-IMF agreement require savings across all Departments. The Government's comprehensive review of expenditure is intended to provide options with regard to meeting these consolidation targets. The deliberative process leading to the defence 2012 budget allocation is ongoing and is encompassed within the broader expenditure review process.

The Government will shortly begin the process of finalising expenditure plans as part of the 2012 budgetary process. As the Deputy will appreciate, I cannot answer questions about the 2012 budgetary envelope until after the relevant decisions are taken and announced.

Deputy Dara Calleary: This is a similar question to the one asked yesterday. What are the anticipated retirements across the three forces between now and next February? Does the Minister have an idea of the numbers at this stage?

Deputy Alan Shatter: For the same reasons given yesterday when we discussed the estimate in respect of the Department of Justice and Equality, I do not know the exact numbers. People retire in various circumstances, but the figure that I provided the Deputy the last time we dealt with numbers within the Defence Forces was just in excess of 9,500. As the Deputy will see, we have now dipped below that number. I do not have a final figure and I do not want to give the Deputy a guesstimate, as doing so would be unfair. We will have a clearer view of the direction we are heading when we reach the end of November.

Overseas Missions

5. **Deputy Jonathan O'Brien** asked the Minister for Defence the position regarding the requirements made on the Defence Forces regarding training, projects, materials and armaments procurement from the State's involvement with the European Defence Agency and any other requirements made on the Defence Forces from the State's EU involvement; if all financial implications of these could be detailed; and if he will make a statement on the matter. [31637/11]

Deputy Alan Shatter: No requirements or obligations are placed upon the Department of Defence or the Defence Forces in respect of Ireland's involvement in either the European Union or the European Defence Agency, EDA. All participation in these areas is of a voluntary nature. In no way can any requirements be placed on a member state in terms of participation in any particular training, projects or material and armaments procurement. Decisions in the defence arena are sovereign for each member state.

The costs arising from Ireland's participation in the EU cover our contribution to the common costs associated with funding EU missions, the EDA's annual budget and the EU satellite centre. No requirement or obligation is placed upon the Defence Forces to participate in any EU mission. Such participation is subject to national decision arrangements, which in Ireland's case requires the approval of the Government and Dáil Éireann and a UN mandate. This had become known as the triple lock mechanism. All EU member states, contribute to the common costs of an EU-led operation unless they make a formal opt-out declaration under Article 23(1), what is known as constructive abstention, of the Treaty on European Union. The common costs of such missions are payable, in accordance with the EU Council decision of 18 December 2008, through the ATHENA mechanism. In addition, member states that contribute personnel to a mission pay for their operational costs on a costs lie where they fall basis.

Ireland contributes on an annual basis to the operational budget of the EDA. However, any participation by Ireland in any specific project or programme of the EDA is subject to Government and Dáil Éireann approval in accordance with the requirements of the Defence (Miscellaneous Provisions) Act 2009.

Additional information not given on the floor of the House

Ireland also contributes to the budget of the EU satellite centre, which is based in Madrid. The centre supports the decision making of the EU by providing analysis of satellite imagery data.

[Deputy Alan Shatter.]

The contributions made in respect of the common costs of EU missions over the past three years has been €754,000 in total, comprising €282,000 in 2009, €208,000 in 2010 and €264,000 to date in 2011. The costs incurred by Ireland in respect of our participation in the EDA over the three-year period has been €1.185 million in total, comprising €585,000 in 2009, €316,000 in 2010 and €284,000 to date in 2011. The Deputy might note that the 2009 figure includes a contribution of €240,000 to a joint investment programme on force protection. On 27 September, I sought and received approval from Dáil Éireann for Ireland's participation in a category A project on chemical, biological, radiological and nuclear, CBRN, protection and a category B project on maritime surveillance, pursuant to section 2 of the Defence (Miscellaneous Provisions) Act 2009. The cost of participating in the CBRN project is approximately €150,000 during a period of four years. The cost of participating in the maritime surveillance project is estimated at €105,000 over three years.

The Deputy might also be interested to know that our contribution to the EU satellite centre in the past three years has been a total of €470,000 in total, comprising €178,000 in 2009, €152,000 in 2010 and €140,000 in 2011. This is essentially a joint payment by the Departments of Foreign Affairs and Trade and Defence, as data supplied by the centre are in respect of civilian and military missions.

Deputy Jonathan O'Brien: We contribute financially to the EDA annually. What is the figure?

Deputy Alan Shatter: I can give the Deputy the figure. The costs incurred by Ireland in respect of our participation in the EDA over the three-year period has been €1.185 million in total, comprising €585,000 in 2009, €316,000 in 2010 and €284,000 to date in 2011. The Deputy might note that the 2009 figure includes a contribution of €240,000 to a joint investment programme on force protection. On 27 September, I sought and received approval from Dáil Éireann for Ireland's participation in a category A project on chemical, biological, radiological and nuclear, CBRN, protection and a category B project on maritime surveillance, pursuant to section 2 of the Defence (Miscellaneous Provisions) Act 2009. The cost of participating in the CBRN project is approximately €150,000 during a period of four years. The cost of participating in the maritime surveillance project is estimated at €105,000 over three years.

The Deputy might also be interested to know that our contribution to the EU satellite centre in the past three years has been a total of €470,000 in total, comprising €178,000 in 2009, €152,000 in 2010 and €140,000 in 2011. This is essentially a joint payment by the Departments of Foreign Affairs and Trade and Defence, as data supplied by the centre are in respect of civilian and military missions.

Other Questions

Army Barracks

6. **Deputy Denis Naughten** asked the Minister for Defence his plans for further investment at Custume Barracks, Athlone, County Westmeath; and if he will make a statement on the matter. [31328/11]

Deputy Alan Shatter: The Department is engaged in an ongoing capital building programme designed to modernise and enhance the training, operational and accommodation facilities available to members of the Defence Forces. Under this programme, there has been considerable capital investment in Custume Barracks. Recent major projects include the provision of

additional living-in accommodation, construction of a new gymnasium, refurbishment and extension of the Water Gate building as office accommodation and the provision of new underground services and associated works. The construction of new armoured vehicle garaging has recently reached substantial completion and the repair and upgrading of the heating system in the dining hall is under way. Approximately €5.8 million of the capital budget has been invested in Custume Barracks during the past five years.

Deputy Denis Naughten: I thank the Minister for his reply. As he is aware, Custume Barracks in Athlone have seen some additional capital investment on foot of the closure of the barracks in County Longford. As he knows, the military authorities are considering the possible closure of Cavan and Mullingar barracks, where a total of 330 soldiers and 240 reservists are based. This would have implications for the majority of staff who, in all probability, would be transferred to Custume Barracks. On foot of imminent closures, are plans afoot to make further investment in Custume Barracks?

Deputy Alan Shatter: As the Deputy may have heard me remark, no final decisions have been made on the further consolidation of barracks as part of the comprehensive review programme being undertaken. During November, the Government will make decisions applicable to all Departments on how to affect not merely savings, but also efficiencies.

If there were barrack closures that had implications for Custume Barracks, they are issues that would have to be addressed in the context of any decisions made, but it would be premature for me at this stage to enter into that issue because the matter is very much under consideration and no finality has been reached with regard to the decision-making process.

Deputy Denis Naughten: I accept what the Minister said and I am not trying to pre-empt any decision by Government. To put the question another way, if it is the case that the closure of barracks has implications for Custume Barracks in Athlone, can the Minister assure the House that the additional facilities required to cater for additional numbers would be put in place at Custume Barracks to meet the existing standards?

Deputy Alan Shatter: It is of crucial importance, to the Deputy and all Deputies, that if there is further barrack consolidation which requires the movement of troops from one barracks to another, all necessary steps will be taken to ensure proper facilities are available and should that require some capital investment, that would have to be undertaken but it would have to be within the constraints that exist on public expenditure at present.

7. **Deputy Richard Boyd Barrett** asked the Minister for Defence if he will provide the full list of army barracks due to close; and if he will make a statement on the matter. [31565/11]

18. **Deputy Joan Collins** asked the Minister for Defence his schedule for the closure of army barracks; and if he will make a statement on the matter. [31567/11]

Deputy Alan Shatter: I propose to take Questions Nos. 7 and 18 together.

As of now, as I said, no decision has been made by the Government on the future of any military installation. However, the issue of the closure of barracks will be considered shortly as part of the comprehensive review of expenditure.

Various commissions, reports and studies back to the 1990s identified barrack closures as a fundamental requirement for improving military effectiveness and efficiency. Since 1998 a total of ten barracks have been closed under two barrack consolidation programmes. A total of €84.98 million has been realised from the disposal of six of these barracks and part of another.

[Deputy Alan Shatter.]

The moneys received from the sales of these and other Defence properties have been reinvested in equipment and infrastructure for the Defence Forces.

My priority must be to ensure that all decisions about resource allocation are focused on maximizing the capabilities of the Defence Forces and ensuring their continued operational capacity. I am also anxious to ensure, in so far as is possible, that the Government is not compelled by fiscal and budgetary constraints to effect any substantial further reduction in the current number of personnel in the Defence Forces. As on previous occasions, a Defence Forces security assessment will inform deliberations.

I regret that, prior to this matter being considered by Government in the context of the overall review of expenditure, uncertainty has arisen as to the future of barracks and I know this is a cause of concern to members of the Defence Forces and to their family members, as referred to earlier. Unfortunately, the space in which we find ourselves is as a result of the dreadful financial legacy we have inherited and it is important in the context of the overall review of expenditure that I, as Minister, ensure our resources are applied efficiently and that we maximise the capabilities of the Defence Forces to the greatest possible extent.

Deputy Richard Boyd Barrett: Although the Minister is not spelling it out, it sounds as if the dye is already cast from his point of view in that he will go ahead with the proposed barrack closures. If that is not the case, will he clarify his recommendations or the process within which

3 o'clock this review will take place that will lead him to make a decision on this? The military personnel, their families and the towns associated with those barracks do not want the barracks to close or the anxiety that would cause. They do not want to be uprooted and the longer distances military personnel would have to travel would result in them being away from their families for a longer time. Taking account of the totality of matters, they seriously question what economic advantage could be gained from the closure of these barracks. From the Minister's point of view, it seems the dye is cast and that is a cause of concern because it seems to be very like what is happening with our local hospitals. Government thinking seems to be to centralise and close down small and local services as in the case of the health service. That seems to be the Minister's intention when it comes to small local barracks, regardless of the consequences for the military personnel, their families and the towns associated with them.

An Leas-Cheann Comhairle: I thank the Deputy and call the Minister to respond.

Deputy Richard Boyd Barrett: Could the Minister give those people some assurance that he is not already recommending these closures and that his priority is to keep those barracks open and cause the least possible disruption to these families and towns?

Deputy Alan Shatter: I welcome the Deputy's support for our Defence Forces and I know he would agree with me that they perform a very important function both in serving the civil power domestically within this State and in the work they have undertaken under the auspices of the UN in a variety of peacekeeping missions across the world. My concern is to ensure we continue to retain within the Defence Forces the maximum capability to meet the obligations imposed on the Defence Forces and that the Defence Forces continue to have the capacity to engage in complex peacekeeping missions such as the one currently taking place in southern Lebanon where I visited some ten days ago.

I have to ensure, within the limited financial resource that is available, that we apply our funding in a manner that is efficient. In terms of the barracks as I have said, I would very much take account of advice I receive from the military on the strategic benefits of the retention, or otherwise, of particular barracks and on how to maximise operational capacities. That advice

is fed into the process that is being currently conducted under the review of expenditure and I regard that advice as of key importance.

I remind the Deputy in case he does not realise it that, in the context of barrack location, the original decisions made about barrack location and their strategic importance were not based on the needs of this State as an independent State and the obligations of the Defence Forces to serve the civil power and to engage in UN missions. The primary thought process that went into the location of barracks was by the British sometime between 1750 and 1850 when they strategically decided where to locate barracks in order to contain the rebellious Irish. We have moved on somewhat from that particular historical analysis of where barracks should be located.

Deputy Richard Boyd Barrett: We have certainly moved on from the rebellious Irish in terms of this Government's approach to dealing with the troika — that is for sure. Setting aside that issue, the Minister seems to be suggesting that his advice is primarily being dictated by the military considerations of the heads of the Army, the officers and so on, while my concern is primarily for the rank and file military personnel, their families, the towns with which they are associated and the detrimental effect barrack closures might have on them.

In the Minister's consideration of this as a financial matter, is the Government taking a holistic approach or is one Department doing something which may ultimately cost the State money elsewhere? There is little benefit in cutting costs in one area if there is a further negative, knock-on impact on a town, increased transport costs incurred in travelling to upgraded barrack locations, costs associated with the upgrading or centralisation of barracks, social welfare costs that may ensue and the long-term impact on a town of a barrack closure. The Minister said there is no evidence of people uprooting immediately because a barracks has closed but in the long term the closure will have a medium to long-term effect on the town as personnel migrate to other locations over time.

Deputy Alan Shatter: I note with interest some of the questions raised by the Deputy. He asked was my approach to this being dictated by military personnel. Of course, military personnel do not dictate to the Minister for Defence, but they have the expertise to give advice to the Minister for Defence as to what are the strategic necessities when it comes to barracks location and how to best maximise the capability of the Defence Forces. I take account and assess the accuracy of that advice, and give it serious consideration.

I was not aware that Deputy Boyd Barrett had any great expertise in matters of military strategy and, indeed, I would be interested if he had so that he might share it with me.

Deputy Richard Boyd Barrett: I would be happy to.

Deputy Alan Shatter: I thought Deputy Boyd Barrett's view would be that we should not have a defence force at all and I am taken by his concerns for the Defence Forces.

In the context of Deputy Boyd Barrett's comment about costs, the cost of providing services, be they through the Defence Forces or through any other arm of Government, do not seem to be a concern to him. He seems to be flaiithiúlach with the taxpayers' money and, obviously, operates from an ideological perspective where he believes, as I used to do as a child, that money grows on trees. Sadly, that is not the case.

Deputy Richard Boyd Barrett: Unless one is a banker, of course.

Deputy Alan Shatter: Sadly, the reality is that in order to pay currently the wages of the Defence Forces, of teachers, doctors and nurses, and of many others in the public service, we

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are dependent on two factors: first, complying with the EU-IMF agreement and reducing our borrowing requirements, and second, the continued receipt of money to make up the difference between what the State receives and spends. I have a definite obligation as Minister for Defence to ensure that funding is spent wisely; that we maximise the usefulness of the financial resources available to us; that we do not waste money to the detriment of taxpayers; and, as part and parcel of the review that is taking place, that the Department of Defence operates to the maximum efficiency. Indeed, the Department is the most efficient Department of all of the Departments of Government in the manner in which it applies resources. It is my obligation to ensure not only that that continues, but we make further improvements in that area.

Defence Forces Recruitment

8. **Deputy David Stanton** asked the Minister for Defence further to Parliamentary Question No. 130 of 28 September 2011, the progress that has been made with the recruitment of additional doctors to the medical corps; the number of doctors currently serving in the Permanent Defence Force; the locations at which these doctors are posted; and if he will make a statement on the matter. [31562/11]

Deputy Alan Shatter: A competition for the appointment of doctors to the Medical Corps was advertised. Unfortunately, there was a limited response and only two applications are currently being processed in this regard. The competition remains open and a further advertisement will be published shortly. Applications will be accepted on an ongoing basis but it will obviously take some time before the current target of 32 doctors in the Defence Forces can be achieved. Against that background, alternative arrangements to address the ongoing shortfall in medical officers are being developed by the central medical unit in consultation with the Department, including the potential to retain contracted doctors or a contracted medical service provider to meet the deficiencies.

There are currently 16 doctors serving in the Permanent Defence Force and the following table, which will be circulated, shows the locations where those doctors are currently posted.

Number	Location
Director/Deputy Director, Medical Corps	2
St. Bricin's Hospital	3
Eastern Brigade	1
Southern Brigade	3
Western Brigade	2
Defence Forces Training Centre	2
Naval Service	1
Overseas	1
Leave of Absence	1
Total	16

The PA Consulting review of the Defence Forces medical services was completed in 2009, with the implementation of the review's recommendations progressing. An important part of the implementation has been the establishment of a new structure for the Medical Corps.

This new structure brings all medical personnel under one central command, the central medical unit. This unit will have responsibility for the management and delivery of medical services, including the allocation of medical resources across the system based on operational requirements and demands. This will allow for resources to be deployed and redeployed more

flexibly across the system whilst at the same time centrally managing demand and capacity to deliver services. However, the primary objective at this stage is to secure sufficient medical officers to deliver the medical service.

Deputy David Stanton: Would the Minister agree that this is a matter of some concern, in particular, when one takes into account that one of the major roles of medical doctors in the Defence Forces is assessing personnel to decide whether they are fit to continue in the Defence Forces or should be discharged? Is the Minister aware of any delays in this procedure? Would he agree that some other method, such as the contracting of doctors, should be brought into play as a matter of urgency and can he give a little more information as to the position in that regard?

Deputy Alan Shatter: We have been contracting doctors; that has been the alternative. The ideal in the PA Consulting report shows that there would be 32 permanent members of the Medical Corps. The difficulty in reality is that posts have been advertised, funding is available to fill those posts but too few applications from appropriately qualified doctors have been received.

This is an issue that has been a matter of some concern to me and to the Defence Forces, but there is no gap in the provision of medical services because in the context of the shortfall of numbers who are part of the Permanent Defence Forces, doctors have been contracted and, indeed, local medical practitioners are also available for use.

There is no question of appropriate medical assessments not being undertaken or of appropriate medical treatment not being provided where that is required, but I would prefer to be in a position where the PA Consulting report in this context had been fully implemented. I believe my predecessor had some difficulty in that regard and it remains a difficulty.

Deputy David Stanton: Is the Minister considering any other strategy to attract doctors to enlist in the Permanent Defence Forces? Are there any particular reasons there is such disinterest? Is it the way there is a lack of doctors out there who are interested and trained?

Would the Minister undertake to inquire whether there are delays in medical board dealings with personnel? I understand that there may be some difficulties in that area.

Deputy Alan Shatter: Essentially, part of the issue may be that there are pay issues in the context of the constraints on the pay available for the recruitment of doctors.

There are also career issues with regard to doctors who have become part of the medical service within what is, by international standards, a small defence force. Some medical practitioners do not see that there is a substantial career advancement to be effected as a medic as such once they are employed in general medical issues within the Defence Forces.

Coming back to the question Deputy Stanton raised originally, the central medical unit does use the service of civilian medical practitioners to provide backup to the medical corps in ensuring that the health care requirements of all Defence Force personnel are met and civilian doctors and dentists are employed on an ongoing sessional basis, both inside and outside barracks, to maintain the services required.

In addition, the medical unit, in consultation with the Department, is looking at the potential to retain contracted doctors or, as I stated earlier, a contracted medical provider service. One may have, in the context of a particular barracks, a doctor who has work within a community but who is contracted also to the Defence Forces but who is not a member of the Defence Forces as the 16 who have been recruited would be.

Deputy Dara Calleary: It strikes me that this is a job that would challenge somebody. The Defence Forces have been ahead of the curve in terms of recruitment campaigns that attracted applicants. Apart from pay issues, have they reviewed the reasons for the lack of response to the advertisement and have they had any consultations with the Medical Council or with any of the medical educational facilities with a view to encouraging academic credits for those who may be willing to spend a few years in the Defence Forces?

Deputy Alan Shatter: To address the question Deputy Calleary has raised, if one looks at what I describe as the role of the medical officer in the Defence Forces first, basically, it is a specialist officer who practises medicine, not only at home but abroad. One of the attractions of joining the Defence Forces as a medic is the opportunity to accompany forces abroad in circumstances that would be quite different from providing a medical practice at home — there is one medic in the Lebanon at present.

The medical practice focuses on health protection, education, primary care and environmental medicine. In addition to their medical role, medical officers are expected to lead and manage the personnel of the medical corps.

One must realise that, for example, if on a mission abroad a member of the Defence Forces took seriously ill and required medical surgery, the doctor accompanying the medical corps who was abroad with them would not be the person usually to undertake that type of surgery. There are medical personnel from states with far greater numbers in their defence forces and who within their defence forces retain the specialties required in different surgical areas to provide that type of expertise. The Defence Forces are small and funding is limited. A general practitioner joining the Defence Forces is unlikely to advance in a medical career. Such a person may be promoted by the Army but is unlikely to advance beyond being a general medical practitioner who has developed some specialised knowledge in the area of medical problems arising in an army or naval context. There is a limit to what one can achieve as a medical practitioner within the Defence Forces. I will use this opportunity to say that the Defence Forces provide a singular opportunity for young, well-qualified medics to experience a very interesting engagement for a period of their lives in a form of public service that gives rise to opportunities they would not normally have. I am very hopeful that in the current financial climate the new advertising campaign might attract more applications than was the case previously.

Defence Forces Reserve

9. **Deputy Niall Collins** asked the Minister for Defence the current strength of the Reserve Defence Force; his plans for the strength of the RDF over the next year; the status of the value for money review of the Reserve Defence Force; and if he will make a statement on the matter. [31334/11]

Deputy Alan Shatter: I am advised by the military authorities that the strength of the Reserve Defence Force, RDF, as at 30 September 2011, was: First Line Reserve, 287; Army Reserve, 5,138; Naval Service Reserve, 224.

The number of personnel that can be recruited to the Army Reserve and Naval Service Reserve is dependent on the funding available for paid training. The 2011 budget provided for approximately 30,000 paid training man days. These man days provide for annual paid training for existing members of the reserve, for targeted developmental training, such as career courses and skills courses, and for certain training for new recruits.

The level of recruitment to the Army Reserve and Naval Service Reserve must be balanced to ensure that appropriate training and development opportunities for all members of the

reserve are maintained. The 2011 provision allowed for the training of approximately 200 recruits only. The number of available man days in the coming year will be dependent on budget 2012 which has not yet been determined. Accordingly, there have been no decisions regarding recruitment in 2012.

A value for money review of the Reserve Defence Force commenced in February 2010. Significant progress has been made and work is ongoing. Other priorities such as the comprehensive review of expenditure have drawn on the team undertaking the value for money review of the RDF. This has resulted in the need to extend the time required to complete the review.

Finalisation and recommendations arising from the value for money review will also have to take account of the outcome of the comprehensive review of expenditure.

Deputy Dara Calleary: I thank the Minister for his reply. The numbers in the RDF seem to be falling consistently. Are other issues at play other than budgetary issues? For instance, are there challenges or management issues within the RDF? Will the report be just a value for money report or will it consider operational issues and the future role of the RDF? Will the report examine issues other than money?

Deputy Alan Shatter: The reasons for the fall in the numbers are twofold. One reason is the limited amount of funding available from the December 2010 budget which applied to the Estimates for 2011. Funding was made available for no more than 200 recruits. Work is ongoing on the total numbers in the RDF and also the number of those actively in the reserve. There was always a significant difference between the two. The value for money review is just that; the Defence Green Paper may well address the issue of the future use of the RDF, what changes might be made to the overall benefit of the community and to the reserve itself. However, before we progress through that issue, some very serious decisions must be made during the month of November as we face into the December 2011 budget. I cannot anticipate those decisions. The man days provided for the reserve for training purposes for 2011 were substantially less than were provided for 2010 in the December 2009 budget. This is an issue.

The position of the reserve is somewhat on hold pending the completion of the two reviews being undertaken and the final difficult budgetary decisions that must be made.

Overseas Missions

10. **Deputy Richard Boyd Barrett** asked the Minister for Defence his plans for overseas missions involving Irish military personnel; and if he will make a statement on the matter. [31566/11]

Deputy Alan Shatter: Ireland has offered, through the United Nations Standby Arrangements System, UNSAS, to provide up to 850 military personnel for overseas service at any one time. This figure equates to some 10% of Ireland's standing Army, excluding reserves, and demonstrates Ireland's commitment to the cause of international peace. This is the maximum sustainable commitment that Ireland can make to overseas peacekeeping operations.

Ireland is currently contributing 524 Defence Forces personnel to 11 different missions throughout the world. Full details of all personnel currently serving overseas are listed in the tabular statement. I have detailed the missions in replies to previous parliamentary questions.

The main overseas missions, in which Defence Forces personnel are currently deployed, are the United Nations Interim Force in Lebanon, UNIFIL, with 454 personnel; the NATO-led International Security presence, KFOR, in Kosovo with 12 personnel; the EU Training Mission, EUTM, Somalia with five personnel; the EU-led operation ALTHEA in Bosnia and

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Herzegovina, with seven personnel; the NATO-led International Security Assistance Force, ISAF, in Afghanistan with seven personnel.

From time to time, Ireland receives requests for participation in various missions and these are considered on a case-by-case basis. When considering any particular request, the existence of realistic objectives and a clear mandate which has the potential to contribute to a political solution, consideration of how the mission relates to the priorities of Irish foreign policy and the degree of risk involved, are among the factors considered.

Apart from the recent deployment of a battalion to UNIFIL and the appointment of Colonel Michael Beary in August 2011 to the post of mission commander for EUTM Somalia, no other deployments are planned or envisaged at this time.

Members of the Permanent Defence Force Serving Overseas as of 1st October 2011

1	<i>UN Missions</i>	
(i)	UNIFIL (United Nations Interim Force in Lebanon) HQ	10
	UNIFIL 104 Infantry Battalion	436
	Sector West HQ	8
(ii)	UNTSO (United Nations Truce Supervision Organisation) — Israel, Syria and Lebanon	11
(iii)	MINURSO (United Nations Mission for the Referendum in Western Sahara)	3
(iv)	MONUSCO (United Nations Stabilisation Mission in the Democratic Republic of the Congo)	3
(v)	UNOCI (United Nations Mission in Ivory Coast)	2
	Total	473
	<i>UN Mandated Missions</i>	
(vi)	EUFOR (EU-led Operation in Bosnia and Herzegovina)	7
(vii)	EUTM Somalia (EU-led Training Mission in Uganda)	5
(viii)	KFOR (International Security Presence in Kosovo) — HQ	12
(ix)	ISAF (International Security Assistance Force in Afghanistan)	7
	Total Number of Personnel Serving with UN Missions	504
2	<i>Organisation for Security and Co-operation in Europe (OSCE)</i>	
(i)	OSCE Mission to Bosnia & Herzegovina	2
(ii)	OSCE Mission in Belgrade — Serbia	1
(iii)	Staff Officer, High Level Planning Group, Vienna	1
	Total Number of Personnel Serving OSCE	4
3	<i>EU Military Staff</i>	
	Brussels	7
4	<i>Military Representatives/Advisers/Staff</i>	
(i)	Military Adviser, Permanent Mission to UN, New York	1
(ii)	Military Adviser, Irish Delegation to OSCE, Vienna	1
(iii)	Military Representative to EU (Brussels)	4
(iv)	Liaison Office of Ireland, NATO/PfP (Brussels)	2
(v)	Military Representative to NATO/PfP Co-ordination Cell/Supreme Headquarters Allied Powers Europe (SHAPE), Mons, Belgium	1
	Total Number of Defence Forces Personnel Serving Overseas	524

An Leas-Cheann Comhairle: Has Deputy Pringle a question?

Deputy Thomas Pringle: No.

Deputy Alan Shatter: Deputy Boyd Barrett has obviously lost interest in peacekeeping missions. At least he is interested in the welfare of members of the Defence Forces

Deputy Dara Calleary: There must be a protest.

Civil Defence

11. **Deputy Micheál Martin** asked the Minister for Defence the proposed timeline for the reintegration of the Civil Defence organisation into the army; when it is proposed to introduce the Civil Defence (Repeal) Bill; and if he has had consultations with the Department of the Environment, Community and Local Government on this matter. [31346/11]

Deputy Alan Shatter: At the Cabinet meeting on 12 July the Government approved a proposal to begin drafting legislation to transfer the functions of the Civil Defence Board back into the Department of Defence. The Heads of the Civil Defence (Repeal) Bill were subsequently agreed by Government on 30 August last. The Bill is currently being drafted and it is anticipated it will be published in early 2012.

If enacted, the Bill will repeal the Civil Defence Act 2002, dissolve the Civil Defence Board and transfer its functions, property, rights, liabilities and other responsibilities to the Department of Defence. Such changes will not have any impact on Civil Defence operations nationally and Civil Defence will continue to operate from Roscrea but will do so as a branch of the Department of Defence.

There have been consultations recently between officials from my Department and the Department of the Environment, Community and Local Government. The importance of the vital role in emergency response played by some 4,000 Civil Defence volunteers nationally cannot be underestimated.

As recently as Monday evening last, large numbers of volunteers responded to the major flooding incident that occurred along the east coast. At 6.30 p.m. on Monday evening, a Civil Defence evacuation centre was established at Dublin Civil Defence headquarters on Wolfe Tone Quay and more than 100 volunteers were called into action during the course of that night. The response also included the provision of a catering unit, ten fire tenders, two water pumps, and eight ambulances, two of which were equipped with four-wheel drive. A total of six families were accommodated during the night before later being transported back to relatives. Civil Defence also set up an evacuation centre in Marino.

Using high sided vehicles, Civil Defence volunteers also evacuated people from the East Wall Road and Ballsbridge areas to local hotels. Volunteers also transported nurses and staff to and from Our Lady's Hospice in Harold's Cross and Crumlin children's hospital. Volunteers also towed a number of cars out of flood water to prevent obstruction and filled sandbags in a number of areas badly affected throughout the city. These operations continued until after 3 a.m. on Tuesday morning. Operations in Dublin resumed again yesterday evening when 50 volunteers were deployed until midnight in Howth, Clondalkin and Dundrum and were mainly involved in pumping flood waters from underground car parks.

Additional information not given on the floor of the House

In County Kildare, 18 volunteers and four, four-wheel drive vehicles were deployed from 6.30 p.m. on Monday evening until 1 a.m. Tuesday morning. Assistance was provided to the Garda Síochána with traffic control on the N7, and to the local fire service in providing sandbags for a housing estate in Johnstown.

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In County Wicklow, 50 volunteers, three flood response vehicles, an ambulance and a minibus were deployed on Monday as Civil Defence responded to calls for sandbags and other duties all over the county. Volunteers assisted Wicklow County Council's planned evacuation of 500 houses in Bray — which, thankfully, did not have to be carried out as water levels receded. Civil Defence also provided a boat and volunteers to assist in the search for missing Garda Ciaran Jones, who sadly lost his life in tragic circumstances.

Deputy Dara Calleary: I join the Minister in paying tribute to the Civil Defence for its work over the past 48 hours and its daily work throughout the country. It is in the context of the work in which it was involved on Monday night that I am concerned about this legislation, in that the effort in Dublin on Monday night was co-ordinated by Dublin City Council, the local authority. The fact the Civil Defence is currently practically merged with the local authorities ensures its response is more immediate and more locally focused than it might be if it was recentralised into the military side. I am concerned the local knowledge and management that makes the Civil Defence so effective will be lost in the implementation of the new legislation.

I would also like to pay tribute to those members of the Civil Defence who joined in the search for Garda Ciaran Jones, at considerable personal risk. They deserve particular tribute. That was a local search co-ordinated locally. I am concerned we will lose that important local element in this new legislation.

Deputy Alan Shatter: That is central to my thinking and there is no question of that occurring. We are simply abolishing a quango that has not proved to have a necessary function. The connection between the Civil Defence and local authorities will continue and will not be affected in any shape or form.

I join the Deputy in paying tribute to the Civil Defence. On behalf of the Government I thank all members of the Civil Defence for their outstanding work in extraordinarily difficult circumstances. I referred previously to events in Dublin. It is also right to note that in County Kildare, 18 volunteers and four 4X4 vehicles were deployed from 6.30 p.m. on Monday evening until 1 a.m. on Tuesday morning and assistance was provided to the Garda with traffic control on the N7 and to the local fire service in providing sandbags for a housing estate in Johnstown. In County Wicklow, 50 volunteers, three flood response vehicles, an ambulance and a minibus were deployed on Monday as the Civil Defence responded to calls for sandbags and took part in other duties all over the county. Volunteers assisted Wicklow County Council's planned evacuation of 500 houses in Bray, which thankfully did not have to be carried out as water levels receded. Civil Defence also provided a boat and volunteers to assist in the search for the missing garda, Ciaran Jones, who sadly and tragically lost his life in the floodwaters.

I also acknowledge that in County Monaghan some 14 Civil Defence volunteers were on active duty on Monday last. A Civil Defence boat was used to assist the local authority in the Carrickmacross area, while a first aid team treated elderly people who were evacuated from their homes in Ballybay. Volunteers were also involved in the deployment of sandbags and in transporting local authority housing staff to access dwellings in the worst affected areas. The outstanding performance of members of the Civil Defence team and corps right across the country deserves the acknowledgement and congratulations not just of Government, but of everyone in this House and the entire community. Yet again, it demonstrated the extraordinary community commitment and the bravery that attaches to that commitment.

Deputy Dara Calleary: I join the Minister in paying tribute to all those involved in the catalogue of achievements he has outlined that took place over this 48 hours. They are phenom-

enal achievements and they were achieved by volunteers, people who were going about their daily business at 5 p.m. on Monday and suddenly became involved in the situation.

However the new legislation is framed, it is important the Minister involves the members of the Civil Defence in some way so that they will have an input into the legislation and the new arrangements for that body.

Deputy Alan Shatter: I wish to reassure the Deputy that it is crucial that members of the Civil Defence continue to be employed for their knowledge of local community, their involvement with local communities and for the interconnectivity between them and local authorities. I intend that is how matters will continue and there will be nothing in the legislation that will give cause for concern in that context.

Emergency Response Agencies

12. **Deputy Denis Naughten** asked the Minister for Defence if he has satisfied himself with the level of support available to the Defence Forces to deal with severe weather emergencies; and if he will make a statement on the matter. [31327/11]

Deputy Alan Shatter: While the Defence Forces are not a principal response agency, as defined in the framework for major emergency management, they provide assistance in an Aid to the Civil Authority, ATCA, role under the multi-agency framework. Representation on the Government task force, by both my Department and the Defence Forces, ensures the fullest co-ordination and co-operation with the appropriate lead Department in the event of an emergency. The Defence Forces are also members of eight regional working groups that have been established under the framework in order to co-ordinate the work of the principal response agencies. Furthermore, on an ongoing basis, designated members of the Defence Forces, based around the country, act as liaison officers to local authorities and I am satisfied that this arrangement works well locally.

The various procedures that are in place, both nationally and locally, were seen to operate very effectively last winter as the Defence Forces responded to all requests for assistance received from the civil authorities during the period of severe weather which ran from 27 November to 26 December 2010. During this period, all assets, resources and capabilities of the Defence Forces nationally were made available to the task force, and its inter-agency co-ordination committee, for the purpose of providing assistance where it was not possible for other agencies and organisations to respond.

The inter-agency co-ordination committee, which met almost daily throughout the emergency, requested that, strategically, the Defence Forces would concentrate its support effort on the Health Service Executive, mainly with regard to mobility tasks. Approximately 70% of all ATCA operations conducted by the Defence Forces were in support of the HSE. This proved to be a very effective approach as transport was provided to HSE staff such as palliative care and community nurses visiting patients and in the transport of health workers, particularly doctors and nurses, to their place of work and between hospitals as the need arose. Assistance was also provided to those involved in the delivery of meals on wheels while focused ice and snow clearing operations were also carried out throughout the country, with particular efforts being made to maintain the safety of public infrastructure and key transport hubs.

A report on the review of the response to the severe weather events of 2009-2010 was recently published. I believe that the response of the Defence Forces proved to be extremely effective. Preparations to cope with the possibility of severe weather occurring during this coming winter are ongoing. Members of the interdepartmental working group on emergency planning, on which my Department and the Defence Forces are represented, are currently

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working to further develop a “whole of Government” approach to preparing for severe weather. A special meeting of the Government task force on emergency planning is scheduled for early November, when I will be briefed by Departments and agencies regarding their winter preparedness measures. Following that meeting, there will be an information campaign to let the public know what measures have been taken and what people can do for themselves in order to be better prepared in the event of severe weather occurring.

Deputy Denis Naughten: I too want to acknowledge the work and the role of the Civil Defence and the Defence Forces, both recently and over the severe weather crises we have seen over the past number of years.

I wish to focus on one aspect of this work, the support provided to the HSE. Last winter, the Defence Forces provided substantial support throughout the country. One of the recommendations of the working group report is the purchase of key pieces of equipment that will be required in emergencies in the future. From a value for money perspective, it is not good value for the type of equipment that is only used in emergencies to be left lying idle. Would it not be better if strategic equipment, such as field ambulances and high body six-wheeled vehicles that can access flooded areas were purchased by the Defence Forces and made available where required?

What is the situation now with regard to the Air Corps and the grounded helicopters in the context of emergency evacuations that may be required where it is not possible to access a community in any other way?

Deputy Alan Shatter: As the Deputy will know, the Defence Forces hold a wide range of engineering and transport plant and equipment for military purposes and all such plant and equipment suitable for use in emergencies and severe weather situations is made available as the need arises. The type of plant and equipment suitable for use includes: a 40 tonne crane; a heavy duty fork-lift; tracked and wheeled excavators; bulldozers; articulated dump trucks; integrated tool transport carriers; materials; handlers; water purification plants; and a variety of smaller plant excavators, generators, lighting sets, pumping equipment, water trailers and other items.

In the context of the snow event that occurred last winter, it was a particularly unusual event. There is an issue in circumstances where there are limited resources available as to how to make best use of resources as to what plant and equipment should be purchased and as to whether it is likely that such plant and equipment will be used or whether it could end up being stored for many years and not utilised. A broad range of issues arise in respect of which judgments must be made. I am anxious to ensure any essential equipment required for regular use is available so people’s safety can be secured when at risk and so that people can be accessed in snow, flooding or where other climatic issues that arise. This issue has been under review and the emergency task force will consider it further at our forthcoming meetings.

Deputy Denis Naughten: Does it not make more sense that the Defence Forces purchases equipment such as field ambulances and six-wheel vehicles with high bodies to be used in emergencies when they would be put to good use, rather than local authorities or civil defence teams purchasing them? We have the potential for serious issues this winter and, in an emergency, if someone must be transported from an isolated rural community such as those in County Roscommon to Galway University Hospital, we must consider how we will get them out. What steps are being taken to ensure the Air Corps has the capability to airlift patients out when no other vehicle can gain access?

Deputy Alan Shatter: The Air Corps has certain capabilities in that context. Recently, I visited Baldonnel and I had the opportunity to look at the helicopters that are available and talk to some of those in the Air Corps who have medical expertise and who engage in air and sea rescues and who also have the capacity to engage in the activity Deputy Naughten outlined. In an emergency, they would be available to assist the civil power. As we saw across the country this week, it is of crucial importance that the Civil Defence, which plays a very particular and important role, has essential facilities available, such as ambulances and other equipment. This was deployed with great effect in the events that took place on Monday evening. In circumstances where limited resources are available, judgments must be made about where equipment can be best positioned, whether it should be purchased and retained at local authority level or whether it should be acquired by the Civil Defence or the Defence Forces. Careful judgements must be made in circumstances of limited financial resources.

I cannot predict what weather we will experience this winter, any more than any other Member can. The weather events on Monday evening were extremely unusual, as were the snows of last winter. We do not know if we will have that experience again this winter or if it will not be repeated for five, ten or 15 years. Judgments must be made about resources and their location. I am familiar with some of the equipment to which Deputy Naughten refers, including the six-wheel vehicles, having seen them in use in the United States in major snow emergencies. They are usually purchased only in states that repeatedly experience the type of snow we had last winter, often for weeks on end.

Written answers follow adjournment.

Topical Issue Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Billy Kelleher- the plans to bring University Hospital Galway, Mid-Western Regional Hospital, or any other regional hospitals, under the control of private sector consultancy management; (2) Deputy Patrick O'Donovan — the need to prioritise a national dental campaign that involves the appointment of a chief dental officer;(3) Deputy Nicky McFadden — the issue of funding for organisations under the National Federation of Voluntary Bodies, specifically St Hilda's Services, Athlone, County Westmeath and St Christopher's Services, Longford (4) Deputy Paschal Donohoe — the need to strengthen flood prevention and relief plans; (5) Deputy David Stanton — the extension of summer time, daylight saving time; (6) Deputy John O'Mahony — the need to avoid disruption for exam pupils when teachers retire at the end of February 2012; (7) Deputy Mattie McGrath — the possible reduction in services at St. Brigid's District Hospital, Carrick on Suir, and at Saint Clare's Unit, St. Patrick's Hospital, Cashel, County Tipperary; (8) Deputy Terence Flanagan — the to intervene to have AIB review its decision to put a firm (details supplied) into receivership; (9) Deputy Brendan Griffin — possible changes to the ambulance service in County Kerry; (10) Deputy Seán Kyne — the need to review both the student grant scheme and the back to education allowance; (11) Deputy Shane Ross — funding in respect of minority faith schools; (12) Deputy Simon Harris — the need to address the ongoing needs of thalidomide survivors; (13) Deputy Brendan Smith- the need to approve funding in respect of St. Mary's boys national school, Belturbet, County Cavan; (14) Deputy James Bannon — the need to designate Longford as a sub-office of the newly amalgamated Longford Westmeath VEC; (15) Deputy Pearse Doherty — the way in which the moneys from the European globalisation fund are being utilised to retrain workers (16) Deputy Seán Kenny — the need to address the ongoing needs of thalidomide survivors; (17) Deputy Mick Wallace — the need for one body to co-ordinate

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the response of the four local authorities in Dublin in cases of emergencies; and (18) Deputy Peadar Tóibín — the need to prevent the pension levy from reducing the pension of pensioners of Tara Mines.

The matters raised by Deputies Stanton, Pearse Doherty, Ross and Smith have been selected for discussion.

Topical Issue Debate

Daylight Saving Time

Deputy David Stanton: I thank the office of the Ceann Comhairle for allowing me to raise this topical issue, which is quite topical because shortly we will change our clocks resulting in far darker evenings. It will be quite noticeable that winter has arrived with a vengeance. My proposal is that we examine this matter. I have been calling for this for a number of years, as has Senator Feargal Quinn and others. This matter is under the remit of the Minister for Justice and Equality, which dates from the association with the Home Office in Britain, going back to when changes in clocks were first introduced in 1916 to allow farmers to work in the fields.

There are many benefits to considering this issue. In the United States, they have changed the daylight saving arrangements such that summer time rules will be in effect for an additional four weeks. A report from the US Department of Energy found that enough energy was saved to power 100,000 homes for over a year. There was also a decline in road accidents and pedestrian injuries and fatalities. Multiple investigations in the UK have also revealed benefits to changing summer time arrangements. In an experiment between 1968 and 1971, all clocks in the country remained at GMT plus one hour, resulting in a 3% reduction in the number of road deaths. Although there was an increase in Scotland because of darker mornings, overall 40 fewer people were killed or injured each year. Estimates also show that the move will boost tourism and create extra jobs, as well as reducing carbon emissions and energy consumption. The Joint Committee on Climate Change and Energy Security of the last Dáil called for Ireland to adopt summer time all year round. If we implemented double summer time, we would improve business because we would be in line with the opening hours of businesses in the other 25 EU countries. There are many benefits to this measure, including improving road safety, reducing energy consumption, a reduction in crime, allowing children more time to play in the evenings and a reduction in obesity levels. I call on the Minister and the Government to initiate a discussion on the matter at EU level. All EU Governments must agree on this point. Last year, David Cameron, the British Prime Minister, raised this as an issue and his predecessor, Gordon Brown, had suggested a three-year trial period. This is a topical issue at this time of year as we are about to change times.

Minister for Justice and Equality (Deputy Alan Shatter): I thank the Deputy for the opportunity to make a statement on this matter. I understand that it is an issue in which he has a keen personal interest. Our present time arrangements allow for summer time to begin at 1 a.m. GMT on the last Sunday in March and to end at 1 a.m. on the last Sunday in October every year. These arrangements are set out in the Winter Time Order 2001. This order gives effect to European Union Directive 2000/84/EC of 19 January 2001. As a result, all ED member states start summer time simultaneously. Consequently, time differences between member states remain constant throughout the year. Were we to consider extending summer time, and subsequently hoping to introduce such a change we would first have to convince all 26 other

EU member states to do likewise in order that time differences between member states remain constant throughout the year.

In this regard I remind the Deputy that in accordance with EU Directive 200/84/EC my Department, in common with other member states and following consultations with other Departments and semi-State bodies, made submissions to the European Commission in July 2007 on our current time arrangements. The European Commission subsequently reported that it took the view that the analysis set out in the proposal for EU Directive 2000/84/EC remained valid and that no member state had expressed a wish to abandon summer time or change the provisions of the current directive.

In considering any potential changes to our current time arrangements I am sure the Deputy will appreciate that we must consider what is happening in the UK, not least because we have same time arrangements, they are our biggest trading partner and we share a border with Northern Ireland. A Private Members' Bill, the Daylight Saving Bill, passed its Second Reading in the UK House of Commons on 3 December 2010. If this Bill became law, the British Government would be required 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 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.

If this cost benefit analysis is to be conducted, the Bill requires that an independent commission be established to assess it. If that commission concludes 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 member states starting and ending summertime simultaneously in order that time differences between them remain constant throughout the year, this would impose a limitation on the discretion available in this area. In advance of the Second Reading of the Daylight Savings Bill, Mr. Edward Davey, Parliamentary Under-Secretary of State for Business, Innovation and Skills, sought a meeting with Ireland's ambassador in London to discuss issues of concern. This meeting took place in November 2010.

My Department is keeping a watching brief in regard to the passage of this Bill. Officials from my Department met the Bill's sponsor, Ms Rebecca Harris, MP, in February of this year for the purpose of finding out more about the background to her Bill and registering an interest in its passage through the House of Commons in respect of any implications it might have for this country. However, no discussions on this matter have taken place to date with our European colleagues as the matter is not at a sufficiently advanced stage at Westminster.

I have no plans at this time to change the current time zone arrangements or to conduct an analysis of extending summertime. It is an issue to which the Deputy might give further consideration in his capacity as Chairman of the Joint Committee on Justice, Defence and Equality.

Deputy David Stanton: I thank the Minister for his comprehensive response. The Joint Committee on Justice, Defence and Equality will consider discussing this matter, in which case we will seek the co-operation of the Minister and his officials. Does the Minister see any merit in the proposal?

