



# DÁIL ÉIREANN

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*Dé Máirt, 8 Samhain 2011.*  
*Tuesday, 8 November 2011.*

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Chuaigh an Ceann Comhairle i gceannas ar 2.00 p.m.

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*Paidir.*

*Prayer.*

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## Ceisteanna — Questions

### Priority Questions

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#### Hospital Services

38. **Deputy Billy Kelleher** asked the Minister for Health the public hospitals that he considers suitable to be turned into hospital trusts; if the introduction of external management consultants represents the beginning of that process; if the move is permissible under the Croke Park agreement; and if he will make a statement on the matter. [33230/11]

**Minister for Health (Deputy James Reilly):** The health service requires strong management capacity to deliver on service targets in an effective and efficient way within available resources, and also to lead change in a complex environment. Over a period the HSE has identified a need to develop management capacity, especially in certain hospitals.

In June 2011, the executive invited tenders from potential service providers for a four-year framework agreement for personnel placement and supply services. Under this agreement, service providers can be asked to source and supply senior interim managers or more long-term senior management candidates. Following from this tender process, five companies were invited last month to participate in a mini-competition to source and propose candidates for an interim management support structure for HSE west. The competition has closed and the proposals are being evaluated.

Under these arrangements, it is planned to recruit a chief executive officer for the Galway university hospitals group. It is also intended to strengthen management capacity in the HSE mid-western region by putting in place other interim management supports. The successful provider will also be expected to assist in developing management capacity for the longer term. The HSE is engaged in discussions with the IMPACT trade union regarding these plans and does not regard them as conflicting with the public service agreement.

As stated in the programme for Government, in conjunction with the introduction of universal health insurance, public hospitals will become independent, not-for-profit trusts. This will require the development of the necessary corporate governance, management and clinical capacity to ensure these hospitals are equipped to function efficiently and effectively, once estab-

[Deputy James Reilly.]

lished as independent service providers. Under these arrangements, it is planned to recruit a chief executive officer for the Galway University Hospitals Group. It is also intended to strengthen management capacity in the HSE mid-western region by putting in place other interim management supports. The successful provider will also be expected to assist in developing management capacity in the longer term. The HSE is engaged in discussions with the IMPACT trade union on these plans and does not regard them as conflicting with the public service agreement.

As stated in the programme for Government, in conjunction with the introduction of universal health insurance, public hospitals will become independent, not-for-profit trusts. This will require the development of the necessary corporate governance, management and clinical capacity to ensure these hospitals are equipped to function efficiently and effectively, once established as independent service providers.

**Deputy Billy Kelleher:** In the context of the introduction of universal health insurance and the establishment of independent trusts, by now the stated position of the Government, nine months after taking office, given what was said prior to the general election and the time the Minister has had to prepare policy documents on his own vision of what the health service should look like in the years ahead, should at least offer a blueprint for us to analyse in the near future. We are awaiting the establishment of the implementation body in respect of universal health insurance, but it is imperative that we see the criteria laid down, with the instructions and parameters for the commission when making proposals on universal health insurance. In tandem, if we are to meet the commitments given in the programme for Government, in the near future hospitals must be identified that would be suitable for removal from the HSE, or whatever structure is left after the legislation is passed, to become independent trusts managed by a local board completely separate from the national body which will manage the health service. None of this has yet happened. Does the Minister know which hospitals will be involved? Will they be large hospitals, or the smaller hospitals which are being downgraded?

**Deputy James Reilly:** We are not of the view that hospitals are being downgraded; they are changing the emphasis on the care they provide. Our primary concern is that hospitals are safe. Decisions are still in the process of being assessed; therefore, no final decisions have been made. We are evaluating the matter. All of the hospitals are different and the universal health insurance implementation commission will examine the issue. It would be premature, therefore, to outline exactly what each hospital will do or which hospitals will be connected to which. There are different possibilities and there may be interim arrangements prior to final arrangements being made for connectivity between hospitals. There are considerations related to connectivity by road infrastructure and the complementary positions hospitals offer when in partnership with others; we do not want hospitals to duplicate services unnecessarily. This work is ongoing. It is a massive task that we are intent on completing and there has been a lot of activity to date. As soon as the implementation body produces its report, it will be brought before the Dáil.

**Deputy Billy Kelleher:** Who will make decisions on the hospitals in which there will be further capital investment while we await the establishment of independent trust hospitals and the amalgamation of other hospitals? Who is going to make these decisions in the interim?

**Deputy James Reilly:** Each Minister receives a capital budget and it is his or her responsibility and that of his or her Department to make the relevant decisions in respect of that budget. That has always been and remains the case.

39. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will put in place a programme to restore services to hospitals in the north east and, with immediate effect, maintain and sustain the minor injury unit at Monaghan General Hospital as a 9 a.m. to 9 p.m., seven days a week service, proceed with the medical assessment unit at the same hospital site and restore the rapid response vehicle to the ambulance service covering County Monaghan and north County Louth [33229/11]

**Deputy James Reilly:** I am committed to ensuring acute hospital services at national, regional and local level will be provided in a clinically appropriate and efficient manner. In particular, I want to ensure that as many services as possible can be provided safely in smaller hospitals. To this end, the Government will publish a framework for the development of smaller hospitals to set out how their future will be secured. The framework will give clear information on the role of smaller hospitals and address any safety issues arising from HIQA's reports. Consultation covering all the key stakeholders, including patients and public representatives, will be an integral part of the process. In addition to the framework, the organisation of hospital services will be informed by the clinical programmes being developed and implemented by the HSE. These interrelated programmes aim to improve service quality, effectiveness and patient access and ensure patient care is provided in the service setting most appropriate to people's individual needs.

In the context of the specific questions raised by the Deputy, the minor injuries unit at Monaghan General Hospital provides an eight hour service, from 9 a.m. to 5 p.m. This service came into effect on 1 November. The change in opening times is the direct result of the current budgetary and financial position facing the health system. The HSE has reviewed other possible options to save money or increase revenue but concluded that they would not generate sufficient savings in the short term. Following a detailed analysis of this issue, it has estimated that total annual savings of almost €400,000 will be generated with this alteration of opening hours.

I am favourably disposed towards the development of medical assessment units because they provide excellent service for patients. However, it is essential that such units be justified from both a service delivery and value for money point of view. The HSE has, as the Deputy is aware, established an independent feasibility study which will examine if there is a clinical need for a medical assessment unit in Monaghan General Hospital for the population of County Monaghan. It will also establish the pay and non-pay costs and internal-external support services associated with the establishment and running of an medical assessment unit in Monaghan General Hospital. The group commenced its work on 17 October and the timeframe for completion is six to eight weeks.

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

The HSE national ambulance service initially put in place a rapid response vehicle to assist with the smooth and seamless transformation within the area. This is a non-transporting vehicle, carrying advanced paramedics and an extended range of equipment to provide advanced treatment. This model is not sustainable locally because of the unavailability of appropriately qualified staff, but the matter will be kept under review, with a view to reintroduction when the National Ambulance Service is in a position to deliver it at the appropriate service level. Staff resources have been redirected to front-line ambulances to ensure there will be no change in the clinical levels available throughout the area. The region has a fully functioning emergency ambulance service.

**Deputy Caoimhghín Ó Caoláin:** Unfortunately, I cannot say "Go raibh maith agat" to the Minister because, not for the first time when addressing the people of County Monaghan, he

[Deputy Caoimhghín Ó Caoláin.]

has referred to yet another framework document. That phrase will have a serious echo for those familiar with the history of Monaghan General Hospital. The Minister referred to the minor injuries unit offering services between 9 a.m. and 5 p.m., but he did not indicate that such services are only available Monday to Friday, nor did he state the unit remains closed on Saturdays and Sundays. This represents a significant contraction from the 9 a.m. to 9 p.m. service that was previously available seven days a week. Savings and cuts are the only matters about which the Minister speaks.

Only a couple of weeks ago the Minister tabled to a Private Members' an amendment which followed on from amendments I had tabled seeking to secure the future of the minor injuries unit at Monaghan General Hospital, ensure the establishment of a medical assessment unit there and have the rapid response vehicle recently removed from the facility restored to it. Government Deputies supported that amendment which stated the House "supports the Government's policy of developing the role of smaller hospitals to their full potential rather than closing or downgrading them". At the same time, however, the services on offer in the minor injuries unit at Monaghan General Hospital on Saturdays and Sundays were being discontinued. In addition, they were being significantly reduced on every other day of the week.

What makes the Minister's approach different from that of his predecessor, Mary Harney, and the former Fianna Fáil-led Government which introduced a series of cuts? That is what we are facing. There is no difference between this and the previous Administration; all there has been is a change in personnel.

**An Ceann Comhairle:** There is just over one minute left.

**Deputy James Reilly:** I am not sure what was the supplementary question.

**Deputy Caoimhghín Ó Caoláin:** It is the same question I put to the Minister: will he restore——

**Deputy James Reilly:** I made the position clear. I made clear why we face the position in which we find ourselves. It is due to the current economic fiasco left by the preceding Government. The health sector, just like any other of the spending Departments, must make savings and we have had to make very unpleasant decisions to stay within budget. These are not decisions that I particularly like but they must be made.

It is not all one way action by any means. As I have told Deputy Ó Caoláin, a framework document on small hospitals is being worked on. There will be opportunity for all Deputies to have an input. There will be consultation. There will be more services of a safe nature brought to smaller hospitals.

I mentioned previously the many new services that have evolved in Louth County Hospital which is close to Deputy Ó Caoláin's constituency of Cavan-Monaghan. The footfall of people through that hospital has increased dramatically as a consequence. The future for smaller hospitals is around services that can be delivered safely in those hospitals, not the very complex emergency department facilities which are restricted to the major hospitals.

**Deputy Caoimhghín Ó Caoláin:** Briefly——

**An Ceann Comhairle:** We are over time.

**Deputy Caoimhghín Ó Caoláin:** ——there was nothing of an overly specialist nature in the services at the minor injuries unit. It was an essential component part of what remained.

**An Ceann Comhairle:** I thank Deputy Ó Caoláin.

**Deputy Caoimhghín Ó Caoláin:** It was never envisaged that there would be further cuts.

**An Ceann Comhairle:** I thank Deputy Ó Caoláin.

**Deputy Caoimhghín Ó Caoláin:** All the Minister is doing is complicating an impossible situation in Cavan and Drogheda by further displacement of patients.

### **Banned Substances**

40. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for Health if his attention has been drawn to grit weed (details supplied) and the health epidemic that this will cause, including cancer and other fatal illnesses; if he will investigate and analysis the various substances found in grit weed, which include industrial etchant sprays, glass particles, sugars, sands and other micro contaminants, and if he will publish the results of such an investigation; if he will, in liaison with the Department of Justice, arrange for An Garda Síochána to provide confiscated cannabis to his Department to sample; if he will consider, again in coordination with the Department of Justice and in view of the on-going prohibition of cannabis, introducing sentencing to reward the evil nature of those who impregnate cannabis with various grits, some of which are carcinogenic; his views on the health aspects of the prohibition of cannabis, and in particular the potential impact that grit weed will have for a future generation; and if he will make a statement on the matter. [33262/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Cannabis is a Schedule 1 controlled drug under the Misuse of Drugs Act 1977. Its cultivation, supply and possession is prohibited and unlawful in Ireland, except for the purposes of research.

Cannabis continues to be the most widely abused drug in Ireland and it is not the intention of Government to legalise its use. The Government has strong concerns that legalisation of cannabis use would be likely to lead to increased levels of experimentation with drugs, particularly by young people. Cannabis is also known to be a gateway drug, which facilitates individuals moving on to other dangerous drugs.

Cannabis misuse is detrimental to health, and significant physical and mental health risks are particularly associated with long-term use. In addition, as Deputy Luke ‘Ming’ Flanagan has noted, cannabis users are also exposed to health risks associated with contaminants in cannabis products, such as chemicals, pesticides, bacteria and grit weed. Grit weed contamination occurs where microscopic glass beads are sprayed onto cannabis plant to give the impression that the cannabis is of good quality. The Forensic Science Laboratory has not found grit weed contamination in samples of cannabis seized on the streets in recent times.

It is a criminal offence for a person to import, export, produce, supply or possess cannabis. Possession and supply are subject to serious criminal sanctions of: up to seven years imprisonment and-or a fine for unlawful possession, and up to a maximum period on indictment of life imprisonment for unlawful supply.

Cannabis is illegal in this State as its use is harmful to human health. Contamination of cannabis with adulterants such as grit weed only increases the health risks associated with cannabis use.

**Deputy Luke ‘Ming’ Flanagan:** The Minister of State said that the legalisation of cannabis would lead to increased use. They have not legalised it in Holland, but they have found, now that they have regularised it in a certain sense or adopted a policy of tolerance, that its usage

[Deputy Luke 'Ming' Flanagan.]

has not increased. In fact, in comparison with Ireland, especially among young people, there is far less usage of it.

On the gateway effect, the Institute of Medicine in Washington DC has done a study on this and it would disagree with the Minister of State. When it comes to the gateway effect, I suppose one of the best examples at which one can look to show that it is not the case is, yet again, Holland. According to a study conducted by the Trimbos Institute in Holland, where one can openly but not legally purchase cannabis, fewer than one in 1,000 teenagers experiment with heroin. Depending on which organisation one listens to, the figure for Ireland is as much as one in 80. If the gateway effect is caused by the legalisation of cannabis——

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

**Deputy Luke 'Ming' Flanagan:** ——why is the figure in Holland 90% lower?

Have tests of the samples of cannabis held by the Garda Síochána provided accurate results to show what is contained in the cannabis being sold? It is not ideal that people use cannabis, but its illegality makes it infinitely more dangerous. In particular, street dealers do not ask for identification. Were it legal, they could do so. Is there information on what is contained in contaminated weed? Would it be possible to consider imposing stronger criminal sanctions on those dealing in this substance, given that it is infinitely more dangerous than cannabis?

**Deputy Róisín Shortall:** The contamination or adulteration found involved the use of crushed grass particles or grass micro-beads. Some evidence of this was found in 2007 and 2008 but recent testing has revealed no evidence of these materials. The Government's main concern relates to the physical and mental health effects of the long-term use of cannabis which have been associated with lung and throat cancer but clear links have also been established between cannabis use and the development of serious mental illnesses such as schizophrenia and depression.

International literature shows that the increasing number of persons presenting for drug treatment owing to cannabis-related problems is linked with increasing cannabis potency and contamination. It is claimed that more potent forms of cannabis are associated with higher risks of adverse health consequences. It is interesting to note that the United Kingdom and the Netherlands are moving to reclassify the stronger form of cannabis as a class A drug. In the case of the latter, evidence indicates that the liberalisation of the law has resulted in a significant increase in drug tourism. The Dutch authorities are moving to close this off.

Our principal concern which it is legitimate to have relates to the physical and mental health implications of the long-term use of cannabis. For this reason, there is no intention of decriminalising the use of cannabis.

### Health Services

41. **Deputy Billy Kelleher** asked the Minister for Health if he will provide an update on the crisis that a number of hospitals face in their budgets this year; the actions he will take to address the expected €320m overrun; and if he will make a statement on the matter. [33231/11]

**Deputy James Reilly:** The figure of €320 million to which the Deputy refers is the overall projected overrun in the HSE Vote. The latest Vote data have reduced this forecast to €300 million. The HSE was required to make gross savings of €962 million in its national service plan this year. The plan which was approved in December 2010 requires the HSE to operate within the limits of its Voted allocation and has been framed to deliver service levels in 2011 broadly in line with 2010 levels, while reducing the cost of providing services.

In the acute hospital sector a significant variation in productivity between hospitals was identified, particularly in day case rates, same day admissions and length of stay. All hospitals have been advised that they must operate within their allocated budgets and meet the service level activity targets they agreed for 2011. It has been made clear that those hospitals which fail will face consequences.

Despite the fact that the hospital sector has managed to deliver some reductions in its cost base during the first nine months of the year, at the end of September there was an accumulated deficit of €145.6 million in hospitals. While some hospitals are on target to break even, having managed the reductions in their budgets, the deficit in the hospital sector grew again in September by €3 million. Although the rate of growth has slowed, demonstrating that the sector is now operating within a much more sustainable level of expenditure, there is still a significant deficit which falls to be addressed. The HSE is implementing measures to address its overall deficit, including measures to ensure that hospital activity levels, which are running over target in many cases, are brought back in line with the national service plan targets, and accelerating the collection of outstanding income due in respect of the treatment of private patients. I am on record as saying that every individual agency has responsibility for managing its budget and must take all necessary measures to stay within budget while delivering its planned level of service. Under its reform programme the Government has committed to achieving greater efficiency in patient care and service delivery. These efficiencies will not be easy to achieve but I am certain that over time they will help to ensure that more people get access to services within the resources available.

As the Deputy is aware, I established the special delivery unit earlier this year with the objective of addressing the obstacles that prevent patients being seen and treated quickly. In order to address the problems in emergency units, to date €2.3 million has been committed to 15 hospitals which represent 80% of trolley waits. Funding is approved on the strict understanding that it will be released only where the specific performance measures and specified conditions have been met, including the requirement that no patient will wait more than 23 hours in an emergency department.

In respect of the broader financial issues in the hospital sector, the HSE continues to work closely with all hospitals to ensure the service impact of cost containment is kept to a minimum and to ensure patient safety remains at the core of all decision making.

**Deputy Billy Kelleher:** The fundamental issue is who is in charge of the health services. E-mails sent from Cathal Magee, the CEO of the HSE, to Michael Scanlan, the Secretary General of the Department of Health, state there is confusion and uncertainty about the governance of the system with regard to whether it is the Minister's advisers, the HSE, the Department of Health or the Minister who is in charge. There has been a substantial drift in dealing with the budgetary issues we now face. Decisions have not been made in recent months, other than on the PR exercises such as the special delivery units and the sacking of the board.

The substance of the issue is the clear problem with governance of the Health Service Executive because it does not know who are its masters. Is it the Minister's advisers, the Minister, the Secretary General or the board? Some of the e-mails being sent to and fro are quite disturbing because they deal with the very heart of the provision and delivery of health services. If there are to be changes in governance in the meantime, hospitals, hospital managers and HSE staff are unsure as to who is running the health services.

**An Ceann Comhairle:** May I ask the Minister to respond?

**Deputy Billy Kelleher:** Will the Minister tell the House who is ultimately responsible?



**Deputy James Reilly:** I made it very clear that I would be a far more hands-on Minister than my predecessor. The budgetary problems to which the Deputy alluded exist for the obvious reason I mentioned, namely, the performance of the Deputy's Government. Notwithstanding this, there is good news. Ultimate the buck stops with me; that is what I stated I would do and the Secretary General and the HSE report in. The board that was in place is gone and the current board will be gone by the end of this year. There will be a new plan for the supra-structure of the HSE until we come to the final solution later next year, hopefully by June.

**Deputy Billy Kelleher:** The final solution.

**Deputy Michael Healy-Rae:** That is a bad phrase.

**Deputy Billy Kelleher:** It rings a bell.

**Deputy James Reilly:** Excuse me. I did not interrupt the Deputy. Perhaps he would like to hear some good news for the people of Cork and Cork University Hospital in particular. It has introduced new theatre practices, and their use in only five theatres, which is only 5% of all theatres in the country, has already yielded considerable savings. It uses its medical admissions unit in such a way that one quarter of patients who otherwise would have been admitted have been treated and sent home. This has resulted in approximately 22,000 bed days being saved. The savings are considerable and once it is spread throughout the system we will see even greater savings. We will seek to continue to transpose these good practices throughout the system. The failure in the past was that where excellence in care or process was identified it was not transposed throughout the rest of the system.

#### **Accident and Emergency Services**

42. **Deputy Richard Boyd Barrett** asked the Minister for Health the position regarding his plans to alleviate the escalating trolley problem in accident and emergency units here; if it is his intention to review plans for the downgrading of accident and emergency units in smaller hospitals in view of the worsening problem; and if he will make a statement on the matter. [33484/11]

**Deputy James Reilly:** Immediately following my appointment, I set about establishing the special delivery unit, SDU, to unblock access to acute services by improving the flow of patients through the system. The SDU was established in June and quickly began work with the HSE to put in place a systematic approach to eliminate excessive waiting in emergency units. The SDU is establishing an infrastructure based on information collection and analysis, hospital by hospital, so that we know what is actually happening in real time. This will allow us to begin to embed performance management in the system to sustain shorter waiting times. I reiterate to the House that we can now see what is happening where previously we were in the dark. We used to find out months later what had happened but we can now tell what is happening in accident and emergency units at any given time. We can tell each consultant's waiting time on a weekly basis and it allows us to address those who are not performing to the level they could.

The SDU has identified the hospitals that account for the greatest number of trolley waits, which will benefit from intensive support between now and the end of the year. Liaison officers are working proactively to support these sites. As alluded to in a previous question, I have also agreed that some additional funding may be provided, on a strictly once-off basis and based on specific proposals from the hospitals, to reduce waiting times. We have identified the problems and we asked the hospitals to tell us what they would like to do to address the issue and what they feel the solution is. We will then sit down with the hospital and price the solutions. If it is a reasonable value for money initiative, we will support the hospital's idea.

Our problems did not arise overnight and they will take time to resolve, but they are being tackled in a systematic and relentless fashion through the SDU. I do not minimise the scale of the task before us but I am very confident that the SDU will facilitate real performance improvement in the hospital system and I already alluded to some of those in respect of Cork.

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

I also want to ensure that as many services as possible can be provided safely in smaller, local hospitals. A joint HSE-departmental group is developing a framework for the future development of smaller hospitals. Consultation with all the key stakeholders, including patients and public representatives, will be an integral part of the process.

The organisation of hospital services nationally, regionally and locally will be informed by the clinical programmes being developed and implemented by the HSE and by the framework for the development of smaller hospitals. These interrelated programmes aim to improve service quality, effectiveness and patient access and to ensure patient care is provided in the service setting most appropriate to individuals' needs. I expect to be able to report to the Government and this House on these important developments before the end of the year.

**Deputy Richard Boyd Barrett:** Some 366 people were on trolleys yesterday, with 34 in Galway, 38 in Drogheda, 31 in St. Vincent's, 27 in Beaumont and 24 in Mullingar. Some 20 people were on trolleys in Wexford before they realised the Minister, Deputy Howlin, was coming down. Additional staff were magicked into the hospital and another ward was opened to get people out of the Minister's way so that it looked nice when he got there. In some ways, that demonstrates the real issue. Behind all the talk of fair care and reconfiguration, reform and special delivery units, accident and emergency units throughout the country are in absolute chaos. None of this spin and jargon can mask——

**An Ceann Comhairle:** Can I have a supplementary question from Deputy Boyd Barrett?

**Deputy Richard Boyd Barrett:** Is it not the case that they are in chaos and are not working? The idea that we get more from less when it comes to accident and emergency units is nonsense. We get less for less and we get more chaos. The only beneficiary of this are the people I hear day in, day out on the radio, such as the Blackrock Clinic and the Beacon Clinic, advertising for people to come to their private accident and emergency units. The policy of——

**An Ceann Comhairle:** We will not have time for any supplementary questions.

**Deputy Richard Boyd Barrett:** The Ceann Comhairle did not interrupt anyone else like that.

**An Ceann Comhairle:** Deputy Boyd Barrett cannot make statements.

**Deputy Richard Boyd Barrett:** These are questions.

**An Ceann Comhairle:** They are not questions.

**Deputy Richard Boyd Barrett:** Is it not the case that money follows the patient in a situation where there is this level of chaos in accident and emergency units? The patients will walk out of public accident and emergency units, which are being slashed by cuts, and they will be encouraged to walk into private hospitals and public money will follow them. If the Minister wanted to do something about this and make some real savings——

**An Ceann Comhairle:** It is Question Time. I ask Deputy Boyd Barrett to ask some supplementary questions.

**Deputy Richard Boyd Barrett:** —he would cut the €500 million or €750 million that is going in subsidies to private consultants—

**An Ceann Comhairle:** This is Question Time. It is not a time for statements.

**Deputy Richard Boyd Barrett:** That is a question. Would it not be better — that is a question — if, instead of cutting staff and budgets in our public accident and emergency units, we cut the subsidies going to private consultants and other private health care providers?

**Deputy James Reilly:** I am not aware of subsidies going to private consultants. I want to correct Deputy Boyd Barrett. The figures he alluded to are an improvement on the 569 people in our accident and emergency units in January. We are going about this in a systematic way. As I said, we cannot change things overnight. I have told the House that no man is an island and, in the same way, no part of the health service operates on its own. One cannot fix the problem in the emergency department without fixing the problem in respect of inpatient beds and having more community facilities, including home-care packages, home helps and the provision of long-term care in order that people can leave hospital. One cannot fix it unless one fixes the problem in the primary care system to allow it to address more of the problems, including providing greater access to diagnosis and chronic illness care in the community, in order that people do not fall ill and end up in hospital. It is all interlinked. All of the hospitals to which we have given special support in the last week have included a combination of all these items as part of their initiatives, including an increased number of home-care packages, long-stay beds and short-term convalescent beds in associated hospitals, as well as more staff and beds in specific areas.

Much and all as we would love to be able to flick a switch and turn things around, that is not the way things operate. Specifically regarding money following the patient, since that initiative was introduced in the orthopaedic side, for hip and knee replacements, we have saved in the region of €6 million. We did this by insisting on patients being admitted on the day of the procedure, not the night before.

**Deputy Richard Boyd Barrett:** May I ask a supplementary question?

**An Ceann Comhairle:** I am sorry, but we are over time. That is what I was trying to tell the Deputy — the more statements he makes, the more time he uses up for supplementary questions.

### Visit of Haitian Delegation

**An Ceann Comhairle:** Before moving to Question No. 43, I formally welcome to the Distinguished Visitors Gallery the members of a delegation from the Haitian Senate. They are most welcome.

### Ceisteanna — Questions (Resumed)

#### Other Questions

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#### Health Services

43. **Deputy Seán Crowe** asked the Minister for Health if he will outline the extent of co-operation, if any, between his Department and the Department of Education and Skills on children with autism; and if he will make a statement on the matter. [32964/11]

**Minister for Health (Deputy James Reilly):** The Department of Health, the HSE and the Department of Education and Skills co-operate on a regular basis in progressing disability issues. In 2006 a cross-sectoral team was established to provide for a joint approach by both Departments to the implementation of the Disability Act 2005 and the Education for Persons with Special Education Needs — EPSEN — Act 2004. The team includes senior officials from both Departments, as well as representatives from the HSE and the National Council for Special Education.

As the Deputy may be aware, Part 2 of the Disability Act 2005 was commenced for children under the age of five years on 1 June 2007. It had been intended to have both the Disability Act 2005 and the EPSEN Act 2004 fully implemented during 2010 in respect of children and young people between the ages of five and 18 years. In the light of financial circumstances, however, further implementation of the Acts was deferred in 2008. Notwithstanding the deferral of further implementation of the Acts, the cross-sectoral team continues to meet to address issues of mutual concern for people with disabilities, including children with autism.

The HSE is undertaking a national review of autism services. The review will identify the core principles of service delivery and standards of practice that will guide national autism services in the future. The aim is to review current models of service provision, make recommendations on preferred models of service delivery, and identify clear and consistent pathways for access to services for children with autism. It is expected that the final report will be presented to the board of the HSE shortly.

The review will be taken into consideration in framing future policy developments on autism. The issue of strengthening co-operation between the Department of Education and Skills, the HSE and the Department of Health on policy and operational matters for children with autism will also be examined as part of this process and necessitate further discussions between all parties. I have raised these issues with the Minister for Education and Skills and the Minister for Children and Youth Affairs as part of this process. It is our intention to appoint a person at principal officer level to co-ordinate this work across the three Departments.

**Deputy Caoimhghín Ó Caoláin:** I acknowledge that the Minister has long had an interest in this area. I refer specifically to 12 February 2008 when his party brought forward a progressive motion calling for enhanced co-operation between the Department of Education and Skills and the then Department of Health and Children to ensure children with special needs would receive adequate support in all aspects of their lives from an early age. The Minister made a contribution to that debate, in which he said he was focusing specifically on the area of applied behaviour analysis, ABA, education for children with autism. He said: “Natural justice, humanity and fairness demand that ABA is made available to those——

**Acting Chairman (Deputy Tom Hayes):** Could the Deputy ask a question, please?

**Deputy Caoimhghín Ó Caoláin:** There is a question; of course, there is a question.

The Minister stated:

Natural justice, humanity and fairness demand that ABA is made available to those for whom it is the most appropriate mode of treatment. Early assessment is essential. It is nonsense to have speech and language therapy for the education of young children solely under the remit of the Health Service Executive when clearly the Department of Education and Science should have access to it.

My question is that, in calling for closer co-operation and recognising that the Department of Education and Skills intends to close down ABA, which is actual evidence of a continuation of the approach of the former Government——

**Acting Chairman (Deputy Tom Hayes):** Could the Deputy ask the question, please?

**Deputy Caoimhghín Ó Caoláin:** Will the Minister, given his long record of interest in this area, help ensure through the dialogue that ABA will be protected and secured as an option for those children for whom it is by far the best mode of address?

**Deputy James Reilly:** This area requires closer co-operation between the Departments of Education and Skills, Children and Youth Affairs, and Health. That is why I proposed to my ministerial colleagues that we should have a principal officer appointed across the three Departments, with the lead coming from the Department of Health. They have accepted this in principle. The matter has not been finalised but is close to being finalised. I hope this will inform all parties on the needs of children with autism and other disabilities. The principal officer should cover all disabilities associated with children.

I certainly look forward to co-operation leading to greater availability of a wide range of services to children with autism. I hope the issue of ABA schools will be among those being considered.

**Deputy Caoimhghín Ó Caoláin:** I welcome the Minister's last comment and must interpret it as positively as possible. In July 2010, just last year, the Minister accused the then Minister for Education and Science and the Department of bullying tactics and of forcing ABA schools to sign up to the transition to special school status, thus ceasing to provide ABA to the cohort of children who would benefit. I hope the Minister's response has indicated his position has not changed.

What will be done to address the shortage of speech and language therapists and the failure to replace therapists on sick leave and maternity leave? The shortage is such that the children affected miss out of months of educational input that is crucial to their early development.

**Deputy James Reilly:** We are certainly seeking to protect front-line staff in that area. We are discussing the moratorium in terms of flexibility regarding key positions of the kind in question. I am aware of circumstances in which we have not been able to provide the speech and language services and behavioural therapy that should go with the classes provided. I am addressing this internally in the Department at present.

### **European Court of Human Rights Judgment**

44. **Deputy Mick Wallace** asked the Minister for Health if he will provide a detailed timeframe for the expeditious implementation of the European Court of Human Rights judgment in the A, B and C case committed to by the Government at the UN Human Rights Council hearing in Geneva on 6 October 2011, including exact dates for the establishment of the expert group and the conclusion of their work; his response to their proposals; if he will provide a detailed explanation for the rejection of six recommendations from European countries relating to abortion; and if he will make a statement on the matter. [31262/11]

73. **Deputy Mick Wallace** asked the Minister for Health if he will explain the reasons behind the refusal to accept six recommendations from European countries that Ireland should legislate for abortion; if he will explain in detail the timeframe for the expeditious implementation of the European Court of Human Rights judgment in the A, B and C cases committed to by the Government at the UN Human Rights Council hearing in Geneva on 6 October 2011; specifically if he will provide the date in November by which the expert group will be set up, the date by which the expert group will be expected to transmit proposals to him, and the

date by which he will respond to these proposals; and if he will make a statement on the matter. [31263/11]

**Deputy James Reilly:** I propose to take Questions Nos. 44 and 73 together.

I assure the Deputy that the Government is committed to the implementation of the action plan on the *ABC v. Ireland* judgment. As the Deputy is aware, the Government submitted an action plan to the Committee of Ministers of the Council of Europe on 16 June 2011, as required by the European Court of Human Rights. The action plan outlined the following commitments by the Irish State. Ireland is committed to ensuring the judgment in this case is implemented expeditiously. The Government will establish an expert group, drawing on appropriate medical and legal expertise with a view to making recommendations on how this matter should be properly addressed. It is intended that the expert group will be established by the end of November 2011. Following the recommendations from the expert group, proposals will be drafted and transmitted to the Government for approval and, by the end of 2011, an action report will be filed outlining the expert group's detailed terms of reference, membership and meeting schedule. As stated in the action plan, the Government is committed to the establishment of an expert group on the *ABC v Ireland* judgment to make recommendations on how this matter should be properly addressed. My officials are in the process of finalising the work required to establish this body. The Government rejected all recommendations on this issue submitted to the State during the universal periodic review process in Geneva on 6 October, as it would be inappropriate for it to pre-empt the recommendations of the expert group at this stage. In the case of the recommendations made by Denmark and Slovenia, these were outside the scope of the judgment and not in line with Article 40.3.3° of the Constitution of Ireland.

**Deputy Mick Wallace:** As I am sure the Minister is well aware, almost 20 years have passed since the X case and we have watched Government after Government kick the can down the road and refuse to have the courage to deal with this issue. We are talking about a human rights problem which we have been content to export rather than deal with it head on, as we are afraid of what the public might think. We have been afraid to do the right thing. We compare Ireland to other countries in Europe, but 44 of the 47 countries in Europe are way ahead of us on this issue in respecting the right to health of the pregnant woman.

**Acting Chairman (Deputy Tom Hayes):** The Deputy should put a question to the Minister.

**Deputy Mick Wallace:** Irish abortion law denies women the most fundamental right to live in dignity and to self-determination and the opportunity to exercise these rights without discrimination in that having an abortion is criminalised in almost all circumstances. Elsewhere in Europe the approach adopted is consistent with the standard of proportionality in key human rights which requires that laws and policies applied to regulate access to abortion services cannot excessively interfere with a woman's rights to life, health, privacy, freedom from cruel and inhumane treatment and non-discrimination.

The Government has been in office for nearly one year. I would have thought that the Minister would have considered this matter to be a top priority, one that needed to be dealt with quickly. Is he telling me that the expert group is still in the process of being set up? When it is set up, will he publish the names of its members, outline the reasons for their selection and the terms of reference? It would be interesting to have that information because it goes without saying the group which will be selected will have considerable influence on the final decision to be made.

**Deputy James Reilly:** The Government has many priorities. While this is a hugely important issue, the survival of the economy and the maintenance of a reasonable health service are but two priorities with which we are dealing on a daily basis. Notwithstanding this, we gave a commitment in the programme for Government that we would form a special advisory group and when that group is in place, the names of its members and its terms of reference will be made public.

**Deputy Clare Daly:** May I ask a supplementary question?

**Acting Chairman (Deputy Tom Hayes):** Yes, but it has to be brief.

**Deputy Clare Daly:** On what issue does the Minister need an expert? This is the reality for thousands of Irish women every year.

**Acting Chairman (Deputy Tom Hayes):** The Deputy should put her question.

**Deputy Clare Daly:** On what issue does the Government need to deliberate? What expertise does it require? More than 20 years ago the people voted on the right to abortion, albeit in limited circumstances. Can the Government not simply enact legislation to deal with the reality for thousands of Irish women every year? What is the reason for the delay and why does the Government require expertise to deliberate on the issue further?

**Deputy James Reilly:** As the Deputy is well aware, this is a very sensitive and thorny issue for many people. It is also divisive. The judgment is clear and we have given a commitment to meet its terms. We will obtain the best advice available to us in the form of an expert group, the terms of reference of which will be published. The group will publish its report which will be available to everyone to examine and give us the best advice available. That is only right and proper.

**Deputy Clare Daly:** Is it not the case that the advice of the people is that they have voted on this matter twice already? In terms of the Supreme Court judgment and the previous ruling in the X case, the people have voted to allow abortion in Ireland, albeit in limited circumstances. However, the Government has not yet drafted the heads of a Bill to deal with the issue.

**Deputy James Reilly:** The Deputy is correct to say the Irish people have voted twice. The interpretation of this court case is a separate issue pertaining to how that is to be put into place. The matter is not as simple as she would like to paint it.

**Deputy Clare Daly:** Twenty years.

### **Accident and Emergency Services**

45. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will put in place an emergency plan for hospitals to accommodate the predictable surge in activity that occurs every winter; and if he will make a statement on the matter. [32717/11]

46. **Deputy Willie O’Dea** asked the Minister for Health when the recommendations of the special delivery unit in the accident and emergency department in the Midwestern Regional Hospital, Limerick, will be implemented; and if he will make a statement on the matter. [32979/11]

59. **Deputy Denis Naughten** asked the Minister for Health the steps he is taking to address the overcrowding crisis at Galway University Hospital; and if he will make a statement on the matter. [32713/11]

71. **Deputy Luke 'Ming' Flanagan** asked the Minister for Health if his attention has been drawn to the overcrowding which occurred at the accident and emergency department of National University of Ireland Galway Hospital on the 24 September; if his further attention has been drawn to the fact that the hospital was forced to appeal to the public, via local radio stations' news bulletins, not to bring emergency cases to the accident and emergency department of NUIG hospital on 24 of September; his views that this overcrowding is unacceptable and a danger to health and that the extra burden placed on the accident and emergency at NUIG hospital is in part due to its vastly increased catchment area due to the closure of Roscommon County Hospital accident and emergency ward; and if he will make a statement on the matter. [32712/11]

85. **Deputy Gerry Adams** asked the Minister for Health if he will urgently address the critical situation in hospitals in the North-East region, including record numbers of patients on trolleys in Our Lady of Lourdes Hospital, Drogheda, this autumn; and if he will make a statement on the matter. [32962/11]

**Deputy James Reilly:** I propose to take Questions Nos. 45, 46, 59, 71 and 85 together.

I have said clearly on many occasions that the situation in our hospital emergency departments, where people must wait for unacceptably long periods on trolleys, will not be allowed to continue. For this reason, as I have already outlined to the House, one of my first actions as Minister for Health was to set about establishing the special delivery unit.

The problems in our emergency departments are complex and did not arise overnight. The issues vary from hospital to hospital and some of the solutions will depend on local factors. Delayed discharge, for example, is an issue in some parts of the country but not in others. A common factor is the need for reliable real time information, agreed standards for safe care and relentless performance management against those standards.

Following considerable analysis of the problems in individual hospitals, I recently approved an initiative whereby funding will be made available to ease pressures in certain emergency departments. The supports being funded are dependent on certain conditions and the money will be released based on specific performance. The supports may involve providing funding for smaller hospitals in the group to ease pressures on the major centre. As I have frequently said, I want to ensure that as many services as possible can be provided safely in smaller local hospitals.

In the case of Our Lady Of Lourdes hospital, Drogheda, the hospital has requested a range of supports and the special delivery unit has agreed to a set of proposals which will cost more than €700,000 between now and the end of this year. More than €300,000 is being made available to Galway University Hospital. The special delivery unit has indicated to me that considerable improvements can be made at Limerick hospital within existing budgets and I have requested the HSE to implement these changes. These include some reallocation of existing staffing resources, a better bed management system and the shifting of day case capacity to other hospitals in the group. The issue of further support for Limerick is under consideration by the special delivery unit.

The HSE has indicated that the impact of the emergency department changes introduced at Roscommon County Hospital in July 2011 has been marginal. The figures for the three month period to the end of October indicate an increase of 127 patients at Galway during this period, which is equivalent to ten additional patients per week or less than two per day.

Peaks and troughs are a feature of attendances at emergency departments. The special delivery unit is working with hospitals to use the data on attendance patterns to plan for the variations which will inevitably occur. At my behest, the unit is driving this approach to radically



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reduce the overcrowding in our emergency departments which has been tolerated for far too long.

**Deputy Caoimhghín Ó Caoláin:** During the course of the general election last February, the Minister stated that his party would put in place an emergency plan to accommodate the predictable surge in activity that occurs every winter. According to the figures for Our Lady of Lourdes hospital in Drogheda, 842 patients spent time on trolleys in that hospital in September. The figure for the previous September was 331 which, unacceptable as the situation was under the stewardship of Fianna Fáil, implies an increase of 154% in the utilisation of trolleys in the hospital. How will the Minister address an impending winter crisis against the backdrop of that serious increase in trolley usage without lifting the moratorium on front line service provider and addressing the crisis resulting from the closure of public hospital beds, an issue he once raised with regularity but has been in denial about since being appointed to office? The two issues are directly related to the crisis that I fear will reach unprecedented proportions this winter.

**Deputy James Reilly:** The Deputy is correct to note that I raised these issues while in Opposition. I guarantee him that the special delivery unit is keeping a close eye on all these hospitals and it is reporting to me on a weekly and, sometimes, a daily basis. The provisions we are putting in place have been recommended by the hospital itself. We have priced them and they are only being made available under strict conditions. Certain other arrangements, including weekend discharges and diagnostics, will also have to be put in place. We are getting to the point where we can see what is happening on a daily basis and we can institute reforms in a more rapid and targeted way than in the past. The matter remains under review and, if the initiatives we have undertaken to date do not deliver the results we desire we shall look to initiate other processes to help address the situation.

**Deputy Luke 'Ming' Flanagan:** The Minister suggested that the changes which took place at Roscommon hospital have not caused a problem for Galway University Hospital. If that is the case, why was a bulletin broadcast on local radio stations on 24 September to warn people against going to the emergency department? If the replacement cover is so good why did one of my constituents discover after calling an ambulance that the paramedics could not even put in a line? If not for the fact that the patient's mother could perform that task, her child might not be with us.

Does the Minister really think it a success or is it solely a matter of money? I acknowledge he is not responsible for the mess that the last Government made but is this just about money?

**Deputy James Reilly:** I acknowledge the concerns expressed by the Deputy regarding Roscommon hospital. However, I have investigated with HIQA and the HSE every option for keeping the hospital. I was told it was not safe to keep the emergency department open and that is the long and the short of it.

I stated previously that I will be honest with the House in indicating whether a decision is based on safety or matters of money. I am willing to admit to Deputy Ó Caoláin that the issue in Monaghan is budgetary in nature rather than about safety. The issue in Roscommon involved safety, however. The situation in Roscommon is unlike the situation in Our Lady of Lourdes hospital. The situation is far worse than in Galway University Hospital.

We experience surges but it is interesting to note that the special delivery unit discovered that a major surge does not occur in January. The tremendous problems that have arisen in

the month of January were caused by a combination of people returning from holidays and increased activity in elective surgery, allied with what is there already.

Specific initiatives are being taken in Galway and new management is being put in place. Recent appointments have included a new chief financial officer and chief operations, and a new CEO will also be appointed as part of a wider initiative including Limerick mid-west to allow for upskilling across HSE west hospitals.

**Deputy Caoimhghín Ó Caoláin:** The Minister referred to continuing monitoring but has he a plan? We are well into November and there is already ample evidence that the situation is worse now than it was 12 months ago. We need a plan that includes a means of addressing the moratorium on front line service providers and a programme for lifting the closure orders on beds in a number of hospital sites around this state.

Can the Minister tell us that he has a plan and that he will be in a position to respond if the numbers grow exponentially in the coming weeks?

**Deputy James Reilly:** I will take the contribution from the Deputy in the spirit in which it is offered. There is a plan and I have outlined some of it to the Deputy. It is being implemented and must be given time to work. If we are not achieving the desired effect when we review it a number of weeks hence, we will take further initiatives. The plan covers much of what the Deputy has mentioned. Beds have been opened in Louth County Hospital and Navan hospital to relieve the pressure in Drogheda. All these issues have been addressed. In addition, eight beds within the hospital have been opened. These things are happening and we must give them time to take effect. We will keep the matter under active and close review.

**Deputy Luke 'Ming' Flanagan:** The Minister mentioned patient safety at Roscommon County Hospital and HIQA. In fact, HIQA representatives did not visit the hospital and produce a specific report on it, although the impression is given that they did. Also, when the campaign to keep the accident and emergency department open was at its height, figures were produced to show that the hospital was somehow four times more dangerous for people having a heart attack and with other conditions, but nobody produced concrete evidence to show that this was the case. Many would deny that it was any more dangerous than the hospital in Galway.

**Deputy James Reilly:** The figures will be made available. I understand the report is to be published in the next few weeks and the Deputy will then have an opportunity to scrutinise the figures. However, I must restate the decision of the HSE to close the emergency department, on foot of HIQA's recommendation, was based on its assessment of the position prior to any of those figures becoming available. The figures emerged in the course of the debate as further evidence that there was a problem, but that was not the basis on which HIQA made its decision that it was not safe to continue the emergency department in Roscommon in its form at the time.

**Deputy Richard Boyd Barrett:** The Minister says the closures can be justified on safety grounds. On 19 April 2009, shortly after the accident and emergency department in Ennis was downgraded to providing an 8 a.m. to 8 p.m. service, Mr. Dan McConnell, a 59 year old father of three, died just minutes away from Limerick hospital. He had suffered a heart attack in Kilkee, 34 miles from Ennis—

**Acting Chairman (Deputy Tom Hayes):** Is the Deputy putting a question to the Minister?

**Deputy Richard Boyd Barrett:** Yes. It was 34 miles from Ennis but 59 from Limerick. In other words, he died because the hospital in Limerick was further away. The closure of local

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accident and emergency departments in hospitals costs lives. That is the health and safety issue. What is the Minister's response?

**Deputy James Reilly:** It is very straightforward. As I do not wish to show any disrespect to an individual, I will not discuss the individual case mentioned. The supposition on the Deputy's part that somebody might have survived had they gone to the hospital in Ennis which did not have the backup support that was available in Limerick is erroneous and not factual by any means. All the evidence shows that survival is predicated on getting to the right type of hospital, even if it takes longer than one hour, which has the ability to assess the problem, thrombolysed the patient and insert a stent, if necessary.

**Deputy Richard Boyd Barrett:** Therefore, the response times mean nothing.

**Deputy James Reilly:** The response times are always important, but they are not the be-all and end-all. For many years we talked about the golden hour, which originated from field medicine in a war, but it is now outmoded and long gone, as any expert emergency doctor or consultant in this country will confirm.

### Health Service Administration

47. **Deputy Michael Moynihan** asked the Minister for Health the relationship and chain of command between his advisors and the Health Service Executive; and if he will make a statement on the matter. [33003/11]

**Deputy James Reilly:** The provisions governing the appointment and role of special advisers are set out in section 11 of the Public Services Management Act 1997. In summary, the role of special advisers is to assist the Minister by providing advice; monitoring, facilitating and securing the achievement of Government objectives that relate to the Department; and performing other such functions as may be directed by the Minister that do not involve the exercise of specific powers conferred on the Minister or other officeholders.

In order to perform their functions, it is important that my special advisers are kept up to date on developments within my Department and the health service generally both by officials in my Department and other agencies, including the HSE. It is also important that information is shared with the special advisers and every effort should be made to keep them briefed on significant issues.

Special advisers are not part of line management in the Civil Service. Accordingly, the briefing of special advisers should be regarded as complementary to the direct briefing of the Minister. It cannot act as an alternative to the direct briefing of the Minister on important areas of policy and operation. While my special advisers have no executive functions, it is reasonable for me to expect that they are kept fully briefed on any issues that relate to my role as Minister in order that they are in a position to provide me with informed advice.

**Deputy Billy Kelleher:** I raised this issue previously in another question. There are conflicts between what is being said in the House and what is contained in e-mails from special advisers in the Minister's Department. Without giving names and specifics, e-mails have been sent from the Minister's advisers "with the full authority of the Minister". The advisers either have the full authority of the Minister or they do not. They are circumventing the chain of command and now making recommendations to the HSE with the full authority of the Minister. However, the Minister comes to the House, quotes the Act and claims that they do not have that full authority. Clearly, the Minister's special advisers are acting outside their remit when they can

send e-mails to Ms Laverne McGuinness, Mr. Pat Healy and the HSE stating they are acting with the full authority of the Minister.

**Acting Chairman (Deputy Tom Hayes):** Does the Deputy have a question for the Minister?

**Deputy Billy Kelleher:** Who is in charge of the health service? Who is running it? Do the advisers have the authority to tell the HSE and its managers that they are acting with the full authority of the Minister? Can the Minister give a “Yes” or a “No” answer?

**Deputy James Reilly:** I have already indicated who is in charge of the health service — the Ministers of State and I take that responsibility.

**Deputy Billy Kelleher:** Is the Minister taking responsibility now?

**Deputy James Reilly:** Let me finish. The Deputy has asked who runs the health service. Clearly, I do not run it. I take responsibility for it, but it is run by the HSE and there is a chain of command through the Department for policy.

**Deputy Finian McGrath:** Last year the Minister was going to sort them out.

**Acting Chairman (Deputy Tom Hayes):** Please allow the Minister to answer the question.

**Deputy James Reilly:** With regard to advisers, if I ask my adviser to pass a message or instruction to an individual in the HSE, I see no issue with this. It is the same as me picking up the telephone and saying it myself. There will be specific times when they will be asked specifically to make a request or send a message to an individual. That is entirely different from giving somebody authority across the entire system. The Deputy will find that there have been specific issues, but there is no general ability to instruct or do otherwise.

**Deputy Billy Kelleher:** Is the practice still in place whereby advisers, acting on behalf of the Minister, can, with the full authority of the Minister, infer decisions should be made or taken without formal discussions or going through the proper procedures at the HSE, the board and along the chain of command? Do advisers have the authority to put the reconfiguration process on hold, for example, as was stated by one of the Minister’s advisers? Clearly, that is not within the remit of the adviser, as the Minister has stated.

**Deputy James Reilly:** I believe the Deputy is alluding to a specific instance in which I had already informed the chief executive officer of the HSE that there should be no further changes without bringing matters to my attention in order that I could study their implications. There might have been times when that message had to be reaffirmed, and this was done through an adviser. I do not see an issue with this. The original instruction came from me and through the Department of Health. In fact, the Secretary General wrote a letter to the HSE advising it of the position. The fact that an adviser might have had to reinforce this subsequently is not a source of grave concern as the Deputy is trying to make out it is.

**Deputy Billy Kelleher:** The CEO had that view.

**Deputy Caoimhghín Ó Caoláin:** My point is to focus on whether the aforementioned advisers are advisers to the Minister. I refer to the leaked letter, to which the Minister has just referred, from the Secretary General of the Department of Health to Mr. Cathal Magee, the chief executive officer of the Health Service Executive, HSE. That letter stated it was regular practice to accept “a particular suggestion from an adviser” in place of seeking a formal decision directly from the Minister. Is that the way in which to operate a health service? What does that say to

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people about who is at the helm of the health service? There is no indication whatsoever that there was any engagement with the Minister. It was the adviser's position, leaving the Minister out of the frame.

**Acting Chairman (Deputy Tom Hayes):** Is that the Deputy's question?

**Deputy Caoimhghín Ó Caoláin:** That is precisely what it states and this appears to be most casual.

**Acting Chairman (Deputy Tom Hayes):** We are out of time now and we want to get in another question.

**Deputy Caoimhghín Ó Caoláin:** Can the Minister assure Members that he is, as he suggested he would be when he took up office, both accountable and responsible for the health services?

**Acting Chairman (Deputy Tom Hayes):** The Minister, in a brief response.

**Deputy James Reilly:** I cannot get more brief than "Yes".

**Deputy Caoimhghín Ó Caoláin:** Members will be obliged to judge the Minister on his record.

#### **Accident and Emergency Services**

48. **Deputy Richard Boyd Barrett** asked the Minister for Health if he will provide a progress report on the reconfiguration of health services in south county Dublin; if a decision to downgrade the Loughlinstown Hospital accident and emergency to an 8 a.m. to 8 p.m. minor injury unit has been agreed and if there is a planned date for same; and if he will make a statement on the matter. [33032/11]

**Deputy James Reilly:** I am preparing a framework for the future development of smaller hospitals, which includes St. Columcille's, Loughlinstown. The HSE and my Department are working with the Health Information and Quality Authority, HIQA, on the safety aspects concerned. As I stated earlier, consultation covering all the key stakeholders, including patients and public representatives, will be an integral part of the process. The three hospitals in the region, namely, St. Michael's, St. Columcille's and St. Vincent's, are working together with the HSE to ensure the appropriate level of service is provided in the best location to ensure clinical safety, quality and patient safety and to manage risk. As for the reconfiguration of emergency department services in the integrated service area, a project steering group is reviewing the current service provision and is in the process of generating proposals as to how the new service configuration will operate.

**Deputy Richard Boyd Barrett:** While I have been asking this question for six months, I still am no closer to getting an answer from the Government as to whether it plans to downgrade the accident and emergency service in Loughlinstown hospital. The people of Loughlinstown and south County Wicklow seek an answer and a timeframe as to when the Minister will publish or announce his plans or recommendations. I appeal to the Minister not to downgrade the accident and emergency unit at Loughlinstown hospital. I note the Minister has stated this is all about safety. A total of 21,000 people go through the accident and emergency unit at Loughlinstown hospital each year and were it to be downgraded to a minor injuries service operating from 8 a.m. to 8 p.m. and if, at a conservative estimate, half or even 10,000 of them were to be pushed down to St. Vincent's Hospital, this would mean the attendance of an additional 28 people per day at that hospital's accident and emergency unit. As 31 people

already were on trolleys in that hospital yesterday, this does not add up because as matters stand, St. Vincent's Hospital cannot cope.

**Acting Chairman (Deputy Tom Hayes):** Does the Deputy have a question?

**Deputy Richard Boyd Barrett:** If one pushes thousands of accident and emergency cases on to St. Vincent's Hospital, which already is in chaos, there will be more chaos, suffering and lives lost. I appeal to the Minister to do in his review what the people of south County Wicklow and Loughlinstown want, which is to retain the 24-hour accident and emergency service in Loughlinstown hospital and if safety issues exist there, to put the requisite resources into it.

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

**Deputy James Reilly:** Deputy Boyd Barrett would be correct in his assumption of the additional thousands turning up at St. Vincent's Hospital if it was the case that they could not be seen at Loughlinstown.

**Deputy Richard Boyd Barrett:** I suggested half of the 21,000 people.

**Deputy James Reilly:** It will not be half. First, the numbers of people who attend after 8 p.m. are quite small. Second, most of the patients can still be catered for in a minor injuries or urgent care centre. Only cases involving serious multiple trauma, undifferentiated chest pains and acute abdomen pains end up going to St. Vincent's. Consequently, the numbers will be nothing like those which the Deputy suggests. I will publish the framework document and as a public representative, the Deputy will have an input into the draft. He will not have a veto on it — no one will — but people have a right to be informed, to have a consultation process and to be allowed to make an input into the document. This will happen and already has been outlined. The process has been a little slower than had been anticipated but it is better to be a little slower and to have agreement and to get it right than to rush in and to have regrets.

**Deputy Richard Boyd Barrett:** The Minister still has not informed Members when they will get a chance to be consulted on this issue or when his recommendations for the so-called reconfiguration of services will be out in the public domain. Moreover, the Minister is not answering the question about how St. Vincent's Hospital already is unable to cope on a daily basis. He appears to suggest the downgrading of the accident and emergency service at Loughlinstown hospital, both what it does and the hours it will be open, will have no impact on St. Vincent's, which already is overrun. This does not add up.

**Deputy James Reilly:** I must beg to differ with the Deputy opposite, as it does add up. What is required is for appropriate services to be available in the appropriate setting and that they are safe. I have made the point previously that there has been much talk about what has gone out of small hospitals. However, one should wait for the rows that will take place when we begin to take stuff out of the bigger hospitals to put it back into the smaller hospitals. People attending major hospitals such as St. Vincent's or Beaumont for inguinal hernias or varicose veins is akin to sending one's ten year old Volkswagen up to the Ferrari testing centre. While it will do a great job, the local garage would do it just as well and a great deal more efficiently and conveniently. My point is the more complex cases will be left for the secondary and tertiary hospitals, while the smaller hospitals such as Loughlinstown and others will deal with a far wider range of problems in respect of procedures, including cataract surgery and various other day case surgery that can take place. Moreover, each small hospital is different and sits in a different place with regard to the overall hospital network in which it is located. For instance, Roscommon hospital would have a different range of procedures carried out than might the

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likes of Loughlinstown hospital. I again revert to Louth County Hospital, in which the footfall has greatly improved.

**Deputy Richard Boyd Barrett:** Does this mean the Minister has already decided without consultation?

**Acting Chairman (Deputy Tom Hayes):** Please allow the Minister to respond.

**Deputy James Reilly:** No, not at all. I told the Deputy there would be a consultation process. There is a menu of approximately 24 different types of procedures that can be carried out safely at present. However, this is a dynamic situation and this list may be added to next year as things change, as medical procedures and surgical techniques improve and as more stuff will leave the bigger hospitals for the smaller hospitals. Moreover, more activities will leave the smaller hospitals to go back into primary care. It is all about treating the patient at the lowest level of complexity that is safe, timely, efficient and as close to home as possible.

**Deputy Richard Boyd Barrett:** All those who can afford to will be running off to the Beacon Clinic.

### Leaders' Questions

**Deputy Micheál Martin:** On 3 November, the new President of the European Central Bank, Mr. Mario Draghi, announced a cut in the bank's main policy rate from 1.5% to 1.25%. This was as result of what he described as a mild recession looming for the eurozone by the end of the year. The Minister for Finance, Deputy Noonan, rightly responded to the rate cut last week by stating the banks obviously should pass on the cut to both tracker mortgage customers and those holding standard variable rate mortgages. The Central Bank also put pressure on lenders to pass on the rate cut to all mortgage borrowers. However, tens of thousands of variable rate mortgage holders still do not know whether their lenders will pass on the interest rate reduction from the bank. Some banks already have indicated they will do so but others have indicated clearly the opposite. The Danske Bank-owned National Irish Bank as well as Ulster Bank have stated they will not be passing on the ECB's latest rate reduction. Alarmingly, National Irish Bank has just confirmed that not only is it not passing on the rate cut but it intends to raise its variable mortgage interest rate by up to 0.95% next Friday. Surprisingly, Bank of Ireland and Allied Irish Banks have failed to indicate whether they intend to follow suit. We are all aware of what banks are obliged to do by contract and what they have discretion over. However, the Taoiseach said he would consider changing legislation if lenders failed to pass on rate reductions. As he knows, the Financial Regulator has been saying this for some months now. The Taoiseach indicated that he would see what headway the Financial Regulator would make — I think he used the phrase “we will wait and see” how the regulator gets on. I suggest that the time to “wait and see” is now well and truly over. Mortgage holders need to see urgent action by the Government on a number of fronts. The Taoiseach indicated that the banks would be forced to absorb interest rate rises rather than customers.

What work has the Taoiseach done in the intervening months in regard to the preparation of legislation to require banks to pass on mortgage rate reductions? If there is such work, when can we expect its publication?

**The Taoiseach:** This is a matter Deputy Martin and I can agree on. Everybody in the House will have been contacted in their jobs as public representatives about people who are distressed, concerned and very anxious about the difficulties being caused by the extent of mortgage repayments. Deputy Martin is aware that a number of facilities are already in place. The

Government put together a group which resulted in the Keane report and its ten recommendations. Arising from that, I can inform the Deputy that personnel from the Minister for Finance's Department have been meeting with different groups which are outside the Keane group and which have proposals to put on the table, as it were, so there would be a full capacity for the Government to respond in whatever way it can. Deputy Martin is aware of the necessity to deal with the personal insolvency Bill, which has a fundamental bearing on the whole question of mortgages and mortgage distress.

In respect of interest rates, I have not prepared legislation and I will tell the Deputy why. Mr. Elderfield some time ago said quite clearly that if he was having difficulty with banks passing on the interest rate reductions, he might well seek support from the Government. I have not had contact from Mr. Elderfield since he made his comments. Nonetheless, I say to Deputy Martin that I do not believe it is fair at all that a bank, because it priced itself in a particular way on tracker mortgages, should assume it can make up for a shortfall there by increases that are causing serious trouble for persons on variable rate mortgages. I do not believe it is fair that this should apply in the case of any banks. The regulator, as Deputy Martin is aware, has a completely independent role in this regard, which is to oversee the level playing pitch that operates in respect of banks and the competition between them.

Arising from Deputy Martin's question, I will say this. If Mr. Elderfield as regulator comes to Government and says in respect of the latest ECB reduction in interest rates, which I support and which may be the first of a number, that he is having difficulty having the banks pass this on to the hard-pressed consumer——

**A Deputy:** Why wait for him?

**The Taoiseach:** ——I will certainly be prepared to engage with him with a view to increasing his powers to deal with this matter effectively.

**Deputy Micheál Martin:** I am extremely surprised the Taoiseach has no legislation prepared and that, clearly, no work has been undertaken in recent weeks or months to prepare such legislation. The Keane report came to Government more than six weeks ago but no decisions have emanated from that report, as has been confirmed by the Minister, Deputy Joan Burton. Every single commitment that was made to mortgage holders has been reneged upon and has not been followed through. I say this genuinely in terms of the commitments received some months ago by first-time buyers and the question of interest rates being absorbed by banks rather than mortgage holders, as well as the Keane report.

The Taoiseach said clearly that he would consider the introduction of legislation to force the banks to pass on these interest rate reductions. The banks will not believe anything the Taoiseach says until they see the legislation published and they see that he and the Oireachtas mean business. Otherwise, they will be thumbing their noses at the Taoiseach and at the thousands of mortgage holders across the length and breadth of the country.

**Deputy Pat Rabbitte:** The Deputy has a good track record of banks paying attention to him.

**Deputy Micheál Martin:** It is a very serious issue for the hard-pressed mortgage holders across the country.

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

**Deputy Micheál Martin:** It is incredible and unbelievable that we do not know what banks such as AIB and Bank of Ireland, which we have substantially recapitalised through the taxpayer, will do on this. There should be no question of what they should do on this, and the



[Deputy Micheál Martin.]

Taoiseach should make this clear. Has he or any member of the Government spoken to AIB or Bank of Ireland, for example, to make sure they pass on these rate reductions to hard-pressed mortgage holders?

**The Taoiseach:** No decisions have been made yet for the simple reason that there are a number of matters that need to be dealt with.