Deputy Alan Shatter: I would welcome the committee engaging with this issue. It would be helpful if it advanced the initial discussions in which an official of my Department engaged with the sponsor of the Bill in the House of Commons. The issue is complex. First, it is in our

[Deputy Alan Shatter.]

interest that our time zone remain the same as that of Northern Ireland and the United Kingdom. It would give rise to considerable unnecessary difficulties if that were to change. Second, there is an added complexity should, for example, the United Kingdom and Ireland agree to the change in their respective jurisdictions. There are benefits to be derived from such change but there is also the difficulty of bringing other European Union member states along with us. Consideration must be given to how such a change would affect the interaction between the different time zones, specifically between this island and our neighbouring island and between this island and the main Continent of Europe.

Nevertheless, difficulties surrounding an issue are never a reason for not looking into it further. There would be value in the matter being pursued through the committee which is so ably chaired by the Deputy.

EU Funding

Deputy Pearse Doherty: In June 2010 the former Government applied for €41 million from the European Globalisation Adjustment Fund in order to provide tailored retraining for 9,000 named construction workers who were made redundant between June 2009 and March 2010. Moneys from this fund must be used within 24 months of the initial application. In other member states it is standard practice that national funds are used in advance to provide early intervention for workers and to ensure spending targets are met.

According to the European Commission, €35 million has been approved to provide support for 5,987 redundant construction workers. However, final approval is not likely until the end of the year, leaving just six months before all moneys must be spent. I have been reliably informed that a significant portion of this funding is now in jeopardy as a result of mismanagement of the programme. Only those redundant workers named in the application can avail of the funding, yet I am told that very few, if any at all, of the named individuals were contacted and that it is not now known whether they are still in the country, have emigrated in search of work or are in work. Will the Minister indicate whether this is the case? I am told that none of these individuals has had his or her training needs assessed beyond the basic assessment provided by FÁS for all redundant workers, even though a more detailed assessment is required for the specific forms of support provided under the European Globalisation Adjustment Fund. Will the Minister clarify this?

Earlier this month the Minister of State at the Department of Education and Skills, Deputy Ciarán Cannon, stated that at least €22 million of the total value of the programme has already been invested in training supports delivered by FÁS. Was this sum used to provide additional tailored training over and above the existing FÁS training for the 5,987 individuals named in the globalisation fund application, or was it part of the ordinary spend by FÁS on training that would have been provided in any case had the globalisation funding not been sought?

Concerns have also been raised with me regarding the time period used in determining eligibility for inclusion in the scheme. With more than 140,000 construction workers made redundant in recent years, why was the application restricted only to those who lost their jobs between July 2009 and March 2010? Why has no application been made for other sectors affected by the recession, such as the retail and financial sectors, given that this fund has an annual budget of some €500 million, 80% of which remains untouched in any given year?

While numerous issues require to be clarified in regard to this matter, the central issue of concern is the possible loss of a large portion of the €35 million in European funds for retraining of redundant workers. Will the Minister confirm whether there is any risk of this money being lost and, if so, what he and his officials are doing to prevent such an occurrence?

Minister for Education and Skills (Deputy Ruairí Quinn): I thank Deputy Doherty for affording me the opportunity to speak on this important issue. I am not certain whether I have full answers to all of his questions, but I will follow up with subsequent information if necessary.

Ireland has an enviable record in the EU in sourcing European Globalisation Adjustment Fund, EGF, co-financing assistance to support redundant workers. To date, €38.2 million in EGF funding — national and EU — has been secured for EGF programmes to support redundant workers from Dell, Waterford Crystal and SR Technics and ancillary enterprises. A further €55 million is in prospect, with the European Commission recently approving €35.7 million, or 65% of this amount, in support of almost 9,000 redundant construction workers. This combined EGF expenditure has and will provide supports to more than 13,500 redundant workers.

EGF funding assists the Government to provide a package of personalised services in the areas of guidance, training, educational opportunities and enterprise supports. A mix of existing and new and innovative measures has been designed and implemented in the various programmes. As well as co-financing guidance, training, further and third level education provided by the core service providers such as FÁS, the VECs and the publicly funded third level colleges and institutions, EGF funds have also funded courses provided by the private sector. Innovative internship programmes have been designed and operated in the mid-west region in support of redundant Dell workers, while tailored FÁS and VEC vocational and community employment courses have been deployed for Waterford Crystal workers. An innovative FÁS apprenticeship scheme for redundant SR Technics apprentices is running in conjunction with the Air Corps and the Department of Defence.

In regard to the three EGF applications in support of almost 9,000 redundant construction workers, full approval of these applications is still awaited from the European Council and European Parliament. However, the Government has been providing supports to these workers since the date of their redundancy. These supports have included guidance, training, further education courses, on and off-the-job apprenticeship supports, third level education programmes and enterprise start-up advisory and financial supports. To date we estimate that supports totalling €22 million have been delivered to the relevant construction sector applicants. A further suite of guidance, training and upskilling proposals is under consideration and all persons eligible for new supports will be contacted individually next month. Following the take-up of all available supports, a further suite of measures will be provided in 2012 to maximise the anticipated EGF funding.

The three completed EGF programmes are currently being assessed and wound up, and final reports must be prepared for submission to the European Commission. The first such report is for the Dell EGF programme. As a number of significant claims are currently being processed and others are still due from service providers, it is not possible to give a total expenditure figure at this time. However, my Department has paid more than €5.5 million in funding to date, based on claims received, with a further €1.4 million and just under €1 million, respectively, paid out in regard to the Waterford Crystal and SR Technics EGF programmes, which closed subsequent to the Dell programme.

Deputy Pearse Doherty: The application and administration of these funds is a shambles. The Minister confirmed that the 5,987 construction workers under whose name an application was made will be contacted by the Department next month.

This is 17 months after the application for specific tailor-made programmes to help them get back into work was made for them. These are early interventions yet they will only be informed 17 months after the application is made. That is a delay of seven months. The €35 million will

[Deputy Pearse Doherty.]

be spent on their behalf. I know that is not solely the problem of the Labour Party or Fine Gael in that the previous Government administered this fund for the majority of that time but it is not right that this has happened. It happened with SR Technics, Dell and Waterford Crystal.

While the Minister may not have the detail at hand does he believe that significant portions of the funding drawn down for retraining for the persons who lost their jobs in those three companies will have to be sent back to Europe as a result of the criteria and the way it was administered by the previous Government, particularly that the money was not spent until the cheque landed with the Department? What is required under this fund, and what happens in other member states, is that the Government uses its national funds to apply early interventions in the form of tailor-made programmes but that has not happened. Can the Minister confirm whether his Department knows of the whereabouts of the 5,900 individuals on whose behalf this application has been made? On whom can this money be spent? I suggest it is nobody other than those individuals. Can the Minister confirm that?

Deputy Ruairí Quinn: I share with the Deputy my concern about the maladministration of this set of programmes by the previous Administration. I will be honest with the Deputy. It is not a satisfactory situation. I am not sure what precisely we can do at this point in time but we have certainly missed one tide in regard to it and I hope we have not missed the whole tide. I apologise to the workers involved. They have been victims of maladministration by the Department under the previous Administration. It is now our responsibility to try to clear it up. I do not know how much we can clear up but when I do know, I will tell the Deputy.

Minority Faith Schools

Deputy Shane Ross: This is an issue which has come up on several occasions in recent budgets because of the fears of minority religions that the education of pupils in their particular ethos has been threatened by budget cuts or other cuts in the past. The Minister will be aware that their fears were realised by his predecessor, Batt O’Keeffe, not very long ago.

At this time of year it is appropriate that representatives in this House should at least put in a plea that in the incoming budget, although I do not expect the Minister to give me any assurances on that, the ethos of minority religions will be protected. It might be helpful if I reminded the Minister that this issue was raised in the previous Dáil by no less a person than the then Deputy Enda Kenny and Deputy Brian Hayes in support of the plea I make now. It was also supported at the time these funds were threatened by Archbishop Diarmuid Martin, who supported the right of minority faiths to educate their own flock in their own ethos.

I ask the Minister to bear in mind when the budget discussions come up that there should be no further cuts in the budget for minority schools. It is not just Protestants who believe that. Other minority schools believe this is a right which should not be threatened. There are many fears among Protestant schools that they will have to close if their funding is cut any further. The evidence for that is obvious because the tradition of paying special grants to minority schools was guaranteed originally by the then Minister for Education and one of the Minister’s predecessors, Donogh O’Malley, who in 1967 gave this pledge which, unfortunately, has now been broken.

One of the reasons minority schools need a grant which differentiates them from the normal schools here is because of their need to establish boarding schools. Boarding schools by their very nature are much more expensive and the reason for the pupils attending boarding schools is obvious. As a minority with small numbers they are spread-eagled geographically and a

school that is suitable for their education must be located in an area which they can all attend rather than only a few of them attending.

In view of the fact that further cuts would be threatening to their ethos and reduce pupil-teacher ratios, and that they are suggesting that schools may have to close if there are further cuts, and given also that they are already stretched, will the Minister consider favourably a plea that their ethos will be protected and that there should be no further financial stringency imposed upon them?

Deputy Ruairí Quinn: I assume the Deputy is referring to the withdrawal of certain funding from minority faith schools with effect from 1 January 2009, which realised an annual saving of €2.8 million to the Exchequer. The grant was withdrawn due to real concerns about the constitutionality of making it available to fee-charging schools of one ethos and not to those of another.

As these schools no longer receive funding, the question of a further cut does not arise. The Deputy will appreciate that in advance of any decisions by the Government in the context of the upcoming budget, as he mentioned, he does not expect to nor am I at liberty to speculate on measures that may be announced.

There are 26 distinctively Protestant schools and one Jewish school. Of these schools, the Jewish school and 20 of the Protestant schools charge fees. Many of the schools have a boarding facility, reflecting the dispersed nature of the communities across the country. The six Protestant schools within the free education scheme receive the same funding as all other schools within the free education system.

This Government recognises the importance of ensuring that students from a Protestant or reformed church background can attend a school that reflects their denominational ethos while at the same time ensuring that funding arrangements are in accordance with the provisions of the Constitution. I remind the Deputy that the Constitution specifically states that the State shall not discriminate against one religion in favour of another.

With regard to the fee-charging Protestant schools, an arrangement exists whereby funding is paid to the Secondary Education Committee, an organisation run by the churches involved in running the schools. The Secondary Education Committee then disburses funds to the Protestant fee-charging schools on behalf of pupils who would otherwise have difficulty with the cost of boarding fees and who, in the absence of such financial support, would be unable to attend a second level school of a reformed church or Protestant ethos. Funding amounts to €6.5 million annually. Arrangements are in place for the Jewish school also.

There are no changes proposed in respect of the Protestant block grant. Teachers in all fee-charging schools are paid by the State. This arrangement pre-dated the introduction of free education arrangements and has existed since the foundation of the State and predates the foundation of the State. The estimated cost of these posts in 2011 is of the order of €100 million. I am already on record as saying that this is not a simple matter as these arrangements, which are historic and of long standing, impact upon a substantial number of schools which cater for religious minorities.

Deputy Shane Ross: I thank the Minister for his response. I ask him to elaborate on his statement that there are no changes proposed in respect of the Protestant block grant. Does that mean there will be none? Is that a pledge or just the current position? In other words, does that mean it will not happen and that we can reassure the Protestant community and those of a different ethos that this will not happen in the foreseeable future?

Deputy Ruairí Quinn: As the Deputy would be aware, this country has lost its economic sovereignty. We are under a programme of restructuring. We are required to extract from the public expenditure side of our equation a sum of the order of €3.63 billion plus for the coming fiscal year, 2012.

Deputy Shane Ross: It is €4 billion.

Deputy Ruairí Quinn: That is the Deputy's educated estimate. I will stick to the brief I have. That money will be a mixture of expenditure reduction and changes in taxation, and decisions on those matters have not yet been finalised. They are under active discussion.

The Department of Education and Skills is one of the big spending Departments along with the Department of Health and the Department of Social Protection, so I must look at areas in which I can reduce expenditure in a prudent and responsible way. I am aware of the deep concerns within the Protestant or Reformed Church community about possible additional reductions which would have a disproportionate impact on their school infrastructure. I have met some people about the matter and Deputies on all sides of the House have been contacted about it. There are real concerns on the part of people who have expressed them about what could possibly happen to schools of their ethos. I am highly sensitive to their concerns.

Summer Works Scheme

Deputy Brendan Smith: I thank the Ceann Comhairle for accepting this item for discussion this afternoon and I appreciate the attendance of the Minister for Education and Skills, Deputy Ruairí Quinn, to respond to it.

I sought this debate due to the urgency of the issue. The principal and secretary of the board of management of St. Mary's boys national school in Belturbet, Mr. Pádraig Martin, has appealed the decision of the Department to turn down the summer works scheme 2011 application submitted by the school. In the appeal Mr. Martin clearly outlines that the application met with the criteria of the scheme. The application is for the provision of appropriate toilet facilities.

Section 2 of the summer works scheme 2011 states that an application for toilet facilities is allowable. In addition, the proposed project is of an urgent and priority nature, which is covered by section 1 of the scheme. It is clear from the school's correspondence to the Department that the overcrowded and generally unsuitable condition of the current facilities is a cause of concern to the staff, the board of management and the parents on health and safety grounds. It also causes disruption to routine school day activities.

It has been pointed out to the Department that the parents of special needs pupils have, understandably, conveyed to the board of management and the staff their unhappiness and concern about the lack of toilet facilities for the disabled. This necessitates children with special needs being attended to by female special needs assistants in conditions that are not near satisfactory. There are 76 pupils in St. Mary's boys national school, nine of whom have a diagnosis of a physical, sensory or emotional behavioural nature. Four of these children require the assistance of a special needs assistant for toilet and self-care issues. Occasionally, a child might need to have clothing changed. Proper facilities would enable the needs of children to be cared for in a manner that protects the child's dignity and privacy.

The senior paediatric occupational therapist in the HSE in the Cavan area has clearly stated, in supporting correspondence submitted with the appeal, that there is an urgent need to have proper and modern toilet facilities provided at the school. In addition, local health nurses have

outlined their concerns about the current situation. Those nurses are very familiar with the requirements of the pupils in the school, particularly the children with special needs.

The comprehensive appeal submitted to the Department contained the reasoned and considered views of the board of management, the principal and staff, the parent body and local health professionals. I appeal to the Minister to have this appeal designated as a priority in his Department for finalisation and approval at an early date.

Deputy Ruairí Quinn: I thank the Deputy for raising this matter. St. Mary's boys national school, Belturbet, County Cavan, applied to the Department of Education and Skills under the 2011 summer works scheme to construct a new flat roof extension to contain four additional toilets and a new disabled toilet of solid block construction with asphalt concrete roof. The school has a staffing level of three teachers and an enrolment of 76 pupils.

The summer works scheme, SWS, covers projects in school buildings such as gas, electrical and mechanical works, roof replacements and repairs, window replacement, toilet upgrades, access works and structural improvements that, ideally, can be delivered during the summer months. Due to the scale of demand for funding under the 2011 summer works scheme, it was not possible to grant aid all applications. As outlined in the circular governing the operation of the scheme, applications for works in the higher categories of eligible works, that is, gas, electrical and mechanical works, were prioritised for funding. It simply was not possible to include St. Mary's boys national school in the list of 453 successful schools that benefited from the €41.2 million that was available under the scheme. A letter to this effect issued to the school on 12 April 2011.

As part of the Government's jobs initiative, €40 million in funding was made available for building works in an additional 374 schools, details of which were announced in May 2011. These funds allowed school projects such as for special needs access, improvement works to toilet facilities, roof works and window replacements, submitted under the 2011 summer works scheme to be considered further. In other words, we used the original list of applications to award an additional 374 schools with an additional sum of €40 million.

The application from St. Mary's boys school for toilet facilities was considered under the jobs initiative. The technicality was that it involved the construction of a new building and this disqualified it. The summer works scheme and the jobs initiative applied to improvements, repairs or additions to existing structures. I am prepared to look at the appeal that has been received and hope to get a response to the Deputy as quickly as possible.

Deputy Brendan Smith: I appreciate the Minister's concerns about this application. This school has a higher than usual number of children with special needs so those concerns exist for all of us. I am aware from my constituency and elsewhere that the summer works scheme has been exceptionally successful.

However, there is a contradiction in the terms of the scheme. Section 2 states that an application for toilet facilities is allowable and section 1 refers to a project of an urgent and priority nature. Being familiar with public administration, I believe that within a scheme there is scope to cater for exceptional circumstances and this project is deemed urgent and a priority by the school staff, the principal, the board of management, the parent body and the local health professionals. The community in Belturbet would not urgently seek an investment unless it was necessary. A small investment would bring great benefit to the school-going population and the staff of St. Mary's boys national school. I hope the Minister will request that his officials finalise the application.

[Deputy Brendan Smith.]

Many parents called my office about this and I called them back over the weekend. They are very concerned about the inadequacy of the poor toilet facilities. The number of special needs children in the school at present gives extra urgency to the case. Everybody involved with the school is anxious that the Minister consult directly with his officials on this issue, if possible, and that there be a successful outcome. A relatively small amount of investment will bring great benefits to so many children.

Deputy Ruairí Quinn: I share the Deputy's concern in this matter. I will take a personal interest in the appeal process.

Deputy Brendan Smith: I thank the Minister.

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

Question again proposed: "That the Bill be now read a Second Time."

An Ceann Comhairle: Is Deputy Catherine Murphy sharing time?

Deputy Catherine Murphy: Deputy Boyd Barrett was in possession and was in full flow.

An Ceann Comhairle: The Deputy can proceed.

Deputy Ruairí Quinn: It is dangerous to lose possession.

Deputy Catherine Murphy: He has, so I am here to take it up.

I welcome the Bill. The Bill is before the House essentially because it has been forced on us. However, it is a Bill that should have been produced in any case. Although some things have been prescribed by the EU-IMF, it does not mean they are all wrong. This proposal is quite good.

Last year's Central Bank Reform Act and the Credit Institutions (Stabilisation) Act gave powers to the Government and the Central Bank to direct enforcement on financial providers and specifically on individuals within such organisations. The behaviour of certain financial institutions in recent years has highlighted the urgent need for appropriate means to conduct forensic analyses into these organisations. In recent days the need was highlighted when the courts are hearing cases to have people who are capable of understanding the minute financial issues at stake. It is important that the appropriate powers are in place so as not to get to that point because the end game in terms of prosecution becomes a very difficult one.

To suggest that our present difficulties could have been avoided if a robust and empowered supervisor was in place may be a little simplistic. That may be an understatement but certainly we can agree that had there been appropriately strong channels through which the Central Bank could discover the true extent of our banking systems' catastrophic exposures certain decisions forced on us in a crisis may never have been needed. We will all pay a heavy price for that into the future. As a citizen I never again want the stakes to be so high and the banks so large and out of control without a regulatory regime where we risked everything as in recent years.

A particular difficulty is that often scant information is available. At its conference last week on mortgage indebtedness FLAC and New Beginning identified the need for the Central Bank to be in control of information from all lenders to enable the extent of indebtedness to be fully captured. There is a strong argument to be made for that proposal. It is important that there are strict and robust powers available to the Central Bank. While there is much criticism of

the banks we must not blacken everybody who works in the banking system. I have spoken with people who are tellers who do not want to tell people they work in a bank. It used to be the case that if one worked in the Revenue Commissioners one did not want to tell people but banking used to be the blue chip in so many different ways. However, that has become a real problem for people and there have been some tragedies as a consequence. Those who work in the banking system will be protected by virtue of strong and robust powers being in place.

Obviously the powers available to the Minister and the Central Bank are broad. Given the calamitous situation we have just come through, I agree that in principle the broad powers are a good thing and are needed. However, I can see some grey areas arising in terms of the Bill as proposed in regard to some existing Acts which I propose to highlight. Perhaps the Minister would reply to me on this point because framing amendments will depend on what the conflict might be or whether there is a conflict.

Essentially the purpose of the Criminal Justice Act 2011 was to tackle white collar crime and it gave the Garda defined powers in respect of the investigation of alleged wrongdoing. Under this Act it would appear that the obligation falls to a person, which I take to mean any employee who learns of suspected wrongdoing, to report it to the Garda immediately. We had quite a discussion on that issue. Afterwards I raised the issue with the Minister given that it had been raised separately by Mr. Michael McDowell in a newspaper article.

Section 33 of this Bill places a mandatory reporting obligation only on persons with a pre-approval controlled function. I understand that to mean anyone who occupies a significant position of authority within the organisation in question. It appears to me there is a conflict here. Given that there are to be whistleblower provisions in several different pieces of legislation, would it not have been advisable to have separate whistleblower legislation rather than trying to knit it in with each item of legislation? It is needed and I agree it should form part of the regulatory regime because people will not come forward if they are not protected. Comprehensive protections have been proposed in the Bill but when one Bill conflicts with the other, I can foresee a situation where the terms will be appealed given that one supersedes the other. That is a grey area and I am not sure if it can be amended to be consistent with the other legislation.

Clearly this is not the only area where regulation is needed. We must look at each element of the failure in turn and address each one to ensure we do not end up in the same position as now. Not only is it necessary to put a regulatory regime in place but a change of culture is also needed. A change of culture means having different personnel at the top of organisations. There is not a great deal of evidence of a change of culture in respect of the two key banks. That is a matter of grave concern. We can have all the regulation we like but if people carry on as before it is useless. Obviously there is a different range of rules but they must be matched by a cultural change.

The over exposure to property and the lending practices was not just about the banks, it was also about the planning system and seeing buildings and properties as development rather than planning. We have not changed anything in the way that is done. For example, I was looking at applications for development plans and applications to have land rezoned all over the place. I understand there has been a change in terms of regional guidelines and the national spatial strategy but the controls and the way of doing things have not changed.

The expertise required when one gets to the point of going to court and the length of time it takes to get cases to court makes one question how robust and well-resourced is the Office of Corporate Enforcement. Four or five years ago I recall complaining about the lack of resources in that particular office because there was a backlog in dealing with some of the issues I had brought to its attention. We have got to have not just a good regulatory regime

[Deputy Catherine Murphy.]

but the practical elements that can get things to a point where if there is a sanction it can be made quickly and appropriately. The legislation is good but it is only part of what is needed. I am happy to support it.

Deputy Jerry Buttimer: I wish to share time with Deputies Heather Humphreys and Tom Barry.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Jerry Buttimer: I very much welcome the opportunity to speak on the Bill. Over the past decade the banks in this country have become an unregulated feral beast which cannibalised the future of a generation of young people. It took the collapse of an economy and the plight of unemployment for those who were supposedly in charge of regulation to wake up. While previous regulators and Ministers for Finance dithered, it took the European Union and the International Monetary Fund, IMF, to spell out that clear reform was needed — reform which should have been in place. It is important that those who were in charge not just politically, but those who were in charge of banks and the regulator, must be held to account. The people of this country want people to be held to account.

At last we have a regulator who is in charge and who is doing his job. He is regulating. I heard him speak in University College Cork last night. I was heartened to hear him say that he would be breathing down the necks of the banks. It is only a pity that he was not in the same position a couple of years ago as the carnage that happened may well not have occurred.

The EU-IMF programme requires an overhaul of financial regulation and the Bill is the second step of a three-part process which will end with one single consolidated Act governing the Central Bank. I welcome the Minister's initiative in leading this reform. In researching the Bill I was shocked to discover that we are legislating for mechanisms that have been in place in the United Kingdom for more than a decade. The United Kingdom is ten years ahead of us in legislative terms in that regard. While our next door neighbours were reinforcing the regulatory regime we were sitting back doing nothing, allowing the carnage to take place. The skilled persons reports, which are proposed in the Bill, have been in existence in the United Kingdom since 2001. Finally, at the end of 2011, we are getting around to putting the same framework in place. In the meantime we were docile and passive, relying on the honesty of financial institutions to supply information without any independent verification to the regulator or the Government. Let us look at where that got us. That point must not be ignored. Let us look at what the regulatory regime introduced by Mr. McCreevy and his pals have got us. Light touch regulation does not work.

There are a number of benefits to an improved regulatory regime, most importantly that it limits, in so far as that is possible, a recurrence of the current catastrophe. We are taking steps to prevent taxpayers being exposed again to the heavy burden which has landed on their shoulders. I accept many of us are paying for the collapse in the banking regime. That is why it is important that our banks are held to account. As I said last night in the Chamber about the Keane report, the banks must work with the people who need their help the most, be it small business or home owners. They must not fight and intimidate people.

Equally important is the reputational benefit we will gain from having a robust regulatory regime. In the six months from March to September 2009 our global competitiveness among financial centres fell 13 places. Our competitive advantages were eroded and our reputation was shattered. That is why it is important that the Members opposite who complain about regime change and the way Government is doing business must come up with practical, deliver-

able solutions which will be of benefit to people — an gnáth duine — the ordinary person. I will keep saying that. I challenge the Members opposite to come up with solutions that will work in the interests of the ordinary person that can be sold across Europe.

A new regime will be introduced to protect whistleblowers and increase fines by up to 10% of turnover. It will give real and substantial powers to the Central Bank to help re-establish our international reputation as a place to do business. It will also offer some level of certainty to businesses who wish to invest in people and the future of this country. I see little point in the Oireachtas passing this legislation to put in place a framework for robust regulation if it is not enforced. The legislation must be enforced. If the rules are broken, then someone must be held to account. If someone impedes or obstructs an authorised officer he or she can be fined up to €250,000 or imprisoned for up to five years. Fines that can be imposed by the Central Bank for administrative sanctions are being doubled to €1 million for an individual and €10 million or 10% of turnover for a firm. If the powers to summon witnesses is obstructed, the penalties will increase by up to €5,000 and result in a prison sentence of up to 12 months. If the rules are broken the full force of the penalties must be used.

Many Members on the Government side of the House are frustrated and angry that we have not seen anybody punished for the recklessness in the financial sector that has bankrupted the country. People must be held to account. Nobody, no matter who they are, should be allowed to walk away, washing their hands of the consequences of their decisions. The Financial Regulator must maintain his healthy scepticism of the motives of the banks. He must not be afraid to use the powers given to him by us, the Oireachtas. I hope he follows through on his tough talk and that he continues to breathe down the necks of the banks.

Deputy Tom Barry: I welcome the opportunity to speak on the Bill. It will provide for enhanced powers to the Central Bank of Ireland with regards to supervision of regulated service providers and it will also enhance the powers of the Central Bank in the enforcement of financial services legislation. It is yet another Bill to address an area that has been pinpointed by the IMF as one in need of reform. That is something we have become used to saying but it is a key area.

For most of us there is a realisation that the IMF was stating the obvious. Reform in the area is critical to bringing back confidence and especially credibility to our financial sector. Under the new Government there has been a determination to first establish how deep the financial problem was and is and, second, to address it. It is scarcely two years ago that the then Minister for Finance, the late Brian Lenihan, reiterated that this country's top two banks were solvent and working well. That was and is untrue. I wonder whether it was political naivety or the dissemination of misinformation that brought about the situation. It is not however simply a matter of tightening regulations. The individuals who oversee the application of the regulations must ensure that we do more than just tick the boxes. It is about making sensible and correct decisions within the parameters of the regulations. That is where our system has failed us so badly in the past.

Most people have memories of how the previous Financial Regulator drew large sums of money in pension and lump sum entitlements. I referred to a similar situation last week with regard to another individual. The previous Financial Regulator received a lump sum payment of €630,000 and an annual pension of €142,000, yet after receiving those public moneys he refused to meet with the Oireachtas Joint Committee on Finance and the Public Service to answer questions on his conduct and the conduct of his staff. Bar the Committee of Public Accounts, committees past and present, even though the regulator may not have wanted to address them, were perceived as being toothless with the power only to report their findings to the Dáil. It is worth reminding people of the attitude taken by certain sectors and individuals

[Deputy Tom Barry.]

who were asked to attend such committees in the past. This is a timely reminder in the context of tomorrow's referendum which proposes to extend the powers of committees.

Part 2 allows for skilled persons to be employed to investigate firms that provide financial services, the cost to be borne by the firms in question. The skilled person can be an auditor, actuary, accountant, lawyer or person of relevant business experience. Therefore, when the Central Bank seeks information we will know that it will get truthful and concise information. We must have information on which we can rely and trust because as with a business one can only work on correct figures. Otherwise, a Minister could say something in the House when in fact the opposite is true. It will be an offence to obstruct these people. We must legislate in minute detail to ensure that what happened in the past is not repeated.

Part 3 defines the powers of the authorised officers. These are extensive. They are allowed to enter any premises where they believe relevant records are kept but they will require a warrant to enter a private dwelling. Authorised officers may also attend meetings of regulated financial providers. When officers remove records, which they must do, they must provide a copy of the documents or return them within 14 days. I am concerned that 14 days might be a little too long. Perhaps copies should be done immediately and returned within seven days. These days it is quite easy to make copies of documents. We do not want the operations of these authorised officers to obstruct normal business.

Part 4 allows for protected disclosures. There will be protection for a person who, in good faith, relays information regarding what he or she believes to be an offence under the financial services legislation. We do not want to see a repeat of the Eugene McErlean case. In 2001 Mr. McErlean, a group internal auditor of Allied Irish Bank, conducted a report into charges and uncovered a major overcharging problem. He was victimised and lost his job. The episode was like something that might happen in a Third World country. Unfortunately, it happened in Ireland. We cannot forget the past when we address problems and look to the future. Mr. McErlean was vindicated but the incident caused him enormous distress. The Criminal Justice Act 2011 relating to white collar crime will address bad behaviour in white collar crime. We need to be able to trust our banks. We need to make sure the information provided and given to line Ministers is correct. We must not see recent failings repeated in the future.

We have seen the introduction of stiff regulation in the agriculture industry, and it has worked out well. Irish agriculture is now flying, but it is going well only because we have strict regulation. It took a long time to accept regulation but we are now regarded as major food players for quality and procedures all over the world. If we get regulation right our banking industry may, in time, be seen in the same light, even though many see that as a far away field.

Deputy Heather Humphreys: Go raibh maith agat a Cheann Comhairle. I welcome the opportunity to speak on the Central Bank (Supervision and Enforcement) Bill 2011.

At this stage we are all aware of the failures to apply appropriate regulation to our financial institutions in the past. This was one of the key reasons why we now find ourselves in our current economic difficulties. There have been numerous reports conducted into the banking crisis and all have pointed to abject failures on the part of our regulators. A lack of necessary supervision and poor risk assessment were the key factors in leading us to where we find ourselves today — not in control of our own economic destiny. Indeed, the Bill is a further requirement of the EU-IMF programme of support for Ireland.

The Government and the Minister for Finance, Deputy Noonan, are working hard to rectify that situation and to restore our economic sovereignty. In that respect, the Bill will form a crucial part of the new platform for banking in the future. The Bill will strengthen the powers

of the Central Bank and provide it with the ability to impose and supervise compliance with the regulatory requirements. Further to this it will allow the Central Bank to intervene where necessary and in a timely fashion.

In respect of our banking system some of the previous speakers have said the Bill could be seen as a classic case of locking the stable door after the horse has bolted. However, if we do not learn from our mistakes we are destined to repeat them. In that respect, we are fully aware of the mistakes that were made in the past in our credit institutions and the aim of the Bill is to ensure that they are not repeated in the future.

We are all well aware of the fact that our banking system and regulatory authorities failed us completely, but we need to acknowledge the role of others in this catastrophe. What was the role of auditors in the banking collapse? They signed off on the accounts presented to the public, and some of these same auditing firms continue to provide services to the State. What was the role of commentators and analysts in the daily and Sunday newspapers, telling people to buy property and invest in shares? Nobody shouted “Stop”. If one delayed one was made to feel like a fool and to be missing out on a great opportunity.

Our banks were over-exposed, poorly governed and had inadequate risk management. Our regulatory controls did not work for us and these weaknesses subsequently proved to be disastrous for our banking sector and the wider economy. The Bill seeks to address this issue and gives the Central Bank extensive powers in the area of supervision and enforcement. These powers need to be used effectively and efficiently while working to clear objectives. There needs to be clear lines of accountability and I urge the Minister to ensure that the Central Bank is held accountable and responsible for its actions and where necessary justify why a certain course of action was taken or not taken. I would also ask the Minister to ensure that there is an appropriate skills set within the regulatory authority to enable staff carry out their duties to the highest level.

The Central Bank must have a clear understanding of the outcomes of the decisions it makes. In view of the extensive powers being given to the Central Bank I ask the Minister to ensure objectives are put in place such as market confidence, public awareness, protection of consumers and reduction of financial crime.

Consideration must also be given to sector development. Otherwise we could regulate our industry out of existence. We do not need regulation for the sake of it. We want a sound financial sector properly regulated but at the same time remaining competitive in a global context.

In discharging its functions, the Central Bank must be mindful that a burden or restriction that is imposed on a financial institution should be proportionate to the benefits, and consideration should be given to what the expected result will be from the imposition of that burden or restriction. The Central Bank needs to take account of the international character of financial services and markets, the desirability of maintaining the competitive position of Ireland and the need to minimise the adverse effects on competition in the industry which may arise from such actions. It also needs to be careful that innovation and market growth is not stymied by its approach.

Sweeping regulation across the financial sector needs to be considered carefully, and particularly the effect it will have on the credit union sector. I welcome the fact that the Minister has referred the Bill to the Commission on Credit Unions for a recommendation on its application to credit unions. I also welcome his commitment to give this issue further consideration as work on both Bills progresses

[Deputy Heather Humphreys.]

In most other jurisdictions with a significant credit union presence, such as Canada and the United States, credit union legislation is housed within a framework that takes account of the not-for-profit, people-centred ethos of credit unions which is at the core of its principles. I ask the Minister to take this into consideration. I also impress upon the Minister the importance of carrying out a regulatory impact analysis on any material changes to the Credit Union Act. No regulatory impact analysis was carried out in respect of the amendments to section 35 of the Credit Union Act. Credit unions had sought a relaxation of longer term lending restrictions and the Financial Regulator took the opportunity to amend section 35 and put in place very restrictive provisioning requirements which mean many credit unions now find themselves priced out of the ability to lend to their members or reschedule loans to members who are now unemployed or on significantly reduced incomes. Proper regulatory impact analysis must not be sacrificed in the interest of easier oversight.

In my experience the success of the credit union movement lies in the fact that it is cemented in the community for the community. Local knowledge, coupled with the trust and loyalty and special relationship with their membership that credit unions enjoy, is one of their greatest assets which cannot be measured in the balance sheet or taken into account in stress testing exercises. When considering supervision and enforcement of credit unions we need to take account of the special voluntary structure of credit unions which has served the movement well. We need to take cognisance of the continuing unique role of credit unions in society and in all of our communities, particularly in these difficult economic times.

I welcome the Bill but reiterate that with increased powers comes increased responsibilities and accountability. This should always be the case. It is important to remember that we do not live in an economy and that people are not just economic tools, rather we live in a society and community in which each of us has a responsibility for each other.

Deputy Clare Daly: I wish to share time with Deputy Seamus Healy.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Clare Daly: In essence, this Bill gives the Central Bank more powers to scrutinise the practice of private banks, which everyone will welcome and will not have a great problem with given what the banks got up to in the absence of adequate regulation. That said, I am not sure of the extent of the scope of this Bill in terms of what other institutions are covered. It is not entirely clear to me whether the practices of major players in the financial sector such as, for example, the IFSC, which many people, including myself, consider to be nothing more than a glorified tax haven, are covered by this legislation. My first question to the Minister is if they are not covered by this legislation, why is that the case? What we have witnessed during the past number of years is an explosion of the financial sector. While banking was originally developed to facilitate trade and the distribution of goods and services, whole sectors of the financial market are nothing but glorified gambling institutions given the movement of derivatives and so on, which are toxic products that can impact on the economy proper. Are these organisations and institutions covered and will they be scrutinised under the provisions of this legislation? That is essential.

The Bill provides for the Central Bank to appoint what are deemed skilled persons such as accountants and so on to scrutinise books and to examine the loan capital ratios and transactions which would give an early indication of trouble in a bank. I do not wish to slag anyone off but the record of accountants and auditors — I trained as an accountant — in the current

financial crisis does not inspire confidence in their being capable of adequate and independent scrutiny of the private banking systems. They are not the best people to scrutinise bad practices.

While there is nothing *per se* objectionable in this Bill, the premise of it is inadequate. This legislation aspires to our having a fully functioning privately owned and run banking system. In other words, we are giving the impression that all we need to deal with the current financial crisis is a complex system of external regulation and that had this been in place we would not have had the excesses demonstrated by Anglo Irish Bank or Northern Rock, which captured major market share through lax lending practices, which in turn acted as a type of contagion to other more reputable financial institutions and major banks. I do not buy that argument. It does not stack up. One could possibly argue that had these measures been in place in advance of the current situation the scale of the crash and legacy of bad debt might not have been as severe. However, what is being put forward is not an adequate solution to the problems that exist.

Perhaps the Minister will comment on the following aspect. Currently our banks are largely State owned but continue to be privately run. This Bill makes much play of the fact that we are putting in place substantial fines to deal with bad lending practice, depending on the scale of the wrongdoing, its impact and so on. Is it not the case that we are facilitating a situation whereby the Central Bank could issue banks, which are largely State owned, with substantial fines for which the taxpayer would be asked to foot the bill in order to protect their interest? That is the logic of what we are doing.

The solution in respect of largely State owned banks is not to restore them to private ownership but to have in place a better system of democratic control and accountability in terms of how they are run. There should be a revamping of the boards of the banking sector, incorporating workers and elected representatives of ordinary depositors and customers of those banks whose franchise is not linked to the scale of their deposit balance but to the viewpoint of ordinary depositors. Also, there should be on banking boards representatives of wider society whose job would be to oversee banking policy. Who best to deal with this? It is believed that one needs experts to deal with these situations. The experts have had their day and we are now dealing with the legacy of that.

Despite the billions of our money that has been pumped into the banking sector, small businesses and first time buyers cannot get access to loans to advance their business or put a roof over their heads. We need more democratic accountability which would examine initiatives such as releasing the banks' money and using that wealth to benefit the public interest in a real sense. This, rather than the measures proposed, is a far better way of protecting the public interest.

The system of external scrutiny being proposed will further enrich audit and accountancy firms, including the big four and the very people who were part and parcel of the rubber-stamping ethos that led to the financial crisis. I do not believe we will achieve what the Bill sets out to achieve because the wrong lessons are being drawn from the economic crash. The reality is that it is, and was, an inevitable result of a system based on private ownership of key sections of the economy, including the banks, and the absence of any rational economic planning in society. Rather than addressing these systemic issues, the establishment consensus, which centres around deregulation in the 1970s, is to respond by dealing with aspects of the situation rather than getting to the heart of the problem. For that reason, the measures being put in place through this Bill will be of limited value.

Part 6 empowers the Central Bank to initiate regulations independent of the Minister for Finance, although it provides for or requires a certain element of consultation to take place with the Minister. I would like more detail on that. It is not clear what will be the role of the

[Deputy Clare Daly.]

Oireachtas, Dáil or Opposition in that regard. The Bank of England is cited as a source of inspiration in that it is independent of the British Government. However, I do not foresee any situation wherein the Central Bank, like the European Central Bank or Bank of England, would or should have this type of decision making power. It is fashionable to say that a central bank independent of politicians will lead to independent decision making. While it may be fashionable to say that there is no evidence to support that viewpoint. There is nothing independent whatsoever about a privately owned financial system, as witnessed during the course of the recent crisis. In that scenario, any Government that attempted to marshal the financial resources of the banking system in order to benefit the people would find itself clashing with those at the top of these so-called independent banks, the interests of which would be the feathering of their own nests rather than the good of society as a whole.

While no one will be crying over the banks being subject to more scrutiny, I do not believe this legislation is the panacea because it does not address the root cause of the problem and leaves banking in privately owned hands, which is what caused our problems in the first instance. I do not believe these measures will get us out of the situation we are in.

Deputy Seamus Healy: I welcome the opportunity to speak on this Bill and I will start with two brief case histories. A self-employed individual had a house — a family home — with a mortgage. He was doing well and was able to get along. When he had a fourth child, he thought he should trade up to a four bedroomed house for the convenience and comfort of his family. He decided to go to the local bank which knew him well. He wanted to put his existing house on the market, put the proceeds of its sale towards the cost of a four bedroomed house and apply for a mortgage for the balance. He was told the bank would give him a loan for the second house and to hold on to the first house and rent it out.

Foolishly, this individual accepted the advice from the bank which, at the time, he thought was good advice. He ended up with two houses and two loans. He was reasonably well able to meet the repayments for a while but as the recession deepened, he found he could not pay for the second house. His business went into liquidation as work dried up and he found himself in receipt of social welfare payments. He now has two houses with loans costing him approximately €1,500 per month and he can repay neither loan. That was the kind of culture in the banks.

A small company had a loan with a particular bank but it went bust as companies have done over the past few years. It was in arrears on a particular loan to the tune of €300. The bank wanted its money and would not allow the person to add the €300 to the end of the existing loan and give him a bit of time to pay it off. The bank wanted him to take out a new loan thereby effectively penalising him for the small amount of €300. Lo and behold, the bank was on to him to pay it. A man with no identification knocked on his door on a dark evening looking for €300. The bank later confirmed that this individual was acting on its behalf. That is the kind of conduct of banks.

The question is whether that culture has changed. Many of us in this House know that the conduct of banks, in particular in regard to small businesses, self-employed people and mortgage holders, has not changed a whit. Banks are still telephoning people at all hours of the day and night, they are still into maximisation of profit and they still have the same culture.

Anyone who attended the Joint Committee on Finance, Public Expenditure and Reform recently and heard the Irish Bank Officials Association make a presentation will have come

away from that meeting with the clear understanding that the culture has not changed. That is the fundamental problem.

The previous speaker said we are closing the stable door after the horse has bolted. There is nothing wrong with that. We should have done so before but at least we are doing it now. She also rightly said that we should learn from experience. The real question is whether the culture and priorities of banks have changed but, of course, they have not. The IBOA presentation showed that clearly. The ECB guidelines to banks have not changed. They still refer to profit maximisation as being the priority of banks. As long as that is the case, we will have serious difficulties in regard to banks and bankers.

There is no doubt that the various provisions in this Bill are welcome but the real question is whether they are sufficient to ensure banks are properly regulated. Legislation on the Statute Book is all very well but it is always down to the implementation of the regulations and the law. In the past there were regulations and laws governing the Central Bank but the political will was not there to ensure they were implemented. Despite the improvement in this Bill, if the political will is not there to ensure these regulations and legal provisions are implemented, we will have the same situation we had previously.

In the past, it was all about light touch regulation. The regulations were there and they will be stronger in the future but will they be effective? They can only be effective if the political will is there to implement them but I am not sure the political will is there. I am particularly unsure of it when I hear that next Tuesday, this Government will pay €700 million to Anglo Irish Bank bondholders. I was astounded when the Taoiseach told us this morning that the reason he will pay the €700 million next Tuesday is not that he believes it should be done but because Fianna Fáil agreed to do so. There was nothing about what he and his partner in government, the Labour Party, said during the general election that the bondholders would be burned and that not a single cent more would be given to the banks. He has now made a statement which is totally illogical that Anglo Irish Bank bondholders must be paid this €700 million because Fianna Fáil agreed to pay it. Is the Taoiseach the Taoiseach and is the Government the Government? I am not at all sure how that fits in with the regulation of banks. It is a view that is very difficult to understand. There is absolutely no logic to it.

We have also been told by various Ministers, including the Minister for Finance, and the Taoiseach that the Greeks have already got a 21% write-down but that they will now get a write-down of anything from 40% to 60% as a result of what is effectively a negotiated default. Apparently, we do not want that benefit at all. Why do we not want it? The inference is that, if we get the same write-down as the Greeks, we will put 35,000 public servants out of work or undertake the same austerity measures as Greece, but the opposite is the truth. If we had the benefit of a write-down, money would be available for job creation and the maintenance and reversal of social welfare rates and cuts, respectively, and the implementation of household charges could be stopped. The money could be used as an engine for growth in the economy, job creation and consumer spending so that we might exit this recession. The suggestion that 35,000 public servants would be put out of work is ridiculous, illogical and unbelievable.

I welcome that the Bill gives the Central Bank further powers, but whether it will be successful is another question. The political will to implement the legal position and the various regulations arising from it is the key to the success of the legislation. Given the Government's comments to date, I am not satisfied that there is such a will.

Deputy Kieran O'Donnell: I wish to share time with Deputy Donohoe.

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

Deputy Kieran O'Donnell: I am pleased to be able to contribute on this welcome Bill. To put it in context, consider what has happened in the banks in recent years. A key component of the financial crisis was the lack of proper regulation. For example, two people are in business together. Both have young families. One person does not abide by the rules whereas the other tries to abide by them. If the latter does not go along with the former, he or she does not get any business. If there is proper regulation, the pitch is levelled for the good person.

The problem is that not only were the banks reckless, but there was no enforcement or regulation. We still do not know the full circumstances surrounding the former Financial Regulator's activities in respect of the banks. In the fullness of time, I hope this information will come out in a proper banking inquiry. We need to know the full details.

Parts 2 and 3 relate to the report of a skilled person, an important matter. Part 4 is also important. A Deputy referred to Mr. Eugene McErlean, a decent and honourable man who worked at a bank. People working in banks throughout the country knew there were major problems with the level of borrowings. Instead of having their opinions taken on board, they were told to accept and send applications up the line. It is important that whistleblowers be protected.

Two components of the Bill are worthy of comment. These are the power to give direction under Part 5 and the power given to the Central Bank to make regulations. I caution that we should not have regulation for the sake of regulation. We want a financial system that is sound and prudently regulated and can operate in a competitive global market. We have a significant financial services industry and must ensure that regulation does not make the banks and financial institutions uncompetitive. This issue must be taken on board if we are to maintain our competitiveness.

I welcome the Minister's amendments to recent legislation on credit unions and his indication that upcoming legislation will be referred to the commission on credit unions for review. It is important that we retain the ethos of the credit union system while ensuring credit unions are on a sound financial footing and remain competitive.

I welcome the broad thrust of the Bill, which will play an important role in the architecture of our financial services sector. It will strengthen the sector's international competitiveness. However, where regulation is enforced, we must examine its effect. When the Governor of the Central Bank examined previous regulation, he gave the impression that there was general formal regulation but did not go into specific detail. For this reason the reports of suitably skilled people will be important. This interactive process will involve the regulator, the Central Bank and the financial institutions so that they might have a better understanding of the industry and will help to ensure that the interests of the customer can be protected. The latter point is paramount. When international observers consider Ireland, they will see a well regulated, competent and competitive financial sector.