**Deputy Finian McGrath:** Such as?

**The Taoiseach:** Some groups that had valid proposals to put forward were not included in the Keane report. It is important, if we are to implement a package for mortgage holders in so far as we can, that it be as inclusive as possible. Central to that is the very complex legislation that deals with personal insolvency. We do not want to bring in legislation that creates an incentive for people to become bankrupt, out of which the taxpayer would have to fork out further moneys. It is a very delicate balance to be got——

**Deputy Michael McGrath:** It is a fudge.

**The Taoiseach:** It is an issue on which the views of Deputy Martin and his party will be sought when that comes before us. On the question of preparing legislation for the regulator——

**Deputy Micheál Martin:** We have tabled legislation.

**The Taoiseach:** ——I can only do that when I know what the regulator wants.

**Deputy Barry Cowen:** Then take the initiative.

**The Taoiseach:** The legislation would be in respect of enhancing the powers and the authority of the regulator to do his duty. He has to ensure a level playing pitch across the board.

**Deputy Michael McGrath:** The Government is supposed to give him direction.

**The Taoiseach:** It is not fair that this should apply where banks price themselves in a particular way for tracker mortgages and are now seeking to make gains from those who are on variable rate mortgages.

Tomorrow, I will have the AIB and Bank of Ireland in before the Economic Management Council because I want to find out whether they are living up to their commitment to lend €6 billion before the end of this year in respect of small businesses and job opportunities.

**Deputy Finian McGrath:** They are not.

**Deputy Timmy Dooley:** Has the Taoiseach asked them about the interest rates?

**An Ceann Comhairle:** We are over time on this question.

**The Taoiseach:** Those sitting behind Deputy Martin are very vocal today. The point is this. If the regulator comes before Government and says “I need enhanced powers——

**Deputy Micheál Martin:** Has the Taoiseach asked the AIB and Bank of Ireland before——

**An Ceann Comhairle:** Sorry, Deputy, we are over time.

**The Taoiseach:** I have the banks coming in tomorrow. The point is that if the regulator comes in here and says “I need enhanced powers in the following areas”, the Government will certainly engage with the regulator in the interests of the consumer.

**Deputy Micheál Martin:** So the Taoiseach has not spoken to them. That is the point.

**Deputy Gerry Adams:** I understand the Cabinet met this morning to decide how many capital projects to cut. Will the Taoiseach tell the House what these are? We know the Government will cut €750 million next year — that is 7,500 jobs. On Friday, the Government published its medium-term fiscal statement which promised four years of austerity, four years of cuts in public services and four years of higher taxes. What is most striking about all of this is that it confesses that at the end of that time there will still be nearly 500,000 people on the dole. De bharr pholasaithe an Rialtais cuirfear brú ar na mílte daoine Éire a fhágáil agus beidh maoin an Stáit, maoin gur leis an pobal é, díolta ag an Stát. I rith an gheimhridh seo chugainn, braithfidh fir, mná agus páistí an fuacht a bhaineann le polasaithe an Rialtais.

There is an alternative, there is a better way. Tá a fhios ag an Taoiseach go bhfuil slí eile agus bealach níos fearr ann. Why does the Government not take the €5 billion that remains in the National Pensions Reserve Fund and invest that in job creation? It should not give any more money to unguaranteed bondholders and toxic banks——

**Deputy Pat Rabbitte:** And end up like Greece.

**Deputy Gerry Adams:** ——and should instead use taxpayers’ money to build schools and hospitals, roll out broadband, create jobs and set the economy on the road to recovery.

**The Taoiseach:** The Cabinet met this morning and it signed off on the capital programme for the next few years. Deputy Adams’s name was not mentioned at Cabinet in any shape or form. It was not a Cabinet meeting about abandoning projects but dealt with the building of projects and the provision of a very substantial programme of initiatives to create work and provide infrastructure facilities that are very important for the country. The Deputy ranges on about the subordinated bondholders and the €5 billion left in the National Pensions Reserve Fund. I am completely unhappy with the scale of unemployment in the country and that is the reason the Government has taken the view that we should not tax work or employment, where it can be helped. The programme for Government sets out several initiatives to allow people to be taken off the dole, to reward people for taking the initiative and for creating job opportunities, so that people can have dignity, a life, a career and an opportunity to contribute to their local areas and to their country. That is where the Government is putting the emphasis after it meets the conditions to which it had to sign up to in respect of the reduction to 8.6%. The capital programme will be announced in detail on Thursday and then Members will have an opportunity to comment in the knowledge that they have all the facts, on the opportunities that will present to create and build the infrastructure over the coming years.

**Deputy Timmy Dooley:** There is no way one could tell a man the jobs are gone.

**An Ceann Comhairle:** Deputy Adams has one minute.

**Deputy Gerry Adams:** In the interest of co-operating with the Government, and I note that the Taoiseach did not take the opportunity to tell Members about the capital projects, I suggest, as I have said many times, that the Government will not cut its way out of the recession. Is it the case that between the Cabinet meeting today and the announcement on Thursday that the Taoiseach must go off and get permission from the troika, perhaps the best way out of this is to cut out the middle men. Why do the troika not come here and make their announcement

[Deputy Gerry Adams.]

directly to the Dáil and then we can discuss that issue? Unless we grow the economy and create jobs, there is no point in the Taoiseach telling us how unhappy he is about the number of people on the dole. His responsibility in Government and our responsibility in Opposition is to assist the Government in getting people off the dole and into meaningful employment.

**An Ceann Comhairle:** The Deputy can assist me by asking a supplementary question.

**Deputy Gerry Adams:** Yes. Given the announcement made by the Taoiseach on Friday, why does he not face up to the fact and tell the Dáil, that December's budget will cut public services, push up the unemployment rate, increase taxation and that it is neither a jobs nor a growth package?

**The Taoiseach:** The Deputy has made the case for a very long time that his party would not cut its way out of a recession and that it will not tax its way out of recession. It is the responsibility of Government to create initiatives and to bring about opportunities so that employment can be created and jobs can come on line and people can be taken off the dole and contribute. The Deputy's party has a very different set of views from any other party in the House. In fact if we were to follow the Deputy's advice of last week, we would be heading down the very rocky road that the citizens of Greece find themselves on not only for the next four years but for the next 15 years, in spite of the Deputy's protestations.

**Deputy Caoimhghín Ó Caoláin:** Not a chance.

**The Taoiseach:** If Deputies read the report of what is happening on the streets of Greece from the Prime Minister Papandreou, he would get a feel for that. We have no intention of heading down that road. In balancing our commitments, we will emphasise every opportunity that we can for job creation and employment. Deputy Adams and his party and Deputy Martin and his party will have an opportunity to bring forward ideas and proposals. If any Member has a good idea, I will be prepared to listen to it.

**Deputy Gerry Adams:** I want the Taoiseach to do more than listen.

**The Taoiseach:** Do not come into this House, ranting and raving about burning bondholders and all the rest of it. We have to face reality.

**Deputy Timmy Dooley:** We have to face change.

*(Interruptions).*

**The Taoiseach:** The Government has set out its programme and we are now looking for flexibility under the EFSF to get a far greater potential return in reducing the burden on the Irish taxpayer, than the sort of policy the Deputy talked about.

*(Interruptions).*

**Deputy Shane Ross:** I am glad the Taoiseach mentioned the EFSF because I wish to ask him a question about it. The Taoiseach will be aware that in about 25 minutes time Mr. Berlusconi is facing a crucial vote and the focus of Europe is moving from Greece to Italy. We are facing a situation that was unthinkable two or three months ago, the ultimate collapse of the euro. The Government's response to the present crisis appears to be for the Minister for Finance and other Government spokespersons to say that what we need is what he calls a financial firewall. We have a problem. There is no financial firewall. The EFSF is not taking off. Mr.

Regling went to China last week with the begging bowl and the Chinese said “no”. Mr. Putin has already said “no”. Ms Angela Merkel let the cat out of the bag last week when she said that emerging markets had also said no. The EFSF is not able to raise the funds because Europe is bad news in the financial world and the markets are signalling quite clearly that the situation is worse than critical. On top of that the EFSF tried to raise €3 billion, a significant figure, last week in the markets and it pulled that particular bond sale. Yesterday, it limped over the line.

The message I am trying to give is this. If the situation continues, very shortly every country will be running for its own lifeboats. In that situation, which I hope does not arise, may I ask the Taoiseach what is plan B for Ireland?

**Deputy Gerry Adams:** What is plan A?

**The Taoiseach:** I do not speak for the Italian government, Deputy Ross and what the elected members of the Italian government do is a matter for themselves.

**Deputy Barry Cowen:** We have enough trouble.

**The Taoiseach:** The presentation given by the Italian Prime Minister at the heads of government meeting was a 15 page document of austerity reforms that he pledged — and he had a majority at that time — to implement in the interests of complying with the conditions that were agreed to by the heads of government of the European Union. I believe in politics and in political leadership and that when it makes a series of decisions that these things can work. I agree with the Deputy that there is a problem, an absolute confusion and a great deal of uncertainty. I have stated my views on this before. The only unlimited firepower, in financial terms, is the ECB. Obviously there are very different views, as Deputy Ross knows, within the ECB and the countries of the eurozone about this. The decision taken at the heads of government meeting was to use the two facilities, to leverage up the facility under the EFSF to more than a trillion euro and there are complications about that. I note that Mr. Draghi has made his comments that in the meantime the European Central Bank would continue to buy paper in whatever volume, as is necessary. I agree that the complexities arising from the technicalities of the deal to leverage that money still have not been worked out which leaves the ECB in the mainframe, as it were. Beyond that, this is a case of political leadership focusing on the decisions that must be made and those decisions are: to implement what was agreed at the heads of government meeting; to create that firewall; to put in place the technical decisions that are required under the insurance facility and the special service vehicle to leverage it so that the firewall can be created and the contagion, which everybody fears, does not spread beyond here.

The situation in Greece seems to have focused a little more clearly on what the future holds. Clearly the decision of the members of the Italian Parliament in the next few minutes may well decide the direction they will take in the future. The very strong feeling at the meeting of the eurozone leaders was to take the political decisions that are necessary to deal with the matter comprehensively. On behalf of Ireland, I contributed to that debate in several areas, with a particular emphasis on not losing focus on countries such as Ireland, because the focus and energy has been on Spain and Italy, to a great extent, arising from the situation in Greece. We do not want to see countries that are being bailed out, but are actually making progress, being left behind. I think that is well recognised now.

**Deputy Shane Ross:** I understand what the Taoiseach is saying.

**Deputy Timmy Dooley:** The Deputy is the only one who does.

**Deputy Shane Ross:** In the House of Commons yesterday the British Prime Minister, Mr. David Cameron, was asked if the British Government had a contingency plan should the euro collapse. He specifically answered “Yes.” I am asking the Taoiseach to do likewise. For understandable reasons, he would not want to reveal the plans, but the people would like to know if the Government has plans in place should this catastrophe happen. It is not necessarily likely to happen, but it is a real possibility. Will the Taoiseach assure the House that, in the event of a collapse of the euro, there are plans in place in the Department of Finance, the Central Bank and all Departments of State to deal with such a situation?

**The Taoiseach:** Unlike what happened some years ago, I do not expect, if there is a crisis within the eurozone, a decision to be taken at 2.30 a.m. with only a few people present. I would expect the leadership of the eurozone to call a special Council meeting if there was to be a focus on a particular crisis or a particular aspect of a crisis. I believe strongly that the European leadership will deal with this issue politically. I am not contemplating the failure of the euro or the break-up of the eurozone.

The comments and remarks of all of those who attended the eurozone meeting were about the need to protect the euro and continue the eurozone. The British Prime Minister, Mr. Cameron, made a point at the prior meeting of the 27 Heads of Government about its importance. Although Britain is outside the eurozone, he appreciates the impact and importance of the single market and its potential. In fact, he circulated a document at the second last meeting that I supported strongly on the European Union leveraging the potential for job creation and marketing under the Act.

We focus on what needs to be done. The eurozone Heads of Government made their decision which was thrown into turmoil by the decision of the Greek Prime Minister. That matter appears to be clearing up, with the emphasis shifting to Italy. I expect this matter will be dealt with comprehensively also. If necessary, we will have another meeting of the Council if there is another crisis to deal with. As I said, before the last two meetings, I had hoped we would be able to move this process to a point where the decisions taken would be clear, unequivocal and comprehensive in the interests of the eurozone and the protection of the euro. That is our focus.

**Deputy Shane Ross:** Therefore, there is no plan B.

**Deputy Finian McGrath:** There is no plan at all.

**Deputy Pat Rabbitte:** Does the Deputy have a plan?

**Deputy Finian McGrath:** We have a plan B and a plan C also.

**Deputy Pat Rabbitte:** Which way is the wind blowing?

## Ceisteanna — Questions (Resumed)

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### Cabinet Sub-Committees

1. **Deputy Gerry Adams** asked the Taoiseach if the Cabinet Sub Committee on Health has met since its establishment. [28544/11]

2. **Deputy Gerry Adams** asked the Taoiseach the Ministers, advisors or other persons who attend the Cabinet Sub Committee on Health. [28546/11]

3. **Deputy Joe Higgins** asked the Taoiseach if he will report on the schedule of the Cabinet sub-committee on Health. [29816/11]

4. **Deputy Micheál Martin** asked the Taoiseach if he has instituted any changes to the membership of the Cabinet Committee on Health. [31044/11]

**The Taoiseach:** I propose to take Questions Nos. 1 to 4, inclusive, together.

The Cabinet sub-committee on health had its first meeting on Wednesday, 5 October. It comprises me as chairman and the Minister for Health as convenor. The other members are the Tánaiste and Minister for Foreign Affairs and Trade, the Minister for Public Expenditure and Reform, the Minister for Children and Youth Affairs, the Minister of State with responsibility for primary care and the Minister of State with responsibility for disability, equality, mental health and older people. The chairman and CEO of the HSE also attend, as do senior officials from relevant Departments and the HSE. Ministerial advisers may attend as required. As with all Cabinet sub-committees, other Ministers, Ministers of State and the Attorney General may also attend if and when required.

The sub-committee is meeting on a monthly basis, with the next meeting set for this Friday, 11 November. I have not made any changes to the sub-committee since its establishment. The membership is reflective of the key ministerial responsibilities and along similar lines to previous such committees. The work of the sub-committee is to provide a basis for political oversight of the development and delivery of the key health service reforms in line with the commitments in the programme for Government and to drive improvements in selected priority service delivery areas.

**Deputy Gerry Adams:** If I understand properly, the Cabinet sub-committee on health has met only once since its establishment. That is ridiculous. There are 366 patients on hospital trolleys today and, once again, the highest number is in Drogheda, where 38 are on trolleys, despite the efforts of nurses and other staff in the institution in question. Last week a former nurse and patient, Louise O'Connor, wrote——

**An Ceann Comhairle:** I cannot allow this because this is Question Time.

**Deputy Gerry Adams:** It is still important. I will send a copy of her letter to the Cabinet sub-committee. She wrote about patients having to strip inappropriately, a lack of screens, there being no dignity, rancid wounds, filthy feet, faecal matter, poor hygiene and smells. She also wrote that there was no time to clean trolleys, floors or surfaces and related how an older gentleman with a suppressed immune system had to lie in the corridor depressed and close to tears. Does the Taoiseach accept that this is inhuman? Does he accept, whether he meant it, that by paying €700 million to unguaranteed bondholders, resources are stripped from front-line health services in order to prioritise the payment of the private debts of bankers? I will send a copy of the letter to the Cabinet sub-committee, but will it deal with it and will the Taoiseach respond to Louise O'Connor?

**An Ceann Comhairle:** I remind Deputies that this is Question Time and that the questions relate to the Cabinet sub-committee on health, how often it has met and whether advisers or other persons attend. We are not debating health policy.

**The Taoiseach:** I did not form a Cabinet sub-committee on health in the beginning because we thought these matters might be assimilated into a smaller number of committees. That did not prove possible, however, and as a result of observations in the House, I formed a special committee on health. The sub-committee on health used to meet every quarter, but since the

[The Taoiseach.]

first meeting of the sub-committee, it will meet every month for six months and the position will then be reviewed.

The Deputy has referred to the position at Our Lady of Lourdes Hospital, Drogheda on a number of occasions. The special delivery unit set up by the Minister for Health has focused and is focusing on accident and emergency departments and dealing with the situation described by the Deputy. When I was in opposition I found it unacceptable and still do.

Eight of the hospitals visited by the special delivery unit require high support, including Our Lady of Lourdes Hospital, Drogheda. As part of the engagement with the unit, the hospitals have prepared plans setting out measures that could be taken quickly in the hospital or community concerned to significantly reduce pressure on the accident and emergency department. Following consideration of the matter and as part of the overall process followed by the special delivery unit, a package of short-term measures has been agreed for Our Lady of Lourdes Hospital, Drogheda. The supports being provided for it and other hospitals are dependent on a range of conditions being met. These include a commitment on the part of the hospital to progress implementation of the HSE acute medicine programme and ensure the hospital has seven day ward discharge rounds and, in particular, the cost of additional capacity funded by the initiative must not be offset by making reductions elsewhere. A sum of €725,710 is being made available for proposals relating to Our Lady of Lourdes Hospital, Drogheda between now and the end of the year. The measures being taken are aimed at easing the pressure in Drogheda and also involve Louth County Hospital, Dundalk and Our Lady's Hospital, Navan, as well as community measures. These measures comprise additional assisted discharge packages, including home help, home care and funding for aids and appliances; the extension of the hours of the acute medical assessment unit at Drogheda to 18 hours a day, seven days a week; the opening of eight medical beds in Drogheda; the opening of an additional 28 low-acuity beds in Louth and Navan, and the opening of an additional 27 low-acuity beds in the community. The funding support is dependent on the hospital meeting the performance conditions set down. The special delivery unit will be monitoring the position closely. I hope the plans being implemented at Our Lady of Lourdes Hospital, Drogheda, will quickly address what is, without question, an unacceptable level of overcrowding in the accident and emergency department.

**Deputy Joe Higgins:** Will the Taoiseach restate the purpose of the Cabinet sub-committee on health? Will he indicate the effect the work of the sub-committee will have in the delivery of comprehensive health services during the coming 12 months? Does the sub-committee consider, for example, what will be the impact on the health service in general, and hospital services in particular, of the €2.2 billion in cuts announced in recent days by the Minister for Finance? Has the sub-committee received a report on that matter and, if so, what was its reaction? How detailed are the reports the sub-committee receives from the health service? Nurses at Limerick Regional Hospital were obliged to strike in order to highlight the intolerable conditions being endured by patients and 28 surgical beds were closed at Connolly Hospital in Blanchardstown two weeks ago.

**An Ceann Comhairle:** The Deputy is straying into the area of policy.

**Deputy Joe Higgins:** Are matters of this nature, including the disastrous cuts to which I refer, brought to the attention of the sub-committee? Does it take a view on such matters? Does it inform the HSE that what is happening is disgraceful or does it state cuts must be made because the Government must continue paying billions to gambling bondholders?

**An Ceann Comhairle:** I ask the Taoiseach to confine himself to answering the questions asked. We are straying far too deeply into areas of policy.

**The Taoiseach:** The purpose of the sub-committee is to provide, in line with the commitments contained in the programme for Government, a basis for political oversight of the development and delivery of key health service reforms. Everyone would like a situation to develop where those who require hospital treatment would be able to obtain it as close to home and as quickly as possible. Such treatment should be of the highest standard. In order to arrive at the position to which I refer, we must change the structures relating to something that is extremely large. Yesterday I launched an awareness week relating to drug and alcohol abuse and misuse. Is the Deputy aware that each night 2,000 hospital beds are filled by people suffering from the effects of alcohol abuse? He and I both have a responsibility in this matter, by which I mean that there is an onus on us to speak to those of our constituents who are afflicted by the problem of alcohol abuse. The fact that these 2,000 beds are unavailable for other purposes is having a direct impact on the quality of services that can be provided in accident and emergency and other hospital departments.

**Deputy Joe Higgins:** The Taoiseach should start the ball rolling in this matter by banning the advertisement of alcohol.

**The Taoiseach:** I am glad that the matter relating to the Mid-Western Regional Hospital in Limerick was resolved, not through confrontation but by the parties discussing the matter of the need to change rotas. I am extremely happy that the matter was resolved after it had been brought to the attention of the public and those involved in the political process.

The third issue to which the Deputy referred relates to the level of detail made available to the Cabinet sub-committee. It receives whatever level of detail is necessary. It all depends on the questions being asked. Personnel from the Department and the HSE can be required to attend meetings of the sub-committee in order that the detail requested in the context of a particular question can be provided.

**Deputy Micheál Martin:** My initial question relates to whether there have been changes to the membership of the Cabinet sub-committee on health which, to date, has only met on one occasion. I tabled it as a result of the fact that there was a degree of uncertainty in respect of health policy *per se*. There is also an incredible lack of clarity with regard to the future direction of health policy. Is the HSE going to be abolished? It would be regrettable if that proved to be the case. I accept that there is a need for reform and consolidation in respect of the transformative changes which have taken place during the past decade in the health of the population. The two major changes have come about as a result of how we deal with heart disease and cancer, historically the two biggest killers in society.

The second matter to which I wish to refer relates to the commitment in the programme for Government regarding the development of a pathway to universal health insurance. This will be an enormous undertaking. I do not agree with the policy in this regard, but it is the prerogative of the Government which has a mandate to pursue it. In view of the way matters are progressing, particularly in the context of the work of the Cabinet sub-committee on health, there is no sense of conviction in this matter. Has consideration been given to the sub-committee receiving external presentations on, for example, how the universal health insurance model in the Netherlands operates?

There are a number of key issues with regard to the privatisation of management in local hospitals as a preparatory step towards moving to the local trust model. Has this matter been placed on to the agenda of the Cabinet sub-committee? I refer to the concept of bringing in private contractors to manage local hospitals. I am also concerned about the privatisation of district hospitals. There appears to be a policy of creeping privatisation——



**An Ceann Comhairle:** This matter relates to policy.

**Deputy Micheál Martin:** It relates to the work of the Cabinet sub-committee on health.

**An Ceann Comhairle:** I was present for Priority Questions when this matter was addressed to the Minister for Health. These are policy issues.

**Deputy Micheál Martin:** I am trying to obtain from the Taoiseach a sense of what is happening. These are issues which the Cabinet sub-committee on health should be considering.

**An Ceann Comhairle:** This is not a matter for the House.

**Deputy Micheál Martin:** I want the Taoiseach to indicate whether there has been a change in the membership of the sub-committee which reflects the changes to which I refer.

**The Taoiseach:** There has not been a change in the membership of the Cabinet sub-committee which I chair. The Minister for Health is its convenor, while the Tánaiste and Minister for Foreign Affairs and Trade, the Ministers for Public Expenditure and Reform and Children and Youth Affairs and the Ministers of State with responsibility for primary care and disability, equality, mental health and older people are also members. Individuals such as the Attorney General and the Chairman and CEO of the HSE may attend our meetings. Any other personnel required to attend can do so.

There is absolutely no intention to privatise any hospital in the public health sector. The Minister for Health brought in external expertise in the establishment of the SDU. The individual involved has a proven record and has already identified a number of serious possibilities regarding the introduction of changes to reduce waiting times, get patients off trolleys, etc.

In the case of the hospitals in Galway and Limerick, the Minister is clearly aware of the need to develop further competency in the management of these two very large hospitals. For that reason, he has introduced, with the approval of the Minister for Public Expenditure and Reform, a package in respect of the attraction of outside assistance in order to help with the development of the management competency to which I refer. The existing staff at these two extremely large institutions will benefit from working with world-class individuals who have experience of managing facilities of this kind. The lessons they learn will enable them to carry on with their work. Following a tendering process, a framework agreement involving five companies was established in September. A mini-competition to source and propose candidates for an interim management support structure for HSE West is under way and expected to be completed in the coming weeks. The HSE briefed IMPACT on its intentions in this regard and I understand further discussions are to take place.

I wish to make it clear that there is not a process of creeping privatisation. We have no intention of privatising any of these hospitals. External assistance is being brought in in order that staff at the hospitals in question might develop competence in the management of these hospitals, thereby bringing about greater efficiencies by ensuring costs are kept down and patients receive better treatment.

#### **Chief State Solicitor's Office**

5. **Deputy Luke 'Ming' Flanagan** asked the Taoiseach whether staffing levels in the Chief State Solicitor's Office are sufficient to meet the demands of Departments in a timely manner, if he will review the staffing levels and work practices of that office; and if he will make a statement on the matter [30792/11]

**The Taoiseach:** Like Departments and offices generally, staffing levels within the Chief State Solicitor's office are subject to the employment control framework and the moratorium on recruitment and promotions. The Department of Public Expenditure and Reform has allowed some limited recruitment to cover priority areas of work such as European arrest warrants.

I am informed that, while there is no doubt that the office's legal resources are stretched, it is endeavouring to ensure its responsibilities are carried out in a professional manner. The Chief State Solicitor is currently carrying out a review of the allocation of staff resources and workloads within the legal areas of the office. The aim of this review is to ensure that the resources available continue to be deployed in the areas of most need.

### EU Summits

6. **Deputy Micheál Martin** asked the Taoiseach if he will make a statement regarding the European Council Summit. [31034/11]

7. **Deputy Micheál Martin** asked the Taoiseach if he will detail all contacts he had with heads of State or Government in the week before 23 October 2011. [31035/11]

8. **Deputy Micheál Martin** asked the Taoiseach if he will provide an update regarding his bilateral contacts with leaders from Eurozone countries. [31036/11]

9. **Deputy Micheál Martin** asked the Taoiseach if he has circulated any documents to other heads of State or Government from Eurozone countries. [31037/11]

10. **Deputy Micheál Martin** asked the Taoiseach if he will institute cross-party discussions regarding potential changes to the EU treaties. [31038/11]

11. **Deputy Micheál Martin** asked the Taoiseach if he has held any bilateral discussion with Prime Minister Papandreou since the matter was last discussed in Dáil Éireann. [31040/11]

12. **Deputy Micheál Martin** asked the Taoiseach if he will provide an update on his plans to lead bilateral delegations in the next six months. [31043/11]

13. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the recent European Council summit on 23 October 2011. [31158/11]

14. **Deputy Gerry Adams** asked the Taoiseach the issues he raised at the European Council summit on 23 October 2011. [31159/11]

15. **Deputy Gerry Adams** asked the Taoiseach the bilateral meetings he had at the European Council summit on 23 October 2011. [31160/11]

16. **Deputy Gerry Adams** asked the Taoiseach if the issues of changes to EU Treaties was discussed at the European Council summit on 23 October 2011; and his position on that issue. [31161/11]

17. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on the European Council meeting on 23 October 2011; and if he will make a statement on the matter. [31266/11]

18. **Deputy Richard Boyd Barrett** asked the Taoiseach if the Greek protests and strikes were discussed at the European Council meeting on 23 October 2011; and if he will make a statement on the matter. [31267/11]

19. **Deputy Richard Boyd Barrett** asked the Taoiseach if the negative impact on growth resulting from austerity measures in Greece and more generally across the Eurozone and including Ireland was discussed at the European Council meeting on 23 October 2011; and if he will make a statement on the matter. [31268/11]

20. **Deputy Richard Boyd Barrett** asked the Taoiseach if increasing unemployment was discussed at the recent European Council meeting on 23 October 2011; and if he will make a statement on the matter. [31269/11]

21. **Deputy Richard Boyd Barrett** asked the Taoiseach if the global protests against austerity and bank bail outs were raised at the recent European Council meeting on 23 October 2011; and if he will make a statement on the matter. [31270/11]

22. **Deputy Gerry Adams** asked the Taoiseach if he will report on his attendance at the European Council summit on the 26 October 2011. [31994/11]

23. **Deputy Gerry Adams** asked the Taoiseach the issues he prioritised at the European Council summit on the 26 October 2011. [31995/11]

24. **Deputy Gerry Adams** asked the Taoiseach the bilaterals he held with other European leaders at the European Council summit on 26 October 2011. [31996/11]

25. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the promissory note to Anglo Irish Bank at the European Council summit on 26 October 2011. [31997/11]

26. **Deputy Gerry Adams** asked the Taoiseach if he raised the issue of the paying in full of unguaranteed unsecured bondholders in Anglo Irish Bank at the European summit on 26 October 2011. [31998/11]

27. **Deputy Micheál Martin** asked the Taoiseach if the rising unemployment figures in the EU have been substantially discussed at recent EU council meetings; the actions being taken to address this issue; and if he will make a statement on the matter. [32970/11]

28. **Deputy Joe Higgins** asked the Taoiseach if he will provide details of all contacts he had with heads of State of the EU or Government in the past week. [33033/11]

29. **Deputy Joe Higgins** asked the Taoiseach if he will report on his attendance at the emergency European Council Summit on 23 October 2011. [33034/11]

30. **Deputy Joe Higgins** asked the Taoiseach if the issue of changes to European Union treaties was discussed at the recent European Council Summit and his position on same. [33035/11]

31. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will make contact with the Greek Prime Minister George Papandreou to discuss the Greek Government's recent decision to hold a referendum on the EU-IMF deal; and if he will make a statement on the matter. [33039/11]

**The Taoiseach:** I propose to take Questions Nos. 6 to 31, inclusive, together.

I attended meetings of the European Council and euro summit, in Brussels on 23 and 26 October. As I have already made statements to the House on these summit meetings, I will confine myself to giving a summary account of the proceedings.

On 23 October, the European Council identified a number of key priorities for internal economic policy to be pursued in the short term to achieve smart, sustainable and inclusive growth. These include the completion of the Single Market; measures to support SMEs; and the reduction of administrative burden. It called for a stronger focus to be given to growth-enhancing aspects of the European Union's external policies to maximise their contribution to growth in Europe, and to shape the conditions to attract more inward investment.

Recognising the pressures on national budgets, the European Council also agreed temporarily to increase co-financing rates for EU funds, which will have a direct benefit for Ireland. In this regard, my colleagues agreed to my suggestion that, in examining the possibilities for boosting investment in Europe, the European Investment Bank should have a particular focus on countries implementing a programme.

The Council also discussed preparations for the Cannes G20 Summit, giving top priority to maintaining financial stability and restoring growth. In addition, it also discussed the preparations for the Durban conference on climate change, stressing the need to take ambitious steps towards a global and comprehensive legally-binding framework for the post-2012 period.

The European Council of 23 October also agreed a set of conclusions concerning foreign policy issues covering developments in Libya, Egypt, Tunisia, Syria and Iran, as well as the Eastern Partnership Summit held in September. We also welcomed the announcement of the cessation of ETA's terrorist activities in Spain.

At the meeting of Heads of State and Government of the euro area on 23 October, which took place immediately following the European Council meeting, discussions concentrated on restoring stability to the euro area. Significant progress was made on a comprehensive package of measures. However, it was not possible to bring the work to a successful conclusion on that occasion.

As the House will be aware, the European Council and the euro summit met again on 26 October. At these meetings, work was finalised on the various elements of the comprehensive package of measures designed to restore stability to the euro area. The agreement reached covers all the key issues: bank recapitalisation; debt sustainability for Greece; firewalls to prevent contagion; and improved governance within the euro area. In each of these areas, Irish interests were fully protected.

First, we agreed measures that, when implemented, should put Greek debt back on a sustainable footing, and will help Greece to start rebuilding its economy. Second, we agreed to extend the capacity of the EFSF, through two basic leverage options, to ensure that there are robust and secure firewalls to prevent contagion spreading to other member states. Third, we agreed measures that ensure that Europe's banks are adequately capitalised and have access to funding. Fourth, we agreed to implement a series of additional measures at national level to drive the growth agenda forward, including the adoption by each member state of balanced budget rules which translate the Stability and Growth Pact into national legislation. Finally, we agreed on ten measures to improve euro area governance. These include regular euro summit meetings, at least twice a year, and regular meetings of the presidents of the euro summit, the Commission and the eurogroup.

We requested that President Van Rompuy, working closely with the presidents of the European Commission and of the eurogroup, prepare a report for the December European Council on possible steps to further strengthen economic convergence within the euro area, to improve fiscal discipline and to deepen economic union. As part of that report, President Van Rompuy will explore the possibility of limited treaty changes. In this, it is important to recall that no outcome is predetermined. I remain convinced that there is considerable scope to go further within existing frameworks and we should exploit that to the full.

[The Taoiseach.]

As I told the House last week, the issue of Anglo Irish Bank did not arise at these meetings.

With regard to bilateral contacts, I had a telephone conversation with President Van Rompuy on 10 October and I also met President Barroso in Brussels on 13 October ahead of the summits. I also had extensive contacts with colleagues, including Prime Minister Papandreou, at the various meetings I attended. Preparations are at an advanced stage for a bilateral visit to meet Chancellor Merkel in Berlin later this month.

With regard to the manner in which Greece ratifies its new programme, this is a matter for the Greek Prime Minister, the Greek Government and the Greek Parliament.

**Deputy Micheál Martin:** I have eight questions in what by any standards is a large group of questions.

**The Taoiseach:** There were 26.

**Deputy Micheál Martin:** I have eight questions in the group and because of the limits which are naturally imposed on us, I want to ask separately about a number of questions on the issues I raised.

We all are clear that the eurozone is engulfed in a crisis which threatens its very existence, and yet in the eight months since the Taoiseach's appointment, he has not still visited or hosted a eurozone leader. We all saw how quickly Chancellor Merkel and he were willing to meet for the photocall before the election but it is incredible since then, given the severity of the crisis and the serious issues that we as a country must raise with Germany and other eurozone states, that there has been no formal substantive bilateral meeting between the Taoiseach and the Chancellor or any other eurozone leader. The Taoiseach has over-hyped the normal minor encounters on the edge of summits. Why is there this incredible reluctance to meet other eurozone leaders away from summits?

Why has the Taoiseach refused to table even one position paper at the five summits which he has attended? I asked that question specifically. The Taoiseach was able to produce briefing documents telling Ministers to praise him for his negotiating skills, but no meetings and no documents which would show any negotiations. In fact, the Taoiseach recently confirmed the refusal to release any information from his Department on specific issues relating to the euro summit meetings which would help us to see what has been happening there.

From what I can see, the Taoiseach had a brief meeting with Mr. Trichet in March which represents the sum total of his effort in negotiations, or lack thereof, on unsecured bondholders. Why is that the case? Why did the Taoiseach not take any personal negotiating stance on that? Why did he not table the matter of unsecured bondholders at the summit?

**The Taoiseach:** Deputy Martin will realise that there are other leaders in this besides me and their schedules are such that it is often not practical to hold formal bilateral meetings in advance of eurozone or EU summit meetings. It is quite some time since we made arrangements in respect of meeting the German Chancellor, and that will be finalised shortly.

While I do not want to place an emphasis on meeting leaders on the fringes of these meetings, these are important connections in their own way. While they are not formal bilateral occasions — I had three at the second last meeting and three with the euro partnerships — they take some scheduling because of other people's requirements.

Since the Lisbon treaty, President Van Rompuy has responsibility for determining the agenda for the meeting. It is not like the normal cumann meeting at which one has items Nos. 1 to 5. I spoke to him before both meetings and we discussed the impact and the observations of

Ireland and our interest in regard to the main items on the agenda, which were the Greek debt position, firewalls and contagion, as did every other country. It was not a case of no countries circulating papers and saying “This is what we think we should discuss here”. The main agenda was determined by him, as is his requirement and responsibility following the Lisbon treaty. It may well be that, during the course of the meetings, an amendment to the translation, to an issue that is under discussion or to the conclusions that are being drawn up will be circulated by individual members. For instance, in regard to the governance issue, the point was made about having some connection with countries before they would present their budgets. I made the point that, while many countries were in excessive deficit positions, countries in a programme like Ireland is were already under a great deal of scrutiny by the troika and that it should not be necessary on those occasions. That point was removed but, as the Deputy knows, one has to circulate the wording one wants approved at the meeting.

From that point of view, it is a case of having time to make arrangements for all of these things. It might be nice to set off on a European tour of the eurozone countries and include three or four over a day’s session or whatever, but the Deputy will also appreciate that the requirements of the troika here have required up to 30 pieces of legislation in this particular session. It has been pretty hectic for everybody, the Deputy included, since the summer recess.

It is a case of making arrangements to talk with them at the meetings — before and after — and, in due course after it has settled down a bit, maybe having more time to focus on structuring formal bilaterals. I would not want to lead the Deputy astray — it is not an interest of mine. I like to think that we can keep a handle on the difficulties that we face here, deal with those in the first instance and, where necessary, talk to other leaders either by telephone or before or after meetings. In due course, we will get around to having formal bilaterals with them all.

**Deputy Micheál Martin:** I tabled this substantial number of questions because, when entering Government, the Taoiseach stated he would launch a major diplomatic initiative. He engaged in a great deal of political spin on the subject and the expectation was that he was going to do the tour he has just derided by remarking, “It might be nice to set off on a European tour”. The Taoiseach made all of these comments. I put it to him that he made it very clear that he would undertake such a diplomatic initiative. He unworthily attacked the previous Government and tried to make political play out of its——

**Deputy Bernard J. Durkan:** Adjourning of the Dáil.

**Deputy Micheál Martin:** ——lack of attendance at meetings. I refer him to a Swedish research paper. It was categoric that, during the past decade, the Irish Government was fifth out of the 27 member states in terms of attendance. I can give this substantive piece of academic research to the Taoiseach. It was objectively done by Swedish researchers, not by anyone here. I did not create the political spin about tours.

It is important that we circulate positions on some of these issues because Chancellor Merkel and President Sarkozy are circulating papers. When one meets other European leaders and speaks with them, they worry about the lack of a *communautaire* approach. It is not a Europe of France and Germany. It is a Europe of the 27.

**An Ceann Comhairle:** I ask the Deputy to put a question.

**Deputy Micheál Martin:** There is an obligation on the Taoiseach to circulate papers on, for example, unsecured bondholders and how the European Financial Stability Facility, EFSF, is working. We are all getting a bit tired of people coming out of meetings saying they have lifted

[Deputy Micheál Martin.]

it for Europe once and for all, we have turned a corner etc. All of the crisis summits have failed. They unravel within a week or two, as the last one did.

The communique states that we agree that fiscal issues are the main cause of the crisis. Does the Taoiseach agree this is nonsense? Financial and monetary systems are at the core of the crisis and are making it worse. Why is there no mention of reform of the European Central Bank, ECB, in the 15-page document that emanated from the work?

So far, the Taoiseach has avoided taking any public position on the measures being proposed by Germany and France. The Council is set to agree measures next month and finalise them in March in terms of the potential reform of the treaties. I asked the Taoiseach whether he had tabled any specific reform proposal and whether he would consult on any matter before the December summit.

**The Taoiseach:** I will take the last point first. I will of course consult. Obviously, what President Van Rompuy is in charge of is to bring back a report in December on the possibilities that exist for the tightening up of government and limited treaty change. When the President brings back that report, we will see whether there is any conclusion in it about the possibility of limited treaty change or other issues of governance. I contributed to that debate.

Twenty-three of the 27 countries are outside the terms and conditions of the Stability and Growth Pact. Clearly, for a country like Greece, which contributes about 2.5% of the EU's GDP, to be central to this for the past two and a half years speaks for itself. The point was that, when the eurozone leaders made their decision, it was not foreseen that the Greek Prime Minister would suddenly decide to call a referendum and cause the unravelling and turmoil.

The Deputy referred to the diplomatic initiative. This is not confined to leaders alone. As the Deputy is aware, the Tánaiste called back all of the ambassadors, including the European ambassadors.

**Deputy Micheál Martin:** That did nothing.

**The Taoiseach:** It is all part of the diplomatic initiative, as the Deputy is aware. I have anecdotal evidence and confirmed evidence of cases where Ministers did not attend meetings. When they did attend meetings, they more or less gave the impression that we were Ireland and——

**Deputy Micheál Martin:** That is not true.

**The Taoiseach:** I have it for the Deputy. I can present him with it.

**Deputy Micheál Martin:** I will give the Taoiseach the research.

**The Taoiseach:** The impression was that they were from Ireland, that we were top of the pile——

**Deputy Micheál Martin:** This is not good enough. The Taoiseach has done none of what I have mentioned. He should call it a day.

**The Taoiseach:** ——and if people wanted their countries to follow, they should look at what we had done in Ireland. I am quite sure that, if I was away on a tour today or tomorrow with the Government jet visiting the Slovenian leader, Slovakian leader or the Estonian leader, places where there are no public deficits at all, Deputy Martin would be on his feet here asking where was the Taoiseach.

**Deputy Micheál Martin:** I would not, actually.

**The Taoiseach:** From that point of view, times may arise when I will consult with the Deputy and the other leaders about the necessity of going away.

I put it on the record, both with President Barroso directly and with President Van Rompuy, at the meeting as part of my public statements that I did not appreciate or agree with a situation where Europe might be perceived to be drifting at the behest of one or two large countries. This is a union of 27, and they are all there with equal measure. It is part of what we have signed on for. This is reflected in many of the comments and remarks made at the meetings. People do not want a situation where a measure is pre-prepared and they are told what they must do. There must be serious discussion, negotiation and rational conversation about these issues because they affect everyone. As the Deputy is aware, those matters are profoundly important to different countries. I might say that the attitudes of Sweden, Finland, the Netherlands and Germany towards governance are different than those of some other countries.

Ireland has measured up in terms of a number of troika assessments. While it is difficult and challenging for our people, we are recognised as making progress. That is all it is. We have put it very clearly on the record to the other leaders of the eurozone and the EU and we do not want to lose sight of the fact that this country still needs a lot of encouragement and assistance. It is in this area that I was happy with the flexibility given to the EFSF. For example, we can now pursue longer maturity and lower interest in terms of the Anglo debt, which would be of enormous importance in reducing the overall debt burden on our citizens here.

**Deputy Gerry Adams:** Tá naoi gceist agam.

**The Taoiseach:** Tá ceisteanna Uimh. 13 go dtí 16 agus ansin tá cinn eile ag an Teachta Boyd Barrett.

**Deputy Gerry Adams:** Tá a lán ceisteanna ann ach tá mé ar lorg a lán freagraí. Since the last time we met, the euro crisis has worsened. I have many questions and would like to be allowed in again, particularly regarding Question No. 9 because the Government paid €700 million of the people's money to bondholders. Last week, the Taoiseach expressed his opposition to two categories of EU membership and to the emergence of an inner and outer circle. Surely he did not approve of the actions of Angela Merkel and Nicolas Sarkozy in summoning the Greek Prime Minister to a summit to tell him not to hold a referendum on the Greek bailout and to threaten him with the expulsion of Greece from the eurozone. Did the Taoiseach support this action? Was he consulted on this issue? Did the German and French leaders act on his behalf? Do they believe they have the authority to summon Heads of Government or to threaten any member state with expulsion or to decide what questions can and cannot be put to a referendum in a member state?

**The Taoiseach:** It was made perfectly clear that the €8 billion tranche approved in principle to go to Greece would be paid over on its signing up to the conditions which were laid out. At the meeting, there was a very long discussion about this — it continued until the early hours of the morning — and when it eventually concluded the Prime Minister of Greece stated that it was an opportunity for a new day for his country and its citizens. The clear understanding of everybody in the room was that the matter had been decided, agreement had been reached, conditions had been laid out and people were expected to implement it. Obviously, when for his own reasons the Greek Prime Minister decided to return home and announce a referendum would be held it caused massive turmoil in the Greek Parliament and Government and in his own party. The matter has now been cleared to a point where there is focus on what they have to do. Obviously, the German Chancellor and the French President, as big payers, were



[The Taoiseach.]

exceptionally upset, particularly I am sure the French President because the triple-A status of France was being threatened and commented upon. Arising from the conclusion of the meeting where a clear set of decisions had been made things began to improve but then they were thrown into some confusion.

I do not support at all a situation in which inner and outer groups exist; this is a Union of 27 and whether it be Cyprus or Malta or the largest country they all sit at the table as equals and there is no one else there when they sit around the table. While leaders may take an initiative and state what they believe needs to be done there must be unanimous consent in some cases on conclusions and the changes that can be brought about as result of talks which take place. It is a serious place where very serious issues are discussed. In September, the German Chancellor passed measures in the Bundestag which required her to return for validation any further funds to be made available, and people would feel aggrieved at a spanner being thrown into the works which caused some confusion before clarity again emerged. As a consequence, in the meantime Italy became the source of much focus. As I stated to Deputy Martin, Prime Minister Berlusconi brought a 15 page document of proposals for the implementation of serious austerity measures in Italy. The situation in the Parliament there has changed but on that day he pointed out that he had a majority to implement them.

**Deputy Gerry Adams:** This will be a type of groundhog day because I will ask the Taoiseach the same questions again. Was the Taoiseach consulted about this issue? Did President Sarkozy and Chancellor Merkel act on his behalf? Does he believe they have the authority to summon Heads of Government or to threaten any member state with expulsion from the eurozone or to decide what questions can and cannot be put to a referendum in member states? I asked the Taoiseach these questions.

**The Taoiseach:** No, I was not consulted by Chancellor Merkel or President Sarkozy, nor was I consulted by them when they decided to meet either in Frankfurt or in Paris; as leaders of their respective countries they are entitled to do so if they wish. The Lisbon treaty allows for an opt out by an individual country if it wishes to leave, but it is a hell of a different prospect if one signs on for certain conditions in respect of a bailout involving €8 billion and the principal payers feel very aggrieved if one does not measure up. It is a case of stating the tranche of money will not be paid unless one adheres to the conditions which one already agreed. This is where the emphasis is. So far as continued membership of the European Union is concerned the situation is set out very clearly in the Lisbon treaty.

**An Ceann Comhairle:** I ask Deputy Adams to be brief because two other Deputies have questions.

**Deputy Gerry Adams:** The Taoiseach stated that he does not approve or support the actions and that he was not consulted. The Lisbon treaty states that except where the treaties provide otherwise decisions of the European Council shall be taken by consensus. What is the Taoiseach doing about this action and the clear emergence of a two-tier Europe? This is an action of which he does not approve or support and on which he was not consulted.

**The Taoiseach:** The Deputy read out the relevant section of the Lisbon treaty. Decisions are taken by consensus and the consensus of the meeting was that provided the Greek Government adhered to the conditions set out at the meeting the extra moneys made available would be paid, that the haircut of 50% would apply and that the extra billions to be paid over would also be paid but that this required a reform programme which would be exceptionally challeng-

ing for the citizens of Greece and which would continue for at least ten years. The consensus arrived at was that the programme——

**Deputy Gerry Adams:** There was no consensus for the actions of the French and Germans.

**The Taoiseach:** The consensus was that the programme would be implemented and this was agreed at the meeting. Everybody there agreed this was the position. Obviously, the Greek Prime Minister took a different view as to how it should be implemented when he went home and that is for him to speak about. It is a case of consensus being arrived at, and consensus was arrived at. As part of this consensus I made it perfectly clear that the interests of our country should be protected and they were protected.

**Deputy Gerry Adams:** You are not answering the question.

**The Taoiseach:** When decisions are made people are perfectly free to comment on them but they cannot change those decisions unless another meeting takes place where they are changed by the consensus about which Deputy Adams speaks.

**Deputy Gerry Adams:** You are not answering the question. You refuse to answer the question. The question was very simple. What did the Taoiseach do about this issue?

**The Taoiseach:** I participated in the meeting where the consensus was reached.

**Deputy Gerry Adams:** What did you do about this issue of which you disapproved? You were not even consulted about it.

**An Ceann Comhairle:** We cannot have discussions across the floor. We have procedures here.

**The Taoiseach:** I do not give out to Deputy Adams when he comments on whether the Louth football team wins or loses a match. That is his own business.

**Deputy Richard Boyd Barrett:** I tabled six questions and the Taoiseach did not really answer them. He did not even refer to some of them in his reply. The weekend prior to the European Council meeting, and directed towards it, in approximately 2,000 cities across the world people in their tens of thousands, and in their hundreds of thousands in some cases, took to the streets to protest against the policies of bailing out banks and bondholders and imposing austerity on ordinary people. In Greece, as I am sure the Taoiseach is aware, there has been huge mobilisation of people power taking to the streets to oppose the policy of inflicting brutal austerity on the people, pensioners and workers in the country to pay off bondholders and bankers. These protests took place here too. The Taoiseach may have noticed at the weekend, reinforcing the message of these protests, opinion polls indicated a significant majority of people believe the austerity to pay off bondholders was unjustified and is not in line with public sentiment in this country. The protests across Europe indicate——

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

**Deputy Richard Boyd Barrett:** At the European Council meeting did the Taoiseach or any of the EU leaders take on board the message being put out by the people on the streets in Greece, Italy, Portugal, Spain, Ireland and Wall Street that they believe it is wrong and unsustainable to continue a policy of bailing out bankers and bondholders at their expense? Did the Taoiseach discuss those protests?

**An Ceann Comhairle:** I will allow Deputy Boyd Barrett to speak again after the Taoiseach answers that point.

**Deputy Richard Boyd Barrett:** Do the EU leaders take seriously what looks like a majority sentiment across Europe, and increasingly across the world, about the incorrect priorities that Governments seem to pursue? Did the Taoiseach specifically discuss jobs and what he was going to do for jobs? This is all about bailouts and mechanisms. What did the Taoiseach say should be done to create jobs in Europe? What decisions were made and what actions will be taken by European Council leaders to create jobs in Europe?

Did the Taoiseach discuss the fact that there is probably a consensus among economists and commentators that austerity is having a negative impact on growth, that it is crippling growth in the European economy and that policies are not working? Did the Taoiseach discuss these issues? Did he raise them or did European Union leaders raise them?

On the question of a referendum in Greece does the Taoiseach agree with many people, who feel it is outrageous that European leaders, Merkel and Sarkozy and the so-called markets, went crazy because the Greek Prime Minister had the audacity to suggest the Greek people might have some say on their social and economic future? Does the Taoiseach agree it shows contempt for democracy that this was the response of the EU leaders and the markets in Europe to a desire by the Greek Prime Minister to have a referendum?

**The Taoiseach:** I disagree with Deputy Boyd Barrett's last point. Every country is entitled to conduct its business in its own way. It was not that the Greek Prime Minister called for a referendum that upset others, it was the delay and the consequent confusion and uncertainty arising from that. Markets do not hang around to make their judgments. There was certainty and clarity following the meeting and the decisions that were arrived at, which was reflected in the market response. This was thrown into turmoil and confusion by the fact that there would be a referendum sometime in the new year in Greece. It was not that they were concerned about the way Greece was to do its business, as is the right of the Greek citizens, it was the delay that was going to cause further confusion and turmoil.

In respect of discussions on protests, in the course of his contribution to the meeting the Greek Prime Minister pointed out that people were dying in the streets, that there was absolute mayhem in the delivery of public services and that there was great anxiety, concern and fear among citizens arising from this. The anger was not directed solely at banks but also at the lack of governance and competence in terms of the management of people's affairs by Governments in recent years, when debt was doubled and there was incapacity to measure up. During his contribution, the Greek Minister pointed out that there were protests in Greece and this was reflected in references by a number of leaders to similar, but smaller-scale, protests in other countries. The protests were not discussed beyond that.

Deputy Boyd Barrett referred to the poll on bailing out banks and the fact that most people would prefer not to bail out banks. If we were to ask whether the interest rate reduction should be passed on to seriously challenged mortgage holders, the answer would be "yes", which I support.

I have good news on jobs. At the meeting prior to the last meeting, there was a specific paper from the European Commission dealing with the situation of the Single Market, small and medium-sized enterprises, the opportunities that exist there for micro-finance, credit guarantees and freeing up the opportunities for small and medium-sized enterprises, the target objective of being able to form a company within three days and for €100 and the potential that exists across the European Union for serious job creation. Before Deputy Boyd Barrett was elected to the House, the Lisbon agenda was supposed to allow Europe to measure up to America and the Far East in terms of job creation, although it never did. There is a big focus on this paper, which I will send to Deputy Boyd Barrett. I am sure he will find it very interesting.

**An Ceann Comhairle:** I also want to call Deputy Higgins.

**Deputy Richard Boyd Barrett:** Deputy Martin has had his chance. The Taoiseach did not answer one important part of the question. Was there discussion at the Council meeting about the fact that growth is stalling and contracting in Europe as a result of austerity? There is a widespread view among a wide spectrum of commentators, academics and economists, supported by recent figures, that growth is contracting and is being crippled in Europe as a result of the austerity policies resulting from the prioritisation of the bank bailout. Was this discussed or was there acknowledgment that this is happening?

**An Ceann Comhairle:** I ask the Taoiseach to answer.

**Deputy Richard Boyd Barrett:** On the question of the referendum, does the Taoiseach share the shock most people feel at the hostile response in Europe and among the markets, who seem to be dictating everything to us, at the simple fact that the Greek people might have a vote? Does the Taoiseach think this is terrible? Does the Taoiseach think this shows dysfunctionality at the heart of the European system that they were so appalled at the simple prospect of people having a vote on the austerity package?

**An Ceann Comhairle:** I ask Deputy Boyd Barrett to allow the Taoiseach to answer the question. I also want to allow Deputy Higgins to contribute.

**The Taoiseach:** I have answered that question. They do not have referendums in Germany. In France, when the referendum on the Lisbon Treaty was defeated, President Sarkozy campaigned on the basis that he would put through the treaty by parliamentary majority if he was elected. It was not about the issue of the referendum but the delay and confusion caused as a consequence.

There was no discussion in any great detail about individual protests in each of the countries. There was a serious discussion about jobs. There was a great deal of comment about the fact that we cannot cut our way back to prosperity or tax our way back to prosperity. There must be an emphasis on growth, employment and job opportunities and freeing people to create work and jobs. That is where the emphasis will be and Ireland contributed comprehensively to that debate because it is in our specific interest.

**Deputy Joe Higgins:** The Taoiseach is entirely missing the point. The past two weeks show that the claim of the European Union leadership, that it constitutes one of the greatest zones of democracy and democratic rights in the world, has been shot to bits. The Taoiseach justified Monsieur Sarkozy and Frau Merkel summoning the Greek Prime Minister on the basis that the markets were going crazy.

**The Taoiseach:** Vous parlez bien le français.

**Deputy Joe Higgins:** Does the Taoiseach not see the irony in that situation?

**Deputy Bernard J. Durkan:** Does Deputy Higgins want to be like the Greeks?

**Deputy Joe Higgins:** What is the Taoiseach's opinion on the financial markets having moved on and attempting to dictate to the Italian people who should form its Government? Has the Taoiseach seen that they ruthlessly ratcheted up the interest rates on Italy's bonds in order to pressurise Prime Minister Berlusconi and, on the rumour that he was about to resign, the markets dropped the interest rates and then put them up again? Let us leave aside the despicable political entity that is Signor Berlusconi.

**Deputy Eamonn Maloney:** Hear, hear.

**Deputy Emmet Stagg:** I thought Deputy Higgins was defending him and wanted to hold on to him.

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

**Deputy Joe Higgins:** Why can the Taoiseach not get the point that ordinary people around Europe see that the Taoiseach is capitulating to what is effectively an economic dictatorship of the markets? Does the Taoiseach agree that he himself contributed to this assault on democratic rights by joining with Merkel, Sarkozy and the rest of them and capitulating to what is, after all, an assorted bunch of chancers, cheats, spivs and speculators that constitutes the financial markets?

**Deputy Ann Phelan:** That is quite a list.

**An Ceann Comhairle:** That is completely unparliamentary. Will the Deputy please get on with his question?

**Deputy Joe Higgins:** Does the Taoiseach agree that this new jargon of “firewalls” and “contagion” is reminiscent of US generals’ use of language to mask reality? For example, they used the term “collateral damage” to cover up the incineration of innocent civilians. Jargon is being used to mask the reality of this stranglehold that the Taoiseach is giving these financial market players. “Contagion” simply means that they can move to any country they want and ratchet up interest rates in order to increase private profit. The whole lot of you capitulate in front of them; what is that except a negation of democracy?

**An Ceann Comhairle:** What is the Deputy’s question?

**The Taoiseach:** I could not quite catch the litany of despair the Deputy read out concerning other European leaders. I am not sure whether he was as cocky when he was out there himself as an elected MEP. In any event, I do not share the Deputy’s view. This country is a long-time member of the European Union and has been central to the European process since the 1970s. All Irish Governments have contributed well to those debates and Irish citizens have benefited greatly from EU membership. Ireland still benefits greatly as a large percentage of our GDP is export based. Maybe the Deputy does not want that to continue. Markets have an inhuman dimension in that they do not focus on individuals, but look at figures and statistics. From that perspective it is important for political leadership to be able to set down clear decisions from which clarity and decisiveness emerge. That is what happened at the meetings of EU and eurozone leaders, but it was thrown into turmoil and confusion following the announcement that there was to be a referendum sometime in the new year in Greece. I am not taking from the right of the Greek Parliament and people to decide their own affairs but the timescale in between is going to cause much confusion and further turmoil. This country is not capitulating to anybody. Whether the Deputy realises it or not, we unfortunately happen to be in a bailout situation here through the choppy economic waters of which we are making steady progress. Nonetheless we have a very long way to go. I remind the Deputy, as I said to Deputy Stephen Donnelly last week, that when we do get out of this bailout situation we will do so with our reputation intact in respect of our colleagues in Europe. In addition, our integrity will be intact in respect of the European institutions. Moreover, the markets will have a focus on Ireland that is clear on the understanding that this country does not jump around from Billy to Jack, or spivs, as the Deputy mentioned earlier.

**Deputy Joe Higgins:** The Taoiseach will leave a burned-out landscape behind him.

**Deputy Micheál Martin:** The question of how Chancellor Merkel and President Sarkozy pursue these issues is crucial, because they made a hames of Deauville last year.

**An Ceann Comhairle:** Questions please, no statements.

**Deputy Micheál Martin:** They also made a hames of successive summits in terms of the reaction of the bond markets. I asked the Taoiseach a question earlier but he did not reply because there were so many questions. Why was there no mention of ECB reform in the 15 pages of conclusions that emanated from the summit?

**The Taoiseach:** I did not see the programme last night but I understand that in Deputy Martin's own, very timid way he was saying that it was all about liquidity instead of solvency.

**Deputy Micheál Martin:** Will the Taoiseach please answer my question? I do not want any smart-aleckry from him.

**The Taoiseach:** There seemed to be a hames being made of many things in the middle of the night a few years ago when there was nobody around to discuss them. There should have been but they were all asleep on the watch.

**Deputy Micheál Martin:** The Taoiseach paid unsecured bondholders last week.

**The Taoiseach:** In answer to Deputy Martin's question as to why there was no discussion about reform of the ECB, it was not specifically on the agenda.

**Deputy Micheál Martin:** The ECB was not on the agenda in the current crisis.

**The Taoiseach:** As regards the Greek crisis, debt sustainability and the leveraging up of the EFSF, I made the point, which was agreed by a number of other leaders, that the ECB should be the central defender. It really has unlimited economic or financial firepower to deal with that.

**Deputy Micheál Martin:** It is not a fiscal crisis, it is a financial and monetary crisis. The Taoiseach keeps missing that point.

**The Taoiseach:** The ECB has a set responsibility of 17 different governors of central banks, and they all have different views. If there comes a time when that is central to an agenda for discussion, we will certainly be happy to participate in that debate.

**Deputy Micheál Martin:** Waffle.

### Order of Business

**The Taoiseach:** It is proposed to take No. 1, Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011 [Seanad] — Second Stage; No. 5, Competition (Amendment) Bill 2011 — Order for Second Stage and Second Stage; and Private Members' business shall be No. 30, motion re promissory notes.

**An Ceann Comhairle:** There are no proposals to be put to the House. Is the Order of Business agreed to?

**Deputy Micheál Martin:** According to the programme for Government, this Dáil is due to consider at least ten constitutional amendments and an overall constitutional convention. With-

[Deputy Micheál Martin.]

out a new approach and a willingness both to consult and listen to other opinions, many of these proposals will meet the same fate as the Oireachtas inquiries referendum. I hope we can be assured that the notable winning ways of Ministers Howlin and Shatter will be brought into line at some stage in the coming months.

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

**Deputy Micheál Martin:** In June, when I asked the Taoiseach a question about the constitutional convention and the constitutional amendments proposed in the programme for Government, he said: “Before I draft the final structure and terms of reference, party leaders will be consulted.” In the months since then, there have been absolutely no consultations whatsoever. The Minister for the Environment, Community and Local Government, Deputy Hogan, has now announced that the Government will publish the structure and terms of reference in a week or so. I have had no consultation from anybody, however.

**An Ceann Comhairle:** We are on the Order of Business now. Does the Deputy have a question on legislation?

**Deputy Micheál Martin:** A constitutional amendment requires legislation and requires the implementation of the programme for Government. I am entirely within standing orders to ask the question.

**The Taoiseach:** Deputy Martin has raised a valid point.

**Deputy Micheál Martin:** There you are.

**An Ceann Comhairle:** It is the supplementaries that I do not particularly fancy.

**The Taoiseach:** Before I make any public announcement about the constitutional convention I will of course consult with Opposition leaders. I might make this point about “people’s day, people’s choice” in respect of the recent referendum. I think we need a serious discussion here as politicians and public representatives about this situation for the future. For instance, the Government is committed to holding two referenda, on children’s rights and the abolition of the Seanad, which have been agreed by all parties. We do need to consider, however, the way in which that can best be structured and whether one can actually hold two referenda on the one day. If so, and if they are quite complex, what is the capacity to inform citizens so they can make their judgment in the best possible way? If one cannot generate sufficient interest in them — if one does not have over 30% of the vote — they fall dead. The constitutional convention will have to examine quite a number of areas on a whole range of issues. It will make its deliberations before it comes back to the Oireachtas. I intend that we should have an opportunity for Members to give their views on this, as to whether in fact one can hold more than one referendum in future, on the same day, on what may be complex issues. If they are held individually, one runs the risk that there is a cost involved and it may not be possible to generate enough interest to have more than 30% of the vote in the first place. Before I pronounce on this matter, I intend to talk to the Opposition leaders.

**Deputy Micheál Martin:** I thank the Taoiseach for what he said but the Minister, Deputy Hogan, has said he will publish the material in a week.

**Deputy Gerry Adams:** Ba mhaith liom ceist a chur faoi reachtaíocht a fógraíodh. I wish to raise this matter under promised legislation, particularly that which was promised by the Taoiseach to ensure that banks would pass on the ECB rate reduction to customers. Earlier

today, I heard the Taoiseach's attitude to this. I have to say that it causes me concern because it was so watery, given what he has said previously. According to reports, a leading mortgage holder, National Irish Bank, is defying the Government by pressing ahead with a 1% increase in its variable home loan rate, despite last week's interest rate reduction by the ECB. The NIB is challenging the authority and the Financial Regulator. It will cause untold hardship to already hard pressed home owners. The Taoiseach promised to introduce this legislation. When will it be brought before the Dáil?

**Deputy Aodhán Ó Ríordáin:** On the very same issue, I understand National Irish Bank is owned by Danske Bank and that it does not have to adhere to ECB guidelines because it is Danish owned and Denmark is not in the eurozone. However, as Deputy Adams quite rightly stated, it intends to increase its variable mortgage interest rate by 0.95% this Friday. If legislation comes before the House in this regard, what can we do to ensure interest rate increases of such institutions, which work within our marketplace, will not have a huge impact on families across the State? What can we do with institutions that are foreign owned and outside the remit of the ECB?

**The Taoiseach:** I answered the questions of Deputies Ó Ríordáin and Adams in response to Deputy Martin. The Financial Regulator is completely independent and his job is to regulate and oversee a level playing pitch in respect of the banks. It is unfair and just not right that banks that set their prices in respect of tracker mortgages should attempt to make up losses by increasing interest rates on variable mortgages. Irrespective of whether a bank is State owned, there should be a level playing pitch.

Deputy Adams should note I actually said I would not introduce legislation until the regulator states to the Government he has a problem——

**Deputies:** He has a problem.

**The Taoiseach:** The Deputies should bear with me.

**Deputy Timmy Dooley:** He is not elected by those who have mortgages.

**The Taoiseach:** Of course he is not, but he is completely independent of me. I cannot——

**Deputy Timmy Dooley:** He must regulate the financial sector and is not concerned about the people.

**An Ceann Comhairle:** The Taoiseach should be allowed to answer the question.

**The Taoiseach:** Before the Deputy entered the House, there was another regulator who said the banks were adequately capitalised, and the Government went along with that.

**Deputy Timmy Dooley:** The Taoiseach has much to say about him but——

*(Interruptions).*

**An Ceann Comhairle:** Deputy Dooley should desist.

**Deputy Dara Calleary:** He should be given the power.

**The Taoiseach:** Let me be clear. The point is that if the regulator, Mr. Elderfield, tells the Government he has a problem in implementing this——

**Deputy Mattie McGrath:** He said that.



**The Taoiseach:** The Deputies should hold on.

*(Interruptions).*

**Deputy Timmy Dooley:** It is not a problem for the regulator.

**An Ceann Comhairle:** Deputy Dooley should please restrain himself.

**The Taoiseach:** If the regulator points out——

**Deputy Dara Calleary:** It is not his problem; it is the mortgage bearers' problem.

**The Taoiseach:** If the regulator points out——

**An Ceann Comhairle:** The Deputies should listen to the answer, even if they do not like it.

**The Taoiseach:** If the regulator, Mr. Elderfield, points out where his powers should be enhanced in order to have interest rate reductions passed on to mortgage customers, be they in State or non-State banks, the Government will be very happy to engage with him in that regard. I want to hear from him as to what powers he is seeking.

**Deputy Micheál Martin:** Therefore, the Taoiseach is not going to bring in the legislation.

**The Taoiseach:** Actually, I will——

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

**The Taoiseach:** The Deputy knows that.

**Deputy Timmy Dooley:** In the run-in to the last election, the Taoiseach's party and the Labour Party made much of their desire to abolish upward-only rent reviews of commercial leases. There was a very strong position taken by both parties and a view obtained that legislation would be introduced very quickly in the House. When does the Taoiseach intend to have this matter addressed in the House?

**The Taoiseach:** That is on the A list and the Minister for Justice and Equality will report to the Cabinet thereon shortly.

**Deputy Joe Higgins:** Now that the presidential election and Dublin West by-election are over, can the Taoiseach be more candid with us about the timescale for the local government (charges) Bill, which provides for the introduction of a new household tax that will affect an already over-burdened tax-paying public? Can he tell me the proposed schedule? The budget statement will be made four weeks from today. Will and must all Stages of the local government (charges) Bill be completed before that statement?

**The Taoiseach:** The local government (charges) Bill is expected this session. It is not necessary that all Stages be passed by the time of the budget. The timeline for the process leading up to the budget has been set out for Members like never before. I look forward to seeing Deputy Joe Higgins on Friday at the inauguration of President-elect Higgins, his namesake.

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

**The Taoiseach:** That association might mean an invitation to the Phoenix Park for the Deputy; one never knows. However, the President-elect will not be able to comment on politics

in the way he normally would with the Deputy in respect of their differences of opinion on a range of issues.

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

**Deputy Joe Higgins:** On the timeline——

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

**Deputy Joe Higgins:** I know; I am not having a debate.

**Deputy Bernard J. Durkan:** We know that.

**Deputy Joe Higgins:** The Taoiseach referred to a general timeline in regard to the budget. Can I ask him for the timeline for the Bill to which I referred?

**An Ceann Comhairle:** He told the Deputy.

**Deputy Joe Higgins:** Yes, but he was not——

**The Taoiseach:** This session.

**An Ceann Comhairle:** This session.

**Deputy Joe Higgins:** When will it be introduced and when will it be completed? On presidential inaugurations, I have spent my life trying to pull down useless institutions, not attend celebrations of them.

*(Interruptions).*

**An Ceann Comhairle:** Is that on the Order of Business?

**The Taoiseach:** It is a bit like the biblical quotation to the effect that one knows not the time nor the hour. The Deputy quoted the Bible to me some time ago. There are quite a number of budgetary measures that have to be given effect after the budget, as applies every year. I cannot give the Deputy the exact date. The legislation is expected this session and there will not be any delay when we get around to considering it.

**Deputy Dara Calleary:** We were due to debate the extension of the Smithwick tribunal this evening. This business was withdrawn at very short notice yesterday evening. Why and when will it come before the House?

**The Taoiseach:** I understand the Department is not ready to take it today. I hope it can be taken next week or the week thereafter.

**Deputy Brian Stanley:** The programme for Government contains a commitment to introduce a climate change Bill, which would be welcome in offsetting the negative impact of climate change and reducing carbon dioxide emissions. Last week, the Minister for the Environment, Community and Local Government appeared to do a solo run——

**An Ceann Comhairle:** The Deputy should not mind that. He should refer to the legislation.

**Deputy Brian Stanley:** ——by saying we would not have a climate change Bill, as promised. Will the Taoiseach confirm today that he was not doing a solo run, that the Government will

[Deputy Brian Stanley.]

introduce the legislation and that it will be introduced in the first quarter of 2012? I am sure the Labour Party wants this also. It was a solid commitment in the programme for Government.

**The Taoiseach:** Yes, and I expect that is an issue that will be dealt with pretty comprehensively. The Minister is being realistic in this instance about policy and the priority accorded to legislation. He has already made the point that we intend to meet the Kyoto targets signed up to. There are a number of policy issues and it is only right and proper that, in respect of these, there should be serious consultation with the sectors concerned. The Minister is prioritising this over the drafting of legislation which might not be appropriate.

**Deputy Brian Stanley:** It is contained in the programme for Government.

**The Taoiseach:** Yes, it is in the programme for Government but the Minister's focus is now on dealing with policy priorities involving consultation. The question of the Bill referred to in the programme for Government will be dealt with when the consultation process has concluded.

**Deputy Brian Stanley:** Will that be in the first quarter of 2012?

**The Taoiseach:** To be honest with the Deputy, it probably will not be in the first quarter.

**Deputy Niall Collins:** In Opposition, the Taoiseach's party and the Labour Party opposed the ban on the Ward Union stag hunt. Will the Government be introducing legislation to reverse the ban? If so, when?

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

**Deputy Dara Calleary:** It is promised.

**The Taoiseach:** This is not in the programme for Government, nor is it on the legislative list.

**Deputy Niall Collins:** It is not happening.

**Deputy Richard Boyd Barrett:** Will the Taoiseach clarify his position on bringing forward legislation on ECB interest rates? It is not clear. Is he saying legislation will not be introduced unless the Financial Regulator tells the Government he wants legislation? Will the Government not respond to the outrage over the failure to pass on the interest rate reduction and will it bring forward legislation to ensure it is passed on?

Some time ago, I asked about the mental capacity Bill. We have Victorian laws to deal with vulnerable children and other persons——

**An Ceann Comhairle:** That is grand. Can the Deputy just ask about the legislation?

**Deputy Richard Boyd Barrett:** When will the mental capacity Bill be brought forward?

**The Taoiseach:** It is listed for early next year. With regard to interest rates, let me say again to the Deputy that the regulator is completely independent. If he tells the Government he needs extra powers in certain areas, it will deal with that. I have already said I want to see the interest rate decreases passed on. The Minister for Finance has been very vehement about that. Tomorrow, both banks will be attending meetings to deal with this matter and a number of others in respect of interest rate reductions——

**Deputy Richard Boyd Barrett:** What if he does not?

**The Taoiseach:** —and their lending issue.

**Deputy Joe Higgins:** He does not recommend it.

**The Taoiseach:** It is not for me to produce overall legislation for a regulator when what I want is for the Regulator to tell me if he needs powers and where he sees those enhanced powers would need to be.

**Deputy Joe Higgins:** The Taoiseach is the person who has been elected, not him.

**The Taoiseach:** If the regulator wants extra powers, he has to come and say this is where he needs to be given extra powers in order to deal with this problem.

**Deputy Barry Cowen:** The Taoiseach needs to summons him.

**The Taoiseach:** As Deputy Higgins is aware, the Regulator is independent of the Dáil.

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

**Deputy Mattie McGrath:** I had indicated that I wanted to speak before Deputy Niall Collins raised the matter of the Ward Union. I know the Minister of State, Deputy McEntee is not present, but I did not hear the Taoiseach's answer on that.

**An Ceann Comhairle:** He said there was no promised legislation on this.

**Deputy Mattie McGrath:** Yes, but he made all kinds of promises on it before the general election last year.

**Deputy Bernard J. Durkan:** So did the Deputy.

**Deputy Mattie McGrath:** I lost my party whip over it. I like to be a sport as much as anybody. Promises were made and now the Minister is saying one thing and the Taoiseach is saying another.

**An Ceann Comhairle:** The Deputy is out of order.

**Deputy Niall Collins:** The Deputy is rising the Taoiseach.

**Deputy Mattie McGrath:** I am trying to raise the need for a debate on the issue.

**Deputy Dara Calleary:** There will be a witch hunt after a stag hunt.

**Deputy Niall Collins:** Deputy McGrath is rising the Taoiseach.

**Deputy Mattie McGrath:** I did not hear the Taoiseach's answer.

**The Taoiseach:** I did not object to the Deputy's scrap metal Bill coming through here last week.

**Deputy Mattie McGrath:** Go raibh maith agat.

**The Taoiseach:** The matter the Deputy raised is not in the programme for Government.

**Deputy Dara Calleary:** The Ward Union is on the scrap metal heap as well.

**Deputy Timmy Dooley:** What about all the Fine Gael cars with Rise! stickers displayed on their rear windows in the car park? Will they be removed now?

**Deputy Niall Collins:** Deputy Mattie McGrath is rising the Taoiseach.

**Deputy Ann Phelan:** Tally ho.

**Deputy Bernard J. Durkan:** On promised legislation, in view of the need for comprehensive and modern forestry policy, when is it expected that the forestry Bill will be brought before the House, have the heads of it been agreed or to what extent has the legislation being progressed? Similarly, will the Taoiseach indicate the level of progress on the housing Bill, which is No. 74 on the list?

**Deputy Dara Calleary:** Do not worry Fergus, it will not be that one.

**Deputy Bernard J. Durkan:** I hear a babble of voices on the other side of the House in total confusion.

**Deputy Dara Calleary:** That is the Deputy's reaction.

**Deputy Mattie McGrath:** Deputy Durkan is winding us up.

**An Ceann Comhairle:** Settle down Deputies. You had a few days off but you should not go mad now.

**Deputy Dara Calleary:** Deputy Durkan causes confusion.

**The Taoiseach:** Deputy Durkan always asks valid questions. The heads of the housing Bill have not gone to Government yet. In respect of the forestry Bill, the heads of it were approved in 2009 and I expect that it will be published towards the end of first session in the spring.

**Deputy Bernard J. Durkan:** The heads of it were approved in 2009.

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

**Deputy Bernard J. Durkan:** Do the Deputies opposite remember 2009?

**Deputy Timmy Dooley:** The Deputy has made all the promises.

**Deputy Bernard J. Durkan:** There is delayed action on the opposite side.

*(Interruptions).*

**Deputy Bernard J. Durkan:** It is about the only piece of delayed action over there.

**An Ceann Comhairle:** I remind Members in case they have forgotten that they are in Parliament and not out on the street.

**Deputy Bernard J. Durkan:** My apologies.

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

**Deputy Seán Crowe:** In view of the establishment by the Red Cross of a hardship fund for recent flood victims, are there any proposals for the Government to introduce similar supports for those families? Is there a need for further legislation to be introduced to provide for those victims who have been unable to get insurance cover—

**An Ceann Comhairle:** That matter is not in order.

**Deputy Seán Crowe:** It arises under legislation. Those victims are unable to get insurance cover because their homes have been flooded.

**An Ceann Comhairle:** I suggest the Deputy seeks to raise that matter on the Topical Issue Debate.

**Deputy Seán Crowe:** I did that but, unfortunately, I was not successful. I may be successful tomorrow.

**An Ceann Comhairle:** The Deputy should be patient. This matter is not in order on the Order of Business.

**The Taoiseach:** I was going to say that the Deputies opposite could not see the wood for the trees with the forestry Bill from 2009 with the banks and so on.

**Deputy Dara Calleary:** Does the hunt go through it?

**The Taoiseach:** They could not see the wood for the banks.

**Deputy Bernard J. Durkan:** The woods are lonely, dark and deep.

**The Taoiseach:** Deputy Crowe raised a valid issue. The Government this morning approved a memo to deal with this in much the same way as it was dealt with previously through a combination of provision between the Departments of Social Protection and the Environment, Community and Local Government. I know that the Red Cross is providing some assistance at present with a fund of €10 million allocated for this. I hope this will go some way towards relieving a situation which is quite desperate for some people who have lost their homes. When a person's house has been flooded and it is ruined forever it is a very trying period for people. They cannot stop the flood waters coming through and it destroys the house. We approved a memo this morning on a single issue in this respect with a €10 million fund.

**Deputy Thomas P. Broughan:** The Taoiseach was rightly sympathetic to the plight of the people of Priory Hall in Dublin north east a few weeks ago in this House. He might have noted the city manager is now saying that it will be necessary to seek support to rehouse the families concerned or rebuild the complex from the Minister with responsibility for housing. Will the Taoiseach ensure that support for the city council will be forthcoming?

**An Ceann Comhairle:** That is not in order.

**Deputy Thomas P. Broughan:** The Taoiseach wants to reply on this.

**An Ceann Comhairle:** No, it is not a matter for the Order of Business. I am sorry but I have to rule on that. I will try and co-operate with the Deputy in another way but not on the Order of Business.

**Deputy Thomas P. Broughan:** Does the Taoiseach want to answer on that?

**An Ceann Comhairle:** No, if I open this up, everybody will quite rightly quote precedent. If it is not in order, it is not in order. I call Deputy Adams.

**Deputy Gerry Adams:** I want to return to the issue about the Taoiseach promising to bring in legislation to ensure that the banks pass on the ECB rate reduction to customers. That promise was made and it was very clear. It was the right commitment to make.

**An Ceann Comhairle:** Deputy, we have dealt with that issue.

**Deputy Gerry Adams:** It now looks like the Taoiseach will not bring in this legislation.

**The Taoiseach:** Read it again.

**An Ceann Comhairle:** We have dealt with that issue.

**The Taoiseach:** What I said was that if the Regulator said he did not have sufficient powers, he might well come to Government.

**Deputy Mattie McGrath:** He has said that.

**The Taoiseach:** That is what I said. I said if he does that, the Government will engage with him. Is that clear. I hope that is clear to the Deputy.

**Deputy Gerry Adams:** That is not clear. That is not the Taoiseach's commitment.

**Deputy Micheál Martin:** May I ask the Taoiseach——

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

**The Taoiseach:** I give this commitment. If the regulator comes into Government and approaches the Minister for Finance and says "I need enhanced powers to deal with the question of passing on reduced interest rates to distressed mortgage holders, the Government will engage with the regulator in this matter". I hope that is clear, for the fifth time today.

**Deputy Gerry Adams:** The Taoiseach was very clear in what he said, that the banks did not behave in this way.

**An Ceann Comhairle:** We are not debating it any further. I call Deputy Martin. Has he a relevant matter on promised legislation?

**The Taoiseach:** Deputy Adams is being very mischievous. What I said was let us see how the regulator gets on, if he comes back to Government and looks for extra authority or enhanced powers, we will engage with him. That is what I said and that is what I stand by. The Deputy should not put words in my mouth like he does in the case of many other people.

**Deputy Gerry Adams:** The Taoiseach is putting the words in his own mouth.

**Deputy Micheál Martin:** We dealt with this issue during Leaders' Questions——

**An Ceann Comhairle:** If we dealt with it why are we dealing with it again?

**Deputy Micheál Martin:** ——and the Taoiseach said he would not introduce legislation although earlier he said he would consider bringing in legislation, irrespective of what the regulator said. That is the problem. I am hearing the Taoiseach loud and clear now and I accept what he is saying.

When the Bill establishing the Department of the Minister, Deputy Howlin, was before the Oireachtas we were told that the Minister for Finance would announce the overall Estimate

envelope in the Dáil and that there would be a debate on it. In terms of what happened subsequently, last Friday we had a public announcement on this——

**An Ceann Comhairle:** The Deputy is out of order. This is not relevant to the Order of Business.

**Deputy Micheál Martin:** It is critical to the way the Dáil is treated.

**An Ceann Comhairle:** I do not care. It is not relevant to the Order of Business.

**Deputy Micheál Martin:** In terms of the commitment in the programme for Government——

**An Ceann Comhairle:** The Deputy can raise it under Leaders' Questions.

**Deputy Micheál Martin:** I have raised it on Leaders' Questions. This is the Order of Business.

**An Ceann Comhairle:** No. The Deputy cannot raise it on the Order of Business.

**Deputy Micheál Martin:** The manner in which the budget——

**An Ceann Comhairle:** With the greatest respect, the Deputy cannot just stand up and raise it because it comes into his head.

**Deputy Timmy Dooley:** Deputy Martin is the Leader of the Opposition.

**An Ceann Comhairle:** This is the Order of Business. The matter is not promised legislation.

**Deputy Micheál Martin:** It is not something——

**An Ceann Comhairle:** I have already ruled Deputy Broughan out of order on the same issue.

**Deputy Micheál Martin:** I would like you to have some respect — this did not just come into my head. This is something the Taoiseach said on the floor of this House.

**An Ceann Comhairle:** I am saying the Deputy cannot raise it now.

**Deputy Micheál Martin:** It relates to the programme for Government in terms of the budget and how the budget will be dealt with here.

**An Ceann Comhairle:** We do not deal with the programme for Government.

**Deputy Micheál Martin:** We have had announcements from the Taoiseach on the Order of Business about the budget and how it will be presented. All I am asking is that in future on this issue and on the other instalments in regard to the budget and debate, announcements will be made in this House on fundamental issues that go to the core of what this House is about.

**An Ceann Comhairle:** The Deputy should speak to his Whip about having a debate on this issue. I call Deputy Halligan.

**Deputy Micheál Martin:** Will the Taoiseach give that commitment because he made a big noise about it when he was in Opposition on this side of the House?

**An Ceann Comhairle:** Thank you, Deputy. I call Deputy Halligan.

**Deputy John Halligan:** I ask the Taoiseach to clear the air on this issue for the thousands of people——



**An Ceann Comhairle:** The Deputy should tell us first what he is raising.

**Deputy John Halligan:** —who are outraged by the interest rate cut not being passed on. What if the Regulator does not—

**An Ceann Comhairle:** The Deputy is out of order.

**Deputy John Halligan:** This is very important, a Cheann Comhairle.

**An Ceann Comhairle:** No. The Deputy is out of order.

**Deputy John Halligan:** If the Regulator does not come back to the Government—

**An Ceann Comhairle:** We have dealt with this issue.

**Deputy John Halligan:** —will the Taoiseach then introduce legislation? Also, is the Taoiseach telling me the Minister for Finance has not been in regular contact with the Regulator in the past number of months?

**An Ceann Comhairle:** The Deputy is out of order. Please resume your seat.

**Deputy John Halligan:** If the Regulator does not come back, will the Taoiseach then introduce the legislation?

**An Ceann Comhairle:** The matter has been dealt with.

**Deputy John Halligan:** That is a simple question. If the Regulator does not come back—

**An Ceann Comhairle:** Please, Deputy. We have dealt with that issue.

**Deputy John Halligan:** —will the Taoiseach then introduce the legislation?

**Deputy Mattie McGrath:** The Taoiseach wants to answer that.

**The Taoiseach:** I have to know what to introduce — if he says he is looking for powers.

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

**Deputy Robert Troy:** Will the Taoiseach indicate if it is the intention of his Government to bring forward the partial loan guarantee scheme for small businesses as promised in the programme for Government? Many small businesses are facing turbulent times and nine months later there is no sign of that being brought before this House. I ask when it will be given priority and when it will be brought before this House for debate.

**Deputy Emmet Stagg:** You had nine years and you did not do it.

**The Taoiseach:** The gestation period is not actually—

**Deputy Robert Troy:** I have only been here nine months. The Taoiseach has been here longer than I have been alive.

**Deputy Bernard J. Durkan:** If he keeps going this way he will not be here much longer.

**The Taoiseach:** It has not been nine months yet.

**An Ceann Comhairle:** Through the Chair, please.

**The Taoiseach:** The Deputy will be aware that, because of the troika arrangements, we are required to introduced 30 items of legislation this session. I expect that one of these Bills will provide for the partial loan guarantee scheme. I hope it will be introduced before Christmas because it is an important issue and a considerable number of small businesses are concerned about it. I am sure every Deputy appreciates that. In respect of what Deputy Martin said earlier, he should feel free to raise this matter with the Whips.

**An Ceann Comhairle:** Correct.

**Deputy Micheál Martin:** Stop.

**The Taoiseach:** Let us have a debate on the fiscal parameters announced on Friday.

**Deputy Micheál Martin:** For God's sake, stop.

**The Taoiseach:** We will do the same with the capital programme.

**Deputy Micheál Martin:** We know all about that.

**The Taoiseach:** On top of that, even in these times of economic constraint——

**Deputy Micheál Martin:** He means nothing he says.

**Deputy Barry Cowen:** He could contact the regulator to have him reduce the rate.

**The Taoiseach:** May I say this to Deputy Martin and all the other leaders opposite?

**Deputy Micheál Martin:** He said this in June.

**Deputy Barry Cowen:** He would be better off speaking to the regulator.

**Deputy Micheál Martin:** It is up to him not to wait.

**Deputy Bernard J. Durkan:** You did not even know the regulator existed.

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

**Deputy Barry Cowen:** Deputy Durkan, sit back. Rest yourself.

**The Taoiseach:** I will make available to them the costing facility of the Department of Finance. I would like to see Deputies from other parties come in with their alternatives as we prepare for the budget.

**An Ceann Comhairle:** This is totally out of order.

**Deputy Timmy Dooley:** We will follow the Taoiseach's lead on that.

**An Ceann Comhairle:** Order should apply to everybody in this House when I ask for order.

**Deputy Timmy Dooley:** What the Taoiseach did to the Ceann Comhairle was outrageous.

**An Ceann Comhairle:** I do not want any smart remarks from Deputy Dooley either.

**Deputy Bernard J. Durkan:** It applies to Deputy Dooley as well.

**An Ceann Comhairle:** This is a Parliament. It is not a protest out on the streets.

**Deputy Ann Phelan:** It is a farce.

### Topical Issue Matters

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputy Aodhán Ó Ríordáin — the initiation of legislation dealing with a proposed levy on online gaming in the context of sports funding; (2) Deputy Brendan Smith — the need to extend the slurry spreading deadline; (3) Deputy Joe O'Reilly — the need to finalise arrangements in relation to the Border uplands project; (4) Deputy Simon Harris — the ongoing commuter issues faced by users of the DART and Iarnród Éireann services; (5) Deputy Michael Healy-Rae — the need to extend the slurry spreading deadline; (6) Deputy Éamon Ó Cuív — an gá atá le cead a fháil cuid de na haonaid tithíochta sóisialta ag Áras Rónáin, Cill Rónáin, Árann a athrú ó thithe sóisialta go aonad cúram príomhúil faoi chúram an HSE agus nach n-iarrfaí aon aisíoc ar an deontas a tugadh don ionad ó tharla go mbeidh sé in úsáid ag an HSE don phobal; (7) Deputy James Bannon — the need to designate Longford as a sub-office of the newly amalgamated Longford-Westmeath VEC; (8) Deputy Ray Butler — the need for local authorities to prepare plans for rural and urban road networks in severe weather conditions; (9) Deputy Denis Naughten — the need to reinstate chemotherapy and warfarin clinics at Portiuncula Hospital, County Galway; (10) Deputy Patrick O'Donovan — the insulation in local authority houses and accessibility to local authority houses for people with a disability; (11) Deputy Noel Harrington — the safety and transport issues involving the pier in the North Harbour, Cape Clear Island, County Cork; (12) Deputy Terence Flanagan — the need to ensure that the remedial works needed at the Priory Hall apartment complex, Dublin, take place straight away; (13) Deputy Patrick Nulty — the closure of beds at Connolly Hospital, Blanchardstown, Dublin; (14) Deputy Mary Lou McDonald — the nine revised points of eligibility' for ring-fenced projects agreed by the FÁS led CE drugs rehabilitation working group of the NDSF; (15) Deputy Timmy Dooley — the need to retain a designated adult cystic fibrosis physiotherapist at the Mid-Western Regional Hospital, Limerick; (16) Deputies Ann Phelan and Robert Dowds — the need to urgently tackle fuel smuggling; (17) Deputy Seán Crowe — the need to give support to persons whose homes and property have been flooded recently; (18) Deputy Brian Walsh — the need to address funding inequalities affecting the services of Galway Hospice; (19) Deputy Clare Daly — the report just published by the Higher Education Authority on the funding of third level education which among other measures advocates the capping of student numbers; (20) Deputy Richard Boyd Barrett — the illegal capture and imprisonment by Israel of Irish citizens in international waters; (21) Deputy Gerry Adams — domestic violence, funding for Dundalk Rape Crisis, Dundalk Women's Aid and Drogheda Women's Refuge and the impact of this on services; (22) Deputy Mick Wallace — that the Minister for Transport, Tourism and Sport would intervene to stop the purchase of land for the New Ross bypass given that there is no possibility of the State completing the project owing to lack of funding; (23) Deputy Joe Higgins — the report just published by the Higher Education Authority on the funding of third level education which among other measures advocates the capping of student numbers; (24) Deputy Thomas Pringle — that Dáil Éireann would discuss the future of rural post offices in light of the opportunistic closure by An Post of Laghey Post Office in County Donegal and the impact of the Communications Regulation (Postal Services) Act 2011.

The matters raised by Deputies Joe O'Reilly, Ann Phelan, Robert Dowds, Mary Lou McDonald and Brian Walsh have been selected for discussion.

## Topical Issue Debate

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### Cross-Border Projects

**Deputy Joe O'Reilly:** The cross-Border geopark straddles counties Cavan, Fermanagh, Leitrim and Sligo. Recognised by UNESCO, the geopark contains a fine array of geological, geomorphological and biodiversity features of international importance. Within the Marble Arch Caves Global Geopark it is possible to see some of Ireland's finest cliffs and scarps, including Cuilcagh Mountain summit ridge, the Cliffs of Magho, which overlook lower Lough Erne, and Knockmore Cliff, which reaches a height of 130 m. The Border upland project builds on the established reputation of the Marble Arch Caves Global Geopark and will greatly enhance the landscape tourism product of the region by creating much needed outdoor access, recreational and amenity infrastructure in the scenic upland areas of the four counties straddling the Border. Part of this will be an interpretive centre at Blacklion.

The overall project was approved by the INTERREG IVA steering committee on 10 February 2011. It was awarded funding of €3,183,804 and a letter of offer was expected in May or June of this year. However, on 15 June, the Special EU Programmes Body, SEUPB, stated that the letter of offer was on hold as the accountable Departments were working on agreeing the percentage splits for the matched funding amounts. The fact that a 25% outlay by the Governments of Northern Ireland and the Republic will attract 75% funding from Europe makes their acceptance vital.

We need an answer. The intergovernmental debate on the ratio of contributions needs quick resolution because the letter of offer is long overdue. It is a question of giving effect to an agreement between the two Governments on a ratio of expenditure. This infrastructure is vital for the community and the area.

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Fergus O'Dowd):** I am taking this matter on behalf of the Minister for Public Service and Reform, Deputy Howlin.

The Border uplands project is a joint venture between Fermanagh District Council and the county councils of Cavan, Leitrim and Sligo. This project will greatly enhance the region's landscape tourism product by creating much needed outdoor access and recreational and amenity infrastructure in the scenic upland areas of the four counties concerned. It is due to be implemented under the INTERREG IVA programme, which covers the period 2007 to 2013. INTERREG is co-funded by the Irish and UK Governments and the European Regional Development Fund. The objective of the programme, which has a total value of €256 million, is to support strategic cross-Border co-operation for a more prosperous and sustainable region. It focuses on the development of a dynamic economy and the provision of support to cross-Border infrastructure that will improve access to services and thereby improve the quality of life for those living in these areas. The Irish experience of Structural Funds has been very positive. Cohesion policy has played an important role in the development of Ireland's economy and the financial transfers from the EU budget are important levers to bring about change and encourage development in the regions covered.

The INTERREG programme is managed by the Special EU Programmes Body, one of the six North-South bodies established under the Good Friday Agreement. Funding allocation is based on a comprehensive and robust application and approval process. To implement the programme, the SEUPB issues calls for project applications, assesses applications received and presents projects for final selection by a steering committee. All funding applications are subject

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to this process to ensure funding is allocated in an effective manner. Funding for the approved projects is then provided by the relevant Departments in Ireland, Northern Ireland and, in the case of tripartite projects, Scotland.

The INTERREG programme should take account of the overall agreed apportionment of funding from member states for the period 2007 to 2013. Ireland's ratio is 27.6%, or €70.7 million, while the ratio for the UK is 72.4%, or €185.3 million. Over the lifetime of the programme to date, however, Ireland's contribution has been in excess of the agreed rates and is currently running close to 40%. This issue was raised by the Minister, Deputy Howlin, when he and the Minister for Finance met their Northern counterpart, the Minister for Finance and Personnel, Sammy Wilson, MLA, at a sectoral meeting of the North-South Ministerial Council in July. It was agreed that the Department of Public Expenditure and Reform, the Northern Ireland Department of Finance and Personnel in Northern Ireland and the SEUPB would work closely together to address this issue urgently to ensure the correct funding ratios are met by end of the programme. This will mean that remaining projects will need to be funded with relatively higher UK and relatively lower Irish contributions. However, pending a resolution it has been necessary to put all letters of offer for INTERREG projects on temporary hold.

I understand the concerns arising for Deputy O'Reilly and the project's sponsors. However, I assure them that officials in the Department of Public Expenditure and Reform have been pursuing this issue with their Northern counterparts and I am hopeful we will shortly reach a resolution which will allow the letter of offer for this project to issue.

**Deputy Joe O'Reilly:** I thank the Minister of State for his comprehensive reply. The last paragraph of his response was particularly helpful in that it appears to indicate that a solution is at hand. I ask him to confirm that he is confident of a favourable outcome to the intergovernmental negotiations on the ratio of financing and assure me of early issuance of the letter of offer. The delays thus far have been so lengthy that any further delay could put the project at risk.

**Deputy Fergus O'Dowd:** This is a very good project and we are anxious that it proceed as soon as possible. We are hopeful that an agreement will be reached between the North and South which will allow letters of offer, currently on hold, to be issued. If this does not happen shortly, I will ask the Minister for Public Expenditure and Reform, Deputy Howlin, to see what steps can be taken to unblock projects. It has been specifically identified by officials from the Department of Public Expenditure and Reform, in discussions with their Northern colleagues, as one that needs to proceed without delay. We are anxious that this will happen.

### **Fuel Laundering**

**Deputy Ann Phelan:** I thank the Ceann Comhairle for facilitating my request for a discussion on the topical issue of fuel laundering. I have tried to raise the matter on several occasions.

The criminal activity of adulterating motor fuel is a threat to public health and safety, the environment and the vehicle engines of unfortunate victims as well as the cause of a serious tax loss to the Exchequer. It is time to seek an end to the practice of fuel laundering. I will take this opportunity to explore the possibility of developing an alternative method of protecting the fuel subsidy to farmers, to assist them in their production of food, as well as the continued protection of established, legitimate users of tax rebated fuels, such as home heating oil users.

From the details already published of seizures of laundered goods and equipment this year, it is obvious that illegal tampering with marked gas oil is increasing. I urge that there be cross-Border support on this issue, as has been the case in the past. I raised this issue at the British-

Irish Parliamentary Assembly as it is an extensive problem in the North as well. In a recent joint Garda, Criminal Assets Bureau, CAB, and customs and excise raid on a laundering plant in co-operation with the Police Service of Northern Ireland, PSNI, it was estimated that the plant was capable of supplying diesel to ten busy service stations for a full year. Any seepage of fuel residues or chemical bleaching agents from this plant into the ground would have had widespread and serious consequences for humans, animals and the environment.

At this stage we ought to be able to tackle this problem. There is agreement among the farming organisations that it is time to open a debate on this issue. The general consensus appears to be that the easiest way to tackle it is not to colour the diesel and provide a rebate to farmers.

**Deputy Robert Dowds:** I thank Senator Denis Landy for asking me to raise this issue. In agreeing with my colleague, Deputy Ann Phelan, it is worth pointing out that the most obvious and effective change we could make is to harmonise the duties on green diesel, which is currently at 13.5%, and auto diesel, which is at 21%. Legitimate agricultural users could reclaim the payment at the higher level. This would do a great deal to recoup the approximately €150 million we are losing due to laundered diesel. I would be grateful if the Minister would deal with that issue.

On a related although not as important issue, if there is some reason this change cannot be introduced, it would be extremely useful if each petrol station had to display in an obvious manner the supplier of its fuel. If a problem emerges, therefore, there is a definite lead to follow in finding out who the original supplier is. Can anything be done to impose responsibility on the relevant petrol stations to repair cars that have been damaged? I look forward to the Minister's response.

**Deputy Fergus O'Dowd:** I thank Deputy Phelan and Deputy Dowds for their views and proposals. I will bring them to the attention of the Minister.

I am pleased to take this opportunity to speak on behalf of the Minister for Finance on the subject of fuel laundering. This form of tax evasion is a matter the Government takes very seriously, particularly given the current economic climate. I am informed by the Revenue Commissioners that the predominant illicit activity in the mineral oil area in Northern Ireland and the Republic is the laundering of marked diesel. In both jurisdictions the respective difference in excise rates between marked or rebated and normal diesel offers a considerable incentive for oil laundering and this illicit activity poses a serious threat to the exchequers, economies and environment on both sides of the Border.

Marked gas oil or marked diesel is subject in the Republic to mineral oil tax at the rebated rate of €88.66 per 1,000 litres, on condition that it is used for particular purposes such as home heating or as a propellant in agricultural and off-road vehicles. Its use in ordinary road vehicles is strictly prohibited and there are heavy penalties for anyone convicted of such an offence. The rate for normal auto diesel is €465.70 per 1,000 litres. In addition, marked gas oil is subject to a lower VAT rate of 13.5%. The resulting total tax differential is around 50 cent per litre, which is very significant.

The Revenue Commissioners, who are responsible in the Republic for the collection of mineral oil tax and the control of mineral oils, are very aware of the threat posed by laundered fuel and undertake a multi-faceted programme of enforcement action to counter it. It will be appreciated that it is not possible to accurately estimate the loss to national exchequers either in the Republic or in Northern Ireland from individual activities within the shadow economy but obviously it is significant. It is important to note that marked gas oil usage is not unique to farmers. It has a wide range of legitimate uses, such as in commercial and domestic heating

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systems, ships, fishing boats, trains, certain vehicles designed for specific off-road use, machinery used mainly in the agricultural and construction sector and electricity generators.

One of the alternative methods envisaged by the Deputies involves a move towards a system of repayment whereby certain users would be given refunds relating to non-auto use of mineral oils. However, it is not clear that this is a feasible option. It would involve the establishment of a very extensive repayment system which would give rise to a very significant administrative burden for the Revenue Commissioners, oil traders and users and would pose significant cash-flow implications for those who currently use marked gas oil. Repayment regimes are vulnerable to abuse and liable to be exploited by criminal elements, such as those currently involved in fuel laundering. A repayment scheme would not eliminate the incentive to divert rebated oil to high-rate auto use and could give rise to large-scale bogus claims. Illicit use would be difficult to detect and almost impossible to prove. Even if the oil that benefits from repayment is marked, it can still be laundered as at present. In addition, oil can be laundered from UK marked gas oil. Therefore, a move away from marking could only be considered if the UK were to do likewise.

For these reasons, it is not clear that a repayment system would be less susceptible to fraud. The Revenue Commissioners' intention is to continue to ensure that controls relating to the sale and distribution of oils and enforcement action in combating illegal oil laundering activity are as effective as possible. There has been ongoing extensive enforcement action, which has led to the detection of oil laundries and the prosecution of the individuals and companies involved. As the Deputies are aware, substantial action has been taken by the Garda and law enforcement agencies north and south of the Border in the recent past.

**Deputy Ann Phelan:** The Minister's reply was comprehensive. I take his point about the rebate and the burden it could possibly impose. If we are losing a great deal of revenue, however, it might be cost neutral. I am also aware that an isotope can be added to the diesel which would allow for the detection of legitimate fuel in the engine. Perhaps that is another way to deal with the problem.

I believe this issue should be dealt with across the EU. There was a comprehensive report on the radio today which showed that this is a huge problem across the Balkans and a very significant problem in Greece. Moreover, it was reported today that Mr. Papandreou had been attempting to get reports on the magnitude of the difficulty in Greece. Given the difficulties faced by that country, I am sure they would welcome the recovery of all such Exchequer losses arising from fuel laundering, which might go a considerable distance towards plugging the large fiscal hole they have to plug. Consequently, there is much work to be done in that regard.

**Deputy Robert Dowds:** I am somewhat disappointed by the Minister of State's response in that I consider the suggestion made by Deputy Phelan and me to be practical. If the estimate that €150 million is being lost is correct, it would hardly cost that amount to put in place a system of checks. However, if the Minister of State sticks to that view, my suggestion that each petrol station should be obliged to display clearly the source of its fuel would be simple enough to monitor. I welcome the successful activities of the Garda in bringing to book some petrol stations which deserved to be chased up. I await with interest the Minister of State's response to that suggestion and whether there is any way in which rogue petrol stations can be forced to pay for the damage they do to people's cars.

**Deputy Fergus O'Dowd:** I again wish to agree with both Deputies that this issue is serious and must be dealt with. Obviously, the notes I have to hand were written before I heard what the Deputies had to say, but I will bring their comments directly to the attention of the Minister

concerned as they make a lot of sense. Deputy Dowds made an important point on traceability and accountability and the fuel's origin being visible in a clear and obvious place. As for Deputy Phelan's point on the possible addition of an isotope, if this makes sense, I see no reason it should not be done.

I wish to make a brief final point on cross-Border co-operation. A cross-Border co-operation fraud enforcement group is highly active. The group comprises HM Revenue & Customs, the United Kingdom Border Agency, the Police Service of Northern Ireland, the Serious Organised Crime Agency and the Northern Ireland Environment Agency representing Northern Ireland, as well as the Revenue Commissioners, An Garda Síochána, the Criminal Assets Bureau and the Department of the Environment, Community and Local Government. Since 2008, it has met a total of 13 times and, as can be seen through the court proceedings, it is taking a lot of focused action. However, this is an extremely important issue that will not go away until it is dealt with effectively both in respect of penalties and transparency of fuel origin. Moreover, if it is possible to incorporate the additive as suggested by the Deputy, this should be done.

**Deputy Robert Dowds:** May we receive a further report on that matter?

**Deputy Fergus O'Dowd:** Yes, I will ask the Minister to so do.

### **Community Employment Schemes**

**Deputy Mary Lou McDonald:** I wish to raise the issue of the revised points for eligibility for ring-fenced projects agreed by FÁS. In particular, I wish to zero in on one such project, the community after schools project known as CASPr. The project has been operating in the north-east inner city of Dublin since 1995 and I need not tell Members about the level of social and educational disadvantage suffered by that part of the north inner city over generations. CASPr is an impressive project that provides child care and educational support programmes for more than 120 children from local schools in the five to 12 year age group. It provides training for local adults from the community, many of whom were early school leavers, and runs a crèche that caters for up to 15 children. In addition, the project runs two community employment schemes under the FÁS community services programme and this assists in the staffing of all its after-school programmes.

CASPr is an accredited training centre that provides high level training up to the top level of FETAC qualifications. Since CASPr is based in a local drugs task force area, one of its community employment schemes achieved a special ring-fenced T-code status which focuses on drug prevention, education and rehabilitation. Effectively, this has meant CASPr can recruit young adults under the age of 25 years, despite the general eligibility criterion that it is for the over-25s. Moreover, because of this special status, extensions of three years normally are given and this has enabled the project to continue to attract into training and productive employment within the community a large number of people who are at risk of drug abuse.

As a matter of routine, CASPr sought extensions for three of the participants, all of whom were under 25 years and who had completed their first year, but it was told flatly that they would only be given a three-month extension because a review was in train. This was news to CASPr. The project has been informed of a recent change to the eligibility for T-code or ring-fenced projects following a recent review. I must emphasise this review did not include service providers. CASPr has been informed there are nine revised points of eligibility. I again emphasise these points of eligibility were arrived at without consultation with service providers in the field and at no point did FÁS consult CASPr. This is a source of concern for both CASPr and, as Members will understand, the wider community within the north inner city which depends



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so heavily on this service. Consequently, I look forward to the Minister of State's response on this important project and the provision of training services.

**Deputy Joe Costello:** I thank Deputy McDonald for allowing me time to discuss this issue. As she has indicated, it is a matter that concerns CASPr, where many people have been employed in the context of a special project. In addition, a meeting of the local drugs task force in the north inner city was held this morning and it was stated it had not been consulted with regard to the review mechanism and the nine points of eligibility now proposed for special projects and their interconnection with mainstreamed community employment schemes. Consequently, there appears to be a gap between the best of intentions and consultation and awareness among those delivering these services. In particular, Deputy McDonald and I met representatives of CASPr the week before last to discuss this matter. They were concerned that it would have a detrimental impact and that no proper consultation on the matter had taken place with CASPr or other service providers. It appears as though there was a degree of consultation but that it did not involve the direct service providers. It involved one umbrella group but not necessarily those at the coalface. The representatives of CASPr seek an opportunity to have an input into the new adjustments being proposed and suggest the review should take place after consultations with them and after they have been made fully aware of what is being proposed. Consequently, I would welcome a positive response from the Minister of State on the matter.

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I thank both Deputies for raising this issue. As far as I can figure out, this appears, by and large, to be a communications problem. I will read the reply I have to hand, which is a little long-winded.

In addition to operating the community employment scheme, FÁS also oversees the implementation of the community employment drugs rehabilitation programme which provides 1,000 places for recovering drug users. This special programme is part of the continuum of care to facilitate and support participants in their ongoing recovery from alcohol or drug misuse. The programme aims to enable those affected by substance misuse to address their addiction, while giving them an opportunity to upskill. It also supports participants during their work placement with a view to achieving sustainable employment. The nine-point special conditions for the delivery of the drugs rehabilitation places were originally agreed by FÁS following the recommendations of the Bruce report in 2004. This study evaluated the effect of special community projects in consultation with the community sector.

In early 2009 the community sector made representations to the then Office of the Minister for Drugs for a review of the procedures for the delivery of the original nine conditions. The matter was considered by the drugs advisory group which supports and drives the implementation of the national drugs strategy. Arising from the discussions at the drugs advisory group, FÁS was mandated to establish a working group to review the delivery procedures for the drug rehabilitation programme places. The working group was tasked with reviewing the nine points to ensure consistent and appropriate referral, delivery and implementation of the special conditions for the delivery of the 1,000 places. The group included representatives of all key stakeholders, including FÁS, the HSE, the national drugs rehabilitation implementation committee, the then Office of the Minister for Drugs, the community sector and the voluntary sector. It met five times last year to review and agree to the final procedures.

It was agreed that the representatives of the community sector would consult their constituent members on an ongoing basis. By way of example, the sector representatives, through Citywide, consulted their constituent groups, including community employment supervisors, throughout the life of the working group and fed into the decision-making process. As stated,

the group also included representatives from the national drugs rehabilitation implementation committee, which ensured close links with the emerging care and case management framework.

The working group reported last December. It is important to note that the nine points have not been changed; rather, they have been restated and the referral process has been clarified. The agreed procedures also provide a guideline for FÁS in supporting and monitoring the implementation of the nine points. Briefing for FÁS staff is under way. FÁS personnel on local and regional drugs task forces are in a position to bring information from FÁS to the drugs task forces and update them on any relevant changes in organisational practices.

FÁS has presented a draft referral protocol to the national drugs rehabilitation implementation committee as recommended by the working group. Subject to feedback received, FÁS plans to pilot the protocol at three community employment rehabilitation sites. The aim of this process is to ensure there is a consistent and integrated approach nationally to the referral of individuals to community employment drugs rehabilitation programme places.

**Deputy Mary Lou McDonald:** I appreciate this is the response the Minister of State received but our information flatly contradicts what has been said. At no stage was CASPr involved in a consultation procedure. I believe Citywide, a very fine group, is being cited because it was perhaps the only group engaged on this matter. If it is the case that the nine points have not been changed, how is it that a scheme which enjoyed T-status is no longer ring-fenced? How did that happen?

There are 1,000 allocated places for citizens in recovery from drug use, but we are not entirely clear whether all of these 1,000 places are being taken up. We are also mindful that prevention and preventive intervention are critical across the State but particularly so in the north inner city in keeping younger people — the under 25s, most particularly men in that age group — away from all of the potential hazards and a life of misery caused by drug misuse.

While I appreciate the Minister of State's response, it is inaccurate, although I reiterate that I do not lay the blame at her feet. We need to have this matter sorted out. Times are tough but by penny-pinching in this way, as demonstrated in CASPr, we will build a much bigger bill in terms of the cost to the Exchequer but also in terms of human misery. I, therefore, ask the Minister of State to investigate this issue on a cross-party basis.

**Deputy Joe Costello:** It seems there was a misunderstanding in the representation of the role of Citywide because, while it was consulted, it did not represent the other groups involved. However the misunderstanding occurred, CASPr has stated it was not consulted. We need to clarify this matter, as there may still be scope for consultation in this respect.

The Minister of State has stated there is a draft referral protocol, whereby there will be three pilot community employment rehabilitation sites under a FÁS plan. I do not know what the text is and whether significant new information or a change of practice is involved. However, I would like to be made aware of what is contained in the protocol, if possible.

There may have been a communications problem, through no fault of the Minister of State, the Minister or the Department but perhaps as a result of a misunderstanding as to the representation offered by Citywide which does not speak for a range of other special projects, although that might have been the presumption. Perhaps some level of consultation could take place at this time.

**Deputy Róisín Shortall:** My information is that the community sector was represented by Ms Joan Byrne of SAOL, with an alternate being Mr. Daithí Doolan of Citywide, and by Ms Teresa Weafer of the Ringsend and District Response to Drugs. The voluntary sector was represented by Mr. Tony Geoghegan from the Merchants Quay Project. That said, I cannot

[Deputy Róisín Shortall.]

understand why on an initiative dating back as far as 2004 there is still no clarity on the way in which it operates. While the indication given to me seems to suggest matters have been sorted out, it is also suggested a pilot programme is running. To my mind, that does not add up.

I am not in a position to answer the Deputies' questions now, nor do I have specific information on CASPr. I will undertake to examine the position, specifically on CASPr, and also to seek clarity on this initiative which has been established for so long that it should be operating smoothly at this stage. If there are 1,000 places available for recovering drug users, I want to see them used fully. I will obtain further information and come back to the Deputies. I again thank them for raising the issue.

### **Hospice Services**

**Deputy Brian Walsh:** I thank the Ceann Comhairle and the Minister of State, Deputy Shortall, for facilitating me in raising the issue of public funding for the Galway Hospice Foundation.

The matter of how the State supports hospice care is of massive public interest and importance, given the number of us who have been affected either directly or indirectly by cancer. There will be few people, therefore, who will not appreciate the significance of the role played by a hospice in offering comfort and support to patients and their families. I had the privilege last Friday evening of visiting the Galway Hospice facility in Renmore with the Taoiseach where we witnessed at first hand the exceptional care provided by the hospice for members of the public.

The Leas-Cheann Comhairle will be well aware of the service Galway Hospice provides and he has been a great supporter of the facility during the years. He will know that for over two decades the hospice has served the people of Galway city, County Galway and beyond in a way that is almost impossible for us to quantify or measure. All Galwegians know in their hearts the true value of the work the hospice does and of the thousands of lives it has touched, and this excellence has been independently and internationally recognised. It is the only hospice in Ireland to hold accreditation by the International Society for Quality in Health Care. In May it became the only hospice in Europe to receive an international quality improvement award for outstanding achievement in the delivery of quality care.

I raise this matter because of the significant disproportionality and inequality in the way hospices receive funding from the Health Service Executive. Last year, for example, Galway Hospice received €3.6 million in funding from the HSE, in comparison to €11.1 million provided for Milford Hospice in Limerick. The amount received in Galway was just over €300,000 per hospice bed compared to €444,000 per bed in Marymount Hospice in Cork, giving rise to a differential of almost 50% in the level of funding provided for the two hospices.

Not only is Galway Hospice underfunded, it is also under-resourced. The number of consultant hours per hospice bed in Galway is also at variance with other facilities in the HSE west region. It received 1.2 consultant-hours per bed in comparison with 3.4 consultant-hours per bed in Donegal, for example. In spite of being disadvantaged by these inequalities, Galway hospice has continued to lead the way in terms of the provision of an exceptional service.

Galway hospice has had to rely largely on volunteer funding and requires approximately €1.5 million per annum through fund raising and voluntary donations in order to continue to provide the level of service it gives. It is a testament to that service and to the esteem in which the facility is held by the people of Galway and the wider region, that it is consistently able to raise that €1.5 million on an annual basis to meet the deficit in funding provided by the HSE. As the Leas-Cheann Comhairle is aware, the initial construction of the 12 bed facility at Renmore

was financed entirely by voluntary funding, no call was made on the Government purse for the capital expenditure for the hospice. The deficit in finance received by Galway hospice compared to other facilities across the western region has also hampered its development and prevented its expansion. The burden imposed on it by this under-funding has meant that it cannot comply with its service requirement and it remains 14 beds short of that set out by the report of the national advisory committee on palliative care which was prepared back in 2001. The argument is that if this facility was properly funded, it would be in a position to direct all of its fund-raising efforts towards financing the plans it has to expand the facility to meet the needs of the region. The shortage of hospice beds in Galway is also emphasised by the number of cancer deaths which occur annually at the region's principal hospital, University Hospital Galway, UHG. Some 47.5% of all deaths in UHG are cancer related compared to just 17% in Limerick Regional Hospital and 21.5% in Cork University Hospital. In both of these areas, properly structured and financed hospice facilities exist.

I ask the Minister of State, Deputy Shortall to carry out a review of funding for hospice facilities to ensure that greater equality exists, that a level playing field exists and to demonstrate that the Government recognises the exceptional work being carried out by all hospice facilities in the State.

**Deputy Róisín Shortall:** I thank Deputy Walsh for raising this issue and giving me an opportunity to update the House on this matter.

Our policy is to continue to develop and improve palliative care health services in all regions to meet the objective of providing modern, high quality palliative and end of life care services. The development of such services is informed by the report of the National Advisory Committee on Palliative Care 2001 and will be progressed in the context of wider reforms for the health service generally and overall resource availability.

The Health Service Executive has operational responsibility for the delivery of health and social services, including supporting facilities such as Galway hospice. The HSE funds the 12 bed in-patient unit at Galway hospice to the sum of €3.5 million in the current year. This has been reduced from €3.7 million over the past two years, owing to cost containment measures being implemented right across the Galway area. This reduced funding has resulted in a reduction in day-care services from three to two days each week. The funding reduction is part of the continuing challenge to maximise levels of service, while meeting nationally defined cost containment targets. During 2010, 283 patients were cared for in the in-patient unit and 412 patients were cared for at home by the hospice home care team.

The HSE has also supported the hospice in relation to accreditation and ISO quality awards, through funding a full-time practice development co-ordinator, as well as a part-time pharmacist and dietitian. The HSE has enhanced medical provision in recent times through funding an additional registrar post in 2009 and supporting FETAC training of health care assistants through its nursing and midwifery planning and development unit. In addition, the new palliative care suite opened in Tuam community nursing unit in 2009 complements the Galway hospice and primary care teams in the community. The HSE remains committed to filling a third palliative care consultant post with the post holder having sessions in Galway Hospice and Portiuncula. The HSE is at present in the process of exploring options in this regard.

Under the National Framework for Palliative Services 2009-2013, Galway hospice home care team is earmarked for enhanced staffing for home care services. It is also scheduled for a capital development project, possibly on a less constrained site elsewhere, involving an additional 14 beds enhanced day-care facilities, a rehabilitation department and expanded family support and bereavement services. These proposals must be priorities in the context of a national

[Deputy Róisín Shortall.]

approach to address recognised wider deficiencies in palliative care where there are large areas of the State with no hospice beds and little or nothing in the way of home care services.

The proposed capital development is at an early planning stage and discussions are ongoing regarding funding options, site location and other relevant matters. I understand that this process involved the hospice board working closely with the HSE, particularly in relation to prioritising the capital and revenue implications involved against a very difficult financial background. These discussions also have to take account of other palliative care issues relevant to the region, such as capital projects approved by the national framework for Donegal, Mayo and Sligo, which face similar service and resource pressures.

I thank the Deputy for raising the matter.

**Deputy Brian Walsh:** I thank the Minister for her very comprehensive response and for the indication of support for the home care services and the capital expansion plan. The argument the board advances for the capital expansion plan is that if the hospice was properly funded on a year to year operational basis, it could direct the €1.5 million that it consistently raises through the generosity of the people of Galway, on the new capital programme. As I said when I made my earlier contribution, the existing facility was funded entirely through fundraising. The figures are available and cannot be disputed. There is a clear inequality vis-à-vis hospice facilities in the western region. I hope the Minister of State will be able to use her influence with the HSE to have that inequality addressed.

I thank the Minister of State for her response and the positive elements in regard to the home care service and her support for the capital funding of the proposed expansion.

**Deputy Róisín Shortall:** I take Deputy Walsh's point on the inequality in the funding allocations. I suppose much of that is for historical reasons. Very often where groups are very good at fundraising, they lose out because other facilities in other areas may be fully funded. I take that point. Increasingly, on a policy basis, we are trying to move to a standardised unit cost for funding services. I think that is the correct way to proceed. It is difficult to do that in the context of the very severe financial constraints we are operating under. I have taken note of the Deputy's request for a review of the manner in which funding is allocated across the region and I will take up this point with the Minister for Health, Deputy Reilly.

I thank the Deputy for raising the matter.

## **Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011 [Seanad] : Second Stage**

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

"That the Bill be now read a Second Time."

While this is a short Bill, it is nevertheless important to ensure the delivery of a stronger overall regulatory framework governing exploration and production of oil and gas. It is also important in the interests of ensuring that the cost of such regulation on industry is kept to a minimum. I am pleased, therefore to introduce the Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011 for the consideration of the House.

This Bill proposes to allow the Commission for Energy Regulation, to be known as the Commission to apply to the National Treasury Management Agency, NTMA, for a relatively short-term loan to meet its start-up costs in connection with the new petroleum safety functions conferred on it pursuant to the Petroleum (Exploration and Extraction) Safety Act 2010.

The 2010 Act conferred responsibility on the commission for the regulation with respect to safety of upstream petroleum activities and associated infrastructure. This effectively means all activities and infrastructure associated with exploration, extraction and production of oil and gas. Such activities include the drilling of wells for the purposes of exploration and extraction of petroleum onshore and offshore, transmission of gas by sub-sea and onshore pipelines and gas processing terminals.

The 2010 Act also gives effect to a key recommendation of the report produced by independent consultants Advantica in 2006 following its safety review of the Corrib gas pipeline to implement a new risk assessment-based safety framework with respect to gas pipelines. This approach is the commonly accepted methodology for managing safety worldwide and reflects the approach taken in the dangerous substances and chemicals legislation. The 2010 Act expanded on this concept to provide that petroleum activities generally would be governed by the new safety framework.

The 2010 Act also provides for the cost of establishing and implementing this new safety regime to be funded by way of an annual levy on the petroleum industry and the imposition of administration charges with respect to the consideration by the CER of safety case applications and the issuance of safety permits. However, before the levy can be implemented, the safety framework must be designed and the associated regulatory structure and implementation regime devised. This is a technically challenging programme and it is estimated that the full implementation of the framework will take approximately three years and will cost in the region of €5 million.

Budgetary and schedule estimates have been determined on the basis of discussions held by the commission with a number of specialists in the area of upstream petroleum safety. The commission has also drawn from its own previous experience of the implementation of the downstream natural gas safety framework pursuant to the Energy (Miscellaneous Provisions) Act 2006.

The 2006 Act extended the commission's regulatory role with regard to the operation, maintenance and development of gas transmission and distribution networks. That Act conferred responsibility on the commission for the regulation of safety for the transmission and distribution of downstream gas. The Petroleum (Exploration and Extraction) Safety Act 2010 consolidated the commission's role as the safety regulator for the whole of the petroleum and natural gas industry by conferring on it responsibility for the regulation of safety in the case of upstream petroleum activities and the associated infrastructure. Under the 2010 Act, designated petroleum activities can only be carried out once a safety permit is granted, the issuance of which will be dependent on the approval of a safety case by the commission.

The petroleum safety framework implementation project is the process by which the CER will implement the requirements of the 2010 Act in full. This necessitates putting in place the people, processes and procedures to enable the effective operation and enforcement of the petroleum safety framework once designed. The process contains five phases which include the initial scoping and planning phase; the high level design of the petroleum safety framework; the detailed design of the petroleum safety framework; internal readiness of the petroleum safety framework implementation project; and implementation of the safety framework programme.

The first phase of this programme has been completed and the commission is making steady progress with the remainder of its implementation programme. It expects to be ready to receive its first safety cases for assessment by the second quarter of 2013.

Until such time as the petroleum safety framework is in place, the commission cannot levy petroleum undertakings with respect to its properly incurred implementation costs. To meet

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with operational expenditure to date, the commission obtained, with the approval of my predecessor, myself and the Minister for Finance, commercial loans from financial institutions to cover the implementation costs of the project in 2010 and 2011. However, in the current economic climate, it would be more financially efficient for the commission to obtain such funding from the NTMA given that a lower rate of interest and the shorter processing time that would apply, thereby reducing the regulatory burden of the levy on industry.

To enable the NTMA to consider providing a loan to the commission, an amendment is required to the Schedule of the National Treasury Management Agency (Amendment) Act 2000 to establish the CER as a body to which such a facility could be extended. It is expected that with the enactment of this Bill, the commission will apply to the NTMA to fund its safety framework implementation project. It will then repay this funding following the phased implementation of the petroleum safety framework, commencing in 2013, through the imposition of the prescribed annual levy on petroleum undertakings. Bodies that can access funding through the NTMA include the Railway Procurement Agency and the Housing Finance Agency, as well as certain universities and regional technical colleges.

For the convenience of the House, an explanatory memorandum has been published which provides a synopsis of the Bill's provisions. There are only two sections in this Bill. Section 1 amends section 18 of the National Treasury Management Agency (Amendment) Act 2000 to provide for the insertion of the Commission for Energy Regulation as a designated body under the provisions of that Act. Section 2 provides for the title of the Bill, that is that it may be cited as the Access to Central Treasury Funds (Commission for Energy Regulation) Act 2011.

This Bill, while very short, is an important measure in facilitating the further strengthening of the overarching regulatory framework governing exploration for and production of oil and gas. By providing the commission with the opportunity to access borrowings at a lower interest rate and within a shorter timeframe, it will assist in the establishment of greater clarity and robustness of process at a reasonable cost to the industry.

I hope the context I have provided for this measure has been of assistance and I look forward to listening to the views of the Members of this House on this legislation and to their assistance in progressing this Bill into law.

**Deputy Éamon Ó Cuív:** I thank the Minister for his explanation of the Bill. I was part of a Government that changed the safety framework for gas and oil and if I understand the Minister correctly, we are continuing with that progress so that upstream and downstream safety regulation of oil will be done by the Commission for Energy Regulation on a cost neutral basis and that any costs incurred overtime will be recouped from the industry.

As a Minister I strongly supported safety regulation being separate from the Department. In the old days there was misunderstanding of ministerial approvals at various stages of the process and the present arrangement should allow us to follow best practice to ensure we have good safety processes. I also noted the Minister's intention to ask the EPA to look at fracking, which is a vital issue and we must satisfy public opinion that sound safety regulations are in place.