Deputy Paschal Donohoe: I welcome the Bill. During a Topical Issue Debate two weeks ago, I highlighted the degree of regulation of mortgage brokers and financial intermediaries. Last week, the Central Bank published the detail of the new regulations it is seeking to implement to protect consumers better and to ensure that people availing of the services of mortgage brokers and others are able to honour their financial commitments and are treated in an honest and professional manner. I welcome the progress represented by last week's announcement.

If we are to ensure proper regulation of the sector, an important point that I raised in the House two weeks ago must be remembered. If a judgment is pending against someone in respect of his or her work in another industry, it should make practising as a mortgage broker or financial intermediary more difficult for that person. We should do all we can to reduce the

level of self-certification. Clients are asked to produce evidence of their income and debt levels. That is then taken as solid evidence in deciding whether they are able to afford to repay a loan.

I have seen with my own eyes the consequences of people having been loaned money they cannot afford to repay and the difficulty in evaluating accountability where there is a third person in the link between the lender and the lendee. The Central Bank is making progress in regulating that area. I know it is investigating it but I use this occasion to add to the importance of the point of dealing with the issue of self-certification and to do more to ensure that the people practising in the industry do not have judgments or findings against them that would indicate they are not fit to perform the role they have.

Section 33 provides protection for whistleblowers in this area. It builds on a provision in the Central Bank Reform Act 2010, which was passed in a previous Dáil term when I was a Member of the Seanad. That Act introduced the concept of a controlled function in terms of a number of roles in a bank that were very sensitive to the financial viability of the bank, and maybe even to the State, and that a heightened level of supervision and responsibility was endowed on those roles. This legislation now extends a greater degree of protection to a person who might be in such a role who believes something wrong is happening and wants to make that known to the appropriate authority.

It is important, when implementing this Bill, to make clear to those working in the financial services industry and the banks the heightened degree of responsibility that is now on their shoulders due to the passage of the 2010 Act and this Bill and the greater consequences they will face if, for whatever reason, they do not comply with the greater degree of responsibility conferred on them by the Central Bank Reform Act 2010 and by the protection available through the passage of a Bill such as this one.

I wish to follow up on a point Deputy O'Donnell raised when he said that people who worked in bank branches knew that large quantities of money were being lent to people who might not be in position to repay it. I would like clarification of whether unwise commercial activity, as opposed to illegal commercial activity, falls within the ambit of the whistleblower protection provision in this Bill and if such protection would be extended to a person who was unhappy about the sustainability of lending by a bank to a company or a group of individuals. I would like that point clarified. It relates to my earlier point that we need to make it clear to people working in these industries who have controlled functions that there is heightened responsibility on them and protection available to them due to the passing of this Bill.

Deputy Mattie McGrath: I am delighted to say a few words on this Bill. I welcome it and compliment the Minister on bringing it forward. However, I have some worries and reservations about it in terms of whether it goes far enough and will have teeth such that it will put manners on many of the reckless bankers. I am talking about senior bankers, not the ordinary bank staff or local management, to whom many speakers referred this evening and previously, in that they had a knowledge of people and had built up a relationship with them, whether regarding a mortgage to purchase a house or a loan for a small business. They had an important and respected role throughout the country, but the banks, like other institutions, fell into providing poor public performance.

In the main control was taken away from the local managers in banks who had the pulse of the people. They knew who had or had not the ability to repay and they also gave good counsel but then the Johnny-come-lately, whippersnapper whizz kids came along. They all worked on a commission basis and therefore wanted to lend as much money as possible as quickly as possible to as many people as possible, and there was no regulation. People were paid to regulate but they were either asleep at their desks or did not care. Light touch regulation was

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the order of the day, they dished out the money and ignored the rules and took the view that if they ignored the bubble that was getting bigger it would never burst. It was like a snowball rolling down a mountain that gets bigger as it goes along. They felt they could attract new people and adopted the attitude that if the odd one fell off, why worry about it. There was no regulation, no enforcement and no one was brought to account.

When the crisis hit, and there are many anecdotal stories involving the hard work done by the late Brian Lenihan, God rest him, and the work landed on his desk and that of the then Taoiseach, the view was taken that there were too many problems and that we had to be bailed out. The bankers pulled the wool over many people's eyes and while the then Minister and Taoiseach paid the price for that we must ask what advice did the many people who were in advisory positions, not only in the banks but also in government, with their so-called financial expertise, give? What was the reason for the rush? Why did the bailout have to happen? I know there were fears of contagion and so on but it was like the downfall of rain we had on Monday night. It was a sudden flood and the whole thing came crashing down with devastating consequences for business people, home owners, families and ordinary people.

Throughout all this the banks have not been upfront, honest or in any way compliant. They gave reports and commitments to the previous Minister for Finance and the Government side voted for it as well. The banks were supposed to give €3 billion per year to small business but it was a total con job, despite the commitments they gave. The plans had to be in by a certain date, I believe by 30 April, but when they came in they were rejected by the Minister and his officials. Further plans were submitted in a glossy presentation but they never followed through on them, and they never intended to follow through on them. They did not have a red cent to lend but the way they got away with pulling the wool over the eyes of Ministers, officials and those of us in this House is what sticks in the craw of the ordinary people who are being persecuted and pilloried. My colleague from south Tipperary highlighted anecdotal cases, one of which involved a person who wanted to buy a house to trade up in the market who was told to keep the one he had and buy another one. That is the way it was at the time. Young couples starting out in life with a family got more than they applied for. They were told to throw into their application the cost of a holiday, an SUV or whatever they were having themselves. There was no talk of saving for a rainy day or that things might change.

The banks have not been honest. Local management in the main were good people. There are still many good people in the banks but the control has been taken from them and they have been sidelined. My own bank manager in south Tipperary, who shall be nameless, who is my age or a little older told me that he knew what was happening but that he would have got rapped on the knuckles if he had said anything. He said he would have been told to step up to the plate or retire. That was not said in so many words but he understood that to be the case if he did not comply and allow the young turks who were under him to take control. He was sidelined to some extent. He was told this money had to be lent and that we had to catch up with Anglo Irish Bank and so on. There are many good people in the banks and they are all suffering now and are being pilloried. In some cases they are subject to unfair abuse thanks to a system that abandoned everybody. Greed took over and that is a sad situation.

I also welcome the provision on the protection of whistleblowers. It is vitally important that where an official in any job but particularly in the banking system is concerned about issues he or she will not be victimised, banished and that his or her promotion prospects will not be suppressed.

I also welcome the provisions involving the reports of skilled persons. These provisions are based on a similar approach in the UK. We should examine best practice elsewhere and I hope

that the Minister will. The ability of the Central Bank to collect information to ensure proper regulation must be water-tight. It is not only in Ireland that there were Central Bank problems, but it was very bad here and that is why we are in this perilous position.

With regard to the reports by skilled persons, if there are some other reports to be done the Bill also provides that the firms being reviewed must pay the costs of an independent report. This is not a bad development. While one will get any report one pays for, when there is a bit of sense, and there are checks and balances, this aspect will have to change.

This is progressive legislation. From where we stand or, should I say, from where we slipped or sleep-walked into this most awful position, any measure would be progressive. However, it must have teeth, it cannot be tokenism and it must be tough. It must bring back confidence among the public, the business community and the ordinary taxpayers that somebody is taking action. We are the ones charged with that. We are voted in here, the new Government and all of us, collectively, to try to restore some semblance of decency and responsibility in stepping up to the plate, being honest with the people and providing true reports rather than hiding from them.

Most credit unions of which I know kept the show on the road, were prudent in so far as they had to be and abided by the guidelines. There were many on their boards who were living in the community. They never lost touch.

We are told there are a few credit unions which could be in trouble but there is no list. We were constantly told we could not burn the Anglo Irish Bank bondholders and go hard on the bank because so many credit unions around the country had invested their depositors' savings in it. None of my colleagues, who asked the previous Minister and others, heard how many were involved. I believe it was only a smoke-screen.

The credit unions kept many families on the road, whether to cover expenses with back to school, for a holiday or for ordinary maintenance, damage to property or whatever in time of crisis, such as what happened in this city the other night. They are the only financial organisations with which people can have a relationship and from which they can get a loan fairly easily to keep the show on the road, to keep their families together, united and with a little pride and dignity, and to not be thrown to the moneylenders, whose activities must be examined given the racket in which they are involved.

Deputy Shane Ross: It is appropriate that we frequently debate the role of the Central Bank, even though, unfortunately, it is presented to us in piecemeal form by a series of financial Bills giving it greater powers in limited areas. I say this because nobody is more responsible for the banking crisis than the former Financial Regulator and the Central Bank. Without their role in the financial crisis, in the lending and in the property frenzy, we would not be in the state we are in.

There was no regulation worth talking about in Ireland in the banking sector in the years leading up to the crisis in 2007. I wrote a book, *The Bankers*. I am not plugging it as it is out of print. The book opens with what was a telling scene, with Central Bank officials being wined and dined by the top bankers in Ireland. Several top officials in the Central Bank, including a departing chairman and a chief executive, were wined and dined by those whom they were supposed to be regulating. This was not an unusual event. The Irish Bankers Federation was hosting an unnecessary dinner for one of the central bankers and this sort of get-together was normal in Ireland at the time. Yet, those in the Central Bank were meant to be policing the banks.

The problem was that the bankers and the regulators were far too close. They were so close that the regulators completely took their eye off the ball, with the exception, if I may say, of

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the golf ball. Another little feature was that they, certainly AIB but also other banks, used to entertain the central bankers and the regulators to golf outings and the instructions to their members was to lose the matches because it was what they called “customers golf”. That is an extraordinary, but true, story about the closeness of the bankers to the regulators in those days.

What worries me about this kind of legislation, which is excellent as far as it goes, is that it does not tackle the real problems in the Central Bank itself. It is not possible to impose good regulations on a bad culture. When I look at what has happened inside the Central Bank in terms of personnel and changes, I do not see any great cause for encouragement.

The previous Minister for Finance, the late Deputy Brian Lenihan who, in retrospect, will go down as a very great man, did make some improvements to the Central Bank and the Office of the Financial Regulator. He replaced the old guard, the old system of replacing automatically each Governor of the Central Bank with the Secretary General of the Department of Finance, a practice which was an appalling mistake because it meant that the culture passed from one to the other and there was no real difference or change. The changes introduced meant that the system whereby the regulator was appointed on a strange, but normally internal, basis was changed. Professor Honohan was brought in — an outsider — to take the place of the Governor and Mr. Elderfield was brought in to take the place of the regulator following the departure of their predecessors.

That was commendable but there is little sign of change elsewhere in the ranks of the Central Bank. The same names keep appearing. The same persons who were there throughout the bad years appear to be there and still in charge. As a result, the same culture appears to be still intact and there is plenty of anecdotal evidence for that.

Worse is the fact that the board of the Central Bank is still politically appointed. I do not want to name names. I do not know whether it is even in order to name names of board members; it is not necessary in any event. Certainly, the Central Bank, before the board was reformed, had names on it who were clearly identified with political doctrines and political parties. I do not know whether they were asleep on the wheel as a result because it was not required of them to do anything except collect their stipend of €15,000 plus a month and keep quiet. They certainly did not do a good job. The fact that they were politically appointed was not to their advantage and was not to the advantage of the State.

It depresses me somewhat that the new board of the Central Bank was politically appointed and certain people whom I have named elsewhere but will not name here were appointed. They have absolutely no obvious credentials for the job of being on the board of the Central Bank except that they had expertise in other areas which were utterly irrelevant in the current crisis. Little has changed, in my view, and little has changed in the culture of the Central Bank. I hope this will be addressed in a future Central Bank Bill but there is no sign of this happening. It is unfortunately in the nature of governments to retain that sort of power of patronage even in circumstances where it is quite obvious that this is a disadvantage. It would be immensely to the Government’s advantage if it took the membership of the boards of such sensitive areas where they are meant to be utterly independent and contain expertise which is vital, out of the political arena. This Government has not yet had the opportunity, as far as I know, to make appointments to the board of the Central Bank. I plead with the Government when it does so to use a process which is at least at arm’s length to a direct ministerial appointment.

The other area which should be addressed is that of appointments to the boards of banks. This matter is not addressed in this Bill but it is undoubtedly true that the Central Bank will have to have an input into these boards and eventually these too will be political appointments. I am sorry the senior Minister is not in the House but I ask what is the delay in filling the

many vacancies which exist on the State-owned banks. Is this because of a need to save money or because people are not offering or available?

Everybody now knows that advertisements have been put in the newspapers with regard to membership of these boards. I recall that in the initial stages, approximately 480 applications were received from members of the public and these were filtered down in number. Officials from the Department of Finance interviewed the applicants and the names were to be submitted to the Ministers. For some reason, nothing has happened. This process began in the spring and none of these vacancies has been filled. It may be there is a lack of suitable people. My information from those who have applied and who have been refused is that there were plenty of suitable applicants and they have been turned away. I fear that the public application process, the advertising of these jobs in the newspapers which has been paraded as a kind of new broom, is not working properly or else that it will be ignored. The final say for these appointments lies with the Minister and he does not have to choose anybody from that public application process. The process is also flawed because it is quite obvious — I am not saying it happens — that if a devious politician or a devious Minister in whatever Department wanted to make an appointment of one of his friends or cronies as happened, certainly, under the previous Administration, he or she could easily advise that person to apply under the public application process. The name could then be chosen by the Minister as having come through that particular channel. I do not believe that the boards of banks should be picked in that manner but the record of the previous Government, long after the crisis broke, was absolutely deplorable. Certain people were appointed — I will not mention their names because I am feeling in a charitable mood but I have mentioned them elsewhere — who had quite obvious connections with political parties and had no expertise in banking. If this is going to continue, the culture of the banks will not change and what is more serious, the culture of the Central Bank will not change.

This Bill is a welcome measure but we need to tackle the disease and not just the symptoms. We must not merely paint a picture of reform when real reform has not happened. I welcome the attempt in the Bill to address the problem of whistleblowers. I have tabled a Private Members' Bill on whistleblowers to be heard in the near future. It is a sticking plaster approach to the financial services area whereas a comprehensive whistleblowers Bill is necessary in all sectors of the economy and in all companies and other areas. I ask where is the Government's comprehensive whistleblowers Bill which was promised initially for October. We were then told there might be a need for a referendum on the topic but I do not think that is true. I do not know whether the Government is rethinking its policy or whether there is a delay. I ask the Minister to reassure me. There is a widely held sceptical belief of strong resistance to a comprehensive whistleblowers Bill not just in the Department of Finance which is notably conservative about issues of this sort, but also in IBEC which is dominated by the banks. As the Minister will know, IBEC is kept alive by the oxygen of the funding given to it by the banking and the semi-State companies. Its biggest funders were, and may well still be to a certain degree, Bank of Ireland, AIB and a few semi-State companies. This is pretty bad company to be keeping but these were the people who were dictating the pace of IBEC policies. It would be very depressing if the Minister confirmed to me that IBEC had been lobbying against a comprehensive whistleblowers Bill because he was acting as a voice of the banks.

We have to be aware that despite the fact they appear to be on the back foot, the bankers are still as strong a lobby group as one will find in this country. In Europe the bankers are successfully resisting the haircuts being imposed by governments. The bankers have several means of lobbying the Government and effectively controlling it. One of these is the Irish Banking Federation which is immensely well connected politically and always has been. It is in close contact with the Department of Finance and always has been. It runs an extraordinarily effective public relations machine. The Institute of Bankers in Ireland is a lobbying group and

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IBEC is one of the key social partners, one of the big organisations traditionally with clout — not so much now — in this land. Such a grouping can directly lobby through the Irish Banking Federation and through IBEC which is probably the less powerful of the social partners, but still powerful. One must realise one is dealing with a very professional organisation with money and clout and a certain amount of control. I ask the Minister to bear that in mind when he is considering the whistleblowers Bill and whether it will be comprehensive rather than piecemeal legislation.

The briefing document we got on this Bill from the Oireachtas Library and Research Service, which is very helpful on legislation such as this, picked out the case of Eugene McErlean, who was a whistleblower in AIB around 2002. It was interesting in his case that he was not just a whistleblower on AIB. Having worked in AIB as the internal auditor, he blew the whistle on overcharging to the Central Bank. However, the Central Bank behaved in a way which — I am choosing my words carefully — did not give any credibility to McErlean's charges and obstructed them. Not very long afterwards, McErlean lost his job. He was threatening to blow the whistle on massive overcharging. A settlement was made with him and he was forced to sign the confidentiality clause. Pressures, which were irresistible within a bank of that sort, were brought on him to leave. The Central Bank sang *schtum*, silent, and co-operated with the wishes of AIB in the case.

That case eventually came to a climax when Eugene McErlean came before the Oireachtas Joint Committee on Economic and Regulatory Affairs and AIB was forced to make an apology to him. Eugene Sheehy, in what was a noble gesture for a man who is not universally respected for what he did — and rightly so — apologised to him and said what AIB did to him was wrong. It was totally wrong, because he was an honest man who was removed from his job for blowing the whistle on gross overcharging. The overcharging scandal hit the media later on and what McErlean had to say was found to be true in every detail. Perhaps the committee in question was the Oireachtas Joint Committee on Finance. I am not quite sure as I attended both committees at the time. In a similar meeting of the joint Oireachtas committee later, the new Financial Regulator, Matthew Elderfield, having reviewed the case, exonerated McErlean and regretted what had happened to him. The lesson of the McErlean case was not that AIB had wronged him — it had grievously wronged him and deprived him temporarily of a career — but that the Central Bank, the guardian of the State's and of consumers' interests and the ultimate invigilator and patroller of the banks, had co-operated in the demise of an honourable man.

What concerns me about this Bill is not what is in its detail, but that it does not go far enough. My concern is that the culture of closeness between the Central Bank and AIB, Bank of Ireland and the other banks still exists. What I would like to see is a root and branch Bill which reforms the Central Bank from top to bottom so that we are guaranteed not just that the rules will change, but that the culture will change forever. There is very little sign of it changing within the banks themselves.

Deputy Bernard J. Durkan: I am glad to have the opportunity to speak on this important legislation. It is ironic that the need for this legislation was evident several years ago, not just in the past few weeks, months or year or two. I agree with many of the sentiments expressed by Deputy Ross. I do not always agree with him, nor he with me and I would be worried if that were the case.

I agree with much of what he said concerning whistleblowers. I recall a previous well-known whistleblower in the same financial institution mentioned by Deputy Ross who was identified as having leaked crucial information to the media which indicated clearly there were serious

weaknesses in the way the particular financial institution was operating and with regard to the way that financial institution was observing the rules and regulations laid down by the banking system and in legislation. He also indicated the institution was circumnavigating the system successfully and in such a way as to deprive the State of a considerable amount of revenue. As Members will know, this ultimately became the subject of the DIRT inquiry. This happened several years ago, but, sadly, no lessons were learned.

It is sad that we are back in the same place, having reverted to old habits. All of the issues raised by Deputy Ross, such as the incestuous relationship between auditors and financial institutions, were identified as being seriously detrimental to stability in the financial system. All of those issues were addressed and guidelines were set down. The regulatory system was introduced, as there had been no regulatory system as such previously, and regulatory guidelines were put in place. What happened as a result? Nothing. There was no observance at all as a result. The kind of attitude Deputy Ross mentioned continued. There was a kind of *laissez-faire* attitude to everything and an attitude of: "Let us get on with the real business and forget about these kinds of regulations." Sadly, we reached a situation where there was total contempt for legislation and regulatory guidelines and a total contempt and lack of respect for any kind of authority. The result was financial disaster and that is where we are now as a consequence.

I do not wish to blow my own trumpet, but I remember the fateful day of 29 September 2008. The curtain was drawn back and we all got to see and hear what was about to happen. At the time, I could not understand why the Central Bank, the Secretary General of the Department of Finance and the Financial Regulator were not all before committees at that time clarifying what went wrong. Some of us knew what went wrong. What was wrong was something I have tried to raise on numerous occasions in this House, a contempt for company law. In the early 1990s, some of us who were here then spent 18 months dealing with Committee Stage of the Companies Act. I am aware that it is due for review and consolidation now. There are so many flagrant and blatant breaches of company law on a regular basis here that it has become a serious issue which requires emergency treatment. That is the philosophy that has grown here.

If there are breaches of company law in the United States and if the company is at risk as a result of those breaches, action is taken against the perpetrators and against those directly responsible. In this country, a different situation exists. Here in this country we get an evaluation of the interests of the so-called investors or stakeholders.

In other jurisdictions, other interests must be taken into account, such as the common good and the general exercise of the functionaries in place. Failure to observe those regulations carries serious penalties.

Sadly, there is distinct disquiet at any attempt to investigate the issues that caused the problems we face. Observe the furore in recent days about Oireachtas inquiries. I am strongly in favour of ensuring due process and natural justice prevail. That is how it should be but that is not how it is intended. There is no intention of allowing that to happen in the lifetime of this Dáil because too many vested interests and sacred cows will be upset and too many ivory towers will be cracked. For reasons that may be good and genuine, the legal profession is concerned about Dáil committees of inquiry taking on a role of addressing these issues. I can understand why they are concerned. It will be a shorter and less expensive system and there is no guarantee that due process and natural justice will always prevail. However, in those cases the courts must prevail and there must be access to the courts.

The hysterical reaction at the present time leaves me speechless and I cannot understand it. Relatively speaking, the DIRT inquiry cost nothing, approximately £700,000 or £800,000, and

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brought in £1.2 billion in receipts to the Exchequer over a period of ten or 15 weeks. Legal advice was available to it. Several attempts were made by powerful vested interest groups, under the radar, to dethrone the committee. These groups attempted to torpedo the activities of the committee and its investigations. This occurred several times. The issue is not whether natural justice will prevail but whether anyone in a parliamentary system will be allowed to investigate the activities of people to whom responsibilities were devolved under the democratic system in this country. That is a serious issue and it is one we need to observe and address now. If we walk away from it, hold up our hands and say that we should leave it to someone else, it would be an abdication of responsibilities. It is something for which this or any other generation of public representatives will not be forgiven. From practical and personal experience, I emphasise that the points referred to, many of which have been raised by Deputy Shane Ross from a different perspective, are valid and need to be addressed urgently. If not addressed, we will have a series of similar discussions in this House or another House in future and that does not represent progress.

We all know the functional role of the Central Bank and the Central Bank knew its role over the past number of years. The Central Bank was overawed by political authority, which is not its function. The function of any institution with a statutory role to play is to do its job and, by all means, answer the questions raised by the political authorities but not to be overawed by them, subsumed into them or pushed aside by them. The Central Bank traditionally did its job in this way. In the 1950s, 1960s, 1970s and 1980s it was not uncommon for the Secretary General of the Department of Finance or the Governor of the Central Bank to speak out of sync with Government policy. That is not to say the Government was conceding its authority. We can have all the expertise we want but the job of the Executive is to ask the questions and test the case made. It is the job of the Executive to test the case made by the Central Bank but it obviously did not do this in the past. Each body became overly reverential towards the other's position. The result was a friendly, common approach that was in someone's interest. Eventually, the whole thing took on an impetus of its own and that led to a downward slide at an alarming pace that brought the country to its knees.

I disagree with Deputy Shane Ross on the following point. Experts do not have the answer to everything. If anyone believed that the expert opinion we have heard expressed in this country over the past three years or the past ten years was accurate, it was not. The Executive failed to question expert opinion. I and others have talked about this point on several occasions. The Executive failed to question expert opinion on the basis that it was not qualified to do so and I strongly disagree with Deputy Shane Ross on this point. It does not fall to those with a particular expertise to be the be all and end all in regard to what they know most about. An old official in a local authority gave me very good advice many years ago, saying that if I ever wanted to take on a person in an unassailable role, the area they least expect to be taken on is the role in which they have the greatest expertise and are most qualified. He told me that was the weakness.

There was so much deference to expertise, with the attitude of "Howya Seanie?" and that everything is going okay and how could it be going wrong in any case because it was going right last year. No one questioned the basis for this opinion, how the person had come to this conclusion, who they consulted with, whose paper they referred to and what people thought of certain policies, papers or opinions. As every Member of this House must always do, I reserve the right to question expert opinion and to have an opinion of my own. I will stand by that opinion and will ask the question again and again why conventional regulatory procedures were not followed. This was simply because new women and men had new, brighter and better

ideas but no one tested the ideas and there was no basis for coming to such conclusions. We know the result.

There is a tendency for people with expertise in a particular area to become alarmed when someone questions their authority. No one should be alarmed when their authority is questioned. They only have to answer simply and explain the situation. If they cannot explain the situation, they have a problem. We must examine the attitude we have in respect of questioning people in authority, particularly on economic issues and what seems to be the preserve an elitist group of people who seem to have the answers to everything but seem not to know the cost of anything. Let us consider a simple example. The Central Bank had a direct link to the ECB and *vice versa*.

Moreover, the ECB interacts with the regulatory system and the Government finance department in each eurozone state. Given such apparently robust oversight, how did it all go wrong? The basic reason is that people did not observe the terms of reference of their job. Moreover, the authorities which appointed these people to do the job did not appoint them to perform their function in accordance with the terms of reference but rather to maintain the *status quo* and ensure no feathers were ruffled. We know where that brought us.

The important question now is whether our experiences in the last ten to 15 years will serve as a useful guideline in the future, or will they be observed for a time and ignored when it becomes convenient to do so? That is what happened in the aftermath of the DIRT inquiry. It is amazing that nobody seems to want to dwell on the fact that we have been here before, long before we got into the type of difficulty we are now experiencing. All of the issues and weaknesses were identified, all the necessary regulations were made and all the legislation put in place. Unfortunately, all of that was ignored.

I do not agree with Deputy Shane Ross's view that the answer is to ensure there is expertise available to financial services and in devising fiscal policy. We hear from many experts, or those who presume they are experts, in this House. Yesterday morning, they told us we should all identify with Greece and seek to emulate the benefits of the Greek financial situation. That was only 24 hours ago. Having read the newspapers in the meantime, I am not surprised they have rapidly resiled from that position. That is where expertise gets us. Our experts do not seem to be as expert as they claim to be. I will not go into the details as to why that might be, but suffice to say that vested interests is one of the reasons and political advantage is another. Neither of those two issues should be to the fore at the present time.

The solution lies not with so-called experts but in ensuring the relevant people abide by the terms of reference of their role. It must be a requirement that one follows the rules and regulations, observes those regulations from day one and does not deviate from them in any way without providing a compelling reason for doing so to the authority which appointed one to the role. Had that been done, we would not be where we are today.

This country is facing an extremely serious economic situation, but I have no doubt that we have the ability to survive and that we will survive. Nor do I doubt that there is a commitment on the part of most people, both in and outside this House, to ensure we survive. However, there is always the tendency to take the quick-stick opportunity, to claim there is a better, easier or quicker way. The bottom line is that there is no such way. The time has come to knuckle down, put our shoulder to the wheel, accept reality and do what must be done. In doing so, we must be careful to stand by the many people throughout the State who are vulnerable. Nobody knows better the circumstances in which people are struggling than those who meet them on a daily basis. We have sometimes had lectures from Members in this Chamber as though they were the only people who ever met anybody outside the House and

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that the political system was impervious to everything except their eyes and ears. The rest of us also meet with people and have done so for a long time.

It is imperative that this country achieves certain objectives. First, confidence must be restored in the institutions that are here to protect us all. That is of more importance than ever. Second, everybody must be seen to put their shoulder to the wheel, make sacrifices and bear their fair share of the burden. Third, everybody must accept responsibility to effect change, including ordinary Members of this House, the Government and the various bodies and institutions — financial, statutory or otherwise — throughout the country with a direct responsibility to observe and enforce the law of the State. I welcome the legislation and hope it will be effective. It must be observed in the letter and in the spirit. It is to be hoped that as a result of this and similar legislation, we will never again have to revisit this issue.

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Shane McEntee): I thank Deputies for their contributions and for their constructive engagement with this legislation. The Minister for Finance is looking forward to a more detailed consideration of the provisions on Committee Stage. I wish to respond to some of the issues raised by Deputies in the course of this debate. We will have an opportunity to deal with the other matters on Committee Stage.

Deputy Michael McGrath raised the issue of consultation. The Department of Finance has consulted with a broad range of sectoral interests and further consultations are planned. Any body or group wishing to be involved in that should contact the Department and it will be accommodated.

The role of the Financial Services Ombudsman was raised and it was suggested that there should be a mechanism to allow for the valuable information gathered by the ombudsman to be shared with the Central Bank to assist it in carrying out its regulatory functions. I am advised that a memorandum of understanding was signed between the Central Bank, the Financial Services Ombudsman and the Pensions Ombudsman in April 2006 to facilitate the exchange of information of systemic importance between those bodies. Section 57CQ of the Central Bank Act 1942 sets out the duty of the Financial Services Ombudsman to co-operate with the Central Bank and his or her power to make recommendations to improve financial regulation. This is an important feedback loop in the system which allows real-world experience to inform the ongoing improvement of financial regulation.

In regard to skilled persons reports, Deputy McGrath suggested that it would be more appropriate for the Central Bank, rather than the financial service provider concerned, to appoint the reviewer. The Central Bank already has the power to appoint persons to carry out investigations on its behalf, through, for example, the authorised officer powers set out in Part 3. I agree with the Deputy, however, that those appointed as authorised officers should be people of the utmost integrity.

Deputy McGrath also raised served points regarding the whistleblower provisions in the Bill, with particular reference to the use of internal processes and the interaction with the mandatory disclosure provisions in criminal justice legislation. The Bill does not require the use of internal processes in the first instance, as the matters protected relate to legal and compliance issues, which are enforceable by the Central Bank rather than in-house management. It is also difficult to protect the identity of a whistleblower where the person is first required to exhaust an internal process. The Criminal Justice Act 2011 provides that it is an offence for any person to fail to provide relevant information in regard to the commission of a serious offence under

Irish financial services law. However, the provisions of this Bill relate to a different context under the Central Bank's fitness and probity regime.

Deputy Mary Lou McDonald suggested that the Central Bank should be under a duty to act on disclosures made to it by whistleblowers and others. I agree that we should not put measures such as these in place without an expectation that they will be used to full effect. The Deputy has indicated that her party intends putting forward amendments related to this point on Committee Stage and I expect that will provide an opportunity to deal with the matter at greater length.

Deputy Boyd Barrett mentioned the role of markets and competition in the financial crisis. That is a wider issue than can be dealt with in this Bill. I would make the point, however, that the responses to the financial crisis, both in Ireland and internationally, have been framed on the basis that markets do not always know best and that regulation is necessary to check unsustainable risks both within firms and affecting the wider financial and economic system.

I hope there will be an opportunity to discuss the other matters raised by Deputies as the Bill continues its progress through the House. I thank Deputies for their contributions and assure them that the Minister for Finance will give careful consideration to all the issues raised. I commend the Bill to the House.

Question put and agreed to.

Central Bank (Supervision and Enforcement) Bill 2011: Referral to Select Committee

Minister of State at the Department of Agriculture, Food and the Marine (Deputy Shane McEntee): I move:

That the Bill be referred to the Select Sub-Committee on Finance in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Message from Select Committee

Acting Chairman (Deputy Seán Kenny): The Select Sub-Committee on Jobs, Enterprise and Innovation has completed its consideration of the Patents (Amendment) Bill 2011 and has made an amendment thereto.

Health (Provision of General Practitioner Services) Bill 2011: Order for Second Stage

Bill entitled an Act to enable a wider range of registered medical practitioners to provide medical services to eligible persons under the General Medical Services Scheme, to provide for modifications to the operation of that scheme, and to provide for related matters.

Minister for Health (Deputy James Reilly): I move: "That Second Stage be taken now."

Question put and agreed to.

Health (Provision of General Practitioner Services) Bill 2011: Second Stage

Minister for Health (Deputy James Reilly): I move: "That the Bill be now read a Second Time."

I am pleased to have the opportunity to address the House today but saddened that all the Opposition benches are empty because this is an important Bill.

Deputy Shane McEntee: They are on holidays.

Deputy James Reilly: It is Second Stage of the Health (Provision of General Practitioner Services) Bill 2011. It means that if suitably qualified general practitioners decide to set up practice not alone will they be able to treat private patients from day one, but also they will be able to treat patients holding both GP visit cards and full medical cards. There will be no limit on the number of contractors.

The new changes are being introduced on foot of the commitment in the EU-IMF programme which required the introduction of legislative changes to remove restrictions to trade and competition in sheltered sectors, including eliminating restrictions on GPs wishing to treat public patients. This was part of pre-election pledges made which are now being rightly honoured because as I pointed out the restrictions have had a detrimental effect in the past regarding the ability of younger, properly qualified GPs to set up in practice and deliver care and service to their community. In many instances in the past it was the difference between GPs deciding to stay in this country or to emigrate, and that has been to our loss also.

The current position is that GPs can only obtain GMS contracts in restricted circumstances where a vacancy arises due to the retirement, resignation or death of an existing GMS doctor; where a new GMS panel is created in response to an identified need for an additional doctor in an area; and where a GMS doctor obtains approval from the Health Service Executive, HSE, for the creation of an assistant with a view to partnership within his or her practice.

The HSE is currently required, before filling a vacant GMS panel or creating a new panel, to take account of the potential viability of the panel being established and the viability of existing GP practices in that area. The arrangements I have described prevented many young, highly qualified and trained GPs from obtaining a GMS contract early in their careers. The current system allows them to treat private patients but they are not able to treat medical card or GP visit card patients until such time as they obtain a contract from the HSE. They may have to wait several years for such an opportunity to present itself. That meant in practice, particularly in the recent economic climate, that GPs who were restricted to private practice could no longer look after patients and their families when they fell on bad times through no fault of their own due to the economic changes we have experienced and the downturn in which this country finds itself. Consequently, they had to find a new doctor when often they had no wish to do so because they had a relationship with their existing doctor. They also had to undergo a re-examination and a further full divulgence of their history, which can be particularly traumatic for people who have psychiatric or psychological problems. It is difficult to start one's story all over again with a new doctor when one's own doctor understands one's situation, knows one's history and with whom one feels comfortable.

In addition to the above, two other categories of GPs have certain restrictions placed on their rights to take on and/or retain GMS patients under the current arrangements. These are GPs who hold a GMS contract on foot of interim entry provisions put in place in 2009 where they would have to wait until 2013 before they could treat any medical card or GP visit card patient; and certain GPs involved in a partnership which is being dissolved or terminated before a specified period would not be allowed to retain the patients on their GMS list at the time of dissolution of the partnership. The Bill will remove these restrictions.

When this Bill is enacted, new GMS contract holders will be free to establish their practice in the location of their choice. However, a contract holder approved by the HSE in an area who wishes to move location may only do so with the prior approval of the HSE. This is designed to ensure continuity of care for patients and ongoing convenience from a patient's perspective.

I will outline some of the provisions of the Bill and the sections therein. Section 1 provides for the definition of certain terms used in the Bill. Section 2 provides that the HSE will be entitled to enter into a GMS contract with any suitably qualified and vocationally trained GP and it will not be limited to granting contracts where a GMS contract holder dies, retires or resigns from the GMS. I emphasise that GPs will have to be suitably qualified. There is no question of this being a back door for any inferiorly trained GP. Equally, I would point out that many of our young GPs in practice in private medicine are as qualified as their peers in the GMS but we must put in place controls to ensure that the people have the required training and qualification or equivalent training as recognised by the Medical Council and the Irish College of General Practitioners.

Section 3 provides that GPs holding a GMS contract will be entitled to accept onto their list any patient nominating them as their doctor of choice, subject to existing rules relating to panel size. These rules stipulate that the total number of GMS patients which may be placed on a GP's list shall not exceed 2,000 save where the HSE or such organisation as follows it, in exceptional circumstances, decides to apply a higher limit. This will ensure that GPs who hold a GMS contract on foot of interim entry provisions put in place in 2009 will, from the date this Bill is enacted, be able to take any medical card or GP visit card patient onto their list and they will not have to wait for two more years before doing so.

I would point out that the choice of doctor scheme has been one of the great successes since the 1970s and we want to increase that choice to the patient. It has empowered patients in more recent decades in that they do not feel they have to stay with a single GP as they did in the old dispensary system. It also creates competition among GPs to be more cost effective and to deliver the range of services people want in a modern society, and the more doctors we have the better from that point of view.

Section 4 provides that when a partnership dissolves, a GP who wishes to continue participating in the GMS scheme may retain the patients on his or her GMS list on the date the partnership dissolves or terminates, unless the HSE is advised that any such patient does not want to remain on that list. Section 5 provides that the HSE, when filling or creating a GP position, will not take account of the short-term or long-term economic viability of that or other GP practices. This will address a recommendation in the Competition Authority's July 2010 report on general medical practitioners, which was aimed at increasing competition within the GMS scheme.

Section 6 provides that where a GP has been approved by the HSE to provide GMS services at a particular premises, he or she cannot provide such services at another premises, unless he or she has submitted a request to the HSE and the HSE has given its consent. Therefore, a contract holder who wants to change his or her centre of practice can only do so with the prior approval of the HSE. Section 7 provides that when this Bill is enacted, nothing in the Act will affect the operation of the GMS scheme, other than the provisions set out in sections 2 to 6 of the Act. Section 8 provides for the Short Title and commencement of the Act.

In conclusion, the programme for Government provides for significant strengthening of primary care services to deliver universal primary care with the removal of cost as a barrier to access for patients. This commitment will be achieved on a phased basis to allow for the recruitment of additional doctors, nurses and other primary care professionals. I and Deputy Róisín Shortall, the Minister of State with responsibility for primary care and the first such Minister in the history of the State, will oversee the implementation of this programme with the assistance of a project team of officials from the Department and the HSE.

I am confident this legislation will contribute to this commitment as it will encourage more young GPs to remain in Ireland and to establish their practices here, and it will make it more

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attractive for GPs to move here from overseas. It will also encourage competition among GPs at a time when many fee paying patients have less money at their disposal. Furthermore, it will answer our manpower problems. This legislation in conjunction with the plans for a new GP contract will address many of the issues that afflict our health service.

The health service operates as a whole and no single part of it operates in isolation. Consequently, if there are not enough GPs, the pressure is felt in emergency departments. If there is pressure on those departments, it is felt in the hospitals, and if there is pressure in the hospitals it will be felt in long-term care. No single part of the system acts alone, so the entire system must be addressed. We must address the deficits in primary care, in terms of manpower, the type of work it does and how it works. We must address the situation in the hospitals and how our consultants, non-consultant hospital doctors, NCHDs, nurses and ancillary staff work. We must also address the issues of home care, long-term institutional care and other models of care that are interim in nature and can be very successful in addressing the needs of our citizens.

That is the reason this Government has taken its own approach and made it clear that it might take longer than one term of office to bed the system in. I believe that shows a political maturity that has not been to the fore until now.

Deputy Jerry Buttimer: Hear, hear.

Deputy James Reilly: Generally, people have looked for a quick-fix, one-off solution one election at a time. We have taken a longer and more mature view. We want to fix this system and fix it for this and the next generations, not provide a short-term solution that will result in chaos in a couple of years.

This Bill is just one part in a myriad of legislation that will be brought before the House in the next couple of years. I hope the Opposition can support it because I believe its Members also wish to have a health service in which patients feels safe and of which those who work in it feel proud.

Deputy Billy Kelleher: I welcome the publication of the legislation to deal with the GMS and to lift restrictions on GPs accessing the scheme. The Minister's speech was fine until the end, but I will refer to the comments about quick fix solutions later.

The Minister makes the valid point that the health service must be seen as a single system in which all parts must work in unison and where there is a streamlining of resources to ensure best patient safety and outcomes from treatments. The GP is an integral part of that front line service. There is now a stronger emphasis on creating primary centres and on them being the front line in the delivery of health services in this country. I welcome that. It is something all sides of the House have supported over the years. To implement it obviously entailed huge challenges. There were difficulties with securing the buy-in of medical professionals, locating premises and with the roll out of primary care centres throughout the country. It is a work in progress, and many of these things took more time than originally anticipated or envisaged due to certain blockages, even in the context of planning issues in certain local authority areas.

In general, anything that not just fosters competition but makes the health services more efficient, effective and responsive to the needs of people and our communities is very welcome. This Bill is welcome legislation. As the Minister said, it is in the programme for Government, so he must be complimented on that. Of course, it is also in the IMF programme, which was probably a stick as well as a carrot for delivering it. However, I welcome the fact that it is here. There are concerns on the part of some GPs who might feel their businesses could be diminished. The health services, however, are first and foremost for patients and we should work

from that premise back, rather than the other way around, as was the case for many years. That is welcome.

I have a few queries about the Bill. They are not criticisms so the Minister should not take them in that way. Sometimes we can be accused of criticism when we are being constructive. We will deal with section 6 on Committee Stage but has any analysis been carried out over a number of years to ascertain if there has been a move on the part of GPs from areas with socio-economic challenges and from rural areas? There is nothing in the legislation to provide that if doctors access a certain number of GMS patients, there is an obligation on them to ensure there are a certain number of surgery hours available in a particular place as well as an out-of-hours service. In Dublin, for example, there are still difficulties with the provision of out-of-hours services.

There are some very successful co-operatives across the country and they have been embraced by the people. Once that system is set up it works very well. SouthDoc in Cork, for example, is a model of the co-operative system, with doctors coming together to provide an out-of-hours service. There is no criticism in Cork of the SouthDoc out-of-hours service. Could this legislation undermine that co-operative element? Has there been any such analysis? I am not saying it will, but has there been an analysis of whether there might be a drift from socio-economically challenged areas and rural areas in that context?

On the broader issue, there is still a difficulty with the number of doctors coming through education, training and qualification. As the Minister correctly pointed out, a large number of our non-consultant doctors and GPs are heading abroad as well. That is a huge loss of talent, expertise and investment. We saw the difficulties this year in recruiting non-consultant hospital doctors. We were obliged to bring people in from abroad. They were welcome but at the same time some of our doctors were going abroad, reluctantly rather than in the interest of furthering their careers and broadening their horizons in terms of training and access to other ideas and innovations.

There is also the issue of the restrictive nature of the training of doctors. Obviously, it is critical that one has the best training and educational facilities, standards and attainment but as we roll out primary care and it becomes the front line, the number of GPs available to provide that front line service must be examined. Somebody said a few days ago that there are twice as many solicitors as GPs in this country, so perhaps we are out of step. I am not criticising solicitors but, all things being equal,—

Deputy James Reilly: I hope it is not a reflection on GPs either.

Deputy Billy Kelleher: —it is an issue we should examine.

On the broader issues of primary care and home care, as we move towards the idea of more home care supports we must not lose the traditional relationship between a GP and a patient. If a person wishes to remain at home, there must be some encouragement beyond the dedication of the doctor and their commitment to their patients. There should be an some incentive that they would buy into the whole idea of supporting home care packages and assisting people to remain at home for as long as possible. If we want to get people out of the acute sections of hospitals after procedures into step-down facilities and back to their homes as quickly as possible, the GP will have to play a role in supporting them in convalescence and equally if they are at home.

While we have health promotion in Ireland to reduce tobacco and alcohol consumption, obesity is becoming an issue that is of concern in view of the pressures it puts on individuals in the context of heart disease, diabetes and many other complications. As a society we must

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become more embracive of healthy living across all sections. This is not just about promoting sport but the concept of health should form part of normal life in primary and secondary schools, in dietary, in nutritional education and in home economics. The PE curriculum should be extended and the GP should be at the centre of health promotion not only in the context of encouraging people to give up cigarettes, but that it becomes part and parcel of health provision. There should be a consciousness that a healthy lifestyle, activity and diet are all part and parcel of a package. Everybody would accept that if we continue as we are, even though efforts are being made in the context of the health services promotion unit and the control of tobacco, it is still haphazard or disparate at the very least. There is a need for a strong and co-ordinated effort through schools, sport facilities, local authorities, the health services and across the whole gamut of agencies, departments, civil society and the community and voluntary sector.

When travelling around the country one becomes aware of nice amenities and walking areas and the promotion of that type of activity. The GP and primary care centres must play a central role in the development of this concept. I visited Australia a few times on trade missions. It was evident there that all of society had bought into the idea of healthy living. I appreciate it has a nice climate and it is more conducive to outdoor activities, but I could sense the healthy lifestyle, the abhorrence of tobacco in the context of it being socially unacceptable and the promotion of healthy foods in all its aspects. That is a critical issue. I may be straying from the Health (Provision of General Practitioner Services) Bill 2011 but if we develop this theme in our minds and in society it will benefit us in the years ahead.

The issue of obesity must be challenged head on given that the statistics for same are quite alarming. We have only to look at the country that now sets a precedent for western world living in the context of changes in attitude and behaviour and how we live. The US is experiencing enormous difficulties and challenges in that context. In the coming years I hope that calorie count legislation, or the use of some mechanism and changes in attitude and behaviour will enable us address this issue before we allow a generation to be robbed because of our inactivity in addressing this challenge. These are key areas that build into primary care being at the centre of where health services are delivered and where healthy lifestyles and options are encouraged and promoted.

In most GPs offices, the health promotion unit has stickers on the wall, perhaps showing people running up the road or another sticker showing somebody else trying to give up cigarettes. This has to be at the heart of health promotion. As a GP, the Minister sees that at first hand. Wherever he can, I ask him to develop a policy and a theme around the whole idea of healthy living.

Obviously GPs are the front line service providers along with nurses. Once primary care units are established, lines of demarcation and barriers in the context of professionals having certain trenchant views on certain issues will become a challenge in itself. Nurses, because of their training and qualifications, are moving into areas which traditionally would have been the GPs remit. While I welcome this, it is an issue that creates friction. I suggest we look at that issue in the context of setting up a single primary care unit with many different professionals, eminently qualified, all providing health services and working, hopefully, in harmony and unison. However, that is not always the case as has been identified even in some hospitals where there are differing views and people who may not have the best people and management skills.

I welcome the Bill. The lifting of restrictions will allow more GPs to establish and provide good quality front line health care to patients. My only concern, which I ask the Minister to look at in the context of the Committee Stage debate, is that if there is a complete opening up

there must be a mechanism to ensure that out-of-hours service is provided and that a certain number of hours of GP service is available. A former Member and party colleague, Mr. Charlie O'Connor, sent me a note today, not being aware this matter was being discussed, on the shortage of GPs in Tallaght. I do not know why that is the case. Is it because of the socio-economic make-up or that it is a new evolving growing town and that the restrictions heretofore of doctors accessing the General Medical Services scheme have allowed this to happen? We should be concerned if there are not enough GPs delivering front line services in areas such as Tallaght, which has many young people, young mothers and children, because that could create its own difficulties. It is possible that impacts on the pressures at Tallaght hospital. If people cannot access GPs in a reasonable time, they present at accident and emergency departments which, in itself, can create further difficulties and pressure points in those departments and a follow on of the difficulties Tallaght has experienced recently. I hope we can have a more clinical debate on Committee Stage.