At present, the law provides for full cost recovery but cost recovery cannot take place until the regime is up and running. The research by its very nature, and the preparation and consultation that must take place, will take some time. The start-up costs until now have been funded by commercial loans and it is now intended that these be taken from the NTMA so there will be a saving in interest charges there. Since this is full cost recovery from the industry, the savings in the interest charges will ultimately lead to lower costs for the industry but the prin-

principle of full recovery of costs from the industry for safety regulation is absolute. On that basis, I have no difficulty with the Bill.

It is not often we get a Bill with just two sections and I support its introduction as quickly as possible so we have a thorough and comprehensive safety regime that follows the world's best practice. I do not believe it is possible to ensure that something is absolutely safe but we must follow best practice in respect of safety. I welcome the five phases relating to the development of the safety regime and I am aware that work is ongoing in this regard.

It is important that those who have concerns with regard to the safety of oil and gas should engage with the public consultation phase of the process in order that their views might be taken into account by the CER. It is also important that the CER should try to engage the public as much as possible as the framework is being developed. In cases such as this, what usually happens is that a framework is developed but no one pays too much heed to it until a difficulty arises. When that difficulty arises, people then tend to reconsider the framework and ask why it was written in a particular way. The answer that is given in such instances usually contains the phrase "you were consulted". People often do not engage with consultation processes until it is too late. As it develops the framework, the CER should ensure, as far as is possible, that members of the public will take part in the consultation process. That process should be proactive in nature in order that we might encourage those who are interested in the subject to make their contributions so that they might be taken on board. We might then reach a stage where there would be a general consensus to the effect that a good safety framework is being put in place for the oil and gas industries.

**Deputy Martin Ferris:** I welcome the Bill in so far as it allows the Commission for Energy Regulation, CER, to fulfil its responsibilities in respect of the safety aspects of the infrastructure associated with petroleum and gas exploration and development. This legislation is long overdue and I thank the Minister for bringing it before us. I look forward to the Committee Stage debate on the Bill and, in particular, to discussing any amendments which might be tabled.

The need for this legislation arose from the controversy to which the Corrib project gave rise. There are aspects of that project which remain to be dealt with but we will not discuss them today. We owe a debt to the people of Rosspoint and elsewhere who, in the interests of the safety of their families and communities, were prepared to take a stand in respect of the Corrib field. Those to whom I refer played a major role in the context of the development of the Bill before the House.

I do not accept — as was stated during the Seanad debate on the Bill — that had this framework been in place when the protests relating to the Corrib field were at their height, the matter would have been resolved. It is disingenuous to suggest this because the protests in respect of the Corrib were to do with more than just safety. Those protests also related to the exploitation of the resources of the Corrib for the benefit of the local communities there and the people of Ireland in general rather than for the benefit of the oil companies, and so on.

A question arises in respect of start-up costs. I welcome the fact that what is proposed will be cost-neutral and that the companies involved will be obliged to shoulder the costs incurred. While welcoming the measures in the Bill, my party would support the State — through the CER or any other body — having wider powers in respect of overall exploration costs. In the context of the specific areas to be covered by the CER in respect of this matter, I take it that there is little controversy involved and that those who took part in the consultation process are — in light of the low-key response to the Bill and the lack of lobbying in respect of it — satisfied with the outcome thereto.



[Deputy Martin Ferris.]

It is essential that the consultation process should be as wide as possible and that it should take account of the concerns of communities. We are all on the same ship — for want of a better word — when it comes to safety. The Minister will have the full support of my party in respect of any measures relating to safety. I am somewhat concerned with regard to the time-frame relating to putting the framework in place, particularly as a number of controversial projects may be entering the planning process prior to its introduction. The Minister and his officials must take cognisance of that fact.

Any difficulties which Members may have in respect of the Bill can be dealt with on Committee Stage. I look forward to everyone involved — the Government, the Minister, the officials and the Opposition — approaching the Committee Stage debate with an open mind. It is essential to put in place as all-encompassing a safety programme as possible in order that the industry might develop. The Minister can rely on my party's support, provided it is satisfied that the safety aspects have been addressed, that widespread consultation will take place and that what is proposed will remain cost-neutral to the Exchequer.

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** Níl éinne eile chun caint.

**An Leas-Cheann Comhairle:** An bhfuil tú sásta caint?

**Deputy Fergus O'Dowd:** Tá mé sásta freagra a thabhairt. Ba mhaith liom buíochas a ghabháil leis na Teachtaí as ucht a gcuid tuairimí a nochtú agus cuidiú a thabhairt don Bhille seo go bunúsach. Má tá fadhbanna faoi leith ag baint leis — luaigh siad fadhbanna áirithe — is féidir linn smaoineamh níos mó a dhéanamh orthu ar an chéad Chéim eile. Tá súil agam nach fada go mbeidh an díospóireacht sin againn. Tá sé mar chomhaidhm ag gach éinne go mbeidh rudaí níos sláintiúla agus nach mbeidh aon difríocht ann ó thaobh an airgid atá ag teastáil. Ba chóir go mbeadh an choimisiún in ann dul chuig an NTMA chun an airgead sin a fháil. Tá mé ansásta go bhfuil na Teachtaí ag cabhrú linn an dlí á athrú chun é sin a chur chun cinn. Caithfidh mé buíochas a ghabháil leis an dá Teachta a labhair anocht. Má theastaíonn uainn aon tuairimí eile a nochtú ar Chéim an Choiste, beimid in ann é sin a dhéanamh chomh luath agus is féidir.

Question put and agreed to.

**Access to Central Treasury Funds (Commission for Energy Regulation) Bill 2011 [Seanad]:  
Referral to Select Committee**

**Minister of State at the Department of Communications, Energy and Natural Resources (Deputy Fergus O'Dowd):** I move:

That the Bill be referred to the Select Sub-Committee on Communications, Energy and Natural Resources pursuant to Standing Order 82A(3)(a) and (6)(a).

Question put and agreed to.

**Competition (Amendment) Bill 2011: Order for Second Stage**

Bill entitled an Act to provide protection from civil liability or penalisation to employees who make certain protected disclosures in relation to the affairs of their employers and to provide for related matters.

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I move: “That Second Stage be taken now.”

Question put and agreed to.

### **Competition (Amendment) Bill 2011: Second Stage**

Question proposed: “That the Bill be now read a Second Time.”

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The purpose of the Bill is to strengthen the enforcement of competition law in Ireland. Breach of competition law is a white collar crime and, as with all other forms for crime, those who commit it must be punished accordingly. The legislation will provide a more effective deterrent and an improved sanctions regime for those who engage in price-fixing, cartels, abuse of dominant position and other anti-competitive practices. Under the terms of the EU-IMF programme of financial support for Ireland, the Government was required to bring forward legislation to strengthen the enforcement of competition law by the end of the third quarter of 2011. I am happy to inform the House that the publication of the Bill on 29 September met this commitment.

In terms of competition law enforcement, we are not starting from scratch. The measures I propose in the legislation build on what is already a strong enforcement regime. Ireland is unique in Europe in having criminalised anti-competitive behaviour. Since the introduction of the Competition Act in 2002, the Competition Authority has a good record. From the point of view of other member states, the authority’s record is enviable. A total of 32 criminal convictions have been secured since 2002 in respect of cartel behaviour in the form of price-fixing by home-heating oil companies in the west and by car dealerships in Leinster and countrywide.

Crimes under competition law are often viewed as being victimless in nature. However, where the operation of the free market is restricted by collusion or other nefarious practices, the result is that consumers, whether it is to heat their homes or purchase cars, pay more than should be the case. We all are the victims of such crimes. The State and the Members and I as taxpayers are the victims if companies engage in bid-rigging in respect of public procurement contracts for the building of roads, for the fitting-out of hospitals and schools or, indeed, for any of the services purchased by the State.

During the sentencing in 2007 in a price-fixing case, Mr. Justice McKechnie stated that the crime in question was particularly pernicious as it was against consumers in general and not just one or two individuals, and went on to state the activities had, in his view, “done a shocking disservice to the public at large”. I share Mr. Justice McKechnie’s view that “there are good reasons as to why court should consider the imposition of custodial sentences in such cases”. He stated, “I see no room for a lengthy lead in period before jailing convicted persons becomes commonplace under this legislation”, and I agree.

Currently the courts can impose fines up to the greater of €4 million or 10% of turnover and impose a custodial sentence of up to five years. These are significant penalties making our enforcement regime one of the strongest and I look forward to the day when the rigours of the law are fully applied.

I wish to turn to the provisions of the Bill and explain what each is designed to achieve. Section 1, the definitions, and section 7, the Short Title, commencement and collective citation, are standard legislative provisions while sections 2 to 6, inclusive, are the core provisions of the Bill.

Section 2 amends the penalties set out in section 8 of the Competition Act 2002 and provides for large increases in fines for competition offences across the board. I propose to increase,

[Deputy Richard Bruton.]

from €4 million to €5 million, the fine for criminal conviction for hardcore offences and double the maximum prison sentence for such a conviction from five years to ten years. Fines for summary convictions are increased from €3,000 to €5,000 while the daily fine for a continuing contravention is also increased in respect of both summary and indictable offences.

As a further indication of how seriously I view these crimes, I propose that the Probation of Offenders Act 1907 will no longer be capable of applying to competition law offences. That Act allows a judge to dismiss a proven case based on the trivial nature of the offence, and in such cases a conviction is not recorded against the defendant. I see nothing trivial about price fixing, bid rigging or an abuse of a dominant position to the detriment of competitors and consumers alike. Judges will no longer have the option to apply the Probation of Offenders Act where the authority or the Director of Public Prosecutions has proven a case. The conviction will be recorded and the guilty party punished in accordance with the enhanced enforcement regime.

From detection to investigation to prosecution, bringing an offender to justice can be a long, complex and expensive process. Investigations can span years as evidence is gathered and examined in a forensic manner, and witnesses must be questioned and their statements scrutinised in detail to determine whether the behaviour breaches the Act and to build a case for the prosecution. This work is carried out by specialist investigators, economists and legal experts within the Competition Authority in association with members of the Garda Síochána, including the bureau of fraud investigation. The cost to the State in undertaking such a painstaking investigation can be sizeable. I therefore provide that the court shall order a person convicted of an offence under the 2002 Act to pay to the Competition Authority, or ComReg where the anti-competitive practices are in the electronic communications sector, the cost of undertaking the detection, investigation and prosecution of the offence. The court shall measure the costs and expenses. Where there are special and substantial reasons for not doing so, I propose that the court may decide not to order the payment of such costs.

Sections 3 and 4 result in the separation of the public and private enforcement regimes which at present are contained in a single section, section 14, of the 2002 Act. Section 3 strips the public enforcement right of action from this section 14, leaving it to provide for a right of private action for aggrieved persons, while section 4 re-casts the public right of action for the Competition Authority and ComReg.

In so far as section 3 amends section 14, an aggrieved person may bring an action in the Circuit Court or High Court for relief by way of injunction, declaration and-or damages, including exemplary damages, where he or she shows loss as a result of anti-competitive behaviour prohibited by section 4 or 5 of the 2002 Competition Act. Where, on foot of a private action under section 14 of the 2002 Act, as amended by section 3, a court finds that an undertaking has abused a dominant position, the court may require the undertaking to discontinue the abuse or to adopt measures for the purpose of ceasing or adjusting the dominant position by, for example, requiring the sale of assets of the undertaking. Clarity is also provided that the term “injunction” includes an interim injunction, an interlocutory injunction or an injunction of indefinite duration.

Section 4 inserts a new section 14A into the 2002 Act which gives the competent authority, whether it is either the Competition Authority or ComReg, a right to pursue civil enforcement measures for infringements. Mirroring the amended private enforcement regime which I have just described, the Competition Authority or ComReg also has a right to apply to the Circuit Court or High Court in respect of any agreement, decision, concerted practice or abuse that is prohibited under section 4 or 5 of the 2002 Act and in addition by Article 101 or 102 of the Treaty on the Functioning of European Union. Where a case is proven, the court may order

an interim or interlocutory injunction or an injunction of indefinite duration or give a declaration that the behaviour in question is in breach of section 4 or 5 of the 2002 Act or Article 101 or 102 of the treaty. The court may also require the discontinuance of an abuse of a dominant position or require corrective measures to be taken by the undertaking.

Europe-wide there are well-recognised difficulties in pursuing private litigation for damages in respect of competition law breaches. I want to make it easier for persons to take such private actions in this jurisdiction. I provide that where following proceedings under Part 2 of the 2002 Act for a breach of section 4 or 5 or Article 101 or 102, a private litigant, taking a follow-on action in respect of the same breach, shall by virtue of section 5 of this Bill be able to rely on the court's finding of a breach and it shall not be necessary for the second litigant to prove also that the conduct was prohibited. By easing an element of the burden of proof facing a private litigant, I seek to facilitate an increased number of private actions, thus to some extent easing the burden on the State resources in pursuing public enforcement but also ensuring the State is a facilitator for subsequent private actions.

At present, a person convicted on indictment of a breach of competition law is automatically disqualified under section 160 of the Companies Act 1990 from being a company director or from being in any manner involved in the promotion, formation or management of a company. That section also provides for a discretionary disqualification for summary company law offences. In section 6 of the Bill, I propose that this discretionary disqualification provision be extended to all contraventions of section 4 or 5 of the 2002 Act and Articles 101 or 102 of the treaty. In keeping with the discretionary disqualification provisions set out in section 160 of the 1990 Act, the High Court may decide itself or on foot of an application by the Competition Authority or ComReg to make a disqualification order for such period as the court sees fit. This additional sanction will act as a deterrent for those engaging in or contemplating engaging in anti-competitive practices and ties in with the overall thrust of the Bill.

I want to send a clear and unequivocal message to business persons and consumers alike that anti-competitive practices will not be tolerated. Offenders will be prosecuted and feel the full brunt of the law. These new deterrents should give further pause to would-be and current cartelists and I strongly urge the courts to follow, where appropriate, the words of Mr. Justice McKechnie and to apply the full rigours of the law.

In addition to the measures set out in the Bill to meet the EU-IMF commitment, I inform the House of two complementary measures that will enhance the enforcement of competition law. On 3 October, I commenced the single remaining section of the 2002 Act yet to be commenced. Section 10 provides for the provision of certain documentary evidence to juries during trials on indictment for competition law offences but it could not be commenced pending the installation of the necessary audio-visual technology in court rooms. Such technology has now been installed, making it possible for jury members to be given transcripts of counsels' opening and closing statements and of the trial judge's charge to the jury along with any charts, graphics, etc. presented as evidence during the trial. As with any trial for white collar crime, complex evidence can be presented and the availability of documentary evidence will assist the jurors in their deliberations.

The second complementary measure I am pursuing involves the application of the provisions of the Criminal Justice Act 2011 to competition law arrestable offences. The Act is designed to deal with white collar crime and its extension to competition law will greatly assist the investigation of alleged breaches. Gardaí will be able to suspend the 24 hour detention period available to them to question a suspect. During such a period of suspension, evidence obtained during questioning can be examined and compared to other evidence gathered during the

[Deputy Richard Bruton.]

investigation. The suspect can be recalled for further questioning at a later date provided that, in total, the combined periods of detention do not exceed the permitted 24 hours.

Other sections of the 2011 Act that will apply to competition law offences concern the production of documents and the manner in which they are to be identified and categorised. Provision is also made for the determination of legal professional privilege issues arising from the disclosure of documents. I am working with my colleague, the Minister for Justice and Equality, on this matter, as he has ministerial responsibility for making the necessary order under the Criminal Justice Act.

Following the Bill's enactment, my next legislative priority in this area will be the consumer and competition Bill to give effect to the amalgamation of the Competition Authority and the National Consumer Agency, NCA. As both bodies were established under statute, it is necessary to give effect to the newly merged body by way of primary legislation. At its meeting on 5 July, the Government approved the Bill's drafting. Since being announced as part of the rationalisation plan for State agencies during the 2009 budget speech, my Department has continued to work with both bodies to ensure a smooth transition from the two separate entities to a single dual functioning body responsible for competition and consumer protection.

The Bill will also update the existing competition law on foot of a review of the operation and implementation of the Competition Act 2002, strengthen the public interest test in respect of media mergers in line with the report of the advisory group on media mergers, make some minor amendments to the consumer protection legislation and provide for a code of practice for doing business in the grocery goods sector.

While this all-encompassing approach to the draft legislation has to some extent delayed the legislation for rationalisation of the two agencies, we will be better served in the long run by a single legislative measure that establishes the new agency and provides for a combined and updated consumer and competition code. Deputies are awaiting publication of the Bill and may seek to avail of the opportunity presented by the Bill before us to progress issues contained in the other Bill. However, I urge them to wait. The matters to be included in the comprehensive consumer and competition Bill will be considered and debated in due course and, no doubt, in great detail, as is appropriate.

I look forward to working with Deputies on Committee and Report Stages of the Bill before the House and I will be happy to reply to questions that arise. In the meantime, I commend the Bill to the House.

**Deputy Willie O'Dea:** I thank the Minister for his presentation. Fair competition in trade and commerce is essential to a healthy Irish economy. Ireland is a small economy that depends to a large extent for its prosperity on its trade. We can dispute the influence of the extension of competition law since the 1970s to our general competitiveness, but there is no doubt that it has been important and has become even more so.

We all subscribe to the notion that Ireland should be one of the best places in the world in which to carry on business, trade and commerce. Essential to this is the strength of our competition law. Vigorous competition between firms drives productivity and helps consumers. Cartels are inimical to the interests of the economy and to consumers in particular, as the Minister recognised. The case in question is evidence of the fact that a minority of judges are slowly beginning to grasp the full reality of what we are dealing with in this situation. In the Duffy case, to which I presume the Minister referred, Mr. Justice McKechnie describe cartels as:

... offensive and abhorrent, not simply because they are *malum prohibitum*, but also because they are *malum in se*. They are in every sense anti-social. Cartels are conspiracies and carteliers are conspirators.

In his sentencing judgment, he went out of his way to make the connection between price fixing and theft.

Competition protects consumers and forces firms to work hard to win and keep their clients. It tends to reduce prices and improve choice and quality. However, there was a time when we did not take the concept of fair competition seriously. For many years, some of the largest companies in Ireland behaved in a notoriously anti-competitive way. Among the worst offenders were semi-State companies. It was a macho thing with them. Their attitude was to brutalise, bludgeon, hammer and crush any competition that dared to raise its head. For decades, some companies, in particular semi-State companies, behaved in such a way that, had they been operating in any other jurisdiction, their principals would have been subjected to long terms of imprisonment. Happily, most of them have been dragged kicking and screaming into the modern world of competition. Some of the activities engaged in by firms, including semi-State bodies, would have landed the perpetrators in prison in other countries. The commonly held view was that the fortunes of a particular semi-State company were more important than those of the economy as a whole.

The first relevant legislation in this field was the Take-Overs and Monopolies (Control) Act 1978, which was followed by the Competition Act 1991. Interestingly, the same Minister, my former constituency colleague Mr. Des O'Malley, piloted both Acts through the House. When the time came to debate the 2002 Act, even he recognised that the 1991 Act contained a number of significant deficiencies. The Competition Act 2002 consolidated and updated competition law and attempted to provide a more focused approach to the penalisation of anti-competitive activities. A central part of the 2002 legislation was Part 2, which significantly increased and streamlined the penalties to be applied to anti-competitive behaviour.

However, the law needs to be updated again. The Government has adopted a two-tier approach. As the Minister mentioned, under the programme for Government and his party's election manifesto, the Government is committed to introducing the larger competition legislation whereby the Government will merge the Competition Authority and the other agency and deal with matters like media mergers, and so on. Increases in penalties could have been included in that Bill's measures. I am unsure why they are being singled out to be addressed separately. Perhaps it has to do with a commitment to the troika.

I understand what the new legislation will contain. However, the programme for Government was firm in its commitment to the introduction of fair trade legislation and the establishment of a business inspection and licensing authority incorporating the NCA's existing business and inspection activities. Has the Government completed its study of the economic impact of eliminating the cap on the size of retail premises? From the Minister's statement, I understand that the proposed code of practice will form part of the forthcoming legislation and will not be voluntary. Is my understanding correct? How effective has the 2002 Act been in practice? To what extent has it curbed anti-competitive activities? To what extent has it been enforced? How many successful prosecutions have been conducted during the lifetime of the legislation and how many are pending? Have the resources allocated to the Competition Authority by the various Governments since 2002 been sufficient? I was the recipient of an e-mail in the past 24 hours — I am sure my colleagues received the same e-mail — from someone complaining bitterly that the resources available to the authority were woefully inadequate. Have the legal difficulties, namely, the difficulties of proof that preceded the 2002 Act, been resolved or does some work remain to be done on the new Bill?

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I welcome some elements of this proposal in so far as they are minor improvements. For example, I welcome section 5 on *res judicata*. It provides that, if the facts of acting contrary to competition law have already been established, they will not need to be proved again. This will save time, expense and effort. I have a question for the Minister which perhaps is more appropriate to Committee Stage. Would it be possible for the Competition Authority itself to bring a case after a private case has already been brought? If so, will this rule apply?

I welcome the provision whereby if somebody is prosecuted and convicted that person may be asked to pay for the costs of the investigation and the case. However, I do not understand why this provision is confined to criminal offences. I will speak later about non-hardcore offences where in practice a prosecution does not occur but sometimes the authority is forced to bring somebody to court for a declaration or injunction, which can be a very expensive procedure. I know in such a case the judge has discretion to grant costs against the party found to be liable but this should be strengthened and made more specific in the legislation.

I also welcome the provision whereby the court has discretion to disqualify a company director convicted of a summary offence. Disqualification already applies to somebody convicted of an indictable offence. I have issues with how the Bill is drafted but I will return to these on Committee Stage as it would be more appropriate to raise them then.

Will the change to the Probation of Offenders Act mean any offence for which a conviction has been secured under competition law, no matter how minor, will now appear on the record? I suggest — helpfully I hope — to the Minister that he consult his colleague the Minister for Justice and Equality who will shortly bring legislation, with which I largely agree, before the House to provide for certain types of offences to be expunged from the record after a certain period of time. How will this apply to this type of offence which, for the first time, must go on the record?

I also welcome the fact that on 3 October the Minister signed section 10 of the 2002 Act into operation and brought it to life. Recently, at a committee meeting I had exchanges with the Minister of State, Deputy Sherlock, on the patents legislation as I was trying to get information on the timeline in which it will be introduced. The Minister will be happy to hear that the Minister of State did not give an inch. Section 10 is one of the most important provisions of the 2002 legislation and I am sure that at the time assurances were given that it would be signed into operation at the earliest possible moment but it was not done until a decade later. However, I compliment the Minister on eventually signing it into operation and I am critical of the Ministers who preceded him who did not manage to do so.

With regard to the provisions in the Bill, I note a matter which caused some controversy when the 2002 Act was being debated was section 6(2) which reversed the ordinary situation in criminal law whereby the burden of proof is entirely on the State. Section 6(2) placed the burden of proof in an anti-monopoly or anti-competitive prosecution to some extent on the defence. This was heavily criticised in 2002 as it was argued to have gone against one of the most fundamental principles of criminal law, which is that the State must prove its case all the way beyond any reasonable doubt.

Section 6(2) introduced the presumption that anti-competitive behaviour had taken place unless the defendant could prove otherwise. This shift in the burden of proof is not unique in criminal law, but it has been sparingly used, mainly in the area of taxation law. I would like to know how this was worked out in practice. It must be stated and admitted that the presumption in section 6(2) relates to only one part of the proofs necessary to secure a conviction. It will still be necessary for the prosecution to prove that an agreement was in place and that the person accused was party to that agreement. It is only when these elements of the offence have

been discharged that the presumption then kicks in and the agreement is presumed to be anti-competitive unless the defence can prove the contrary.

With regard to the legislation before the House, the material amendments to section 8(1) of the principal Act are with regard to an increase in the penalties following a criminal conviction under section 6 of the Act. Section 6 deals with what are generally referred to as hardcore offences which relate to cartels and, more specifically, activities such as price-fixing, market sharing and bid-rigging. Section 8(1)(a) of the 2002 Act deals with summary convictions for a hardcore anti-competition offence and the amendment to this section provides for an increase in the fine from a maximum of €3,000 to what is called a “class A fine”. I do not see any definition of a “class A fine” in the legislation itself nor could I find it in my cursory glance at the 2002 legislation; it may very well be there or it may be defined elsewhere. On page 2 of the explanatory memorandum it seems to be implied that a class A fine is a fine not exceeding €5,000 but not less than €4,000. If this is what it means I want to know what the authority for it is. If this is the case, it is a significant change and one to be welcomed.

The amendment to section 8(1)(b) of the 2002 Act increases the penalties for conviction on indictment from €4 million to €5 million and from a maximum five-year custodial sentence to a maximum ten-year sentence. I do not think the imposition of a penalty of €5 million rather than €4 million will make any material difference, particularly when the alternative penalty exists of 10% of the previous year’s turnover. I have no objection to it but I do not think it is what the troika had in mind when it asked the Government to introduce legislation to stamp out anti-competitive practices.

The possibility of imposing a ten-year custodial sentence rather than a five-year sentence for what is after all white-collar crime will not make any difference in practice and will not have any deterrent effect. This is particularly in view of the fact that since 2002 it has been possible to send a person convicted of a hardcore anti-competitive offence to prison for five years yet not one person so convicted on indictment has ever seen the inside of a prison cell. I understand one man went to prison but it was for refusing to pay a fine he had been ordered to pay by the court. I also note from a study of these cases that when a prison sentence is imposed it is always a suspended sentence and to my knowledge, and the Minister may wish to contradict me, has never been for more than 12 months. Despite the fact that during the past ten years a five-year custodial sentence could have been imposed not one person has served one day in prison. Therefore, giving the judges power to increase the possible maximum custodial sentence to ten years appears to be mere window dressing.

The material amendments to section 8(2) of the 2002 Act increase the penalties following a criminal conviction under section 7 of the Act. Section 7 deals with what are generally referred to as non-hardcore criminal offences such as abuse of a dominant position. The amendment to section 8(2)(a) introduces class A fines and the amendment to section 8(2)(b) deals with increasing the penalties on conviction on indictment from €4 million to €5 million. Whatever about the change to section 8(2)(a), the amendment to section 8(2)(b) is guaranteed to have no impact for the simple reason that the Competition Authority has stated on more than one occasion that it has no notion of pursuing a criminal conviction for a non-hardcore offence. It has not pursued any cases or referred any for consideration to the Director of Public Prosecutions either. The point was set out as recently as 9 June in a paper published by the Competition Authority, *Filling a gap in Irish competition law enforcement: the need for a civil fines sanction*:

While criminal prosecution is appropriate for hardcore cartel activity, it is rarely, if ever, appropriate or practical to seek criminal convictions in cases involving non-hardcore infringements. Such cases usually involve complex economic analysis and argument and a criminal



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trial, in which a jury must be convinced, beyond reasonable doubt, of the guilt of the accused, is an unsuitable forum in which to try such matters.

[...]

However, it is notable that since the enactment of the 2002 Act, the Authority has not instituted summary criminal prosecutions in cases involving non-hardcore infringements of the prohibitions in the Act, nor has it referred any such cases to the DPP for prosecution on indictment.

The suggested amendments of the section are perhaps the greatest examples of where the proposed Bill falls short of what it should be or could have been. This is particularly the case in respect of non-hardcore offences and it ties in with, and underscores, how ineffective are the proposed amendments of section 8(2) in respect of the notional criminal prosecution of non-hardcore offences. Currently, section 14(2) of the principal Act gives the Competition Authority, where it forms the view that there is an infringement of the Act, the right to bring a civil action to obtain the remedies of declaratory relief or injunctive relief, which are available under the Act. These remedies, according to the Competition Authority paper published on 9 July “obviously involve no sanction for the past anti-competitive behaviour of the undertakings involved and are therefore devoid of any general deterrent effect”.

As matters stand, the Competition Authority has no remedy available to it other than the declaratory relief and injunctive relief and there is no provision in the 2002 Act for civil fines and penalties for breaches of competition law. The advantage of the civil route is that the burden of proof is lower than that required in criminal cases and the problem of having juries in criminal trials getting their heads around the complexity and nuances of competition law is removed. One would have thought this Bill provided the perfect opportunity, seeing as the penalty section is being dealt with separately, to amend the 2002 Act to provide for such pecuniary sanctions. This is particularly the case where the Department of Jobs, Enterprise and Innovation has specifically stated that the purpose of the Bill is “to introduce legislation to strengthen competition law enforcement in Ireland”. The Competition Authority paper expresses serious concern at the current lack of proper civil remedy contained in the 2002 Act:

The only other remedies available to the Authority in such cases are to seek a declaration (i.e., a court ruling that a particular arrangement or behaviour is unlawful) or an injunction (i.e., a court ruling requiring a particular arrangement or behaviour to be terminated). Current legislation does not provide for any form of civil pecuniary penalty or sanction to be imposed on the undertaking(s) involved in such non-hardcore infringements. The Authority takes the view that the absence of such sanctions is a serious weakness in the Irish competition law enforcement regime. It believes that this weakness needs to be addressed by the enactment of appropriate amending legislation to provide for the type of civil fines for competition law infringements that exist in many other jurisdictions.

[...]

For the reasons explained in this paper, the Authority’s view is that there are no “effective sanctions” for non-hardcore infringements of competition law in Ireland. Such infringements, which include abuses of a dominant market position and various forms of restrictive agreements, can seriously distort and impede competition by excluding competitors from markets and, in some cases, even putting them out of business. As Irish competition law stands, criminal prosecution is the only means by which any sanction can be imposed on infringing undertakings.

[...]

Non-hardcore infringements can, however, have serious economic effects and, in such cases, sanctions in the form of civil fines/pecuniary penalties should be available, at the Court's discretion, to offset at least some of the gains the infringing undertakings have earned from their unlawful activities and, equally importantly, to deter them and others from engaging in further infringements.

The proposed amendments to this Bill, namely the removal of subsection 2 and the insertion of the new section 14a in its place, does nothing more than tidy up the language. It also expands the definition of injunctions, which is minor but welcome. It does not do what the troika, the Competition Authority and the Director of Public Prosecutions want done, along with everyone with knowledge in the area, namely, give the courts the discretion to apply some pecuniary penalties for non-hardcore offences. It is not practical to prosecute them and the only sanction is civil. When the Competition Authority takes a civil action, the only remedy involves stopping the activity. There is no punishment for the profits and the gains realised by the activity for the period in which it continued. There is effectively no deterrent because people can operate until the Competition Authority manages to get an injunction or declaration but they can retain the profits gained through illegal activity.

This is an obvious case where the legislation needs to be amended. There are constitutional issues in respect of Article 38 of the Constitution, which, some will argue, does not allow the Minister or the Government to do that. I reject that view. We are not talking about the Competition Authority imposing fines but about the courts having the discretion to

impose fines where the Competition Authority succeeds in establishing a case.

7 o'clock

Article 38 of the Constitution provides that "No person shall be tried on any criminal charge save in due course of law." Article 38.5 states that "No person shall be tried on any criminal charge without a jury." Therefore, the traditional interpretation of Article 38.1 is that it can effectively prohibit the imposition of substantial fines in civil cases. The argument is that a substantial fine is, in effect, a punishment and that acts that expose a party to the risk of punishment should, by definition, be categorised as crimes, thereby confirming the party concerned with the rights available to an accused person in a criminal case. These include the right to have the case proved beyond any reasonable doubt, the right to a trial by jury, and so on. The Competition Authority refers to a number of very persuasive authorities from the superior courts of this country, one of which refers to a taxation case, that demonstrate that one can have the possibility of punishment without the civil wrong being categorised as a crime. The case is persuasive and I would love to know the response of the Government to it.

There was a specific agreement on this precise matter between the previous Government and the troika. The first agreement, dated 27 December 2010, included the Government's commitment "to empower judges to impose fines and other sanctions in competition cases". Miraculously, in the revised memoranda of understanding, dated 28 of July 2011, the measure changed somewhat to state that the Government will introduce legislation to strengthen competition law enforcement in Ireland by ensuring the availability of effective sanctions for infringement of Irish competition law. As I have demonstrated, these are not effective sanctions. Anyone who knows anything about this area has agreed that there is a gaping hole in the law, which this legislation provided an opportunity to fill and the Government has backed away from it.

I suspect the Attorney General examined the provisions of the December agreement and said it cannot be done because of Article 38 of the Constitution. I disagree, however. Some compelling authorities were cited by the Competition Authority in its report, which certainly questioned that. I want to see the Government's response to this. The Government is commit-

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ted to strengthening competition law. According to the revised agreement with the troika, dated 28 July 2011, the Government is committed to introducing effective sanctions. The sanctions are not effective, however. It is not effective to say one will fine a maximum of €5 million rather than €4 million, or that prison sentences will be increased from five to ten years, when nobody goes to prison. In the case of non-hardcore offences, nobody faces criminal prosecution.

I am not opposed to the legislation, as such. If nothing else, it will enable us to focus more time on the more substantial legislation on mergers because we will have dealt with the penalty side of it. I am, however, disappointed because I do not think it does what it specifically sets out to do. It certainly does not do what all the learned commentators in the area want. I will not oppose it but there are a number of minor changes with which I agree. I outlined them at the start of my contribution.

I accept the Bill in principle but, apart from the question of civil fines, there are a number of other drafting items which we will deal with on Committee Stage. We will be pressing hard on Committee Stage for the Minister to accept an amendment along the lines I have suggested, that is, although it need not be applied in all cases, giving courts the discretion to apply civil fines where they are deemed appropriate.

**Deputy Peadar Tóibín:** Ba mhaith liom fáilte a chuir roimh an t-Aire agus cuireann Sinn Féin fáilte roimh an Bille seo atá ag iarradh iomaíochas an tír seo a feabhsú. Fáiltím freisin Bille a oibríonn in éadain caimiléireacht agus a cruthaíonn níos mó freagracht agus cuntasacht i measc an phobal gnó. Fáiltímid reachtaíocht a íslíonn costais gnó do gach duine, muintir gnó agus custaiméirí freisin.

However, we in Sinn Féin have serious concerns regarding this legislation. We believe the legislation needs to be strengthened and, more importantly, must form part of concurrent policy initiatives that enhance competitiveness, promote economic growth and deliver jobs.

It is recognised that corrupt practises that undermine our economy are not the sole preserve of the private sector. For years cronyism has had an undue influence on the economic management of this State, with successive Ministers placing personal advantage above that of the State and successive Governments handing over our economy to bankers, speculators and developers.

This issue has been exposed by McCracken, Moriarty *et al* and more recently with the fiasco in the banking sector. It is a reflection on the previous Government that the IMF and EU had to push for draft legislation to tackle corruption.

I am sure the irony of the IMF-EU calling for measures to tackle price fixing, cartelism and the abuse of dominant market position is not lost on anybody in this House. The troika, we are told, is the only body we can turn to in this situation. The troika is not open to negotiation and imposes so-called solutions, including profiteering interest rates. It is a body that the Government should, if it could, put under the provisions of the Bill but that is a debate for another day.

Sinn Féin supports the measures in this Bill to tackle corrupt practises. However, the provisions of the Bill do not fully address the issue of corrupt practises, nor will it lead to greater competitiveness in this economy. It is right that stringent provision is made in criminal law to convict and penalise those guilty of the most obvious corrupt practises. It is right that the Bill increases penalties for those who pursue corrupt practises which negatively affect our people and our economy.

The intent behind this legislation is to strengthen competition law enforcement by ensuring the availability of effective sanctions to deal with infringements of competition law. Sinn Féin

is concerned that the Bill does not provide for civil fines, such as those for infringements to competition as called for by the Competition Authority. The Competition Authority sought the provision of civil fines to deal with abuses of the so-called non-hardcore infringement. Central to this is the abuse of dominant market share, including a refusal to supply, predatory pricing and exclusivity agreements.

We remain concerned that the absence of a provision for civil fines will impact on the ability to stop these types of abuse. Many large, well-capitalised businesses can engage in predatory pricing to close down smaller local businesses, thus developing a market share that inhibits choice and competition resulting in higher costs to consumers.

This is a real issue for many local businesses, farmers and suppliers working alongside multi-national firms. The development and implementation of a civil fine mechanism would deal with the abuse of a dominant position. It would strengthen the provisions of the Bill and further safeguard consumers and local businesses.

I hope the Minister will revisit this suggestion and amend the Bill to provide for civil fines to tackle corrupt practises alongside the more stringent provisions he has outlined. I am sure his officials have the ability to redraft this legislation within the Constitution to deal more stringently with the issue of abusing dominant market positions.

Multiples create a top level price and force all suppliers underneath that. This is a toxic, artificial market equilibrium which has the effect of forcing out suppliers. Many multiples advertise that they are major supporters of Irish suppliers but still force local farmers and small businesses to supply below cost. This is not support; it is, in fact, the destruction of local markets. The proof of this is that growing acreage and the number of growers in the State have shrunk in practically every horticulture sector over the last 20 years. This has happened for two reasons, namely, cheaper imports and the abuse of a dominant market position.

Many farmers selling to international multiples do not have a choice: they are being dictated to. If they seek any level of renegotiation, they are at risk of losing their contracts. Retail prices are being held steady, or in some cases increasing, while supplier prices have been forced down. There is a strong feeling amongst suppliers that the implementation of existing competition law is one-dimensional.

If there is no recourse to civil fines or there are other issues that impede fair competition legislation from being developed, there is an obligation on the State to find other mechanisms and solutions. We are concerned that the Bill does not oblige the Government to respond to the issues raised by the Competition Authority. Particular issues that impede competitiveness may require specific Government action and-or legislation in the future.

Best practice in Europe places a responsibility on government to respond to a report by the relevant competition authority within a specified timescale. In Italy, the relevant competition authority has the ability to table legislation for consideration. In this State there is no obligation to consider, let alone act upon, the recommendations of the Competition Authority.

If the Government is serious about dealing with corrupt practises, it should include a clause on the obligation to respond to recommendations of the authority. Such a response must outline the Government's proposed actions with regard to each recommendation.

My further concern deals with the Bill being taken as a stand-alone element to promote a more competitive economy and deliver growth and jobs. The legislation is to be welcomed in so far as it tackles corruption, but it will not on its own deliver growth and jobs, drive down costs for individuals and deliver on competitiveness. To date, deregulation in the energy market has forced prices upwards. Deregulation in the taxi market has left prices high and resulted in an increase in the number of taxi drivers, each of whom is struggling to make a living.

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Competition on its own does not equate with lower costs. The selling-off of telecommunications networks across the State delivered huge profits for some individuals and businesses but resulted in increased bills and a lack of investment which now means our broadband infrastructure lags behind that in the rest of Europe. The impact of previous sales of assets should cause the Government to pause for thought. In these cases, competition in service provision has actually undermined our national competitiveness and the economy. This legislation will only contribute to reduced costs and increased value to the economy if it is implemented alongside additional policy interventions.

I worry that this House often spends hours debating the colour of the carpet while ignoring the elephant in the room. We are tinkering at the edges of competition in a very minor way, although much greater issues need to be dealt with. We cannot promote economic growth while taking €3.6 billion out of the economy in the next budget. We cannot continue to pay off bondholders and at the same time allow indigenous businesses to grow and become more competitive. It is right to look at competitiveness within the economy, but, importantly, we need to address how competitive we are on the global stage. To date, the Government has continued to undermine our economic competitiveness. In a downturn we need investment rather than austerity.

The determinants of competitiveness are education, infrastructure, energy provision, indigenous business and innovation which have all suffered owing to a lack of investment under the Government. We still await the commencement of work by the Government on tackling upward-only rent reviews and there are regressive business rates. Each of these factors affects the competitiveness of small businesses.

The rate of investment by the Government in education, as a percentage of GDP, continues to be lower than the OECD average. This is true in the primary and secondary sectors which comprise the foundation of our knowledge economy and the key to the future competitiveness of the State. There is below average investment in the third level education sector, the key driver of research, development and innovation, yet the Government is seeking to increase student fees. The Minister needs to explain how continued under-investment in education promotes competitiveness. It is another example of the disconnect between the Government and reality. The previous Government was disconnected also. It claimed it wanted to build a knowledge economy, but it took money out of the education system and built a construction pyramid instead. The current Government promises a smart economy, yet it cuts the education budget in order to pay money to speculators in the bond market. How smart is that? I am proud that Sinn Féin was to the fore in ensuring there would be no rise in student fees in the North. If we are to promote innovation, research, development and learning, we need to get the foundations right. We need to tackle corrupt practice, but we also need to invest in education, at the very least at the level of the OECD average.

If we are to grow an economy and promote competitiveness, we need to update the quality and reduce the cost of telecommunications. The cost of telecommunications in the State is almost 10% above the EU average. Only 0.5% of broadband connections are made through fibre; the OECD average is 12%. If we are to compete with other nations and are serious about innovation as a driver of employment, we need to invest in infrastructure. That is why Sinn Féin promoted broadband roll-out as part of a stimulus package. This would have an immediate effect on the progression of a schools building programme by delivering jobs immediately, enhancing our competitiveness and promoting innovation, research and development in the medium and longer term.

We have been successful in attracting foreign direct investment and this work must continue. We have yet to realise fully its contribution to the economy. There are vacancies in certain global corporations based in the North and the South, and the local supply side is not properly plugged into foreign direct investment. This area must be developed. Global corporations are employing some of our most gifted and best educated. They benefit from and commercialise the expertise of Irish workers. However, this has been to the detriment of indigenous business. Expertise developed by the education system that should be building Irish-owned businesses has been lost to global corporations. This is a form of an internal brain drain. We need to incentivise the development and growth of indigenous businesses and support research and development and investment in innovation by Irish-owned companies to allow them to compete and grow in the global market. It is worth remembering that high-tech industries do not locate in Silicon Valley owing to the cost base or a favourable tax environment; they do so because of the networks and high-tech expertise that create a desirable level of competitiveness at that location.

We face a challenge to develop networks of research and expertise. Sustainable foreign direct investment and indigenous business development will benefit from the development of an ecosystem of expertise and excellence. Maximising our potential as a centre of expertise and excellence requires the maximisation of our resources at this time of financial difficulty. The use of our research and development resources across the island is disjointed and inefficient. We have universities competing for students across a similar range of subjects on an island of just 6 million people. Research and expertise are spread too thinly between competing third level institutions. An all-Ireland skills strategy implemented across universities and centres of research and development would replace competition with co-ordination, deliver greater value for money and promote economic growth and expertise-related competitiveness. Such co-ordination would also allow for the greater draw-down of EU support and increase access to programmes such as the Seventh Framework Programme. I urge the Government to pursue this matter urgently with a ready and willing Northern Executive, particularly the Minister for Employment and Learning.

I thank the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, for giving us the opportunity to discuss this Bill. There is much in it that Sinn Féin can support and there is much to tackle corruption to safeguard local business and deliver savings to the people. We believe the Bill can be further strengthened by providing for civil fines. However, in the absence of a consistent, comprehensive approach to promoting competitiveness in the economy across all Departments, the Government is effectively tinkering at the edges. I hope the Minister will review the legislation to deal more effectively with the abuse of dominant market position and work with his colleagues across the floor of the House to lay the foundations for economic growth, job creation and enhanced competitiveness. Níl a dhóthain ann sa reachtaíocht seo agus ní dhéanfaidh sé an-difríocht do phostanna agus do thacaíocht i gcúrsaí eacnamaíochta. Caithfidh an Rialtais i bhfad níos mó a dhéanamh.

**Deputy Dara Murphy:** I am sharing time with Deputies Patrick O'Donovan and Heather Humphreys.

I welcome the opportunity to speak on this Bill. I was tempted to reread it to find the section on third level fees, having listened to the previous contribution——

**Deputy Peadar Tóibín:** That is a Government commitment.

**Deputy Dara Murphy:** ——but I appreciate when one plays the same broken record, bits will be repeated, or when one uses the same script every time one comes into the Chamber, it is handy to cut and paste similar sections.

**Deputy Peadar Tóibín:** It is handy to cut education.

**Deputy Dara Murphy:** I welcome this Bill. This amending legislation is one the county could have had sooner. It highlights the fact that, as a country, we had lost competitiveness. I was interested to read a reference in *The Economist* last week that we are not improving our competitiveness, but that is not the case. For the first time in a number of years relative to our main competitors, particularly in Europe, we have significantly increased our competitiveness. While we are all aware of the importance of bringing in foreign direct investment, there are several pillars to that. They are all of equal importance but restoring competitiveness is crucial to the recovery of our small indigenous sector and to attracting more foreign direct investment. I welcome that this amending legislation is before us. This Bill also highlights there are positives and a focus from the EU-IMF deal in that for too long we were drifting along. Elements that were part of the troika deal with our country were included in our party's election manifesto and, subsequently, in the programme for Government. Competitiveness is one element in that respect.

The Minister touched on the specifics. I would like to highlight one area in the banking sector, and I am not referring to this sector because Deputy Mathews is in the Chair. I received a representation regarding our banking system. Competition in banking has been lost to a certain extent because we have had to restructure the banks, particularly the two pillar banks. AIB and the EBS have been merged. I welcome that the EBS reduced its interest rates by 0.25% today but AIB, which is the umbrella bank, has a base standard interest rate of 3.25% whereas the EBS interest rate, prior to today's reduction, was 4.95%. Two banks under the same umbrella are charging their customers different rates. In this sector there is effectively no competition at present bearing in mind that people are not in a position to change mortgage lenders. I encourage the Minister to consider measures to address that to allow for a more fair approach, given that people are now effectively customers of the same institution.

We must also move to restore our competitiveness and to get the banking sector back up and running, on which the Government has started to make good progress. Great progress has been made on the third area of importance, that of ensuring we have a good and strong supply of well-educated people in the labour market. The final area of developing a strong economy is to have a fair tax system in place. The Government's commitment to keeping our corporation tax rate low encourages enterprise and competition.

I compliment the Minister on bringing forward this Bill and encourage him to continue to bring forward measures that will allow all enterprises to be competitive which in turn will benefit the people who pay for the goods and services. As a peripheral island nation, we probably have to work harder than some of our European competitors at being competitive. I encourage the Minister to continue on that journey.

Speaking from the perspective of having a business, I recently checked my mobile phone bills and noted there has been a significant reduction in that cost element through increased competition. It took a while for that reduction to come about. Competition yields benefits. While five and ten year sentences will not be handed down in all instances of the practices outlined in the Bill, and one would hope they would not be required, they send a clear signal that the Government expects and demands better competition within our economy.

**Deputy Patrick O'Donovan:** I acknowledge the presence of the Minister and welcome the proposed legislation. I welcome the proposal to increase the sentences handed down to people who engage in the practices spelled out in the Bill. It is regrettable we have had to reach the level of the country being practically in the receiver's court for this legislation to be brought forward. The Minister has long been a proponent and an exponent of increasing the country's

competitiveness going back to when he was on the Opposition benches. It is regrettable the previous Government did not take on board some of his suggestions during its tenure of office and if it had, we might not have some of the practices to which the EU and IMF had to have drawn to their attention when the memorandum of understanding was being drawn up.

Reference to prison sentences for such practice leads one to talk about white collar crime. It is regrettable there is still nobody behind bars for wrecking the economy of this country. I am sure that point is raised by people with whom the Acting Chairman and all other Deputies are engaged. I know other Members share regret about that. There is an element of frustration among people in that the economy is a basket case but nobody has been held to account before the courts. I know the matter is under investigation but that fact is a matter of great regret.

Given the constituency I represent, one of the issues of concern to me and that is close to my heart is food production. The farming organisations have been very vocal with the Minister's Department and the Department of Agriculture, Food and the Marine in this regard. We are now relying more than we did previously on the food and agribusiness sector to get this country back to work. The input the food industry can make to getting this country out of receivership must be recognised by the Minister's Department, the Department of Agriculture, Food and the Marine and the State. Practices of below cost selling, to which the farming organisations and farmers draw our attention, cause a great deal of angst to the farming organisation and farmers.

The Minister said that he hopes ultimately a reduction in costs and an increase in competitiveness will be achieved, but many of the costs imposed on businesses are within the grasp of the Government and local authorities. One need only reflect on some of the costs businesses have to bear. I have raised this point time and again in terms of the layers of bureaucracy in place. All these layers have to be paid for and, ultimately, the service user has to pay for them. I have raised with the Minister the number of agencies with a remit of creating employment. They all have to be funded out of the public purse. The Government gave a commitment in the programme for Government to reduce the number of quangos, which I and, I am sure, other Deputies would like to see happen. The dequangoisation, so to speak, of this country needs to happen at a much faster pace than it is happening. When people pay a development charge for a connection to a sewerage system, for a road opening licence or whatever, they ask, as a business person, what they get for that and it is difficult to pinpoint and identify the service they get.

One needs to ask how effective regulators have been. In some instances one could almost identify cases where they have been counterproductive. An artificial floor has been maintained for the purchase of utilities or services. We have to ask whether the regulatory system is counterproductive in terms of exacerbating the country's uncompetitiveness. Deputy Tóibín called on us to face the reality of the situation.

Debate adjourned.

### **Private Members' Business**

#### **Promissory Notes: Motion**

**Deputy Pearse Doherty:** Tairgim:

That Dáil Éireann,

noting that:

- following the transfer of its assets to the National Asset Management Agency (NAMA) in 2010, Anglo Irish Bank was left with toxic debt of €30.6 billion;



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- from March to December 2010 the Government issued a series of promissory notes to Anglo Irish Bank and Irish Nationwide Building Society totalling €30.6 billion;
- these promissory notes placed an obligation on the State to pay Anglo Irish Bank €30.6 billion;
- the interest rate charged on these loans by Anglo Irish Bank will cost the State an additional €16.6 billion;
- this debt, totalling €47 billion, amounts to 27% of the State's debt-to-GDP ratio;
- the repayment of this debt will take place over a twenty year period from 2011 to 2031;
- as the State will have to borrow money to service this debt, it is reasonable to assume that an additional cost of at least €28 billion will be incurred by the State in interest payments on monies borrowed to pay the €47 billion to Anglo Irish Bank;
- this additional cost is calculated at an interest rate of 4.7% based on average cost of funds raised by the National Treasury Management Agency (NAMA) in the bond market in 2009 and 2010;
- on this basis, the cost to the State and the taxpayer arising from the promissory notes will be at least €74 billion up to when the final payment is made in 2031;
- a number of economists argue that this is a conservative estimate and the cost of servicing this debt will be much higher, possibly four times greater than all the combined 'austerity' spending cuts and tax increases to date;
- the first transfer of money to Anglo Irish Bank arising from promissory notes took place on 31st March, 2011, totalling €3.1 billion;
- annual transfers of €3.1 billion will be made every year on 31st March from 2011 through to 2023;
- from 2024 the annual transfers will gradually decrease from €2.1 billion in 2024 to €0.1 billion in 2031;
- these annual payments do not include the additional cost of the interest on monies borrowed to service the €47 billion transfer to Anglo Irish Bank;
- alongside these payments Anglo Irish Bank, now operating as Irish Bank Resolution Corporation, will continue to use taxpayers' money to pay unguaranteed, unsecured senior bondholders;
- on 2nd November, 2011, the Government allowed Anglo Irish Bank to pay a single unguaranteed, unsecured senior bond to the value of \$1 billion despite enormous public opposition;
- on 25th January, 2012, Anglo Irish Bank will pay out a single unguaranteed, unsecured bond to the value of €1.2 billion;
- on 28th June, 2012, Anglo Irish Bank will pay out a single unguaranteed, unsecured bond to the value of €454 million; and

- twenty four additional unguaranteed, unsecured senior bonds with a combined value of €800 million will be paid out from January 2012 through to April 2018;

agrees that:

- the former Fianna Fáil-Green Party Government were wrong to issue these promissory notes;
- this decision undermined the public finances, increased the deficit and damaged the social and economic stability of the State;
- the current Fine Gael-Labour Government must make clear that it is not in a position to pay this toxic private banking debt;
- the Taoiseach, Enda Kenny T.D., and the Minister for Finance, Michael Noonan T.D., should enter into immediate discussions with the European Central Bank to have the promissory note withdrawn and to remove this toxic private banking liability from the State and the taxpayer;
- the Government should seek support from our European partners in this endeavour on the grounds that removing the obligation created by the promissory note would reduce our debt-to-GDP ratio to approximately 87%, easing the State's transition back to the international bond markets and assisting in reducing the deficit and returning the economy to sustainable social and economic development; and
- the practice of using taxpayers' money to repay the promissory note must end; and
- calls on the Government to intervene to prevent Anglo Irish Bank from using taxpayers' money to repay unguaranteed senior bondholders.

Ba mhaith liom mo chuid ama a roinnt le mo chomhghleacaithe.

The Anglo Irish Bank promissory note is a national scandal. It is one of the biggest scandals of the entire banking crisis. It will cost the taxpayer at least €74 billion by 2031 and according to some economists may cost up to €90 billion. That the Fianna Fáil-Green Party Government signed the taxpayer up to this toxic private banking debt will surprise no one but that Fine Gael and the Labour Party continue to support its payment is truly shocking. Next month the Government will bring forward a budget that will wrench €3.8 billion from the domestic economy in spending cuts and tax increases aimed at the same groups of people targeted by the previous Government, namely, low and middle income earners, the working poor, the unemployed and those on social welfare. Despite this, one of the first acts of this Government was to give Anglo Irish Bank €3.1 billion of taxpayer's money on 31 March. This was the first instalment of a 21 year long transfer of taxpayers' money to Anglo Irish Bank.

According to the medium term fiscal statement published by the Government last Friday, it proposes an adjustment of €12.4 billion from the economy between 2012 and 2015. During this same period it will give Anglo Irish Bank exactly the same amount of money. To any ordinary intelligent person this simply does not make sense. Out in the real world people are asking why this money cannot be used to fund investment in jobs, hospital beds for people languishing on trolleys, special needs assistants for children with disabilities, adequate payments for pensioners suffering from fuel poverty or adequate allowances for carers in the home. How is it that a Government which criticised its predecessors for issuing these promissory notes now willingly hands billions and billions of euro of taxpayers' money to Anglo Irish Bank at the

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same time as increasing taxes on working families, cutting services to those in greatest need and abandoning more than 447,000 people to the dole queue? How did we get to this point?

In 2010, after NAMA bought assets from Anglo Irish Bank at a significant discount, the bank was left with a €30.6 billion hole in its accounts. The bank was completely insolvent and was locked out of the interbank market. The State did not have enough money to fill the hole, having already given Anglo €4 billion in 2009, and as an insolvent bank it was ineligible for ECB emergency liquidity assistance. The Government and the Central Bank came up with a brilliant plan. The Government would give the bank an asset, known as a promissory note, to balance their books. This asset is essentially an IOU committing the Government to fill the black hole in the bank's assets over a 21 year period. Emergency liquidity would continue to be provided via the European and Irish Central Banks and once in receipt of the annual cash transfers from the Government, the bank would use that money to repay the Central Bank its emergency liquidity loans. Back in Frankfurt the European Central Bank, as the ultimate source of the emergency liquidity assistance, was reassured that the money it was lending to the Irish Central Bank and then on to Anglo Irish Bank would eventually be paid.

In short the Irish taxpayer would pay the €30.6 billion of toxic debt run up by Sean Fitzpatrick and his developer friends, while the bankers and developers would walk away scot free. The bill does not stop there, however. The interest that has to be paid on the €30.6 billion amounts to an additional €16.6 billion, which means the actual amount that will be transferred from the taxpayer to Anglo Irish Bank will not be €30.6 billion but a massive €47 billion between 2011 and 2031.

The first instalment of this massive bank bailout was paid by the Fine Gael-Labour Party Government on 31 March 2011, when it handed over €3.1 billion of taxpayers' money to Anglo Irish Bank. The same amount will be paid out again on 31 March 2012 and every year until 2023, after which smaller payments will be made through to March 2031. This is not the end of the story. The Government will have to borrow this money to meet the annual pay-out and it will have to pay annual interest on those borrowings. While it is impossible to state exactly how much this extra interest payment will cost, on the basis of pre-euro crisis Irish interest rates the extra cost until the last payment is made on 31 March 2031 will add €28 billion to the total bill. This would mean the total cost to the taxpayer of the Anglo Irish Bank promissory note will be €74 billion by the time the final payment is made in 2031.

A number of independent economists, including Michael Taft, Tom McDonnell and Michael Burke, estimate that the final bill for the promissory note could be between €80 billion and €90 billion. These sums are staggering. To put them in perspective, €74 billion means that every single man, woman and child in this State will pay €16,157 to cover the promissory note to a toxic bank that no longer holds deposits. This is €24 billion more than the cost of running for State for a full year. It would fund the entire health system for nine and a half years. I do not understand how anyone in government can stand over this. The simple fact is that we cannot afford this bill. The promissory note itself amounted to 20% of our national debt in 2010. The annual transfers to Anglo Irish Bank weigh heavily on our annual deficit. Not only is it morally wrong to ask the taxpayer to shoulder this toxic private banking debt but it is socially and economically irresponsible.

The Government must, as a matter of urgency, declare its inability to pay this private banking debt. It must do so on the basis that to try and pay will cripple the economy and further block any meaningful social and economic recovery. Having done this, it must then engage as a matter of urgency with the European Central Bank and its European Council counterparts to negotiate the lifting of this burden from the taxpayer. My party colleagues and I have been calling on the Minister for Finance to take this course of action for the past several months. In

September I raised the matter with the Minister directly, the Governor of the Central Bank and the chairperson of Anglo Irish Bank. I was told the Minister had failed to raise this in any specific way with his European counterparts. I am glad, however, that following persistent questioning from Sinn Féin, he has shifted ground somewhat. At least he now talks about seeking a rescheduling of this debt. If the Minister thinks the rescheduling of interest payments will be sufficient, he should think again. The Government's objective must be to have the promissory notes withdrawn. At the very least, the Minister should seek a lengthy period of non-payment, for example, ten years, at which point discussions on the future of the notes could be reopened. Some will say this is not an achievable objective, that the ECB would withdraw its emergency liquidity assistance from all Irish banks and that the European Union and the IMF would withdraw their programme funding. These arguments are nonsensical, dishonest and, at worst, amount to scaremongering. The withdrawal of temporary liquidity assistance to Irish banks would not only collapse the Irish banking system, it would also bring down the entire European banking system. Does anybody really believe the ECB would pursue this course of action? The withdrawal of EU-IMF programme funding would create market turmoil on an unprecedented scale, bringing with it greater contagion to core eurozone economies and further endangering the euro. Does anybody really believe the European Union and the IMF would pursue this course of action?

It is in the interests of the European Union and the IMF to lift the burden of the Anglo Irish Bank promissory notes from the State. As things stand, with high unemployment and low consumer demand, the prospects for growth in 2012 and 2013 are poor. Interest rates on Government bonds remain at unacceptably high levels. There is simply no way that Ireland will be in a position to return to the international markets in 2013 unless matters improve dramatically. However, the removal of the promissory notes from the national debt, following a successful negotiation with the ECB, would bring our debt-to-GDP ratio down to below 90%, reduce the annual deficit by over €3 billion, reduce the cost of servicing the national debt and free up resources to invest in job creation and economic recovery.

It is far from certain that the Government will be able to return fully to the markets in 2013, as is its stated objective. This raises the prospect of a second bailout. A successful outcome on the issue of the promissory notes would not only ensure access to the markets in 2013, it would also likely see an early return to the markets in the first half of 2012. The IMF, the European Union and the ECB know this. The European Union needs a good news story; it needs one of its programmes to succeed. Ireland's failure to re-enter the markets in 2013 would demonstrate that even the poster boy of the austerity programmes could not be cured by the medicine prescribed by the European Union and the IMF. This would have profound repercussions not only for us but also for the eurozone and the Union. As for the ECB, there is an indication that it is open to a policy change under its new president, Mario Draghi. Last week's interest rate cut and the decision to extend the maturity date of the emergency liquidity assistance from three weeks to one year give some room for optimism that the new regime is more open-minded than it was under Mr. Trichet.

There is no moral or legal obligation on the State to continue to use taxpayers' money to pay off Anglo Irish Bank's toxic banking debts. There is also no credible economic argument for pursuing this course of action. The case for lifting this burden from citizens is irrefutable. The issue is not whether the European Union or the IMF can be convinced of this but whether the Government has the political will to stand up for the interests of Irish citizens and secure a better deal than the one it inherited from Fianna Fáil and the Green Party.

Let us be clear about this. The Government was left with a legacy of terrible policy decisions by the last Government. It has the job of cleaning this up. There are many fights worth having in the Minister's task of cleaning up the mess left by the last Government, but the fight that

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will have the biggest impact on our debt, the budget and, most importantly, the quality of ordinary people's lives is this one. It is time for the Minister to do the right thing and stand up for Irish citizens. It is time to declare that the State will no longer pay the promissory notes, amounting to at least €74 billion, with taxpayers' money up to 2031.

**Deputy Gerry Adams:** Tá mé an-sásta go bhfuil an tseans seo againn díospóireacht a bheith againn ar an ábhar tabhachtach seo ar an nóta gealltanais do Bhanc Angla Éireannach. As Deputy Doherty said, paying €31 billion in promissory notes to Anglo Irish Bank and the Irish Nationwide Building society is reckless in the extreme. Tá polasaí díluchtú agus lochtach á n-oibriú ag Páirtí an Lucht Oibre agus ag Fine Gael. It was reckless when the Fianna Fáil and Green Party Government signed up the taxpayer to this toxic private banking debt and it is reckless for Fine Gael and the Labour Party to continue to support its payment. Anglo Irish Bank and the Irish Nationwide Building Society engaged in speculative lending to the extent that they brought the State to the edge of bankruptcy. These banks no longer exist, but they have been merged to form the Irish Bank Resolution Corporation. Figures provided by the Minister for my colleague, Deputy Doherty, show that the cost of the promissory notes will ultimately be €74.63 billion by the time they are paid off in 2031. Baineann sé seo leis na h-aisíocaíochtaí caipitiúla do Anglo Irish Bank and an suim sa bhreis ar na rátaí úis ar an mhéid iasachtaí atá i gceist. This is a staggering amount of money, equating to almost half the total Government debt this year and over one third of Government debt when we reach our peak debt-to-GDP ratio in the next few years. Ní féidir leis an Stát íoc as seo. Ní féidir le cáin íocoirí íoc as an bhfiacha mór seo.

Paying off the promissory notes calls into question the State's ability to manage the rest of its debt. It is time for the Government to state categorically that it will not pay these promissory notes and to begin negotiations with the ECB to achieve this end. Last week we saw the Government allow the Irish Bank Resolution Corporation to hand over more than €700 million of taxpayers' money to unsecured, unguaranteed bondholders and there are plans to pay another bond worth €1.25 billion in January. This means that within three months the Government will have paid to unguaranteed bondholders the equivalent amount of money it plans to strip away from public services in December's budget, taking money from the elderly, the sick, children with special needs and low and middle income families. This is wrong and does not make sense. It is economic madness. It is bad Government policy and must be stopped. The debt mountain is strangling the economy and will impede recovery for years to come, beyond the lifetime of the Government. It must change tack now.

According to the forecasts outlined in the Government's medium-term fiscal statement released last Friday, the State's debt is due to peak at 118% of GDP by 2013. However, as we have seen under the Minister's watch and many other Ministers, Government forecasts for growth have been notoriously unreliable and are continually being revised downwards. If this continues to be the case, the debt-to-GDP ratio will spiral out of control. This will hamper recovery as the burden of servicing the excessive debt continues to rise. This year the burden of debt servicing amounted to 14% of tax revenues and will rise to 20% in the next few years.

As the Minister knows — it is a calculation or choice being made by the Government — high debt levels caused by the policy of the Government and its predecessor in placing the burden of private banking debt on the shoulders of taxpayers have put the economy in a dangerous position. Ní féidir linn na fiacha seo a íoc agus ní fiacha na ndaoine iad. It is the debt of private bankers. There is no bailout for hospitals, for people on the dole or for those young people who have been obliged to emigrate across the globe. However, there is a bailout for private bankers and speculators and this should stop.

**Deputy Mary Lou McDonald:** A few short months ago, the Minister, Deputy Noonan, on behalf of the Government promised he would seek to share losses with investors holding unguaranteed, unsecured bonds in Anglo Irish Bank and Irish Nationwide Building Society. I am unsure whether it was the Minister himself or his colleague, Deputy Howlin, who went so far as to describe such bondholders as legitimate targets for haircuts.

**Deputy Michael Noonan:** That is a Sinn Féin expression. The expression “legitimate target” is a Sinn Féin expression and not ours.

**Deputy Mary Lou McDonald:** Members were told that burden sharing with bondholders would be sought by agreement and through clear, determined and competent negotiation. A few short months later, the Government’s record on negotiation has been found wanting. Despite the pre-election hyperbole of Fine Gael and the Labour Party, they have also been found out because the current Administration’s failure to renegotiate this debt, in conjunction with the travesty of its medium-term fiscal statement announced last week, paints its own dismal picture. The last crowd in government walked us into a crisis and the Government now appears intent on keeping us there. Tax revenues continue to fall and the drop in VAT receipts is a grim reflection of the decimation of the domestic economy and people’s spending power. These trends are due to the austerity measures directed by the Government at middle and low-income earners and of course growth projections continue on a downward trajectory. Hospital beds remain closed, special needs assistants in schools have become a privilege and not a right and the elderly face into a winter with savage cuts to their gas and electricity allowances.

It is simply wrong and indefensible for the Government to impose such sustained austerity and hardship on the people while at the same time presiding over the payout by Anglo Irish Bank to a single unguaranteed unsecured senior bondholder last week to the value of \$1 billion. As the Minister is aware, the Anglo Irish Bank promissory note is an outrage. However, it is simply not good enough for Labour Party and Fine Gael Ministers or their backbench colleagues to come into this Chamber and bemoan Fianna Fáil decisions in government as a *fait accompli*. By removing the financial obligation on the public purse created by the promissory note, the Government could reduce Ireland’s debt to GDP ratio to approximately 87%. This could ease the State’s transition back into the international bond markets, thereby reducing the deficit and getting the economy and society back on an even keel. While tipping one’s cap to our troika partners in the hope of a pat on the back and a few shillings in one’s pocket is not good Government, it is telling. I believe the refusal to step up and seek openly a renegotiation of the Anglo Irish Bank promissory note and the unsecured unguaranteed Anglo Irish Bank bonds encapsulates the political and social mindset of Fine Gael and the Labour Party in government.

Negotiation is a dialogue in which two sides meet, arguments are made and a compromise eventually is found. I am not talking about a unilateral act but about a process that requires a mature and confident approach. The socialising of private debt is unsustainable. The practice of using taxpayers’ money to repay the Anglo Irish Bank promissory note is reprehensible and unnecessary and Ireland cannot afford the social repercussions of paying for speculators’ bad gambles on bad banks. The money is needed for job creation, capital investment, next-generation broadband delivery, hospitals, teachers, gardaí and all the services on which citizens legitimately rely. Now is the moment for the Minister and the Government to understand the debt of Anglo Irish Bank is not the people’s debt and the people should not be asked to pay the debts of Anglo Irish Bank.

**Deputy Sandra McLellan:** I welcome the opportunity to speak on this important motion. The decision of the former Fianna Fáil-Green Party Government to issue these promissory notes

[Deputy Sandra McLellan.]

for unguaranteed unsecured senior bonds represents a decision which already has had and will continue to have a devastating impact on the lives of hundreds of thousands of ordinary Irish people. Ultimately, they will cost the taxpayer an estimated €74 billion and could even cost as much as €90 billion. People have become so familiar with talking about exorbitant figures like this that the consequence of such decisions is often lost. However, Members have the moral responsibility to ask how this can be justified. How can this be justified as we watch our children emigrate, our partners lose jobs and our parents being failed by a defunct health service? Moreover, all this is taking place as additional taxes are being heaped in a crude and blunt way onto every worker in the State with a promise of more to come. Health levies and the universal social charge have been imposed while property and water taxes are promised. Ordinary people are suffering greatly to meet their weekly and monthly bills. Mortgages, utility bills, groceries and ever increasing education bills have seen families pressed to the pins of their collars and heaven forbid if one is obliged to depend on the State for social welfare.

It is no consolation when one hears Government spokespersons assert that we must follow this economic pathway, we have no choice and are beholden to the ECB and IMF, which have set out the roadmap we must diligently follow, including the scandalous payment of these promissory notes, to prevent contagion. At the same time, there is a constant suggestion that a better deal is just around the corner. It is suggested that if we are the best boys and girls in the class, if we continue to toe the line at the expense of our people, we will be rewarded at some undefined point in the future. It reminds me a little of the character Baldrick in the “Blackadder” television series, who always had a cunning plan. The Government’s cunning plan is like Baldrick’s, in that it is not very cunning and is not really a plan.

Separately, it is completely disingenuous the Government and its spokespersons to continually trot out the line that were it not for this approach, we would be unable to pay doctors, nurses, teachers and gardaí who do such important work every day. In some sort of quick-handed trick, next week’s salary is dangled before one’s eyes as bus loads of billions are parked outside the homes of the banking and business elites. The current economic strategy is well and truly bust as it fails to deliver jobs or growth. The Government cannot continue down this road on the pretence the world would collapse were we to fight our corner. In fact, by so doing it would give those with us at the heart of Europe the opportunity to deal with this enormous crisis in a real and meaningful way and not in the piecemeal fashion that has marked the Government’s efforts to date. The people voted for change last February, much of which was promised by the two Government parties. They have failed to deliver and have failed to live up to their commitments.

Now more than ever, while all around us appears uncertain, Ireland needs a strong and assured Government that will defend the rights of its people to as just an entitlement as that of their European or international colleagues. It needs a Government that will ensure above all that the most vulnerable in society are protected. To date, none of this has  
8 o'clock been evident. The rules of international capitalism have been thrown out the window. For a well protected few, it does not matter how successful one is at playing the game, as one is a guaranteed winner. Moreover, this is the case even if one had been told specifically at the outset that one was not a guaranteed winner. Unguaranteed can become guaranteed and a winner always stays a winner. In the last two weeks, when faced with a decision between democracy and the markets, Europe spoke loud and clear: the markets rule. Sinn Féin will stand by the people first and not the markets and the Government should do likewise.

**Deputy Brian Stanley:** Many people watching this debate will be baffled by the figures to which we are referring. Anglo Irish Bank left a toxic debt of €30.6 billion and interest rates charged on these loans will cost a further €16.6 billion, giving a total of €47 billion, and interest on the moneys borrowed by the Government to pay these debts will bring the debt to a massive €74 billion by 2031. If this Government has its way, like its predecessors in Fianna Fáil and the Greens, the debt will all be paid by us, every cent of a massive €78 billion paid by those who never had any hand, act or part to play in creating it.

To put this in perspective, a child born tonight in the Rotunda Hospital will, in 20 years time as a grown adult, still be paying for the mistakes of this and the previous Governments. Every year of that child's life, we will pay €3.1 billion to unsecured bondholders. We have no legal, moral or financial obligation to do so, but Fianna Fáil, the Green Party, Fine Gael and Labour all now believe, apparently, that we must sink in a sea of debt to pay off these bondholders.

While the Government oversees the greatest of grand thefts in history, children continue to receive their education not in schools but in rented portakabins because there are no funds to build schools and no funds to refurbish existing schools. In my constituency of Laoighis-Offaly, we now have prefab villages surrounding the primary schools. Nursing homes in Abbeyleix, Edenderry and Tullamore are losing beds and the hospital in Abbeyleix is set to close. I attended a protest meeting of more than 1,000 people about this issue last night. This is all simply because the health care system is starved of funds. Community-based drug services and youth services are threatened with further cuts to their funding in this year's budget. A further €3.8 billion is set to be cut out of our economy in this year's budget by a Government which is more concerned with paying off faceless bondholders than serving its own people.

The good news is there is hope. There is always an alternative, which is what we in Sinn Féin are about. We simply cannot pay. The Government can and should pursue the alternative way, some of which its members outlined before they came to power. The Government should enter into immediate discussions with the European Central Bank to have the promissory note withdrawn. If it did this, it would immediately reduce the State's debt to GDP ratio by 27%.

Sinn Féin sees very clearly that this money should be invested in growing our economy, including the green economy. The money that is taking flight to the bondholders could be invested in energy infrastructure that would set a new world standard. To give a few simple examples, we have the potential to develop wind energy along our west coast which would create tens of thousands of jobs over the next 15 years, and some neighbouring countries have asked us to do this. We could also create jobs through retrofitting the 1.4 million units of housing stock in the State to the highest standard. This would immediately create savings of on average €1,000 for each householder and would assist Ireland in reaching its 20% energy efficiency target by 2020. In turn, this would create further jobs. We also have the ability to develop water harvesting, at a cost of €5,000 per home, to reduce our water consumption by a third. Sinn Féin would invest money in completing the regeneration projects that have been abandoned. Our allegiance, as a party, is to the residents of Limerick's Southhill, Dublin's St. Michael's Estate, Dominick Street, St. Teresa's Gardens and Charlemont Street, and many other communities throughout the State, not with the faceless bondholders. That is the difference.

The money that is being sent overseas to the bondholders belongs to us, to the taxpayers of the State, to constituents and to the children born today. Let us invest in them and in a brighter future.

**Deputy Michael Colreavy:** I do not propose to look in detail at the mechanics of how the State and its citizens should handle the €30.6 billion, rising to €74 billion by the time it is repaid in 2031, of toxic debt of the zombie Irish bank which is now known as the Irish Bank Resolution



[Deputy Michael Colreavy.]

Corporation. I always get suspicious when I see people or corporations changing their names. The reason I do not propose to go into those mechanics is that other Sinn Féin Deputies have covered or will cover these aspects in the course of their contributions today and tomorrow. Instead, I want to express how the citizens of the constituency I represent, Sligo-North Leitrim, and other constituencies feel about all of this.

Talk of billions sometimes goes over people's heads as the sum is too enormous for them to understand its impact. However, if there is one thing I know, and I detect it every day, it is that people are very angry and frustrated that our economic sovereignty has been surrendered by the previous and present Governments, the latter of which promised things would be different if it was elected. The present Government was elected with a massive majority but nothing has changed. Our citizens and their children will be handing over taxpayers' money to the disgraced Anglo Irish Bank gamblers for the next 20 years.

People are close to losing all hope and feel powerless to do anything about it. This is the worst aspect. People are losing hope in the country, hope for themselves and hope for their children and grandchildren. What impact does this have on Irish people, apart from the ignominy of having France, Germany, the ECB and the IMF dictating our future and our potential as citizens of an independent republic?

Let us consider those dependent on social security, who can barely survive on the weekly income they receive. The cost of electricity, gas, school books, school transport and clothing are all going up while the supports that were in place are coming down. It can literally be a choice between giving school books to a child or having a dinner. That is the choice people on social security now face. Supplementary welfare officers are run off their feet. The automatic answer now seems to be "no" and if people really need it, they will appeal and join the long appeals waiting list. Students are facing the dreaded registration bills and in many cases will have their maintenance grants more than halved because of changes in the school proximity rules. We are going back to the bad old days when education was available only to the very wealthy, which is a disgrace.

Low income earners, who are not only in the tax net but must also pay all the other stealth taxes that have been and are being brought in, are having their pay packets eaten into. These include the many thousands of low and average paid civil and public service workers who had their meagre incomes slashed while at the same time being vilified wrongly as the cause of the problem by some politicians and some media commentators. Despite agriculture being the poster boy of the Irish economy at present, farmers are generally living on less than half the average industrial wage, and in the constituency I represent would be on less than half of that again. How long can they contribute to national economic survival and improvement? What of the young people who have left their homes for Australia, Canada or God knows where? What hope have they got? They know they will not be coming home any time soon. The legacy is people who need health care being on a waiting list to get on a waiting list for hospital care, and special needs assistants in overcrowded classes.

It could be so different. Sinn Féin has put forward credible and costed alternatives and will do so again in its pre-budget submission. I hope the Government Deputies read our proposals and support them. I hope we will not have the usual shouting and slagging, where abuse replaces logic and political point scoring and not resolving our problems becomes the objective.

I remind the Minister of the key message from the Nyberg report, the post mortem into our financial meltdown, that there was evidence of herd mentality and a reluctance to listen to alternative viewpoints. It is history repeating itself.

**An Leas-Cheann Comhairle:** I call on the Minister for Finance, Deputy Michael Noonan, to move amendment No. 2.

**Minister for Finance (Deputy Michael Noonan):** I move amendment No. 2:

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

- “ — recognises that the Government inherited a situation in relation to the banking sector and specifically in relation to Anglo Irish Bank and Irish Nationwide Building Society which resulted directly from the decisions taken by the previous Government;
- recognises that decisions taken by the previous Government included the decision to guarantee the debts of the covered institutions. This decision and consequential decisions taken by the previous Government have effectively transferred the liability for private bank debt to the taxpayers of this State and contributed to the need for the EU-IMF bailout;
- recognises that the overall cost to the State of promissory notes provided to Anglo Irish Bank and Irish Nationwide Building Society currently stands at €47.4 billion;
- acknowledges that the Government should not act unilaterally in relation to the repayment of unguaranteed senior debt and should have regard to the views of our partners who are providing the requisite funding for the financial institutions;
- acknowledges that the Government is working with our partners in the EU and IMF to address the situation and is actively involved in discussions with a view to reducing the overall cost to the State;
- affirms that the approach being pursued by the Government, given the situation the Government has been presented with, is the optimum approach which will produce the best medium to long-term outcome for the State and the taxpayer; and
- encourages the Government to press ahead with discussions and negotiations around a range of support measures that recognise the contribution made by the State in support of the stability of the Eurozone.”

With the permission of the chair, may I share time with Deputies Mathews, Costello and McCarthy.

**An Leas-Cheann Comhairle:** Agreed.

**Deputy Michael Noonan:** Ar an gcéad dul síos gabhaim buíochas le gach éinne a bhí páirteach sa díospóireacht seo go dtí seo.

In proposing this counter motion I am pleased to present to the House today the Government's measured and structured approach to issues facing the financial sector as the best way to secure the position of the financial services sector. There is little to be achieved at this juncture in regurgitating the failure of past policy approaches. Suffice to say that the initial response of the Government of the time in September 2008 was to provide a full unconditional guarantee for bank debt of the covered institutions. In effect the Government guaranteed hundreds of billions of private bank debt and in that single decision transferred the liability for private bank debt to the taxpayers of the State. Subsequent decisions taken by the Government

[Deputy Michael Noonan.]

in regard to the banking sector were clearly driven by the need to ensure that there was no possibility of a call on the guarantee. Effectively, a firm policy was established that no bank or financial institution in the State would be allowed to fail. This policy was underwritten by a guarantee provided by the State. Decisions to capitalise the banks, to nationalise Anglo Irish Bank, Irish Nationwide Building Society and the Educational Building Society all flow directly from and reflect the underlying need to prevent, at all costs, a call on the guarantee. Further, the exposure of the State in terms of direct and indirect support for the banking system was a major causal factor in the necessity for the EU-IMF bailout.

It goes without saying that the collapse of the banking sector has been at the heart of Ireland's economic difficulties. In repairing the banking system, the over-arching challenge for the current Government has been to restructure the sector by, for instance, boosting its resilience and right-sizing it relative to the needs of the Irish economy and providing for the work-out, in a structured way, of Anglo Irish Bank and Irish Nationwide Building Society, INBS. Significant progress has been achieved in recent months in forming pillar banks, merging EBS with AIB, combining Anglo Irish Bank with INBS to form Irish Bank Resolution Corporation, IBRC — an institution that has no role to play in the future of the Irish banking landscape, recapitalising the banking sector and strengthening the governance framework of the banks. At this stage, it is fair to say that there is a growing consensus that a line has now been drawn under the banking crisis and that a steady improvement is under way.

In terms of boosting resilience, a final €24 billion recapitalisation of the banking sector took place following the PCAR process and earlier steps taken by the State during 2009 and 2010. The PCAR process is regarded as robust and comprehensive, a point underlined by the outcome of the European Banking Authority stress tests announced recently. With the additional PCAR capital, Irish banks are now among the best capitalised banks anywhere in the world. It is worth highlighting that around one third of this capital injection was sourced from the private sector, through liability management exercises with subordinated bondholders in the various banks, anticipated asset sales and the injection of private capital into one major bank. The contribution of the private sector is larger than originally envisaged and I view this as a clear vote of confidence in the Irish banking system and in the future of the Irish economy.

At the same time, the programme of asset deleveraging is well under way. For instance, Bank of Ireland recently announced that it had achieved some €5 billion of asset sales so far this year; AIB is also performing in line with its deleveraging targets. As it is sometimes overlooked, I stress that more than 80% of the assets to be disposed of by the Irish banking system by the end of 2013 are located outside of Ireland. To put it simply, deleveraging of these assets will have no effect on the Irish domestic economy because the assets are held outside Ireland.

The merger of Anglo Irish Bank and Irish Nationwide Building Society into IBRC, the disposal of deposit books is completed and the work-out of the remaining loan books is progressing. All of these measures are helping to continue the process of rebuilding international investor confidence in the Irish banking sector and we are confident in and committed to the bank restructuring plans.

The motion, from the Opposition, asks the House to agree that the former Government were wrong to issue the promissory note; that this Government enter in discussions to have the promissory note withdrawn and that the Government intervene to prevent Anglo Irish Bank from using taxpayers money to repay unguaranteed senior bondholders. There are two distinct issues in this motion, they are the promissory notes and payment to unguaranteed senior bonds.

The promissory notes are a mechanism to provide capital to the institutions without having to pay the cash up front. The previous Government did not pay for these capital contributions in Anglo Irish Bank and INBS with cash. The previous Government effectively issued an IOU, in the form of a promissory note. An IOU means precisely what it says and as the debt is deferred rather than being paid immediately, an interest charge is payable until the debt is settled. The interest charge in question was set by reference to Government yields at the date of issue. The total cost of the promissory notes out to 2031 is around €47.8 billion. That includes not only IBRC but the small amount in the EBS. The reality for the Government at that time was that having set out on its mistaken and misguided journey by committing to unconditionally guarantee the bank's debts, it had no option but like a losing gambler to follow the money by providing capital to those distressed institutions and by committing to maintaining the institutions as going concerns. To do otherwise, in the circumstances of the guarantee, would be to create a situation of default possibly leading to insolvency of the institutions and a call on the State guarantee. Having given the guarantee, the last thing the previous Government wanted to do was to trigger a call on the guarantee. That is the key to what happened. Every policy decision the Government took was to prevent a call on the guarantee. The provision of a guarantee was foolish in the first instance, but it would be a disaster if it was called in. That in a nutshell explains the policy of the previous Government and why it got into such difficulty. Such a situation was simply unthinkable in terms of the implications for the State, so it continued the rake's progress, pledging good money after bad.

If we now consider the impact of withdrawing the promissory notes from the institutions at this time the implications are similar — the institutions will be insolvent. Quite simply if you remove €30.6 billion as an asset from the balance-sheet of the institution you have to fill it from some other source or the institution fails. This situation will require payment of all amounts due under all contracts, even the guaranteed ones, so the State may have to pay up a large amount of cash. A further impact of being insolvent would mean the Central Bank of Ireland and the ECB would no longer be funding IBRC, and that funding of €45 billion would have to be unwound. The €45 billion is predominantly State backed. If the ECB had supported our unwillingness to pay, the situation might have been different but the ECB would not support this course of action despite many discussions with Mr. Trichet and others.

Again, given the level of support provided by the ECB to both IBRC and the other Irish banks, a failure to pay could have a dramatic impact as it would create a doubt over the future of the €110 billion in funding being made available by the ECB and Central Bank of Ireland to Irish banks at a low interest rate. The ECB never issued a threat or said it would withdraw funding but all we had to do was tweak the interest rate slightly and we would lose an awful lot more than we would gain by following the advice we are now getting from across the House. Indeed, it is advice I would not disagree with if we could carry it out with the support of the European institutions, particularly the European Central Bank. It would be unwise, also, to disregard market sentiment in any situation where a sovereign reneges on its obligations or perceived obligations.

I am, nonetheless, eager to have the promissory notes examined to see if they can be re-engineered in a better way for the State by, for example, lengthening their maturity or reducing the interest rates on them or both. As I indicated recently discussions are ongoing with the relevant authorities at a technical level in this regard.

On the payment of unguaranteed unsecured senior bonds it has always been my position that, given the significant cost of Anglo Irish Bank and INBS to the Irish taxpayer, there should be no repayment of this debt. To avoid such repayments, the most logical option would have

[Deputy Michael Noonan.]

been to put the bank into administration. This was an option available to the previous Government but, instead, it put the taxpayer on the line for the liabilities. It should have gone into administration. My predecessor, Brian Lenihan, was misled, I believe, with the information he was given. When he came into this House talking about Anglo Irish Bank he said total liabilities were €1.5 billion. It crept up by instalments until it reached €33 billion and he followed the bet all the way because, having taken the first step to guarantee, he could not get off the roundabout. That was the essential problem. It is a tragedy but it is what happened and is why we are now in such a difficult situation.

There was, however, an alternative. When Deputy Michael McGrath's party said it had no alternative, the alternative was to put Anglo Irish Bank into administration and let it work out, letting the debts fall where they would. There was a solution.

If we were to suspend payments to creditors in IBRC this would have a significant impact on both the bank and ultimately the State. This senior debt, unsecured as it is, is an obligation of the bank. If the IBRC does not meet such obligations it would again lead to a default and following that, most likely, insolvency. Insolvency would result in a significant increase in the cost to the State to resolve IBRC and would have a very significant impact on the credit worthiness of our sovereign State, given the guarantee and the fact that IBRC is owned by the State.

Many people, including members of the Opposition, have sought to draw a distinction between guaranteed debt and unguaranteed debt in IBRC. This distinction is spurious, as subsequent to the guarantee, the Irish Government nationalised Anglo and INBS. It took these institutions into public ownership and took on moral responsibility for all their liabilities. The obligation to guaranteed bondholders deriving from the guarantee was now matched by an equal obligation to unguaranteed bondholders, deriving from ownership of the institutions. The mistaken decisions were taken in two steps; the guarantee and then the taking into ownership of the banks. Each step incurred liabilities.

**Deputy Michael McGrath:** And the Minister did not know it was nationalised last June when he went to the United States and made the promise about burning the bondholders.

**Deputy Michael Noonan:** No, no. The Deputy insists on misquoting me. It is a feature of Fianna Fáil's defence for its disgraceful period in Government that it misquotes the Opposition. Throughout the election campaign, the spring, in my remarks in the United States and right through to my remarks last week, I always said that Fine Gael in government would not act unilaterally to burn bondholders, guaranteed or unguaranteed.

**Deputy Michael McGrath:** Others said that for the Minister.

**Deputy Michael Noonan:** I said we would only do so with the consent of the European Central Bank. That is the solid position and it has been my position consistently.

**Deputy Michael McGrath:** Many of the Minister's colleagues had a different position.

**Deputy Dara Calleary:** What about the Tánaiste?

**Deputy Michael Noonan:** Deputy McGrath might not like it but he should not accuse me of having a different position and when quoting me, he should do so in context.

In the period from the introduction of the guarantee in September 2008 and 31 December 2010, the previous Government allowed substantial repayments of around €20 billion of senior debt for IBRC so it will stick in my craw when Deputy McGrath gets up tonight and does his moaning about paying back bondholders last week when his Government already paid back €20 billion to bondholders in Anglo Irish Bank.

**Deputy Michael McGrath:** They were under guarantee at that time.

**Deputy Michael Noonan:** The Deputy then accuses me of not being able to prevent the bondholders taking another €3 billion.

**Deputy Michael McGrath:** The Minister's party supported that guarantee.

**Deputy Michael Noonan:** The Deputy should get off the stage; he is a young man around here and he has a future if he gets off the stage and starts to be sincere on these issues.

Since coming into government we have explored options with our European partners on senior debt burden sharing. As I stated after my meeting with ECB President Trichet and Commissioner Rehn last month, our European partners expressed strong reservations about burden sharing with senior bondholders in IBRC. Mr. Trichet voiced his opinion that he is against such actions for two reasons: private sector involvement carries very significant contagion risk and may be inconsistent with encouraging private investors to return to markets and he said Ireland had done particularly well over the summer. He mentioned the narrowing of bond spreads and he said he felt that anything to do with senior debt burden sharing might knock the confidence of the market in the absolute commitment of the Government to take once again its place in normally functioning markets; as a result bond yields could widen again and we would lose the ground we had gained.

Mr. Trichet's views were echoed by Commissioner Rehn. The positive international commentary on Ireland has been created by the Government's successful renegotiation of the memorandum of understanding, the introduction of the jobs initiative, the sizeable reduction of the interest rate on the EU-IMF programme and the reduction in the cost of the banks to the taxpayer.

The value of support, present and future, we receive from our European partners far outweighs any short-term gain from imposing burden sharing on these bonds in the face of European opposition to such a move. For example, €110 billion of funding is provided by the ECB and the Central Bank of Ireland to the Irish banks at a cost below which they could borrow in the market. This is in addition to the €85 billion set out in the programme with the troika. However, we still have unfinished business with our partners to find the most cost effective way of resolving IBRC over the long term. Technical discussions between officials are underway at present on the IBRC promissory notes.

For these reasons I have decided not to take unilateral action on the burden. Have I much time left?

**An Leas-Cheann Comhairle:** It is a 30 minute slot, so the Minister can take whatever he likes.

**Deputy Michael Noonan:** I would like to share with my colleagues and I think I have said enough.

**Deputy Gerry Adams:** Hear, hear.

**Deputy Peter Mathews:** Withdraw that remark.

**Deputy Pádraig Mac Lochlainn:** We want our money back.

**Deputy Michael Noonan:** I am sure students of politics, like Deputy Adams, will read the record and the rest of the speech goes on the record.

**Deputy Peter Mathews:** Within five minutes, I am not good at speaking quickly, or even thinking quickly. There are, however a few things that need to be said. This Private Members' debate is excellent because it is relevant and timely.

The context, however, is important because it is not just what is happening to this country in the shadow of what is happening in Greece, Italy, Spain or Portugal, it is getting a handle on what has occurred in the developed economies in the last ten or even 15 years. There is an enormous mountain of debt and we have been talking about measured aspects and locations for what has been happening without understanding how the economies are financed, what their exposures and obligations are, and how the banking system and banks are like the electrical circuitry for the interaction of economies. These economies are all bust and the fuse board is continually being tripped as a result.

I recommend two books which every Member of the House should read. The first, *Boomerang: Travels in the New Third World*, is by Michael Lewis and is written in a type of journalistic English which is easily understandable. It provides an updated position — it was published only eight weeks ago — on the scenarios that obtain across the globe, what has happened and what is likely to happen and how smothered in debt are the various economies. In that context, Ireland's economy is the one most smothered in debt. The second book, *Endgame: The End of the Debt SuperCycle and How It Changes Everything*, by John Mauldin and Jonathan Tepper, is somewhat more complex in tone. Mr. Mauldin spoke at a conference in Kilkenny last week.

**Deputy Pearse Doherty:** Is the Deputy on commission to promote these books?

**Deputy Peter Mathews:** I am not.

**Deputy Michael Noonan:** It is like “The Late Late Show”.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Peter Mathews:** I am hugely disappointed by the lack of comprehension of where the country stands. My disappointment is bordering on anger because people at every level are hurting and they are going to continue to hurt for a long period. It is wrong that this is the case and it could have been avoided. That is why I find it frustrating.

I wish to give the Minister every support in putting the stone in the slingshot, aiming it and ensuring it hits Goliath between the eyes in order that he might wake up. The Goliath to which I refer in this context is our European partners.

**An Leas-Cheann Comhairle:** I am afraid I will be obliged to say we have reached the endgame soon.

**Deputy Peter Mathews:** I am out of time already.

**Deputy Pádraig Mac Lochlainn:** The Deputy should come over and join us.

(Interruptions).

**Deputy Michael Noonan:** If the Leas-Cheann Comhairle gives Deputy Mathews a few more minutes, he might produce a bazooka.

**Deputy Pearse Doherty:** Deputy Mathews should get to the point and tell us which way he is voting.

**Deputy Peter Mathews:** On the basis that I spent an hour in the Chair earlier, perhaps the Leas-Cheann Comhairle might afford me an extra 30 seconds.

**An Leas-Cheann Comhairle:** There can be no special pleadings. However, I am sure we can accommodate the Deputy for a further 30 seconds.

**Deputy Peter Mathews:** The motion is sound and well laid out, and I like the algebra used in it. Whether the figure is €65 billion or €74 billion depends entirely on the cost of funding the initial promissory notes which were issued by the members of the previous Government who were operating in a fog. I do not favour tit-for-tat politics; I deal in facts. I have done this for the past two years and become disappointed when people cannot see the pieces of the jigsaw and identify how they fit together.

The Europeans must be told, loud and clear, that it is not good enough to have negotiations and discussions. We must be informed of the contents of such negotiations and discussions. We know what has been the nature of the Greek discussions because they have taken place on the street. There is a need to ensure the position is publicised, with the volume on high. I will give the Minister every encouragement in that regard. He must explain to the European Union that we need a write-off — I will repeat the figures *ad nauseam* — to the tune of €75 billion, comprising €50 billion for the account of the ECB and €25 billion for the remaining bondholders across all the banks, including AIB and Bank of Ireland. Only when this write-off occurs will the banks to which I refer be in a position to arrange write-downs for householders and business people who are either on their knees or lying flat out because they have already been crushed.

**Deputy Joe Costello:** I welcome the motion. In our hearts, many of us would favour it. Unfortunately, however, our hearts are ruled by our heads and we must look to the amendment brought forward by the Government. I use the word “unfortunately” because there is a certain reality which must be acknowledged.

Those of us who were Members of the previous Dáil are aware of how difficult the situation was when we voted on the bank guarantee on 1 October 2008. On that date Labour Party Members voted against the guarantee, while all other Members voted in favour of it. There are Members present in the Chamber who spoke very strongly in favour of the guarantee but who completely repudiate it now. Most of our liabilities flow from the decisions taken on that occasion. The policy decisions taken in the years prior to 2008, the lack of regulation in the financial system and the greed of certain people led us the situation in which we found ourselves. However, the decisions taken on that fateful day — 1 October 2008 — led us to take on a legal liability in respect of the bank guarantee which covered the secured banks to the tune of €500 billion. In turn, this led to the promissory notes relating to Anglo Irish Bank and the Irish Nationwide Building Society being signed. We should have allowed these two institutions to go to the wall in 2008. We should have allowed Anglo Irish Bank to go bust when it was a private institution, not now when it is in the ownership of the State. We cannot go back



[Deputy Joe Costello.]

and rewrite history. We should have stood up at the time — those of us in the Labour Party did do so — and stated it was a private bank and that its liabilities were also private.

**Deputy Michael McGrath:** The Deputy's party wanted to nationalise it.

**Deputy Joe Costello:** My party voted against the guarantee and that was the correct action to take. I acknowledge, however, that we must address the situation in which we find ourselves. The promissory notes should never have been drawn up and the guarantee should never have been put in place. However, these things happened. As a sovereign state, Ireland took on responsibilities which, as many would now acknowledge, it should not have taken on. These are legal responsibilities. At what stage can these responsibilities be repudiated and what would be the consequences of our doing so, particularly if we were to take unilateral action in this regard? We are in an extremely difficult position. There may be Members who are used to playing poker. We would be getting into a poker game if we were to take a unilateral decision to repudiate our debts. We could take such a route, regardless of whether the notes involved were secured or unsecured. On the other hand, we could follow the advice offered in the Government amendment. In other words, we will not take unilateral action; we will work to the best of our ability with our partners in Europe in respect of the EU-IMF deal and seek to the best of our ability to reduce the effect of and restructure the decisions taken prior to the election of the Government. We must also deal with the commitments made by others which we are legally bound to honour.

That is the nature of the dilemma we face. The motion is lovely and reflects the wishful thinking in which we would all like to engage. However, the Government amendment reflects the reality we are obliged to face. The Government is doing a good job within the parameters it has been set. There is a need for a degree of recognition to the effect that this is the broader context within which we are working. There is also a need to investigate the possibility of restructuring the promissory notes in a way that would reduce the country's financial burden. This must be done in consultation with our EU partners. The approach I have outlined is the correct one to take.

**Deputy Michael McCarthy:** I welcome the opportunity to contribute to the debate on the motion. I agree with Deputy Costello who stated that in his heart he would favour the motion but that his head indicated we should support the Government amendment.

There is not a person in the country who is unaware of the economic crisis or the extent of the banking crisis and all the misery these have wreaked upon thousands of hard-pressed families. There are many people who are unemployed and we have witnessed the return of emigration. All of this is due to the economic collapse which has occurred. What is needed, now more than ever in the history of the country, is strong and decisive leadership. We do not require people to offer simplistic, quick-fix solutions to get us out the mess in which we find ourselves. We are where we are and no one wanted us to get into this position.

Deputy Costello is correct. When the bank guarantee was introduced both here and in the Upper House in 2008, no one realised the full extent of the crisis the country was facing. We all hoped there would be a soft landing and that the recession would not last more than one to three years. However, three years on matters do not appear to be improving. We must be mindful of what occurred in recent years, but, more importantly, we must focus on what can get us out of the situation in which we find ourselves.

The Government inherited a banking crisis that is profound in nature. The scale of that crisis was made all the greater by the extensive blanket guarantee provided for a number of financial institutions in 2008. I reiterate what Deputy Costello stated, that only one party in this and the Upper House opposed the introduction of the bank guarantee. That party was the Labour Party. We did that because we felt it was the right thing to do.

In a short period the Government has done several things and has reached a number of milestones. A significant aspect is that it has renegotiated the EU-IMF deal. According to other parties towards the end of last year and the start of this year, that was unthinkable. That has been done. The term has been extended and the interest rate has been reduced. On another measure, in the height of all of this economic crisis, we have restored the minimum wage.

I find it difficult to listen to Deputies, namely Deputy Doherty, speak about the way out or the solution because I was in the Seanad when he donned the green jersey and voted for the blanket guarantee. That is much of the reason——

**Deputy Pearse Doherty:** The blanket guarantee came into effect on 17 October——

**Deputy Michael McCarthy:** ——that this country is in the mess it is in. It is hypocritical, to say the least, that Sinn Féin would have supported——

**Deputy Pearse Doherty:** The Labour Party wanted to nationalise.

**Deputy Michael McCarthy:** ——the most arch-conservative right-wing decision ever made by national Parliament here.

**Deputy Pearse Doherty:** No. They paid out unguaranteed bonds——

**Deputy Michael McCarthy:** That is the basis of much of the trouble in which we find ourselves.

*(Interruptions).*

**An Leas-Cheann Comhairle:** I thank Deputy McCarthy.

**Deputy Michael McCarthy:** I also find it difficult to listen——

*(Interruptions).*

**Deputy Michael McCarthy:** ——to members of Fianna Fáil who now propose solutions to get us out of this crisis when their fingerprints, actions and voices are all over the blanket guarantee.

*(Interruptions).*

**Deputy Michael McCarthy:** Let us remain cognisant of the historical context of this problem and let us look to the Government amendment tonight to find a solution and a way forward.

**Deputy Pearse Doherty:** Yes. Let us pay all the unguaranteed bondholders.

**Deputy Michael McCarthy:** Deputy Doherty supported the guarantee. He donned the green jersey.

**An Leas-Cheann Comhairle:** I call Deputy Michael McGrath.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Deputies, order please.

**Deputy Michael McCarthy:** Deputy Doherty donned the green jersey.

*(Interruptions).*

**An Leas-Cheann Comhairle:** I call Deputy Michael McGrath.

**Deputy Michael McCarthy:** Deputy Doherty does not know what he did.

**Deputy Pearse Doherty:** That is the Labour Party responding.

*(Interruptions).*

**Deputy Michael McCarthy:** Deputy Doherty banged up this country because of what he did. Deputy Doherty voted with Fianna Fáil and there is no difference. He is a hypocrite.

**An Leas-Cheann Comhairle:** Deputies McCarthy and Doherty, please.

*(Interruptions).*

**An Leas-Cheann Comhairle:** We will have to adjourn the House if this continues. I call Deputy Michael McGrath, without interruption.

**Deputy Jonathan O'Brien:** Go and check out the Seanad record.

*(Interruptions).*

**An Leas-Cheann Comhairle:** Please, order.

**Deputy Michael McGrath:** If I may, I will share time with Deputies Calleary, Kelleher and Dooley.

**Deputy Joe Costello:** Deputy Mathews wants 10 seconds.

**An Leas-Cheann Comhairle:** No. Please, we are short of time.

**Deputy Michael McGrath:** I think Deputy Mathews needs much more than 10 seconds.

**An Leas-Cheann Comhairle:** This is out of order, please.

**Deputy Michael McGrath:** If I may, I have limited time.

It may suit the Minister, Deputy Noonan, and the Government to blame everything on the bank guarantee and that is what he sought to do tonight once again in his speech. He ignored some basic facts. First, he and his party fully supported the bank guarantee. Second, on coming into office in March last there was still €36 billion of unguaranteed senior bonds in the Irish banking system and the Government will pay every single cent of that, which has nothing to do with the bank guarantee.

In relation to his colleagues in Government, the Minister had the good grace to come before the Joint Committee on Finance, Public Expenditure and Reform recently.

**Deputy Michael McCarthy:** Come on now.

**Deputy Timmy Dooley:** Hold on, Deputy McCarthy might learn something.

**Deputy Michael McGrath:** When the Minister talked about the bank guarantee, he stated that the Labour Party wanted to nationalise the banking system at the time and he stated that this would have been worse than any guarantee.

*(Interruptions).*

**Deputy Michael McGrath:** That is what the Minister stated.

**An Leas-Cheann Comhairle:** Nobody interrupted Deputy Costello.

**Deputy Michael McGrath:** Deputy Costello's own colleague stated that the Labour Party's proposal at the time would have been worse than any guarantee.

*(Interruptions).*

**Deputy Michael McGrath:** That is what the Minister stated.

**An Leas-Cheann Comhairle:** One voice please.

**Deputy Michael McGrath:** The Labour Party does not want to hear that.

We all acknowledge, on this side of the House as well, that the information given to the Minister and the Government then was flawed. The banks told mistruths, if I am allowed to say that in this House——

**Deputy Peter Mathews:** Hear, hear.

**Deputy Michael McGrath:** ——about the scale of the problem and the scale of the losses. There is no question about that. That is accepted.

With the benefit of hindsight, there have been a number of official reports which have examined the guarantee, including the Honohan report, the Regling Watson report and the Nyberg report. Even with that full benefit of hindsight, none of them and no political party in this House has come up with a credible alternative that was open to the Government on that night. That is not what I wanted to speak about but I had to respond to what the Minister said.

Sinn Féin has raised some important issues. On the promissory note, it must be pointed out that it was put in place at a time when there was no European fund available for any Government in the eurozone to recapitalise its banks. The real issue here is how the promissory note, capital and interest repayments, will be funded. Whatever losses are in Anglo Irish Bank will be dealt with over a period of time and the estimate of the final loss in that bank has come down from between €29 billion and €34 billion to €25 billion. The payment of the promissory note and the interest are going into that bank and whatever is left ultimately will come back to the State. The real issue, which is touched on in the motion, is: how does one fund those payments? That is the option that is now open to the Government using the new facility in the European Union, the EFSF, to secure a proper funding arrangement to have that promissory note refunded and redesigned so that we can get a better deal in that sense.

There are other issues I want to touch on briefly. It is sometimes forgotten that those who suffered most in terms of the banking collapse were the ordinary shareholders in the banks who lost approximately €60 billion since 2008. We all know many of those shareholders. There were many institutional investors but many ordinary investors who put their entire lifesavings

[Deputy Michael McGrath.]

into banks that they thought were absolutely secure and were assured were absolutely secure by the authorities and by the banks, have lost everything. That is one of the real scandals which transpired in the banking crisis. Some €15 billion of subordinated bondholder losses have been imposed.

Lest it be forgotten, the previous Government put the issue of imposing losses on senior bondholders on the table in November last when the programme of assistance was being negotiated with the EU and the IMF, and it was flatly rejected by the ECB at that time. The ECB has remained utterly consistent and it is still not entertaining any suggestion by the Government, despite all the hysteria we heard.

**An Leas-Cheann Comhairle:** I must call Deputy Calleary soon. The time has expired.

**Deputy Michael McGrath:** The context has now changed because of the deal struck in Brussels on 26 October with burden-sharing now being imposed on European banks which hold Greek sovereign bonds. That strengthens the case for the Government to go to Europe and to redesign the promissory note structure and to get some savings, at least on the remaining €2.8 billion of unguaranteed senior bonds left in Anglo Irish Bank and Irish Nationwide Building Society.

**Deputy Dara Calleary:** I thank Deputy Michael McGrath for putting it in context. I always believe in ceding to greater wisdom and greater knowledge. I note Deputy Mathews is anxious to make a brief point and I have no difficulty——

**An Leas-Cheann Comhairle:** No. I have absolute discretion on this now. Deputy Calleary is now in for three minutes.

**Deputy Peter Mathews:** I thank Deputy Calleary.

**Deputy Dara Calleary:** Deputy Mathews made an important point in the middle of his book review programme about the mountain of debt facing the world. That is the context we must put on this. When one hears the figure mentioned tonight in Italy of €1 trillion of debt, the figures are simply unimaginable and are repeated right across the world. The context within which he has spoken and within which we are negotiating this debate here tonight is set.

Two weeks ago, we were told we had the deal to end all deals. There was a write-down of Greek debt and a building of the stability fund, and that was to have everything sorted. The opportunity to put all of these issues on the table at European level was lost that night. There was an open goal facilitated both by the context of the negotiations and the change in management in the ECB. The change of management in the ECB possibly afforded us an opportunity to discuss all of these matters, but it was not taken. That deal came unstuck through the Greek situation and that situation has become further worsened this evening with Italy. One must ask the question: what country is next?

Until Europe gets its act together once and for all in this area, we will move with sticking plaster after sticking plaster, but the wound is still open and untreated. No matter what decisions we take here, until that is done, both here and in the United States, there will be some other crisis this time next year again and Deputy Mathews' mountain of debt will still need to be faced by people to come.

We have a chance with a new director in the ECB, a man with, hopefully, a better understanding of peripheral economies and a better understanding of the reality of the present posi-

tion of countries, to push those issues forward. There is the chance of a common agreement. Everybody agrees that the stability fund needs to be built up in order to fire-proof and fire-wall economies. Could we not use the building up of that fund to ensure that Ireland gets a better deal on our debt?

There are so many open goals for the Government. All it takes is a willingness to take them on, a willingness to bring something home for real rather than tacking Ireland on to Greece and to other deals done, and claiming credit for deals that are done on that basis.

I welcome the context that Deputy Michael McGrath has put on the banking guarantee and the way it was introduced. It is amazing how quickly context is forgotten in political debate. I accept the Minister's point that he made no promises, but many of his colleagues did. Many of those sitting around the Cabinet table made explicit promises in advance of the election. We know where those promises have since gone.

We can all decide to support the motion, but the Council of Ministers and the European Council must get their act together. Regardless of how the Government views the decision of Prime Minister Papandreou to hold a referendum, the manner in which two prime ministers bullied him out of making that decision was wrong.

**Deputy Peter Mathews:** Hear, hear.

**Deputy Dara Calleary:** It was a bad day for those of us who believe in European unity and in the European project. Theirs is not the kind of attitude we need. We need the European Council to resolve to deal with this matter once and for all. This and any other such motion will be irrelevant until that occurs.

**Deputy Billy Kelleher:** I welcome the opportunity to contribute to this issue. I believed we would have had a more reflective debate and that, after the white heat of battle and elections past, we could have sat down as a mature Parliament and discussed the realities of the situation confronting our country instead of rewriting history.

**Deputy Michael McNamara:** Fianna Fáil has already tried that.

**Deputy Billy Kelleher:** I only have a short time available to contribute. When we are trying to put matters in context, it is important that we come from a basis truth and fact. Prior to the general election, people in Opposition cars swanned around the country — they are now in Government cars — and told anyone who would listen that they would burn bondholders and build a tall pyre outside Dublin Castle to burn bankers as well. Everyone propagated this lie prior to the election. The Minister, Deputy Noonan, is correct, in that he was one of the few who admitted the Government would need to consult our EU partners. With everyone else, mention of our EU partners was far down the script.

**Deputy Peter Mathews:** I was not there.

**Deputy Billy Kelleher:** The small print was so small, it could not be read. Every speech in the House, even those of the leaders of Fine Gael and Labour, referred to burning bondholders and bankers morning, noon and night.

**Deputy Michael Ring:** Like Hallowe'en.

**Deputy Peter Mathews:** Will the Deputy exempt me, please?

**Deputy Billy Kelleher:** Last week, one of the biggest lies perpetrated against the Irish people was revealed by the issuance of €720 million to unsecured and unguaranteed bondholders. The most interesting aspect is that the markets believed it would be paid. The markets considered those Deputies who, prior to the election, claimed they would not pay bondholders if they got into government and backed them to buckle under the pressure of the ECB and the EU and pay. The markets have proven right. That side of the House did not have the spine to stand up to the ECB in support of the pledges the Government made to the people.

**Deputy Peter Mathews:** It should not have been paid. I was not present.

**Deputy Dara Calleary:** Deputy Mathews was on holiday.

**An Leas-Cheann Comhairle:** Order, please.

**Deputy Billy Kelleher:** Deputy Mathews's integrity is without question. In light of those debates, the deceptions perpetrated recently were shameful. Some day when I have more time, I will put more on the record and we might have a more mature and reflective debate than this one.

**Deputy Paul Kehoe:** It is a pity that Deputy Kelleher did not speak like that before the election.

**Deputy Billy Kelleher:** I was too busy promoting trade.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to the debate. It has always been a hobby of mine to read over Dáil transcripts from decades past. The advent of the Internet has made it a little bit more enjoyable and reviewing them in greater detail is now possible. Since crossing the floor seven or eight months ago, I have taken to reviewing more recent transcripts. Yesterday, I read our debate on the Credit Institutions (Stabilisation) Bill 2010 on 15 December. There was a degree of harmony between the Fine Gael and Labour Members, although they have sought to deny this a number of times. The current Minister for Transport, Tourism and Sport, Deputy Varadkar, stated that the Bill did not contain any provision for the restructuring of the debts of senior bondholders and that up to €16 billion of taxpayers' money could be saved by imposing losses and haircuts on the bondholders. According to the Minister, it was a key policy to be changed upon a change in government, given that the people were not responsible for the banks' debts and should not have been held liable for them.

There has been a change in government and those opposite got their wish — they are Ministers of State and Deputy Varadkar is a senior Minister. I can only assume that it is Labour that is holding Fine Gael back from burning the bondholders. Many times, it has been stated that they fought the election as two individual parties and agreed a compromise programme for Government. If so, they should tell us about it.

I moved on to what the Minister's colleague in Dublin West stated.

**Deputy Dara Calleary:** Who?

**Deputy Timmy Dooley:** The current Minister for Social Protection, Deputy Burton. She made an interesting aside, in that she claimed the Bill was too late. Indeed, she emphasised it several times. She stated:

It is too late because the horse has bolted since the expiry of the original bank guarantee, and too little because it does nothing to address the treatment of liabilities other than subordinated bondholders. It fails to address the issue of senior bondholders now out of the guarantee, the debts for whom amount up to €20 billion.

She also stated:

When any private company goes bust because of reckless trading, its private investors are supposed to lose out if they made a bad bet. If the shortfall between assets and liabilities is greater than shareholders' capital, not only do shareholders lose their shirts, but losses are passed up the line to other creditors depending on their seniority — first to subordinated bondholders and then to other unsecured creditors, including senior bondholders. These are the fundamental rules of a functioning market economy. Using State funds to bail out private investors would be a cynical example of socialism for capitalists.

Is the Government now implementing socialism for capitalists?

**Deputy Dara Calleary:** It is capitalism for——

**Deputy Paul Kehoe:** I thank Deputy Dooley.

**Deputy Michael McGrath:** It is great to be able to look back over debates.

**Deputy Timmy Dooley:** She stated: “What we could not accept was a bailout of professional investors, a free lunch for bondholders and a blank cheque for Fianna Fáil.” Have the Government's actions provided a blank cheque for Fine Gael and Labour?

**Deputy Paul Kehoe:** Fianna Fáil always had blank cheques.

**Deputy Timmy Dooley:** Reviewing the transcripts would be worth the Minister of State's while. The Government might learn something from it.

**Deputy Paul Kehoe:** Fianna Fáil always had blank cheques.

**Deputy Timmy Dooley:** And the Government is continuing to fund-raise at a phenomenal rate. The Minister of State is denying it. The Government should allow our Bill on corporate fund-raising to go through.

**An Leas-Cheann Comhairle:** Deputy Dooley, please.

**Deputy Billy Kelleher:** Corporate donations.

*(Interruptions).*

**Deputy Michael Ring:** Does Fianna Fáil remember writing them?

**An Leas-Cheann Comhairle:** I call Deputy Maureen O'Sullivan.

**Deputy Paul Kehoe:** Fianna Fáil signed them.

**Deputy Billy Kelleher:** What about corporate donations?

**An Leas-Cheann Comhairle:** Order, please.



**Deputy Timmy Dooley:** Help us ban corporate donations.

**An Leas-Cheann Comhairle:** Order, please. Deputy Maureen O’Sullivan has the floor.

**Deputy Maureen O’Sullivan:** May I share time with Deputy Mattie McGrath?

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

**Deputy Maureen O’Sullivan:** It is the previous Government’s responsibility that we are in this situation. I am sure we all watched last night’s RTE programme, which laid events out graphically. It reminded me of the expression, “Marry in haste, repent at leisure”. A great deal was done in haste. On what basis were decisions made? They appeared to be based on advice from those who got us into this mess in the first place.

Maybe I am being simplistic, but surely the motivating factor should be to work in the best interests of the Irish people. I do not know how it is in our best interests to pay millions of euro to anonymous, nameless, faceless bondholders and to pay promissory notes. The Government must at least work on renegotiating the bailout’s terms to remove toxic private banking debt. The Minister, Deputy Noonan, has stated his reasons for not renegotiating the troika deal. He mentioned that it could spread panic on the markets, create a contagion effect and increase bond yields, as is happening with Italy, all of which would reduce any chance of returning to normal market borrowing. He stated that he was not interested in confronting the troika and intends to work with the programme, even though his party came to power on a burn-the-bondholders ticket. He stated that the European institutions and serious players had much respect for Ireland and that it would be appropriate to work with them.

Are we any better? We are facing more austerity. If people are finding it increasingly difficult to pay their bills, how can they help with the ethos of spending our way out of a recession?

We seem to be dominated by the big picture of what is occurring in Europe and economic affairs. I spent recent days with the North Inner City Drugs Task Force, NICDTF, the Cabra drugs task force, people with disabilities, senior citizens and people with mental health issues. We cannot lose sight of such people while discussing promissory notes. It would be obscene.

**Deputy Mattie McGrath:** Will the Leas-Cheann Comhairle allow me to defer to a colleague for a few seconds?

**An Leas-Cheann Comhairle:** There is a 30-second provision.

**Deputy Peter Mathews:** I will take less. I thank the Leas-Cheann Comhairle and the Deputy. I wish to indicate that, when the House votes on the motion, I will support the amendment under protest so that we might understand that it is far too important not to be public about our insistence that we should be getting severe debt write-downs à la Greece.

**Deputy Dara Calleary:** Which amendment?

**Deputy Timmy Dooley:** Does Deputy Mathews mean he will come with us? He should clarify.

**An Leas-Cheann Comhairle:** Deputies, please.

**Deputy Mattie McGrath:** I admire Deputy Mathews’s honesty. I am delighted to be able to contribute to this debate.

**Deputy Billy Kelleher:** We have also tabled an amendment.

**Deputy Michael Ring:** Deputy Mattie McGrath will know what to do.

**Deputy Mattie McGrath:** The public has grown tired and confused. They were cross at what my friends on this side of the House and I did while I was a member of Fianna Fáil.

**Deputy Michael McGrath:** Esteemed member.

**Deputy Mattie McGrath:** I remember travelling with Deputy Michael McGrath that fateful night we were summoned to Dublin to vote. We were worried, but we needed to listen to the Opposition, which did nothing short of rant. They were going to burn the bondholders.

Hell's fire was not going to be as hot as this country was going to be. Hell's fire would have been only a patch on it.

**Deputy Michael Ring:** You were the only opposition——

**Deputy Mattie McGrath:** You were going to burn bondholders, bankers, civil servants and everyone and you told the public so. Deputy Gilmore, now a Minister, stated it would be Labour's way or Frankfurt's way.

**Deputy Michael Ring:** You burned your colleagues.

**Deputy Mattie McGrath:** It is from the frying pan into the fire. I cannot believe the diatribe I must listen to now.

**Deputy Paul Kehoe:** We were never in hell.

**Deputy Mattie McGrath:** The most bewildering thing is that we must listen to the Minister of State, Deputy Kehoe, day after day interrupting and having to read apologies into the record like he did last week.

**Deputy Paul Kehoe:** You were in here every day. We were never in hell.

**Deputy Mattie McGrath:** I was here and I heard him. It was difficult to listen to him because we knew what he was saying was — I will not say what I was going to say. Hellfire would be a nice way——

**Deputy Michael Ring:** You were the opposition. You were on RTE every night.

**An Leas-Cheann Comhairle:** One minute remains.

**Deputy Mattie McGrath:** I will try to make the best of it. The ordinary people are bewildered because the Government came in and changed its clothes. It changed seats and put on the clothes of the former Ministers.

**Deputy Michael Ring:** You jumped ship with them, so you did.

**Deputy Mattie McGrath:** The programme broadcast last night showed the late Brian Lenihan, who did so much work. Where were his advisers and officials? He cannot be blamed for everything. The Government stated it would change everything——

**Deputy Michael Ring:** You were blaming Brian Cowen last night.

**Deputy Mattie McGrath:** ——but it has changed nothing and only made it worse and ran over with cheques and pockets full of cash to pay the unsecured bondholders. When the

[Deputy Mattie McGrath.]

Government is told jump it asks how high?. Labour's way or Frankfurt's way. The Labour Party is wagging the coalition tail.

**Deputy Paul Kehoe:** Or Mattie's way.

**Deputy Mattie McGrath:** No, not my way. I did what I had to do. The Government promised so much but has delivered so little. It is going down a cul-de-sac and the public——

**Deputy Michael Ring:** You jumped ship.

**Deputy Paul Kehoe:** You accepted Fianna Fáil votes in the election.

**Deputy Mattie McGrath:** I know Deputy Kehoe's pedigree. I thank Deputy Dooley for reminding the Government Members of what they said and did. The public is waiting for them and the proof was in the presidential election. They will not be fooled. Fool them and it is their fault but fool them twice at your peril.

Debate adjourned.

The Dáil adjourned at 9.02 p.m. until 10.30 a.m. on Wednesday, 9 November 2011.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 31, inclusive, answered orally.*

*Questions Nos. 32 to 37, inclusive, resubmitted.*

*Questions Nos. 38 to 48, inclusive, answered orally.*

### Hospital Staff

49. **Deputy Robert Troy** asked the Minister for Health if hospital consultants' remuneration will be reduced under a new consultant's contract; and if he will make a statement on the matter. [32999/11]

**Minister for Health (Deputy James Reilly):** While the Programme for Government provides for a reduction in consultants' remuneration, my immediate priority is to achieve more effective implementation of the existing contract so that patients get faster access to services and achieve better outcomes within the budgets available to hospitals. I believe there is plenty of scope under the existing contract and the Croke Park agreement to achieve greater productivity from consultants. For example, increased consultant participation in patient discharges at weekends could more quickly free up beds for emergency admissions. I am satisfied that considerable efficiencies can be achieved under the terms of the 2008 contract, if consultants embrace this reform agenda.

The 2008 Consultant contract provides for an extended working day, an increase in the length of the working week and structured weekend work, with consultants working as part of a team delivering the Clinical Directorate Service Plan and focusing on greater equity in the provision of care. I believe that the efficiencies, productivity increases and reform, if achieved, will be worth more to the health system than simply reducing the pay of consultants. I would therefore strongly encourage consultants and their representative bodies to engage in a meaningful way with the HSE and hospital management to progress this important agenda. The option of reducing consultant pay if these changes are not forthcoming is still very much available.

### Hospital Services

50. **Deputy Seán Conlan** asked the Minister for Health if he will direct the Health Service

[Deputy Seán Conlan.]

Executive to expedite an audiology appointment in respect of a person (details supplied) in County Monaghan who was referred by their general practitioner more than 18 months ago; and if he will make a statement on the matter. [32973/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The HSE has confirmed that the person referred to by the Deputy has been referred to the audiology services in Cootehill, Co. Cavan for assessment and is currently on a waiting list. I understand that the person will receive an audiology assessment appointment by the end of November 2011.

The report of the HSE's National Audiology Review Group was published in April 2011. The HSE is currently pursuing a number of recommendations that will have a direct impact on waiting lists for adult audiology services:

- A group is carrying out an urgent workforce planning review for audiology. This group is due to complete its work this month.
- The HSE has sponsored ten candidates to complete an M.Sc. in Audiology. The graduates will be ready to commence work in September 2013.
- Each HSE Region is currently in the process of validating its waiting list and evaluating methods to reduce waiting times.
- Consultation has commenced within the HSE in order to establish a unified patient management system for audiology. This will manage all scheduling and waiting lists.

### **Nursing Homes Support Scheme**

51. **Deputy Martin Ferris** asked the Minister for Health if he will reverse the change to the nursing homes support scheme whereby persons who have to enter nursing homes while their applications for payments under the scheme are being considered will have to pay the full cost of care. [32965/11]

**Minister for Health (Deputy James Reilly):** I recently agreed to an amendment to the HSE's *National Guidelines for the Standardised Implementation of the Nursing Homes Support Scheme*. I agreed to this in order to assist the HSE in managing the scheme more effectively and to ensure its ongoing sustainability. The amendment was agreed subject to assurances from the HSE that:

- individuals with complex cases will not be disadvantaged,
- average processing times for complete applications should not exceed 4-6 weeks,
- geographical location will not disadvantage applicants, and
- acute hospitals will not be detrimentally affected, subject to the scheme being operated within the financial resources allocated.

The HSE's Guidelines now state that, subject to overall resources, people who enter nursing homes will have their financial support paid either from the date that the application is approved, or date of admission to the nursing home, whichever is the later.

It should be noted that the amendment will have no retrospective effect, will be reviewed in one year and will only apply to applications received after the 1st October 2011.

### **Hospital Services**

52. **Deputy Mary Lou McDonald** asked the Minister for Health if he will report on progress in the development of the new cystic fibrosis unit at St. Vincent's Hospital, Dublin and of other

services for persons with this condition; and if he will make a statement on the matter. [32967/11]

**Minister for Health (Deputy James Reilly):** The construction contract for the new ward block at St Vincent's University Hospital is proceeding according to plan, within budget and on time. Completion of building works is scheduled for April 2012, after which the building can be brought into use for service delivery. This new building will play a vital role in the treatment of patients with Cystic Fibrosis and a range of other ailments.

Other services for cystic fibrosis sufferers are also provided at the following hospitals:

- Beaumont Hospital,
- Crumlin Children's Hospital,
- Cork University Hospital,
- Waterford Regional Hospital,
- University College Hospital, Galway,
- Mayo General Hospital,
- Our Lady of Lourdes Hospital, Drogheda.

I will forward up to date details regarding these services directly to the Deputy in the very near future. In the primary care setting Cystic Fibrosis sufferers access the normal primary care services. Public Health Nurses and primary care physiotherapists provide a range of support, services and advice to CF sufferers.