I do not wish to appear like a puritan or a persecutor of people who like to enjoy themselves. In encouraging a reduction in the use of tobacco there is one view in the Health Service Executive about raising excise duties and tax on cigarettes in order to reduce consumption, and on the other side of the argument those in Revenue and the Department of Finance highlight the fact that the more one increases taxes the greater are the diminishing returns to the Exchequer because of smuggling. I am not sure which argument wins but reports have been carried out by the Irish Heart Foundation and the Revenue Commissioners.

I am not in favour of hiking up the price of cigarettes for the sake of it. If prices are to be increased as part of a health promotion policy, then the revenue generated should be used to encourage people to give up cigarettes. Consideration could be given to the provision of supports and assistance such as nicotine substitutes. I say that as a person who has battled with the weed on and off since I was 14 years of age. It is easy to give up cigarettes. I give them up regularly. Many people require more than just a direction or encouragement by a doctor to give up cigarettes. Supports other than a helpline are required such as nicotine substitution. Supports such as nicotine substitution are provided by the National Health Service in the United Kingdom. We should examine that possibility. If we decide to go for a hike in taxation to discourage the use of cigarettes, the revenue should be used to encourage people to give up cigarettes. I wish the Bill a speedy passage. I hope that its intention will be brought to fruition and that what the Minister outlined will come to pass also.

Deputy Caoimhghín Ó Caoláin: The Bill comes before the Oireachtas in, arguably, the worst possible circumstances. It reflects no credit on the Government or on the Oireachtas as a whole. The sorry fact is that the Bill is before us because our International Monetary Fund, IMF, European Central Bank, ECB, and European Union, EU, economic masters insist on it and the Government has to comply.

Setting aside the merits of the Bill itself for a moment — it does have merits — it is a sad spectacle to see a piece of legislation in the vital area of health care having its genesis in this way. It will only add to the cynicism of many citizens about Irish politics, a cynicism that diminishes all in political life — the principled, progressive and hard working as well as the careerists and incompetents. It will be said that it took the IMF to come in to deliver an overdue reform that Irish politicians could not themselves deliver.

I said the Bill has merits and it clearly does. Access to the General Medical Services, GMS, scheme for GPs is far too restrictive. The Minister knows that better than probably anyone else in the Chamber. Many who wish to treat GMS patients cannot do so because of the exclusivity of the current arrangements. The need for change has been widely recognised, although there is division within the medical profession on this, with some arguing for the *status*

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quo, but there can be no doubt in anyone's mind that the *status quo* is not tenable and it must change. One could ask why it has to change. It is clear that it is not serving patients as well as it should. There are too few GPs overall and too few GPs have access to GMS contracts which allow them to treat medical card patients. The problem is one of the core difficulties in our primary care system and it must be addressed as part of an overall patient-centred reform and rebuilding of primary care on the basis of need, equity and, importantly, efficiency.

The changes brought about by the Bill can form part of this rebuilding process but, as I have already pointed out, that is not the reason they are being advanced now. The IMF, ECB and EU has insisted on the changes not for reasons of health care, but, in their words, to "increase competition". The intent of the changes is to remove "restrictions to trade and competition". This is about supposedly increasing economic activity in the area of primary care by making available the State supports under the GMS contracts to more GPs. It is not about improving health care outcomes. If it improves health care outcomes — that is an open question as it is yet to be seen — it will do so incidentally and not as part of a primary care strategy or an overall health strategy on the part of Government. It may well increase or at least keep up GP numbers. It may keep more young GPs in Ireland because they will now have access to the GMS system, but a much more comprehensive approach is needed. I believe the Minister knows that and I hope that would also be his intent.

There is an acute shortage of general practitioners in this State and that is one of the most serious problems in our health service. We have approximately 52 GPs per 100,000 population; France has 164, Austria 144, and Germany 102 GPs per 100,000 of population. We also have a situation in this State where some areas — especially disadvantaged areas — have far fewer doctors per head of population. For example, Tallaght, is one such area. The former Deputy, Mr. Charlie O'Connor, was just mentioned. Heaven forbid that I would not mention Tallaght, because he surely would. In Tallaght there are only 24 GPs for a population of 71,000. That is hugely below even our low State-wide level of provision.

An ESRI report in 2009 showed that in terms of GP distribution, Cork — Deputy Buttimer should take note — Galway and Waterford are better supplied with an average of more than 65 GPs per 100,000 of population, while Clare, Offaly, Laois, Meath, Kildare and my home county of Monaghan have the worst ratios at less than 45 GPs per 100,000 of population. The ESRI predicted that Dublin, Limerick, Tipperary south and Monaghan, gladly, will fare better from now until 2021. The worst served counties will be Meath, Laois, Cavan in my constituency and Wexford. By 2021, it is projected that Meath will have only 27 GPs per 100,000 of population compared to 63 in Cork. Kildare and Laois will have little more than 30 GPs. There are further wide variations in our cities, as I have already highlighted with regard to Tallaght in Dublin. These are worrying indicators.

The question is whether opening up the GMS scheme, without other measures, addresses the overall shortage of GPs and, crucially, if it addresses the unbalanced distribution of GPs which leaves many communities so poorly served. We do not know the answers to those questions but what we do know is that a market-based approach will not ensure balanced distribution of GPs and an adequate service for all communities. It could well see an even greater concentration of GPs in more prosperous areas where there are, for example, a high number of older GMS patients and a potentially bigger pool of fee-paying private patients.

This all points to the need for a comprehensive planned approach to primary care, an approach that is still sadly lacking. The Minister for Health, Deputy Reilly, was a member of the Oireachtas Joint Committee on Health and Children in the previous Dáil, which produced a comprehensive report entitled, Primary Medical Care in the Community.

That report on primary care was an indictment of the previous Government's record on health care delivery, and a very valid indictment it was. It presided over a totally inadequate primary care infrastructure which it was far too slow to develop and improve. As long ago as 2001 the need for 600 primary care teams across the State was identified in the Government's own health strategy. By the end of 2009, only 112 teams were at an advanced functioning stage. This is a disgraceful record.

The committee report also highlighted the shortage of trained GPs and the inordinate delay in bringing forward essential health legislation, such as that providing for information for patients, and the promised Bill to define people's eligibility for health services, which I have raised on the Order of Business time after time. The report correctly stated that the current primary care accommodation infrastructure is outdated and inadequate for the provision of modern services. The report's comprehensive set of recommendations cover GP training, developing the role of nurses, ensuring skills mix in primary care, expanding pharmacists' role and prioritising community mental health services. The report recognises that the provision of primary care centres is essential. Deputies are of one voice on that matter.

Deputy Jerry Buttimer: Hear, hear.

Deputy Caoimhghín Ó Caoláin: Very significantly the report opposes the corporatisation of the development of the new primary care infrastructure. The danger of corporatisation is one of the concerns raised by some medical professionals in the context of this Bill. If the Minister is following the exchanges on the proposed legislation in the various medical journals, he will be familiar with what GPs and others are saying. Writing in the *Medical Independent* on 8 September, Dr. Raymond Walley, a Dublin GP, expressed the view that as big companies in the health care area are specialists at tendering, such corporations will win GMS contracts, allowing them to utilise GPs as employees.

The report of the Joint Committee on Health and Children, which I have just cited, was very clear on this. It states the following in its recommendation No. 14:

The committee strongly opposes the "corporatisation" of the development of new primary care infrastructure. It recommends that a system of incentives be provided that would result in: the development of primary care centres by professional members of the primary care teams who will be directly involved in each centre and; the exclusion of large-scale corporate interests from such incentives.

I am of one mind with that view.

The Government has promised free GP care for all within its term of office. That is a very big commitment. It is one my party and I fully support and have long advocated. However, there is very little sign that the Government has even begun to put in place all that will be required to deliver on it.

The Minister of State with responsibility for primary care, Deputy Róisín Shortall, admitted earlier this month that the Government does not yet know how many additional GPs will be required for the new free GP care system. That is crucial information. She said the study of the additional number of doctors needed would be completed by the end of this year. Perhaps she, or the Minister in his closing remarks, can confirm this and give us an approximate date for when the report will be published.

The Government needs to recognise that a comprehensive study is also needed to identify where, as well as how many, GPs are needed. Where is just as important as when. Indeed, such a study is essential. The Minister of State acknowledged that there are what she called black-

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spots where there is a shortage of GPs. I have just cited some examples of these blackspots. These need to be clearly identified throughout the jurisdiction. Measures need to be put in place to remove those gaps. We need good planning and good implementation of an effective primary care strategy to ensure that all communities are served equally and that every citizen has access on the basis of need and within easy reach of where they live.

The Bill addresses only one aspect of the problem of primary care delivery. As another GP stated in that *Medical Independent* debate which I cited:

The system is flawed in so many ways that my fear is that resolving the GMS access mechanisms may lead those in positions of power to say “Phew! That’s the GMS system sorted”, when in reality it is just the tip of the iceberg.

No previous Government ever promised more on health care to the electorate than this Fine Gael-Labour Party coalition. Good for them. However, it is the delivery and the implementation that Opposition voices must watch and mark them on. In these times we understand the difficulties but we have yet to see the colour of their money. That is what it will come down to and so far the signs are not good. The cuts imposed by the Fianna Fáil Party and the Green Party are continuing and even worse is in prospect if we are to believe half of what might present in the 2012 budget on 6 December.

The Minister has contradicted his own words when in opposition regarding the dire impact of bed closures. Last night, I pointed out the relevant quotes and how his position has changed since he left this side of the House and took up his seat on the other side of the Chamber. There is no doubt that he is bringing private management into two of our largest hospitals. These are not small developments in Galway and Limerick. He cannot tell us when the promised White Paper on universal health insurance may be published, although it was supposed to be early in the lifetime of the Government. That is what we were given to believe.

I will not oppose the passage of the Second Stage of this Bill. I hope I will be able to support it on its way through the House. However, the GMS system needs to be opened up. While the Bill serves that purpose, it does not deal with all the issues. The Minister knows that. The points I am making are absolutely valid. I do not criticise for the sake of criticising.

I have noted the comments of others in this debate and in the various medical periodicals. A totally free market, *laissez-faire* approach to primary care or to any aspect of our health care system will only make matters worse. Therefore, I have reservations regarding the Bill and I will endeavour to address these on Committee Stage in the hope that it can be improved and strengthened. I would welcome the Minister giving consideration to the concerns I have expressed and those of others who are within the GP cohort serving our respective communities across the State and explore what can be done to strengthen the Bill as it makes its way through the Oireachtas.

Deputy Seamus Healy: With the agreement of the House I will share time with Deputy Finian McGrath.

I am glad to have an opportunity to speak on this Bill, which I welcome. It is hoped it will be helpful in the development of our primary and community care services. Everyone in this House is of the view that the development of primary and community care services is essential to the proper delivery of health care in this country. I support the development of services in the community to the largest extent possible, be it care of the elderly, mental health or general medical services. Community-based services are key to health service delivery in this country. This does not, however, mean we can dispense with hospital-based services. The driver of

proper service delivery in this country is the development of community and primary care services.

While our health services have not been developed to the fullest extent possible, there has been much development in the community and primary care area. I compliment the voluntary organisations involved in care of the elderly. Services such as meals on wheels, day care centres, the Society of the St. Vincent de Paul and other church-based organisations, senior citizens organisations and sheltered housing ensure our elderly can continue to live in their homes and communities. While the services provided by these organisations are excellent, they need to be developed further.

The delivery of primary care centres and primary care teams is important. A previous speaker spoke about delivery through the various primary care centres of not only medical services, but ancillary services such nursing, OT and dietetic services and the development and provision in these centres of a holistic health service for people within the community. I agree with his remarks in regard to preventative health services in respect of obesity, smoking, life-style, diet and so on. There is no doubt but that community care is key in the delivery of health services. While there have been some good developments, more needs to be done. This Bill, while only a small part of that process, is a positive part of it.

We need to address the issue of location of general practitioners and to increase the average number of general practitioners per head of population here. As stated by Deputy Ó Caoláin, the average number of general practitioners per head of population in Ireland is 52 per 100,000. In France there are 164 per 100,000, in Austria there are 144 per 100,000 and in Germany there are 102 per 100,000. The figure of 52 per 100,000 for Ireland masks areas with substantially fewer people. It can be difficult to get GPs to locate on a permanent basis in rural areas. It is often difficult to get them to fill short-term vacancies in rural areas. Many large urban disadvantaged areas are not adequately covered to the extent they should be based on the average number of GPs per head of population. Perhaps the Minister will, when responding, reply to the following question. Can this Bill be used to direct GPs who come into the system under the General Medical Services scheme into rural and large urban disadvantaged areas, which are currently only served by a skeleton service?

I note that under this Bill new general practitioners will be initially allowed to choose their location but will not be able to change their location without approval from the HSE. Could a similar provision be included to provide that GPs could be directed or——

Deputy James Reilly: Incentivised or encouraged.

Deputy Seamus Healy: ——to locate in areas where we are currently experiencing difficulty getting GPs? We continue to have difficulty in regard to the numbers of general practitioners in training. To increase the figure of 52 per 100,000 will require the training of additional general practitioners. This issue will need to be addressed.

I believe the limits for medical cards need to be urgently amended. The current limits for medical cards have not been changed in the past five or six years. While no problem arises in respect of families whose sole income is social welfare, there are significant difficulties in respect of families whose only income is from low paid employment.

The medical card limit for a single person living alone and working is €184 per week, taking account of rent and so on. As I stated, these limits have not been increased since 2006. The current limit for a medical card for a married couple under 65 years of age is €266.50 per week. The limits are simply out of date. We will probably be told that the number of medical cards granted in the past 12 months, or even two years, has increased substantially. Of course it has,

[Deputy Seamus Healy.]

but it has increased because of the number of people on the unemployment register and whose sole income is social welfare. Applicants who are working, in particular those in low paid employment, are being disadvantaged by the current limits and I ask the Minister to look at them and increase them accordingly. As I said, that has not been done for quite some time.

I hope the Bill passes through the House reasonably quickly and I look forward to working with the Minister and the other members of the Select Committee on Health and Children.

Deputy Finian McGrath: I wish to share my time with Deputy Thomas Pringle.

Acting Chairman (Deputy Paudie Coffey): Is that agreed? Agreed.

Deputy Finian McGrath: I thank the Acting Chairman for the opportunity to speak on the Health (Provision of General Practitioner Services) Bill 2011. Once again we are discussing health and health-related issues. Before I go into the details of the legislation, it is important not to duck or dodge the major issues facing our health service. We still have major problems and people suffering because of a lack of real action by successive governments. The reality is that we need reform and investment. The way forward is a universal health service paid for by the taxpayers.

I have heard a number of Ministers and politicians talk about different models in different countries and one regularly hears the Dutch model mentioned. I would like to refer to the Cuban model. Cuba has a fantastic health service and we should look at its ideas, GP services and the excellent health services there.

Deputy Jerry Buttimer: I hope they are not smoking cigars.

Deputy Finian McGrath: I am told there is no smoking ban in Cuba.

Deputy James Reilly: Is the Deputy trying to tell us something?

Deputy Finian McGrath: The last time I was in Cuba there was no smoking ban.

The EU-IMF programme provides for the introduction of legislative changes to remove restrictions to trade and competition in sheltered sectors by the end of the third quarter of 2011. This includes the elimination of restrictions on general practitioners wishing to obtain contracts to treat public patients under the GMS scheme. The contract between the individual GP and the Health Service Executive is based on an agreement concluded between the Minister for Health and the Irish Medical Organisation in 1989. It has been amended on a number of occasions since then and these amendments form part of the agreement.

Under this legislation, the HSE is required, before filling a vacant GMS panel or creating a new panel, to take account of the potential viability of the panel and the viability of existing GP practices in that area. The Bill will open access to GMS contracts to all fully qualified and vocationally trained GPs. There will be no limits on the number of contractors. This is a positive development because it will lead to opening up the services for the people. We must focus on the patient in this debate. We must also remind ourselves that we cannot have a mass exodus of GPs, in particular from disadvantaged areas.

I mentioned the Cuban health service. When I was in Havana I met a young medical student who told me that as part of his training, he was going to work in the villages and in the mountains for three months while the college was closed. This kind of work is very good training for young medical students. I would like to recognise the fantastic contribution Cuban

doctors have made in countries like Haiti and in Africa over the past 30 years. They have made a massive contribution to improving health around the world.

In regard to GP services, let us remember that if we have good, effective and efficient GP services, it will reduce some of the problems in our accident and emergency departments. Let us face the reality that we have a crisis in our accident and emergency departments and we still have people on trolleys, which is unacceptable in 2011. Again, it boils down to the beds issue. We need a certain number of extra beds.

That leads us on to the broader debate of tax versus cuts. It is important that those of us who support a health service support a quality and equitable taxation system that pays for the health service. One cannot go around cutting services and expect people not to be on trolleys. Public opinion seems to be in favour of cuts. I think 25% of the population is interested in facing up to the reality that we need to pay for our health service. This must be done through general taxation.

In my constituency, Beaumont Hospital provides excellent services but, at times, it faces major crises in its accident and emergency department. We need to further develop cystic fibrosis services, in particular in Beaumont Hospital. I welcome the fact construction workers are on site at St. Vincent's hospital and I hope the unit there will be completed very quickly.

We need strategies to deal with the GP services but we also need national strategies to deal with the efficient way of running the services. I was absolutely amazed when I read that the fees paid to GPs for administering the 'flu vaccine were in the region of €42. I welcome yesterday's announcement by the Minister that he has reduced it to €28.50. It is important we cut fees to get value for money and to ensure people get a quality health service.

Another issue which should be dealt with is GP and medical services for people with intellectual disability. We must have more open-minded people and people who are specifically trained specifically to work in this area and act in a very professional manner.

Deputy Thomas Pringle: I welcome the opportunity to speak on this Bill, which is very timely and welcome. Everybody in the House will probably support the passage of this Bill. I wondered why we needed the IMF to tell us this needed to be done. It should have been done many years ago to ensure people have a quality health service and a choice available to them in regard to access to GP services.

Deputy Healy referred to rural Ireland and I ask the Minister to consider it. We must provide enticements to ensure GPs set up practices in rural Ireland. There are many advantages to that but it ensures people have a service and a choice available to them.

How easy is it for people to transfer from one doctor to another under the GMS? We must ensure there is a seamless transfer so that medical card patients can move to another doctor if they so wish.

It is vital as this rolls out in the years to come that we have a very worthwhile health service and proper primary care throughout the country with an adequate number of GPs who can provide the cover. Everyone should be entitled to that. It is also important that the Minister ensures the GMS is not abused by GPs. I have come across a number of cases in recent months where GPs have charged medical card patients for the taking of routine blood samples. I note that in the past couple of weeks, the HSE has started to take action in that regard. It is disgraceful as GPs are already well compensated for having medical card patients on their books and are well compensated by the HSE with contributions towards practice nurses, including the provision of insurance cover for them. In many cases, they are provided with facilities, offices and clinics. The HSE must take a very hard line to ensure GPs provide the services to

[Deputy Thomas Pringle.]

which their patients are entitled and do not add on additional charges which patients can ill afford.

Acting Chairman (Deputy Paudie Coffey): I must ask the Deputy to conclude, as we have reached 7.30 p.m., the agreed adjournment time for this debate. Ten minutes remain in this slot if the Deputy wishes to continue when the debate resumes.

Debate adjourned.

Personal Explanation by Minister of State

Acting Chairman (Deputy Paudie Coffey): Before proceeding to Private Members' business, I call on the Minister of State, Deputy Kehoe, who wishes to make a statement to the House.

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): During a Private Members' debate on 5 October 2011, I stated that former Deputy Jackie Healy-Rae voted for the sugar beet factories to be closed. It has since been brought to my attention that the former Deputy did not speak to or vote on the motion.

However, the former Deputy supported the Fianna Fáil Government that voted in the Dáil to introduce austerity measures and brought the country to economic meltdown.

Deputy Jonathan O'Brien: The Minister of State is apologising on the one hand and criticising on the other.

Deputy Paul Kehoe: He also supported former Taoiseach Bertie Ahern, the cause of the country's economic meltdown. As former Deputy Jackie Healy-Rae never voted against Bertie Ahern becoming Taoiseach, I also blame him for the economic downturn and for introducing austerity measures.

Deputy Peadar Tóibín: The Minister of State should look in the mirror.

Deputy Richard Boyd Barrett: Is the former Deputy the reason the Government is making cuts?

Deputy Finian McGrath: The Minister of State can do better than that.

Private Members' Business

Health Services Delivery: Motion (Resumed)

The following motion was moved by Deputy Joe Higgins on Tuesday, 25 October 2011:

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;
- 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;
- 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.

Debate resumed on 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.”
- (Minister for Health).

Deputy Peadar Tóibín: It is commonly believed the Health Information and Quality Authority, HIQA, is used by the Government to hold investigations to enable the latter to close services. When there is a serious risk to health in a particular hospital, however, HIQA refuses to hold an investigation if it does not fit in with Government policy.

[Deputy Peadar Tóibín.]

Last month, Deputy Adams, a local GP, Dr. Ruairí Hanley, and I submitted a request to HIQA to carry out an investigation into the ongoing serious overcrowding in Drogheda. There are consistently between 45 and 55 patients on trolleys and chairs in Our Lady of Lourdes Hospital. This is the highest number of inpatients without beds in any hospital in the State. In a further development last week, three patients and an unspecified number of staff at the hospital were screened for TB. The significant pressure on the emergency department represents a clear threat to patient safety and welfare. HIQA's reply ignored the central point that overcrowding in the hospital was a health risk that demanded an investigation.

We have seen what happens when regulators get too close to the Government — the system breaks down and there are serious ramifications for the State. In this instance, HIQA's dangerous maladministration and regulatory negligence could have a grave effect in the mid-north east. I call on the Minister for Health to initiate a full investigation into the overcrowding at the hospital. I also call on him to comment on the Peyton report, which referred to Navan hospital.

Deputy Dessie Ellis: I have been a Deputy for a short while and was a councillor for 12 years. During that time, I have witnessed constant attacks on hospital services. With my colleague, Mr. Paul Donnelly, I have been involved in the Save Connolly Hospital A&E campaign. Connolly Hospital has been a lifeline for people in Finglas and on its borders. It covers Dunsoghly, Blanchardstown and Castleknock, which form part of my catchment area. It also caters for more than 330,000 people across counties Meath and Dublin and on the commuter belt. Thousands of new homes were bought by people who moved to the area in the expectation that the services available to them in Connolly Hospital would be second to none.

In the past 20 years, there has been an incremental erosion of public health care services. It started when we first introduced charges on patients attending hospitals. Ever since, the public health care system has suffered. The system 20 years ago was not perfect, but it was better because it was public. Privatisation has driven us to this point. The selling off of hospital beds and hospital lands and the use of public health care services for private patients have been scandalous.

The Fianna Fáil-Green Party Government and the Fine Gael-Labour Party Government are one and the same. They have followed the same hospital policies. Some €20 million has been cut from Connolly Hospital's budget of approximately €108 million. That is a full fifth.

Deputy Paudie Coffey: Sinn Féin has done a fair share of that in the North.

Deputy Dessie Ellis: The Deputy should remember that we have a different system in the North.

Deputy James Reilly: Sinn Féin sure does.

Deputy Dessie Ellis: Nearly 2,000 beds have been closed in the country's hospitals, approximately 50 in Connolly Hospital, because of the cutbacks. The Minister for Transport, Tourism and Sport, Deputy Varadkar, is a Deputy for Dublin North-West and used to work in the hospital. In 2010, he criticised the previous Government for taking the view that budget targets should be achieved by closing services. He stated: "That is not the way it should be". I agree with him.

Last year, the current Minister for Health, Deputy Reilly, stated that "the impact of the closure of hospital beds would lead to more patients suffering needlessly on trolleys and more patients waiting at home in pain due to cancelled operations". He has since changed his tune and is presiding over widespread closures. Recently——

An Leas-Cheann Comhairle: I must call the Deputy's colleagues. He should conclude.

Deputy Dessie Ellis: Sinn Féin will continue to challenge the dismantling of health care services. Unless a halt to closures is called, people will have a fearful winter. They are suffering and dying. Will the Minister wake up? We cannot afford this.

Deputy Sandra McLellan: The health service is in crisis. It was in crisis under the Fianna Fáil-Green Party-Progressive Democrats Government and is in crisis under Fine Gael and Labour. Across the State, people have become painfully accustomed to the familiar HSE approach to so-called reconfiguration. It starts with a series of cuts, the non-replacement of staff, a little bit here, a little bit there. Along comes a report claiming the hospital or department is no longer fit for purpose or with some story about an insufficient throughput of patients. This is usually followed by the promise of a "local" centre of excellence some 50 miles away. Following this comes cutbacks, downgrading and closures and the centre of excellence never materialises.

In Cork East, the centre is still Cork University Hospital. It has received no extra beds, facilities or staff. Indeed, fewer staff are doing more and more in more dangerous conditions. This is just October — imagine what it will be like in December and January.

The Government is intent on downgrading emergency services in a number of rural hospitals, including at Mallow. The blueprint was provided for in the HIQA report and piloted in Roscommon. The process cannot be allowed to continue. In addition to this onslaught on hospital services, pre-hospital emergency services are being devastated. The proposed reconfiguration of the ambulance service in the HSE south area could leave Youghal without ambulance cover. This is unacceptable. These proposals, particularly in the context of the devastating cutbacks planned for the emergency department at Mallow, amount to an unprecedented assault on acute emergency health care in the region. A rapid response vehicle manned by paramedics is not the same as an ambulance manned by advanced paramedics.

It is clear to the dogs on the street that the Government's strategy makes no sense. Services at every level are being slashed. Out of hours primary care, emergency care, pre-hospital emergency care and convalescent care are under attack with no sign of replacement or alternative services. All of the evidence indicates that these moves will cost lives. The time for words and five-year reprieves is over. People need to see real change and improvement.

Deputy Jonathan O'Brien: I thank the United Left Alliance, ULA, for submitting this comprehensive and well considered motion. The Members should be congratulated.

The motion refers to a recent announcement regarding the impending closure of the accident and emergency unit at South Infirmar-y-Victoria University Hospital. While the announcement was being made, the HSE insisted there would be no loss of accident and emergency services in Cork. The plan announced, which also involves the transfer of orthopaedic services from St. Mary's Hospital to the South Infirmar-y-Victoria Hospital, is wrong. Under the proposal, the accident and emergency department at the South Infirmar-y-Victoria Hospital will revert to a 12-hour service in December with full closure in April. That will mean that 15,000 patients who use the South Infirmar-y-Victoria Hospital every year will have to make alternative arrangements.

A HSE manager in the Cork region, Ger Reaney, told us that by next April Cork University Hospital, CUH, will be able to cater for the increase in emergency demand resulting from the closure of the department in the South Infirmar-y-Victoria Hospital. CUH has 48,000 patients a year going through its accident and emergency department. The HSE claims that it can cater for up to 60,000 patients a year. If the Minister were to ask anyone in Cork if the CUH could

[Deputy Jonathan O'Brien.]

cater for another 12,000 patients every year, he would be laughed out of the city. Yesterday, there were 23 people on trolleys in the accident and emergency department in the CUH, yet we are supposed to believe that it can cater for an additional 32 people a day on average.

One of the arguments put forward by the HSE and the Department regarding the closure of the department in the South Infirmary Victoria Hospital hangs on a vague proposal to open a new urgent care centre at St. Mary's Hospital. Only a few weeks ago when we discussed the orthopaedic hospital, I asked what services would be provided in the hospital to replace the orthopaedic services and at that stage there was no definitive plan in place. However, when we have an announcement on the closure of the accident and emergency department in the South Infirmary Victoria Hospital, the promise of an urgent care centre is being dangled. If the Minister is asking the people of Cork to believe that they will get an urgent care centre in the orthopaedic hospital when only a few months ago members of his party gave cast iron guarantees that the transfer of orthopaedic services from St. Mary's Hospital would not go ahead, he is coddling himself.

Some 88,000 people currently attend the three accident and emergency departments in Cork. They are overcrowded, operate under intense pressure and are bursting at the seams to cope with the demand. The Government has put forward the solution that it will close one fully operational accident and emergency department with the promise of an urgent care centre to replace it but no definitive timeline has been given as to when it will open, if it will open at all.

The whole debacle reminds me of the film "Downfall". I do not know if the Minister saw it but it is set in 1945 at the end of World War II and all the German generals are inside in a bunker strategising, plotting and moving imaginary divisions on a map from one area to another. I have visions of the Minister in a bunker in the Department of Health with his officials moving imaginary services——

Deputy James Reilly: That has unfortunate parallels from the Deputy's background.

Deputy Jonathan O'Brien: ——from one area on the map to the other. In both cases the outcome was more hardship——

An Leas-Cheann Comhairle: I will have to call the next speaker.

Deputy Jonathan O'Brien: ——because they did not change course. It is time the Minister changed course before more people suffer under this Fine Gael-Labour Government.

An Leas-Cheann Comhairle: The next speaker is Deputy Simon Harris. The next time slots are of four minutes. I note the Deputy and six of his colleagues are next to speak and ask them to adhere to the time allotted.

Deputy Simon Harris: I will. I welcome the opportunity to speak on this Private Members' motion and I thank the Technical Group or the United Left Alliance for tabling it. Any opportunity we have to discuss the issues in our health service are very much to be welcomed.

The Minister, Deputy Reilly, has been in the job for a very short time, yet seems to have to accept responsibility for everything that has ever gone wrong in the health service and many of the legacy issues which we inherited. The Government has quickly come to terms with what the people know, namely, that throwing millions and billions of euros at our health service, as was done by the previous Government, did not work. It is some turnabout that there is not one representative of that former Administration in the Chamber to contribute to the debate or, at least, to listen to the contributions. Throwing money at the problem did not work. We

now have to review the services within our health system and this is the attitude that should have been adopted when we had more money. We now have to examine how our hospitals are to interact and the role for smaller hospitals. In that regard, I very much welcome the comments by the Minister, Deputy Shortall, in her contribution to this debate where she outlined that smaller hospitals have an important role to play in local communities.

There are lessons we must learn from what our predecessors did and one in particular is in regard to the order in which any change, reform or reconfiguration happens. In the past we were told that services would be downgraded or reconfigured in one place or that services would be closed in one area and a new better, shinier service would be opened at a location at some point in the future. It is important that the sequence of events when it comes to reconfiguring any of our hospital networks is correct.

In that regard, I refer to the hospital that serves my constituency and that of the Deputies Boyd Barrett and Doyle, namely, St. Columcille's Hospital in Loughlinstown. It is essential, before there is any altering of the service at that hospital, that issues regarding the capacity of St. Vincent's University Hospital in Dublin and the paramedic service in County Wicklow are rectified. We have received confirmation from the HSE that capital of approximately €600,000 has been allocated to these two hospitals and that much of that capital is to expand the accident and emergency department in St. Vincent's hospital while further capital is to upgrade the wards in St. Columcille's Hospital in Loughlinstown to make it more appealing and desirable for day surgery. From a political point of view, I ask the Minister to give me, the people of Wicklow and the House an assurance that he will hold the HSE to this commitment in terms of the order in which things are done. That is really important.

I want to comment on the HSE in general. That bureaucracy is continuing to run riot and I take the example of trying to keep people out of hospitals. However, in my constituency of Wicklow carers who look after elderly relatives and try to keep them out of hospitals have been handed this sheet, which is a bladder record chart, and are expected to weigh incontinence products. I accept this is not a national directive and the Minister's Department has confirmed that for me but middle management in the HSE, unelected bureaucrats, are making these unilateral decisions. I welcome the commitments in the programme for Government and in our party manifesto that we will set about disbanding the HSE and bringing political accountability back to the health service. I commend the Minister on the job he has done to date.

I will always take advice on the health service serving my constituents not from politicians or bureaucrats, but from clinicians and in that regard the changes proposed for St. Columcille's Hospital in Loughlinstown, if carried out in the right way, will provide a better service for my constituents, the people of County Wicklow.

Deputy James Reilly: Well done.

Deputy Peter Fitzpatrick: I welcome the opportunity to discuss the crisis that has arisen due to overcrowding in the accident and emergency department of Our Lady of Lourdes Hospital in Drogheda. The debate on this motion is opportune as a delegation of the HSE visited the hospital last week. Its remit was to assess the situation with regard to the overcrowding at the accident and emergency department. The planned visit of the delegation arose following the meeting of the regional health forum for Dublin and the north east on Monday, 26 September. It is hoped that its visit will result in it seeing at first hand the crisis in the hospital and that this in turn will lead to a recommendation and, more importantly, to a national plan being devised and implemented to ease the situation at the hospital.

I do not want to pre-empt the findings of the delegation, particularly as it visited the hospital last week. I would be interested to hear its recommendations, particularly regarding the people

[Deputy Peter Fitzpatrick.]

who were on trolleys when they visited or for the 58 people who were on trolleys the week before that. I understand that figure was a new high for the hospital.

A number of factors have led to the increase in the number of patients in this department at the hospital and before I outline them it is important to recognise and compliment the front line staff at the hospital on the tremendous work they do under severe conditions. The level of care they provide is of the utmost professional level and I met three people over the weekend who confirmed this. The level of care within the hospital should be commended. The staff do great work under stressful conditions to alleviate the suffering of patients and aid their speedy recovery.

Moving on to some factors that have led to the crisis, Our Lady of Lourdes Hospital serves a large geographic area that includes not only Louth and Meath, but north Dublin, Monaghan and Cavan. The hospital is under pressure from the demand from these catchment areas. In addition, there was a shortage of staff, particularly doctors, throughout the hospital. This shortage has led to an increased workload and the slow release of patients from the main hospital; they are not being released as quickly as necessary and beds are not being freed up. In addition, people are presenting themselves at the accident and emergency department who do not need to be there. The idea that a hospital is a first port of call when illness strikes must change. Only persons with acute problems should be there. Essentially, the accident and emergency department is being clogged up by those who could be seen in other facilities. For example, I come from Dundalk where there is a fantastic hospital with a minor injury unit. I plead with people in Dundalk and the surrounding areas to think twice when passing the hospital. I know they are under a bit of pressure and everything else, but it is a fantastic hospital, it is open 12 hours a day and I would appreciate if the people would call in. Also, if the people call to their local general practitioner, and are referred to the hospital, there is no additional charge.

It is important that the hospital system works quite well when one is admitted. The problem, or bottleneck, appears to be at admissions. When one is admitted, the attention and care works well. Perhaps an element is freeing up beds quicker. In addition, there needs to be an examination of the private versus public sector in the allocation of beds. This may free up more beds in the main hospitals.

I await with interest the report finding from the HSE delegation. In addition, I would welcome the opportunity to meet and discuss any proposals they make to alleviate the problem in the north-east leading hospital.

Deputy Andrew Doyle: This is a pertinent and relevant issue to discuss. If it was as simple as more money, the health service in this country would be one of the best in the world. In the good old, bad old days when there was growth and inflation of 5% or 6%, inflation in the health service was running at 10%, extra funding was going into it and the problem still persisted. The Minister and myself sat on the old Eastern Health Board followed by the Eastern Regional Health Authority, which split into three boards, and then we all were booted off in the infamous centralisation of the health service with the establishment of the HSE. We have seen more money thrown at it in the first four or five years of the HSE, and it is still no better. It is not quite simply a matter of funding.

Other countries that have adopted a fair care model of universal health insurance are spending far less per head of population than we are. There are reasons for it other than management. There are certainly many reasons for it with the way we do our business as a health service provider.

The principles of building a proper primary care structure, of having the money follow the patient — in other words one gets paid for the service one provides and if one does not provide it one does not get the money — and of having a system of universal health insurance are ones to which we should aspire. I note the motion states the plan is in chaos but it does not state that it is a bad idea.

We should remember that right throughout the years of significant extra funding going into the health service, accident and emergency services, in particular, did not get any better. Many other areas of health care improved and others have not improved, but accident and emergency, in particular, did not get any better.

In the case of the hospital closest to me to which Deputy Harris referred, St. Columcille's, the clinicians are the ones who are recommending a change of configuration, but it will only be effective if the proposals are implemented along the lines Deputy Harris outlined. One must put in the extra infrastructure. One must manage the flow of patients between both hospitals, and who goes in to each hospital. By doing that one can improve services in both places but one cannot do one without the other. The one commitment — we met members of the HSE management last night — that none of it will be completed until such time as the clinicians approve of it is key. There are different cases across the country in other areas where there was a split between those who were involved, the health clinicians themselves, and the HSE as it was. They all are individual and every case is different. However, in this case it is the clinicians who are recommending it. In the first instance, it is not a cost saving measure; it is a cost efficiency measure and what is best for the patients. We should bear that in mind.

It is easy to make a political football out of everything, but I plead with people to take the advice of those who know best, which is not the politicians nor the bureaucrats. If it is those who are involved in the delivery of the health service, please listen to them.

Deputy Damien English: I thank my colleague for the chance to say a few words.

I know by the motion that those who put it down understand that the Minister will try to tackle this because most of the stuff to which they refer is decisions made in 2008, 2009 and 2010 — all before his time. I accept all those decisions have made an impact and need to be addressed, but it is a bit unfair of them to state that the FairCare health reform document is in chaos. It is not really helping the debate.

For once, a potential Minister in a general election set out a seven year plus plan to fix the health services and did not promise a massive quick fix. He did not promise everything would be fixed in six, seven or eight months, but put forward a plan for once that could fix this over seven years, and he will stand by that.

As one who in opposition criticised my party's health spokesperson and ask him the detail of this document, and kept an eye on him over this document asking could it work, etc., in fairness, now that he is in office, he is implementing it. As someone who spent years looking at that document that he prepared over a couple of years based on the Dutch model but adapted to suit the Irish model, I have no doubt it will work. However, it will not work by Christmas, or even Christmas 12 months. Probably, it will take the seven years, but I am confident it will work.

The reason I am confident is because it was phased, and phase one clearly set out setting up the special delivery unit, which is in place since May and is working. I accept it is not working in every hospital, because it is not in every hospital and it cannot be. However, it is getting there. It has already recommended changes to Our Lady of Lourdes Hospital which will solve or help the problem there. In other areas, it has been very successful. That is a start. They now have a plan to tackle the problem in Our Lady of Lourdes Hospital in my constituency, and in

[Deputy Damien English.]

Navan hospital. There has been overcrowding there for years and no-one ever said he or she would fix it. This Minister will fix it. I, like the Deputies who proposed the motion, wish it happened yesterday. It did not happen yesterday, but it will get there.

In that regard, the special delivery unit is the way to go where one goes to a place, clears the obstacles out of the way like one does in any business, fixes it, and gets the waiting lists and waiting times down. That will happen because the hospital in my area is suffering like every other hospital.

The Minister gave a commitment that he would bring back surgery to the hospital in Navan. It is not yet back, but that is not his fault. The motion is in place, the HSE agrees with it and it is now down to sorting it out between the staff and the HSE, but surgery is on its way back as promised.

On accident and emergency, the Minister stood in front of a number of people and stated that department would not be there forever. It does not make good health sense, and even some financial sense, but he admitted to everybody that it would not be there forever. However, it will be there until we sort out some of the overcrowding problems in the neighbouring hospitals. People accepted that. General practitioners accepted that it makes sense, maybe at some stage, to remove that service.

An Leas-Cheann Comhairle: One minute remaining.

Deputy Damien English: Naturally, we will fight to keep it for as long as we need it and as long as we can for many other reasons, but the medical practitioners who advise us state this is okay if it is planned properly.

In fairness, the Minister has stood up to most officials in the HSE stating that with any more closures, he wants to know about it and we will plan it and do it properly. Closures, rearrangement or transformation etc., will be done properly in a planned way in which they can work, not in an *ad hoc* way that is not part of any greater plan.

I believe the plan of using the smaller hospitals is the right way to go. We should take out some of the services that are causing overcrowding in the big hospitals and bring them back to hospitals such as the one in my area of Navan. We should put them to good use. Those small hospitals are underperforming because they are not being let perform to their potential. We should let them do their job and give them more of what they can do locally on their site. In cases of overcrowding in accident and emergency departments in some hospitals, perhaps we need to look at smaller hospitals in the short term to ease that as well.

The FairCare document, which is criticised in the motion, will eventually lead to a one-tier health system that is fair across the board. I accept that many on the other side of the House would rather that it was funded completely out of the public purse. We are going down the health insurance route. Either way will achieve the same result — a one-tier health system. Everybody, no matter what money is in his or her pocket, goes through that door. One will get treated for whatever health service is there because one will be of benefit to that hospital. Whether it is the person's cash, health insurance cash or whoever's cash, when the person goes through that door he or she is coming with money because money will follow the patient.

An Leas-Cheann Comhairle: I thank Deputy English.

Deputy Damien English: It is already working in some hospitals in my area. The concept is right. It will be worth the hospital's or medical centre's while to take you in because every time

you come through that door to get something done, you will earn it money. That is a one-tier health system that can work because it will be equal.

An Leas-Cheann Comhairle: I call Deputy O'Donnell.

Deputy Damien English: I accept there are different ways of funding it, but we are going down one route. It will be equal, and that is the bottom line. It will take more than six months.

An Leas-Cheann Comhairle: I call Deputy O'Donnell.

Deputy Kieran O'Donnell: I am delighted to contribute to this debate on the health services. Dialogue and open discussion is the way to reach a point where people become familiar with the changes and improvement in the health service.

I am a Deputy for Limerick city. I refer to the accident and emergency department of Limerick Regional Hospital whose staff do such good work. The Minister has established a special delivery unit and a report has been done on the hospital. The staff of this unit will work alongside existing management and staff to improve the service and to make it more efficient. This is not privatisation but seeks to bring about efficiencies by working hand in hand with existing staff and management and with the same reporting structures as in any other hospital.

The Minister is aware of my views on the situation in the mid west and in Limerick. In my view we are not getting our fair share of the pie. I refer to a meeting of the Committee of Public Accounts on 29 September. The chief executive officer of the HSE, Mr. Cathal Magee, was in attendance and I put it to him that, since 2006, the *per capita* funding for the mid west has fallen by 5%. The mid west area of the HSE west region has seen a drop in funding of 13%. The average funding is €2,830 and the mid west now receives €2,709 with the HSE west region at €3,095. The average funding for the mid west has fallen by 5% and the overall funding to the HSE west region is 13% lower. Our allocation since 2006 has fallen as a percentage from 31.56% of the funding to 29.73%. This is 1.83% of a decrease. This may not seem to be a significant amount but a 1% decrease in funding equates to €21 million. That 1.83% is a reduction of €38 million in the allocation to the mid west as a percentage of the overall the HSE west region allocation in the past four to five years. I welcome the fact the Minister is carrying out an overall review of funding and how it is disbursed within the HSE. We must examine the practicalities of providing health care and how the HSE distributes funding. There are inequalities within the system and the mid west suffers in this regard and also Limerick Regional Hospital and St. John's which both provide a tremendous service to Limerick city.

I compare the funding given to Limerick Regional Hospital and to University College Hospital Galway, both of which are in the HSE west region. The funding to Limerick Regional Hospital has decreased by 7%. A 1% reduction equals €2.42 million. Funding to the Mid-West Regional Hospital has seen a decrease in funding of approximately €17 million. The special delivery unit will do vital work and bring about efficiencies but we must look at how the HSE works internally. Limerick city and the HSE west region overall are getting a raw deal. I look forward to the finalisation of the Minister's deliberations on the allocation of funding. I want to see how Mr. Cathal Magee and the HSE intends to deal with the issue of funding. I wish to acknowledge the great work of the health professionals, the nurses and staff in Limerick hospital in these difficult times but we are moving in the right direction.

Deputy Seán Conlan: I welcome the opportunity to speak on this Private Members' motion and to talk about health care reform. However, to table such a motion at this time, given the chaos that was caused to the health service as a result of the policies of previous Governments,

[Deputy Seán Conlan.]

is unwarranted. I welcome the Minister's efforts to reform our health care system and it must be stressed that he needs time to complete this process. It will take considerable time to fix the terrible legacy of the past.

There are some amendments to this motion dealing with health services in the Cavan-Monaghan constituency. I welcome the fact that the Minister has begun a process of looking at the possibility of putting a medical assessment unit into Monaghan General Hospital. In fact, I proposed this when I was first elected and I am pleased the Minister is advancing this process. If he delivers a medical assessment unit to Monaghan, he will be the first Minister in many years to enhance the services provided by the hospital because over the past 14 years, successive Ministers for Health, including the current Fianna Fáil leader, Deputy Martin, have stripped maternity, ICU, medical and surgical services out of the hospital. I note that the HSE has announced a temporary reduction in the hours at the Monaghan minor injuries unit with effect from 1 November 2011. I strongly urge the Minister to reconsider this decision. I believe it is not warranted and I welcome his comments that he will review the decision in the new year when he has a new budget at his disposal. I am encouraged that he has previously stated he will not allow the HSE to undertake a reconfiguration of services at Monaghan hospital by the back door.

As a Deputy for Cavan-Monaghan, health is one issue that is always foremost on my mind and on the minds of my constituents. Today, 19 people are waiting for a bed in Cavan General Hospital, having been admitted for inpatient treatment from the accident and emergency department. There are also 34 people on trolleys at Our Lady of Lourdes Hospital in Drogheda. Cuts at Monaghan hospital minor injuries unit will, in my opinion, lead to even greater numbers on trolleys at Cavan and Drogheda hospitals.

Outpatient antenatal clinics in Monaghan also need to be restored to the levels agreed to by the HSE when the maternity unit was closed. Originally, there were three consultants with three clinics per week in Monaghan hospital. However, since last year this has been reduced to only one clinic per week with two consultants alternating every week. The concern locally is that the HSE is trying to remove this service and this must not happen. I welcome the fact that the Minister and his officials are looking into this matter for me.

The deluge of flood waters in County Monaghan on Monday and Tuesday of this week left a great many roads impassable. The road network across the region is poor. Many people in County Monaghan would have found it impossible to travel by car to Cavan General Hospital these past days. This shows up a glaring inadequacy which has resulted from the reduction of services at Monaghan General Hospital. Severe weather conditions over the coming months will cause similar patient transportation problems.