Since 1 July 2011 screening of newborn children for cystic fibrosis has been integrated into the National Newborn Bloodspot Screening Programme. This will allow for early diagnosis and intervention leading to better outcomes for children with cystic fibrosis. The National Centre for Medical Genetics, based at Crumlin Children's Hospital, is closely involved in the implementation of this service.

53. **Deputy Catherine Murphy** asked the Minister for Health if he could, in view of the reductions in patient services at both acute and non-acute hospitals across the country, outline to Dáil Eireann which hospitals have been assigned to cover the gap in service provision at each of the affected hospitals; the additional measures that have been put in place to help cover the gap in service provision; if he will outline by means of a detailed map the service-reassignments and other related measures which have been put in place across the country; and if he will make a statement on the matter. [33030/11]

**Minister for Health (Deputy James Reilly):** The Government intends to publish a Framework for the Development of Smaller Hospitals, which will set out the way these hospitals provide services to patients and how they work within their regional hospital networks. The Framework and its implementation is a priority of the Government.

In developing the Framework, the Government is clear that:

- there is an important future role for smaller hospitals, in which they will provide services for more patients, not fewer,
- no acute hospital will close, and
- safety issues in all acute hospitals, big or small, must be fully addressed, by providing the right type of services in the right settings.

We also need to take into account the individual circumstances of each hospital, to recognise the need for regional solutions and, within the excellent context provided by the HSE's clinical

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programmes, to encourage local innovation in response to service issues that arise locally or regionally. The best solutions will vary between regions and within the overall context referred to there is no question of a “one size fits all” approach.

We will arrange extensive consultation to ensure we develop an effective framework that takes account of local and regional needs. This process of consultation will begin shortly. I have already said that the reorganisation of our acute system must involve a two way transfer of services between the larger and smaller hospitals, and that as much of the less complex acute treatment should be provided as close to a patient’s community as possible. I expect that the model for reassignment of services will be a dynamic one, capable of adapting to the changing needs of patients and the health service, nationally, regionally and locally, and the evolving nature of medical treatment and technology.

### Vaccination Programme

54. **Deputy Sean Fleming** asked the Minister for Health his plans to instruct the Health Service Executive to ensure that all parents are aware of the side effects of the human papilloma virus vaccine; and if he will make a statement on the matter. [32988/11]

**Minister for Health (Deputy James Reilly):** The HSE provides all parents/guardians with an information booklet on HPV vaccination. The booklet includes information on possible side effects.

The HSE also provides additional information sources at *www.hpv.ie* and *www.immunisation.ie*. This includes information translated into eight languages as well as more details on the safety and side effects of the vaccine. Individual queries can be sent to either website and these are replied to by doctors in the HSE National Immunisation Office within one working day. For those who do not have access to the internet and who require additional assurances and information, the letter to parents contains contact information for Local Immunisation Teams and details of the HSE Information line.

I am satisfied with the level of information being provided to parents by the HSE regarding possible side effects of the HPV vaccine.

### Hospital Services

55. **Deputy Denis Naughten** asked the Minister for Health the steps he is taking to provide additional services at Roscommon County Hospital; and if he will make a statement on the matter. [32714/11]

**Minister for Health (Deputy James Reilly):** An Urgent Care Centre was established in Roscommon County Hospital in July 2011. This Centre operates from 8 a.m. to 8 p.m., seven days a week and the service is provided by non-consultant hospital doctors, with clinical governance provided by an emergency medicine consultant at Galway University Hospital.

An enhanced ambulance service has been put in place. During the day, four ambulances staffed by paramedics are available, while three are available at night. In addition, there is a special Rapid Response Vehicle, staffed by advanced paramedics, available on a twenty four hour, seven day basis. An out of hours GP service is also in operation. A Medical Assessment Unit is open from 9 a.m. to 5 p.m., Monday to Friday. This is a medical admission pathway and accepts referrals from a range of sources, including general practitioners.

An outpatient and day surgery plastic surgery service commenced in the last few months. Furthermore, increased day surgery is due to commence shortly. This will involve taking suitable patients from Galway University Hospital waiting lists.

Roscommon Hospital has a clear future and will continue to provide key services to the people of the area. I believe that smaller hospitals can and should provide as wide as possible a range of services, close to the local community. The key concern is that they are safe.

Too often we have focused on what we are taking away from rather than what we can add to, services in smaller hospitals. A framework for the development of smaller hospitals is being prepared for the Government jointly by the HSE and my Department which will set out how smaller hospitals will develop to reach their full true potential. This will specify what services are transferring to them from the larger hospitals.

All of this will be done with full regard to the safety issues highlighted by HIQA, in its reports on Ennis and Mallow Hospitals. When it is implemented, smaller hospitals will have vibrant roles, doing more work — not less — and meeting as many as possible of the needs of their local communities.

### Departmental Reports

56. **Deputy Clare Daly** asked the Minister for Health the steps he has taken to address the delay in the completion of the report into the practise of symphysiotomy; when he expects to engage with patient groups on the matter and publish the report; and if he accepts the urgency in having this report concluded in view of the aging profile of the victims and their need to have this matter addressed. [32709/11]

57. **Deputy Gerry Adams** asked the Minister for Health if he will provide an update regarding his address of the plight of victims of symphysiotomy; and if he will make a statement on the matter. [33026/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 56 and 57 together.

The independent academic researcher appointed to complete a report into the practice of symphysiotomy has advised my Department that she experienced unforeseen difficulties in accessing information sources and, as a result, she expects to complete the report this month rather than as originally planned. I am very conscious that the women who underwent this procedure are anxious for this report to be completed as soon as possible but I also mindful that quality and accuracy must take precedence over speed.

As soon as the draft report is received my Department will further engage with patient representative groups and the Institute of Obstetricians and Gynaecologists.

It is my intention that the report be published, subject of course to the usual legal and related considerations which as of now are not expected to create any significant barriers to publication.

### Hospital Services

58. **Deputy Niall Collins** asked the Minister for Health his plans to make additional resources available to the Cork University Hospital once the South Infirmary Victoria University Hospital, Cork, closes; and if he will make a statement on the matter. [32981/11]

**Minister for Health (Deputy James Reilly):** The South Infirmary Victoria University Hospital, Cork is not closing.

In recent weeks, HSE South announced details of a reorganisation of acute hospital services in Cork City. This reorganisation is consistent with the plans that have been agreed for some time, which indicate that the South Infirmary would become an elective hospital. To achieve



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this and to protect elective surgical services in the hospital, the staged closure of the current emergency department in the South Infirmary is required.

Cork City currently has three acute hospitals with emergency departments open on a 24 hour basis — Cork University Hospital (CUH), Mercy University Hospital and South Infirmary Victoria University Hospital. All three hospitals are located within a one mile radius of the city centre. Only one of these hospitals, CUH, has access to a consultant in emergency medicine on a 24/7 basis.

The proposed reorganisation of services, including the phased closure of the emergency department in the South Infirmary follows a comprehensive consultation and communication process over the past three years. This consultation process culminated with the publication, in 2010, of a plan for the reorganisation of acute hospital services in Cork and Kerry.

The majority of patients attending the South Infirmary's ED are seen before 10.00pm. From December 2011, the ED will open from 10.00 a.m. to 10.00 p.m. to accommodate peak presentation times during the winter months. There are approximately seven patients seen between 10.00 p.m. and 10.00 a.m. per night in South Infirmary ED. When the 12 hour ED is introduced in December, these seven patients will be easily accommodated in the 24 hour EDs at the Mercy Hospital and CUH.

In April 2012, when the ED in the South Infirmary closes, patients will be streamed between the Acute Medical Unit (short stay and medical assessment) and the new Surgical Assessment Unit at CUH, the new Urgent Care Centre at St. Mary's, the EDs at CUH and the Mercy and the Cardiac Renal Centre at CUH. These emergency service developments will ensure that existing ED patients will be being treated in more appropriate settings, ensuring that there is more than adequate capacity for the patients seen at the South Infirmary ED in 2010.

The planned streamlining of emergency department services in Cork City will deliver the best care for patients, as they will receive the right care in the right place from the right person. When these planned changes are fully implemented, they will ensure that there is more capacity in ED services in 2012 than is currently available.

The exact resource requirements for each of these services are being reviewed to ensure that they are all adequately resourced.

*Question No. 59 answered with Question No. 45.*

### **Hospital Staff**

60. **Deputy Derek Keating** asked the Minister for Health If he will provide in tabular form the salaries of the chief executive officer, deputy chief executive officer and clinical directors of St. Francis Hospice, Raheny, Our Lady's Hospice, Harold's Cross and Blackrock and Marymount Hospice, Cork; if he will also give details of their annual leave entitlements and if they were paid bonuses between 2000 and 2010; and if he will make a statement on the matter. [32715/11]

**Minister for Health (Deputy James Reilly):** It has not been possible in the time available to collate the information sought by the Deputy. The HSE has been asked to collate the data sought as soon as possible and it will be provided to the Deputy when available.

### **Health Service Reform**

61. **Deputy Micheál Martin** asked the Minister for Health when he will publish legislation to abolish the Health Service Executive; and if he will make a statement on the matter. [32992/11]

**Minister for Health (Deputy James Reilly):** The Programme for Government commits to the Health Service Executive ceasing to exist over time. This will require detailed planning and legislation to abolish the Health Service Executive is likely to be brought forward on a sequential basis, as part of the overall reform programme, with the Executive's functions transferring elsewhere or being taken over by the Universal Health Insurance system. In the meantime, however, I intend to bring legislative proposals to Government to abolish the Board structure in the Health Service Executive under the Health Act 2004 and to provide for replacement governance structures and enhanced accountability arrangements.

62. **Deputy Michael Colreavy** asked the Minister for Health if will implement the recommendations of the National Audiology Review Group; and if he will make a statement on the matter. [32961/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The report of the HSE National Audiology Review Group was published in April 2011.

The Group has developed a comprehensive set of recommendations to address the inconsistencies and inadequacies in audiology services. Recommendations currently being pursued include the following. A group is carrying out an urgent workforce planning review for audiology. This group is due to complete its work this month. The HSE has sponsored ten candidates to complete an M.Sc. in Audiology. The graduates will be ready to commence work in September 2013. Newborn hearing screening is currently being provided in Cork University Hospital with a view to identifying congenital hearing impairment at a very early stage and will be rolled out in the remainder of the HSE South by year end. The programme will be rolled out in all other regions in mid 2012. Each HSE Region is currently in the process of validating its waiting list and evaluating methods to reduce waiting times. Consultation has commenced within the HSE in order to establish a unified patient management system for audiology. This will manage all scheduling and waiting lists.

The implementation of other recommendations is in planning, including: appointment of National Clinical Leads and a National Project Manager to lead implementation of the recommendations; Development of a national and regional Bone Anchored Hearing Aid Service; Development of an Irish Clinical Competence Programme to support the MSc in Audiology Graduates; Revised Tender for Hearing Aids, Moulds and Accessories; Revised Tendering for Equipping.

The HSE is committed to the implementation of the report recommendations on a phased basis over the next number of years.

### **Mental Health Services**

63. **Deputy Jonathan O'Brien** asked the Minister for Health the number of cross-departmental meetings that have taken place on mental health in 2011; the actions taken as a result of these meetings; the direct outcomes that have occurred as a result of these actions or meetings; and if he will make a statement on the matter. [32966/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Office for Disability and Mental Health participated in the development by the Department of the Environment, Community and Local Government of a Housing Strategy for People with Disabilities which has a particular emphasis on the housing needs of people with mental health difficulties. This Strategy was published on 6 October 2011. Five meetings were held during 2011.

Three meetings of the Cross Sectoral Team on Health and Justice were held in 2011. That team was established to bring about improvements in services for people with mental health

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difficulties who come into contact with the criminal justice system, and during the course of 2011, a protocol was put in place regarding the provision of Consultant psychiatric support by the HSE to the Gardai in emergency incidents.

### **Consultant Contracts**

64. **Deputy Ciara Conway** asked the Minister for Health if the Health Service Executive has received back 20% of moneys owed by hospital consultants who failed to keep to a commitment to limit numbers of private patients treated in order to prioritise public patients; the amount of this money that has been paid back by the 15 September deadline; when the balance is expected to be paid in full; the measures being taken to retrieve the full amounts; the penalties that will be incurred by those who do not repay the moneys owed; the steps that will be taken to avoid a similar situation in future; and if he will make a statement on the matter. [32711/11]

**Minister for Health (Deputy James Reilly):** Consultant Contract 2008 provides that where a consultant is in excess of the agreed ratio of private to public patients and does not bring his or her practice back into line he/she will be required to remit private practice fees in excess of the ratio to the research and study fund under the control of the Clinical Director. To date the HSE has received no payments to the research and development fund from the limited number of consultants who have been asked to remit fees.

In January and February 2011 the HSE issued invoices to 12 consultants who were recorded as being significantly in excess of the agreed private practice ratios indicating that failure to comply with the request to remit funds arising from breach of the ratios would result in an instruction to cease charging private patients. This followed the completion of a 9-month period provided to each consultant as per Consultant Contract 2008 for them to resolve the issue and query any data issues. Subsequent engagement between the HSE, IHCA and IMO resulted in resolution of the matter in respect of a number of consultants. To date two consultants have been written to informing them that their private practice privileges have been removed due to non-compliance with the public/private provisions of the contract.

Following recent discussions with the medical organisations, the HSE are confident that, given the time provided to consultants to resolve the issues, the systems are in place to ensure that any outstanding issues are resolved and funds are remitted appropriately.

### **ICT Projects**

65. **Deputy Michael Colreavy** asked the Minister for Health his plans to proceed with the national client index project; and if he will make a statement on the matter. [33025/11]

**Minister for Health (Deputy James Reilly):** I take it the Deputy is referring to the concept of the national client index project as used primarily by HSE Primary Care Reimbursement Service to support the management of the scheme systems in regard to on-line validation and eligibility for client services. Work currently being done by the HSE on the development of a national client index will be an essential building block in the process of uniquely identifying clients to provide health services effectively and ensure patient safety. A key issue for the health services is the ability to identify patients across different ICT systems such as the GP referrals system, Integrated Patient Management System and the National Integrated Medical Imaging System, as well as many other systems. The potential of such an approach allows for the sharing of data and the integration of systems to underpin the delivery of services thus ensuring that providers can deliver systems in an operating environment which is safe and efficient.

My Department is examining the issue of unique patient identification in the context of wider public service initiatives in identity management and the deployment of the public services identity card to leverage the most cost effective way of delivering this. It is accepted that the core principles of good information governance, including patient privacy, confidentiality and safety, must be at the centre of all deliberations. The approach must also support the requirements of the Data Protection Acts and the Health Information and Quality Authority. Universal Health Insurance, linked to money following the patient, is a central element of the health reform agenda set out in the Programme for Government. A prerequisite for the implementation of such a system of health insurance is patient centric data clearly identifying clients. My Department is currently working on legislation, to be published next year which will underpin the use of information in the health sector.

### **Hospital Services**

66. **Deputy Dessie Ellis** asked the Minister for Health if he will restore the services and beds closed at James Connolly Hospital, Blanchardstown, Dublin; and if he will make a statement on the matter. [32960/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### **Health Services**

67. **Deputy Catherine Murphy** asked the Minister for Health if the changing geographical spread of the population made clear in Census 2011 is being taken into account in his calculations when seeking to ensure equal access to medical service provision across the country; if so, if he will detail such calculations; the practical decisions that have been made as a result; and if he will make a statement on the matter. [33027/11]

**Minister for Health (Deputy James Reilly):** My Department utilises population Census data for a wide variety of purposes in the assessment and planning of health services. The Corporate Plans and Annual Service Plan prepared by the HSE include a range of population-based performance indicators across all areas of service provision. Many of these are designed to monitor issues of access, coverage and quality. The availability of detailed Census data and population projections is essential in enabling evidence-based service evaluation and planning.

Evidence-based planning and evaluation is also critical for the Government's major health reform programme, the aim of which is to deliver a single-tier health service, supported by universal health insurance, which will ensure equal access to care based on need, not income.

A fundamental element of the reform process involves significant strengthening of primary care services to deliver universal primary care with the removal of cost as a barrier to access for patients. This will provide for equal access for all to GP services. The phased implementation programme will be overseen by both the Minister of State for Primary Care and myself, as Minister for Health.

My Department has commissioned a study to develop a model of demand for and supply of GP and practice nurse care. This will facilitate workforce planning so that the supply of care by GPs and practice nurses should meet patients' needs for care as the implementation programme on universal primary care is rolled out. The study will address a number of elements including: an estimation of current utilisation rates of GP and practice nurse services, including a breakdown by geographical area to the degree that is supported by the available data; a projection of the effect on utilisation/demand for GP and practice nurse services of demographic change including population ageing and epidemiological trends; an assessment of any

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mismatch between demand and supply; and a sensitivity analysis assessing the effect on matching demand and supply of adopting alternative demographic and epidemiological assumptions.

In addition, the ongoing development of primary care teams takes account of population distribution and need by geographical area.

Significant reforms are also underway in the acute hospital sector which will positively impact on access to services. The Special Delivery Unit has been established and its priorities encompass reducing the waiting times for admission to Emergency Departments, reducing in-patient and out-patient waiting times and improved access to diagnostics. A joint HSE/Departmental group has also been established to develop a framework for the future development of smaller hospitals across the country. With regard to the funding of acute hospital care, the existing system of historical block grant allocations will be replaced by a more efficient and transparent prospective funding mechanism. This financial system will implicitly take account of population need as funding will follow individual patients (“Money Follows the Patient”).

Once these key reforms have been put in place, the health sector will be ready for universal health insurance. The universal health insurance system will give patients a choice of insurer and will guarantee that every citizen has equal access to a comprehensive range of curative services, including both primary and hospital care.

### **Mental Health Services**

68. **Deputy Aengus Ó Snodaigh** asked the Minister for Health if his attention has been drawn to the distress and concern caused by the termination of the free psychiatric drugs scheme which covered the former Eastern Health Board area; if he will restore the scheme pending a review of such services statewide; and if he will make a statement on the matter. [32959/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Under the former Eastern Health Board, it was the practice to provide psychiatric medicines free to all patients who attended an outpatient clinic for services regardless of their eligibility status. Such arrangements were unique to the greater Dublin area. In all other former Health Board Areas, patients used either their medical card or Drug Payment Scheme card to access psychiatric medicines.

In 2009, the HSE decided to bring the arrangements for the supply of medicines to patients attending mental health outpatient clinics in the greater Dublin area into line with those operating in the rest of the country. These changes were introduced on a phased basis, starting on 1 October 2010 when medical card holders in the HSE Dublin North East area requiring psychiatric medicines were referred to their own GP for a GMS prescription. This arrangement is being extended to the Dublin Mid Leinster area from 1 November 2011. At the same time, Drug Payment Scheme cardholders will be required to pay for their prescription up to the co-payment threshold of €120 per month. Medical card holders will continue to receive their medication free of charge, subject to any applicable prescription charge. These arrangements will be kept under review.

People affected by these changes who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive will take into account medical costs incurred by an individual or a family, including the cost of medication.

69. **Deputy Pearse Doherty** asked the Minister for Health the progress, if any, that has been made on the programme for Government commitment to develop a national Alzheimer’s and other dementias strategy by 2013; and if he will make a statement on the matter. [33024/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy is aware, a commitment was given in the Programme for Government to develop a national Alzheimer's and other dementia strategy by 2013.

As I have indicated previously, my Department has started the process of developing a policy on dementia that will support the delivery of long-term care services having regard to future demographic trends and the consequential increase in demand for long-term care. This policy will be developed on the basis of the best evidence available from national and international sources.

Officials in my Department have engaged with relevant stake-holder groups on the first stage of the process which is to assemble the research and evidence upon which the policy will be developed. I expect this will be received shortly, at which stage work on the policy will commence formally.

70. **Deputy Sandra McLellan** asked the Minister for Health the amount of money spent by the State in 2010 on child and adolescent mental health services; the amount of money spent to date in 2011 by the State on child and adolescent mental health services; and if he will provide a breakdown of this money for both years. [32968/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The HSE provides a range of services across primary care, specialist child and adolescent mental health services, health promotion and suicide prevention services which support young people's mental health. As the HSE's financial accountability structure is across HSE areas and hospitals and not by care group, it is not possible to identify a specific figure for services which support young people's mental health.

*Question No. 71 answered with Question No. 45.*

### **Hospital Accommodation**

72. **Deputy Brian Stanley** asked the Minister for Health when the Health Service Executive will complete its countrywide audit of acute bed closures; and when it will be published; and if he will make a statement on the matter. [33022/11]

77. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will put in place a programme to reopen closed hospital beds between now and April 2012; and if he will make a statement on the matter. [32716/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 72 and 77 together.

As these are service matters, they have been referred to the HSE for direct reply.

*Question No. 73 answered with Question No. 44.*

### **Childhood Obesity**

74. **Deputy Charlie McConalogue** asked the Minister for Health his plans to tackle the childhood obesity epidemic; and if he will make a statement on the matter. [32492/11]

**Minister for Health (Deputy James Reilly):** 25% of children aged between 5 and 12 and 20% of teenagers are either overweight or obese. Childhood overweight and obesity is a significant public health challenge. My Department, in conjunction with other organisations and Government Departments, is involved in a number of programmes that encourage the adoption of

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healthy lifestyles. In parallel, the Health Service Executive is involved in many programmes to help prevent obesity. Earlier this year I set up a Special Action Group on Obesity, comprising representatives from my Department, the Department of Children and Youth Affairs, the Health Service Executive, the Food Safety Authority of Ireland and Safefood to examine and progress a number of issues to address the problem of obesity, including nutritional labelling, calorie posting on restaurant menus, the development of healthy eating guidelines, the promotion of physical activity, restrictions on the marketing to children and the treatment of obesity. The Group will liaise with other Departments and organisations as required.

### Departmental Staff

75. **Deputy Bernard J. Durkan** asked the Minister for Health the number of persons and their rank and salary scale involved in the compilation of health policy in respect of primary and secondary health services with particular reference to those with responsibility for the determination of the size, scale and location of general and special hospitals and health centres; the extent to which future policy in this regard is likely to be controlled or affected by such a team; and if he will make a statement on the matter. [32719/11]

**Minister for Health (Deputy James Reilly):** My Department's role to provide strategic leadership for the health sector and to ensure that Government health policies are translated into actions and implemented effectively. There are 366.66 administrative and professional staff in my Department, and they are assigned across nine Divisions, as follows:- Finance, Performance Evaluation, and EU/International; National HR and Professional Regulation; Parliamentary and Corporate Affairs and Corporate Legislation Unit; Acute Hospitals and Private Health Insurance; Primary Care and Eligibility; Office for Disability and Mental Health; Office for Older People; Office of the Chief Medical Officer; Special Delivery Unit.

The standard Civil Service grades, which range from Secretary General to Clerical officer, account for the vast majority of our staff, and salary scales for these grades are as follows:

Grade	Salary Range (€)
Secretary General	200,000
Dep/Assistant Secretary and equivalent	117,407 — 176,800
Principal Officer/Equivalent	80,051 — 110,844
Asst. Principal/Equivalent	61,966 — 88,598
AO/HEO	31,619 — 60,224
EO	29,024 — 49,837
Staff Officer	33,070 — 46,171
Clerical Officer	22,015 — 38,135

There is a high level of interaction and co-operation with the HSE in formulating and implementing policy across the full range of issues, and in this context the size, scale and location of general and special hospitals and health centres is ultimately determined by a process of collaboration between my Department and the HSE, in the context of the capital programme.

### Departmental Agencies

76. **Deputy Peadar Tóibín** asked the Minister for Health if he will expand the investigative role of the Health Information and Quality Authority; and if he will make a statement on the matter. [32963/11]

**Minister for Health (Deputy James Reilly):** The Health Information and Quality Authority (HIQA) was established by the Health Act 2007 and its investigative role is set out in Section 9 of that Act. e Programme for Government contains a commitment to expand HIQA's inspection role into the area of residential services for people with disabilities along with a commitment to establish a Patient Safety Authority which will incorporate HIQA. Discussions are ongoing between my Department and HIQA to progress these commitments.

*Question No. 77 answered with Question No. 72.*

### **Cancer Screening Programme**

78. **Deputy Luke 'Ming' Flanagan** asked the Minister for Health if he will direct the National Cancer Screening Service to contact all those women who had a cervical smear test taken and to ask them if they had to pay for the postage of their samples, using registered post €5.80; if he will enquire from the National Cancer Screening Service the steps that have been put in place to ensure that participating medical practises will not abuse the the National Cervical Screening Programme in the future; and if he will make a statement on the matter. [32710/11]

**Minister for Health (Deputy James Reilly):** CervicalCheck was introduced in September 2008. Almost 950,000 smear tests were processed in the first three years of the programme and more than 710,000 eligible women aged 25-60 years have had at least one free CervicalCheck smear test.

The HSE has contractual agreements in place with general practitioners and clinics for the provision of smearing services as part of CervicalCheck. Under this contract, the practice or clinic where a CervicalCheck smear test is taken is solely responsible for ensuring delivery of the smear test sample to the designated cytology laboratory for analysis. No woman who has a smear test as part of the CervicalCheck programme should pay for postage. I am advised by the HSE that, since the programme's introduction, a small number of instances have come to their attention of a woman being asked to post her own smear test sample for analysis. In all cases where a complaint has been brought to the attention of the programme that complaint has been immediately followed up and resolved with the practice in question. I am also assured that CervicalCheck works with representative and local community groups and produces information materials, which clearly state that every aspect of the programme is free of charge to women and that this is a free government-funded service.

### **Health Services**

79. **Deputy Seán Conlan** asked the Minister for Health if he will direct the Health Service Executive to reinstate the home help hours of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [32974/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### **Professional Regulation**

80. **Deputy David Stanton** asked the Minister for Health the way in which the podiatry profession is regulated here in comparison to podiatrists or similar professions in the UK and Europe, in particular regarding the sale, supply and administration of local anaesthetics and the carrying out of minor surgeries; and if he will make a statement on the matter. [33029/11]

**Minister for Health (Deputy James Reilly):** The Health and Social Care Professionals Council (HSCPC) was established in March 2007 to implement the Health and Social Care



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Professionals Act 2005. The Act provides for the establishment of a system of statutory registration for twelve health and social care professionals including Podiatrists and will apply to the twelve professions regardless of whether they work in the public or private sector or are self-employed, and is the first time that fitness to practice procedures will be put in place for these professionals on a statutory basis.

The first registration board to be established under the Council, the Social Workers Registration Board, was established in August 2010 and the Radiographers Registration Board will be established before year-end. At least four additional registration boards are scheduled for establishment in 2012, with subsequent registration boards to be established as soon as possible after that. With regard to the regulation of Podiatrists and the establishment of their registration board, additional work will be required on the development of policy in relation to the supply and administration of prescription medicines by other health professional groups including podiatrists. This is governed by a separate piece of legislation, the Medicinal Products legislation. This work will be undertaken in parallel with working towards the establishment of the Podiatrists Registration Board.

In developing this policy, regard will be given as to how the supply and administration of prescription medicines in Europe, including the UK is undertaken. I am aware that the UK Department of Health is currently undertaking a consultation process regarding prescribing rights for podiatrists and the outcome of this consultation may assist my Department in its own policy objectives.

The Medicinal Products (Prescription and Control of Supply) Regulations 2003 place strict controls on the prescribing, supply and administration of medicines, for the purpose of patient protection. Under the Medicinal Products legislation, in order to create an entitlement for a health profession to supply or administer prescription medicines to patients, it is first necessary for that profession to be subject to statutory registration in order that the law clearly identifies the individuals who have an entitlement to supply or administer prescription medicines. In addition, health professions subject to statutory registration are subject to a rigorous regulatory regime which includes fitness to practice and disciplinary sanctions.

While I am open to making medicines more accessible to patients, where safe and appropriate to do so, including permitting the use of medicines by health professionals, including podiatrists, it can only be done by taking all aspects, both legal and policy, into account.

### **Health Services**

81. **Deputy Richard Boyd Barrett** asked the Minister for Health if he will reverse the planned cuts to homeless services announced last week; and if he will make a statement on the matter. [33031/11]

**Minister for Health (Deputy James Reilly):** The HSE works closely with voluntary organisations to ensure that marginalised and at risk communities have access to, and are able to utilise health and social services in an equitable manner. The HSE provides funding and services to the homeless catered for by the voluntary organisations. The funding reductions referred to are part of the HSE's efforts to address the projected deficit within this year's budget allocation.

Reflecting the current economic situation the HSE must manage service levels within existing resources. Similarly, voluntary organisations face challenges in delivering efficiencies to ensure that services are delivered within the allocated budget. The HSE is working closely with all service providers to ensure that the provision of services is effectively managed.

### General Practitioner Services

82. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health if the study currently being undertaken by him regarding the numbers of general practitioners required in the State will also cover the issue of location, recognising that GP and primary care services are unevenly spread; when this report will be published; and if he will make a statement on the matter. [33023/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The purpose of the study referred to by the Deputy is to inform the Programme for the Implementation of Universal Primary Care, which will progressively extend access to general practitioner (GP) care without fees, in accordance with the Programme for Government 2011. The Programme for Government provides that under Universal Primary Care, GPs will work in primary care teams with other primary care professionals. The Implementation Programme requires the development of a model of demand for and supply of GP and practice nurse care to facilitate workforce planning so that the supply of care by GPs and practice nurses should meet patients' need for care.

The study will include a number of elements including:

- an estimation of current utilisation rates of GP and practice nurse services, including a breakdown by geographical area to the degree that is supported by the available data;
- a projection of the effect on utilisation/demand for GP and practice nurse services of demographic change including population ageing and epidemiological trends;
- an assessment of any mismatch between demand and supply; and
- a sensitivity analysis assessing the effect on matching demand and supply of adopting alternative demographic and epidemiological assumptions.

The study commenced on 17 October 2011 and will be of two months' duration.

### Expenditure Reviews

83. **Deputy Bernard J. Durkan** asked the Minister for Health if, in the context of savings likely to be necessary in the course of the compilation of the Estimates and budget for his Department, all sectors within his Department are likely to be treated equally; if those currently engaged in examining those Estimates in this regard are conscious of the need to ensure that the scope, scale and integrity of the health services are not materially affected to such an extent as to create medium to long-term issues that might affect the viability of the services in the future; and if he will make a statement on the matter. [32718/11]

**Minister for Health (Deputy James Reilly):** As the Deputy will be aware, the Government has announced that a comprehensive review of expenditure is being undertaken wherein each Department will prepare a comprehensive report identifying expenditure programme savings, scope for savings arising from efficiency and other reforms and proposals for the further rationalisation of agencies and any associated reductions in staff. These reviews will inform the 2012 Estimates and the identification of further savings which can assist in meeting public expenditure targets. All areas of expenditure and income generation are being examined across the services to ensure that maximum value for money and efficiency is being achieved. Measures that do not have front line service implications are being implemented in the first instance, whilst measures that have a potential to impact on front line patient or client services will only be considered following a full evaluation and impact assessment and consideration at a national level.

[Deputy James Reilly.]

Under its reform programme the Government has committed to achieving greater efficiencies in patient care and service delivery. These efficiencies will not be easy to achieve but I am certain that achieving these efficiencies will enable the system to deliver a more efficient service, having regard to the resources that will be available to it over the coming years.

### **Hospital Staff**

84. **Deputy Nicky McFadden** asked the Minister for Health if he will further extend nursing panels in order that those who have worked full-time hours as agency nurses will get the opportunity to apply for permanent positions; and if he will make a statement on the matter. [32958/11]

**Minister for Health (Deputy James Reilly):** The Employment Control Framework for the health sector exempts certain grades and posts from the moratorium on recruitment. These include some nursing posts. The Framework also allows the HSE discretion to fill non-exempted posts on exceptional grounds in order to maintain essential services. While the number of such exceptions must of necessity be kept to a minimum given the need to make reductions in employment numbers and associated pay savings, the HSE operates a number of staff nurse panels to meet requirements where exemptions are justified. Since the recruitment moratorium in March 2009 approximately 400 Staff Nurse positions have been filled.

In the first half of 2011 the HSE conducted two national recruitment campaigns for Staff Nurses and panels were formed from which future appointments would be made. In July, the HSE decided to introduce a general recruitment pause to assist with addressing the serious budgetary overrun. Notwithstanding this, the HSE will extend the current panels as appropriate to ensure that should service needs justify the use of exemptions specific posts can be filled.

*Question No. 85 answered with Question No. 45.*

### **Information and Communications Technology**

86. **Deputy David Stanton** asked the Minister for Health his policy regarding a move from paper patient records to a more innovative information-technology-based records system; and if he will make a statement on the matter. [33028/11]

**Minister for Health (Deputy James Reilly):** In the context of the Programme for Government and the wider health reform agenda I am committed to upgrading the ICT capabilities of the health system to underpin efficiency and effectiveness and, in particular, better patient safety by making greater use of health information to enhance patient care. The HSE will shortly publish a new information and communications technology strategy which will deliver sustainable improvements in health and social care for patients and clients via the deployment of cost effective standards based, secure technology and applications that provide access to meaningful, timely and relevant information, when and where it is required.

As part of this process, greater use will be made of electronic patient records for the obvious benefit of improved coordination of care and better outcomes, as well as reducing costs. Good electronic records will be essential in providing for an insurance based system where money follows the patient. It is internationally accepted that the wide spread adoption of an EHR (electronic health record) is a long term goal. However, significant progress to that end is being made by deploying the core building blocks such as patient administration, radiology and laboratory information systems and ensuring that such systems are deployed using an integrated services framework. Such an approach allows for the development of summary care records

leading eventually to electronic health records. My Department is currently developing legislation to provide a legal framework for the optimum use of health information. I expect that information to be published next year.

### **Pension Provisions**

87. **Deputy Derek Keating** asked the Taoiseach the retirement salary and retirement package of, and whether bonuses or other payments are being made to, the retiring Director of Public Prosecutions (details supplied); the amount of their pension on retirement; and if he will make a statement on the matter. [32731/11]

**The Taoiseach:** The superannuation scheme for the retiring Director of Public Prosecutions is set out in the Statutory Instrument No. 96 of 2009. In accordance with it, the Director will receive a pension of €114,840 per annum and a net lump sum of €319,315. No bonuses or other payment are being made to the Director. While the Director's gross annual salary on the date of his retirement was €215,590, he had made a voluntary gift to the Minister for Finance to reduce the amount of salary paid to him to an annual sum of €200,000.

### **Departmental Expenditure**

88. **Deputy Denis Naughten** asked the Taoiseach the cost of issuing hard-copy payslips to all employees paid by his Department; the number of staff issued with such payslips; the steps being taken to issue payslips only by electronic means; the timetable involved; and if he will make a statement on the matter. [32732/11]

89. **Deputy Denis Naughten** asked the Taoiseach the cost of issuing hard-copy payslips to all employees of agencies accountable to his Department; the number of staff issued with such payslips; the steps being taken to issue payslips only by electronic means; the timetable involved; and if he will make a statement on the matter. [32733/11]

**The Taoiseach:** I propose to take Questions Nos. 88 and 89 together.

The annual cost of issuing hard copy payslips to all employees paid by my Department is €1675. The annual cost of issuing hard copy payslips to employees of the National Economic and Social Development Office (NESDO) is €41. The number of staff issued hard copy payslips annually is 184 and 17 respectively.

The Financial Shared Services Centre, Department of Justice and Equality, Killarney, which process the payroll on my Department's behalf, do provide an online payslip facility in addition to the hard copy payslip. We are currently in discussions regarding the issuing of electronic only payslips.

### **Departmental Properties**

90. **Deputy Robert Troy** asked the Taoiseach if he has any property leased in the private sector in County Westmeath; and if so, the type of property and the annual rent payable. [32734/11]

**The Taoiseach:** My Department has no property leased in the private sector in County Westmeath.

### **Departmental Expenditure**

91. **Deputy Timmy Dooley** asked the Taoiseach the total amount of money yet to be spent

[Deputy Timmy Dooley.]

under his Department's 2011 budget allocation before the end of 2011; and if he will make a statement on the matter. [32735/11]

**The Taoiseach:** My Department's 2011 budget allocation is €21.039 million. The total unspent at the end of October 2011 was €6.908 million.

Appropriate expenditure management procedures are in place in my Department, including procurement practices, budgets and monitoring processes with a view to ensuring that expenditure is managed in a manner consistent with best use of the resources available to the Department and achieving best value for money.

### Departmental Appointments

92. **Deputy Derek Keating** asked the Taoiseach the terms — including salary, bonuses, expenses, travel and subsistence, and the length of appointment — that make up the contract of appointment for the new Director of Public Prosecutions (details supplied); and if he will make a statement on the matter. [32736/11]

**The Taoiseach:** The term of office for the new Director of Public Prosecutions will be ten years and is not renewable. The post will attract a salary of €190,000 which may be adjusted from time to time in line with Government pay policy. No bonuses or expenses are payable. Travel and subsistence will, where necessary, be paid under the rules and at the rates which apply in the civil service.

The pension entitlements of the new Director will be set out in a scheme to be made shortly by the Taoiseach, in consultation with the Minister for Public Expenditure and Reform, in accordance with the Prosecutions of Offences Act 1974, and the scheme will be laid before the Houses of the Oireachtas.

### Departmental Bodies

93. **Deputy Simon Harris** asked the Taoiseach the number of State bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32858/11]

**The Taoiseach:** The National Economic and Social Development Office (NESDO) is the only State Agency under the aegis of my Department. The NESDO was established under the NESDO Act 2006 and is the body corporate for the National Economic and Social Council (NESC). There have been no such changes since March this year.

As I said in the House on 25 October last, the changes to the NESDO such as the dissolution of two of its constituent bodies, the different composition of the NESC and the altered role of the Council mean that we must look again at the legislation to make sure that it properly reflects these developments.

### Official Engagements

94. **Deputy Terence Flanagan** asked the Taoiseach if a date regarding his trip to China has been agreed yet; if he will provide the programme content; and if he will make a statement on the matter. [33047/11]

**The Taoiseach:** The Government attaches great importance to developing our trade and bilateral links with our Asian partners and in particular with China. We look forward to build-

ing on the excellent bilateral relations that exist between our two countries and further enhancing our trade, investment, education and tourism links with China.

I hope to visit China in 2012.

### **Abolition of Seanad**

95. **Deputy Niall Collins** asked the Taoiseach when he intends holding the referendum on the abolition of the Seanad; and if he will make a statement on the matter. [33326/11]

**The Taoiseach:** Work is proceeding in my Department on the preparation of proposals for a referendum on the abolition of the Seanad. When these proposals are ready, they will be considered by the Government.

The proposal to abolish the Seanad was of course signalled by the Government parties prior to the general election, and the Government intends to put this question to the people in a referendum next year. The Dáil and Seanad will have an opportunity to fully debate the necessary legislation, when it is published.

### **Ministerial Appointments**

96. **Deputy Gerry Adams** asked the Taoiseach if former Government officeholders are currently in positions appointed by current or former Governments; the details of such appointments, including position, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33968/11]

97. **Deputy Gerry Adams** asked the Taoiseach the details of any former Government officeholder appointed by him to any position; the details of such appointments, to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33969/11]

**The Taoiseach:** I propose to take Questions Nos. 96 and 97 together.

The only agency under the aegis of my Department is the National Economic and Social Development Office (NESDO) which was established under the NESDO Act 2006 and is the body corporate for the National Economic and Social Council (NESC). Tom Parlon, the former Minister of State, is the only former office holder appointed to the NESC. He was appointed by the previous Taoiseach on 20 January 2011 following his nomination by the Construction Industry Federation. No remuneration is paid to persons for membership of the Council. No expenses have been paid nor any additional benefits have been provided to Mr. Parlon in relation to Council membership.

I have not appointed any former Government office holder to any position since I became Taoiseach.

### **Ministerial Responsibilities**

98. **Deputy Gerald Nash** asked the Tánaiste and Minister for Foreign Affairs and Trade if he intends, following the recommendation of the Irish Economic Forum 2011, to appoint a Minister with specific responsibility for relationships with Asia; and if he will make a statement on the matter. [33481/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As the Deputy will be aware, Ministers are appointed by the President following nomination by the Taoiseach. As the Deputy will also be aware, there is already a Minister of State for Trade and

[Deputy Eamon Gilmore.]

Development in my Department, Jan O’Sullivan, T.D., who since her appointment has been actively engaging with the Asian region. Later this month, she will visit Vietnam and Korea where she will meet with senior Government Ministers, Chambers of Commerce and the Irish Diaspora as well as participate in the High Level Forum on Aid Effectiveness.

I myself recently made official visits to Japan and Korea. The visits gave me an opportunity to conduct bilateral meetings with senior Ministers in both the Japanese and Korean Governments with a view to strengthening and developing our bilateral ties. In Japan, I also met with Keidanren, the representative organisation for major Japanese corporations, while, in Korea, I addressed leading figures in Korea’s Finance Sector at the Seoul Finance Forum. Both events gave me an opportunity to provide detailed briefings on business related opportunities in Ireland. I was able, during my visits, to liaise with members of the Asian-based Irish diaspora, particularly at the Asia Pacific Irish Business Forum which was held this year in Seoul and also at the 2011 Asian Gaelic Games which I officially opened.

The recent Global Irish Economic Forum was marked by a high level of enthusiasm among the participants, with candour and frankness characterising the many discussions over the two days. The feedback to date from all who attended has been extremely positive with participants expressing significant satisfaction with the quality of the discussions and the management of the event. Enhancing our engagement with, and presence in, Asia arose on a number of occasions during the Forum. The formal report of the Forum which includes the overall outcomes is being finalised by my Department and will be published shortly.

In order to ensure a whole of Government approach to the delivery of appropriate initiatives, an Interdepartmental Committee, headed by the Secretary General to the Government, which will include Secretaries General from relevant Departments and the heads of State Agencies, will meet this week to consider the Report, the outcomes, and the appropriate follow up mechanisms.

### **Human Rights Issues**

99. **Deputy Mary Mitchell O’Connor** asked the Tánaiste and Minister for Foreign Affairs and Trade his approach in relation to the current repressive policies against Tibet; if he will call for the introduction of international independent observers in Tibet; and if he will make a statement on the matter. [32820/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** The Irish Government conveys its concerns about the situation in Tibet and related human rights issues directly to the Chinese authorities, through regular diplomatic contacts in both Dublin and Beijing. The European Union, on behalf of its Member States, also raises human rights issues on a regular basis with China. This includes human rights problems in Tibet and the disturbing events in Kirti Tibetan monastery in Sichuan Province in China. The High Representative, Catherine Ashton, speaking on behalf of the European Union, has also expressed her concern at the situation at Kirti monastery and has urged the Chinese authorities to allow Tibetans to exercise their religious, cultural and educational rights. These issues are also discussed as part of the formal comprehensive human rights dialogue between the European Union and China. The most recent of these formal dialogues took place in June of this year.

Human rights issues in China, are also the subject of attention and debate at the United Nations in New York and at the Human Rights Council in Geneva.

A group of United Nations experts, led by the Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, an independent human rights expert appointed by the Human Rights Council, voiced concern on 1 November over reports of human rights restrictions on

the Tibetan Buddhist monasteries in China's Sichuan province, including allegations of intimidation, security raids and surveillance of the sites and religious activities. Such restrictive measures, the UN experts noted, not only curtail the right to freedom of religion or belief, but also serve to further exacerbate existing tensions.

The Deputy will be aware that the Irish Government is committed to the One-China policy, which acknowledges Tibet as part of China. We believe that constructive dialogue between the Chinese Government and representatives of the Dalai Lama is the best way forward to address differences and tensions in Tibet over issues of culture, language, religion and identity. It is essential, for long-term peace and stability in the region, that these two sides reach an agreement on the future of Tibet. To this end, we encourage an early resumption of dialogue by the parties.

### **Departmental Bodies**

100. **Deputy Simon Harris** asked the Tánaiste and Minister for Foreign Affairs and Trade the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32852/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** There are no state bodies or companies operating under the aegis of my Department.

### **Election Monitoring**

101. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade the individual cost of each trip taken by persons as part of Ireland's international election monitoring in 2010 and to date in 2011; and if he will make a statement on the matter. [33044/11]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Jan O'Sullivan):** The Government believes that international election monitoring missions have an important role to play in the promotion of human rights and democracy. Irish Aid in the Department of Foreign Affairs and Trade maintains a roster of observers for election monitoring missions.

We aim to ensure that, when requested, Ireland is represented at an appropriate level in international observation missions for elections and constitutional referendums. Irish observers participate primarily in missions organised by the European Union and the Organisation for Security and Cooperation in Europe (OSCE), but have also been involved in missions organised by the Council of Europe, the United Nations and the Carter Centre.

Observers who participate in missions supported by Irish Aid are entitled to one pre-departure grant of €600 in every 12-month period to cover any costs incurred in preparing for the trip, including vaccinations and doctor's certificates. Additional costs for observers participating in EU-led missions are covered by the European Commission. Costs incurred by observers on OSCE missions are covered by the participating countries, in Ireland's case from the Irish Aid budget.

The election observation programme is subject to continuous monitoring to ensure that it operates efficiently and effectively and provides the best possible value for money. A list in tabular form of the cost associated with each Irish election observer in 2010 and 2011 to date is set out below. For obvious reasons, the costs associated with sending long-term observers (LTO) are higher than those for short-term observers (STO).



[Deputy Jan O’Sullivan.]

## Election Observation Missions 2010 (93 Observers on 17 Missions)

COUNTRY	ORGANISATION	ROLE	NAME	SURNAME	COST
January					
Ukraine	OSCE	STO	Kevin	Cronin	€3,285
Ukraine	OSCE	STO	David	Denny	€3,207
Ukraine	OSCE	STO	Raymond	Dunne	€3,059
Ukraine	OSCE	STO	Peter	Emerson	€3,077
Ukraine	OSCE	STO	Brian	Fagan	€3,207
Ukraine	OSCE	STO	Patricia	Farren	€3,057
Ukraine	OSCE	STO	Deirdre	Grogan	€3,353
Ukraine	OSCE	STO	Kevin	Grogan	€3,207
Ukraine	OSCE	LTO	Edward	Horgan	€4,360
Ukraine	OSCE	STO	Maria	Kiernan	€3,207
Ukraine	OSCE	STO	Seamus	Martin	€2,622
Ukraine	OSCE	STO	Sean	O’Callaghan	€2,763
Ukraine	OSCE	STO	Eoin	O’Leary	€3,478
Ukraine	OSCE	STO	John Paul	Phelan	€3,207
Ukraine	OSCE	STO	Geraldine	Power	€3,207
Ukraine	OSCE	STO	Theresa	Reidy	€2,753
Ukraine	OSCE	LTO	Michael	Verling	€4,130
February					
Tajikistan	OSCE	STO	Anne	Brady	€3,761
Tajikistan	OSCE	STO	Mary	Buchalter	€3,761
Tajikistan	OSCE	STO	Tony	Egar	€3,977
Tajikistan	OSCE	STO	Michael	Forbes	€3,252
Tajikistan	OSCE	STO	Donal	MacDonald	€3,761
Tajikistan	OSCE	STO	Paul	O’Shea	€3,559
Togo	EU	STO	Mary	Boland	€600
Togo	EU	STO	Michael	Humphreys	€600
Togo	EU	LTO	Aidan	O’Shea	€600
Togo	EU	LTO	Mary	O’Shea	€600
Togo	EU	LTO	Marion	Roche	€600
Ukraine II	OSCE	STO	Eric	Byrne	€3,245
Ukraine II	OSCE	STO	Geraldine	Power	€2,640
Ukraine II	OSCE	STO	Kevin	Grogan	€2,640
Ukraine II	OSCE	STO	Maria	Kiernan	€2,640
Ukraine II	OSCE	STO	Patricia	Farren	€2,640
Ukraine II	OSCE	STO	Peter	Emerson	€2,640
Ukraine II	OSCE	STO	Seamus	Martin	€2,640
Ukraine II	OSCE	STO	Sean	O’ Callaghan	€2,514
Ukraine II	OSCE	STO	Theresa	Reidy	€2,640

COUNTRY	ORGANISATION	ROLE	NAME	SURNAME	COST
April					
Sudan	EU	STO	Michael	Kavanagh	€600
Sudan	EU	LTO	Carmen	Monclus	€600
Sudan	EU	LTO	Maeve	Murphy	€600
Sudan	EU	STO	Mary	O'Shea	€0
May					
Ethiopia	EU	LTO	Donal	Blake	€0
Ethiopia	EU	STO	Terry	Duffy	€0
Ethiopia	EU	LTO	Edward	Horgan	€0
Ethiopia	EU	STO	Michael	McNamara	€600
Ethiopia	EU	STO	Mary	O'Shea	€0
Ethiopia	EU	LTO	Marion	Roche	€0
Georgia	OSCE	STO	Colm	Burke	€3,342
Georgia	OSCE	STO	Marian	Cadogan	€3,342
Georgia	OSCE	STO	Geraldine	Cusack	€3,342
Georgia	OSCE	STO	Seamus	Duffy	€3,342
Georgia	OSCE	STO	Brian	Flynn	€2,742
Georgia	OSCE	STO	Eimear	Friel	€2,680
Georgia	OSCE	STO	Fergus	Gleeson	€3,342
Georgia	OSCE	STO	Michael	Lanigan	€3,342
Georgia	OSCE	LTO	Sean	O'Callaghan	€7,691
June					
Guinea	EU	STO	Michael	Humphreys	€0
Guinea	EU	STO	Aidan	O'Shea	€0
Guinea	EU	STO	Mary	Boland	€0
July					
Burundi	EU	STO	Peter	Ballagh	€600
October					
Bosnia	OSCE	STO	Killian	Forde	€2,585
Bosnia	OSCE	STO	Niall	Gormley	€2,585
Bosnia	OSCE	STO	Patrick	Houlihan	€2,585
Bosnia	OSCE	STO	Paul	McGrath	€2,585
Bosnia	OSCE	STO	Caoimhe	Ni Chonchuir	€1,985
Bosnia	OSCE	STO	Chiara	Popplewell	€1,801
Bosnia	OSCE	STO	Audrey	Ryan	€2,585
Bosnia	OSCE	STO	Eamonn	Walsh	€2,585
Bosnia	OSCE	STO	Carole	Ward	€2,585
Cote D'Ivoire	EU	STO	Peter	Ballagh	€0
Cote D'Ivoire	EU	STO	Patricia	Kearns	€0
Cote D'Ivoire	EU	LTO	Traolach	Sweeney	€0
Kyrgyzstan	OSCE	STO	Gerard	Buckley	€4,182
Kyrgyzstan	OSCE	STO	Karen	McCormack	€4,182
Tanzania	EU	STO	Wendy	Dorman-Smith	€167
Tanzania	EU	STO	Terry	Duffy	€600

[Deputy Jan O’Sullivan.]

COUNTRY	ORGANISATION	ROLE	NAME	SURNAME	COST
November					
Azerbaijan	OSCE	STO	John	Jefferies	€3,274
Azerbaijan	OSCE	STO	Padraig	MacCoscair	€2,312
Azerbaijan	OSCE	STO	Fidelda	MacHale	€3,053
Azerbaijan	OSCE	STO	Mary	O’Connor	€2,508
Moldova	OSCE	STO	Gabrielle	Brocklesby	€2,746
Moldova	OSCE	STO	Terence	O’Brien	€2,746
Moldova	OSCE	STO	Eric	Byrne	€2,746
Moldova	OSCE	STO	Robin	Henry	€2,746
December					
Belarus	OSCE	STO	Larry	O’Loughlin	€3,557
Belarus	OSCE	STO	Geraldine	Cusack	€2,972
Belarus	OSCE	STO	Michael	Lanigan	€2,957
Belarus	OSCE	STO	James	O’Shea	€2,949
Belarus	OSCE	STO	Caoimhe	Ni Chonchuir	€2,725
Belarus	OSCE	STO	Noel	Brennan	€3,557
Belarus	OSCE	LTO	Eithne	MacDermott	€7,951
Kosovo	OSCE	STO	Dermot	McGauran	€374
Kosovo	OSCE	STO	Brian	Flynn	€999

## Election Observation Missions 1 January — 7 November 2011 (56 Observers on 14 Missions)

COUNTRY	ORGANISATION	ROLE	FORENAME	SURNAME	COST
January					
Niger	EU	LTO	Dorcha	Lee	€600
Niger	EU	STO	Grattan	Lynch	€0
Sudan	EU	LTO	Maeve	Murphy	€0
Sudan	EU	STO	Michael	Kavanagh	€0
February					
Uganda	EU	LTO	Frank	Scott	€0
Uganda	EU	STO	Helen	Keogh	€0
Uganda	EU	STO	Michael	Kennedy	€0
Chad	EU	LTO	Marion	Roche	€0
Chad	EU	LTO	Traoloch	Sweeney	€0
Chad	EU	STO	Michael	Humphreys	€0
April					
Nigeria	EU	LTO	Diarmuid	Peavoy	€600
Nigeria	EU	LTO	Sandra	Conway	€600
Nigeria	EU	STO	Adrienne	Boyle	€600
Nigeria	EU	STO	Jimmy	Somers	€600
Kazakhstan	OSCE	STO	Robin	Henry	€3,732
Kazakhstan	OSCE	STO	Joy	Kanter	€4,332
Kazakhstan	OSCE	STO	Philippe	Carr	€4,584

COUNTRY	ORGANISATION	ROLE	FORENAME	SURNAME	COST
Kazakhstan	OSCE	STO	Raymond	Murphy	€4,517
Kazakhstan	OSCE	STO	Paul	O'Shea	€4,603
May					
Albania	OSCE	STO	Eric	Byrne	€3,443
Albania	OSCE	STO	Abdi Hassan	Ibrahim	€2,927
Albania	OSCE	STO	Maurice	O'Donnell	€2,770
Albania	OSCE	STO	Simon	Deignan	€952
June					
FYROM	OSCE	STO	Maurice	Canavan	€2,956
FYROM	OSCE	STO	Michael	Smith	€2,956
FYROM	OSCE	STO	Paul	Lindsay	€2,956
FYROM	OSCE	STO	Siobhan	Coyne	€2,251
Peru	EU	LTO	Marion	Roche	€0
Peru	EU	STO	Patrick	Maher	€0
September					
Zambia	EU	STO	James	Doody	€600
October					
Tunisia	EU	LTO	Sandra	Conway	€0
Tunisia	EU	LTO	Traoloch	Sweeney	€600
Tunisia	EU	LTO	Diarmuid	Peavoy	€0
Tunisia	EU	STO	Mary	O'Shea	€600
Tunisia	EU	STO	Philippe	Carr	€0
Tunisia	EU	STO	Mary	Boland	€600
Kyrgyzstan	OSCE	LTO	Eithne	MacDermott	€7,792
Kyrgyzstan	OSCE	STO	Caroline	Brennan	€3,751
Kyrgyzstan	OSCE	STO	Peter	McMahon	€3,751
Kyrgyzstan	OSCE	STO	John	Lynch	€3,751
Kyrgyzstan	OSCE	STO	Mary	Dowling	€3,751
Kyrgyzstan	OSCE	STO	Tom	Kitt	€3,678
Kyrgyzstan	OSCE	STO	Michael	Coyne	€3,678
Kyrgyzstan	OSCE	STO	Patricia	Donnelly	€3,751
Kyrgyzstan	OSCE	STO	Eric	Byrne	€2,952
Kyrgyzstan	OSCE	STO	Mathew	Quinn	€3,115
Kyrgyzstan	OSCE	STO	Robin	Henry	€3,151
Kyrgyzstan	OSCE	STO	Fiona	Devlin	€3,151
November					
Nicaragua	EU	LTO	Donal	Blake	€600
Nicaragua	EU	STO	Patrick	Maher	€600
DRC	EU	LTO	Dorcha	Lee	€0
DRC	EU	LTO	Marion	Roche	€600
DRC	EU	STO	Aidan	O'Shea	€600

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COUNTRY	ORGANISATION	ROLE	FORENAME	SURNAME	COST
DRC	EU	STO	Colm	Fahy	€600
DRC	EU	STO	Patricia	Kearns	€600
DRC	EU	STO	Peter	Ballagh	€600

### Overseas Development Aid

102. **Deputy Jack Wall** asked the Tánaiste and Minister for Foreign Affairs and Trade his views regarding a submission (details supplied) on Irish Aid; the actions he will take to ensure that the targets are met; and if he will make a statement on the matter. [33118/11]

**Minister of State at the Department of Foreign Affairs and Trade (Deputy Jan O’Sullivan):** The Government is strongly committed to Ireland’s overseas development programme, which is central to our foreign policy. It is internationally recognised as one of the best development aid programmes in the world, clearly focused on the fight against extreme poverty and hunger, and concentrated in some of the poorest countries of sub-Saharan Africa.

Ireland’s aid programme has a rigorous focus on achieving real and sustainable results and provides strong international leadership in making aid more effective. A recent OECD review of the aid programme stated that Ireland is one of the best performing members in relation to aid effectiveness. This is a very important independent validation of our aid programme.

We were elected to restore growth to the Irish economy and rebuild our international reputation on the world stage. Despite steady progress, we continue to face considerable challenges in ensuring that our public finances are put back on a sound and sustainable footing. However, as I previously stated, despite our current difficulties, we are not willing to turn our back on the world’s poor and marginalised.

The Programme for Government underlines our commitment to Ireland’s development programme and the UN target of spending 0.7% of GNP on Overseas Development Assistance (ODA). We remain focussed on this 0.7% target and we will continue to work towards its attainment.

### Human Rights Issues

103. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will be meeting with representatives from civil society and human rights groups during his upcoming visit to Moscow to chair a meeting of the joint economic commission between Ireland and Russia; and if he will make a statement on the matter. [33331/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** During my visit to Russia earlier this week, I did indeed meet with a range of representatives of civil society, human rights defenders and NGOs, some of which have Irish links. I also met with several academics, religious figures, lawyers and journalists and attended a round-table session with leading Irish citizens in Moscow, as part of the Global Irish Network. These contacts provided a comprehensive picture of the current political and economic situation in Russia. While my visit was very short (one day), it did allow for contact and discussion on all aspects of our bilateral relations, including our engagement with civil society. The Government has consistently engaged in the promotion and protection of human rights with Russia, both bilaterally and via the Council of Europe, and we will continue to proactively do so.

### Foreign Conflicts

104. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will report on the current status of Camp Ashraf in Iraq; if any EU, UN or any other international protection is being considered for inhabitants of the camp; if he will also report on the current deadline for the closure of Camp Ashraf; and if he will make a statement on the matter. [33371/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I have been closely following the situation in relation to Camp Ashraf, or Camp New Iraq as it is also known, in light of the serious violence which took place in the camp last April and the Iraqi Government's clear insistence that it wishes the camp to be closed by the end of 2011. I would like to reiterate that Ireland and the EU are determined to seek a long-term and peaceful solution to the predicament of the residents of Camp Ashraf. I welcome the fact that EU High Representative Ashton has now appointed a Special Envoy, Ambassador Jean de Ruyt of Belgium, to work with the Iraqi authorities, the camp residents and other concerned international actors, including the UN and US, to achieve a peaceful resolution of this situation fully in line with international humanitarian and human rights principles.

A process to manage the closure of the camp, led by the UN, is now getting underway. The UNHCR is undertaking this process to register and determine the status of those in the camp, including whether residents hold nationality of third countries. I urge the Iraqi authorities to extend the deadline for the closure of Camp Ashraf to provide sufficient time to enable the UNHCR to explore resettlement options for camp residents that do not wish to return to Iran and do not have another nationality. It is also imperative that there should be no attempt at forced repatriation of any of those camp residents who do not wish to return to Iran.

Ireland fully recognises Iraqi sovereignty over the whole of its territory, including Camp Ashraf, but this sovereignty also carries with it responsibilities. The Iraqi Government has primary responsibility for the protection of all persons resident on its territory, including Camp Ashraf residents. Ireland, along with our EU partners, strongly condemned the violence which took place in Camp Ashraf last April and I call on the Iraqi Government to refrain from the use of violence and to show full respect for the human rights of Camp Ashraf's residents in the period ahead while the UNHCR explores resettlement options.

### Diplomatic Representation

105. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs and Trade if he would meet the family of a person (details supplied) who is an Irish citizen and has been arbitrarily detained in Sri Lanka since September 2009. [33445/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** As the Deputy will be aware, my Department's consular officials remain in close and direct contact with the wife and family here in Ireland of the person mentioned by him, a dual national of Sri Lanka and Ireland, who was arrested on 5 September 2007 on arrival at Colombo Airport in Sri Lanka. My Department liaises directly with his wife on any request for assistance and on any developments in his case. Our Ambassador and officers in our Embassy in New Delhi, which is accredited to Sri Lanka, have also been very active in pursuit of progress in this difficult case.

At a meeting between his wife and senior officials from my Department in July it was agreed that if there was no progress in a Fundamental Rights Hearing before the Sri Lankan Courts scheduled to take place on 30 August 2011 then I would write to the Sri Lankan Minister for External Affairs. As the case was postponed to 31 October 2011, I have as agreed written to

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the Sri Lankan Minister for External Affairs asking that the person concerned either be charged or be released from custody as soon as possible.

I can let the Deputy know that the most recent development is that his case is further postponed to 28 November 2011, in order, I understand, to allow the State Counsel time to file indictments against him. Our Ambassador is scheduled to travel to Sri Lanka and intends paying a prison visit to the person concerned on 25 November. I can assure you that my Department will be in contact with his wife following the visit.

I would also be ready to meet the wife of the person mentioned following the Ambassador's visit. I can assure you that in the meantime all possible consular assistance will continue to be provided to the person concerned and to his wife and family.

### **Ministerial Appointments**

106. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments, including position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33947/11]

107. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade the details of any former Government officeholder appointed by him to any position; the details of such appointment, including position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33961/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** I propose to take Questions Nos. 106 and 107 together.