I have previously asked the Minister to carry out a manpower plan for the Cavan-Monaghan hospital group and within the wider HSE north-east region and an investigation to determine the feasibility of merging or reducing in size the number of senior managers within the north-east Health Service Executive region in order to reduce payroll costs and to protect front line services in the Cavan-Monaghan hospital group and in particular to protect the opening hours of Monaghan General Hospital minor injuries unit. I appeal to the Minister's knowledge of the health care system and also to his common sense to recognise the detrimental long-term consequences of the decisions the HSE has made regarding the health care provision for the people of County Monaghan. Alternative cost-saving measures which do not attack front line services must be explored. The people of Monaghan have given enough and deserve more.

Deputy Brian Walsh: I welcome the opportunity to speak on this motion and to offer my support to the Minister for his initiatives introduced in the short period of eight months since he came to office. The motion proposed by the Technical Group condemns the Minister by declaring that his plan has failed and is in chaos. The motion is high on rhetoric and it contains plenty of condemnations but offers no solutions. The motion is silent as regards any suggestions as to how the health services might be transformed or improved. This is a very poor reflection on the authors of the motion. Whether one is the Minister or a lowly backbencher like myself or a member of the Opposition, we are all here with a common purpose which is to serve the people who sent us here. This motion offers nothing by way of a solution for those people who feel vulnerable, who are suffering and those who are anxious about the future. The motion suggests the Minister's plan has failed. These comments are premature. They serve only to demonstrate a complete and utter lack of understanding or appreciation of the scale of the challenges the Minister faces.

It must be acknowledged, as we begin our reforms, that problems still exist in our health service. However, anyone who suggests these problems should or could be solved within an eight-month period is deluding him or herself. The scale of the challenges facing the Government in reforming the utterly dysfunctional health care system we inherited earlier this year cannot be underestimated. Sprawling waiting lists and overcrowded emergency departments have long characterised our ailing health service and the days are gone when we can or should attempt to bury these problems simply by firing money at them. That is not an option for us any more, but even if it were, it is a policy that has miserably failed us in the past.

Many of the inefficiencies that exist within the current system are a legacy of that policy, which was employed by previous Administrations. What is needed now is a departure from this failed policy of the past, radical reform of the way we manage our hospitals and an element of thinking outside the box I am pleased the Minister has demonstrated he has the capacity to do that on several occasions during the short period he has occupied his Ministry. Real and measurable progress is being made. The Minister has made a series of credible and commendable reforms as we move towards the Government's vision of a single-tier health care service through universal health care insurance.

The special delivery unit he has established is addressing waiting times in emergency departments, waiting lists in acute hospitals and the problem of inefficient bed management within our hospitals, particularly our acute hospitals. This is a model that has been proven to work elsewhere. The special delivery unit has already resulted in enhanced accountability and efficiency within the system and it is working with consultants and hospitals to improve the key markers of hospital performance. I welcome this initiative.

In my constituency of Galway West, the problems of the city's main hospital, University Hospital Galway, have been well documented. Consistently, it has been the worst performing hospital in the country in terms of the HIQA health statistics published regularly. I am glad the Minister is also addressing these issues and difficulties here. There is no reason University Hospital Galway should be the worst performing hospital in the country. We have exceptional staff, state of the art facilities and equipment there and have excellent clinicians and an excellent university close by. There is no reason we are in this position in Galway, but I believe it reflects the way the system is administered and managed. I welcome the move by the Minister to introduce a new layer of management on a temporary basis, which represents a departure from the remedies that have been tried and have failed in the past. This new initiative and the new management team the Minister will introduce there and in Limerick will beef up the existing management team and help identify and upskill existing and potential management.

[Deputy Brian Walsh.]

These are just two of a number of positive and innovative initiatives that have been introduced by the Minister towards what will be the most profound reform of the health care system this country has ever seen. Change will not happen overnight, but will take time. I look forward to the introduction of universal health insurance and a funding model where money follows the patient and our public hospitals are paid in accordance with the number of procedures and services they provide. There is no doubt these are difficult times and there are sizeable challenges ahead, but I am confident that with this innovative and reforming Minister at the helm, for the first time in a generation our health service has been harnessed and is being steered back to the right path to reform. I support the Minister's amendment to the motion.

Deputy Clare Daly: I will share time with Deputies Joan Collins, Mick Wallace, Luke 'Ming' Flanagan and Mattie McGrath.

We heard comments from the Government yesterday and today to the effect that reform takes time and that there is a bit of a disconnect due to the changeover, but that basically the Government is heading in the right direction and dealing with the issues. The comments suggest those of us on this side of the House do not know what we are talking about and have nothing to offer. The Government side should have read the motion. It clearly states the Government should stop doing what it is doing and do the opposite. It should reverse the cutbacks and invest in a publicly funded health service.

We are not making this up. We are articulating the views of those at the coalface, the staff and patients who must, on a daily basis, deal with the crisis in our health service. Yesterday and on a number of other occasions, the Minister referred in a positive light to Tallaght. I would like to focus on the situation in Tallaght. It has the biggest catchment area of the five major Dublin hospitals and caters for a population of 500,000 people. If one hospital in Africa had to cater for that many people, we would probably take up a collection for it. Last year, accident and emergency attendance at Tallaght Hospital was 93,000 people, in comparison with 60,000 at its nearest rival, Beaumont Hospital. Tallaght Hospital had just short of 250,000 outpatient attendances as opposed to the Mater, which was the next highest at 202,000. However, Tallaght Hospital has the lowest number of consultants and is significantly below the average number of beds for the top five Dublin hospitals.

What is the reward for the hospital which sees the most patients, with the least number of doctors? Not under the watch of Fianna Fáil, but under the watch of the Minister for Health, the reward this year has been a slashing of the Tallaght Hospital budget, down to €175 million. That is almost €30 million less than the next lowest amount for one of these hospitals. The Minister told us yesterday that this was all right, because the number of people on trolleys in Tallaght Hospital is okay and the hospital is operating within its budget. He is wrong on both counts. Tallaght Hospital is not within budget, but is operating on an overrun of over €10 million so far. There are not fewer people on trolleys there either. Let us debunk this myth now. What has changed is the method of calculation. HIQA has told the hospital only to count people on trolleys within the confines of the emergency department. How has this been sorted out? It has not been sorted out by the addition of beds or by dealing with people. It has been sorted by pushing trolleys out of the emergency department and putting them in wards where people are still sitting on trolleys and chairs but are no longer counted in the statistics. This is nauseating.

The Minister said that he is also dealing with the issue of primary health care and that we cannot just focus on hospitals. That is right. We need to address the issue of primary health care urgently. However, the Minister is not doing that. He talks about doing it, but he is not

doing it. Again, Tallaght is a good example. There, the lack of GP coverage is a key problem which feeds into the crisis in the hospital. With a population of 71,000 there are only 24 GPs in the area, one per 3,000 people. Yet, the HSE and the Minister have a facility outside the gates of Tallaght Hospital. This is Chambers House and it was supposed to be a primary care unit. Some €3.5 million was put into that house, but the Minister told the Tallaght Hospital action group in June that it will not now be the primary care unit because it is unsuitable and the doctors would not go into it. Instead, it will be used for other community purposes. To add to this debacle, over €2 million has been spent on the old TB hospital at Crooksling to provide a convalescent facility, but the Minister is not facilitating this to release beds in Tallaght Hospital and is shutting it down.

We are going backwards and at the rate the Minister is going, we will not stop until we are almost back to the poor laws and the workhouses. I do not say this lightly, but what is in front of us is the elimination of public hospital cover and care, due to the creeping privatisation which is actively facilitated by Fine Gael without a whiff of abstentionism from the Labour Party. The Minister's universal health insurance scheme is a back door drive towards privatisation. It means privatisation and profits for the big companies and a lesser service for ordinary people. The solution for which we have constantly argued is a properly funded single tier public health service, along the lines of the NHS before it was butchered and progressively dismantled, where health care is a right and not a privilege for the few.

Deputy Joan Collins: On 15 February this year the Minister gave an interview in which he said that health service managers who do not achieve targets for reducing waiting lists and trolley numbers would be fired under the Fine Gael Government. On 15 February, the figure from the INMO trolley watch was 461. The figure for today is 429. I presume no-one has been fired. I have not heard of any firing from the media. The Minister also stated that anybody who did not meet the target given to them would be shown the door, but that has not happened. These were strong words from the Minister, but should they not apply to him now? The special delivery unit has been set up, but what targets have been set for it? Have those targets been achieved? Has anybody been fired and will anybody be fired if those targets are not achieved.

Yesterday I met a campaign group from Skibbereen which was highlighting the fact that an ambulance was about to be withdrawn from its area and the people there would be left depending on two ambulances based in Clonakilty and Castletownbere. It takes a minimum of 30 minutes to drive from those areas to Skibbereen. If the other two ambulances are involved in an accident while bringing someone to a hospital or are called out elsewhere, there is no ambulance immediately available for this area. If anyone needs an ambulance in the area due to a stroke, heart attack or pregnancy, these people's lives will be put at risk. One of the campaign members said that Skibbereen had one of the highest recorded burials for a town of its size during the Famine and he felt that Skibbereen could have the distinction of having the highest number of deaths due to cutbacks in the 21st century. The Fine Gael manifesto stated: "Fine Gael will review the fire brigade and ambulance service with a view to achieving greater efficiency and economy". That example shows that it will achieve greater efficiency and economies that have nothing to do with the human needs of the community.

I see extraordinary complacency in the Government amendment to the motion. This is a Government amendment carrying the full backing of the Labour Party. In September of this year, there was a very interesting article in the health supplement of *The Irish Times* by Dr. Jacky Jones. She pointed out that it is estimated that health services determine 10% of wealth status and the other 90% is due to factors such as education, social status, employment and income. Mortality rates for Irish adults almost halved between 1979 and 2005. This means that Ireland went from having the highest mortality rate among 19 western countries to ranking

[Deputy Joan Collins.]

seventh and achieved this while, despite the comments of our Fine Gael colleagues, spending the least on our health services. This follows not because of a big improvement in health services but because of a reduction in the percentage of people without a second level education. Between 1979 and 2005, this fell from 64% to 15%, while unemployment fell from 14% in 1983 to 4% in 2005. The situation has reversed dramatically with 500,000 people on the dole and tens of thousands of people under huge stress because of the mortgage crisis, cuts in wages, the universal social charge and unnecessarily long waiting times for medical cards. These are things people need to survive in the economy at the moment. Dr. Jacky Jones pointed out that health services treat the ill-health caused by inequality and poverty.

If we accept this premise, which I do, our health service will now come under enormous strain and increased demands because of the economic collapse and the austerity programme following the IMF-ECB-EU bailout. The evidence for this includes the annual health index report for 2010, which found that visits to GPs have fallen from 75% to 71% since 2008. The survey found that the decline in use of medical services was most pronounced among the lower income groups. Those with the least access to health care, those without private health insurance and medical cards, cannot afford the fee of between €45 and €60 for a GP visit. Some 87% of GPs said that in the past two years visits from patients had decreased due to financial problems. These people will be most affected by the economic crisis and austerity and they will also be the most affected by health cuts. Our shambolic two-tier health service cannot take the cuts being imposed on it. By international standards, we have a low-level of acute beds, with 2.7 beds per 1,000 population where the OECD average is 3.8. A study by PA Consulting Group estimated that, based on our high current utilisation levels, some 8,000 more beds will be needed by 2020. The only alternative is a major increase in resources for community care, including free access to GP services and the provision of well-staffed public health centres. This will also mean confronting vested interests in the medical profession, and private health care and insurance companies.

Some Deputies say that one can throw as much money at the health service as one wants without solving the problem. The problem is the inequality in society. The Minister has been in office for eight months and has caused more problems for the health service in bowing to the EU-IMF-ECB bailout and implementing further austerity measures over the next three years. These will be crippling for our economy, our people and our services.

Deputy Mick Wallace: I will start on a positive note by commending the Government on going ahead with funding for accident and emergency and maternity units in Wexford, which were much needed. For some strange reason, Wexford has been poorly treated for a long time. It has one of the highest literacy rates in the country yet it is one of the few counties without a third level education institution. At present, Wexford has one of the highest rates of unemployment, with more than 20,000 people unemployed. Even in the good days in 2007, 50% of the Wexford people who were working worked outside the county. It is welcome that Wexford is getting the much-needed hospital unit.

What is less positive is that in Wexford yesterday, 24 beds were closed and 15 patients were on trolleys due to the manager having the sole job of meeting a certain budget. It is hard to blame her because her job seems to be to cut patient care in order to meet the budget. Given the amazing statistic that the population of Wexford increased by 10% in the past five years, going from 131,000 to 145,000, one can imagine the extra pressure on the hospital. This is most noticeable in the maternity unit. At present, there are 14 wholetime midwives working 37.5 hours per week. The moratorium on recruitment and the fact that the maternity unit is part of the general hospital means the hospital cannot hire midwives, irrespective of demand. This

year, the hospital has seven fewer midwives because of the moratorium and it is about to lose another three before Christmas. One wonders how they make this work and, from what I understand, it happens because of the goodwill of the midwives, which involves working through lunchtime, working late hours and receiving no overtime rate for this work. I am not sure how long this will last and, given that the situation will become worse if the moratorium is left in place, I fear for what will happen.

It is accepted that there is a direct correlation between financial problems and mental health. The Minister of State, Deputy Lynch, was present at the launch of a recent report by the Mental Health Commission entitled *The Human Cost*. This provides an overview of the evidence on economic adversity and mental health, as well as recommendations for action. Speaking at the launch of the report, the Chairman of the Mental Health Commission, Dr. Edmond O’Dea, said that the recession affects everyone, that for those with pre-existing mental health problems, issues such as debt and unemployment are likely to make things worse and that “in addition to the effect on people with pre-existing mental health problems, people with no previous history of mental health difficulties can be affected.” Some of these individuals may have little previous experience of coping with hardship or financial insecurity.

From 2008 to 2009, there was a 24% increase in suicide. Suicide is a major problem in Wexford and today in my village, a man a few years younger than me took his life. The Minister of State is aware that the mental health institution in Wexford, St. Senan’s, was closed earlier in the year. Some 75% of the patients go to Waterford and 25% go to Newcastle, County Wicklow. The facility in Newcastle, used by those in the north of County Wexford, is an excellent, state-of-the-art facility. However, the facility at Waterford is not fit for purpose. The 2010 report of the Inspector of Mental Health Services included the following observation: “The department of psychiatry was situated in the lower ground floor of Waterford Regional Hospital. It was divided into acute and subacute areas. The former was locked on the day of inspection. There were two involuntarily detained patients. While there was a garden area, residents did not have access to this. This impinged particularly on the residents in the acute area who were not free to leave the unit. A smell of cigarette smoke pervaded the building which was particularly noticeable in the acute area. A porch to this area served as a smoking room. Staff informed the Inspectorate that extractor fans were unable to clear the air adequately.”

The Minister informed me in this House in May that a new crisis house would be opened in Wexford to replace St. Senan’s Hospital which would ensure we would not be too dependent on services in Waterford. The new unit which is about to open at St. John’s Hospital in Enniscorthy is being sold as an acute admissions service, but it is essentially a rehabilitation facility for patients coming from Waterford and Newcastle. That is not good enough.

Last week there were reports that mental health services in Wexford were likely to face further cuts in the near future. Following the closure of St. Senan’s Hospital, community services in Gorey, Wexford and Enniscorthy were upgraded to be available seven days a week to cope with demand. However, we are now told there is a possibility this service will be reduced to five days owing to cutbacks. The Mental Health Commission has highlighted the connection between primary care services and mental health services and that the majority of common mental health problems are treated at primary care level. Further reductions in primary care provision will make the job of front-line workers extremely difficult.

A 2011 report by the World Health Organization on the impact of economic crises on mental health observed: “It is well known that mental health problems are related to deprivation, poverty, inequality and other social and economic determinants of health. Economic crises are

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therefore times of high risk to the mental well-being of the population and of the people affected and their families.”

The economic crisis that began in 2007 has led to significant declines in economic activity, a rise in unemployment, a depressed housing market and an increasing number living in poverty. It continues to pose major challenges in health service delivery in the south-east region.

Deputy Luke ‘Ming’ Flanagan: I commend the motion to the House and intend to focus on the situation at Roscommon County Hospital. The promises made to us at election time were broken. People were lied to. That is somewhat normal, but it is nevertheless unacceptable. The Taoiseach, then Leader of the Opposition, made an inspirational speech outside Gleeson’s Townhouse in Roscommon in which he assured us that under a Fine Gael Government, there would be no removal of accident and emergency services.

We also received assurances before the election from the current Minister for Health. He said: “I would like to confirm that Fine Gael undertake, in accordance with the Fine Gael policy on local hospitals, to retain the emergency, surgical, medical and other health services at Roscommon hospital which are present on the formation of the Thirty-First Dáil, and upgrade such services where feasible. I trust this clarifies the matter.”

It did clarify the matter, but, unfortunately, the Minister did not follow through on his commitment. Fine Gael was rewarded for its promises to the electorate with two seats out of three in my constituency. It is clear that complement would be smaller if the truth had been told at the time. As a result of these promises, we have a person in Dáil Éireann under false pretences. Strangely enough, before the election, that same person goaded me through the media and told people that an Independent Member would have no power in the Dáil. Whatever power I have, let us consider the power this Member has brought upon us.

We are faced with the potential loss of 700 jobs at MBNA in Carrick-on-Shannon, the imminent closure of the courthouse in the Deputy’s town of Boyle, the criminalisation of turf-cutting constituents and — the Deputy’s greatest claim to fame — the closure of the accident and emergency service at Roscommon County Hospital. In order to soften our cough, we have in return received funding to upgrade the heating systems in swimming pools in the constituency. The swimming pool in my town made the headlines in the local papers last week, even though its heating system had already been replaced in recent years. The facts did not matter because it was a good news story.

It was bad enough that Fine Gael had gone back on its promise. What is worse is that the party tried to sell its actions to us as being for our own good. Supporters of the retention of the accident and emergency service warned there would not be enough space at University College Hospital, Galway. We were told this would not be a problem, yet less than a month ago the Health Service Executive warned people not to attend the accident and emergency unit there. This advice was contradicted in the House, where we were told that patients should only present if their condition was very serious. Most of those presenting at accident and emergency departments are not doctors. Are they to decide for themselves whether their condition is serious? The overcrowding that was not supposed to occur has, in one day last week, resulted in 52 patients being on trolleys at University College Hospital, Galway.

We were also told that mortality statistics at Roscommon were far worse than those in Galway. To be precise, the Minister stated in the House that outcomes for coronary patients were four times better in Galway than in Roscommon. When these figures were contested by the Hospital Action Committee which would have a representative in this House if the truth had been told, the Minister said the figures would be investigated and the results published.

We have yet to hear the result of that inquiry. One can only assume the reason for the delay is that the Hospital Action Committee was proved correct.

Another red herring is that the Health Information and Quality Authority, HIQA, sought the closure of the accident and emergency department at Roscommon County Hospital. The Minister stated the reason for the termination of services was concern for patient safety, as identified by HIQA in its reports on Ennis and Mallow hospitals. However, HIQA has stated clearly it did not recommend the termination of accident and emergency services anywhere. Nor did it specify smaller hospitals or visit any hospitals other than those in Ennis and Mallow in order to assess safety issues. It was the HSE which closed our accident and emergency unit, with the blessing of the Minister.

We were also told that a souped up ambulance service would be provided, with advanced paramedics who would do just as good a job as accident and emergency staff. What we got was one additional ambulance and one additional advanced paramedic. This was the sum total of the resources provided. How can anybody argue that it is adequate? Less than one month ago, only a few miles from my home, a young man had an accident in which he punctured his stomach. The ambulance was called and the new paramedics arrived. They could not even insert a drip. It was only because the young man's mother was a nurse that his life was saved. Who would have taken responsibility if he had died?

We were told this was not about money but about patient safety; however, it is now clear that patient safety has been compromised. All that people were seeking was the retention of accident and emergency services at Roscommon. We simply wanted the port in a storm we had had for decades. Now, in order to create another smokescreen, the Government is telling us about all the great services it is putting in place instead. While these services are welcome, they in no way make up for what was lost. The key word is "emergency", which indicates that one has limited time. With limited time, one requires services to be close by, yet the services which have replaced the accident and emergency unit are accessed by appointment.

We are fortunate in Roscommon to have such an organisation as the Hospital Action Committee. Its members never give up and are now pushing for the provision of a helicopter ambulance service. It is not perfect, but at least it would be something. The committee has set up a charitable company in order to progress its idea. I hope that on this occasion the Government will listen to the people. Lives are being put at risk unnecessarily. None of the promises made to us has been upheld. We were told the new arrangements would be safer for patients, but that has not happened. We warned the Government that the hospitals suggested as alternatives would be overcrowded. We were right. The Government should listen to us when we demand that accident and emergency services at Roscommon County Hospital be restored.

Deputy Mattie McGrath: I am pleased to support the motion and compliment my colleagues in the Technical Group on bringing it forward. The Minister for Health, Deputy James Reilly, promised much as an Opposition spokesman. He travelled around the country, including to Clonmel hospital in my constituency, promising that everything would be fine. I sat with the Minister of State, Deputy Kathleen Lynch, on various committees in the last Dáil. I cannot believe the transformation in her. We had a difficult time in meeting her to discuss the situation at St. Michael's Hospital in Clonmel. Deputy Mick Wallace referred to St. Senan's Hospital in Wexford which the Minister of State promised would work out fine because patients would be accommodated in Waterford. She promised on that occasion that she would take us by bus to see the facility in Waterford. She promised she would take us to see facilities in the west. They were empty promises because that was two months ago. She told us something else which I will not describe but the Minister of State knows what I am talking about. She is trying to close a perfect facility in Clonmel. She pinched the patients.

Deputy Kathleen Lynch: I am not trying to close it; I am closing it.

Deputy Mattie McGrath: That could be deemed to be harassment or victimisation. She told us the door was locked. We heard stories tonight of doors being locked and they should not be locked. The Minister of State proclaimed manna from heaven. The consultants in Clonmel and the staff in St. Michael's have been treated appallingly by gangsters in the Health Service Executive. I call them cowboys who have no respect for anybody or anything other than furthering their career. I cannot understand how the Minister can come into this Chamber and go to meetings and stand over their actions. I am talking about people like Mr. Healy——

An Leas-Cheann Comhairle: The Deputy should not name people outside the House.

Deputy Mattie McGrath: ——and not my colleague from south Tipperary.

Deputy Kathleen Lynch: He does not have the right of reply. Deputy McGrath should not do that.

Deputy Mattie McGrath: He has the right to bully us and tell us one day when we questioned him about the reconfiguration announced by the Minister, Deputy Reilly——

Deputy Kathleen Lynch: The Deputy should not do that. He is here long enough.

Deputy Mattie McGrath: He would not accept our words because they are in charge.

The Minister, Deputy Reilly, promised many people that when he was in the Minister's office we would not get any more letters from the HSE saying, "Sorry, this is not a matter for the Minister, it is for the HSE", but slowly the letters are arriving. Nothing has changed. I am appalled at the Minister, Deputy Reilly, because he was a medical practitioner and an eminent consultant and he should have known better than to promise that there would be no more people on trolleys and that everything would be proper. The Minister will have deaths on her conscience, and she knows that better than me, and what she is doing in Clonmel and throughout the country is outrageous.

We have seen this happen over the years from Monaghan to Sligo to Drogheda, and it is happening now in the mid-west. Nenagh hospital lost its services. The Minister told the psychiatric patients in Clonmel that they can go to Limerick and now they find they will have to go to Ennis. I heard one of the Minister of State's colleagues say here recently that there were no services in Ennis for themselves let alone to allow them take new people in from Tipperary. It is an outrageous scam and a scandal. The Minister sold a pup to the public.

I am appalled by the change of attitude on the part of the Minister of State. I am appalled because we blocked these doors one night to try to get a meeting with her. She begrudgingly had a meeting with us afterwards but she just trotted out the line of the officials, which was outrageous. The way they treated the staff in Clonmel is outrageous. They did not have any consultation or show respect or appreciation of staff. They told a senior eminent psychologist in my presence and that of my former colleague and the then Minister of State, Deputy John Moloney, that the place was a zoo. How dare they do that? Some of them were only a fine day in Clonmel. They came from a failed system in England and walked into jobs here. The same applies to most of the people in the Health Information and Quality Authority. We employ them and send them around the country to do the dirty work for senior Department officials. I am appalled by them because they have no respect for the staff or the people.

I am appalled also by the Minister, Deputy Reilly, but especially by the Minister of State, Deputy Lynch, because of the tirades we had to listen to in committee when she was a Deputy.

She attacked the Ministers and was a champion of all the people who were depressed and downtrodden but the poacher has become the gamekeeper. She is presiding over the outrageous behaviour by HSE officials who are not fit to be employed and who are betraying democracy in this country, and they are doing so on fat salaries. They will not listen to elected representatives or anybody else.

The Minister of State, Deputy Lynch, should hang her head in shame and bring us on that tour to St. Senan's and to the west as she promised but like all the promises before the election and the snow that disappeared off the ditch last January, she thinks that we are fools and that we will go away, but, like Roscommon, those of us in Clonmel will not go away. The fight is not over. We will continue. The Minister of State can go back and pinch the patients, or pinch Deputy Healy and myself, but she will not make fools of us.

Minister of State at the Department of Health (Deputy Kathleen Lynch): Deputy McGrath should know better than to name people here knowing they have no right of reply while he has absolute privilege. Would the people who are quick to do that be as quick to do it outside this House?

Deputy Mattie McGrath: Of course I would.

Deputy Kathleen Lynch: I doubt that very much.

An Leas-Cheann Comhairle: I have already said that, and I do not want anyone outside this House named.

Deputy Kathleen Lynch: The Leas-Cheann Comhairle should have stopped him.

An Leas-Cheann Comhairle: I said that to him.

Deputy Mattie McGrath: Send another letter to the consultant telling him he cannot get involved in——

An Leas-Cheann Comhairle: Please, Deputy. No more interruptions.

Deputy Kathleen Lynch: The Deputy needs to behave himself.

Deputy Mattie McGrath: That is rich coming from the Minister of State.

Deputy Kathleen Lynch: He is no longer in the position he used to hold. He should behave himself and have some manners.

Deputy Mattie McGrath: I never pinched the patients. I might visit them but I would never do that to them.

An Leas-Cheann Comhairle: Please, Deputy.

Deputy Kathleen Lynch: Have some manners.

Deputy Mattie McGrath: The Minister should have some manners too, with respect.

Deputy Kathleen Lynch: That is what this has boiled down to.

In terms of A Vision for Change, which was published in 2006 by the previous Government and which everyone here welcomed with open arms——

Deputy Mattie McGrath: We have no problem with that.

Deputy Kathleen Lynch: That is the problem. It was a good document and it is about——

Deputy Richard Boyd Barrett: We were not here.

Deputy Kathleen Lynch: Those of us who were here welcomed it with open arms. It is a good plan for the future of our mental health services.

Deputy Seamus Healy: If it is, it should be fully implemented.

An Leas-Cheann Comhairle: Order, please.

Deputy Mattie McGrath: And not cherry-picked.

Deputy Kathleen Lynch: The days of the big institution are gone. The days of being able to lock people away are gone.

Deputy Mattie McGrath: We all accept that.

Deputy Kathleen Lynch: We need to deliver a proper mental health service in the community.

Deputy Seamus Healy: In accordance with A Vision for Change.

Deputy Kathleen Lynch: Acute units should be used sparingly and for very short periods of time——

Deputy Seamus Healy: Absolutely, so why does the Minister want to close the one in Clonmel?

Deputy Kathleen Lynch: ——but it appears to me that those who came in here and welcomed A Vision for Change are typical of——

Deputy Mattie McGrath: No, all of it.

Deputy Kathleen Lynch: I can hear Deputy McGrath saying that. He said he had no problem with A Vision for Change provided there is no change in my back yard.

Deputy Mattie McGrath: It should not be cherry-picked by officials.

Deputy Seamus Healy: Implement it fully and we will support it.

An Leas-Cheann Comhairle: Order, please.

Deputy Kathleen Lynch: Everyone's back yard is being changed.

Deputy Seamus Healy: No. You will not address that.

An Leas-Cheann Comhairle: Deputy, please. The Minister has the floor.

Deputy Mattie McGrath: What is going on in Clonmel is outrageous.

Deputy Kathleen Lynch: The days of locking people away in institutions are gone——

Deputy Mattie McGrath: We accept that.

Deputy Seamus Healy: Absolutely.

Deputy Kathleen Lynch: —and we have to accept that.

Deputy Mattie McGrath: By closing St. Michael's and St. Luke's.

Deputy Kathleen Lynch: We have to accept also that we can no longer dictate to people just because they have problems with their emotional well-being—

Deputy Mattie McGrath: The Minister cannot pinch them either.

Deputy Kathleen Lynch: —and we intend to deliver a better service in a different environment. That is what will happen.

Deputy Mattie McGrath: To hell or to Connacht.

Deputy Kathleen Lynch: As for the little tour Deputy McGrath wants to go on, no problem.

Deputy Mattie McGrath: When?

Deputy Kathleen Lynch: I did meet him, and he should not give the impression that I did not. I have met several groups since but Deputy McGrath was not present.

Deputy Mattie McGrath: Thanks for the invitation.

Deputy Kathleen Lynch: I welcome the opportunity to conclude this debate. There can be few more important issues that this House has to discuss than the reorganisation of our health care. I will start with the two greatest influences on that change this Government is introducing for the benefit of patients and not for any vested interests. First, we have a system that is no longer able to deliver the level of service our citizens need, nor does it represent value for money. No one here would dispute that for a long time our health system, and I heard everyone present say it, has needed to change the way it provides its services to patients. The Government has a clear view on what needs to be done and is setting about doing it.

Second, the financial situation in which we find ourselves exercises and will continue to exercise considerable restraints on the options available to us. However, that will not stop the Government making the changes necessary for better and safer care.

In that context we must remodel our health service, and in particular our acute and emergency provision. It is extraordinary, therefore, that there should be demands to return to a system which has become clinically indefensible and continued provision of which, as my colleague, the Minister for Health, noted last night, is threatening to become untenable, unsustainable and irresponsible. The notion that we should continue on with that system or return to the old system defies logic.

The clinical evidence is clear. We cannot safely continue into the future providing complex care across a large number of facilities at very low volumes. We cannot safely provide complex emergency care in every hospital. Equally, we cannot continue to use our large hospitals for treatments which can and should be provided as close to our patients' communities as possible. We cannot continue to use major emergency resources for injuries and illnesses which can be dealt with in other settings.

The financial evidence is just as clear. We must see a better return in terms of patients outcome for our health spending. We must use new ways of measuring outputs and outcomes from our acute services. This process of using information better to manage our system is already well under way with the advent of the special delivery unit, SDU. The number of beds we have is not an output nor an outcome. The number of staff we have is not an output. What

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matters is the number of patients treated and despite the reduction in funding, and I am glad to see Deputy McGrath has left the Chamber——

Deputy Mattie McGrath: Ta mé anseo.

An Leas-Cheann Comhairle: The Deputy cannot speak unless he is in the chair.

Deputy Kathleen Lynch: ——that our current loss of sovereignty has forced on us, activity in areas such as day cases continues to increase this year. We must, within the constraints we are under, do everything possible to get more treatment for more patients from the health budget. However, to maintain this process and, more importantly, to deliver safer care we need new approaches, new ways of doing things and new plans implemented. In this respect, we must implement A Vision for Change.

Deputy Mattie McGrath: Fully deliver on it.

Deputy Kathleen Lynch: This Government is delivering on these objectives in a planned and strategic manner, and will continue to do so. Difficult political decisions recognise the clinical realities that will produce better outcomes for patients. These include the reform of emergency departments; the changes in work practices and structures that are already producing a modern, highly trained, more efficient pre-hospital emergency service; the targeted reduction in waiting times through the special delivery unit, SDU, led initiatives and money follows the patient funding, which many Deputies were asking about tonight; the consolidation of complex treatments in large hospitals to concentrate resources and skills to the benefit of patients; the strengthening of local systems to allow better access to day surgery, diagnostics and routine treatments in our patients' communities which will flow from the smaller hospital framework under development at the Government's request; the creation, as seen in Cork, of specialist elective facilities so the delivery of this treatment is not disrupted by the inevitable priority of emergency cases; and, above all, the provision of fair and equal access where our citizens need it through the creation of a system of universal health insurance.

Deputy Thomas Pringle: I wish to share time with Deputy Boyd Barrett and Deputy Higgins.

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

Deputy Thomas Pringle: I welcome the opportunity to speak on this motion and I commend my United Left Alliance colleagues for bringing it forward. It is vitally important to put our health and hospital services at the forefront and to have them discussed in the House.

I will speak about a hospital that is consistently the most efficient in the country, Letterkenny General Hospital. Since 2009, Letterkenny General Hospital's budget has been cut by €20 million, from €115 million to €95 million. This year the hospital will have a substantial deficit and next year the indications are that there will be a further 7% cut in its budget, which will bring it down to €90 million. This is the most efficient hospital in the country. Since 2009, the staff have been reduced by 113 because of the senseless embargo on recruitment imposed on the hospital. Nevertheless, the hospital continues to provide care for patients, although under unbearable circumstances.

The minimum amount needed to keep this hospital the most efficient in the country is approximately €104 million each year. A total of 93% of the activity in Letterkenny General Hospital is non-elective, emergency services. Approximately 120,000 patients pass through the hospital every year, yet the hospital will experience a 7% cut again next year in its budget — so much for money following the patient. The most efficient hospital in the country will be savaged by further cuts. Money following the patient is rubbish. It does not and will not happen.

At what point will our health services become dangerous with not enough staff to keep them going? It appears there is no point this Government will not go to in ensuring that cuts are imposed on hospitals that are working well and providing services for the county in which they are located. Letterkenny General Hospital is probably the exception to those mentioned in the motion in that it has not experienced massive closures in the accident and emergency department or withdrawal of other services. It is maintaining its services but it is constantly hammered by repeated budget cuts. Money does not follow the patient in this health service, and it will not happen as long as the diktat of the IMF-EU troika and the Fine Gael and Labour Party Government continues to hold sway.

The recruitment embargo has resulted in a reduction of nine members of staff in the X-ray department in Letterkenny General Hospital. The HSE closed the community X-ray facilities around the county and brought the staff into the hospital to keep the service going. This hospital shows all the other hospitals that regardless of what one does, one will be hammered by cuts.

The HSE must ensure that services in Letterkenny are protected by providing €104 million per year. It must show that money follows the patient. A hospital that is carrying out 93% of non-elective activity needs €104 million to maintain its services. I ask the Government to show in 2012 that money follows the patient and ensure that Letterkenny General Hospital's budget is not cut again in the future.

Deputy Richard Boyd Barrett: Yesterday the Minister took offence at the fact that we used words such as “massacre” to describe the cuts in the health service and “war zone” to describe the situation in our accident and emergency departments. He accused us of hyperbole. What else can one call removing 2,300 beds from the hospital service, and 5,000 over a longer period, aside from a massacre of bed numbers? What else can one call taking 1,000 nurses from the health system in two years, along with 5,000 other health staff, most of them front-line staff? What else can one call, aside from a nightmare, the fact that 429 people are on trolleys today? That is a war zone for patients and staff alike. What else can one call €1 billion being taken from the budget but a slashing and a massacre of the health budget?

Although the Minister is a doctor and I am not, one need not be an expert to understand that a health service is made up of ambulances, beds, nurses, doctors, hospitals, machinery and, dare I say, money. If one cuts those, one does not get a better health service but a worse one. If one slashes those things in the manner we have seen over the last number of years and if one intends to continue with an IMF-EU programme that insists on further cuts to those budgets and staff numbers, things will not get better, regardless of what words one uses to describe it. Reconfiguration, reform and all the other slogans mean nothing. The nightmare gets worse and the numbers on trolleys increase.

The evidence is clear from Roscommon. What the people of Roscommon feared has happened. The situation has got worse for them and it has got worse in Galway, where the overflow has gone. That is what will happen if Bantry, Youghal, Mallow or Victoria South Infirmary are downgraded to the remaining hospitals in Cork. In my constituency, Loughlinstown hospital has 21,000 accident and emergency cases per year. If it overflows into St. Vincent's Hospital, where there are 20 or 30 people on trolleys every day and where the hospital had to go off call for several days last week, will the situation get better or worse? One need not be an expert to work that out. Our motion is asking the Minister not to make things worse.

The link between the downgrading and the cuts and the real agenda of privatisation in the health service is clear in my constituency. Loughlinstown hospital is to be downgraded and the overflow is to go to St. Vincent's Hospital, which cannot cope. However, the Beacon Hospital, a private hospital, has opened in Sandyford and the Blackrock Clinic is advertising on the radio, urging people to come to the clinic. That is not movement towards a single tier system,

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but the stealth privatisation of the system. The public system is run down, people become fearful and anxious about a system that cannot cope so they are forced to go to the private health care providers. That is what money following the patient means. Money following the patient means the patient walks out of the public health system that cannot cope and into a private hospital out of fear. Money should go before the patient, so the bed, doctor, nurse, machinery, ambulance and resources are in place. That is where the money should go; that is the relationship between the two.

I do not have time to discuss the Dutch model other than to point out that a majority of Dutch people think health services have got worse since the introduction of universal health insurance.

Deputy James Reilly: That is not true.

Deputy Richard Boyd Barrett: The average household is paying between €4,500 and €5,500 of its income per year for this wonderful health system the Minister cites. Half of the Dutch hospitals are bankrupt. Half a million people in the Netherlands do not have any insurance cover at all. It is not better. It is stealth privatisation, and we reject it. We want a national health service.

Deputy Joe Higgins: I have carefully studied the Minister's amendment to the United Left Alliance motion on our health services and what I conclude immediately is that language in the mouths of the Government ceases to have the meaning that words and sentences should have and apparently means the opposite. The Minister calls on the Dáil to support the Government's policy of developing the role of smaller hospitals to their full potential rather than closing or downgrading them. We do not have time to go around the whole country but let us go to one or two areas of the country, for example, the north east, where he said he would protect and develop small hospitals, after the serious downgrading of Monaghan General, Louth County, Navan Hospital—

9 o'clock

Deputy James Reilly: The Deputy did not listen last night. He was not here. He left.

Deputy Joe Higgins: I have the Minister's speech here and read every word of it.

Deputy James Reilly: Did you read about all the new facilities in Louth County Hospital?

An Leas-Cheann Comhairle: Through the Chair, please.

Deputy Joe Higgins: Yes, every word of it. The reality on the ground is that the serious downgrading has resulted in hospitals like Drogheda and Cavan having serious overcrowding and serious queues. Similarly in the mid-west, the downgrading of hospitals in Ennis and Nenagh has put such enormous pressure on Limerick Regional Hospital that the staff have had to give up their pay to go on strike to insist on the safety of their patients. That is the reality, not the misstatement in the Minister's amendment.

The Minister also said he wants us to note that the number of inpatient beds is no longer the best indicator of capacity to meet patients' needs. Last year the Minister was singing a different tune and saying quite clearly that the thousands of beds that had been taken out of the system over many years were directly responsible for the disaster in accident and emergency departments. Any doctor or nurse, any day of the week, will say that is the case. The reason they are there in such large numbers oftentimes, is that the beds are not in place for them to be moved into. The Minister is flying in the face of reality.

The Minister's amendment further notes that the majority of patients treated in hospitals are now day cases or out patients. What does the Minister do with day cases and out patients? In Connolly Hospital, Blanchardstown, the surgical day ward has closed 24 beds this week and next week, and the week after it will have only eight beds, down from 24. Instead of 40 cases being treated every day only ten to 13 cases will be treated. We are being treated with contempt by the Government in its amendment to our motion.

That two Ministers are sitting here prepared to stand over what is unreality is incredible. The reality is that the Labour and Fine Gael parties carry on where Fianna Fáil left off and they have no respect for the truth and no respect for the staff on the ground. The Defend Blanchardstown Hospital Campaign, which has been launched by staff and community, will challenge the Minister in the period ahead on all these issues, telling the truth about the situation and demanding a reversal of these cuts while next week €700 million will be sent to one group of unsecured bondholders in Anglo Irish Bank. It is incredible but it is a political choice. It is an economic choice that the Government is making and all our people are suffering.

Deputy Emmet Stagg: On a point of order.

An Leas-Cheann Comhairle: I ask the Deputy to conclude, the debate is over.

Deputy Joe Higgins: Not only do we need more resources but we need a change in the management. The staff, nurses, doctors, household staff, must be brought to the heart of the management of the hospitals and the health service. That is how we will get massive change. They are the people who are suffering from the bad decisions being made though a desperate lack of resources.

An Leas-Cheann Comhairle: I thank the Deputy.

Deputy Joe Higgins: I ask that the motion be accepted and that the unreality of an amended codology by the Minister be utterly rejected.

Deputy James Reilly: And replaced by socialist fantasies.

Amendment put:

The Dáil divided: Tá, 77; Níl, 37.

Tá

Bannon, James.
Barry, Tom.
Breen, Pat.
Bruton, Richard.
Butler, Ray.
Buttimer, Jerry.
Carey, Joe.
Coffey, Paudie.
Collins, Áine.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.
Corcoran Kennedy, Marcella.
Coveney, Simon.
Creed, Michael.
Creighton, Lucinda.
Daly, Jim.
Deasy, John.
Deenihan, Jimmy.

Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Fitzpatrick, Peter.
Flanagan, Charles.
Gilmore, Eamon.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.

Tá—*continued*

Hogan, Phil.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Kehoe, Paul.
 Kenny, Seán.
 Kyne, Seán.
 Lawlor, Anthony.
 Lynch, Ciarán.
 Lynch, Kathleen.
 Lyons, John.
 McFadden, Nicky.
 McLoughlin, Tony.
 McNamara, Michael.
 Mathews, Peter.
 Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Eoghan.
 Nash, Gerald.

Neville, Dan.
 O'Donnell, Kieran.
 O'Donovan, Patrick.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Reilly, Joe.
 O'Sullivan, Jan.
 Perry, John.
 Phelan, John Paul.
 Reilly, James.
 Ryan, Brendan.
 Sherlock, Sean.
 Shortall, Róisín.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Twomey, Liam.
 Wall, Jack.
 Walsh, Brian.

Níl

Boyd Barrett, Richard
 Calleary, Dara.
 Collins, Joan.
 Collins, Niall.
 Cowen, Barry.
 Crowe, Seán.
 Daly, Clare.
 Doherty, Pearse.
 Donnelly, Stephen.
 Dooley, Timmy.
 Ellis, Dessie.
 Flanagan, Luke 'Ming'.
 Fleming, Sean.
 Healy, Seamus.
 Higgins, Joe.
 Kelleher, Billy.
 Kitt, Michael P.
 Mac Lochlainn, Pádraig.
 McConalogue, Charlie.

McDonald, Mary Lou.
 McGrath, Finian.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 McLellan, Sandra.
 Murphy, Catherine.
 Naughten, Denis.
 Ó Caoláin, Caoimhghín.
 Ó Fearghaíl, Seán.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Dea, Willie.
 Pringle, Thomas
 Smith, Brendan.
 Stanley, Brian.
 Troy, Robert.
 Wallace, Mick.

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

Amendment declared carried.

Question put:

The Dáil divided: Tá, 77; Níl, 36.

Tá

Bannon, James.
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 Butler, Ray.
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 Carey, Joe.
 Coffey, Paudie.

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 Conlan, Seán.
 Connaughton, Paul J.
 Conway, Ciara.
 Corcoran Kennedy, Marcella.
 Coveney, Simon.
 Creed, Michael.
 Daly, Jim.

Tá—continued

Deasy, John.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Fitzpatrick, Peter.
Flanagan, Charles.
Gilmore, Eamon.
Griffin, Brendan.
Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.
Hogan, Phil.
Howlin, Brendan.
Humphreys, Heather.
Humphreys, Kevin.
Keating, Derek.
Kehoe, Paul.
Kenny, Seán.
Kyne, Seán.
Lawlor, Anthony.
Lynch, Ciarán.

Lynch, Kathleen.
Lyons, John.
McFadden, Nicky.
McLoughlin, Tony.
McNamara, Michael.
Mathews, Peter.
Mitchell O'Connor, Mary.
Mulherin, Michelle.
Murphy, Eoghan.
Nash, Gerald.
Neville, Dan.
O'Donnell, Kieran.
O'Donovan, Patrick.
O'Dowd, Fergus.
O'Mahony, John.
O'Reilly, Joe.
O'Sullivan, Jan.
Perry, John.
Phelan, John Paul.
Reilly, James.
Ring, Michael.
Ryan, Brendan.
Sherlock, Sean.
Shortall, Róisín.
Stagg, Emmet.
Stanton, David.
Timmins, Billy.
Twomey, Liam.
Wall, Jack.
Walsh, Brian.

Níl

Boyd Barrett, Richard.
Calleary, Dara.
Collins, Joan.
Collins, Niall.
Cowen, Barry.
Crowe, Seán.
Daly, Clare.
Doherty, Pearse.
Donnelly, Stephen.
Dooley, Timmy.
Ellis, Dessie.
Flanagan, Luke 'Ming'.
Fleming, Sean.
Healy, Seamus.
Higgins, Joe.
Kelleher, Billy.
Kitt, Michael P.
Mac Lochlainn, Pádraig.

McConalogue, Charlie.
McDonald, Mary Lou.
McGrath, Finian.
McGrath, Mattie.
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McGuinness, John.
McLellan, Sandra.
Murphy, Catherine.
Ó Caoláin, Caoimhghín.
Ó Fearghaíl, Seán.
Ó Snodaigh, Aengus.
O'Brien, Jonathan.
O'Dea, Willie.
Pringle, Thomas.
Smith, Brendan.
Stanley, Brian.
Troy, Robert.
Wallace, Mick.

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

Question declared carried.

Report of the Interdepartmental Working Group on Mortgage Arrears: Statements (Resumed)

Deputy Pat Breen: I welcome the opportunity to talk in this debate and I welcome the publication of the Keane report, which places the focus very clearly on helping households who

[Deputy Pat Breen.]

are in mortgage arrears. Every Deputy will concur when I say our clinics are good barometers of the depth of the problems ordinary people are suffering. Like many Deputies, I have witnessed the huge upsurge in the number of people attending my clinics who have difficulties meeting their mortgage repayments. Many of their stories are heartbreaking. The collapse of the property bubble caused the country to go quickly into recession and left a trail of destruction in its wake. Many householders are under severe pressure trying to keep a roof over their heads.