I appointed former Minister Ms. Nora Owen to the position of Chairperson of the Irish Aid Expert Advisory Group in July 2011. Appointments to the Group are for a period of three years, with the possibility of extension to a maximum of five years membership. The Chairperson of the group receives an annual fee of €3,000. She is also remunerated by the Department of Foreign Affairs and Trade for any expenses incurred as part of her membership of the group on a vouched basis. The Irish Aid Expert Advisory Group was established in 2010. Its role is to offer independent expert advice to me and my colleague, the Minister of State with responsibility for Trade and Development, Jan O'Sullivan T.D., on the strategic direction of Ireland's aid programme.

### **Illicit Trade in Tobacco**

108. **Deputy Jerry Buttimer** asked the Minister for Finance if he will act to enhance measures to tackle tobacco smuggling following the publication of new research for the Irish Heart Foundation titled Tobacco Taxation, Smuggling and Smoking in Ireland, which estimates that the investment of an additional €8 million in measures to reduce the illicit trade in tobacco has the potential to bring the State an extra €130 million in tobacco tax receipts per year; and if he will make a statement on the matter. [32923/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners, who are responsible for the collection of tobacco products tax and for tackling the

illicit trade in cigarettes and tobacco products, that the tackling of this illicit trade is a high priority area. The strategy employed by Revenue to tackle this illicit trade is multifaceted. It includes ongoing analysis of the nature and extent of the problem, developing and sharing intelligence on a national, EU and international basis, ongoing review of operational policies, development of analytics and detection technologies, optimum deployment of resources at point of importation and internally to intercept the contraband product and to prosecute those involved.

Interception at the point of importation is achieved through a combination of risk analysis, profiling, intelligence, and the screening of cargo, vehicles, baggage and postal packages. Revenue enforcement officers also target this illicit trade at the post-importation level by carrying out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises. Revenue also carries out regular multi-agency operations, particularly in relation to large maritime importations and in checks at inland markets.

While enforcement staffing levels have generally remained static over the recent past, Revenue informs me that this aspect is continuously reviewed and staff numbers deployed at these locations are often augmented by additional personnel from other areas when specific operations are organised. Although Revenue's overall staff numbers have been reduced over the past two years in the context of Government policy on civil service numbers, Revenue has ensured that the resources deployed in this work have been maintained.

In terms of detection equipment investment, a second mobile X-ray container scanner, to augment the one first deployed in 2006, was commissioned by Revenue in January 2010 and is now fully operational. Container scanning is one of a number of detection technology applications used to detect contraband. Revenue also uses a tobacco detection dog in addition to the smaller baggage/ parcel scanners, which are deployed at all major ports, airports and postal depots. Two new X-ray scanners were also purchased within the last 12 months for use in postal depots.

I am also informed by the Revenue Commissioners that they continually review and update their strategy for tackling the illicit tobacco trade. Since July 2010, Revenue has initiated an ongoing series of nationwide tobacco "blitz"-type operations, which concentrated additional Revenue resources at ports, airports and at various inland retail points, including markets, for the purpose of identifying illicit tobacco products. To date, Revenue has conducted eight tobacco blitz operations (three in 2010 and five in 2011) that have resulted in the seizure of in excess of 34m cigarettes. A further large-scale nationwide operation is scheduled to take place during the last quarter of 2011. In addition to this, there is a programme of Regional level blitz-type operations that target markets and other distribution points.

Revenue has established a high level internal group, chaired at Commissioner level, to examine the risks related to tobacco products tax and to oversee and optimise the detection of counterfeit and contraband tobacco products. This group has promoted a number of initiatives aimed at counteracting the illicit trade in tobacco. These include adoption of a comprehensive tobacco strategy and action plan.

In 2010 Revenue's strategy resulted in the seizure of a total of 178m cigarettes with a retail value of approximately €75m and 3,342kgs of tobacco with a retail value of approximately €1.2m. For the period January to October 2011, a total of 94.8m cigarettes with a retail value of approximately €40m and 10,003 kg of tobacco with a retail value of approximately €3.6m have been seized.

In the context of the above the Irish Heart Foundation Report has been noted.



### Insurance Industry

109. **Deputy Ciarán Lynch** asked the Minister for Finance the regulation that applies to the designation of districts for the purposes of insurance in view of the adverse effect on householders when an area is given blanket classification as at flood risk without consideration of individual circumstances; the recourse open to a householder who is refused insurance; and if he will make a statement on the matter. [33050/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Irish Insurance Federation that flood insurance cover is currently available to approximately 98% of householders in Ireland. Neither the Central Bank nor I, as Minister for Finance can compel insurance companies to quote for business. The decision to provide any specific form of insurance cover and the price at which it is offered is a commercial matter based on the assessment an insurance company will make of the risks involved. There are no provisions in the Central Bank's Consumer Protection Code to compel an insurance company to accept a particular insurance risk.

The Minister of State, with responsibility for the Office of Public Works (OPW), has informed me that the OPW has engaged with the Irish Insurance Federation, detailing areas of the country which have benefitted from flood protection measures put in place over several decades. In addition, the OPW's "Preliminary Flood Risk Assessment", as part of the Catchment Flood Risk Assessment Management Programme, has been forwarded to the Federation for its information. This interchange of data contributes to providing opportunities for the insurance industry to make informed decisions in relation to flood risk cover. The Federation has advised that, when assessing a risk, insurance companies consider any flood defence measures implemented by the OPW or the local authority in the area.

Homeowners in areas where flood insurance cover cannot be obtained or renewed can contact the Irish Insurance Federation which operates a free information service. Their service can be contacted at (01) 6761914 or by email at iis@iif.ie.

### Tax Code

110. **Deputy Michael Creed** asked the Minister for Finance the amount of tax foregone in 2010 and 2011 arising from liabilities arising from capital allowances under the various construction incentive schemes; the average amount claimed per taxpayer involved and the maximum and minimum amounts claimed by individual investors; and if he will make a statement on the matter. [32749/11]

**Minister for Finance (Deputy Michael Noonan):** It is assumed that the Deputy is referring to all of the claims for tax relief allowed in respect of the different types of property related tax schemes. I am informed by the Revenue Commissioners that the relevant information available on the cost to the Exchequer of all these schemes is based on personal income tax returns filed by non-PAYE taxpayers and corporation tax returns filed by companies for the year 2009, the latest year for which this information is available. These are set out in the following table:

2009

Scheme	Tax Cost	Average Claim	Maximum Claim	Minimum Claim
	€m	€	€m	€
Urban Renewal	93.1	78,112	See Note	1
Town Renewal	18.3	45,369	0.7	1
Seaside Resorts	5.3	15,179	0.3	1

Scheme	Tax Cost	Average Claim	Maximum Claim	Minimum Claim
	€m	€	€m	€
Rural Renewal	28.0	26,385	See Note	1
Multi-storey car parks	5.2	101,538	See Note	69
Living over the Shop	1.7	62,621	0.5	1,792
Enterprise Areas	2.1	45,627	0.3	1,100
Park & Ride	0.8	101,100	0.5	69
Holiday Cottages	13.9	44,132	See Note	210
Hotels	102.1	138,112	See Note	127
Nursing Homes	21.6	72,567	See Note	1
Housing for the Elderly/Infirmary	2.8	46,896	0.4	783
Hostels	0.30	52,142	0.2	7,240
Guest Houses	0.10	30,437	0.1	815
Convalescent Homes	0.5	47,857	0.2	381
Qualifying (Private) Hospitals	12.5	88,630	See Note	6,418
Qualifying Sports Injury Clinics	1.5	53,731	0.2	14,823
Buildings Used for Child-care Purposes	12.5	58,444	See Note	529
Mental Health Centres	Negligible	90,000	See Note	See Note
Student Accommodation	19.1	64,314	See Note	57
Registered Caravan Parks	0.2	300,000	See Note	See Note
Mid Shannon Corridor	0.2	300,000	0.5	15,720

Note: Because of the Revenue Commissioners' obligation to observe confidentiality in relation to the taxation affairs of individual taxpayers, a figure for the highest and in some cases the lowest amount of relief claimed under some of the schemes is not provided. This is due to the small numbers of returns with amounts exceeding that level. The estimated relief claimed has assumed tax forgone at the 41% rate for 2009 in the case of individuals and 12.5% in the case of companies. The figures shown correspond to the maximum Exchequer cost in terms of income tax and corporation tax. It should be noted that any corresponding data returned by PAYE taxpayers in the income tax return (Form 12) is not captured in the Revenue computer system. However, any PAYE taxpayer with non-PAYE income greater than €3,174 is required to complete an income tax return (Form 11). Corresponding data cannot yet be provided for 2010 and 2011 as the tax returns for those years are either still being processed or are not yet due.

### Job Losses

111. **Deputy Terence Flanagan** asked the Minister for Finance the steps he will take to help save 36 jobs in the Grainger Group (details supplied); and if he will make a statement on the matter. [32772/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy may be aware, the pillar banks operate in an arms' length capacity in relation to operational issues. It is a matter for the respective individual boards and management to determine and implement operational policy in their organisations.

### Tax Code

112. **Deputy Finian McGrath** asked the Minister for Finance his views on a matter (details supplied). [32782/11]

**Minister for Finance (Deputy Michael Noonan):** The supply of gas is subject to carbon tax and VAT but is not subject to the Public Service Obligation levy. With regard to the application of VAT on gas bills, in accordance with section 37(1) of the Value-Added Tax Consolidation Act 2010, the amount on which VAT is chargeable is the total consideration receivable by the supplier, including all taxes, commissions, costs and charges whatsoever, but not including the

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VAT itself. This reflects EU VAT law, with which Irish tax law must comply. In this regard, Article 78 of the EU VAT Directive provides that the taxable amount shall include taxes, duties, levies and charges, excluding the VAT itself.

In this respect, where a supply of service, such as a gas bill, includes carbon tax, VAT law dictates that VAT should be calculated on the carbon tax element of the charge as well as the charge for the service. The same situation applies in the case of other excises, including for example excises on petrol, auto-diesel, tobacco and alcohol products.

In relation to estimate bills, I understand that an amount paid on foot of an estimated bill that is in excess of the consumer's liability is offset against subsequent bills. In this respect any under/overpayment of tax is automatically adjusted.

### **Departmental Bodies**

113. **Deputy Simon Harris** asked the Minister for Finance the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32851/11]

**Minister for Finance (Deputy Michael Noonan):** The question of rationalisation and the reduction in the number of State bodies is being considered in the context of the Comprehensive Review of Expenditure and the overall budgetary and estimates process for 2012, and decisions on such matters will be made by the Government over the coming weeks.

In relation to State bodies the National Treasury Management Agency (NTMA) comes under the aegis of my Department. The National Treasury Management Agency is also the State Claims Agency, the manager of the National Pension Reserve Fund and the body through which the National Development Finance Agency (NDFA) performs its functions. The NTMA is also required to provide business services to the National Asset Management Agency (NAMA). NewERA has also been established in the NTMA, initially on a non-statutory basis.

Other bodies which come under the aegis of my Department include the Central Bank of Ireland, the Credit Union Advisory Committee, Disabled Drivers Medical Board of Appeal, Financial Services Ombudsman Council and the Irish Financial Services Appeals Tribunal.

The Fiscal Advisory Council has recently been established under the aegis of my Department but is independent of it.

In the period in question none of these bodies has been reformed, merged or abolished. The Deputy will be aware that major restructuring is under way in the banking sector, especially in those credit institutions where the State has a controlling interest.

### **Exchequer Deficits**

114. **Deputy Peter Mathews** asked the Minister for Finance if he will provide the Exchequer deficit and the general Government deficit each year from 2007 to 2011, excluding the costs of the bank bailout; the amount of fiscal consolidation implemented in each of these years; the amount of this fiscal consolidation that comprised of increases in taxation and the amount that was comprised of cuts in expenditure; and if he will make a statement on the matter. [32930/11]

**Minister for Finance (Deputy Michael Noonan):** The Exchequer and General Government balances for each of the years 2007-2010 as well as the latest estimates for 2011, on both a

headline and underlying that is excluding banking related expenditure basis are shown in the following table:

Balances	Amount
2007	
• Exchequer Balance	-€1.6bn
• General Government Balance	+€0.1bn
2008	
• Exchequer Balance	-€12.7bn
• General Government Balance	-€13.2bn
2009	
Headline	
• Exchequer Balance	-€24.6bn
• General Government Balance	-€22.8bn
Underlying	
• Exchequer Balance	€20.6bn
• General Government Balance	€18.8bn
2010	
Headline	
• Exchequer Balance	-€18.7bn
• General Government Balance	-€48.8bn
Underlying	
• Exchequer Balance	-€18.0bn
• General Government Balance	-€16.7bn
2011	
Headline	
• Exchequer Balance	-€25.4bn
• General Government Balance	-€16.0bn
Underlying	
• Exchequer Balance	-€17.9bn
• General Government Balance	-€16.0bn

The headline and underlying Exchequer and General Government balances for the years 2007 and 2008 were the same. For the purposes of compiling the figures in the table, the 2009 underlying Exchequer and General Government balances exclude the €4 billion capital injection into Anglo Irish Bank. The 2010 underlying Exchequer balance figure excludes the €625 million payment to EBS and the €100 million payment to INBS. As well as excluding these payments, the 2010 underlying General Government balance also excludes the €30.85 billion in Promissory Note payments to Anglo Irish Bank, EBS and INBS and the €561 million in accrued interest on those Notes which worsened the General Government balance in that year. The 2011 underlying Exchequer balance figure excludes the €7.6 billion in banking payments related to July's recapitalisation of the banking sector. The estimate of the 2011 General Government balance is based on this year's banking recapitalisation payments being classified as financial transactions which means they are not counted as part of the General Government balance measure. This provisional classification will continue to be assessed in the coming months in light of ongoing discussions between the Department of Finance, the CSO and Eurostat.

The budgetary consolidation process began in July 2008. Measures designed to save/yield €1 billion in a full year were implemented in July 2008 with all of those measures being implemented on the expenditure side of the account. Budget 2009 in October 2008 implemented a budgetary adjustment package of revenue raising measures designed to yield €2 billion in a full year. In February 2009, further budgetary consolidation measures were

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implemented. The package comprising reductions in expenditure was designed to save €2.1 billion in a full year.

The April 2009 Supplementary Budget implemented an adjustment package of measures designed to yield/save €5.4 billion. Revenue measures with a full year yield estimated at €3.6 billion and expenditure measures with estimated full-year savings of some €1.8 billion were introduced. Budget 2010 in December 2009 implemented a set of measures designed to yield some €4.3 billion in a full year, with virtually all of that adjustment being expenditure related. Revenue measures designed to yield €0.1 billion in a full year formed a minor part of the overall adjustment. Budget 2011 in December 2010 implemented a set of measures designed to yield €6 billion this year, comprising €3.9 billion in expenditure adjustments, €1.4 billion in revenue adjustments and a further €0.7 billion in other/once-off measures. Revenues from some of these other/once-off measures are now unlikely to be realised in 2011.

### Commemorative Events

115. **Deputy Jim Daly** asked the Minister for Finance if he will consider the introduction of a commemorative coin to the Irish currency for the 90th anniversary of the death of former Minister for Finance, Michael Collins, to honour the service he gave to Irish politics in the lead-up to his death; and if he will make a statement on the matter. [32955/11]

**Minister for Finance (Deputy Michael Noonan):** The question of issuing a special coin in 2012 to mark the 90th anniversary of the death of Michael Collins was raised with my Department by the Central Bank earlier this year following a request it received from the Beal-na-mBlath Commemoration Committee. I have also received a number of representations on the issue. While I wish the Beal-na-mBlath commemoration committee every success in its celebration of this anniversary, I have been informed that it is not practise to issue a special coin to mark a 90th anniversary. I will, however, give the request from the Beal-na-mBlath commemoration Committee further consideration.

### Bank Assets

116. **Deputy Peter Mathews** asked the Minister for Finance, further to Parliamentary Question No. 138 of 25 October 2011, his views on a matter (details supplied); and if he will make a statement on the matter. [33140/11]

**Minister for Finance (Deputy Michael Noonan):** I take it the Deputy is referring to the ECB opinion on the Credit Institutions (Stabilisation) Bill 2010 of December 2010 which raised a concern about the position of the ECB as a creditor of the credit institutions that would be the targets of that legislation. The ECB also sought clarification that the effect of the various orders that can be made by the Minister for Finance under the Credit Institutions (Stabilisation) Act [“CIS Act”] would not impair the ability of the Central Bank or the ECB system to maintain the Eurosystem’s operations.

My predecessor responded to the ECB pointing out *inter alia* that in order to ensure that any security held by the Eurosystem is safeguarded, section 5 of the CIS Act explicitly provides that nothing in the Act prevents the performance by the Governor or the Central Bank of their functions in relation to any credit institution authorised or regulated in the State or affects any obligation arising under the treaties governing the EU or the ESCB statute. I understand that as a matter of Irish law the reference to “obligation” extends to all of the State’s obligations under those laws.

### Social and Affordable Housing

117. **Deputy John Lyons** asked the Minister for Finance the progress made on the use of the National Assets Management Agency properties for social housing; and if he will make a statement on the matter. [33210/11]

**Minister for Finance (Deputy Michael Noonan):** NAMA recognises that there is a possible synergy between housing stock controlled by its debtors or receivers and the potential demand for social housing. In that context, NAMA concluded the sale of 58 social and affordable units to the Cluid Housing Association in July. The agency has provided a list of over 1,000 other properties to the Department of Environment, Community and Local Government and I am informed that it is now in discussions with the Minister for Housing, his officials and the Irish Council for Social Housing with a view to identifying properties which may be suitable for social housing.

More generally, the NAMA Board has committed to giving first option to public bodies on the purchase of property which may be suitable for their purposes, including social housing. In addition, NAMA advises me that it is willing to facilitate dialogue between debtors and third parties interested in acquiring property for social or public purposes.

### Ministerial Appointments

118. **Deputy Gerry Adams** asked the Minister for Finance the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33215/11]

119. **Deputy Gerry Adams** asked the Minister for Finance if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33216/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 118 and 119 together.

In response to the Deputy's questions I have not appointed any former Government office holders to any organisations since I was appointed Minister for Finance in March 2011.

Mr. Eoin Ryan was nominated to serve Ireland at the Board of Directors of the European Bank for Reconstruction and Development (EBRD) in February 2010 for a period of three years. He is currently serving as Alternate Director. Under the Danish/Irish constituency arrangements, he is due to be nominated as Director in mid 2012. The annual salary of an Alternate Director is £112,184 sterling and that of Director is £135,162. In addition, there are a number of benefits and allowances associated with the position, including relocation and resettlement, accommodation, education and severance payments. Details of expenses or other benefits claimed are a matter between the EBRD and the Alternate Director/Director.

Former Attorney General, Mr. David Byrne, was appointed chairman of the National Treasury Management Advisory Committee on 1 January 2008 and is paid an annual fee of €500,00.

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Mr. Alan Dukes was appointed Non-Executive Chairman on the June 2010. The role carries a salary of €250,000 per annum but Mr. Dukes has voluntarily agreed to accept a lower annual fee of €150,000.

For completeness sake, I would also bring to the attention of the Deputy that three former Government office holders namely Mr. Ray MacSharry, Mr. Joe Walsh and Mr. Dick Spring hold the position of public interest director at Irish Life and Permanent, Bank of Ireland and Allied Irish Banks respectively. All three were included on a panel formed by the previous Minister, under the provisions of the relevant covered institutions legislation, from which the respective institutions selected and then appointed the named individuals in late 2008/early 2009. All costs are borne by the particular institution.

### **Tax Code**

120. **Deputy Paul J. Connaughton** asked the Minister for Finance if there has been a change in the repayment of vehicle registration tax on vehicles adapted for disabled persons; the number of VRT rebates refused on an annual basis because the VRT was already repaid; and if he will make a statement on the matter. [33271/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that Section 134(3) of the Finance Act 1992 (as amended) and Statutory Instrument No. 353 of 1994 (Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations, 1994) (as amended) provide for permanent relief from the payment of specified maximum amounts of VAT and VRT for persons registered under the scheme. An individual who qualifies under the scheme may obtain relief as a driver or a passenger in respect of VRT and VAT subject to a maximum of:

- €9,525 for a driver,
- €15,875 for a passenger.

This relief (comprising of both VAT and VRT) is available on the registration of a vehicle in the State where such vehicle has been constructed or adapted for use by the person with a qualifying disability and has an engine size of less than 2,000cc in the case of a driver and 4,000cc in the case of a passenger. Additionally, in the case of a qualifying passenger, the cost of the modifications must amount to at least 10% of the tax free cost of the vehicle. The legislation further provides that the relief is paid where the qualifying person or organisation satisfies the Revenue Commissioners that that person or organisation, has borne or paid value-added tax, vehicle registration tax or residual vehicle registration tax in respect of a vehicle or in respect of the adaptation of a vehicle”.

It has come to the attention of the Commissioners that occasions have arisen where relief of the residual registration tax was allowed to qualifying individuals on the purchase of used vehicles in the State where no VRT was paid in the first instance e.g. on the purchase of a used vehicle by a qualifying individual where the relief was allowed to an earlier owner of the vehicle who had previously qualified for the relief. Consequently, procedures are being put in place to ensure that relief for the payment of VRT and VAT will only be allowed to qualifying persons or organisations in situations where the person or organisation has borne or paid value-added tax, vehicle registration tax or residual vehicle registration tax in respect of a vehicle or in respect of the adaptation of a vehicle. To date no claim has been refused in instances where the VRT was already repaid.

### Budget Submissions

121. **Deputy Brendan Griffin** asked the Minister for Finance his views on a submission (details supplied) regarding smuggling; and if he will make a statement on the matter. [33297/11]

**Minister for Finance (Deputy Michael Noonan):** The contents of the Pre-Budget submission from the named organisation regarding cigarette smuggling will be considered in the context of the forthcoming Budget.

### Tax Collection

122. **Deputy Seán Kenny** asked the Minister for Finance the tax take on a motorist who spends €40 on petrol; the tax take on a motorist who spends €40 on diesel; and if he will make a statement on the matter. [33307/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the tax take on a motorist who spends €40 on petrol is €22.32 based on an average price of petrol of €1.499 per litre. The tax take on a motorist who spends €40 on auto-diesel is €19.89 based on an average price of auto-diesel of €1.439 per litre.

123. **Deputy Seán Kenny** asked the Minister for Finance the tax take on ATM cards, credit cards and so on for the years 2007 to 2010, inclusive, and to-date in 2011; and if he will make a statement on the matter. [33308/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that the net receipt from Stamp Duty on financial cards and cheques from 2007 to 31 October 2011, broken down both by year and type of card, is as set out in the following table:

Card Type	2007 €m	2008 €m	2009 €m	2010 €m	2011 €m (To 31/10)
Credit	72.4	107.3	61.6	57.24	9.06
ATM	18.0	10.6	2.7	1.65	0.04
Debit	0	0	1.0	0.37	0
Combined (ATM/Debit)	24.3	27.4	12.9	12.62	4.98
Cheques	18.6	30.5	37.4	34.37	28.46
Total	133.3	175.8	115.6	106.25	42.54

The main payment date for Stamp Duty on financial cards is in December, which accounts for the low yield in 2011 to date. In Budget 2008 the Stamp Duty on credit cards, ATM cards, debit cards and combined cards was reduced, while the Stamp Duty on cheques was increased, which partly accounts for the changes in yield from those sources between 2008 and 2009.

### Illicit Trade in Tobacco

124. **Deputy Seán Kenny** asked the Minister for Finance the amount of cigarettes, tobacco products, alcohol and so on seized by customs and excise for the years 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [33309/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners who have primary responsibility for detecting and preventing the smuggling of fiscal and prohibited goods, that they regard the tackling of the illicit trade in tobacco, mineral oil and alcohol products to be a high priority area. The strategy employed by Revenue to tackle



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illicit trading is multi-faceted. It includes ongoing analysis of the nature and extent of the problem, developing and sharing intelligence on a national, EU and international basis, ongoing review of operational policies, development of analytics and detection technologies, optimum deployment of resources at point of importation and internally to intercept the contraband product and to prosecute those involved. Interception at the point of importation is achieved through a combination of risk analysis, profiling, intelligence, and the screening of cargo, vehicles, baggage and postal packages. Revenue enforcement officers also target illicit trading at the post-importation level by carrying out intelligence-based operations and random checks at retail outlets, markets and private and commercial premises. Revenue also carries out regular multi-agency operations, particularly in relation to tobacco and mineral oil products. The information requested by the Deputy is listed as follows.

Product	2008	2009	2010	2011 to Date
Cigarettes	135.2m	218.5m	178.4m	94.7m
Tobacco	3,083kg	10,452kg	3,367kg	10,034kg
Alcohol	83,037 ltr	96,759 ltr	44,276 ltr	41,411 ltr
Mineral Oil	100,470 ltr	283,817 ltr	289,484 ltr	843,270 ltr

### Banking Sector

125. **Deputy Frank Feighan** asked the Minister for Finance the action taken by him towards making finances available for small businesses; the funding and policy initiatives for small business; and if his attention has been drawn to the fact that the banks are still refusing to give credit to small businesses to continue their important role in the local community. [33323/11]

**Minister for Finance (Deputy Michael Noonan):** The restructuring of the domestic banking sector creates capacity for the pillar banks to lend in excess of €30 billion over the next three years in SME and other important sectors. This is in excess of Central Bank estimates of the likely demand for SME and mortgage credit over this period. Both pillar banks are concentrating on the Irish economy and need to issue credit to make profits and rebuild their balance sheets. As the Deputy may be aware, the Government has imposed lending targets on the two domestic pillar banks for the three calendar years, 2011 to 2013. Both banks will be required to sanction lending of at least €3 billion this year, €3.5 billion next year and €4 billion in 2013 for new or increased credit facilities to SMEs.

Both pillar banks have provided me with their plans to ensure that the 2011 target is achieved. This is particularly relevant given the comments contained in the fifth quarterly report of the Credit Review Office, which stated that “it will be a challenge for each of the banks to reach their €3 billion sanction target for new and restructured facilities in the current year.”

On the issue more generally of the demand for credit, my Department has commissioned an independent survey of the demand for credit within the SME sector, the results of which will be submitted to me shortly. The outcome will provide the necessary information to better inform Government policy in this important sector of the Irish economy.

It is vital that the banks continue to make credit available to support economic recovery. However, it is not in the interest of the banks, businesses or the economy for finance to be provided unless the business is viable and has the capacity to meet the interest payments and repay the sum borrowed.

The Deputy should also be aware of the plans of the Minister for Jobs, Enterprise and Innovation to introduce a temporary partial loan guarantee scheme, which is a commitment included in the Programme for Government, and work is advancing on the arrangements for the introduction of this scheme.

### **Tax Code**

126. **Deputy Frank Feighan** asked the Minister for Finance when a VAT refund will issue to a person (details supplied) in County Roscommon. [33324/11]

**Minister for Finance (Deputy Michael Noonan):** This is a matter for the Revenue Commissioners. I am advised by Revenue that they have no unprocessed VAT refund claims for the person concerned.

### **Departmental Expenditure**

127. **Deputy Terence Flanagan** asked the Minister for Finance his plans to reduce salaries being paid to National Asset Management Agency developers; and if he will make a statement on the matter. [33339/11]

**Minister for Finance (Deputy Michael Noonan):** NAMA advises me that in many instances working with the people who know the business will secure a better return for the taxpayer. The Chairman of NAMA said some time ago that while foreclosing on all 850 developers and getting someone else to run the businesses would be the popular option, it would not make commercial sense. It is also the case that employing an external asset manager to manage the assets could cost significantly more than the cost of employing the original debtor. The fact that NAMA has had to take enforcement action in 91 cases so far shows that many developers consider NAMA's terms and conditions too onerous. It also shows that NAMA is not soft on developers in general and is looking to impose tough conditions. However, NAMA has also advised that where it decides to work with developers, the debtors must be given some incentive to work with NAMA.

I understand from NAMA that, as part of its business plan agreements with debtors, it normally looks for and obtains a reduction of 50% to 75% in overhead costs and that any remuneration paid to debtors is payable from this much-reduced budget. The Chairman of NAMA has recently stated that the majority of debtor remuneration packages fall into the €70,000 to €100,000 range, including all benefits-in-kind. He also confirmed that in two cases the debtor's remuneration package, authorised by NAMA as part of the budget for overheads, is €200,000. In these cases, I am advised by NAMA that these were considered essential to reaching an agreement that would generate a much better return to the taxpayer than the option of enforcement and the employment of asset managers for what are very large portfolios. NAMA will continue to make such decisions on a case-by-case basis in line with its commercial mandate.

### **Budget Submissions**

128. **Deputy Michael Healy-Rae** asked the Minister for Finance if he will review a matter (details supplied) regarding the Society of St. Vincent de Paul; and if he will make a statement on the matter. [33352/11]

**Minister for Finance (Deputy Michael Noonan):** I have received a pre-Budget submission from the Society of St. Vincent de Paul. Its contents will be considered in the context of the

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forthcoming Budget and Finance Bill. As Deputies are aware it would not be appropriate for me to comment in advance of the Budget on possible Budget decisions.

### **Tax Reliefs**

129. **Deputy James Bannon** asked the Minister for Finance the consideration that has been given to the negative impact of the restriction of premature abolishing of section 23 relief, on the livelihood of property owners and those in the commercial and residential letting business; and if he will make a statement on the matter. [33359/11]

130. **Deputy James Bannon** asked the Minister for Finance the safeguards being put in place to alleviate the potential fallout from the termination of section 23 which may kill off economic activity in the middle of the investment cycle to the detriment of economic viability, in view of the fact that the whole purpose of urban and town renewal was to rebalance development to less economically advantaged areas by the encouragement of investment in these areas; and if he will make a statement on the matter. [33360/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 129 and 130 together.

As the Deputy may be aware my Department is carrying out an impact assessment of the potential effects of amending, curtailing and/or abolishing property-based “legacy” tax reliefs including Section 23 type reliefs in line with the commitment in the Programme for Government.

The impact assessment process is examining the benefits that may accrue to the Exchequer in terms of additional tax yield as well as consequences for investor groups and the wider economy arising from possible changes to the treatment of these reliefs.

A public consultation was undertaken in order to afford all interested parties an opportunity to present their views and to assist our understanding of the possible effects of potential changes on individual investors. This resulted in the submission of over 700 individual responses.

The response to the consultation forms an integral part of the assessment and is currently being appraised in tandem with information and research collated as part of the overall impact assessment. It is anticipated that the analysis of the submissions along with the results of the impact assessment process will be available for consideration in the context of the forthcoming budget.

As is customary, I do not propose to comment in advance of the Budget on any matters that might be the subject of Budget decisions.

### **Financial Institutions Support Scheme**

131. **Deputy Pearse Doherty** asked the Minister for Finance the date from which the six covered institutions were legally covered by the Credit Institutions (Financial Support) Scheme 2008; and if he will make a statement on the matter. [33369/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy will be aware that the previous Government announced the bank guarantee on 30 September 2008 as a matter of public law. The formal statutory legal basis for the guarantee was provided by the Credit Institution (Financial Support) Act 2008 (No. 18 of 2008) and the Credit Institutions (Financial Support) Scheme 2008 (S.I. No. 411 of 2008) (“CIFS”). The CIFS was formally approved by both Houses of the Oireachtas on 17 October 2008. Seven financial institutions were covered by the CIFS: Bank of Ireland, Allied Irish Bank, Anglo Irish Bank, the EBS Building Society, Irish Nation-

wide Building Society, Irish Life and Permanent and Postbank. Most of the institutions joined the Scheme on 24 October 2008, with the exceptions of Postbank Ireland Ltd which was added on 5 November 2008 and EBS Mortgage Finance added on 4 December 2008.

Those institutions executed a guarantee acceptance deed and were designated in an order by the Minister for Finance and were “covered institutions”. The list of “covered institutions”, including their subsidiaries is set out in the table:

Covered Institution	Subsidiary	Date added to the Scheme
Allied Irish Bank plc	AIB Mortgage Bank AIB Bank (CI) Limited AIB Group (UK) plc AIB North America Inc.	24 October 2008
Anglo Irish Bank Corporation Ltd.	Anglo Irish Bank Corporation (International) Ltd.	24 October 2008
The Governor and Company of the Bank of Ireland	Bank of Ireland Mortgage Bank ICS Building Society Bank of Ireland (I.O.M.) Limited	24 October 2008
EBS Building Society	EBS Mortgage Finance	24 October 2008 4 December 2008
Irish Life and Permanent plc	Irish Permanent (I.O.M.) Limited	24 October 2008
Irish Nationwide Building Society	Irish Nationwide (I.O.M.) Limited	24 October 2008
Postbank Ireland Limited		5 November 2008

CIFS expired on 29 September 2010 and was effectively superseded by the Credit Institutions (Eligible Liabilities) Guarantee Scheme (“ELGS”) which came into effect on 9 December 2009. ELGS differs to the CIFS in several ways, for example, certain types of funding such as dated subordinated debt and asset backed securities are not covered.

All of the covered institutions under the CIFS, with the exception of Postbank Ireland Limited which has been wound-down, are also covered under the ELGS. I provided the Deputy with details of those institutions covered under the ELGS recently.

### Tax Yield

132. **Deputy Pearse Doherty** asked the Minister for Finance the amount of money that was brought in during the full year 2010 from the income levy on the proportion that was levied at 2% that is income up to €75,000; and if he will make a statement on the matter. [33370/11]

**Minister for Finance (Deputy Michael Noonan):** The Income Levy was collected by the Revenue Commissioners as a component of Income Tax. I am informed by the Revenue Commissioners that it is estimated that over €1.4 billion was collected from the Income Levy in the calendar year 2010. However, as is normal, it would have been expected that the total Income Levy liability for the income tax year 2010 would be higher at €1.7 billion with the difference being collected in 2011/12. I am further advised by the Revenue Commissioners that it is estimated that the lower rate of Income Levy (2%) which applied to income up to €75,036 per annum will account for nearly €1.3 billion. This represents about three quarters of the estimated full year liability of €1.7 billion for the income tax year 2010.

These figures are estimates from the Revenue tax-forecasting model using actual data for the year 2009 adjusted as necessary for income and employment trends for the year 2010. They are, therefore, provisional and may be revised.

### Mortgage Arrears

133. **Deputy Brendan Griffin** asked the Minister for Finance his views on a matter (details supplied) regarding personal debt and mortgage arrears; and if he will make a statement on the matter. [33394/11]

**Minister for Finance (Deputy Michael Noonan):** The Minister for Justice and Equality and Defence has advised me that, in line with a commitment in the Programme for Government, the Personal Insolvency Bill is currently being developed in his Department. This Bill will provide a new framework for settlement and enforcement of debt and for personal insolvency. Under the EU/IMF Programme for Financial Support for Ireland there is a requirement to publish the Bill during the first quarter of 2012. The Minister for Justice and Equality and Defence has advised me that it is his objective to publish the measure as soon as possible. In the details supplied reference is made to the Keane Report. This report was discussed in the Dáil last month during which all Members were given an opportunity to put forward their views. Once the debate has concluded I will put forward proposals to the Government on next steps including an implementation mechanism.

### Higher Education Grants

134. **Deputy Michael Creed** asked the Minister for Education and Skills if he will clarify the situation regarding determination for adjacent and non-adjacent rates of higher education grants; his views on a case in which an entire faculty is located some twelve miles from the main college campus and the way students attending at this location are to be assessed with regard to their eligibility for maintenance grants; and if he will make a statement on the matter. [32750/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under Budget 2011, the previous Fianna Fáil-Green party Government changed the qualifying distance criterion for the non-adjacent rate of student grant from 24kms to 45kms.

The measurement of the distances for the non-adjacent rate of grant is a matter for grant awarding bodies. There has been no change as to how these distances are measured. As in the past for all cases, the shortest most direct route to the institution attended is measured.

### Mental Health Policy

135. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills when the inter-departmental guidelines in relation to mental health in schools will be published; if these guidelines will follow a whole-school approach to mental health, including procedures on the way teachers should respond to the mental health difficulties of individual students; and if he will make a statement on the matter. [32775/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Work is under way on the development of Mental Health Guidelines for Schools involving personnel from my Department and the Health Service Executive. There will be an appropriate emphasis on the need for a whole-school approach to mental health including procedures on the way teachers should respond to mental health difficulties of individual students.

136. **Deputy Maureen O'Sullivan** asked the Minister for Education and Skills the number of officials in his Department responsible for mental health policy in the education system; the other responsibilities that these same officials also have; if mental health is their primary role; and if he will make a statement on the matter. [32776/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Department adopts a holistic and integrated approach to supporting the work of schools, and it is not possible to identify a number of officials who are uniquely responsible for promoting positive mental health. This issue spans the curriculum in schools, whole-school ethos, the quality of teaching, learning and assessment, pastoral care, the provision of professional development for teachers, other supports such as educational psychological services and guidance and counselling services, and the interface with other agencies, both nationally and locally.

Social Personal and Health Education (SPHE) is a mandatory part of the curriculum in primary schools and in junior cycle since 2003 and is designed to promote positive mental health. It is supported by comprehensive teacher guidelines and curriculum support services which provide training and advice for schools and a resource directory. The Department has also issued guidelines to schools on the development of whole-school policies in the areas such as anti-bullying, RSE, substance use, managing critical incidents, whole-school guidance planning etc which are also important in promoting positive mental health.

Pastoral care supports are promoted in schools through year heads, key tutor systems, home/school links, etc. This is one of the key areas which is evaluated as part of a Whole School Evaluation. Schools also engage in a wide range of sport and cultural co-curricular activities which provide an important opportunity for students to experience success and personal growth.

The National Educational Psychological Service (NEPS) operating within the Department provides a range of services both direct and indirect which support the personal, social and educational development of students in primary and post primary schools, and assistance in supporting pupils with particular social emotional or behavioural difficulties. NEPS promotes the development of structures and supports among teachers and schools care teams which assists and encourages the development of contact and collaboration with the relevant local HSE mental health agencies including the Community Psychology Services and Mental Health Promotion Officers and the referral services of the Child and Adolescent Mental Health Service (CAHMS).

All post-primary schools provide a guidance and counselling service for their students and they receive ex-quota hours from the Department for this provision. Some 670 teachers are employed in this area. The service includes the provision of individual guidance and counselling for students either at critical stages in their education or at times of personal crisis.

### School Enrolments

137. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding a school place in respect of a person (details supplied) in Dublin 9. [32783/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The selection and enrolment of pupils in schools is the responsibility of the authorities of the individual school. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking school places in an area. However, this may result in some pupils not obtaining a place in the school of their first choice. As schools may not have a place for every applicant, a selection process may be necessary. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents choice are respected.

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Section 29 of the Education Act, 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Educational Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school, expels a student or suspends a student for 20 or more days in any school year. My Department has no authority to compel a school to admit a pupil, except in the case of an appeal under section 29 of the Education Act, 1998 being upheld.

The parents/guardian of the pupil in question may wish to contact my Department at the Section 29 Unit Friars Mill Road, Mullingar, Co. Westmeath, (phone 044 9337008) if they wish to take an appeal under section 29 of the Education Act 1998.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB may be able to offer assistance and advice on securing a school placement within the pupil's area. The contact details for the NEWB in your area is National Educational Welfare Board, Block 3 Floor 1, Grove Court, Blanchardstown, Dublin 15, phone number 01-8103260.

### **Higher Education Grants**

138. **Deputy Charlie McConalogue** asked the Minister for Education and Skills his plans, if any, to increase student grants for third level students attending college; and if he will make a statement on the matter. [32784/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I assume that the Deputy is referring to potential changes to the student grant scheme under the Budget for 2012. The Deputy will appreciate that the preparation of the Estimates for any Budget is carried out on a strictly confidential basis and it would not be appropriate for me to comment on specific issues or proposals, including those relating to student grants, in advance of the Budget announcement.

### **Higher Education Fees**

139. **Deputy Charlie McConalogue** asked the Minister for Education and Skills his plans, if any, to reduce college fees for students attending third level education; and if he will make a statement on the matter. [32785/11]

156. **Deputy Jack Wall** asked the Minister for Education and Skills his views regarding a submission (details supplied) on the student contribution charge and maintenance grant; the actions he proposes to take to address the issues raised; if he has met with the representative bodies regarding such concerns; if so, the determination of such meetings; and if he will make a statement on the matter. [33116/11]

157. **Deputy Jack Wall** asked the Minister for Education and Skills his views regarding a submission (details supplied) on the student contribution charge and maintenance grant; the actions he proposes to address the matters highlighted; and if he will make a statement on the matter. [33117/11]

175. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a matter (details supplied); if he has met with any of the representative groups in regard to this matter; if so, the results of such meetings and the proposals reached or agreed to meet with the concerns expressed; and if he will make a statement on the matter. [33380/11]

179. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a submission (details supplied) regarding student contribution charge and maintenance grant; the actions he will take to address this issue; and if he will make a statement on the matter. [33404/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 139, 156, 157, 175 and 179 together.

As the Deputies will be aware, the reality of our economic situation presents significant challenges that have to be reconciled with limitations on public resources. Ireland must adhere to its agreed economic recovery programme in order to reduce the budget deficit to 3% of GDP by 2015 and to restore our independence. This will mean that forthcoming budgets will involve further adjustments in taxation and public spending. Regrettably, education cannot be spared from this adjustment as the size of the challenge is so large. This is the unfortunate legacy caused by the reckless economic management of the previous Fianna Fáil-Green Party Government.

I am very conscious of the fundamental role played by the free fees and student grant schemes in supporting families who are putting their children through further and higher education and I understand their concerns at the measures announced in Budget 2011 by the previous Government.

I will take account of those concerns in considering any future changes to the schemes as part of the budgetary process for 2012 and beyond, having regard to the position of the public finances.

A study on the sustainability of overall higher education funding arrangements is currently being undertaken by the Higher Education Authority. I expect that their final report will be available to me very shortly and will help inform the Government's decision-making in the context of finalising December's budget.

The Deputies will also be aware that my colleague, the Minister for Public Expenditure and Reform, is undertaking a Comprehensive Expenditure Review across all areas of Government spending. This process will inform funding allocations for the coming years. In this context, the Deputies will appreciate that in line with normal budgetary protocol I am unable to comment on specific savings options that are under consideration as part of budgetary deliberations.

### **Bullying in Schools**

140. **Deputy Mary Mitchell O'Connor** asked the Minister for Education and Skills if he will provide statistics on the numbers of children experiencing bullying in our schools; and if he will make a statement on the matter. [32821/11]

141. **Deputy Mary Mitchell O'Connor** asked the Minister for Education and Skills if he will provide statistics on the number of schools implementing the bullying code of behaviour, as implemented by the Education (Welfare) Act 2000; and if he will make a statement on the matter. [32822/11]

142. **Deputy Mary Mitchell O'Connor** asked the Minister for Education and Skills the position regarding his approach to the problem of cyber bullying; if he has made specific recommendations to schools on the way to deal with cyber bullying; and if he will make a statement on the matter. [32823/11]

143. **Deputy Mary Mitchell O'Connor** asked the Minister for Education and Skills if he will implement an awards system for schools to help combat the problem of bullying; and if he will make a statement on the matter. [32824/11]



**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 140 to 143, inclusive, together.

Under the Education (Welfare) Act 2000, all schools are required to have in place a Code of Behaviour and this code must be drawn up in accordance with the guidelines of the National Educational Welfare Board (NEWB). The NEWB guidelines were issued to schools in 2008 and make it clear that each school must have policies to prevent or address bullying and harassment and schools must make clear in their code of behaviour that bullying is unacceptable. The guidelines further state that as well as making explicit that bullying is prohibited in the school, and having an anti-bullying policy, the code of behaviour should indicate what action the school will take in relation to alleged breaches of the school's bullying policy.

Every school therefore must have in place a policy, within the framework of the school's overall school code of behaviour, which includes specific measures to deal with bullying behaviour. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

Responsibility for tackling bullying falls to the level of the individual school, as it is at local level that an effective anti-bullying climate must be established and at that level that actions should be taken to address allegations of bullying.

There is no requirement for local school authorities to report incidents or allegations of bullying to my Department. My Department does receive a number of complaints and queries from parents regarding matters such as bullying involving schools. It is important to highlight that in many of these instances, parents are seeking guidance from the Department on how to resolve an issue or an alleged incident within a school.

In dealing with complaints the Department's role is to provide advice to parents and students on the operation of schools' complaints procedures and to clarify for parents and pupils how grievances and complaints against schools can be progressed. My Department has issued Guidelines on Countering Bullying Behaviour as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school.

As a further aid to post-primary schools my Department published in 2007 a template that can be used by post-primary schools in developing an anti-bullying policy. The anti-bullying policy template is based primarily on the key document Guidelines on Countering Bullying Behaviour. However, it also takes account of more recent legislative and regulatory changes, and reference is made to issues of contemporary concern such as the need to tackle text bullying, cyber-bullying and homophobic bullying.

When a Whole School Evaluation (WSE) is conducted by my Department's Inspectorate, the code of behaviour, including its anti-bullying policy, is reviewed by the inspection team to check that it is in line with the Department's guidelines. Inspectors normally meet with the principal, the board, post-holders, year heads, class teachers, programme co-ordinators, the pastoral care team, representatives of the students and parents. During these meetings there is a particular emphasis on the quality of student care and support. The inspectors' evaluation is also informed by observations in classroom settings and throughout the school. Where there are weaknesses in a school's policy or implementation of policies clear recommendations for improvement are made and are included in the published report of the inspection.

Revised procedures for WSE in schools have recently been put in place. A new element of the revised WSE process involves the issuing of questionnaires directly to pupils and parents.

Children and parents will be asked to respond to questions about how the school deals with bullying, discipline in the school and whether or not the school provides a safe environment for children. This enhanced engagement with parents and pupils through questionnaires aims to further support all schools to implement effective measures to counter bullying.

The Deputy will also be aware that the education of students in both primary and post-primary schools in relation to anti-bullying behaviour is part of the Social, Personal and Health Education (SPHE) curriculum. SPHE is now a compulsory subject both at primary level and in the junior cycle of post-primary schools. Since 2001, national professional development support services have provided ongoing support to schools in planning policies on child protection and the code of behaviour and in supporting teachers and principals in the implementation of SPHE. In addition, training on The Stay Safe Programme is offered on an ongoing basis to primary schools.

Other measures in place include the Webwise Internet Safety Initiative, the EU Safer Internet Programme campaign and the establishment of the National Behaviour Support Service (NBSS) which is currently working with over 80 post-primary schools to promote and support positive student behaviour.

I welcome any practical suggestions that would help in the prevention of bullying and I would encourage schools to look at how they might benefit from putting in place their own incentive or awards schemes at local level in order to support and encourage a whole school culture of awareness and prevention of school bullying.

### **Employment Support Services**

144. **Deputy Charlie McConologue** asked the Minister for Education and Skills the measures he has introduced, or is considering, to encourage those on the live register to retrain in information technology related skills in order to increase the number of Irish persons available to work in a sector which currently has significant job vacancies; and if he will make a statement on the matter. [32836/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A number of measures have been introduced in the education and training sectors to support unemployed people to retrain in information technology related skills.

Springboard is a specific initiative to provide 6,000 part time higher education places targeted at unemployed people who have lost jobs in sectors where employment levels will not return and who will need new qualifications and skills to re-enter employment as the economy recovers. 2,074 of the places on offer under the Springboard initiative are on 65 programmes in the area of Information and Communications Technology. These programmes, at levels 6 to 9 on the National Framework of Qualifications, are being delivered by 19 different higher education providers located throughout the country.

Skillnets, which is funded through the National Training Fund (NTF) to support networks of private enterprises to engage in training under the Training Networks Programme (TNP), also offers a range of opportunities for unemployed people to participate in training programmes relevant to the needs of the ICT sector. Under the Jobseekers Support Programme operated by Skillnets, 4 ICT networks have committed to providing places for almost 400 jobseekers in key areas identified by the ICT sector with current skills deficits. FÁS is also currently providing a range of IT-related occupational-specific courses such as MySQL and PHP for Dynamic Websites, Programming in JAVA, Software Developer, VB Net Programming and is finalising development of a number of other programmes to support jobseekers access ICT related employment opportunities.

[Deputy Ruairí Quinn.]

My Department, in collaboration with Forfás and the Department of Jobs, Enterprise and Innovation, is also working closely with representatives of the ICT sector to develop an Action Plan to address specific high level skills needs for the sector.

### **Departmental Bodies**

145. **Deputy Simon Harris** asked the Minister for Education and Skills the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to deliver fully on this issue; and if he will make a statement on the matter. [32849/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** For the Deputy's information, work is ongoing in my Department with regard to:

- the amalgamation of the Higher Education and Training Awards Council, the Further Education and Training Awards Council and the National Qualifications Authority of Ireland. The new agency will be known as the Qualifications and Quality Assurance Authority of Ireland (QQAAI)
- the establishment of a new further education and training authority to be called SOLAS (Seirbhísí Oideachais Leanúnaigh agus Scileanna) SOLAS and the disbandment of FÁS
- the restructuring of the VECs.

The Deputy may also be aware of the proposal to dissolve the Education Finance Board on the establishment of the Residential Institutions Statutory Fund. I intend to publish the necessary legislation at the earliest opportunity. In addition, since September 2011, the National Centre for Technology in Education (NCTE) is within the remit of Dublin West Education Centre alongside the Department's largest support service, the Professional Development Service for Teachers (PDST). The process of integrating the functions of the NCTE with the support services and with the National Council for Curriculum and Assessment (NCCA) is underway. The new configuration will ensure greater integration of ICT within teaching and learning both in terms of policy and practice and will deliver synergies in this regard.

In May 2011, the National Education Welfare Board (NEWB) transferred to the Department of Children and Youth Affairs. For the Deputy's information the following is a list of those bodies currently under the aegis of my Department:

- An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta (COGG),
- Commission to Inquire into Child Abuse (CICA),
- Education Finance Board (EFB),
- FÁS,
- Further Education and Training Awards Council (FETAC),
- Grangegorman Development Agency,
- Higher Education and Training Awards Council (HETAC),
- Higher Education Authority (HEA),
- Irish Research Council for Science, Engineering and Technology (IRCSET),
- Irish Research Council for the Humanities and Social Sciences (IRCHSS),
- Léargas,

- The Exchange Bureau,
- National Centre Guidance in Education (NCGE),
- National Council for Curriculum and Assessment (NCCA),
- National Council for Special Education (NCSE),
- National Qualifications Authority of Ireland (NQAI),
- Residential Institution Redress Board (RIRB),
- Residential Institutions Review Committee (RIRC),
- Skillnets Ltd,
- State Examinations Commission (SEC),
- The Teaching Council.

### Special Educational Needs

146. **Deputy Simon Harris** asked the Minister for Education and Skills his policy on applied behaviour analysis; the role he sees for ABA within the education system; and if he will make a statement on the matter. [32860/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department's policy on educating children with autism is centred on an inclusive approach promoting the use of a range of autism specific interventions including TEACCH, PECs and Applied Behavioural Analysis (ABA). Under this approach, each child can benefit from a number of different interventions to ensure the optimum individualised educational programme for him/her. Educational intervention for children with ASD needs to be child-centred and tailored to meet the needs of each child, rather than matching the needs of a child to one particular or exclusive intervention. This view is informed by advice received from international experts on autism, the National Educational Psychological Service and the Inspectorate. An analysis of research — including the report of the Irish Task Force on Autism — supports this approach too, while Autism societies in other countries also caution against relying on just one intervention.

My Department's policy is to provide for children with special educational needs, including autism, 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/partial integration and interaction with other pupils. Other children may have such complex needs that they are best placed in a special school. Students with special educational needs have access to a range of support services including additional teaching and/or care supports. 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.

The Deputy will be aware that the establishment of a network of autism-specific special classes in schools across the country to cater for children with autism has been a key educational priority in recent years. In excess of 450 classes have now been approved around the country at primary and post primary level, including many in special schools. Children in special classes have the benefit of fully-qualified teachers who are trained in educating and developing children generally and who have access to additional training in autism-specific approaches, including ABA. The level of such training available to teachers has improved dramatically in recent years and is a major priority for the Government.

[Deputy Ruairí Quinn.]

However, the Department does not accept based on research, advice and best practice that ABA should be the only intervention used. It is important that children have access to a range of approaches so that their broader needs can be met. By enabling children in special classes to have access to a range of methods, including Applied Behavioural Analysis, the Government is doing what we are advised is in the best interests of such children.

### School Staffing

147. **Deputy Simon Harris** asked the Minister for Education and Skills the position regarding the number of resource teaching hours held back by him for allocation during the new school year that have now been allocated; when he expects 100% of these resource hours to have been allocated to schools; and if he will make a statement on the matter. [32861/11]

**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.

I wish to advise the Deputy that approximately 9,950 Whole Time Equivalent (WTE) learning support/resource teacher posts, including those provided under the General Allocation Model, are being provided in primary and post primary schools in the 2011/12 school year in order to provide additional teaching support to pupils with special educational needs. This represents an increase of approximately 350 whole time equivalent posts over last year's allocation. Of the 9,950 posts being provided for Learning Support/Resource Teaching, 9,430 WTE posts were sanctioned in schools (including 4450 posts provided for under the General Allocation Model or Learning Support Posts) in advance of the 2011/12 school year.

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. 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. 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. These applications have been considered and my Department has approved the allocation of further Resource Teaching supports in schools by the NCSE, as well as allowing for limited capacity for further allocations by the NCSE as and when valid applications arise throughout the remainder of the school year. The NCSE will be in contact with schools in the near future to inform them of their individual allocations.

The NCSE has recently published statistical information in relation to the allocation of SNA posts and resource teaching hours to Primary, Special and Post Primary Schools. The information is provided on a county by county and school by school basis on its website at [www.ncse.ie](http://www.ncse.ie).

### School Enrolments

148. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the implications

that a circular (details supplied) will have for schools that provided short-term stays for pupils that travel to Ireland to learn English. [32880/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The total number of recognised pupils submitted in a school's annual enrolment return to my Department is used to calculate staffing and grant allocations for that school. Under my Department's Rules and Programmes for Second Level Schools a recognised pupil must be following an approved course for junior or senior cycle and must be not less than 12 years of age on 1st January of the school year in question.

Circular 57/2011 notified school authorities that pupils who are from outside of the Republic of Ireland and on short term placement are not recognised pupils for the purposes of staffing and grant allocations. In this context, short term placement refers to any enrolment of a student from outside of the Republic of Ireland which is for a period of less than a full school year.

### Higher Education Grants

149. **Deputy Billy Timmins** asked the Minister for Education and Skills the position regarding a third level grant (details supplied); and if he will make a statement on the matter. [32947/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, the reality of our economic situation presents significant challenges that have to be reconciled with limitations on public resources. This is a very stark reality, which, unfortunately, means that changes to any public service, including the student grant scheme, cannot be ruled out.

I empathise with students and I am very conscious of the fundamental role played by the student grant scheme in supporting families who are putting their children through further and higher education. However, the state of the public finances is such that tough decisions have to be made to control public expenditure and to ensure sustainability in the long run. For this reason it is the responsibility of Government to take into consideration all areas of public services when formulating Budget 2012. Ultimately, our budgetary decisions now will play a major part in creating a sustainable economy and in regaining our economic independence. I will take the concerns of students into consideration during the budgetary process in this context.

### State Examinations

150. **Deputy Brendan Griffin** asked the Minister for Education and Skills if an examination reader will be provided to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [32954/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations including organising the holding of examinations and determining procedures in places where examinations are conducted including the supervision of examinations. I can inform the Deputy that the Commission operates a scheme of Reasonable Accommodations in the certificate examinations. Applications for such accommodations are submitted by schools on behalf of their students.

In view of the above I have forwarded your query to the State Examinations Commission for direct reply to you.

### FÁS Training Programmes

151. **Deputy Regina Doherty** asked the Minister for Education and Skills the reason a person

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(details supplied) in County Meath was refused funding from FÁS for a building energy rating training course on the basis that the profession was over-subscribed and employment was unlikely; the reason participants from different countries on the same course had their place fully funded by FÁS; when the person is likely to receive a refund from FÁS for the moneys paid out in fees; and if he will make a statement on the matter. [33008/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** From inquiries made with FÁS, I understand that in March 2009, FÁS Employment Services made a policy decision to cease funding the Domestic BER Assessor training course (through TESH Technical Employment Support Grant) on the grounds that the profession was over-subscribed and employment was unlikely. I understand that at the time the SEAI (Sustainable Energy Authority of Ireland) confirmed that there was a surplus of registered BER Assessors in the context of potential employment opportunities. In addition, I understand that most clients who were not in a position to fund the training course themselves, found themselves also in the position of being unable to afford the registration fees with SEAI when they had completed the course. These SEAI registration fees (in the region of €1,000) are a pre-requisite for employment in the industry.

In relation to the allegation that other participants from different countries on the same course had their place fully funded by FÁS, if the Deputy will provide further particulars, I will have that matter looked into. It is FÁS policy not to fund training retrospectively through the TESH.

### School Staffing

152. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the number of primary schools in line to lose a developing-school teacher in this academic year; and if he will make a statement on the matter. [33013/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The criteria used for the allocation of teaching posts to schools includes the provision whereby schools experiencing rapid increases in enrolment can apply for additional mainstream posts on developing grounds, using projected enrolment. The retention of such posts in the current school year is subject to schools' having achieved their projected enrolment on 30 September. If the enrolment is not achieved the post allocated on developing grounds is suppressed. Based on information available to my Department 53 schools did not achieve their projected enrolments to retain a total of 55 developing school posts.

### EU Funding

153. **Deputy Pearse Doherty** asked the Minister for Education and Skills if moneys secured under the European Globalisation Adjustment Fund for retraining of redundant workers from a company (details supplied) were returned unspent to the fund; the amounts returned from each application; and if he will make a statement on the matter. [33109/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** Under the European Globalisation Fund (EGF), a maximum contribution of 65% may be paid by the EU towards the cost of retraining and upskilling programmes for workers covered under an approved EGF application and delivered over a 24 month EGF implementation period, with the remaining 35% being funded from national resources. An EGF Final Report and Statement of Eligible Expenditure are then required to be submitted formally to the European Commission within 6 months of the end of the EGF implementation period. It is only at that stage

that final certified expenditure is notified to the European Commission and any unused funds returned if applicable.

Of the 3 approved EGF applications submitted by Ireland to date, the Dell, Waterford Crystal and SRT EGF programmes ended on 28 June 2011, 6 August 2011 and 9 October 2011 respectively. Given that final reports have not yet been made to the EU, no EGF funding has been returned to date. In this context, as final claims on the first Irish EGF application, in respect of Dell workers, have not yet been received from various service providers and as the EGF final report and final statement of eligible expenditure are not required by the European Commission until 28 December 2011, I am not currently in a position to indicate the percentage of funds that will ultimately be returned to the EU. However, I can say that it is likely that a significant portion of the EU funding will be returned to the EU under the Dell EGF programme.

154. **Deputy Pearse Doherty** asked the Minister for Education and Skills if any of the redundant construction workers named in the most recent application to the European Globalisation Adjustment Fund were contacted in advance of the application being made in 2010 or since he came into office; the number who were contacted; the date on which they were contacted; the number currently in a position to avail of this programme; and if he will make a statement on the matter. [33110/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** No individual contact has been made to date with the almost 9,000 workers made redundant in the NACE 41 Construction of Buildings, NACE 43 Specialised Construction Activities and NACE 71 Architectural Services construction sub-sectors between 1 July 2009 and 31 March 2010 in the context of the EGF application to which the Deputy refers. However, many of these workers have received supports and interventions from State training and education Agencies since they were made redundant.

My Department, in conjunction with other Government Departments and Agencies, is currently finalising proposals for opportunities for these workers to avail of further supports between now and the end of the EGF programmes next June, in addition to the supports that they have already received.

155. **Deputy Pearse Doherty** asked the Minister for Education and Skills if a review of the use of the European Globalisation Adjustment Fund programmes for redundant workers in companies (details supplied) has been conducted; if he will place the report on the record of Dáil Éireann; and if he will make a statement on the matter. [33111/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I have instituted a review in my Department of the EGF programmes in support of redundant workers at Dell, Waterford Crystal, S R Technics and relevant ancillary enterprises. My officials are currently finalising a consultation document for external circulation. It is intended to seek the views of and inputs from, inter alia, various redundant worker representative bodies on this document.

Following on input from all relevant stakeholder bodies and the completion of the review process in due course, I intend to make public the outcome of the review.

*Questions Nos. 156 and 157 answered with Question No. 139.*

### Scéimeanna Tógála Scoile

158. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna cén fáth nach mbeidh



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an scéim deontais do mhionoireacha do bhunscoileanna ar fáil don scoilbhliain 2011/2012; agus an ndéanfaidh sé ráiteas ina thaobh. [33121/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tá sé curtha in iúl do scoileanna nach ceart dóibh tiomantais a ghlacadh orthu féin mar gheall ar choinne a bheith acu le heisiúint deontas na mionoireacha bunscoile sa scoilbhliain reatha (2011/12). Is é is dóichí go ndéanfar an cinneadh maidir le hóc an deontais go rí-ghairid.

### Soláthar Pinsin

159. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna ag éirí as freagra a thug sé ar cheist uimhir 162, uimhir thagartha 19581/11, an 12 Iúil 2011, an bhfuil iarratas faighte anois ón duine a bhí i gceist (sonraí tugtha) ar phinsean drochshláinte; agus má tá cén uair a dhéanfar cinneadh air; agus an ndéanfaidh sé ráiteas ina thaobh. [33122/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Tá an duine i gceist tar éis iarratas ar shochar pinsean scortha de dheasca drochshláinte a chur faoi bhráid mo Roinne ach níl an fhoirm iarratais comhlánaithe go hiomlán. Tá Rannóg na bPinsean i mo Roinne i dteagmháil leis an duine i gceist i dtaobh an iarratais seo.