Some commentators argue that there should be a blanket forgiveness for all. It is important that we differentiate between those who cannot pay and those who simply will not pay. According to the Keane report, approximately 45,000 households are in arrears of more than 90 days and a further 32,000 households are in arrears of more than 180 days. In addition, approximately 56,000 households have already reached an agreement with their lending institutions and have an agreed restructuring plan in place.

The scale of this problem is huge. No two cases are the same. Cases need to be dealt with on a one-to-one basis as there are many complexities involved. In some cases, the problems are compounded by personal indebtedness which is a huge problem. In 2008, for example, the level of personal indebtedness in Ireland equated to every household borrowing more than it was earning, or €158 borrowed to every €100 earned.

It is important, given the sheer scale of personal indebtedness in this country, that we reform our personal insolvency legislation in tandem with any plan to help householders in mortgage arrears. I compliment the Minister for Justice and Equality for the action he has already taken to address this situation. As and from 10 October last, all 360 so-called legacy bankruptcies, which have existed for more than 12 years, have been automatically discharged. Also, the Minister is working on further reforms which he will be introducing early next year. However, I would prefer to see restructuring of loans, agreements with lenders and bankruptcy to be the last resort.

A number of speakers have pointed out that we need to deal with an individual's capacity to discharge his or her debts. This is important and is fundamental to any resolution of the mortgage arrears problem. Also, a number of commentators have criticised this report for placing banks at the centre of the solution. It is essential that those who were central to creating the problem are central to finding a solution. The Central Bank has strengthened its code of practice and now includes in its protections the mortgage arrears resolution process, MARP. The MARP sets out the guidelines which regulated lenders must follow in dealing with arrears and includes a number of important protections for consumers. The Central Bank website contains a useful leaflet entitled Mortgage Arrears — A Consumer Guide to Dealing with your Lender, which answers many of the questions people have in terms of dealing with their lenders. However, having a code of practice is not enough. We need to ensure that it is supervised and that there is enforcement of it. For far too long, a blind eye was turned and easy touch regulation became the norm in this country, allowing malpractices to take place in our banks. We are all only too well aware of the consequences of what happens when banks are not kept in check.

This report recommends the setting up of a specialised mortgage advice service which would be available to householders in distress. It also suggests that this service could be linked to MABS. MABS in my constituency provides an excellent service on a confidential basis to people from Ennis and Shannon. It is essential that any new service is adequately resourced and that expertise to help consumers in distress is available locally. This framework exists within MABS, thus any new service should be built around and linked into MABS.

The economic collapse in this country has left a trail of victims in its wake. As I said earlier, there are many complex cases in this regard. I would like this evening to highlight a particular case which portrays the complexity of the problem. I have been trying to help a couple in their early 50s with teenage children, both of whom are out of work and have been for the past two years. Whatever savings they had are gone and they are at their wits end. They are constantly in contact with my office and fear that one of these days they will end up on the side of the road. Like many other people in this country this couple, when working and doing well, invested in two separate synergy pension plans with an insurance company. Under Irish pension legislation, a person must be 60 years of age to encash a policy and even at that stage can only encash 25% of same. It will be a further eight years before this couple will be 60. They believe that if they could access at least some of their savings now it would satisfy their mortgage holder.

We are all aware that there is a pension crisis looming in this county, as highlighted by a recent RTE documentary. We cannot under-estimate the scale of the crisis ahead. Nevertheless, many people have stopped paying into their pensions plans given the extent of the current economic crisis. This couple fall into that category. They cannot understand why they cannot cash in part of their policy in order to pay off their debt and save their home.

It is easy to understand why people want to spend their money in the here and now, in particular when they are facing the threat of losing their home. There are many similar examples throughout the country. Last week I was visited by another couple whose loan repayments are €1,100 per month and who had offered to repay the bank €400 per month because that was all they could afford. When that was not accepted they offered to repay €600 per month but were told by letter last week that under the Central Bank's code of conduct the bank had options to consider, including a voluntary sale of their property and repayment of their mortgage with the proceeds of same or to trade down their existing home at its current market value and relocate to a more financially affordable property. How could any couple do that? I heard of another case involving a person who owes €1 million to a bank which accepted repayment in that regard of €500 per month.

Banks need to be more understanding of people, in particular people who genuinely want to repay their mortgage. While the banks say they are committed to working with people in regard to their mortgage difficulties, when it comes to it that is not the case.

I ask that the Minister for Finance take a look at the pension situation. Perhaps given the current economic circumstances couples such as the couple to whom I first referred could be allowed to encash part of their pension savings to secure their home. I envisage individuals in such circumstances having to produce from their mortgage lender evidence of arrears-default. This could be enshrined in any amendment introduced to deal with this situation as part of any change in our pension legislation.

We are living in difficult and unprecedented times and must investigate every option to assist those most in need. I support the Keane report, which is the first step in tilting the balance back in favour of those householders in mortgage arrears. This Government is committed to helping those most in need, which I welcome.

Deputy Aengus Ó Snodaigh: Ba mhaith liom labhairt ar an gceist rí-thábhachtach seo a dhéanann déileáil le tuairisc Keane. Tá an tuairisc ann féin tábhachtach ach ní dhéanann sé déileáil leis an gceist ina iomlán mar níl na freagraí ann ar chóir a bheith ann, agus muid sa gcruachás ina bhfuilimid.

Tá beagnach 100,000 morgáiste i ngruachás sa tír. Sin an figiúir oifigiúil ach measaim féin, agus measann a lán dóibh siúd atá ag déileáil leis an gceist seo go mb'fhéidir go bhfuil a dhá oiread sin i gcruachás. An fáth nach bhfuil cruachás na ndaoine eile sin aitheanta ná go bhfuil

[Deputy Aengus Ó Snodaigh.]

daoine ag fáil cuidiú óna dtuismitheoirí, tá siad ag dul gan bia agus ag fáil iasachtaí i ngach áit agus is féidir chun an morgáiste a íoc. Go minic níl na daoine sin ag íoc billí leictreachais nó gáis nó billí móra eile agus tá na billí sin ag ardú de shíor. Feicimid sin gach uair a fhoilsítear tuairisc ar cé mhéad teaghlach atá ag dul gan leictreachas no gás toisc nach bhfuil siad in ann an bille a íoc.

Níl aon dabht ach go bhfuil breis agus 100,000 teaghlach i gcrúachás maidir le morgáistí. Sin an fáth go bhfuil díomá orm gur cuireadh an tuairisc seo le chéile gan a bheith réalach. Níl dhéanfaidh sé déileáil go gasta leis an gceist seo, ceann des na ceistanna is mó atá ag díriú isteach ar an gcuid is mó de mhuintir na hÉireann faoi láthair. The focus of the Keane report is on distressed mortgages. As I said, 100,000 mortgages have been deemed to be distressed but I believe the figure is probably almost double that because the 100,000 only includes mortgages in arrears for more than 90 days and mortgages which, at this stage, have been restructured. The number is growing all the time.

The Keane report's recommendations fail miserably to address mortgage distress and my party colleague, Deputy Doherty, identified and addressed many of the failings in an earlier debate on this issue. Part of the reason the Keane report failed so miserably to grapple with the issues was its failure to involve those in the know as to the dynamics and impact of household debt. I refer to groups such as MABS which should have been centrally involved in the deliberations of the Keane group.

Deputy Doherty also outlined Sinn Féin's proposals to address mortgage distress. Mortgage distress is only part of the picture because the number of households managing to make their mortgage repayments but which are under severe pressure as a consequence of having a mortgage coupled with negative equity is much higher. I believe it is another 100,000 households, and I am not the only one who has come up with this figure. Some 200,000 households are probably overburdened by mortgage debt, twice the official number.

These families are doing everything possible, including going without food, light and heat, to ensure they meet their mortgage repayment obligations every month. That is laudable in some ways but not in other ways if families must go without the necessities of life. There was an election in February but many of us have been on the doorsteps again due to the presidential election. We have seen houses with no lights on and people sitting in darkness. That is the scale of the financial crisis many of these families face because the one thing they want to try to ensure is a roof over their heads yet children and other family members are going without the basic necessities.

If the policy response to mortgage over-indebtedness targets only those mortgages which are in arrears, then what is in it for those families who are in arrears and who are building up credit card debts and debts in regard to household necessities such as gas, electricity and even maintenance? They are begging and borrowing but I hope not stealing to pay the mortgage. I know people who have exhausted their savings and those of their parents, friends and relatives to ensure there is a roof over their heads. There is no alternative for these people. Social housing is not available to them. To date, they have invested a certain amount in a house they hoped they could call their own.

These people are the victims of an economic system which created a bubble that collapsed. House prices quadrupled between 1996 to 2006 and there are consequences to that. Ireland's banks must acknowledge that the current debt levels are unrealistic, that there must be write-offs of domestic mortgages and that it must occur urgently.

Obviously, there is a wider macroeconomic problem as a result of Ireland's extremely high level of household debt and that includes the mortgage which, in most cases, is a significant

part of it. Household debt diminishes domestic consumer demand which, in turn, leads to job losses. Household debt is one of the biggest barriers to our economic recovery at this time and we ignore it at our peril. The longer we delay, the more likely it is to have greater consequences on our ability to come out of this crisis.

A mortgage may not be in distress but the sheer size of mortgages entered into between 2002 to 2009, in particular, coupled with falling incomes, rising unemployment and underemployment is preventing homeowners from spending. Personal consumption in quarter two of this year was 2.4% below the same period in 2010 and the outlook is bleak. That is the scale of the problem and there will be consequences if we do not address this urgently. More jobs will be lost in retail and in production unless we can get our economy back working. Some of this relates to job creation but the rest relates to this huge problem of indebtedness. If the economy is to recover, the Government must take concrete steps to reduce household debt, including writing down mortgage debt.

We also have another problem because we need measures to respond effectively to those whose mortgages are in arrears. We also need measures to prevent mortgages from becoming distressed. There must be write-downs. There are write-downs for businesses and there is NAMA for those who speculated but there is no NAMA for those who are in economic distress in respect of their mortgages. The solutions the Keane report suggested are minimalist. They are not radical and they will not deal with the problem. They will only gloss over it.

The Department of Social Protection spent €66 million in 2010 on mortgage interest supplement for 18,000 households. That is €5 million more than in 2009 and €40 million more than in 2008. The figure for this year will be higher and eligibility is very narrow. If we were to make it available to all the families which actually need it, as was said by the Labour Party before the election, that spend would skyrocket. What the Labour Party said was laudable but writing down a percentage of peak house price mortgages would result in an instant saving for the State in mortgage interest supplement because it would not only reduce the amount of spend on each claimant but it would reduce the number of claimants. Ultimately, it would make a wide swathe of people's mortgage burden more affordable which would release disposable income to stimulate the local economy.

Deputy Peter Fitzpatrick: I would like to talk about negative equity. Is it that the homeowners cannot afford to pay or is that they are declining to do so because their homes are now worth less than their mortgages, which is known as negative equity? Economists are divided on the relative importance. One school thinks that even in cases of negative equity, most homeowners will not default if they can afford their payments not least because default would affect their credit record. A second school believes that once the home is worth less than the mortgage, homeowners have a significant incentive to walk away even if they can make the payments since in many states lenders cannot pursue them for the shortfall.

Since 2007 those most exposed to negative equity are borrowers who obtained high value mortgages which were commonplace before the credit crunch and they are most at risk if there is a decline in property prices. The term "negative equity" was widely used in the United Kingdom during the economic recession between 1991 and 1996 and in Hong Kong between 1998 and 2003. These recessions led to increased unemployment and a decline in property prices which, in turn, led to an increase in repossessions by banks and building societies of properties worth less than the outstanding debt.

It is also common for negative equity to occur when the value of a property drops shortly after it has been bought. This occurs regularly with car loans where the market value might drop 20% to 30% as soon as the car is driven out of the lot.

[Deputy Peter Fitzpatrick.]

This debate about negative equity has grown stronger as the economic climate has continued to descend and the sting of the recession lingers. However, to establish a clear debate, a few issues should be clarified. In addition, certain parameters should be established. Each case must be treated on an individual basis. This is a mammoth undertaking not only in terms of man hours, but also given the cost to the State and financial institutions. The question of whether it can be justified should fall under the remit of a select group. The group should start by seeking people who warrant being considered for support. This is opposed to the approach of trying to eradicate those who should not avail of help. While they may appear to be one and the same, a subtle difference ensures that institutes should err on the side of caution and give borrowers the benefit of the doubt. This approach also prevents a witch hunt in which creative reasons for not including someone are sought. The reason for the purchase of any home needs to be established. Certain reasons would entitle some loans to be the only ones further examined.

It is worth considering whether the mortgage holder provided accurate and honest information at the time of application. It has come to my attention that numerous mortgage holders got their loans with fictitious documents and dishonest statements of affairs. Creative accounting or cheating should not render one credible and worthy of the State's empathy. Furthermore, endorsing such activity should not be considered.

Further knowledge should be sought about one's choice of home. For example, if a couple bought a house to rear a family, settle down and become a part of a community, the question of whether the house appreciated or depreciated in value is immaterial. Those people were never going to sell their homes. Thus, prices and negative equity are irrelevant. People who released equity in their homes for non-family-related activities, such as the purchase of apartments in Bulgaria, going on six-week cruises, etc., should be excused. They have chosen to use their family homes as vehicles to fund their lifestyles or to generate finance for investing in assets. They have used their homes to provide returns. Thus, they have used them in commercial exercises.

It is not for me to guess, but it will be interesting to see whether there is a strong correlation between negative equity and higher-than-standard interest rates. If this is true, as I suspect, it begs the question of whether such people should have received loans in the first instance. If a person's only recourse to a mortgage was via a higher interest rate, it suggests that he or she was a higher risk. I imagine such people's plights were sealed in the hands of non-mainstream lenders. A fundamental question should not be underestimated. Is it that home owners cannot or do not want to pay?

What are the consequences of negative equity? Owing a bank or building society more than one's house is worth means moving is impossible, since one is unlikely to be loaned money by banks. Negative equity also creates a headache for those seeking to remortgage.

The answers to my next questions may add further credence and substance to the debate. What percentage of homes are not in negative equity? What percentage of homes are owned outright with no mortgages? What is their accumulated value? What percentage of homes are mortgaged but are not in negative equity? Will we help those who suffer negative equity in future? Is the benchmark *per capita* 10%, 20%, 30% or so on? Are there people who are not currently in negative equity but could be in six, 12 or 24 months time? Should the signal we send to society be that we must honour our commitments? These questions must be answered when trying to reach a solution. One must always realise that, on the day one buys property with a 100% loan, one develops negative equity immediately.

A wider unmentioned debate needs to be analysed. The proportion of persons holding negative equity varies significantly by purchase date, deposit size, location and housing type.

Deputy Paudie Coffey: For us to learn how we reached this devastating set of economic circumstances, we must examine the reasons for the economic collapse, including the roles of the Government, the regulator and the banks. The previous Government implemented unsustainable economic policies and propagated the property market until the running of our society was dependent on taxes derived from people selling property to one another. There was also a lack of oversight and regulation of the banking sector.

We must be aware of the role of the banks and mortgage advisers in selling mortgage products to many members of the unsuspecting public. Unbridled and loose lending practices saw debt loaded onto families — 100% mortgages, lax contracts and next generation guarantees made by older generations to subvent mortgages. The result is a total economic collapse, leading to a loss of jobs and income, negative equity, mortgage distress and personal indebtedness.

In contrast with the 1980s, which saw the last recession and unemployment crisis, Ireland now has high levels of personal and business indebtedness. People undertook remortgages to upgrade and extend houses and to buy second properties and foreign properties. Hotels were packed by market shows every Sunday. This was a sign that the situation was getting out of control. The Minister of State with responsibility for small business, Deputy Perry, is present. The saddest aspect is that many small businesses have been mortgaged to acquire loans. What were perfectly viable businesses are under pressure thanks to some of the property deals in which they were involved.

There is no silver bullet or magic wand solution. People's expectations need to be handled with care. It would be dangerous of the Government to give people the expectation that it will pay their mortgage debts. However, we must do everything in our power to assist people in mortgage distress. The Government has been left with a monumental mess by the previous Administration.

The Keane report is a welcome start to the work, but it is not a solution to everything. Its main point is on the appointment of professional, qualified advisers and experts to assist families in mortgage distress. They must work closely with the Money Advice and Budgeting Service, MABS, which has considerable experience in this regard. I understand the Minister for Finance must give the exact detail of whether they will be located regionally or on a county-by-county basis. MABS will operate some type of referral system. MABS does not deal with mortgage distress alone — it also deals with personal indebtedness and unsecured loans, for example, credit cards and term, car, credit union and moneylender loans. It is important that the advisers work closely with MABS and use a referral system.

I call on the Minister to ensure good regulation is applied to moneylenders and so-called independent money advisers, many of whom are former bankers peddling their wares. After contributing to the problem, they have reinvented themselves as money advisers for the same distressed people. I ask the Minister of State and his officials to note my point.

I commend a recent MABS report, *Lifting the Load*, an initiative of the Waterford office. The report identified three categories of people in mortgage distress. The short-term risk category refers to those who, for example, have lost their jobs temporarily and have fallen into arrears. Mortgage supplement and mortgage restructuring is helping them as well as those in the medium-term risk category. The signs indicate that Ireland sees fewer repossessions than the UK and other jurisdictions do. If possible, we do not want there to be any repossession. The long-term risk category refers to people who have no ability to repay their mortgages. The Keane report's mortgage-to-rent solution can be of

10 o'clock

[Deputy Paudie Coffey.]

assistance to them. However, I note a suggestion made by MABS, that is, if a house is purchased by a housing agency or local authority, the balance of the mortgage that remains due should be written down or another provision should be made so that the burden does not continue on to the family. This would give the family an incentive to continue renting that house. The Minister should examine the MABS report on this matter. The Minister for Social Protection is aware of it, seeing as how she launched it.

The Government, every Deputy and every part of society has a role to play in getting through this disastrous recession. The banks must play their part and pay their way. I welcome that they must pay for the expert advisers. They must also show genuine forbearance towards distressed families and provide every avenue possible to restructure their mortgages, help them through the recession and allow them to stay in their homes.

I welcome the Government's initiative and the report. The details need to be worked out. I also welcome the recent intervention of the Financial Regulator when he warned the banks to stop hiking interest rates and to give people a chance. A wider economic solution and the restoration of confidence, growth and jobs will get us through this crisis. We must all put our shoulders to the wheel, help those who are most in need and learn from the past to prevent a similar crisis recurring.

Debate adjourned.

The Dáil adjourned at 10 p.m. until 10.30 a.m. on Wednesday, 2 November 2011.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 12, inclusive, answered orally.

Irish Red Cross

13. **Deputy Robert Troy** asked the Minister for Defence the current relationship between him and the Irish Red Cross; and if he will make a statement on the matter. [31361/11]

Minister for Defence (Deputy Alan Shatter): The Irish Red Cross Society is an independent charitable body corporate which, in accordance with relevant legislation, is responsible for handling its own internal affairs. Whilst I am conscious of the importance attaching to its independence, I have been in contact in recent times with the Chairman of the Society in relation to corporate governance matters and I am satisfied that very good progress is being made in this regard.

Officials from my Department have also met regularly with the Irish Red Cross in recent months and will continue to do so in the context of changes that are proposed to the Irish Red Cross Order 1939. Officials have also met with the International Federation of Red Cross and Red Crescent Societies in this context.

When the Office of the Attorney General has finalised its work on the proposed amendments to the 1939 Order, I will bring the draft legislation to Government for approval. Regardless of whatever changes are made to the 1939 Order, a comprehensive review of all Red Cross legislation, and in particular the primary legislation, will then be commenced in accordance with a commitment given in the Programme for Government.

Finally, my Department pays an annual grant to the Society of €951,000 which includes the Government's annual contribution (currently €130,000) to the International Committee of the Red Cross. The balance of the grant goes towards the salary and administration costs of running the headquarters of the Irish Society. I am satisfied, on the basis of the Society's independently audited annual accounts and enquiries that I made in light of recent controversies, that the grant is properly accounted for and is used for the purposes that it is provided for.

Reserve Defence Force

14. **Deputy David Stanton** asked the Minister for Defence if he has given any consideration

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to allowing members of the Reserve Defence Force to serve overseas in specialist roles; and if he will make a statement on the matter. [31561/11]

Minister for Defence (Deputy Alan Shatter): The deployment of Reservists on overseas peace support missions was envisaged in the Reserve Defence Force Review Implementation Plan. As part of the plan it was intended to send a small number of reservists, with specific skills, overseas. These were to be drawn from those who had undertaken integrated training, which was to be further supplemented by extensive pre-deployment training. Planning to send a small number of Reservists overseas was at an advanced stage but subsequently suspended due to a moratorium on recruitment to the PDF and other financial constraints. Subsequently, the number of Permanent Defence Force personnel serving overseas was reduced.

There are currently no plans to send members of the Reserve overseas. A Value for Money review of the Reserve Defence Force is underway. This review is examining the progress made under the Reserve Defence Force Review Implementation Plan and will bring forward recommendations for the future development of the Reserve Defence Force.

Defence Forces Strength

15. **Deputy Bernard J. Durkan** asked the Minister for Defence if he is satisfied that in view of the current economic situation, the strength of the Army, Navy and Air Corps can be maintained at least at its present level, having particular regard to ongoing and likely demands arising from overseas deployment, emergency relief measures arising from inclement weather conditions, security or rescue services; and if he will make a statement on the matter. [31564/11]

16. **Deputy Bernard J. Durkan** asked the Minister for Defence if, in the context of the current review of expenditure and assessment of facilities within the Defence Forces, he will ensure that any budgetary changes will be minimised and will not affect the operational capacity of the Army, Navy or Air Corps; and if he will make a statement on the matter. [31563/11]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 15 and 16 together.

My priority as Minister is to ensure that the capacity of the Defence Forces will be maintained to the greatest extent possible given the very serious economic situation.

In Ireland, Defence policy encompasses national security roles other than the traditional narrow role of territorial defence. These include supporting An Garda Síochána in the maintenance of domestic security and, in the regional and global spheres, contributing to conflict prevention, peacekeeping and crisis management operations. It is the policy of this Government, within the very serious resource constraints that we face, to resource the Defence Forces to maintain operational capacity, to the greatest extent possible.

Unlike many other countries, our military capabilities are not just limited for national defence contingencies or overseas missions. The outputs of the Defence Organisation form an integral part of a multidimensional defence, security and support framework. The Permanent Defence Force is utilised on an ongoing basis to provide a broad range of security and other services.

In addition to the traditional Defence and Security roles, the Defence Forces provide a broad range of other services to other Government Departments and Agencies, including Fishery Protection, an Air Ambulance service and assistance to civil authorities during emergencies such as the response to the severe weather crises in the past two winters.

As I said earlier this year when this House approved the deployment of troops to the UNIFIL mission in Lebanon, it is vitally important for Ireland to maintain a level of commitment to international peacekeeping operations and the obligations it has assumed through its membership of the UN. Overseas operations also contribute greatly to the professional development of the Defence Forces.

I am advised that at this time the Defence Forces retain the capacity to undertake the tasks laid down by Government both home and overseas. This requires an ongoing prioritisation of resource allocation within the Defence Organisation.

The Government's decisions arising from the Comprehensive Review of Expenditure will further inform the resource envelope available for Defence over the coming years. The level of resources will determine whether the current level of strength can be maintained.

When the level of resources that will be made available to Defence has been determined, I will be in a better position to provide details of the capacity and capabilities that can be provided by the organisation in the future.

Overseas Missions

17. **Deputy Derek Keating** asked the Minister for Defence, following his recent visit to Irish troops based in the Lebanon accompanying President McAleese, the duties with which the detachment is charged; and if he will make a statement on the matter. [31325/11]

19. **Deputy Derek Keating** asked the Minister for Defence the purpose of his visit to the troops in Lebanon; the work that the current detachment is carrying out; if he is satisfied that all measures related to their safety, including adequate equipment, are available to them; and if he will make a statement on the matter. [31326/11]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 17 and 19 together.

As the House will be aware, I had the honour of accompanying President McAleese on her official visit to Lebanon during the period 14 to 16 October 2011. On 15 October 2011, together with President McAleese, I had the pleasure of visiting Camp Shamrock the headquarters of the 104th Irish Infantry Battalion and meeting with members of the Battalion currently deployed with the United Nations Interim Force in Lebanon (UNIFIL). This was followed by a tour of the Irish Battalion's area of operations. The visit to Lebanon afforded me an opportunity to see, at first hand, the dedication and professionalism of military personnel and the tremendous work done overseas by the Irish Defence Forces. I conveyed to the troops our deep appreciation for the outstanding manner in which they continue to perform their duties on overseas service.

The 104th Irish Infantry Battalion is based in Sector West of UNIFIL's area of operations in an area designated by the Force Commander, centred on the major towns of Tibnine and Bint Jubyal and the Blue Line which separates Lebanon and Israel. The Battalion is tasked primarily with patrolling, reconnaissance, and ground holding, while operating in close coordination and cooperation with the Lebanese Armed Forces in Sector West.

Appropriate force protection assets have been deployed by the Defence Forces to this mission, which are consistent with those of other troop contributors in the area. The Defence Forces are satisfied that they have sufficient capabilities, assets and experience to operate in the current and possible future UNIFIL environment in Lebanon. In addition, ongoing threat assessments are carried out in the mission area and we continually review both personal equipment and force assets, to ensure that Defence Forces personnel are appropriately equipped to

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fulfil their roles. I am satisfied that all appropriate security measures are in place to ensure the safety of all Defence Forces personnel serving with UNIFIL.

Question No. 18 answered with Question No. 7.

Question No. 19 answered with Question No. 17.

Ministerial Responsibilities

20. **Deputy Brendan Smith** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will ensure that the North-South Ministerial Council will organise meetings as requested (details supplied); if this issue will be pursued as a matter of urgency; and if he will make a statement on the matter. [31737/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Concerns had been raised with the NSMC Joint Secretariat by Clones Town Council and Monaghan County Council about illegal driving practices on a stretch of the N54/A3 Clones to Cavan Road. Joint Secretariat officials have consulted with relevant Departments, agencies and the police services in both jurisdictions on the matter. The conclusion was that this is a matter for the police services who, I understand, have taken actions to deal with the matter which have had some success. Local councils are advised to continue to liaise with the police services in dealing with this problem.

Tax Code

21. **Deputy Ann Phelan** asked the Minister for Finance the number of persons who benefitted each year from the farm consolidation relief for stamp duty since this scheme came into effect;; and if he will make a statement on the matter. [31603/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the available information on the numbers of claimants who received farm consolidation relief from its introduction in 1 July 2005 until the end of 2010 is set out in the following table.

Year	Numbers receiving farm consolidation relief
2005 (July to December)	2
2006	18
2007	16
2008	30
2009	49
2010	39

The scheme of Stamp Duty relief for farm consolidation expired on 30 June 2011. The figure for 2011 is not yet available.

Tribunals of Inquiry

22. **Deputy Dara Calleary** asked the Minister for Finance the position regarding the investigations by the Revenue Commissioners into the findings of the Moriarty Tribunal Report. [31616/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that, following the publication of the report of the Moriarty Tribunal, a Revenue official was

appointed to examine its contents. The officer has examined the Report and there are a number of matters which have been progressed and others which are still under consideration. The Tribunal recommended that the independence of the Revenue Commissioners be put on a statutory footing, and this has been implemented by Section 101 of the Ministers and Secretaries Act 2011.

The Tribunal also made a recommendation in relation to representations by office holders to the Revenue Commissioners, and I am considering this in the context of the Government's overall approach to political and parliamentary reform in conjunction with my colleague the Minister for Public Expenditure and Reform. However, separately, in the interests of transparency, the Revenue Commissioners publish data on the volume of representations made by each Deputy and Senator.

The Tribunal referred to the difficulties raised for Revenue and the taxpayer by the mutual tension between criminal and civil aspects of investigations and I am advised that Revenue has put administrative arrangements in place which are designed to enable the civil and criminal aspects of appropriate cases to be managed separately when required.

A further recommendation related to the transmission to other agencies of information obtained by Revenue under bilateral agreements has been considered. These agreements are international treaties which are very precisely drawn as to the purpose for which information may be used and would not permit such transmission. However if opportunities arise in the future, the Commissioners will consider the matter further. The Deputy will appreciate that Revenue is not in a position to comment on matters relating to individuals for reasons of taxpayer confidentiality.

Tax Code

23. **Deputy Finian McGrath** asked the Minister for Finance the position regarding taxing of lump sums (details supplied). [31747/11]

Minister for Finance (Deputy Michael Noonan): Changes were introduced in Budget and Finance Act 2011 which reduced the lifetime limit of the tax-free retirement lump sum to €200,000 with any excess over this amount subject to tax on a staged basis. The details supplied with the question relate to the future tax treatment of retirement lump sums. It is not customary that I would comment on the detail of any possible tax changes in advance of the Budget and I am not in a position to do so at this time.

24. **Deputy Patrick O'Donovan** asked the Minister for Finance his plans to amend the 80% windfall tax on rezoned land; and if he will make a statement on the matter. [31588/11]

Minister for Finance (Deputy Michael Noonan): The windfall rate of 80% applies to a disposal of development land which has been the subject of a "relevant planning decision" — that is, a decision by a local authority since 30 October 2009 to rezone the land or a decision by a local authority since 4 February 2010 to materially contravene its development plan. The rate applies to the portion of the gain attributable to the "relevant planning decision"; the balance of any gain is taxable at the appropriate Capital Gains Tax, Income Tax or Corporation Tax rate, depending on the circumstances of the disposal. As with all areas of taxation, the windfall rate is constantly kept under review and any changes will be determined in the context of Budget and Finance Bill.

National Asset Management Agency

25. **Deputy Michael Creed** asked the Minister for Finance if he is satisfied that the National

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Asset Management Agency, NAMA, has sufficient powers to reverse asset transfer to spouses; the number of cases in which NAMA has successfully pursued this approach; and if he will make a statement on the matter. [31684/11]

Minister for Finance (Deputy Michael Noonan): In relation to asset transfers, in circumstances where it is obvious that the purpose of an asset transfer, whether to a spouse or otherwise, was a pre-emptive attempt to put assets beyond the reach of NAMA, NAMA has a number of statutory remedies available to it under Irish law. These include the provisions of the Conveyancing Act, the Land and Conveyancing Law Reform Act 2009 and Section 211 of the NAMA Act which provides that NAMA may apply to a Court to declare a disposition to be void if it can show that the effect of the disposition was to impair the value of an eligible bank asset or any rights that NAMA would have acquired but for the disposition. At a recent meeting of the Joint Committee on Finance, Public Expenditure and Reform, the Chief Executive of NAMA pointed out that, having been through the business plans of debtors which account for close to 75% of NAMA debt, he does not consider that there is a ‘huge pot of gold’ that can be recovered through legal proceedings to reverse asset transfers by NAMA debtors.

I am informed by NAMA, however, that most of the debtors who engaged in such transfers are co-operating with it as regards a voluntary reversal of asset transfers. As negotiations are ongoing with many debtors and assets are being re-valued at current prices, it is not yet possible to determine the final valuation of reversed asset transfers.

In a number of cases where debtors are refusing to co-operate, it has been necessary for NAMA to adopt a number of approaches, depending on the legal advice received in each particular case. This may involve the pursuit of personal guarantees through the courts and, in some cases, will require litigation to reverse asset transfers where the original intention appears to have been to place the assets concerned beyond the reach of NAMA.

NAMA advises me that, based on its experience to date, it has sufficient powers to ensure that asset transfers are reversed where appropriate. Should the Board of NAMA advise otherwise in the future, I would be open to considering any recommendations made.

Personal Debt

26. **Deputy Thomas P. Broughan** asked the Minister for Finance regarding the Keane report, the proportion of owner-occupiers who were first-time buyers between 2003 and 2007; the cost of debt write-downs of 50%, 40%, 30% and 20% for that category of homeowners; and if he will make a statement on the matter. [31686/11]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Central Bank that it is estimated that between 18% and 21% of owner occupier mortgages were first time buyers between 2003 and 2007. The Bank also estimates that a debt write down in the range of 20% to 50% of the outstanding balance on these loans would cost between €6 billion to €16 billion.

Banks Recapitalisation

27. **Deputy Sean Fleming** asked the Minister for Finance if he will confirm the dates and the amounts received and receivable from the sale of ordinary shares in the Bank of Ireland this year; the purposes to which these funds were applied; and if he will make a statement on the matter. [31730/11]

Minister for Finance (Deputy Michael Noonan): On 25 July 2011, the Minister for Finance announced that a group of investors had committed to buy up to €1.1 billion of the NPRF's shares in Bank of Ireland. This commitment reduced, from €1.9bn to €0.8bn (58% reduction), the potential maximum cost for the State to meet the bank's PCAR equity capital requirement. As a result of investment from other non-government sources, the total cost to the State (through the NPRF) from underwriting the bank's equity capital raise reduced from €0.8 billion to €0.2 billion (including net underwriting fees received by the NPRF of €0.05 billion). The actual amount sold by the NPRF to the investors was 10.5 billion Bank of Ireland shares at a price of 10c per share. The disposal of these shares took place in two tranches. The first disposal for €0.24 billion settled on 2 August 2011 with the second, and final, tranche for €0.81 billion settling on 17 October 2011.

The net proceeds from the disposals were transferred, on foot of a Ministerial Direction, from the NPRF to the Exchequer within 5 days of receipt from the investors.

The revenues of the State are not generally assigned to one particular area of expenditure. Receipts into the Exchequer from the sale of ordinary shares in the Bank of Ireland are, along with other sources of revenue such as tax revenue, non-tax revenue, other capital receipts, and borrowings under the Joint EU/IMF Programme of Financial Support, available to fund overall expenditure. The receipts from the sale of ordinary shares in the Bank of Ireland, because they were not retained within the NPRF, but were instead transferred to the Exchequer contribute to reducing the 2011 Exchequer deficit.

Pension Provisions

28. **Deputy Brendan Smith** asked the Minister for Finance if he will respond to concerns raised regarding the temporary pension scheme levy (details supplied) in County Cavan; and if he will make a statement on the matter. [31741/11]

Minister for Finance (Deputy Michael Noonan): I cannot say what the precise impact of the levy will be on individual funds, schemes or members as this depends on whether and to what extent pension fund trustees and Life Offices decide to pass on the levy to individual members, given the particular circumstances of the pension funds or pension plans that they are responsible for. I can say that the Finance (No. 2) Act 2011 provisions which introduced the levy include certain safeguards in this area. The payment of the levy is treated as a necessary expense of a scheme and the trustees or insurer, as appropriate, will be entitled where needed to adjust current or prospective benefits payable under a scheme to take account of the levy. However, should the option of reducing scheme benefits be taken, it must essentially be applied in an equitable fashion across the different classes of scheme members that could include active, deferred and retired members. In no case may the reduction in an individual member's or class of member's benefits exceed the member's or class of member's share of the levy.

The Revenue Commissioners are also afforded oversight authority to review, where they consider it appropriate, instances where benefits are adjusted as a result of the payment of the levy to ensure that any such adjustment is in keeping with the requirements of the levy legislation. In undertaking any such review Revenue may consult with appropriate experts as they see fit. However, before Revenue could act in that regard, instances of concern on foot of actual adjustments made would first have to be brought to their attention.

I consider that there is scope for the pension fund industry to absorb the impact of the temporary pension scheme levy by way of a reduction in the fees and charges made on those schemes. As outlined in the details supplied with the question, I have raised this issue at face-to-face meetings with representatives of pensions industry and in writing. The response from

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the industry has to date not been particularly positive in this respect. I am not sure, however, that forcing the industry to absorb the levy through legislation regardless of the circumstances from case to case would be the most appropriate action at this time.

I should point out that a group has been established to examine charges in the pensions industry. The group is chaired by the Department of Social Protection with representatives of the Central Bank and the Pensions Board. This study will provide an initial benchmark on the level of pension charges for different forms of funded supplementary pension arrangements and will provide information in relation to disclosure of charges. These data have not been available to date so the study will provide valuable information to inform policy. When this information on pension charges becomes available, I will consider how it may be used to advance the issue of the industry absorbing the impact of the pension fund levy.

Personal Debt

29. **Deputy Billy Timmins** asked the Minister for Finance his views on a matter (details supplied) regarding action on personal debt and mortgage arrears; and if he will make a statement on the matter. [31745/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, earlier this year, the Economic Management Council requested an Inter-Departmental Group to consider further necessary actions to alleviate the increasing problem of mortgage over-indebtedness. Following consideration by the Government, the Group's report was published on 12 October and is available on my Department's website. Given the importance of this issue, the findings and recommendations contained in the report are the subject of a Dail debate and that debate continues this week. In the meantime there has been progress in moving forward with a number of the initiatives proposed in the report.

- The Minister of State at the Department of the Environment, Community and Local Government with special responsibility for Housing and Planning will launch two mortgage-to-rent schemes in line with the report's recommendations. These will operate on a pilot basis initially subject to prompt review ahead of wider roll-out. Under each scheme households in extreme mortgage distress who are eligible for social housing will be able to remain in their homes as social housing tenants with either their lending institution or a housing association taking ownership of the property.
- The Minister for Justice and Equality has already undertaken extensive work on the Heads of a Personal Insolvency Bill as set out in the report and these will be published shortly.
- I have instructed the Banking Division of my Department to begin discussions with the banks to ensure speedy implementation of the measures set out in the report.

As I have mentioned in the Dail, I wanted to give Deputies and outside groups the opportunity to make known their views. When these views have been received I will put forward proposals to the Government on next steps including an implementation mechanism.

FÁS Training Programmes

30. **Deputy Mattie McGrath** asked the Minister for Education and Skills if he will consider making amendments to the eligibility criteria for FÁS training courses, community employment schemes to ensure applicants not in receipt of a jobseeker's allowance payment or other social welfare payments due to the income of their spouse, or partner or parents and prevented from

participating in programmes to upskill; his views on this matter; the way he proposes that such persons upskill to increase their chances of gaining employment; and if he will make a statement on the matter. [31590/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I understand that FÁS training courses are open to all unemployed persons regardless of whether they are receiving a social welfare allowance or not. I also understand that if a FÁS training course participant is not entitled to Jobseeker's Benefit/Allowance from the Department of Social Protection at the commencement of the course, then he/she does not receive a FÁS training allowance.

In order to ensure the best use of available resources and in order to minimise the drift into long-term unemployment, my Department requested FÁS to prioritise individuals falling within one of the following four cohorts of the unemployed for its training interventions: the low skilled; those under 35 years of age; those on the Live Register for longer than 1 year and those suffering from structural unemployment in the manufacturing, construction and retail sectors.

In addition, my Department requested that individuals falling within more than one of the above cohorts be given top priority for access to these training interventions, subject to individual progression needs. I understand that experience indicates that most FÁS courses include many participants who fall within one or more of the priority cohorts.

Eligibility for Community Employment Schemes provided by FÁS is a matter for my colleague the Minister for Social Protection.

School Transport

31. **Deputy Brendan Griffin** asked the Minister for Education and Skills when expenses will issue to a person (details supplied) in County Kerry in respect of school transport costs; and if he will make a statement on the matter. [31593/11]

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 school transport service for the pupil in question commenced on 22nd September 2011.

School Transport Section of my Department will be in contact with the parent referred to by the Deputy, regarding the availability of a Special Transport Grant towards the cost of private transport arrangements prior to the commencement of this service.

Higher Education Grants

32. **Deputy John O'Mahony** asked the Minister for Education and Skills when a person (details supplied) in County Mayo will receive her higher education grant; and if he will make a statement on the matter. [31599/11]

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 the circumstances, it will be necessary for the student in question to contact her grant awarding authority to ascertain the position with her application.

Third Level Charges

33. **Deputy Seán Crowe** asked the Minister for Education and Skills if it is ethical for students to pay €6,500 to enrol for a postgraduate diploma in education at University College Dublin

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when they were unaware that plans were in place to downgrade the qualification from level nine to level eight. [31608/11]

34. **Deputy Seán Crowe** asked the Minister for Education and Skills if University College Dublin, as a public body, is covered by administrative law and should adequate notice not have been given to students who enrolled in its postgraduate diploma in education in the belief they would, upon graduating, receive a level nine qualification that it would be downgraded to level eight mid-term; and his views on whether an injunction should be imposed on this decision. [31609/11]

35. **Deputy Seán Crowe** asked the Minister for Education and Skills his views on the views of University College Dublin, that the postgraduate diploma in education is an anomalous and undefined qualification meaning it cannot be downgraded; and if he shares this view, is it not correct that the diminished status of the qualification should result in lower student fees and a less intense level of course work. [31610/11]

36. **Deputy Seán Crowe** asked the Minister for Education and Skills if the school of education has contacted other international bodies to inform them that despite the change in grade to University College Dublin's postgraduate diploma in education, it retains the same status as the qualification in its original designation. [31611/11]

37. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will clarify the statement from the National Qualifications Authority of Ireland which seems to indicate retrospective change whereby anyone who graduated at level nine from 2005 will now be classified as level eight; and what same means for those students who graduated before 2005. [31612/11]

38. **Deputy Seán Crowe** asked the Minister for Education and Skills the reason University College Dublin registry stamps the grant forms for postgraduate diploma in education students with level nine; the reason UCD School of Education stamps level nine on some students' forms; and the reason Europass diploma supplements are being issued for the PGDE with level nine stamped on them by UCD. [31613/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 33 to 38, inclusive, together.

Universities are autonomous institutions within the meaning of the Universities Act 1997 and my Department does not have any function in relation to their academic affairs, including decisions concerning course provision, postgraduate fees, consultation processes with students or the issuing of diploma supplements. I understand that following detailed consultation between the Irish universities and the National Qualifications Authority of Ireland (NQAI) in the context of the ongoing process of implementing the National Framework of Qualifications (NFQ), the universities have agreed that the initial post-primary teaching qualification previously known as the Higher Diploma in Education and latterly as the Graduate or Postgraduate Diploma in Education, is to be formally included in the NFQ at Level 8 with immediate effect.

As a result of the decision to include the initial post-primary teaching qualification at NFQ Level 8, the title 'Postgraduate/Graduate Diploma in Education' will be replaced with the new title 'Professional Diploma in Education' to avoid confusion with any Level 9 award type. All qualification titles used prior to 2011 (i.e. legacy titles) are also placed in the NFQ at Level 8.

As this is the first time that these qualifications have been included in the Framework at any level, there has been no reclassification of awards.

The qualification continues to be recognised by other countries in accordance with their policies and procedures and the adoption of the new title will not affect student entitlements under the existing Student Maintenance Grant Schemes.

Higher Education Grants

39. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills when persons (details supplied) in County Mayo will receive a decision on an application for third level maintenance grant. [31651/11]

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 the circumstances, it will be necessary for the student in question to contact his grant awarding authority to ascertain the position with his application.

40. **Deputy Finian McGrath** asked the Minister for Education and Skills the assistance available to a person (details supplied). [31655/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy is referring to the change in the qualifying distance criterion for the non-adjacent rate of grant which was introduced by the previous Fianna Fáil — Green party Government under Budget 2011.

As that Government had factored in the savings from this and other changes to the student grant scheme to the public expenditure programme for 2011, I regret that I am not in a position to reverse or vary them. However, while a qualifying student may receive a lower rate of grant for the 2011/12 academic year, they will not lose grant assistance. Students on particularly low incomes will also receive a top-up in the special rate of grant.

It may be useful to the student in question to know that students in exceptional financial circumstances can apply for assistance under the Student Assistance Fund. Information on the Fund is available through the access office of the college the student is attending. The access office itself will also continue to provide support and advice to student to enable her to continue with her studies.

The particular college concerned also has a range of other schemes to assist students needing extra financial support. These schemes include rent assistance, class materials, travel/subsistence and emergency assistance. Details of the schemes are available on the college's website or, again, through the access office.

41. **Deputy Pearse Doherty** asked the Minister for Education and Skills if he will clarify the vocational education committee calculation in awarding grants based on the mileage; and if the VEC is using Google maps to calculate distances and choose the shortest distance irrespective of whether these routes are not available to bus services. [31663/11]

Minister for Education and Skills (Deputy Ruairí Quinn): There has been no change as to how local grant awarding authorities measure distances for student grant purposes.

As in the past for all cases, the shortest most direct route to the institution attended is measured. I understand that a range of mechanisms can be used, for example, online mapping such as AA Route Planner and Google Maps.

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If the distance is disputed, the matter should be taken up with the grant awarding body concerned. In some cases, it may be necessary to carry out a physical measurement.

Pupil-Teacher Ratio

42. **Deputy Peter Mathews** asked the Minister for Education and Skills his plans (details supplied) with respect to pupil-teacher ratios; and if he will make a statement on the matter. [31674/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will be aware the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating teaching staff and Special Needs Assistants (SNAs) to special schools to support children with special educational needs. The NCSE operates within my Departments 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/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 7 approved class teaching posts, 3 surplus teaching posts and 28 SNAs. The enrolment is 38 pupils, including 9 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 1 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, that 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.

Higher Education Grants

43. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills when people (details supplied) in County Mayo will receive a decision on application for the special maintenance grant. [31677/11]

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 the circumstances, it will be necessary for the students in question to contact their grant awarding authority to ascertain the status of their applications.

Special Educational Needs

44. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills if the services of the visiting teachers are available to non-verbal children who do not suffer a hearing impair-

ment; the early education supports available to such children; and if he will make a statement on the matter. [31693/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Visiting Teacher Service for Children and Young People with a Hearing Impairment is provided by my Department from the time of referral through to third level education. The Visiting Teacher service provides advice and support to parents and schools to ensure the needs of children and young people with hearing impairment are met. This service is available at pre-school, primary and post-primary levels and includes children at the pre-school stage whose specific needs could be beneficially addressed through the work of the Visiting Teacher Service and the expertise within the service, such as children with auditory processing disorders. Specifically, the service works in partnership with parents of pre-school children with hearing impairment, visiting their homes and/or meeting them in groups to inform, advise and offer guidance on matters pertaining to their education and overall development and helping their children to derive maximum benefit from the educational opportunities available.

There is no scope to further extend the provision of this service to children who do not have a hearing impairment. The Deputy may be aware that the vast majority of supports for child care, including pre-school education, is not provided by my Department, but is provided by the Department of Children and Youth Affairs. The principal vehicle for delivery of pre-school education is the free Pre-School Year in Early Childhood Care and Education (ECCE) programme which was introduced in January 2010 and provides early learning in a formal setting to children in the year before they commence primary school. My Department will continue to work in partnership with other departments and agencies to complement and add value to existing Early Years programmes.

My Department provides a range of teaching and care supports for children of schoolgoing age with special educational needs. My Department's policy is to provide for such children to be included in mainstream schools unless such a placement would not be in their best interests or the interests of the children with whom they are to be educated. Some children may be supported in a special class attached to a mainstream school. These students have the option, where appropriate, of full or partial integration and interaction with other pupils. Other children may have such complex needs that they are best placed in a special school. In special schools and special classes, students are supported through lower pupil teacher ratios. Special needs assistants may also be recruited specifically where pupils with disabilities and significant care needs are enrolled. Health and Therapy support services are also provided for students in schools in some instances, by the Health Service Executive.

The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers for allocating resources to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. For children under the age of five, the NCSE, through its network of Special Educational Needs Organisers, liaises with Assessment Officers in the HSE in respect of the assessment of need process under the Disability Act 2005. My Department's Circular 0020/2011, which is available on my Department's website and issued to all primary schools earlier this year, clarifies the roles of the NCSE and the HSE in relation to the assessment of need process as well as the role of the school in this regard.

45. **Deputy Tom Hayes** asked the Minister for Education and Skills his policy regarding providing professional resource teachers to schools with students suffering from delayed language development disorders; and if he will make a statement on the matter. [31696/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that my Department provides an extensive range of supports for pupils with Specific Speech and Language Disorder. My Department provides for the establishment of special classes for Specific Speech and Language Disorder in primary schools. Applications to establish such classes are considered by the school's assigned Special Educational Needs Organiser. Those meeting the criteria for establishment are approved by the National Council for Special Education. A full-time teacher is assigned to each class, and classes operate with a reduced pupil-teacher ratio of 7:1. Speech and language therapy services are provided to these classes by the HSE. An enhanced capitation grant is provided to schools operating special classes for pupils with Specific Speech and Language Disorder. The current rate is €912 per pupil. Pupils who are not enrolled in a special class for Specific Speech and Language Disorder and who meet the criteria for Specific Speech and Language Disorder, as outlined in my Department's Circular 0038/2007, may qualify for additional teaching support where he/she is enrolled in mainstream school. Applications for such support may be made to the National Council for Special Education through the local Special Educational Needs Organiser. Pupils with mild speech and language difficulties may qualify for supplementary teaching support from within the school's general allocation of learning support/teaching support.

46. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills if his attention has been drawn to the fact that 19 students at a school (details supplied) in Dublin 10 are not receiving their allocation of resource hours due to the cap on resource teaching hours; and if he will ensure that additional personnel are made available to accommodate the needs of these most vulnerable students. [31698/11]

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. Circular 37/2011 provides information to schools regarding the arrangements which are being put in place for the 2011/12 school year for the allocation of Resource Teaching hours for children with assessed special educational needs. In relation to the allocation of individual Resource Teaching hours, the position is that for the 2011/12 school year an initial allocation of 90% of valid identified resource teaching allocations was made by the NCSE to schools, including the school referred to by the Deputy. This allocation, in the first instance, provided schools with the majority of their allocation, yet preserved enough capacity to deal with late applications and ensure that my Department can remain within Employment Control Framework obligations. All schools had been requested to forward any outstanding applications, or additional outstanding materials to support incomplete applications to the NCSE for consideration before 16th September 2011. The NCSE has advised that it allocated 50 resource teaching hours to the school in question on foot of applications received in respect of 15 individual pupils. A further application in respect of 4 pupils is currently being processed by NCSE.

Summer Works Programme

47. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills the position regarding an application under the summer works programme from a school (details supplied) in Dublin 10. [31699/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme. A list

of 453 successful schools was announced on 30 March 2011. Applications from schools for gas, mechanical and electrical works were prioritised under the Summer Works Scheme funding this year and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school. While further funding has been made available for school projects under the Government's Jobs Initiative, I regret that the application was also unsuccessful under the Initiative as it was necessary to prioritise some categories of works over others.

Vocational Education Committees

48. **Deputy James Bannon** asked the Minister for Education and Skills if he will consider Longford Vocational Education Committee as a sub-office, in view of it not having been designated the regional headquarters of the newly amalgamated Longford Westmeath VEC; and if he will make a statement on the matter. [31729/11]

Minister for Education and Skills (Deputy Ruairí Quinn): In arriving at the decision on the headquarter locations of the new Education and Training Boards, I considered a range of factors including the need to ensure that the location of a VEC headquarters will, to the greatest extent possible, facilitate staff redeployment under a redeployment scheme within the context of the Croke Park Agreement and the need to operate at lowest cost having regard to the accommodation available in existing locations. In determining Mullingar as a headquarter location, I was aware that both Co. Westmeath and Co. Longford VECs are very closely matched on the criteria mentioned above. However, I am satisfied that geographically, Mullingar is the most favourable location for the HQ. I expect that headquarters staff of Co. Longford VEC will move to the designated headquarters location at 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.

Higher Education Grants

49. **Deputy Billy Timmins** asked the Minister for Education and Skills the position regarding a third level grant in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [31744/11]

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 Deputy will appreciate that in the absence of all of the details that would be contained in a student grant application form, it would not be possible for me to say if a student would qualify for a grant. However, to satisfy the terms and conditions of the student grant scheme in relation to progression, a student must be moving from year to year within a course having successfully completed the previous year or be transferring from one course to another where the award for the subsequent course is of a higher level than the previous course. The objective of this policy is to help as many students as possible in obtaining one qualification at each level of study thereby increasing their employment prospects. Given the level of demand on the student grant budget from first time students and students that are progressing with their studies to a higher level, there are no plans at present to change the arrangements in place.

Vocational Education Committees

50. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding a club (details supplied) in Dublin 5. [31746/11]

Minister for Education and Skills (Deputy Ruairí Quinn): As the Deputy will be aware, it is my intention to lease the 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 facility following execution of the lease. I am advised that the VEC has provided a draft user agreement to the club for their consideration and I understand that the VEC and the club will meet this week to discuss the draft user agreement further. I understand that the VEC carried out a review of the sports facility and identified work to be undertaken to address the general safety of the building. While this work is being carried out, I understand that it is necessary for the VEC to suspend use of the facility. It is expected that the works will be completed in three weeks and the facility will be available for use from then. The VEC has written to the club referred to by the Deputy and other users of the facility outlining the issue and apologising for the inconvenience. The Deputy will understand the importance of ensuring the safety of the facility for all users.

Expenditure Reviews

51. **Deputy Maureen O'Sullivan** asked the Minister for Public Expenditure and Reform the reason the comprehensive review of expenditure cannot be published at an earlier date in the interest of fiscal transparency. [31659/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Comprehensive Review of Expenditure (CRE) has generated a large number of options for savings and reform measures which are now being considered by the Government in the context of framing decisions on the Budget and Estimates for 2012 and subsequent years.

The Taoiseach outlined to the House last week that the Government has committed to a series of budgetary and expenditure announcements over the next six weeks leading up to the Budget 2012 statement on 6 December.

As part of this approach, on Thursday 1st December I will be setting out the high-level outcomes of the CRE along with the multi-annual expenditure ceilings for each Department for 2012-2015 and the Budget Estimates for 2012. All of the background CRE documents will be made available online at that point.

Following publication of the key documents they will be presented to the relevant Oireachtas Committees for their consideration. This overall approach demonstrates an unprecedented level of transparency, openness and accountability, in line with the Government Programme commitments in this regard.

Departmental Bodies

52. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform if he will reconsider his decision to end the employment of a person (details supplied) on the basis that his apprenticeship has concluded. [31657/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): The Office of Public Works have been able to facilitate the person in question to complete his apprenticeship, which concludes shortly. It will not be possible to offer him employment.

Employment Rights

53. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation further

to Question No. 90 of 29 September 2011, the way it was determined that an Employment Appeals Tribunal hearing did not go ahead on 17 August 2010 when it in fact did take place, and the complainant was represented by a solicitor and a settlement reached; and if he will make a statement on the matter. [31643/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I refer the Deputy to Question No. 90 which was answered on 29th September 2011 in this regard.

Notwithstanding that this claim was scheduled to take place before the Employment Appeals Tribunal on 17th August 2010, it transpires that the claim was withdrawn on the day. The claimant's representative would have been aware of this as EAT procedures provide that only a claimant or their representative is allowed to withdraw a case. The EAT has no role in relation to the enforcement of any settlement agreement. These are a matter between the parties concerned.

Proposed Legislation

54. **Deputy Robert Dowds** asked the Minister for Jobs, Enterprise and Innovation the timeline for the consultation and review process needed to bring Ireland's legislation on the right to collective bargaining into line with recent decisions by the European Court of Human Rights; and if he will make a statement on the matter. [31680/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I believe that the established dispute settling institutions should continue to play an important role in disputes over trade union recognition. The established procedures can be improved and secured without introducing a mandatory requirement upon employers to recognise trade unions for collective bargaining purposes.

There is a commitment in the Programme for Government to ensure that Irish law on employees' rights to engage in collective bargaining is consistent with recent judgements of the European Court of Human Rights. This process will require consultation with stakeholders, including employer and worker representatives, and a review of the experience of the operation of the existing legislative framework as put in place under the Industrial Relations Acts of 2001 and 2004 and the consequences of the litigation that has arisen in the course of the operation of these Acts.

I am certain that satisfactory arrangements can be put in place that are suited to our constitutional, social and economic traditions, as well as our international obligations. I am also convinced that they can be framed so as to ensure continued success in attracting investment into our economy.

Question No. 55 withdrawn.

Social Welfare Appeals

56. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will be issued on an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [31589/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal by the person concerned were 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 20 October 2011 and the

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case has been assigned 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.

57. **Deputy Ciarán Lynch** asked the Minister for Social Protection the reason rent supplement payment was refused to a person (details supplied); when a determination will be made regarding an appeal; and if she will make a statement on the matter. [31592/11]

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.

Social Welfare Benefits

58. **Deputy Mattie McGrath** asked the Minister for Social Protection the number of bankrupt persons who have claimed a social welfare payment in each year for the past 20 years; the costs per year; and if she will make a statement on the matter. [31594/11]

Minister for Social Protection (Deputy Joan Burton): My Department is not in a position to provide the information that the Deputy is requesting as statistics regarding bankrupt persons are not available.

Courts Service

59. **Deputy Mattie McGrath** asked the Minister for Social Protection if she has estimated or carried out a cost analysis to the State of the rising bankruptcy numbers currently in the court lists; her plans to do so; and if she will make a statement on the matter. [31598/11]

Minister for Social Protection (Deputy Joan Burton): My Department does not have the information that the Deputy is requesting. This is a matter for the Department of Justice and Equality.

Social Welfare Appeals

60. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue on an application for farm assist in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [31614/11]

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 26 August 2011 and was referred to an Appeals Officer on 13 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.

Redundancy Payments

61. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the position regarding a redundancy claim in respect of a person (details supplied) in County Wexford; if she will expedite the claim; and if she will make a statement on the matter. [31642/11]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 19 July 2011. Redundancy lump sum claims received during April 2011 are currently being processed.

Social Welfare Appeals

62. **Deputy John O'Mahony** asked the Minister for Social Protection further to Parliamentary Question No. 229 of 27 September 2011, when this will case will be reviewed by a medical assessor as stated in the reply; and if she will make a statement on the matter. [31656/11]

Minister for Social Protection (Deputy Joan Burton): This application was reviewed by one of the Department's Medical Assessors on 24th October 2011, who found that the child was not medically eligible for Domiciliary Care Allowance. The appeal file is currently being prepared for the Social Welfare Appeals Office and will shortly be forwarded for their consideration.

63. **Deputy Robert Troy** asked the Minister for Social Protection if she will expedite an appeal for domiciliary care in respect of a person (details supplied). [31667/11]

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 applicants, 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.

64. **Deputy Paudie Coffey** asked the Minister for Social Protection when an appeal will be heard in respect of a maternity benefit claim (details supplied); and if she will make a statement on the matter. [31673/11]

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 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 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.

Employment Support Services

65. **Deputy Robert Dowds** asked the Minister for Social Protection her plans to change the way in which disabled persons receive support in securing jobs and work experience, in view of the fact that JobBridge appears to be more accepted by employers than the disability-specific work support scheme; and if she will make a statement on the matter. [31681/11]

Minister for Social Protection (Deputy Joan Burton): The aim of JobBridge is to assist unemployed individuals to bridge the gap between unemployment and the world of work. JobBridge aims to offer individuals of all skill levels, ranging from those who left school early to highly qualified graduates, a unique opportunity to develop new skills and earn valuable experience. JobBridge can offer a diverse range of jobseekers a chance that will at the very least improve their prospects of securing employment in the future. In order to be eligible to participate in JobBridge, an individual must currently be in receipt of a Jobseeker's Allowance/Jobseeker's Benefit or signing for credits on the Live Register, and have been so for a total of three months or more in the last six months.

There is a range of supports available designed specifically to support the employment of people with disabilities. The Wage Subsidy Scheme is just one of these and provides financial incentives to employers, outside the public sector, to employ people with disabilities who work more than 20 hours per week. There are three strands to the scheme:

Strand 1 is a general subsidy for any perceived productivity shortfall in excess of 20% for a disabled employee in comparison to a non disabled peer. The rate of subsidy is €5.30 per hour giving a maximum subsidy, per employee, of €10,748 per annum based on 39 hour week.

Strand 2 is based on the total number of disabled employees in a company to cover additional costs. It ranges from 10% of the wage subsidy for 3-6 employees to a maximum of 50% of the wage subsidy for 23+ disabled employees.

Strand 3 is where a company employs 30 or more disabled people can avail of a grant of €30,000 per annum to assist with the cost of employing an Employment Assistance Officer. It is paid for each cohort of 30 disabled people employed.

A range of other supports are also available to support the employment of people with disabilities. These include the Disability Awareness Training Support Scheme, the Reasonable Accommodation Fund for the Employment of Disabled People, the Workplace Equipment Adaptation Grant, the Employee Retention Grant Scheme and the Supported Employment Programme.

Persons with a disability may call into a FÁS Employment Service Office or Local Employment Service Office to meet with an Employment Services Officer or Mediator who will provide them with full information, advice and guidance in relation to training and employ-

ment. Persons with a disability, who meet the entry criteria, are able to participate in the full range of FÁS programmes and services.

I should mention, finally, that the range of options available to people with disabilities will be augmented further by the introduction of a Partial Capacity Benefit scheme which will be formally launched before the end of this year. The Partial Capacity Benefit scheme will be open to people who are in receipt of Invalidity Pension or who have been in receipt of Illness Benefit for a minimum of six months. Participation in the scheme will be voluntary and the scheme is designed in particular to respond to the needs of people who currently seek to avail of ‘exemptions’ in order to take up employment opportunities.

66. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if the stipulations of the JobBridge scheme are detailed in, or come under, legislation; and if so, the relevant Act. [31714/11]

Minister for Social Protection (Deputy Joan Burton): JobBridge is an administrative scheme and as such does not come under any specific legislation.

Section 16 of the Social Welfare and Pensions Act 2011 provides for changes to previous social welfare legislation in relation to the internship scheme.

Community Employment

67. **Deputy Simon Harris** asked the Minister for Social Protection the payments which she makes to persons placed on community employment schemes; their entitlements to social welfare benefits while on placement; if she has any plans to reform these payments; and if she will make a statement on the matter. [31732/11]

Minister for Social Protection (Deputy Joan Burton): Community employment helps long-term unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to work routine. The focus of CE is on developing technical and personal skills to enable a person to return to the open labour market. Persons engaged are provided with work and training placements of 19½ hours duration per week with a not-for-profit community sponsor delivering local services.

The payment rates on community employment (CE) are related to the underlying value of certain social protection payments plus €20 per week. In addition, a participant may be eligible, where appropriate, for payments in respect of any qualified dependant adult and children. In the case of some categories of social protection payments, earnings from CE or from work will be taken into account in determining the value of the social protection payment retained. Secondary benefits are protected during a participant’s engagement on CE with individual circumstances taken into account in determining continuing eligibility.

Details for each social protection payment are summarised in the following table. I have indicated that I wish to consider the operation of CE and other employment support initiatives with a view to ensuring the effectiveness of these in progressing people back to work or to further training or education.

[Deputy Joan Burton.]

TABLE

DSP Qualifying Payment	CE Single Adult Rate	Adult Dependant Allowance (maximum)	Child Allowance (Full Rate)	Child Allowance (Half Rate)	Effects of Joining CE
<i>Jobseekers Allowance</i> From 29 December 2010	€208.00	€124.80	€29.80	€14.90	Secondary benefits retained if gross household income is less than €317.43 per week. Rent or mortgage interest supplement will be paid on a reducing scale for up to 4 years. Medical card retained for 3 years. Fuel allowance payable while on CE.
<i>Jobseekers Benefit</i> From 30 December 2010					
<i>One Parent Family Payment</i> <i>Deserted Wife's Allowance</i> From 6 January 2011	€208.00	n/a	€29.80	n/a	OPFP reduces as earnings from employment and CE increase. OPFP may be partially retained in addition to CE allowances. Rent or mortgage interest supplement will be paid on a reducing scale for up to 4 years. Medical card retained for 3 years. Fuel allowance payable while on CE. Child dependant allowances paid by both DSP and FÁS simultaneously.
<i>Deserted Wife's Benefit</i> From 6 January 2011	€208.00	n/a	€29.80	n/a	DWB may be fully or partially retained in addition to CE allowances. Rent or mortgage interest supplement will be paid on a reducing scale for up to 4 years. Medical card retained for 3 years. Fuel allowance payable while on CE.
<i>Widow's/Widower's Contributory Pension</i> From 7 January 2011					
<i>Disability Allowance</i> From 5 January 2011	€208.00	n/a	n/a	n/a	A reduced amount of DA may be paid in addition to CE allowances. CE payments are taken into account as means. Other secondary benefits are unaffected.
<i>Blind Pension</i> From 7 January 2011	€208.00	n/a	n/a	n/a	As a for Disability Allowance. A visually impaired person who is on Blind Welfare Allowance (means tested) from the HSE may have this allowance affected when going on CE.
<i>Illness Benefit</i> From 3 January 2011	€208.00	n/a	n/a	n/a	Illness Benefit retained in addition to the CE payment. Medical card not affected, but secondary benefits (particularly rent allowance) may be affected depending on individual circumstances.
<i>Invalidity Pension</i> From 6 January 2011.	€208.00	n/a	n/a	n/a	Invalidity Pension payments are retained in addition to CE payment. Medical Card not affected, but other benefits (particularly Rent Allowance) may be affected depending on individual circumstances.

Employment Support Services

68. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding an application for an internship under the JobBridge scheme in respect of a person (details supplied) in County Cork. [31748/11]

Minister for Social Protection (Deputy Joan Burton): All applications for internships are made directly by the individual to the host organisation. If an individual is selected by a host organisation, his/her eligibility must be confirmed by my Department before he/she can participate on the scheme.

If an individual has previously completed a Work Placement Programme with a host organisation, he/she are not eligible to undertake a JobBridge placement with that same organisation.

This is the case in respect of the individual referred to.

EU Directives

69. **Deputy Dara Calleary** asked the Minister for Arts, Heritage and the Gaeltacht the methodology used to draft up the conditions attached to special protection areas; and if consideration will be given to reducing the number of conditions attached to SPAs, particularly for farmers and for those wishing to build a one off house on their lands. [31626/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The EU Birds Directive requires all Member States to classify the most suitable areas in their territory as Special Protection Areas (SPAs) for the conservation of those bird species listed in Annex I of the Directive and also for regularly occurring migratory species. Included within the network of SPA sites are areas used by birds for breeding, feeding, roosting and wintering. A list of Special Conservation Interests is set out for each SPA site specifying those Annex I and migratory bird species which occur in nationally or internationally important numbers at that particular site.

In order to protect the sites, and as required by the Birds and Habitats Directives, a list of Activities Requiring Consent (ARCs) are put in place for each SPA. These activities have been identified by my Department as having the potential to negatively affect the populations of the protected species and act as a notification mechanism which safeguards the site and its bird populations. The list of activities is tailored for each site and includes only those which may potentially cause damage to the site.

Activities Requiring Consent are not prohibited in SPAs. However, consent must be secured before they can be undertaken. This is generally a straightforward process undertaken by the local National Parks and Wildlife ranger or other official. Other works or developments that secure consent through other processes, such as the planning system, do not require separate consent from my Department. The planning system has its own processes, as required by the Birds and Habitats Directive, to ensure that the impact of any proposed development on the SPA is fully considered before planning consents are given.

Special Areas of Conservation

70. **Deputy Dara Calleary** asked the Minister for Arts, Heritage and the Gaeltacht the number of objections which have been received by him from land owners in the six recently designated special protection areas in County Donegal. [31627/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): My Department has received some 240 objections to these proposed designations.

Wildlife Protection

71. **Deputy Sean Fleming** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide the list of locations in respect of the number of licences he has issued under section 42 of the Wildlife Act which provides for the shooting of wild deer outside the designated open season and allows for night time shooting from the public road with the use of high powered lamps in view of the fact that the Summary Jurisdiction (Ireland) Act 1851 prohibits discharge of a firearm from within 60 feet of a public road; if the shooting of wild deer in this situation is legal, and even though it is highly dangerous to local communities, it has the potential to promote the illegal taking of deer; the reason he continues to issue permits allowing for the culling of female deer while they still have dependant young, which results in the dependent calf or fawn suffering an horrendous death over a number of weeks; and if he will make a statement on the matter. [31641/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The Wildlife Acts require that deer may only be hunted under Ministerial licence. The open season for most deer species is from 1 September to 28 February, depending on the species and gender of the deer. This reflects the conservation needs of the species concerned. Muntjac deer, which are considered an invasive species, can be hunted at any time of the year.

Deer can and do cause serious damage to crops and forestry. If a person needs to control deer outside the annual open seasons, permission under Section 42 of the Wildlife Acts is required. Permissions are issued on a case by case basis, to take action by means which can include scaring, capturing or killing.

Recently I approved new procedures for consideration of applications for permission to use lamps and vehicles for the culling of deer at night, subject to certain conditions. Permission can be obtained only where there are substantial practical difficulties with effective culling over large areas by daylight. Under the new procedures, one licence was issued in respect of a number of named individuals working for Coillte Teo, with a further licence issued in respect of a number of staff in my Department. Both Coillte and my Department manage properties with extensive private road networks. The shooting of deer from public roads does not arise in either case. It should be noted that licences issued under the Wildlife Act do not supersede any other requirement of the law in relation to the use of firearms.

I am advised that such culling, carried out with care by trained and highly experienced staff, does not create a danger for local communities. Nor does it promote illegal taking of deer.

However, I have instructed that there should be a review of the new procedures after a year in consultation with relevant stakeholders, in order to ensure their effectiveness.

In relation to culling of female deer, I have powers under the Wildlife Acts to include conditions in Section 42 permissions to prevent the culling of female deer during certain periods, and such conditions are included in many Section 42 permissions. However, it can be necessary to control female deer and dependent calves. Responsible and competent shooters ensure that culling is carried out in the most humane way possible.

Prospecting Licences

72. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources in regard to the 13 licences that have been issued to an array of international oil companies to explore the waters off the Atlantic coast, if he will give an assurance that this is a prudent decision and is it not giving away the rights of our national resources to foreign companies; the benefit that will accrue to the Exchequer; if the licensing and taxation terms need to be radically revised; and if he will make a statement on the matter. [31704/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The potential of the Irish offshore as a petroleum producing region is largely unproven and this is likely to remain the case unless there is a relatively significant increase in the level of exploration activity, in particular exploration drilling. Over the past decade on average only two exploration wells have been drilled per year.

The principal aim of the recently completed 2011 Atlantic Margin Licensing Round was to inject new momentum into the level of exploration in the Irish offshore and to attract new exploration companies to Ireland. The Irish and international companies offered two-year licensing options under the round will have to undertake work programmes agreed with my Department. These work programmes will then inform decisions to be made two years from now as to whether or not these companies will want to apply for exploration licences, with a view to moving towards exploration drilling.

As any exploration drilling that might result from the 2011 licensing round is unlikely to take place until six years from now at the earliest, it would not have been in the public interest to delay decisions on the award of licensing options. To do so would only delay the much needed increase in exploration activity levels and potentially damage investor confidence.

With regard to taxation, Ireland competes with other countries, both in Europe and much further afield to attract mobile international exploration investment. To that end, it is important that Ireland maintains a licensing regime that appropriately reflects both the risks and rewards of investing in petroleum exploration in the Irish offshore, relative to investing in exploration in other jurisdictions. A comprehensive review of Ireland's fiscal terms for oil and gas exploration and development was carried out in 2007. The review, which was underpinned by independent economic analysis, considered the appropriateness of Ireland's licensing terms in comparison to other European countries that Ireland competes with for exploration investment. The outcome of that review was the introduction of a profit resource rent tax, of between 5% and 15% that will apply in the case of more profitable fields. The profit resource rent tax would be payable in addition to the standard petroleum corporate tax of 25%. The revised terms apply to exploration licences issued since 1st January 2007.

While I will keep the licensing terms, both fiscal and non-fiscal, under review in light of relevant future developments, at this point in time I believe that the focus should be on attracting a larger share of mobile international exploration investment to Ireland, to increase the chances of new commercial discoveries being made.

Onshore Exploration

73. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources the terms of reference he has put in place for the Environmental Protection Agency in regard to onshore hydraulic fracturing for gas. [31749/11]

74. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources his views that it is better to be proactive rather than reactive in introducing new legislation to protect the environment if onshore hydraulic fracturing for gas proceeds as planned by the companies involved in the exploration. [31750/11]

75. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources if he proposes to commission an independent report to investigate and put in place regulations and procedures to safeguard and protect the environment if onshore hydraulic fracturing for gas proceeds as planned by the companies involved in the exploration. [31751/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I propose to take Question Nos. 73 to 75, inclusive, together.

I indicated recently that I had requested the Environmental Protection Agency (EPA) to conduct research and advise on the environmental implications of hydraulic fracturing as a means of extracting natural gas from underground reserves. The EPA is currently funding preliminary background research in the form of a study being carried out by Aberdeen University. The EPA had consulted with my Department before finalising the terms of reference for this study and my Department will continue to liaise with the EPA in relation to the commissioning of a further and more extensive study in 2012. The scope of this further detailed study will be informed by the findings of the Aberdeen University study and by information gathered by the EPA from a range of sources in the interim.

On the question of the over-arching regulatory framework that would apply in the case of any major onshore gas extraction project, there is already a comprehensive statutory framework in place setting down the development consents that would apply. The development of such a project would require a number of statutory consents including a planning consent from An Bord Pleanála under the Planning and Development (Strategic Infrastructure Act) 2006, an Integrated Pollution Prevention Control Licence from the Environmental Protection Agency (EPA), along with a Petroleum Lease, a Plan of Development consent and a Gas Pipeline consent from myself as Minister for Communications, Energy and Natural Resources. A core element of these consent processes would be to consider the potential environmental impact of any proposed development.

In relation to the specific issue of the potential use of hydraulic fracturing technology as part of a gas exploration or extraction project, my Department has not received applications for nor licensed the use of hydraulic fracturing in the Irish onshore at this time. The onshore petroleum licensing options awarded last February in the Northwest Carboniferous and Clare Basins are preliminary authorisations and are designed to allow the companies assess the natural gas potential of the acreage largely based on desktop studies of existing data. This work is principally office/desktop based and does not involve exploration drilling or hydraulic fracturing. By the end of the option period in February 2013, the companies will have to decide whether to apply for a follow-on exploration licence or relinquish the acreage.

I have made it clear that in the event that any of the companies involved decide to apply for an exploration licence that proposed the use of hydraulic fracturing, the application would have to be set out in detail and be supported by an environmental impact statement. The application would then be the subject of an environmental impact assessment, which would include a public consultation phase. My Department would also consult with other relevant statutory authorities such as the EPA and the National Parks and Wildlife Service before reaching any decision.

In the event of a commercial discovery, any potential development for the onshore production of natural gas would require the authorisations that I have outlined above, including authorisations from An Bord Pleanála, the EPA and from me as Minister with responsibility for natural resources.

Work under these Licensing Options is at an early stage and it is too soon to conclude whether or not these authorisations will proceed to the exploration licence stage let alone anticipate a commercial discovery that could lead to a petroleum production project. Notwithstanding this, my Department is engaging with a range of other State bodies with a view to ensuring that there is a joined up approach to regulation in this area.

Grant Payments

76. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and

Local Government the position regarding assistance under the disabled persons grant scheme; if he will give an assurance that the local authority will have sufficient funding to deal with the deferred 2011 applications and new applications for 2012; and if he will make a statement on the matter. [31706/11]

77. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the position regarding assistance under the housing aid for older people grant scheme; if he will give an assurance that the local authority will have sufficient funding to deal with the deferred 2011 applications and new applications for 2012; and if he will make a statement on the matter. [31707/11]

85. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government in view of the fact that Kerry County Council faces into 2012 with a large number of persons on a waiting list seeking assistance under the housing aid and mobility grants scheme, if he will give an assurance that the local authority will have sufficient funding to deal with the deferred 2011 applications and new applications for 2012; and if he will make a statement on the matter. [31743/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): I propose to take Questions Nos. 76, 77 and 85 together.

The suite of grant schemes for older people and people with a disability are funded by 80% recoupment available from my Department together with a 20% contribution from the resources of the local authority. It is a matter for each local authority to decide on the specific level of funding to be directed to each of the various grant measures, and to manage the operation of the schemes in their areas from within their allocation.

On 17 February 2011, my Department notified Kerry County Council of an Exchequer allocation of almost € 2.78 million under the grant schemes for 2011. Earlier this month I approved an additional €0.5 million Exchequer funding, bringing the total allocation for the year to €3.28 million. To date some €2.18 million of this, amounting to 67% of the approved funding, has been drawn down by the Council.

Kerry County Council have not advised my Department of having deferred applications for the schemes in their area. My Department is aware however that these schemes are very heavily subscribed and available funding has been heavily committed in many areas.

To provide for continuity in the processing of applications and the payment of grants under the various grant measures, local authorities are advised by my Department that they can commit up to 50% of their current years allocation for payment to applicants in the following year.

To comprehensively assess the overall level of demand for grant assistance under the suite of grant schemes for older people and people with a disability, my Department will, in early January 2012, request local authorities to submit details of their funding requirements for the year, with a view to determining the 2012 allocations as soon as possible after the publication of the 2012 Revised Estimates for Public Services.

Housing Grants

78. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government the number of bankrupt persons who have applied for social housing supports over the past 20 years; and if he will make a statement on the matter. [31595/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): My Department collates a broad range of statistical data on social housing. Data relating to the number of bankrupt persons who have applied for social housing supports is not among that range.

Local Authority Housing

79. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government his plans to introduce a ministerial order to allow the sale of local authority flats as provided for in the Housing (Miscellaneous Provisions) Act 2009; and if he will make a statement on the matter. [31597/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): Work is advancing on the preparation of the statutory instruments and related documentation required to enable the tenant purchase scheme for local authority apartments under Part 4 of the Housing (Miscellaneous Provisions) Act 2009 to be brought into operation as soon as possible. I expect to be in a position to make the necessary instruments before the end of this year.

Water and Sewerage Schemes

80. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the position regarding the construction of the Dungloe and Glenties sewerage scheme, County Donegal; the date on which the contractor will be appointed; the extent of the works involved; and the timeframe for the works involved. [31622/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Dungloe and Glenties Sewerage Schemes, which are to advance jointly, are included in the Water Services Investment Programme 2010-2012 among the list of contracts in Donegal to start in the period 2010-2012.

The schemes involve the provision of new wastewater treatment plants, pumping stations and sewers in Dungloe and Glenties.

My Department has approved the tender documents for the scheme and it is now a matter for Donegal County Council to advance the scheme through the tender process.

Water Quality

81. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the steps he will take to address the poor public water quality in the Fintown area of County Donegal which is served by Lough Muck. [31623/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Since 2008, the Environmental Protection Agency (EPA) has profiled public water supplies to determine whether the supply needs to be replaced or upgraded, or operational practices improved to ensure that there are no risks to the supply of drinking water. Supplies which require such improvement are included in a list known as the Remedial Action List. Many of these supplies are small supplies and where infrastructure improvements are required, my Department has made funding available to local authorities through a special contingency fund under the Rural Water Programme. Funding has been provided to Donegal County Council for a number of supplies from this Fund. Funding is also provided for more major works for supplies on the Remedial Action List through the Water Services Investment Programme. The Fintown supply was added to the Remedial Action List by the EPA in 2010. Consideration

was given as part of the review of the Water Services Investment Programme 2010-2012, earlier this year, to a proposal by Donegal County Council for improvement works for this supply to be undertaken as part of the proposed Lettermacaward Regional Water Supply Scheme which is included in the programme. The Department considered that given the scale of the works, a more appropriate cost effective solution could be delivered under the Rural Water Programme. It is understood that Donegal County Council are preparing an application for funding for such works, which will be submitted to my Department shortly.

Departmental Bodies

82. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the position regarding Meitheal Forbartha na Gaeltachta Teo, including the level of assistance given by him to employees who will be losing their jobs within the organisation; the steps being taken to put in place a new organisation to administer Leader rural development programme; and when Gaeltacht communities can expect to be able to apply for funding again under this programme. [31624/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): There were 36 Local Action Groups contracted, on my Department's behalf, to deliver the LEADER element of the Rural Development Programme 2007-2013 (RDP) throughout the country. Each group was contracted to deliver the programme on the basis of a business plan submitted as part of the group selection process. These groups are private limited companies and as such my Department has no role with regard to the structure and function of the group or any role regarding employment matters within these groups. Meitheal Forbartha na Gaeltachta (MFG) was contracted by my Department to deliver the LEADER elements of the RDP as well as implementing other programmes on behalf of my and other Departments. There are complex legal and contractual issues to be resolved in regard to MFG and my Department is currently working on both long and short term solutions to ensure the continued delivery of the RDP and other programmes in Gaeltacht areas. My intention is to find a solution that will be efficient and effective and applied at the earliest possible opportunity.

Proposed Legislation

83. **Deputy Thomas P. Broughan** asked the Minister for the Environment, Community and Local Government when the noise Bill will be brought forward; and if he will make a statement on the matter. [31692/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government includes a commitment to take further steps to address noise pollution, *inter alia*, through the introduction of fixed payment notices (also known as on-the-spot fines) and provision for mediation procedures between neighbours. The development of new noise legislation by my Department will be considered in the context of this commitment: however, as indicated in the Government Legislation Programme published on 14 September 2011, it is not possible at this time to indicate when the legislation will be published, having regard to other priorities in the area concerned and the broader range of legislative priorities to be progressed across my Department's remit.

Private Rented Accommodation

84. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on correspondence regarding bedsit accommodation (details supplied). [31736/11]

Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose): Regulations setting out minimum standards for private rented accommodation generally were first set out in the Housing (Standards for Rented Houses) Regulations 1993. However it became clear in recent years that these standards no longer reflected the requirements of the modern rental sector and in the Partnership Agreement Towards 2016 the Government committed to updating and more effectively enforcing the minimum standards regulations for rented houses.

In September, 2006, my Department launched the programme Action on Private Rented Accommodation Standards. Arising out of this programme, new regulations prescribing minimum standards for rented accommodation, the Housing (Standards for Rented Houses) Regulations 2008, came into effect on 1 February 2009, with certain provisions being phased in for existing rental properties over a four year period to allow time for the carrying out of the significant remedial work that may be involved in achieving compliance. Article 2 of these Regulations sets out the date from which the Regulations take effect. This depends on whether or not the house is an existing rental property or a new let. Therefore, as far as existing rental properties are concerned Articles 6, 7 and 8 continue to be subject to the relevant provisions of the Housing (Standards for Rented Housing) Regulations 1993 until 1 of February 2013. However, any rental properties being let for the first time after 1 February 2009 have to comply with all the requirements of the new Regulations.

The purpose of Article 6 of the Regulations is to ensure that each rental property has exclusive access to its own sanitary facilities and that those facilities are contained within the habitable area of the house. This provision will have the effect of removing traditional bed-sit-type accommodation from the rental market. Article 7 relates to effective heating which can be independently managed by the tenant and Article 8 provides for sole access to adequate facilities for hygienic storage, preparation and the cooking of food. The revised regulations were drafted following consultations with key stakeholders, including landlords' and tenants' representative organisations, and the four-year phasing-in period for certain aspects of the regulations applying to existing accommodation was specifically designed to afford landlords the time to either adequately meet the revised minimum standards or to remove unsuitable accommodation from the rental market.

I am satisfied that the private rented residential sector contains a sufficiently large stock of decent housing and of good landlords to ensure that those previously renting accommodation at the lowest end of the market can still be accommodated within that market but in better quality accommodation. I do not accept the argument that we must tolerate sub-standard accommodation in order to meet the housing needs of those at the edges of the market. All landlords have a legal obligation to ensure that their rented properties comply with these regulations and responsibility for enforcing the regulations rests with the relevant local authority, supported by a dedicated stream of funding allocated by my Department. I expect that landlords will behave responsibly and prepare for the 1 February 2013 deadline as referred to above but I also expect that local authorities will pay particular attention to this aspect of landlords' obligations as they police the minimum standards in the years ahead.

Question No. 85 answered with Question No. 76.

Proposed Legislation

86. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he is satisfied that the law as it stands is sufficient to penalise journalists or persons, who engage in absolute untruths; if not, his plans to introduce legislation to address same; and if he will make a statement on the matter. [31227/11]

Minister for Justice and Equality (Deputy Alan Shatter): Comprehensive provisions in the area of law referred to by the Deputy are already contained in the Defamation Act 2009. I have no proposals for change in this area.

Crime Levels

87. **Deputy Robert Dowds** asked the Minister for Justice and Equality if there were any criminal prosecutions brought against persons in commercial banks which were overcharging customers on a systematic basis between 2006 and 2010; if not, the reason such prosecutions were not brought; and if he is satisfied that the current legislation covering these practices is sufficiently robust to deter such behaviour in the future. [31604/11]

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 statistics directly to the Deputy. The relevant legislation is a matter for my colleague the Minister for Finance.

Tribunals of Inquiry

88. **Deputy Dara Calleary** asked the Minister for Justice and Equality the position regarding the investigations by the Garda Síochána into the findings of the Moriarty tribunal report. [31616/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Revenue Commissioners that, following the publication of the report of the Moriarty Tribunal, a Revenue official was appointed to examine its contents. The officer has examined the Report and there are a number of matters which have been progressed and others which are still under consideration. The Tribunal recommended that the independence of the Revenue Commissioners be put on a statutory footing, and this has been implemented by Section 101 of the Ministers and Secretaries Act 2011.

The Tribunal also made a recommendation in relation to representations by office holders to the Revenue Commissioners, and I am considering this in the context of the Government's overall approach to political and parliamentary reform in conjunction with my colleague the Minister for Public Expenditure and Reform. However, separately, in the interests of transparency, the Revenue Commissioners publish data on the volume of representations made by each Deputy and Senator.

The Tribunal referred to the difficulties raised for Revenue and the taxpayer by the mutual tension between criminal and civil aspects of investigations and I am advised that Revenue has put administrative arrangements in place which are designed to enable the civil and criminal aspects of appropriate cases to be managed separately when required.

A further recommendation related to the transmission to other agencies of information obtained by Revenue under bilateral agreements has been considered. These agreements are international treaties which are very precisely drawn as to the purpose for which information may be used and would not permit such transmission. However if opportunities arise in the future, the Commissioners will consider the matter further.

[Deputy Alan Shatter.]

The Deputy will appreciate that Revenue is not in a position to comment on matters relating to individuals for reasons of taxpayer confidentiality.

Ministerial Orders

89. **Deputy Dara Calleary** asked the Minister for Justice and Equality when he intends to sign the commencement order for sections 35-41 of the Civil Law (Miscellaneous Provisions) Act 2011; the reason for the delay in signing this order; and if he will make a statement on the matter. [31617/11]

Minister for Justice and Equality (Deputy Alan Shatter): Sections 35 to 41 of the Civil Law (Miscellaneous Provisions) Act 2011 (in relation to amendment of the Land and Conveyancing Law Reform Act 2009) commenced on the date of its passing i.e. 2 August 2011.

Proposed Legislation

90. **Deputy Seán Crowe** asked the Minister for Justice and Equality if his attention has been drawn to the fact that the Charities Act 2009 contains a definition of charitable organisation which differs to the definition contained in the Valuation Act 2001; if the Charities Act should have amended part of the Valuation Act; and if he will make a statement on the matter. [31646/11]

Minister for Justice and Equality (Deputy Alan Shatter): The definition of charitable organisation in the Charities Act 2009 defines charitable organisation for the purposes of that Act alone, as does the definition in the Valuation Act 2001. I am not aware of any practical difficulties that may have arisen as a consequence of the slightly different wording, but this is a matter I would be prepared to consider, in consultation with the relevant Minister, in the context of any future review of either Act.

Legal Aid Service

91. **Deputy Robert Troy** asked the Minister for Justice and Equality the reason a person (details supplied) in County Westmeath was denied free legal aid for 20 years only to be granted same in 2010. [31666/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that as the Legal Aid Board is a statutory, independent body in accordance with the Civil Legal Aid Act 1995. Any decision to grant or refuse legal aid is a matter for the Board. Furthermore, the solicitor/client relationship is protected by privilege in accordance with the terms of section 32 of the Civil Legal Aid Act 1995 and therefore the Board does not provide information to third parties regarding a person who may or may not be a client of the Board. I can however advise the Deputy that a person who is refused legal aid may appeal this decision to an Appeal Committee which is made up of non-executive members of the Board.

Tax Code

92. **Deputy Anthony Lawlor** asked the Minister for Justice and Equality the measures currently in place to monitor motor tax on vehicles; the way money offences were recorded in 2009, 2010 and to date in 2011; if plans are in place to improve the monitoring of such an offence; if so, the steps being taken; and if he will make a statement on the matter. [31668/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that offences relating to not having valid road fund tax for a vehicle being operated in

a public place are dealt with by members of An Garda Síochána primarily by way of issuing a fixed charge notice for the offence of failing to display a current vehicle licence, contrary to sections 73(1) and 76 (as amended by section 63 of the Finance Act 1993) of the Finance Act 1976. In 2009, 2010 and 2011 to 2 October 192,642 fixed charge notices were issued by members of An Garda Síochána and local authority parking wardens for these offences.

Garda management keeps under constant review the monitoring of compliance by vehicle owners with the requirement of having valid road fund tax and adjusts its enforcement strategy as necessary. 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 statistics in relation to the total number of offences recorded dealt with by fixed charge notices or otherwise directly to the Deputy.

Child Protection

93. **Deputy Michael Creed** asked the Minister for Justice and Equality if his attention has been drawn to the concerns being expressed regarding the high incidents of allegations of child sexual abuse in the context of family court proceedings; the sanctions he considers appropriate in the context of these proceedings when such allegations are proven to be untrue; and if he will make a statement on the matter. [31679/11]

Minister for Justice and Equality (Deputy Alan Shatter): Under the law as it stands the giving of false evidence in any court proceedings, including family law proceedings, is an offence punishable by imprisonment. While I have no specific proposals for reform at present, I will keep the operation of the law in family cases under review.

Sexual Offences

94. **Deputy Robert Dowds** asked the Minister for Justice and Equality if he is considering a sex offenders' register or similar system; and if he will make a statement on the matter. [31682/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Sex Offenders Act 2001 contains a number of provisions aimed at reducing the risk to the public from convicted sex offenders. These include a notification system, also known as the sex offenders' register. The Act requires convicted sex offenders to notify the Garda Síochána of their name and home address within 7 days of becoming subject to the notification requirement. Thereafter, offenders must notify the Gardaí of any subsequent change of name or address within 7 days of such change. Absences from and return to the State are required to be notified and the legislation also applies to sex offenders convicted outside the State.

The information on the register is not available to the public. In exceptional circumstances, appropriate information can be given to members of the public. Currently, this is done on an administrative basis but, subject to Government approval, I intend to put these arrangements on a statutory footing. The High Level Group which produced and published a discussion document on sex offenders was of the view that, if the Gardaí have reason to believe a particular high risk convicted sex offender poses a real and immediate danger, they should be free to tell individuals who need to know. Disclosure in such circumstances is perfectly reasonable.

[Deputy Alan Shatter.]

Giving the general public unrestricted access to names and addresses on the sex offenders' register would be likely to be counter-productive. That kind of access would drive offenders underground and make it more difficult to monitor and supervise them. This was the universal view of those who responded to the discussion document and participated in the public forum on the management of sex offenders.

Judicial Appointments

95. **Deputy Michael Creed** asked the Minister for Justice and Equality the procedure involved for the appointment of Commissioners for Oaths; and if he will make a statement on the matter. [31685/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that as Minister I have no function in the appointment of Commissioners for Oaths which is entirely a matter for the Chief Justice to whom an application for such an appointment is made. However, I would draw the Deputy's attention to the Courts Service website *www.courts.ie* which contains an Information Note and other documentation relating to such appointments.

Crime Levels

96. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will provide the theft from vehicle crime statistics for the Garda R district of the Dublin region for the years 2008, 2009, 2010 and to date in 2011; the number of persons arrested and charged to date; the number of convictions secured to date; the additional steps gardaí in this district are taking to tackle same; and if he will make a statement on the matter. [31689/11]

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 statistics directly to the Deputy. Garda management keeps under constant review enforcement strategies for tackling theft from vehicles and adjusts those strategies as necessary in the light of developments.

Public Order Offences

97. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the additional steps being taken by gardaí to tackle the anti-social behaviour coming up to the Halloween period particularly in the Dublin region; and if he will make a statement on the matter. [31690/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that during the Halloween period appropriate policing measures are put in place in every Garda Division and District through Operation Tombola. Operational orders are prepared in every Garda Region, in particular in the Dublin Metropolitan Region and Border Divisions, to prevent and detect the organised importation for sale of fireworks and police the Halloween period generally. Persons suspected of engaging in the importation, supply or sale of fireworks are identified and targeted, including through intelligence-led operations and searches.

During the Halloween period, An Garda Síochána engages with local communities, local authorities and other stakeholders, such as Dublin Bus and the vintners' associations, in putting plans in place to address the issues that arise. Through the Schools Programme and other local programmes, members of An Garda Síochána deliver the message that fireworks are illegal and highlight the dangers associated with illegally imported fireworks. Gardaí have a liaison mechanism in place with local authorities for the removal of identified stockpiles of combustible materials in advance of Halloween. They also advise managers of off-licences to ensure that their staff are aware of their obligations and responsibilities under licensing legislation relating to the sale of alcohol, in particular to underage persons.

Proactive policing arrangements are in place in the period leading up to and during Halloween. Additional patrols are carried out by uniform personnel as part of high visibility policing initiatives, supported by plain clothes personnel, including District detective and drug units, Divisional crime task forces and Traffic Corps personnel and community policing and mounted bike units, supported by public order units as required. Patrols are directed to pay particular attention to areas where people tend to congregate and where the likelihood of both anti-social behaviour and drinking on the streets may occur. An Garda Síochána will utilise the strong legislative provisions in place to combat anti-social behaviour and the misuse of fireworks, including those in the Criminal Justice (Public Order) Acts 1994 and 2003, the Criminal Justice Act 2006 and the Intoxicating Liquor Act 2008.

Garda Investigations

98. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if it is true that senior gardaí have issued a directive to their members offering a free pass to persons engaged in petty crime, that is, persons caught for shoplifting, breaking into cars and so on, and that gardaí have been told not to prosecute in such cases despite the fact that they may possess cast iron evidence that a crime has been committed; and his views on this matter in view of the fact that persons deserve to know if such free passes are going to be given to these criminals which will ultimately lead to a breakdown of law and order in our society. [31705/11]

Minister for Justice and Equality (Deputy Alan Shatter): There is no question of An Garda Síochána offering a “free pass” to persons engaged in petty crime. If the Deputy is referring to the Garda Adult Cautioning Scheme, I should explain that the Scheme, which was commenced on 1 February, 2006, enables the processing of what is considered to be a minor offence committed by a person, over 18 years of age, with no previous convictions who admits to the offence.

It provides the option of dealing with such an offence, in those circumstances, by the administration of a caution by a senior Garda officer, as an alternative to prosecution in the District Court, where prosecution is not required by the public interest and it is determined that a caution would be an effective response. The list of offences in respect of which a caution may be administered has been drawn up in consultation with the Director of Public Prosecutions. The Scheme is kept under review by An Garda Síochána and the Director of Public Prosecutions. Prior to administering the caution, the public interest is taken into account. The views of the victim are also, if reasonably possible, sought.

Road Traffic Offences

99. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will urge all authorities with responsibility to publish their data on speed cameras, including the number of motorists caught at each location, accident rates and casualty rates; and if he will make a statement on the matter. [31708/11]

100. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality with regard to speed cameras, if he will give a commitment that if they are located in an area in which the data shows that accidents are not being reduced and that they are only acting as a money raising measure, they will be removed from that location; and if he will make a statement on the matter. [31709/11]

101. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will provide a detailed breakdown of the revenue collected by each speed camera at each location throughout the country from the period they were first introduced up to 1 September 2011; and if he will make a statement on the matter. [31710/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 99 to 101, inclusive, together.

As part of the Road Safety Strategy 2007-2012 and the strategic goals of An Garda Síochána, a targeted approach to speed enforcement is undertaken in order to significantly reduce the incidence of fatal and serious injuries and improve road safety. As part of this approach, in November, 2009 a contract was concluded for the provision of an outsourced safety camera network to An Garda Síochána, as excessive or inappropriate speeding is a major factor in road traffic collisions and fatalities. In addition, An Garda Síochána operates eight mobile speed detection vans.

I am informed by the Garda authorities that, in preparation for the roll out of the network, An Garda Síochána, in conjunction with the National Roads Authority, carried out an extensive analysis of the collision history of the road network, as a result of which sections of road were identified where a significant proportion of collisions where speed was deemed the primary contributory factor occurred. Based on this analysis, a list of speed enforcement zones has been developed, with the aim of providing information to motorists in order to raise awareness of the danger of speeding in these zones. An Garda Síochána utilises this information to direct speed enforcement activity in a proportionate and targeted manner. Information on the location of these speed enforcement zones is publicly available, including on the Garda website www.garda.ie. The service provider carries out enforcement with vans which are marked with high visibility reflective material and display safety camera symbols at the predetermined zones.

Surveys are conducted on an ongoing basis to ensure the appropriate deployment of safety cameras on roads which are identified as being subject to inappropriate speed and where fatal and injury collisions occur. The service provider is paid on the basis of enforcement and survey hours worked, and the rates of payment are not linked in any way to the number of detections made. For operational reasons, An Garda Síochána does not publish data in respect of speeding detections made at specific locations.

Legal Aid Service

102. **Deputy Jack Wall** asked the Minister for Justice and Equality the position regarding an application for assistance through the free legal advice centre to permit a person (details supplied) to care for their two children under the Zambrano judgment; and if he will make a statement on the matter. [31740/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that under the Civil Legal Act 1995, as passed by the Oireachtas, the Legal Aid Board is independent in the operation of its functions and any decision to grant or refuse legal aid is a matter for the Board.

At the outset, I wish to clarify for the Deputy that the Legal Aid Board provides ‘legal aid’ and not ‘free legal aid’. The vast majority of persons receiving services from the Board pay a small financial contribution. I also wish to clarify that the Board provides services through, inter alia, law centres. However, FLAC (Free Legal Advice Centres) is a non-governmental organisation and is not connected to the Board in any way.

Finally, the Deputy may wish to note that the solicitor/client relationship is protected by privilege in accordance with the terms of section 32 of the Civil Legal Aid Act 1995 and therefore the Board does not provide information to third parties regarding a person who may or may not be a client of the Board. I can however advise the Deputy that a person who is refused legal aid may appeal this decision to an Appeal Committee which is made up of non-executive members of the Board.

Citizenship Applications

103. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding naturalisation in respect of a person (details supplied); and if he will make a statement on the matter. [31755/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Parliamentary Question 129 on 6 October, 2011. The position remains as stated.

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 November, 2009.

The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

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.

On the processing of naturalisation applications generally, the Deputy may be aware that I have introduced a series of measures within my Department to provide for speedier processing of citizenship applications to bring about a substantial reduction in the processing timescale and in particular to address the backlog of applications awaiting a decision.

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.

Defence Forces Strength

104. **Deputy Thomas P. Broughan** asked the Minister for Defence the number of persons recruited into the Army, the Naval Service and the Air Corps for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [31691/11]

Minister for Defence (Deputy Alan Shatter): The number of persons who were recruited into the Army, Naval Service and Air Corps for the years 2007, 2008, 2009, 2010 and to date in 2011 is as follows:

[Deputy Alan Shatter.]

	Army	Naval Service	Air Corps	Total
2007	478	87	0	565
2008	441	66	0	507
2009	0	0	0	0
2010	77	38	0	115
2011 (to date)	215	35	40	290

Recruitment to the Permanent Defence Force was suspended in late 2008 pending a review of the best means by which to achieve the reduction of 3% in payroll costs that had been applied, in common with other areas of the public service, to the Defence Forces. The present position is that, within the context of consolidating the public finances, the Government is focused firmly on maintaining the operational efficiency of the Defence Forces. To this end, targeted recruitment was carried out in 2010 and is continuing in 2011.

Given the particular circumstances of the Defence Forces it is my intention that targeted recruitment will continue within the resource envelope allocated to Defence for 2012. With the support of the Chief of Staff, and within the available resources, I intend to retain the capacity of the Defence organisation to operate effectively across all roles, while contributing to the necessary public service economies. I am advised that at this time the Defence Forces retain the capacity to undertake the tasks laid down by Government both at home and overseas.

Defence Forces Personnel

105. **Deputy Bernard J. Durkan** asked the Minister for Defence the current position in regard to army overholders with particular reference to meeting their housing requirements via local authorities; and if he will make a statement on the matter. [31716/11]

Minister for Defence (Deputy Alan Shatter): At present there are 49 overholders living in Defence Forces married quarters at various locations. Personnel are obliged, under Defence Force Regulations, to vacate married quarters within a specified period of being discharged from the Permanent Defence Force. The securing of alternative housing is a matter for the individuals concerned in the first instance. If personnel are not in a position to secure housing in their own right they should make application to their local authority outlining their requirements. My Department is available to assist whenever possible in ensuring that the authorities are aware of the requirements of individuals when vacating military quarters, if required to do so.

The discontinuance of married quarters, including cases of overholding, in an orderly and managed way continues to be the policy of my Department. The implementation of that policy will, over time, require overholders to vacate the properties now being occupied by them.

Defence Forces Equipment

106. **Deputy Bernard J. Durkan** asked the Minister for Defence his plans, if any, to ensure the ongoing upgrading and updating of equipment for the Defence Forces notwithstanding the economic situation; and if he will make a statement on the matter. [31717/11]

Minister for Defence (Deputy Alan Shatter): In the current economic situation, the acquisition of defensive equipment takes place on a strictly prioritised basis to ensure that the Defence Forces can carry out their roles at home and overseas. A particular focus is maintained

on ensuring that modern and effective equipment is available for overseas peace support operations as is the case with the UNIFIL deployment in Lebanon.

Investment in new equipment and upgrading of existing equipment for the Defence Forces is provided for under various Subheads of the Defence Vote relating to defensive equipment, mechanical transport, aircraft, Naval Service ships and stores, communications and Information Technology equipment. The provision for defensive equipment for 2011 allows for the acquisition of a restricted range of priority equipment such as Chemical Detection Equipment, Body Armour, Force Protection Equipment, Rifle enhancement and Communication Equipment in order to maintain the Defence Forces capabilities. The 2011 provision also allows for the acquisition of ammunition needed to maintain stocks given the training and overseas requirement throughout the year.

The acquisition of new equipment for the Defence Forces and the upgrade of equipment in service are matters that will be kept under continuous review. It is, however, imperative that the Department and the Defence Forces look to whatever efficiencies can be made taking into account the current difficult economic environment and the overall financial envelope available to the Department. The priority in the coming years will be on maintaining the capability of the Defence Forces to deliver effective services across all of the roles assigned by Government.

Defence Forces Personnel

107. **Deputy Bernard J. Durkan** asked the Minister for Defence the total number of personnel in the Army, Naval Services and Air Corps who have retired in the current year or are due to retire in 2012; the extent to which it is intended to replace such retirements; and if he will make a statement on the matter. [31718/11]

Minister for Defence (Deputy Alan Shatter): The number of personnel who have left the Permanent Defence Force broken down by Army, Naval Service and Air Corps to date in 2011 is contained in table 1 below. The total number of personnel due to retire on age grounds from the Permanent Defence Force during the remainder of 2011 and in 2012 are contained in table 2 below. It is not possible to estimate how many personnel will leave the Permanent Defence Force for reasons other than age during this period.

Table 1. Personnel who have left the PDF to date in 2011

Service	Officers	NCO	Pte	Recruit	Cadet	Total
Army	40	101	176	38	1	356
Naval Service	3	34	35	3	2	77
Air Corps	7	23	13	2	0	45
Total	50	158	224	43	3	478

Table 2. Anticipated PDF retirements on age grounds from 26/10/2011 to 31/12/2012

Service	Officers	NCO	Pte	Total
Army	36	36	10	82
Naval Service	1	2	0	3
Air Corps	2	0	1	3
Total	39	38	11	88

[Deputy Alan Shatter.]

I am advised that the Defence Forces retain the capacity to undertake the tasks laid down by Government both at home and overseas. I have also made it clear that I will endeavour to ensure that the Defence Forces are organised, equipped and staffed so that they retain the operational capability to deliver the services required of them by the Government.

The Government is currently undertaking a Comprehensive Review of Expenditure and my Department has submitted a report as part of that process. The Government's decisions arising from the Comprehensive Review of Expenditure will further inform the resource envelope available for Defence over the coming years and the priorities within Defence. Delivering public services within a reduced resource envelope is a key challenge facing the entire public service.

108. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which he has had discussions with the various representative bodies in the Defence Forces with a view to ensuring the smooth and uninterrupted operation of the services even in the context of the ongoing economic climate; and if he will make a statement on the matter. [31719/11]

111. **Deputy Bernard J. Durkan** asked the Minister for Defence the extent to which he has had discussions with the various representative bodies within the Defence Forces with particular reference to issues with which such bodies have expressed concerns; his response to any such concerns; and if he will make a statement on the matter. [31723/11]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 108 and 111 together.

Since taking up office as Minister for Defence, in March, I have met with each of the Defence Forces Representative Associations. On 8 April 2011, I met with both the Representative Association of Commissioned Officers (RACO) and the Permanent Defence Force Other Ranks Representative Association (PDFORRA). At these meetings the Associations raised with me the issues of concern to their members. In that regard, among other issues, we discussed the Croke Park Agreement, the implementation of the Employment Control Framework, the reorganisation of the Defence Forces, the reduction in the numbers serving in the Defence Forces and the importance of ongoing targeted recruitment and the filling of vacancies in the command structure so as to maintain essential Defence Forces operations and capabilities. On 6 May 2011, I met with Reserve Defence Forces Representative Association (RDFRA) who outlined their concerns in relation to recruitment and promotion within the RDF so as to maintain its operational capability.

At these meetings, I outlined the very difficult decisions facing the new Government in the context of the extremely adverse economic and financial environment facing the country. I also acknowledged the major contribution which the Defence Sector has already made to the process of budgetary adjustment to secure economic recovery and renewal. In the context of the resource constraints we face, the Public Service Agreement 2010-2014 (Croke Park) is a key enabler of change and modernisation in the whole of the public service, including the Defence Forces. The Croke Park Agreement enables the Defence Forces to continue to deliver essential services and operational outputs within a reduced resource envelope. I acknowledged that implementation of the Agreement by all personnel in the Defence Forces is vital to enable the ongoing modernisation and maintenance of the Defence Organisation.

All meetings were conducted in a very positive and constructive manner. I confirmed to the Associations that I was committed to maintaining the essential capabilities of the Defence Forces within the resource envelope available. I also assured them of my commitment to

Defence Forces participation in international peace support operations and my understanding of the importance of such operations to maintaining military capability and the professional development of the Defence Forces. I recognised the important contribution which the Associations can make to the ongoing modernisation of the Defence Forces. Despite the difficult circumstances we face, it is important that we engage all stakeholders in the process of reform and transformation and address, as far as we can, the concerns of those effected by the difficult decisions required. I advised the Associations that they could seek to meet me at any time on issues of concern to them and assured them that my officials would continue to engage proactively with them through the various consultative arrangements already in place.

My officials meet with RACO and PDFORRA on a fortnightly basis in relation to Croke Park implementation. They also meet regularly in various committee and council meetings under the Defence Forces Conciliation and Arbitration Scheme. My officials also meet with RDFRA as required. Obviously, members of the Defence Forces can also transmit their concerns through the operational chain of command. I am regularly briefed by my officials and by the military authorities including on ongoing progress on the modernisation agenda and the issues and concerns of the Associations.

I am satisfied that there are sufficient and robust systems in place within the Defence Organisation to ensure that issues of concern to members of the Defence Forces are brought to my attention, as appropriate.

109. **Deputy Bernard J. Durkan** asked the Minister for Defence the number of female members of the Defence Forces who have retired in the current year or are due to retire in 2012; the extent to which these are likely to be replaced at all levels; and if he will make a statement on the matter. [31721/11]

Minister for Defence (Deputy Alan Shatter): A total of 19 female personnel have left the Permanent Defence Force in 2011. There are no female members of the Permanent Defence Force due to retire on age grounds during the remainder of 2011 or in 2012. It is not possible to estimate how many female personnel will leave the Permanent Defence Force for reasons other than age during this period. I have made clear that I will endeavour to ensure that the Defence Forces are organised, equipped and staffed so that they retain the operational capability to deliver the services required of them by the Government. To that end, and within the resource envelope available for Defence, there is an ongoing programme of investment in necessary equipment and targeted recruitment and promotion to maintain the essential capabilities of the Defence Forces. I am advised at this time that the Defence Forces retain the capacity to undertake the tasks laid down by Government both at home and overseas.

Defence Forces Recruitment

110. **Deputy Bernard J. Durkan** asked the Minister for Defence the number of positions to be filled currently in the Defence Forces at all ranks; and if he will make a statement on the matter. [31722/11]

Minister for Defence (Deputy Alan Shatter): The Employment Control Framework (ECF) for the Defence Forces is based on a figure of 10,000 all ranks, appropriately configured across the Army, Naval Service and Air Corps to enable them meet the roles assigned by Government. The number of positions by rank in the Permanent Defence Force as of 30 September 2011 currently waiting to be filled, as compared with the Employment Control Framework for the Permanent Defence Force, is outlined in the attached tabular statement. Currently, a new non-commissioned officer promotion scheme is being finalised with the Permanent Defence Force

[Deputy Alan Shatter.]

Other Ranks Representative Association (PDFORRA) under the Croke Park Agreement. Once finalised, promotion competitions for enlisted personnel will be carried out to fill key posts. Officials from the Department together with the Military Authorities are also ‘in the process of reviewing the structures and posts required to meet the operational requirements of the Permanent Defence Force in accordance with the upper limits in ranks provided for in the ECF. Any future promotions will of course be subject to a final decision on the estimates for Defence. In this regard the Government is currently undertaking a Comprehensive Review of Expenditure and this will inform the resource envelope available for Defence over the coming years and the priorities within Defence.

Strength of the Permanent Defence Force, as at 30th September, 2011 as compared with ECF figures

	LTGEN	MAJGEN	BRIGGEN	COL	LTCOL	COMDT	CAPT/LT	SM/ BQMS	CS/ CQMS	SGTS/ CPLS	PTES/ CADETS	TOTAL
Strength at 30 September 2011	1	1	7	35	131	330	827	75	421	2,987	4,643	9,458
ECF	1	2	9	43	152	370	774	96	540	3,250	4,763	10,000
Vacancies by rank	—	-1	-2	-8	-21	-40	+53	-21	-119	-263	-120	-542
Posts held for possible overseas appointments			1	2	4	15						22
Net Vacancies by rank	0	0	-1	-6	-17	-25	+53	-21	-119	-263	-120	-520

[Deputy Alan Shatter.]

Question No. 111 answered with Question No. 108.

Departmental Properties

112. **Deputy Bernard J. Durkan** asked the Minister for Defence the total receipts accruing from the various military installations closed down by his predecessors over the past number of years; the degree to which the anticipated value has been achieved by way of disposal or otherwise; and if he will make a statement on the matter. [31724/11]

Minister for Defence (Deputy Alan Shatter): On 15 July 1998 the then Government approved a programme of the closure and sale of six barracks considered surplus to military requirements. The barracks in question were located at Ballincollig, Fermoy, Naas, Castleblayney, Kildare, and Islandbridge, Dublin. The sale of 97 acres approximately at Murphy Barracks, Ballincollig was completed in 2003 for a total of €42 million. The bulk of the lands were purchased by O'Flynn Construction. The sale of a site comprising c.2.7 acres to the Southern Health Board for €1.73 million was completed in December 2004 and the sale of a further site comprising c.1.7 acres to the HSE South for a consideration of €1.1 million approximately was completed shortly thereafter. A half-acre site is being transferred to the Office of Public Works (OPW) for a consideration of €1.45 million to facilitate extension of the existing Garda Station located on Main Street, Ballincollig. As was agreed at the time of the closure and sale of Murphy Barracks, an area comprising approximately 27 acres of the property was transferred to Cork County Council for community use. An area comprising 19 acres approximately at the former Fitzgerald Camp, Fermoy, was sold to Cork County Council in 2001 for close to €1 million for economic development of the site in conjunction with the IDA.

Castleblayney Military Post, Co. Monaghan, comprising c. 10 acres, was sold to the North Eastern Health Board for €0.8 million approximately in 2002.

An area comprising 7 acres approximately at Devoy Barracks, Naas, Co. Kildare, was ceded free of charge to Naas Urban District Council, while a further 14 acres were sold to that authority for €8.9 million approximately. The balance of the Barracks lands — one acre — was sold to Kildare County Council for approximately €0.4 million in 2002. Clancy Barracks, Dublin, comprising 13.6 acres approximately, was sold to Florence Properties Ltd. for €25.4 million in 2004. The value of sales/disposals completed to date, in respect of the aforementioned five barracks is in the region of €80 million. The Government decided on 1st July 2003 that the former Magee Barracks in Kildare Town would be among the State lands released for inclusion in the Sustaining Progress Affordable Housing Initiative. On foot of this announcement Kildare County Council prepared a local area plan for the site, which encompassed a range of uses including community activities. However, in 2009, the local authority contacted the Department to state that it no longer wished to proceed with the development and had no interest in taking formal ownership of the property. The property will be disposed of by the Department, taking account of the market conditions, so as to maximise the return to the Defence Forces. In the Budget of October 2008 the closure of Longford and Monaghan Barracks, Rockhill House (Letterkenny), Lifford Military Post and St. Bricins Hospital Dublin was announced. The sale of Monaghan to the local VEC for €3.1m was completed on 24 August 2010 while the sale of part of Longford to the VEC for €0.95m was completed on 16 July 2010. The position with Lifford and Rockhill is that discussions are at an advanced stage with Donegal County Council on the basis of them acquiring both premises over a 3-4 year period. Longford County Council has expressed some interest in acquiring Connolly Barracks and discussions with the Council are at a preliminary stage in this regard.

The closure of St Bricin's Hospital was linked to the decentralisation programme. It cannot be progressed until issues arising from the cancellation of the transfer under that programme, of Defence Forces Headquarters to the Curragh, have been addressed.

The total realised to-date in terms of sales of surplus property is €84m approx. This, together with income from the sale of other smaller military properties and married quarters has been re-invested in providing equipment and infrastructure for the Defence Forces.

Defence Forces Strength

113. **Deputy Bernard J. Durkan** asked the Minister for Defence the current strength of the Air Corps, male and female, all ranks; the degree to which this is sufficient to meet all eventualities in the short and medium term; and if he will make a statement on the matter. [31725/11]

114. **Deputy Bernard J. Durkan** asked the Minister for Defence the current strength of the Naval Service, male and female, all ranks; the degree to which this is sufficient to meet all eventualities in the short and medium term; and if he will make a statement on the matter. [31726/11]

115. **Deputy Bernard J. Durkan** asked the Minister for Defence the current strength of the army, male and female, all ranks; the degree to which this is sufficient to meet all eventualities in the short and medium term; and if he will make a statement on the matter. [31727/11]

Minister for Defence (Deputy Alan Shatter): I propose to take Questions Nos. 113 to 115, inclusive, together.

I am advised by the Military authorities that the total strength of the Defence Forces at 30 September 2011, the latest date for which figures are available was 9,458, comprising 7,666 Army, 784 Air Corps and 1,008 Naval Service personnel. A comprehensive breakdown of the total strength of each branch of the Defence Forces across all ranks by gender, is provided in the attached tabular statement.

I am advised that the Defence Forces retain the capacity to undertake the tasks laid down by Government both at home and overseas. I have also made it clear that I will endeavour to ensure that the Defence Forces are organised, equipped and staffed so that they retain the operational capability to deliver the services required of them by the Government.

The Government is currently undertaking a Comprehensive Review of Expenditure and my Department has submitted a report as part of that process. The Government's decisions arising from the Comprehensive Review of Expenditure will further inform the resource envelope available for Defence over the coming years and the priorities within Defence. Delivering public services within a reduced resource envelope is a key challenge facing the entire public service.

116. **Deputy Bernard J. Durkan** asked the Minister for Defence the current strength of the Defence Forces Reserve, Army, Naval Service and Air Corps; the degree to which the numbers have fluctuated in the past five years; and if he will make a statement on the matter. [31728/11]

Minister for Defence (Deputy Alan Shatter): I am advised by the military authorities that the strength of the Army Reserve and the Naval Service Reserve at 30 September 2011, the latest date for which figures are available, was 5,362. There were 5,107 personnel in the Army Reserve, 31 personnel in the Reserve Defence Force Training Academy and 224 personnel in the Naval Service Reserve. The strength of the Army Reserve and the Naval Service Reserve at 31 December in each of the years 2006-2010 is contained in the table.

[Deputy Alan Shatter.]

Year	Strength
2006	9,134
2007	8,408
2008	7,671
2009	6,644
2010	6,083

I am aware that the numbers in the Reserve have declined over recent years. The total strength of the Reserve includes personnel who are categorised as effective and non-effective. As provided for in Defence Forces Regulation R5, personnel are removed from the effective strength of their Units and are placed on the non-effective list primarily for failure to meet minimum training requirements. These personnel remain liable for call out on permanent service or service in Aid to the Civil Power. Since 2004, with the role of the RDF Review Implementation Plan, the military authorities have increased their efforts to ensure that only those members who meet the requirements remain on the effective list. The number of personnel recruited to the Army Reserve and the Naval Service Reserve is dependent on funding being available for training. The Deputy will appreciate that there would be little point recruiting personnel if it is not feasible to provide for their training. The funds available for paid training days have reduced from €4.96 million in 2009 to €2.48 million in 2011. This allows for the recruitment of 200 recruits in 2011 whilst providing training for existing members of the Reserve (based on uptake of paid training over recent years).

This level of recruitment was agreed with the Military Authorities, having regard to the requirement to maintain the existing capabilities of the Reserve to the greatest extent possible.

The Deputy will be aware that there is a Value for Money Review of the Reserve Defence Force ongoing along with a Comprehensive Review of Expenditure (CRE). The resource envelope within which the Defence Organisation will have to operate from will be determined as a result of the CRE process. This will in turn impact upon the resources available to the Reserve. Any options/recommendations arising from the Value for Money Review report will have to be considered with due regard to the available resource envelope following the CRE.

Animal Diseases

117. **Deputy Nicky McFadden** asked the Minister for Agriculture, Food and the Marine the advice he will provide for farmers who purchase cattle stock from other EU countries, specifically in regard to the health status of animals and securing sales outlets; and if he will make a statement on the matter. [31606/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under Single Market rules, 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.

6,680 cattle were imported into Ireland in the period from July 1st 2011 to date. 2,968 of these were animals imported from Northern Ireland for direct slaughter. There is no legal impediment to the slaughter of imported animals in factories here but this is a commercial decision for the factory concerned. Under beef labelling rules, the member state(s) of birth, rearing and slaughter must be declared.

Tax Reliefs

118. **Deputy Nicky McFadden** asked the Minister for Agriculture, Food and the Marine the tax reliefs currently available to young farmers; and his views on the importance of a tax system that is favourable to new entrants starting out in the farming sector. [31607/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The current Irish taxation system provides a number of reliefs specifically for young trained farmers. The main reliefs are

- 100% stamp duty relief on transfers of agricultural land and buildings to young trained farmers;
- 100% stamp duty relief on land purchased by young trained farmers; and
- 100% stock relief for young trained farmers.

To qualify for these reliefs a farmer must:

- a) be under 35 years of age on the date of execution of the deed of transfer and
- b) have attained one of the necessary qualifications and, where required, is the holder of the appropriate certificate(s) awarded by the Further Education and Training Awards Council (FETAC) in respect of Teagasc approved training courses.

There are a number of other conditions imposed by the Revenue Commissioners, who have primary responsibility for administering these reliefs.

Young farmers can of course also avail of other tax reliefs that benefit the general farming sector. These include

- rental income exemption thresholds to encourage the long-term leasing of farmland;
- Agricultural relief from Capital Acquisitions Tax;
- Capital Gains Tax retirement relief; and
- Tax relief on the dissolution of farm partnerships.

These reliefs are again primarily the responsibility of the Revenue Commissioners and the Minister for Finance. I want to encourage more young people to become involved in farming and I am delighted to see the renewed interest in the sector. I will continue to encourage new entrants, greater use of farm partnerships and the timely transfer of farms to the younger generation.

Grant Payments

119. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine

[Deputy Paul J. Connaughton.]

the reason the single farm payment for 2011 has not been paid to a person (details supplied) in County Galway; and if he will make a statement on the matter. [31628/11]

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 16 May 2011, processing of which is now complete, thereby allowing payment to issue on 25 October 2011.

120. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the reason the single farm payment for 2011 has not been paid to a person (details supplied) in County Galway; and if he will make a statement on the matter. [31629/11]

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 12 May 2011, processing of which is now complete, thereby allowing payment to issue on 25 October 2011.

121. **Deputy Mattie McGrath** asked the Minister for Agriculture, Food and the Marine when a single farm payment will issue in respect of a person (details supplied) in County Tipperary; the reason for the delay; and if he will make a statement on the matter. [31638/11]

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 9 May 2011, processing of which has recently been completed, thereby allowing payment under the Scheme to issue on 25 October 2011.

122. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine the position regarding the single farm payment in respect of a person (details supplied) in County Wexford; when he expects payment will issue; and if he will make a statement on the matter. [31652/11]

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 12th May 2011.

This application was selected for and was the subject of a Ground Eligibility 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.

Fishing Industry Development

123. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine the reason Killybegs port, County Donegal, has not been approved as a designated port for the landing of herring caught in the Celtic Sea; and if he will make a statement on the matter. [31658/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The ports of landing designated for herring from the Celtic Sea fishery have traditionally been ports on the South Coast. Recently a request has been received to consider the designation of Killybegs and Rossaveal for the landing of this stock. This request has been referred to the Celtic Sea Herring Management Advisory Committee for its views on the request.

The Celtic Sea Herring Management Advisory Committee (CSHMAC) has been in place for a number of years to advise the Minister on the management arrangements for the stock. This Committee comprises representatives of industry and processors and is chaired by the Irish South and West Fish Producers Organisation (IS&WFPO). The Department is not represented on the Committee nor is any other State agency. However, the Marine Institute advises the Committee from time to time on scientific issues relating to the stock and was very involved with the Committee in the preparation of a Rebuilding Plan for the Stock which was accepted by the Minister and submitted to the EU Commission.

When the Committee has considered the request and communicated its views I will come to a determination on the matter, based on a number of factors, including the views of the CSHMAC.

Milk Quota

124. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding the allocation of additional milk quota in respect of a person (details supplied). [31664/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Allocations of milk quota from the National Reserve are granted on the basis of recommendations from the Milk Quota Appeals Tribunal. The Tribunal examines and makes recommendations on applications for additional quota from individual producers. The person named submitted an application to the Tribunal seeking an allocation of additional quota under the Hardship category. This application was examined on 23rd August 2011. The Tribunal did not recommend an allocation of additional quota on this occasion. The person named has been notified of the outcome.

Grant Payments

125. **Deputy Mattie McGrath** asked the Minister for Agriculture, Food and the Marine when a single farm payment will be issued to a person (details supplied) in County Tipperary; the reason for the delay; the reason there is such a delay when maps were digitised last year; and if he will make a statement on the matter. [31669/11]

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, following processing of which an over-claim on one of the parcels declared by the person named was identified. The person named has been written to regarding the matter and responded on 25 October. The application will now be further processed with a view to appropriate payment issuing at an early date.

126. **Deputy Mattie McGrath** asked the Minister for Agriculture, Food and the Marine when a single farm payment will issue to a person (details supplied) in County Tipperary; the reason for the delay; and if he will make a statement on the matter. [31675/11]

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 14 April 2011, following processing of which an over-claim on one of the parcels declared by the person named was identified. The person named has been written to regarding the matter and responded on 25 October. The application will now be further processed with a view to appropriate payment issuing at an early date.

Direct Payment Schemes

127. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine if he will review the policy of directing single farm payments via garnishee orders in view of the fact that this is a direct EU Commission payment to support farm incomes and production; and if he will make a statement on the matter. [31700/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): A garnishee order is an order obtained by a third party and directed at a Minister for his compliance. It requires the Minister to pay any monies due to a debtor directly to that third party. Compliance with such a court order is not a matter of policy for a Minister to exercise at his discretion, but something he is legally compelled to do. If a Minister was not to comply with such a court order he could be held in contempt of court.

Accordingly, I have no option but to continue the practice of redirecting payments under the Single Payment Scheme where required to do so by garnishee order.

Common Agricultural Policy

128. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding farm entitlements (details supplied); and if he will make a statement on the matter. [31702/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): While it is too early at this stage to comment on the specific circumstances of the person named, as the EU Commission's CAP post-2013 proposals have only recently been published, I anticipate very detailed discussions before the final shape of agreement becomes clear. I would strongly advise farmers to be particularly cautious about making decisions based on the published proposals, as the past experience has been that proposals are altered during the negotiating process.

Since taking office, I have engaged actively with the Commission and the European Parliament to put Ireland's case and I have worked, in particular, to build up alliances with like-minded Member States to ensure a successful outcome for Ireland to these negotiations that will underpin the future development and prosperity of this vitally important sector. I am fully committed to continuing this work.

Grant Payments

129. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the position regarding a single farm payment in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [31738/11]

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 27 April 2011, following processing of which an over-claim on one of the parcels declared by the person named was identified. The person named has been written to 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.

Medical Cards

130. **Deputy Patrick O'Donovan** asked the Minister for Health if a person (details supplied) in County Limerick who has been approved for a medical card may have it backdated to when they first applied to cover the cost of medical expenses incurred while the application was being processed; and if he will make a statement on the matter. [31615/11]

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

131. **Deputy Paul J. Connaughton** asked the Minister for Health the reason the Health Service Executive has discontinued payment to persons (details supplied) in County Galway; and if he will make a statement on the matter. [31596/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter is has been referred to the HSE for direct reply.

132. **Deputy Michael P. Kitt** asked the Minister for Health his plans to provide a personal assistant to persons with muscular dystrophy; and if he will make a statement on the matter. [31600/11]

134. **Deputy Michael P. Kitt** asked the Minister for Health his plans for regular physiotherapy services in respect of persons with muscular dystrophy; the number of persons with muscular dystrophy who receive physiotherapy; the number who have no service at all; if essential equipment is available for them within a reasonable waiting time; and if he will make a statement on the matter. [31602/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 132 and 134 together.

The Health Service Executive provides specialist health and personal social services to people with a disability including those with muscular dystrophy. In 2011 expenditure on specialist disability services is in excess of €1.5 billion. Those services and supports include, but are not limited to, personal assistance/supports, physiotherapy and aids and appliances.

I have arranged for the Deputy's question to be referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

133. **Deputy Michael P. Kitt** asked the Minister for Health his plans to issue medical cards to every person with muscular dystrophy, due to the higher need for medical interventions; and if he will make a statement on the matter. [31601/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): Under the provisions of the Health Act 1970, medical cards are provided to persons who, in the opinion of the Health Service Executive, are unable without undue hardship to arrange general practitioner medical and surgical services for themselves and their dependants. The assessment for a medical card is based on the means of the applicant and his/her dependants.

At the request of my colleague Dr James Reilly, Minister for Health, the HSE recently set up a clinical panel to assist in the processing of applications for discretionary medical cards where there are difficult personal circumstances. This should be of particular benefit to persons diagnosed with muscular dystrophy whose income is in excess of the standard income guidelines.

It is of course the Government's intention to extend free GP services to the entire population during the course of this Government.

Question No. 134 answered with Question No. 132.

135. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [31640/11]

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

136. **Deputy Denis Naughten** asked the Minister for Health further to his parliamentary reply to a Topical Issue debate of 29 September 2011, when children will be treated at the urgent care centre in Roscommon County Hospital; and if he will make a statement on the matter. [31648/11]

Minister for Health (Deputy James Reilly): The issue raised by the Deputy is currently being considered by the HSE.

137. **Deputy Seán Conlan** asked the Minister for Health the reason a person (details supplied) in County Monaghan has not yet received an appointment for an audiology assessment; and if he will make a statement on the matter. [31649/11]

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

138. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued in view of the medical circumstances of a person (details supplied) in County Kilkenny. [31653/11]

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

139. **Deputy Ciarán Lynch** asked the Minister for Health if an appointment for April 2013 in respect of a person (details supplied) in County Cork in the ophthalmology department at Cork University Hospital will be brought forward in view of the debilitating condition; and if he will make a statement on the matter. [31660/11]

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

140. **Deputy Maureen O'Sullivan** asked the Minister for Health if his attention has been drawn to the fact that the new regulations he issued under the Health (Changes for In-Patient Services) (Amendment) Regulations 2011 has meant a considerable increase in the weekly accommodation charge for those living in Health Service Executive hostels; and if he will make a statement on the matter. [31661/11]

Minister for Health (Deputy James Reilly): Provision of quality public long term care is expensive and it is fair and equitable that those in receipt of such care should pay towards its cost in accordance with their means. The funding derived from charges is directly applied by the HSE towards the provision of health services.

The Health (Amendment) Act 2005 and the subsequent Health (Charges for In-Patient Services) Regulations 2005 as amended by the (Health Charges for In-patient Services) (Amendment) Regulations 2011 provide the legislative basis for long stay charges. Under the legislation the maximum weekly charge cannot exceed 80% of the maximum rate of the weekly State Pension (non-contributory). The legislation provides for two different classes of person for the purpose of levying a charge:

- Class 1 — those receiving in-patient services on premises where 24 hour nursing care is provided currently pay charges based on income but subject to a maximum of €175 per week (the maximum weekly charge payable by those in this class prior to the revision of charges from 23 July 2011 was €153.25) and
- Class 2 — those receiving in-patient services on premises where 24 hour nursing care is not provided pay charges based on income but subject to a maximum of €130 per week (the maximum weekly charge payable by those in this class prior to the revision of charges from 23 July 2011 was €114.95).

The new maximum charge for Class 1 (€175.00) represents just under 80% of the weekly State Pension (non-contributory) while the new maximum rate for Class 2 (€130.00) represents almost 60%. These revisions were reasonable in light of increases in the rate of the State Pension (non-contributory) since the charges were last increased in January 2009 and were structured to ensure that those paying charges retain a minimum income for personal use i.e. at least €33 per week for those paying Class 1 rates and at least €64 per week for those paying Class 2 rates.

[Deputy James Reilly.]

Section 53(4) of the Health Act 1970, as amended, provides that the HSE may reduce or waive a charge imposed on a person in order to avoid undue financial hardship to that person. To assist in the fair application of the provisions of the Act and the related Regulations, the HSE has developed national guidelines for the determination and levying of charges for in-patient services, which include the need to have regard to the income of the person, the provisions of the Regulations and the patient's individual circumstances.

Care of the Elderly

141. **Deputy Paudie Coffey** asked the Minister for Health further to Parliamentary Questions Nos. 559 and 560 of 15 June 2011, if he will provide an update of the review of the care and welfare regulations in designated centres with a particular focus on supported care homes; and if he will make a statement on the matter. [31670/11]

142. **Deputy Paudie Coffey** asked the Minister for Health if he will quantify the number of care homes that are not nursing homes that have requested a review of the care and welfare regulations in designated care centres; and if he will make a statement on the matter. [31671/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 141 and 142 together.

My Department has initiated a review of the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009, as amended. These Regulations set out detailed requirements regarding, among other things, staffing and environmental conditions for all designated centres.

The Carlow/Kilkenny area currently has 7 supported care homes located within its remit — five based in Kilkenny and two based in Carlow. In Waterford there are 2 similarly run facilities. The total capacity for all 9 units is approximately 200 beds. All 9 are providing residential services for older adults. Each group receives financial support from the Health Service Executive under Section 39 of the Health Act and income is also generated from resident fees and fundraising.

Part of the review process submissions were invited and received from interested parties, including the care homes referred to by the Deputy. The Department also met with a representative from the care homes. Due consideration is being given to the issues raised including the nature and status of the care homes.

It is expected that the review will be completed shortly and that amending regulations will be introduced in 2012.

Health Services

143. **Deputy Gerald Nash** asked the Minister for Health the Health Service Executive's plans to make alternative arrangements for non-GMS patients who are no longer facilitated for referrals at the HSE phlebotomy facility in the Laurence Centre, Drogheda, County Louth, from the 17 October, 2011; and if he will make a statement on the matter. [31678/11]

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

144. **Deputy Thomas P. Broughan** asked the Minister for Health the number of consultant ENT at the Mater Hospital, Dublin 7; the number of persons on the waiting list to see the consultant; the average waiting time; the steps being taken to reduce the waiting time; and if he will make a statement on the matter. [31687/11]

145. **Deputy Thomas P. Broughan** asked the Minister for Health the number of consultant neurologists at the Mater Hospital, Dublin 7; the number of persons on the waiting list to see the consultant; the average waiting time; the steps being taken to reduce the waiting time; and if he will make a statement on the matter. [31688/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 144 and 145 together.

As these are service matters, they have been referred to the HSE for direct reply.

Vaccination Programme

146. **Deputy Billy Kelleher** asked the Minister for Health the common and rarer side effects of the HPV vaccine; and if he will make a statement on the matter. [31694/11]

Minister for Health (Deputy James Reilly): The Irish Medicines Board (IMB) has responsibility for investigation of adverse reactions to medicines. Since the first authorisation of Gardasil, the IMB has continuously monitored its safety. This monitoring includes review of global safety data in addition to national experience with use of Gardasil.

Expected adverse effects from the vaccine, as described in the product information, include malaise, headache, dizziness, syncope (fainting), fatigue, skin and injection site reactions and gastrointestinal symptoms. Anaphylaxis is a well known but rare adverse event following immunisation which can occur following any immunisation. The adverse events reported to date to the IMB are within the acceptable limits as outlined in the Gardasil Summary of Product Characteristics and there are no safety concerns regarding the vaccine.

147. **Deputy Billy Kelleher** asked the Minister for Health if the Health Service Executive paid for vaccination teams for the HPV vaccination programme; if not, the body which paid for same; and if he will make a statement on the matter. [31695/11]

Minister for Health (Deputy James Reilly): The HPV immunisation programme is funded by the Health Service Executive.

Hospital Services

148. **Deputy Tony McLoughlin** asked the Minister for Health if consideration will be given to the provision of routine early gestational ultrasound scans and routine foetal anomaly scans to all pregnant women attending for care at Sligo General Hospital; and if he will consider providing the resources required. [31697/11]

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 Council Registration

149. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding Irish Medical Council registration (details supplied). [31701/11]

Minister for Health (Deputy James Reilly): My Department has been informed by the Medical Council that the applicant referred to by the Deputy had initially submitted incomplete documentation to the Medical Council, causing a delay in the processing of this application. The Council has confirmed that the rest of the documentation has now been received and this applicant is now eligible for registration. This has been confirmed to the applicant by the Medical Council.

Health Services

150. **Deputy Finian McGrath** asked the Minister for Health the position regarding educational support in respect of a person (details supplied). [31711/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters, I have referred this question to the Health Service Executive for direct reply.

Medical Cards

151. **Deputy Finian McGrath** asked the Minister for Health if he will review a matter (details supplied) regarding a medical card. [31713/11]

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

152. **Deputy Denis Naughten** asked the Minister for Health the timetable of the completion of the project to allow X-rays taken at Roscommon County Hospital to be read remotely; when a computerised medical records system will be introduced to allow patient records at Roscommon to be accessed remotely; and if he will make a statement on the matter. [31752/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Staff

153. **Deputy Emmet Stagg** asked the Minister for Health if he will request the Health Service Executive to immediately seek cover for the State's paediatric rheumatologist while on maternity leave (details supplied); and if he will also request a report from the HSE on the reason provision was not made for such cover in the first instance. [31754/11]

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.

Search and Rescue Service

154. **Deputy Bernard J. Durkan** asked the Minister for Transport, Tourism and Sport the current strength of the air sea rescue services; his intention and ability to retain and improve such services; and if he will make a statement on the matter. [31720/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The responsibility for the coordination and deployment of Ireland's air sea rescue services rests with the Irish Coast Guard of my Department. The Coast Guard co-ordinates a multi-disciplinary approach in undertaking search and rescue operations. It has available to it a range of service providers and assets, including the National Maritime Operations Centre in Dublin and sub-centres in Malin and Valentia, fifty two volunteer Units located mainly around the coast, contracted search and rescue (SAR) helicopters, Royal National Lifeboat Institution (RNLI) and community rescue boat teams, air mobile fire and ambulance teams and a variety of other resources. I am satisfied that the approach taken in Ireland is on a par with other air sea rescue organisations throughout Europe.

Despite the current difficult financial climate continuous improvements are being made to our search and rescue services. In particular, three elements of the air sea rescue service are scheduled for improvement over the next 24 months. Firstly I have sanctioned a €2 million investment to upgrade the Coast Guard's boat and vehicle fleet. Secondly, following on from the recent opening of a new Coast Guard Station on Achill Island, two further volunteer stationhouses will open in Crosshaven and in Goleen, Co Cork in 2012. Thirdly, during 2012 and 2013 the Coast Guard will introduce a new generation of search and rescue helicopters to replace the existing fleet.

The Coast Guard search and rescue helicopter services operate around the clock from four bases around the country - Dublin, Shannon, Sligo and Waterford, flying some 2,700 hours per year. The number of missions has increased by 8% over the last four years and the number of persons assisted or saved by 33%.

Port Development

155. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport the developments that have taken place at Dundalk Port, County Louth, since he announced his intention to amalgamate Dundalk Port with Dublin Port; and his plans for future developments at Dundalk Port. [31620/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): All of the functions, assets, staff and liabilities of Dundalk Port Company were transferred to Dublin Port Company on 12 July last. At the time of transfer I stated my hope that commercial activity would continue at the port, but that such decisions were now a matter for Dublin Port Company.

Since the transfer, Dublin Port Company has cut costs at the port, has introduced a redundancy programme and has restructured operations. As part of this re-structuring process and in an effort to ensure continued activity at the port, the Company advertised for expressions of interest to operate the port.

Earlier this month, Dublin Port Company announced that, following a public tender process, a local company, O'Hanlon & Sons Contractors Limited, had been awarded the contract to operate the port.

I welcome this development and hope it will allow continued commercial port activity in Dundalk.

156. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport the position regarding the development of a future ports policy; when he will publish his proposals on this area; and if he will make a statement on the matter. [31621/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): My Department has been carrying out a review of ports policy over the past year.

A public consultation was held, with submissions received from various stakeholders, including industry representatives, non-governmental organisations and other bodies.

A number of common themes emerged around the following issues:

- The organisational structure and State ownership of the sector
- The interaction between ports policy and the planning system
- Corporate Governance of the State port companies
- Environmental issues

There are of course differing opinions under these headings; however, what is common to all stakeholders is recognition of the critically important role the commercial ports play in our economy.

The ports around our coast are very diverse and the policy needs to take account of this in order to ensure that the ownership and governance structures allow the ports to develop in a manner befitting their individual circumstances.

The objective is an overarching policy framework that will underpin the sector's future growth and ensure that Ireland is served by the first class port infrastructure it requires.

At this stage, I am fairly clear as to what the questions are in relation to future ports policy. However, the answers require further consideration. It is still my intention to publish a revised policy in the next few months.