### Coistí Gairmoideachais

160. D'fhiafraigh **Éamon Ó Cuív** den Aire Oideachais agus Scileanna cé na bearta atá i gceist aige a dhéanamh le go mbeidh Gaeilge sách líofa ag na príomhfheidhmeannaigh atá le ceapadh ar na coistí gairmoideachais nua-eagraithe ar fud na tíre le go mbeidh siad in ann a gcuid gnóthaí laethúla a dhéanamh trí Ghaeilge leis na gaelcholáistí agus na scoileanna Gaeltachta a bheidh faoina gcúram; agus an ndéanfaidh sé ráiteas ina thaobh. [33132/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Le déanaí thug mo Roinn comhaontú i gcrích leis an gCeardchumann Seirbhísí, Tionsclaíoch, Gairmiúil agus Teicniúil, an ceardchumann a dhéanann ionadaíocht do na Príomhoifigigh Feidhmiúcháin (POFanna) ar na CGOanna, faoi scéim ath-implonaithe do POFanna i gcomhthéacs chomhaontú Pháirc an Chrócaigh.

Bainfear feidhm as an scéim seo, sa chéad ásc, chun ceapacháin POFanna ar na comhlachtaí nua CGO a chinneadh, nuair a bheidh an reachtaíocht ábhartha achtaithe. Cuireann an scéim chomhaontaithe deis ar fáil dóibh siúd atá ceaptha ar ghrád an POF ar CGO (seachas i gcáil ghníomhach shealadach) ath-implonú insna poist nua POF a roghnú. Áit a bhfuil níos mó ná deonach amháin ann i gcás poist ar bith de na poist nua POF, déanann an scéim foráil go dtairgfear an post, sa chéad ásc, don deonach intofa is sinsearaí.

Sa chás nach líontar na poist go léir mar thoradh ar an bpróiseas roghnaithe, déanann an scéim foráil do shannadh POF bhuaín atá ann cheana do phost nach ndearna sé/í roghnú ina leith, nó do cheapadh shealbhóra poist analógaigh sa tSeirbhís Phoiblí ar cheann ar bith de na poist atá ar fáil de réir forálacha chomhaontú Pháirc an Chrócaigh. Is mian liom a chur in iúl don Teachta gurb í an tSeirbhís um Cheapacháin Phoiblí a leagann amach na cáilíochtaí atá riachtanach chun Príomhfheidhmeannach buan a cheapadh ar Choiste Gairmoideachais (CGO). I measc na gcáilíochtaí sin tá riachtanas go mbeadh Gaeilge agus Béarla araon ag iarrthóir. Cruthaítear go bhfuil Gaeilge ag iarrthóir trí bhéaltríail inniúlachta a chur ar an iarrthóir agus éilítear marc pas de 65% chun go mbeadh iarrthóir intofa dona c(h)eadpadh. Tá feidhm ag an riachtanas seo i gcás ceapachán Príomhfheidhmeannach buan insna CGOanna go léir, ní insna CGOanna amháin sin a bhfuil Gaelcholáistí iontu nó insna CGOanna amháin

a chuimsíonn ceantair Gaeltachta. Tá na riachtanais seo sásaithe ag na POFanna buana go léir atá ann faoi láthair.

### School Staffing

161. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the number of retired first level and second level teachers teaching in first level and second level schools; if he will provide details of any circular or instruction he has issued on this matter since he was appointed; and if he will make a statement on the matter. [33169/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I issued Circular 0031/2011 in May of this year one purpose of which is to ensure, as far as practicable, that schools prioritise unemployed teachers over retired teachers. In particular, it prohibits schools from employing retired teachers to cover short-term absences unless all efforts to employ an appropriately qualified and registered teacher have failed. This circular also requires a school principal to keep a record as to why a retired teacher had to be employed and to report to the school's board of management on the instances where this arises.

In addition to the above, under Circular 0040/2011 which issued in June, teachers who are retired and who return to teaching are now remunerated at the first point of the revised salary scales applicable to new entrants. This represents a significant financial disincentive for teachers who retired at the top of their salary scale, often with a post of responsibility allowance, to return to teaching. The Financial Emergency Measures in the Public Interest (No. 2) Act 2009 provided for a reduction in the pay of public servants. Under the Public Service Pension Rights Order 2011, 29 February 2012 was set as the final date on which public servants could retire and have their pension entitlements calculated on the older, higher rates.

I am conscious of the potential impact of teachers retiring on State examination classes in post-primary schools. My Department has had discussions with second-level management bodies on this matter and intends to issue information to schools on re-employing such teachers for the remainder of the school year where this is considered necessary to reduce that impact. These measures will be confined to teachers teaching State examination classes in post-primary schools and do not apply to teachers with no exam classes or to primary school teachers. Vacancies left by retiring primary and post-primary teachers of non-exam classes may be filled in a temporary capacity for the remainder of the school year in accordance with the existing procedures.

My Department is collating the information regarding the numbers of retired teachers currently employed at primary and post-primary level. This information will be forwarded directly to the Deputy as soon as it becomes available.

### Departmental Reports

162. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills if the small schools review is completed; if it is, the recommendations in the report; if it is intended to publish the report; if he intends implementing its recommendations; and if he will make a statement on the matter. [33170/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A value for money review on small primary schools is under way in my Department and is not expected to be completed until the end of the year. This review is part of the normal review processes undertaken by all Departments on an annual basis on selected areas of expenditure and is being conducted in line with the standard procedure for value for money reviews. I expect a report to be made available to

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me on completion of the review and I will then consider its outcomes and proposals. When this process is complete, publication will be arranged.

### Schools Building Projects

163. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding an application for funding in respect of a school (details supplied) in County Limerick; and if he will make a statement on the matter. [33196/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy contacted my Department in December 2010 regarding a proposed extension. Following communications between my officials and the school, an application for major capital works was furnished to my Department in July 2011. This application is being assessed in accordance with the published prioritisation criteria for large-scale building projects. The outcome of this assessment will be conveyed to the school authority in due course. If appropriate, a band rating will be assigned to the proposed project and details will be published on the Department's website at *www.education.ie*.

The progression of all large-scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of the Department's multi-annual school building and modernisation programme. However, in light of current competing demands on the capital budget of the Department, it is not currently possible to give an indicative timeframe for the progression of the project. The Deputy will be aware that the most recent projections are forecasting a substantial increase in enrolments at both primary and post primary level in the coming years. The delivery of new schools, together with extension projects to meet the increase in demand, will be the main focus for capital investment in schools in the coming years.

164. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a submission to the building unit capital appraisal section from a school (details supplied) in County Kerry will be successful; and if he will make a statement on the matter. [33203/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Deputy will be aware that a new 12 classroom school is currently under construction to facilitate the amalgamation of the boys' and girls' schools in the area to which he refers. The school authority had confirmed to my Department that the scale of the project would meet its needs for the foreseeable future. However, the school has now submitted an application for additional accommodation. This application is currently being considered and a response will be conveyed to the school as soon as this process has been completed.

### Higher Education Grants

165. **Deputy John Lyons** asked the Minister for Education and Skills the number of applications received for higher education grants by Dublin City Council for the academic year 2011-2012; the number processed to date; and if he will make a statement on the matter. [33208/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Details of the number of the student grant applications received and processed by Dublin City Council for the 2011/12 academic year are contained in the attached document. This information, which was provided to my Department by Dublin City Council, is as at 4 November 2011.

The Deputy will be pleased to know that plans are well under way to replace the 66 grant awarding bodies with one single authority and I have approved the appointment of the CDVEC

to operate this centralised body. The single authority will be operative from 2012 and I believe it will lead to a more efficient system for the processing of applications and improve the overall customer experience for those who apply for grants. I am sure the Deputy will agree this much needed overhaul of the grants system is a positive example of public sector reform.

### **Special Educational Needs**

166. **Deputy Eric Byrne** asked the Minister for Education and Skills the position regarding resource hours in respect of a school (details supplied) in Dublin 10; and if the matter will be expedited. [33211/11]

**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.

I wish to advise the Deputy that approximately 9,950 Whole Time Equivalent (WTE) learning support/resource teacher posts, including those provided under the General Allocation Model, are being provided in primary and post primary schools in the 2011/12 school year in order to provide additional teaching support to pupils with special educational needs. This represents an increase of approximately 350 whole time equivalent posts over last year's allocation.

Of the 9,950 posts being provided for Learning Support/Resource Teaching, 9,430 WTE posts were sanctioned in schools (including 4,450 posts provided for under the General Allocation Model or Learning Support Posts) in advance of the 2011/12 school year.

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. 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.

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. These applications have been considered and my Department has approved the allocation of further Resource Teaching supports in schools by the NCSE, as well as allowing for limited capacity for further allocations by the NCSE as and when valid applications arise throughout the remainder of the school year. The NCSE will be in contact with schools in the near future to inform them of their individual allocations.

The NCSE has recently published statistical information in relation to the allocation of SNA posts and resource teaching hours to Primary, Special and Post Primary Schools. The information is provided on a county by county and school by school basis on its website at [www.ncse.ie](http://www.ncse.ie).

### **Schools Refurbishment**

167. **Deputy Eric Byrne** asked the Minister for Education and Skills if an exemption will be

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made for a school (details supplied) in Dublin 10 at the end of this calendar year to allow all necessary upgrades to take place. [33219/11]

**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.

The Deputy will be aware that the most recent projections are forecasting a substantial increase in enrolments at both primary and post primary level in the coming years. The delivery of new schools, together with extension projects to meet the increase in demand, will be the main focus for capital investment in schools in the coming years. It is not therefore possible to make the exemption requested by the Deputy.

### FÁS Training Programmes

168. **Deputy Jack Wall** asked the Minister for Education and Skills if a person (details supplied) in County Kildare is entitled to seek assistance from FÁS regarding a course; and if he will make a statement on the matter. [33223/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I understand that FÁS does provide Truck Driving Courses with appropriate and relevant driving lessons.

I understand that FÁS records show that the person in question is not currently registered with FÁS. However, to allow him the opportunity to complete the FÁS registration process and to discuss training and employment opportunities FÁS has requested that he meet with a FÁS Employment Services Officer on 9th November, 2011, at 3.30 p.m. in the FÁS Clinic in Athy. Alternatively the person should contact his local FÁS Employment Office to arrange a suitable date to discuss his options.

### Pupil-Teacher Ratio

169. **Deputy Charles Flanagan** asked the Minister for Education and Skills if he will ensure that the long-established safeguards that enabled Protestant and other minority faith families to send their children to schools which reflected their faith will continue and that the pupil-teacher ratio in respect of Protestant secondary schools will be maintained at the current rate; and if he will make a statement on the matter. [33250/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I, along with my colleagues in Government, recognise the importance of ensuring that students from a Protestant background can attend a school that reflects their denominational ethos. At this point I do not propose to give any specific commitment on the allocation of teachers to schools for the 2012/13 school year.

The number of teaching posts that we can afford to fund in schools is a matter that I will have to consider with my colleagues in Cabinet in the context of the next budget and meeting our obligations under the EU/IMF Programme.

The Government will endeavour to protect front-line education services as best as possible. However, this must be done within the context of bringing our overall public expenditure into line with what we can afford as a country. All areas of Government will have to manage on a reduced level of resources. The challenge will be to ensure that the resources that can be provided are used to maximum effect to achieve the best possible outcome for pupils.

### Higher Education Grants

170. **Deputy Brendan Griffin** asked the Minister for Education and Skills his views on correspondence (details supplied) regarding cuts in education; and if he will make a statement on the matter. [33276/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I regret that I am not in a position to reverse or vary any of the changes to the student grant scheme introduced by the last Government under Budget 2011 because the savings from these measures had been factored into the public expenditure programme for 2011 by that Government. However, while a qualifying student may receive a lower rate of grant for the 2011/12 academic year, he/she will not lose grant assistance. Students on particularly low incomes will also receive a top-up in the special rate of grant.

Students experiencing exceptional financial hardship can apply for assistance under the Student Assistance Fund. This fund continues to be made available through the access offices of third-level institutions. The access offices themselves will also provide support and advice to students to help them to continue with their studies.

I understand that the institute that the student is attending also operates a short-term loan facility through a Benevolent Fund to help students to overcome financial difficulties. The institute also advises students that are experiencing difficulty sourcing or managing finance to contact the Access Office or the Chaplain. This information may be helpful to the student concerned.

### Schools Refurbishment

171. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if he will review the decision to refuse an application for funding by a school (details supplied) in County Limerick. [33290/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department received an application for replacement furniture from the school in question.

This application has been considered by my Department. However, in light of the competing demands on the available budget, it is not possible to approve funding to replace existing furniture at this time.

### Student Support Schemes

172. **Deputy Seán Kenny** asked the Minister for Education and Skills the steps being taken in the US and UK to increase the number of students coming to Ireland to study; and if he will make a statement on the matter. [33311/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The USA is a priority market for the promotion of international education. I myself visited Chicago in July to address a gathering of over 100 US universities at the National Association of Fellowship Advisors to highlight Ireland as a centre for international study. The UK is not a priority market for recruitment of international students, and no promotional activities are planned in that market.

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The Education in Ireland US market plan 2011-2012, which is being implemented by Enterprise Ireland, outlines a cohesive, multi-pronged approach which is aimed at firmly establishing Ireland on the radar of American students (and their advisors) who are considering international study.

Among the actions being carried out under the US plan are: recruitment roadshows (held twice a year); online college fairs; participation in US international education week events; annual tours to Ireland by US high school counsellors; attendance of Irish higher education institutions at major international education conferences; targeted advertising and promotion, particularly on social networks including the roll out of a US-specific website in 2012; the development of a US student ambassador programme as well as a number of institutional-level supports to enhance the effectiveness of our efforts.

The George Mitchell Scholarship Programme, which is managed by the US-Ireland Alliance, and for which my Department has provided funding, also continues to be a major contribution to the development of the Irish educational profile within the US market.

### Third Level Institutions

173. **Deputy Shane Ross** asked the Minister for Education and Skills his views that quality assurance is being complied with in Irish third level institutions; and if he will make a statement on the matter. [33343/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Quality assurance processes in Irish higher education institutions operate to best international standards. Universities are primarily responsible for their own quality assurance procedures and have delegated their statutory obligations in relation to reviewing and reporting on the effectiveness of their procedures to the Irish Universities Quality Board (IUQB). In the institutes of technology and independent colleges, the Higher Education and Training Awards Council (HETAC) agrees and reviews quality assurance arrangements. The National Qualifications Authority of Ireland (NQAI) acts as the external quality assurance agency for the Dublin Institute of Technology (DIT) and the Royal College of Surgeons of Ireland (RCSI). All three bodies have been independently reviewed by international panels and have shown to be successful in implementing their functions.

The IUQB is currently completing a second cycle of Institutional Reviews of Irish Universities and reports on four of the seven universities have been published in the last two years. NQAI recently published its second review of DIT and is preparing for the first review of RCSI. Since 2009, HETAC has published reviews of all thirteen institutes of technology as well as reviews of ten other higher education institutions for which it validates programmes. Each of these processes results in recommendations to the institutions for the improvement of their quality assurance and a systematic published follow-up on the institutions' implementation of the recommendations. The reports are readily available on the agency websites.

While each of the agencies has worked well, a new single qualifications and quality assurance agency is currently being established. This will bring a unified focus to external quality assurance in higher education, establish a closer link between quality assurance and the standards underpinning awards on the National Framework of Qualifications and provide for thematic quality reviews on a cross-institutional basis.

### Higher Education Grants

174. **Deputy James Bannon** asked the Minister for Education and Skills the reason a back

to education grant has been refused in respect of a person (details supplied) in County Longford; the reason they have also been refused a vocational training opportunities scheme allowance; and if he will make a statement on the matter. [33355/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Back to Education Allowance is a Department of Social Protection scheme.

The vocational training opportunities scheme is administered by VECs.

My Department understands from the Department of Social Protection and the relevant VEC that the student in question has not applied for either allowance.

*Question No. 175 answered with Question No. 139.*

### **Special Educational Needs**

176. **Deputy Joe McHugh** asked the Minister for Education and Skills when the general allocation model for learning support review will be completed; if he will provide an indicative date for when schools will be made aware of its outcome; and if he will make a statement on the matter. [33389/11]

177. **Deputy Joe McHugh** asked the Minister for Education and Skills the reason a school (details supplied) which had 83 pupils five years ago and has 143 pupils today is still receiving 0.8 learning support; and if he will make a statement on the matter. [33390/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 176 and 177 together.

I wish to advise the Deputy that the General Allocation Model (GAM) was introduced in primary schools in September 2005 to ensure that each school has learning support/resource teaching support available to meet the needs of children with high incidence special educational needs.

Teaching allocations to primary schools under the GAM have not been updated other than in schools with developing school status.

A review of the General Allocation Model has been undertaken and completed by my Department. The recommendations of the review are currently being considered in the context of my Department's Employment Control Framework obligations and competing demands on teacher numbers and educational resources available. It is intended to readjust allocations under the General Allocation Model to schools from the commencement of the 2012 school year.

### **Asbestos Remediation Programme**

178. **Deputy Brendan Griffin** asked the Minister for Education and Skills if he will address the matter of asbestos in a school (details supplied) as a matter of urgency on health and safety grounds; and if he will make a statement on the matter. [33392/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** An application under my Department's Emergency Works Scheme for the removal of asbestos floor tiles and the provision of new floor covering has been received from the school referred to by the Deputy. Additional information is being sought from the school in question and as soon as this information is received further consideration will be given to the school application.

*Question No. 179 answered with Question No. 139.*



### Departmental Expenditure

180. **Deputy Brendan Smith** asked the Minister for Education and Skills the current and capital expenditure profile for his Department up to the end of October 2011; and if he will make a statement on the matter. [33420/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Gross Voted Expenditure Allocation for my Department for 2011 is €8,888 million, made up of Current Expenditure of €8,387 million and Capital Expenditure of €501 million.

Up to the end of October 2011 estimated expenditure of €7,181 million has been incurred, made up of €6,813 million in Current expenditure and €368 million in Capital expenditure.

### School Staffing

181. **Deputy Brendan Smith** asked the Minister for Education and Skills the total number of special needs assistants employed in schools at the end of October 2011; when it is proposed to make further appointments; and if he will make a statement on the matter. [33421/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts. This number is 10,575 whole time equivalent (WTE) posts.

The NCSE has advised all mainstream schools of their SNA allocations for the 2011/12 school year and has recently published statistical information in relation to the allocation of SNA posts and resource teaching hours to Primary Special and Post Primary Schools. The information is provided on a county by county and school by school basis on its website at [www.ncse.ie](http://www.ncse.ie). In total, approximately 10,100 WTE SNA posts were allocated at the end of October 2011, for the current school year.

The NCSE retained 475 SNA posts in order to allocate them over the current school year in cases such as emergency, appeals, acquired injuries or new school entrants with care needs.

The allocation of the 475 SNA posts is underway. It is expected that the bulk of the posts will be distributed to schools by the end of November with recruitment being undertaken by individual schools as soon as they are notified of any additional allocation. A number of schools have already started the recruitment process to fill posts allocated to them recently and others will start recruiting once they receive their notification.

The NCSE will advise schools in the near future of a process to review allocation decisions to ensure that correct procedures were followed and that they comply with my Department's policy. The merits of individual allocation decisions will not be open to appeal under this mechanism.

### Higher Education Grants

182. **Deputy Pat Breen** asked the Minister for Education and Skills the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [33422/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The decision on eligibility for a student grant is a matter for a student's grant awarding body. Where a grant awarding authority

turns down an application and subsequently rejects an appeal, the applicant may appeal this decision to my Department or to the Student Grants Appeal Board, as appropriate.

No appeal has been received in my Department from the student to date. I am not, therefore, in a position to say why her grant awarding authority does not consider her to be eligible for a grant under the terms and conditions of the student grant scheme. A review of the case will be carried out should an appeal be received.

183. **Deputy Jack Wall** asked the Minister for Education and Skills his views on a matter (details supplied); the actions proposed to address this issue; if he has met with any of the representative groups in regard to the issue of concern; and if he will make a statement on the matter. [33482/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** As the Deputy will be aware, the reality of our economic situation presents significant challenges that have to be reconciled with limitations on public resources. This is a very stark reality, which, unfortunately, means that changes to any public service, including the student grant scheme, cannot be ruled out.

I empathise with students and I am very conscious of the fundamental role played by the student grant scheme in supporting families who are putting their children through further and higher education. However, the state of the public finances is such that tough decisions have to be made to control public expenditure and to ensure sustainability in the long run. For this reason it is the responsibility of Government to take into consideration all areas of public services when formulating Budget 2012. Ultimately, our budgetary decisions now will play a major part in creating a sustainable economy and in regaining our economic independence. I will take the concerns of students into consideration during the budgetary process in this context. I have met with and expressed my views to the USI in this regard.

### Ministerial Appointments

184. **Deputy Gerry Adams** asked the Minister for Education and Skills if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33945/11]

185. **Deputy Gerry Adams** asked the Minister for Education and Skills the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33959/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 184 and 185 together.

In respect of question 185 I can confirm to the Deputy that since my appointment as Minister for Education and Skills I have not appointed a former Government office holder to any position.

In respect of question 184 I can confirm that:

- In relation to bodies currently under the aegis of my Department one former Government office holder, Mr. Noel Davern is a member of the Board of the Higher Education Authority (HEA). Mr. Davern was appointed to the Board by the previous Fianna

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Fáil-Green Party Government in May 2009 for the period up until end January 2012. He is entitled to a fee of €7,695 p.a. Members are entitled to claim travel and subsistence allowances in accordance with approved public sector rates.

- In relation to higher level institutions Mr. Ray MacSharry is the current Chairperson of the governing body of IoT Sligo. He was appointed by the previous Fianna Fáil-Green Party Government in February 2011 for a five year term. While no fees are applicable members of the governing body are entitled to claim travel and subsistence allowances in accordance with approved public sector rates.

For the Deputy's information the following is a list of those bodies currently under the aegis of my Department:

- An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta (COGG),
- Commission to Inquire into Child Abuse (CICA),
- Education Finance Board (EFB),
- FÁS,
- Further Education and Training Awards Council (FETAC),
- Grangegorman Development Agency,
- Higher Education and Training Awards Council (HETAC),
- Higher Education Authority (HEA),
- Irish Research Council for Science, Engineering and Technology (IRCSET),
- Irish Research Council for the Humanities and Social Sciences (IRCHSS),
- Léargas,
- The Exchange Bureau,
- National Centre Guidance in Education (NCGE),
- National Council for Curriculum and Assessment (NCCA),
- National Council for Special Education (NCSE),
- National Qualifications Authority of Ireland (NQAI),
- Residential Institution Redress Board (RIRB),
- Residential Institutions Review Committee (RIRC),
- Skillnets Ltd,
- State Examinations Commission (SEC),
- The Teaching Council.

### **Flood Relief**

186. **Deputy Gerald Nash** asked the Minister for Public Expenditure and Reform if the Office of Public Works is aware of the persistent flooding threat posed in Northlands, Bettystown, County Meath; if the OPW has recently visited the site; if the OPW will outline the way it intends to deal in a comprehensive fashion with flooding in the estate; if it will indicate a timeframe within which any such works will be completed; and if he will make a statement on the matter. [32842/11]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The area in question is part of the Mornington Drainage District, which is the responsi-

bility of Meath County Council. The Council has requested the Office of Public Works to carry out maintenance work on the Northlands and Eastham Court areas of Bettystown, Co. Meath on their behalf. An agreement in relation to this work has been reached and it is expected that the work will be completed, weather permitting, during the months of November and December 2011.

### Departmental Agencies

187. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform the total number of State agencies, independent statutory bodies, State boards or other quangos which currently exist here; if he will provide a breakdown of each, listing in particular full name, location, the total amount of funding allocated to it in 2011 and total staff number; and if he will make a statement on the matter. [32915/11]

188. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform if he will confirm the number of State agencies, independent statutory bodies, State boards or other quangos which have been abolished or wound down since he took office; the total amount of savings achieved with each closure; and if he will make a statement on the matter. [32917/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 187 and 188 together.

In response to the Deputy's questions, I understand that each Department keeps the information in relation to bodies that come under their aegis. In relation to my own Department the following tables contain details in respect of bodies which receive Exchequer Funding and bodies which do not receive Exchequer funding.

Table A bodies in receipt of exchequer Funding

Name of Body	Location	Budget 2011	Staff Numbers
Special EU Programmes Body	Belfast Office 7th Floor The Clarence West Building 2 Clarence Street West Belfast BT2 7GP  Omagh Office EU House 11 Kevlin Road Omagh Northern Ireland BT78 1LB  Monaghan Office M:Tek II Building Armagh Road Monaghan Ireland	The 2011 Budget for the Body is €78,741,000. This breaks down as follows:  €76,075,000 Programme Expenditure (expenditure under the EU co-funded PEACE III and INTERREG IVA Programmes), and €2,666,000 Administration Expenditure.  The Body's Budget is provided by Irish and Northern Irish Government Departments. The Irish contribution to the 2011 Budget is: €28,406,000 Programme (note that a large portion of this is recoupable from EU) €1,242,500 Administration. The Body's Administration costs are co-funded by the Department of Finance and Personnel in Northern Ireland and the Department of Public Expenditure and Reform.	65

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Name of Body	Location	Budget 2011	Staff Numbers
Civil Service Arbitration Board	No Fixed location meets at various locations as required.	A separate budget for each Board is not provided. The budget for the Boards is included in an overall budget of €43,000 which includes provision for payments to the Civil Service Adjudicator and the Independent Mediator for the Civil Service, as may arise.	No Staff
Civil Service Disciplinary Code Appeal Board			
Independent Mediator for the Civil Service			
Outside Appointments Board	No fixed location meets at various locations as required	€2,296 — legal fees €9,200 – to be paid at end of 2011 in relation to fees for 5 board members	No Staff

Table B

Name of Body	Location	Board Numbers
An Post National Lottery Company	An Post National Lottery Company Abbey Street Lower, Dublin 1	7

No bodies under the aegis of my Department have been abolished since I took Office.

189. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform if he will confirm the number of State agencies, independent statutory bodies, State boards or other quangos being considered for abolition in the context of Budget 2012; if he will furnish a list of the organisations under consideration, specifying in particular their annual running costs, primary function, and staff number in tabular form; and if he will make a statement on the matter. [32920/11]

190. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform if there is a rationalisation programme in place in respect of State agencies, independent statutory bodies, State boards or other quangos for the next five years; and if he will make a statement on the matter. [32926/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 189 and 190 together.

The question of rationalisation and the reduction in the number of State bodies is being considered in the context of the Comprehensive Review of Expenditure and the overall budgetary and estimates process for 2012, and decisions on such matters will be made by the Government over the coming weeks.

The priorities set out in the Programme for Government for the rationalisation of State Agencies states that rationalisation must be cost effective and lead to a more transparent, democratically accountable and efficient public service. This underscores the need for radical streamlining of bodies, abolishing those bodies whose remit is no longer essential and amalgamation of other agencies or sharing of services between bodies. All State agencies will be subject to critical evaluation in this overall context and the outcome of the Government's deliberations will be published in due course.

### Flood Relief

191. **Deputy Dessie Ellis** asked the Minister for Public Expenditure and Reform if funding is still to be provided for the flood protection scheme on the River Dargle, County Wicklow, following the capital expenditure review. [33006/11]

**Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes):** The Office of Public Works (OPW) has provided substantial funding to Bray Town Council which has allowed the Council to bring the flood relief scheme through the design stage and the procurement of a civil works contractor.

The OPW hopes that it will be in a position to provide funding to enable the Council to progress the project during 2012. However, a definitive decision cannot be taken in this regard pending the publication of details of the outcome of the Government Review of Capital Expenditure and the financial allocation for flood relief activities to the OPW in 2012.

### Pension Provisions

192. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform the former Ministers currently in receipt of ministerial and TD pensions; the names of the recipients; and the amount of money they receive from the pensions on an annual basis. [33255/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The data in respect of Ministerial and TDs' pensions requested by the Deputy are in the tabular statement below. The figures were provided by the Office of Paymaster General in respect of Ministerial pensions and from the Houses of the Oireachtas Service in respect of TD pensions.

The amount of pension is on an annual basis; Ministers' and TDs' pensions may not be in payment since January 2011.

Surname	Forename	Annual Amount of TD's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of Ministerial and TD Pension less Public Service Pension Levy
Ahern	Noel	€47,717.52	€22,515.83	€70,233.35
Ahern	Michael	€53,136.12	€23,308.43	€76,444.55
Ahern	Dermot	€50,722.44	€69,242.79	€119,965.23
Ahern	Bertie	€49,934.88	€102,396.78	€152,331.66
Allen	Lorcan	€52,359.48	€11,684.35	€64,043.83
Allen	Bernard	€52,206.24	€12,329.54	€64,535.78
Andrews	David	€49,934.88	€58,495.57	€108,430.45
Aylward	Liam	€49,934.88	€0.00	€49,934.88
Barry	Richard	€65,768.04	€9,842.18	€75,610.22
Barry	Peter	€65,768.04	€60,713.16	€126,481.20
Begley	Michael	€49,934.88	€19,517.92	€69,452.80
Bhreathnach	Niamh	€11,609.76	€35,566.48	€47,176.24
Birmingham	George	€20,157.12	€17,733.41	€37,890.53
Brady	Vincent	€38,913.84	€20,716.72	€59,630.56
Browne	John	€44,220.60	€10,981.76	€55,202.36
Bruton	John	€50,282.40	€91,566.87	€141,849.27
Burke	Richard	€20,157.12	€33,177.49	€53,334.61
Burke	Ray	€49,934.88	€53,903.85	€103,838.73
Byrne	Hugh	€49,934.88	€18,456.08	€68,390.96

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Surname	Forename	Annual Amount of TD's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of Ministerial and TD Pension less Public Service Pension Levy
Calleary	Sean	€49,336.92	€23,504.88	€72,841.80
Callely	Ivor	€0.00	€14,754.28	€14,754.28
Carey	Donal	€53,975.88	€12,046.99	€66,022.87
Cassidy	Donie	€0.00	€11,505.90	€11,505.90
Collins	Edward	€45,085.32	€18,328.25	€63,413.57
Collins	Gerard	€49,934.88	€52,629.66	€102,564.54
Connaughton	Paul	€49,934.88	€17,733.41	€67,668.29
Connolly	Gerard	€49,934.88	€24,800.47	€74,735.35
Cooney	Patrick	€49,934.88	€52,629.65	€102,564.53
Cosgrave	Liam T.	€36,282.00	€18,767.59	€55,049.59
Cosgrave	Liam (Snr)	€65,768.04	€67,257.58	€133,025.62
Cowen	Brian	€49,934.88	€101,126.89	€151,061.77
Creed	Donal	€49,934.88	€16,871.95	€66,806.83
Cullen	Martin	€49,934.88	€69,242.79	€119,177.67
Currie	Austin	€47,070.48	€12,313.36	€59,383.84
Daly	Brendan	€51,974.76	€43,540.67	€95,515.43
D'Arcy	Michael	€51,982.44	€16,871.95	€68,854.39
Davern	Noel	€53,930.88	€20,220.76	€74,151.64
De Valera	Síle	€49,934.88	€53,712.63	€103,647.51
Deasy	Austin	€51,974.76	€35,520.82	€87,495.58
Dempsey	Noel	€49,934.88	€69,242.79	€119,177.67
Desmond	Barry	€49,934.88	€36,488.74	€86,423.62
Donnellan	John	€31,749.36	€9,049.59	€40,798.95
Doyle	Avril	€45,346.08	€14,789.49	€60,135.57
Dukes	Alan	€51,507.36	€42,960.44	€94,467.80
Fahey	Jackie	€49,934.88	€18,077.01	€68,011.89
Fahey	Frank	€51,411.24	€61,730.12	€113,141.36
Faulkner	Padraig	€49,934.88	€52,629.66	€102,564.54
Fitzpatrick	Tom	€45,085.32	€10,991.42	€56,076.74
Flood	Chris	€38,428.92	€17,364.25	€55,793.17
Flynn	Padraig	€39,186.24	€47,942.98	€87,129.22
Gallagher	Pat 'The Cope'	€50,805.96	€19,756.12	€70,562.08
Harney	Mary	€49,934.88	€79,870.79	€129,805.67
Higgins	Jim	€51,390.36	€5,973.14	€57,363.50
Higgins	Michael D.	€50,178.12	€37,750.42	€87,928.54
Honan	Tras	€27,699.84	€23,050.41	€50,750.25
Hussey	Thomas	€44,107.56	€17,107.79	€61,215.35
Hussey	Gemma	€30,536.88	€35,520.82	€66,057.70
Hyland	Liam	€49,489.80	€11,837.23	€61,327.03
Jacob	Joe	€49,934.88	€29,190.78	€79,125.66
Kavanagh	Liam	€53,466.72	€38,068.96	€91,535.68
Kiely	Rory	€35,386.68	€16,937.68	€52,324.36
Kitt	Tom	€50,642.52	€30,833.88	€81,476.40
Lalor	Paddy	€49,934.88	€51,219.01	€101,153.89

Surname	Forename	Annual Amount of TD's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of Ministerial and TD Pension less Public Service Pension Levy
Lyons	Denis	€29,241.48	€19,502.52	€48,744.00
MacSharry	Ray	€49,934.88	€39,001.92	€88,936.80
McCarthy	Sean	€26,760.36	€11,843.75	€38,604.11
McCreevy	Charlie	€49,934.88	€69,242.79	€119,177.67
McDaid	Jim	€49,934.88	€47,471.81	€97,406.69
McDonald	Charles	€46,690.44	€11,810.88	€58,501.32
McDowell	Michael	€30,244.56	€30,144.08	€60,388.64
McManus	Liz	€0.00	€12,309.97	€12,309.97
Moffatt	Tom	€23,736.72	€18,456.08	€42,192.80
Molloy	Robert	€49,934.88	€63,742.65	€113,677.53
Mullooly	Brian	€35,386.68	€21,916.30	€57,302.98
Nealon	Ted	€40,229.28	€19,507.48	€59,736.76
Noonan	Michael J.	€49,934.88	€30,749.62	€80,684.50
O'Brien	Fergus	€47,483.52	€19,507.48	€66,991.00
O'Connell	Dr. John	€49,934.88	€26,374.97	€76,309.85
O'Donnell	Liz	€40,104.72	€18,799.16	€58,903.88
O'Donnell	Tom	€49,934.88	€35,862.33	€85,797.21
O'Donoghue	Martin	€21,371.76	€29,958.33	€51,330.09
O'Donoghue	John	€49,934.88	€69,242.79	€119,177.67
O'Hanlon	Rory	€49,934.88	€66,682.65	€116,617.53
O'Keefe	Edward (Ned)	€50,389.08	€15,126.57	€65,515.65
O'Keefe	Jim	€51,289.32	€19,507.79	€70,797.11
O'Kennedy	Michael	€53,945.88	€68,857.71	€122,803.59
O'Malley	Tim	€12,544.08	€18,648.89	€31,192.97
O'Malley	Desmond	€54,092.04	€52,629.66	€106,721.70
O'Rourke	Mary	€50,938.32	€67,042.69	€117,981.01
O'Shea	Brian	€49,934.88	€17,036.04	€66,970.92
O'Sullivan	Toddy	€41,711.88	€14,713.32	€56,425.20
O'Toole	Paddy	€35,386.32	€38,683.10	€74,069.42
Owen	Nora	€46,586.64	€27,239.56	€73,826.20
Parlon	Tom	€12,544.08	€18,648.88	€31,192.96
Pattison	Seamus	€53,466.72	€63,738.74	€117,205.46
Power	Sean	€27,899.28	€8,564.85	€36,464.13
Power	Patrick	€49,934.88	€26,033.71	€75,968.59
Reynolds	Albert	€49,934.88	€99,805.41	€149,740.29
Ryan	Eoin	€47,884.56	€5,929.57	€53,814.13
Ryan	John	€49,934.88	€17,400.25	€67,335.13
Ryan	Richie	€57,170.40	€35,862.33	€93,032.73
Smith	Michael	€49,934.88	€69,242.79	€119,177.67
Spring	Dick	€49,934.88	€71,173.40	€121,108.28
Taylor	Mervyn	€40,229.28	€37,750.42	€77,979.70
Treacy	Noel	€51,392.52	€32,216.61	€83,609.13
Treacy	Sean	€49,934.88	€69,242.79	€119,177.67
Wallace	Dan	€52,283.16	€20,809.08	€73,092.24
Wallace	Mary	€51,009.84	€26,436.80	€77,446.64
Walsh	Joe	€49,934.88	€69,242.79	€119,177.67



[Deputy Brendan Howlin.]

Surname	Forename	Annual Amount of TD's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of Ministerial and TD Pension less Public Service Pension Levy
Woods	Michael	€53,453.16	€69,242.79	€122,695.95
Yates	Ivan	€47,607.00	€27,229.65	€74,836.65

Dr. Maurice Manning and Ms Marian Harkin are gifting their TD pensions.

Ms Eithne Fitzgerald, Ms Maire Geoghegan Quinn, Mr. Gay Mitchell and Mr. Proinsias de Rossa are gifting their TD and Ministerial pensions.

\*Mr. Liam Aylward is gifting his Ministerial pension for 2011.

\*Mr. Liam Cosgrave (Snr) is gifting part of his Ministerial pension for 2011.

*The following revised reply was received on 14 November 2011:*

The data in respect of Ministerial and TDs' pensions requested by the Deputy are in tabular statement below. The figures were provided by the Office of Paymaster General in respect of Ministerial pensions and from the Houses of the Oireachtas Service in respect of TD pensions.

The amount of pension is on an annual basis; Ministers' and TDs' pensions may not be in payment since January 2011.

Surname	Forename	Annual Amount of TD's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of Ministerial and TD Pension less Public Service Pension Levy
Ahern	Noel	€47,717.52	€22,515.83	€70,233.35
Ahern	Michael	€53,136.12	€23,308.43	€76,444.55
Ahern	Dermot	€50,722.44	€69,242.79	€119,965.23
Ahern	Bertie	€49,934.88	€102,396.78	€152,331.66
Allen	Lorcan	€52,359.48	€11,684.35	€64,043.83
Allen	Bernard	€52,206.24	€12,329.54	€64,535.78
Andrews	David	€49,934.88	€58,495.57	€108,430.45
Aylward	Liam	€49,934.88	€0.00	€49,934.88
Barry	Richard	€65,768.04	€9,842.18	€75,610.22
Barry	Peter	€65,768.04	€60,713.16	€126,481.20
Begley	Michael	€49,934.88	€19,517.92	€69,452.80
Bhreathnach	Niamh	€11,609.76	€35,566.48	€47,176.24
Birmingham	George	€20,157.12	€17,733.41	€37,890.53
Brady	Vincent	€38,913.84	€20,716.72	€59,630.56
Browne	John <sup>1</sup>	€0.00	€10,981.76	€10,981.76
Bruton	John	€50,282.40	€91,566.87	€141,849.27
Burke	Richard	€20,157.12	€33,177.49	€53,334.61
Burke	Ray	€49,934.88	€53,903.85	€103,838.73
Byrne	Hugh	€49,934.88	€18,456.08	€68,390.96
Calleary	Sean	€49,336.92	€23,504.88	€72,841.80
Callely	Ivor	€0.00	€14,754.28	€14,754.28
Carey	Donal	€53,975.88	€12,046.99	€66,022.87
Cassidy	Donie	€0.00	€11,505.90	€11,505.90
Collins	Edward	€45,085.32	€18,328.25	€63,413.57
Collins	Gerard	€49,934.88	€52,629.66	€102,564.54
Connaughton	Paul	€49,934.88	€17,733.41	€67,668.29
Connolly	Gerard	€49,934.88	€24,800.47	€74,735.35

Surname	Forename	Annual Amount of TD's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of Ministerial and TD Pension less Public Service Pension Levy
Cooney	Patrick	€49,934.88	€52,629.65	€102,564.53
Cosgrave	Liam T.	€36,282.00	€18,767.59	€55,049.59
Cosgrave	Liam (Snr)	€65,768.04	€67,257.58	€133,025.62
Cowen	Brian	€49,934.88	€101,126.89	€151,061.77
Creed	Donal	€49,934.88	€16,871.95	€66,806.83
Cullen	Martin	€49,934.88	€69,242.79	€119,177.67
Currie	Austin	€47,070.48	€12,313.36	€59,383.84
Daly	Brendan	€51,974.76	€43,540.67	€95,515.43
D'Arcy	Michael	€51,982.44	€16,871.95	€68,854.39
Davern	Noel	€53,930.88	€20,220.76	€74,151.64
De Valera	Síle	€49,934.88	€53,712.63	€103,647.51
Deasy	Austin	€51,974.76	€35,520.82	€87,495.58
Dempsey	Noel	€49,934.88	€69,242.79	€119,177.67
Desmond	Barry	€49,934.88	€36,488.74	€86,423.62
Donnellan	John	€31,749.36	€9,049.59	€40,798.95
Doyle	Avril	€45,346.08	€14,789.49	€60,135.57
Dukes	Alan	€51,507.36	€42,960.44	€94,467.80
Fahey	Jackie	€49,934.88	€18,077.01	€68,011.89
Fahey	Frank	€51,411.24	€61,730.12	€113,141.36
Faulkner	Padraig	€49,934.88	€52,629.66	€102,564.54
Fitzpatrick	Tom	€45,085.32	€10,991.42	€56,076.74
Flood	Chris	€38,428.92	€17,364.25	€55,793.17
Flynn	Padraig	€39,186.24	€47,942.98	€87,129.22
Gallagher	Pat 'The Cope'	€50,805.96	€19,756.12	€70,562.08
Harney	Mary	€49,934.88	€79,870.79	€129,805.67
Higgins	Jim	€51,390.36	€5,973.14	€57,363.50
Higgins	Michael D.	€50,178.12	€37,750.42	€87,928.54
Honan	Tras	€27,699.84	€23,050.41	€50,750.25
Hussey	Thomas	€44,107.56	€17,107.79	€61,215.35
Hussey	Gemma	€30,536.88	€35,520.82	€66,057.70
Hyland	Liam	€49,489.80	€11,837.23	€61,327.03
Jacob	Joe	€49,934.88	€29,190.78	€79,125.66
Kavanagh	Liam	€53,466.72	€38,068.96	€91,535.68
Kiely	Rory	€35,386.68	€16,937.68	€52,324.36
Kitt	Tom	€50,642.52	€30,833.88	€81,476.40
Lalor	Paddy	€49,934.88	€51,219.01	€101,153.89
Lyons	Denis	€29,241.48	€19,502.52	€48,744.00
MacSharry	Ray	€49,934.88	€39,001.92	€88,936.80
McCarthy	Sean	€26,760.36	€11,843.75	€38,604.11
McCreevy	Charlie	€49,934.88	€69,242.79	€119,177.67
McDaid	Jim	€49,934.88	€47,471.81	€97,406.69
McDonald	Charles	€46,690.44	€11,810.88	€58,501.32
McDowell	Michael	€30,244.56	€30,144.08	€60,388.64
McManus	Liz	€0.00	€12,309.97	€12,309.97
Moffatt	Tom	€23,736.72	€18,456.08	€42,192.80
Molloy	Robert	€49,934.88	€63,742.65	€113,677.53

## [Deputy Brendan Howlin.]

Surname	Forename	Annual Amount of TD's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of Ministerial and TD Pension less Public Service Pension Levy
Mullooly	Brian	€35,386.68	€21,916.30	€57,302.98
Nealon	Ted	€40,229.28	€19,507.48	€59,736.76
Noonan	Michael J.	€49,934.88	€30,749.62	€80,684.50
O'Brien	Fergus	€47,483.52	€19,507.48	€66,991.00
O'Connell	Dr. John	€49,934.88	€26,374.97	€76,309.85
O'Donnell	Liz	€40,104.72	€18,799.16	€58,903.88
O'Donnell	Tom	€49,934.88	€35,862.33	€85,797.21
O'Donoghue	Martin	€21,371.76	€29,958.33	€51,330.09
O'Donoghue	John	€49,934.88	€69,242.79	€119,177.67
O'Hanlon	Rory	€49,934.88	€66,682.65	€116,617.53
O'Keefe	Edward (Ned)	€50,389.08	€15,126.57	€65,515.65
O'Keefe	Jim	€51,289.32	€19,507.79	€70,797.11
O'Kennedy	Michael	€53,945.88	€68,857.71	€122,803.59
O'Malley	Tim	€12,544.08	€18,648.89	€31,192.97
O'Malley	Desmond	€54,092.04	€52,629.66	€106,721.70
O'Rourke	Mary	€50,938.32	€67,042.69	€117,981.01
O'Shea	Brian	€49,934.88	€17,036.04	€66,970.92
O'Sullivan	Toddy	€41,711.88	€14,713.32	€56,425.20
O'Toole	Paddy	€35,386.32	€38,683.10	€74,069.42
Owen	Nora	€46,586.64	€27,239.56	€73,826.20
Parlon	Tom	€12,544.08	€18,648.88	€31,192.96
Pattison	Seamus	€53,466.72	€63,738.74	€117,205.46
Power	Sean	€27,899.28	€8,564.85	€36,464.13
Power	Patrick	€49,934.88	€26,033.71	€75,968.59
Reynolds	Albert	€49,934.88	€99,805.41	€149,740.29
Ryan	Eoin	€47,884.56	€5,929.57	€53,814.13
Ryan	John	€49,934.88	€17,400.25	€67,335.13
Ryan	Richie	€57,170.40	€35,862.33	€93,032.73
Smith	Michael	€49,934.88	€69,242.79	€119,177.67
Spring	Dick	€49,934.88	€71,173.40	€121,108.28
Taylor	Mervyn	€40,229.28	€37,750.42	€77,979.70
Treacy	Noel	€51,392.52	€32,216.61	€83,609.13
Treacy	Sean	€49,934.88	€69,242.79	€119,177.67
Wallace	Dan	€52,283.16	€20,809.08	€73,092.24
Wallace	Mary	€51,009.84	€26,436.80	€77,446.64
Walsh	Joe	€49,934.88	€69,242.79	€119,177.67
Woods	Michael	€53,453.16	€69,242.79	€122,695.95
Yates	Ivan	€47,607.00	€27,229.65	€74,836.65

Dr. Maurice Manning and Ms Marian Harkin are gifting their TD pensions.

Ms Eithne Fitzgerald, Ms Maire Geoghegan Quinn, Mr. Gay Mitchell and Mr. Proinnsias de Rossa are gifting their TD and Ministerial pensions.

\*Mr. Liam Aylward is gifting his Ministerial pension for 2011.

\*Mr. Liam Cosgrave (Snr) is gifting part of his Ministerial pension for 2011.

<sup>1</sup>Payment of this ministerial pension should have ceased in March 2011 when Deputy Browne was re-elected to the Dáil. No further ministerial pension payments will be made while he is a member of either House, and arrangements will be put in place to recoup any overpayment.

### Departmental Funding

193. **Deputy Brendan Smith** asked the Minister for Public Expenditure and Reform if he will ensure that an application for funding will be finalised and approved without further delay in respect of a project (details supplied); and if he will make a statement on the matter. [33419/11]

195. **Deputy Joe O'Reilly** asked the Minister for Public Expenditure and Reform the progress that has been made on reaching an agreement with Northern Ireland Accountable Departments DFP and DETI regarding the match funding percentage split for the Border uplands project; and if he will make a statement on the matter. [33483/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 193 and 195 together.

As the Deputies are aware, this project is due to be implemented under the INTERREG IVA Programme 2007-13 which is co-funded by the Irish and UK (NI/Scotland) Governments and the European Regional Development Fund. The objective of the programme is to support strategic cross-border co-operation for a more prosperous and sustainable region. It has a total allocation of €256m and focuses on the development of a dynamic economy and provision of support to cross-border infrastructure that will improve access to services and thereby improve the quality of life for those living in the eligible region of Northern Ireland, the Border Region of Ireland and Western Scotland. The programme is managed by the Special EU Programmes Body (SEUPB), one of the six North South Bodies established under the Good Friday Agreement.

To implement the programme, SEUPB issues calls for project applications, assesses applications received (with independent economic appraisal for projects over £500k, as per UK requirements) and presents assessed projects for final selection by Steering Committee. Funding for the approved projects is then provided by the relevant Accountable Departments in Northern Ireland and Ireland (and Scotland partners for tripartite projects).

The INTERREG programme should take account of the overall agreed apportionment of funding from Member States for the period 2007-2013 (IRL 27.6%, UK 72.4%). Currently, Ireland's contribution is in excess of agreed rates (in the order of 40%). My Department, together with the Department of Finance and Personnel in NI and the SEUPB, is working closely to address this issue and ensure that the correct funding ratios are met by end of the programme. Remaining projects will need to be funded with relatively higher UK and relatively lower Irish contributions and an approach is being agreed and finalised to facilitate this. However, pending a resolution, all letters of offer for INTERREG IVA projects have been temporarily on hold. We hope to have a resolution to this issue shortly so that the letter of offer for this tourism project can issue.

### Departmental Bodies

194. **Deputy Simon Harris** asked the Minister for Public Expenditure and Reform the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32856/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** The question of rationalisation and the reduction in the number of State bodies is being considered in the context of the Comprehensive Review of Expenditure and the overall budgetary and estimates

[Deputy Brendan Howlin.]

process for 2012, and decisions on such matters will be made by the Government over the coming weeks.

The priorities set out in the Programme for Government for the rationalisation of State Agencies states that rationalisation must be cost effective and lead to a more transparent, accountable and efficient public service. The overriding imperative is the absolute requirement to achieve major savings in all areas of expenditure and to reduce staff numbers and administrative overheads. This underscores the need for radical streamlining of bodies, abolishing those bodies whose remit is no longer essential and amalgamation of other agencies or sharing of services between bodies, so that public services and functions can be delivered more cost-effectively.

Bodies which come under the aegis of my Department are An Post National Lottery, Outside Appointments Board, Decentralisation Implementation Group and Valuation Tribunal.

In the period in question no bodies under the aegis of my Department have been reformed, merged or abolished.

*Question No. 195 answered with Question No. 193.*

### **Ministerial Appointments**

196. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33951/11]

197. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33965/11]

**Minister for Public Expenditure and Reform (Deputy Brendan Howlin):** I propose to take Questions Nos. 196 and 197 together.

Since my appointment as Minister for Public Expenditure and Reform I have not appointed any former Government office holder to any organisation under the remit of my Department .

On foot of motions, both the Dáil and the Seanad approved the appointment by the Government, with effect from 19 December 2007 and for a period of 6 years, of Mr. Michael Smith as ordinary member of the Standards in Public Office Commission, and the Government made the appointment accordingly. Mr. Michael Smith is a former office holder (i.e. Minister of State at the Department of Agriculture (1980); Minister for Energy (1988–1989); Minister for the Environment (1992–1994), Minister for Education (1994) and Minister for Defence (1997–2004). The ordinary member's fee is €17,500 pa, plus €372.80 per day for days in excess of 47.

Terms of office: Under the Standards in Public Office Act 2001, an ordinary member of the Standards Commission (a) shall hold office for a term of 6 years and may be re-appointed to that office for a second or subsequent term; (b) shall cease to hold office if he or she (i) is nominated as a member of Seanad Éireann; (ii) is nominated for election as a member of either

House or to be a representative in the European Parliament, or (iii) is regarded as having been elected to the European Parliament; (c) holds office upon such terms and conditions) as may be determined by the Minister [for Public Expenditure & Reform]; (d) may resign from office by notice in writing given to the Minister; and (e) may be removed from office at any time by the Government but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy and then only following resolutions passed by each House calling for his or her removal.

### **Departmental Bodies**

198. **Deputy Simon Harris** asked the Minister for Jobs, Enterprise and Innovation the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32854/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** No State bodies or companies have been created or abolished by my Department since March 2011.

My Department currently has 13 State Agencies supporting us in our work. These are:

1. Enterprise Ireland,
2. IDA Ireland,
3. Science Foundation Ireland,
4. Shannon Development,
5. County and City Enterprise Boards (35),
6. National Standards Authority of Ireland,
7. InterTradeIreland (the North/South Trade and Business Development Body),
8. Forfás,
9. National Consumer Agency,
10. The Competition Authority,
11. Irish Auditing and Accounting Standards Authority,
12. Personal Injuries Assessment Board, and
13. The Health and Safety Authority,

In relation to Regulatory Agencies and Statutory bodies, my Department is working to effect the merger of the National Consumer Agency (NCA) and the Competition Authority. As work on a review of the operation and implementation of the 2002 Competition Act was well underway, rather than give effect to the amalgamation of the NCA and Competition Authority in a stand-alone piece of legislation, to be followed in due course by legislation to amend, reform and update the 2002 Act, it was decided to introduce a single comprehensive Bill and Government has approved the drafting of the Consumer and Competition Bill in July 2011. It is expected that drafting of this Bill will be completed in the first half of 2012.

[Deputy Richard Bruton.]

In relation to the Employment Rights and Industrial Relations bodies within my Department's remit, I have announced my intention to streamline the work of five bodies currently dealing with employment disputes in the workplace into a two-tier structure. Four of the existing bodies — the Employment Appeals Tribunal, the National Employment Rights Authority, The Labour Relations Commission and the Labour Court — are currently within my remit. One — the Equality Tribunal — is currently within the remit of the Minister for Justice and Equality. I expect this reform and streamlining project to deliver a measurable improvement in the quality of services provided to users of the State's employment rights/industrial relations dispute resolution services and reduce the burden of accessing such services for users and reduce costs to the State. I have announced an ambitious timeline for delivery, including a number of initiatives to be delivered by the end of this year, including a single portal of entry for all claims, a single website containing all relevant information and a single application form for workplace dispute claims.

Regarding the Enterprise agencies under my Department's remit, I am currently considering how the policy and research functions of Forfás could be integrated with my Department's resources to further enhance the formulation and development of national enterprise policy.

Work is well advanced in my Department on determining the extent of a restructuring of the network of CEBs in a way that brings greater cohesion to the way that local enterprise supports are embedded into the national enterprise policy framework and interact with key local stakeholders. My intention is to ensure appropriate and targeted local delivery of enterprise supports within the context of national enterprise policy in a manner which eliminates overlap and duplication and provides an enhanced focused model for entrepreneurs.

### **Work Permits**

199. **Deputy James Bannon** asked the Minister for Jobs, Enterprise and Innovation if he will provide an employment permit in respect of a person (details supplied) in Dublin 14; and if he will make a statement on the matter. [33018/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** My Department processes applications in respect of the different types of employment permits and all applications are processed in line with the Employment Permits Act 2006.

I wish to advise the Deputy that this Work Permit application was refused on the 18th October 2011 on the grounds that it is current Government policy to issue new employment permits only in respect of:

- highly skilled, highly paid positions or;
- non-EEA nationals who are already legally resident in the State on valid employment permits or;
- positions requiring specialist or scarce skills, expertise or qualifications which cannot be filled otherwise.

Furthermore, new work permit applications can only be considered where it is established that the position has been advertised with FÁS/EURES for a period of 8 weeks and advertised for at least six days in both local and national newspapers.

The applicant was notified of this decision in writing and of their right to appeal within 21 days. To-date no such appeal has been received in the Employment Permits Section.

### EU Directives

200. **Deputy Willie O’Dea** asked the Minister for Jobs, Enterprise and Innovation if he has held any discussions with representatives of the biotechnology or pharmaceutical industry in relation to the decision of the European Court of Human Rights to limit their ability to patent stem cells; his views that the decision will have an adverse effect on jobs here; and if he will make a statement on the matter. [33112/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The decision the Deputy is referring to is the Court of Justice of the European Union (CJEU) Case C-34/10, also known as the *Brüstle* case. This highly technical case centred on the Court’s interpretation of EU Directive 98/44/EC on the legal protection of biotechnological inventions.

This decision results from a referral to the German Court, in relation to a German patent granted to Oliver Brüstle in 1999. This patent concerned the generation of brain cells derived from embryonic stem cells and their use for the treatment of neural disorders such as Parkinson’s disease.

On the fundamental question of what is meant by the term ‘human embryo’ the CJEU concluded that any human ovum must, as soon as fertilised, be regarded as a ‘human embryo’ within the meaning and for the purposes of the application of Article 6(2)(c) of the Directive, if that fertilisation is such as to begin the process of development of a human being. On the more specific question as to whether an invention is unpatentable, even though its purpose is not the use of human embryos per se, but rather the use of a product whose production necessitates the prior destruction of human embryos or a process requiring a base material obtained by the destruction of human embryos. When considering this question, the Court noted the November 2008 decision of the European Patents Office Enlarged Board of Appeal that the patentability of products prepared exclusively by a method involving the destruction of human embryos was to be rejected. The Court concluded that the Directive excludes an invention from patentability where the patent application requires the prior destruction of human embryos or their use as base material, even if the description of the claimed invention does not refer to the use of human embryos.

It now remains to be seen how the European Patents Office and the national courts will interpret the wording of the CJEU. Accordingly, it is not possible, at this stage, to indicate if the CJEU’s decision will impact adversely on job creation in Ireland.

### Departmental Funding

201. **Deputy Frank Feighan** asked the Minister for Jobs, Enterprise and Innovation the action taken by him towards making finances available for small businesses; the funding and policy initiatives for small business; and if his attention has been drawn to the fact that the banks are still refusing to give credit to small businesses to continue their important role in the local community. [33322/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The initiatives taken by the Minister for Finance to restructure and re-capitalise the banking system is the principal response to making credit available. At the end of March 2011, a range of measures was announced to reorganise, recapitalise and deleverage the domestic financial system in order to restore the banks to health and continue to provide a secure banking system for deposits.

This latest restructuring of the domestic banking sector creates capacity for the pillar banks to lend in excess of €30 billion over the next three years in SME and other important sectors. This is in excess of Central Bank estimates of the likely demand for SME and mortgage credit over this period. Government has imposed lending targets on the two domestic pillar banks for



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the three calendar years, 2011 to 2013. Both banks will be required to sanction lending of at least €3 billion this year, €3.5 billion next year and €4 billion in 2013 for new or increased credit facilities to SMEs.

In addition to the initiatives of the Minister for Finance, work is underway within my Department on the design of a Temporary Partial Credit Guarantee Scheme. The Scheme will provide a level of guarantee to banks against losses on qualifying loans to job-creating firms to get banks lending again to industry and entrepreneurs.

This Scheme will be closely targeted at commercially viable, well performing companies that have a solid business plan and a defined market for their products or services which can demonstrate repayment capacity for the additional credit facilities but which do not secure credit facilities due to the following two market failures:

- Insufficient collateral for the additional facilities or,
- Growth/expansionary SMEs which due to their sectors, markets or business model are perceived higher risk under current credit risk evaluation practices.

Furthermore, in line with the commitment in the Programme for Government, a Microfinance Fund to provide loans to small businesses is being developed. My Department is also taking the lead on this initiative and has carried out detailed discussions with relevant stakeholders, including the Department of Finance, the Department of Public Expenditure and Reform, the European Investment Bank and other organisations with experience in the area. The Fund, including scheme design and appropriate delivery mechanisms, is being developed with a view to formalising proposals before the end of the year.

These initiatives are not designed to replace current lending through the banking system but to provide additional lending where specific measures are warranted.

Businesses having difficulty with credit refusals can use the services of the Credit Review Office, which will carry out an independent and impartial review of a bank's decision to refuse or reduce credit.

### **Credit Guarantee Scheme**

202. **Deputy Brendan Griffin** asked the Minister for Jobs, Enterprise and Innovation the position regarding the partial loan guarantee scheme; and if he will make a statement on the matter. [33395/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** The design phase of a Temporary Partial Credit Guarantee Scheme is nearing completion and I will be bringing formal proposals to Cabinet shortly. Once a suitable scheme design has been finalised and approved by the Government, there will then be a further Request for Tender published at the end of November to select an operator to allow for the roll out of the scheme over the coming months.

In parallel with the work taking place on the design of the Scheme, the Department is preparing primary legislation to make the necessary statutory provision for such a scheme.

The Scheme will provide a level of guarantee to banks against losses on qualifying loans to job-creating firms to get banks lending again to industry and entrepreneurs.

This Scheme will be closely targeted at commercially viable, well performing companies that have a solid business plan and a defined market for their products or services which can demonstrate repayment capacity for the additional credit facilities but which cannot secure credit facilities due to the following two market failures:

- Insufficient collateral for the additional facilities or,
- Growth/expansionary SMEs which due to their sectors, markets or business model are perceived higher risk under current credit risk evaluation practices.

The Government's commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before any commitment to a roll-over of the scheme for subsequent years. The temporary partial credit guarantee scheme will complement the Government's plans on the restructuring and recapitalisation of the banking system which seek to secure an adequate flow of credit into the economy to support economic recovery.

### Ministerial Appointments

203. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33949/11]

204. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33963/11]

**Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton):** I propose to take Questions Nos. 203 and 204 together.

It has not been possible in the time available to compile the information sought by the Deputy. My Department has, however, begun the process of collating the information requested and I will communicate with the Deputy as soon as the exercise has been completed.

### Pension Provisions

205. **Deputy Brendan Griffin** asked the Minister for Social Protection if long-term carers will qualify for contributory pension entitlements in recognition of the savings to the State; and if she will make a statement on the matter. [33344/11]

**Minister for Social Protection (Deputy Joan Burton):** To qualify for a State pension (contributory), three conditions must be satisfied:

- (i) Date of entry into insurance (at full or modified rate) before age 56.
- (ii) A certain number of full-rate contributions must be paid. From 6 April 2012, the minimum number of paid contributions required to pass the first contribution test for a State pension (contributory) will increase from 260 to 520.
- (iii) A minimum yearly average of at least 10 (using full-rate contributions and credits) from date of entry into insurance to the end of the last full contribution year before age 66.

People who have been carers since April 1994 may avail of the homemakers' scheme. It is of benefit to those who worked outside the home for a period, then spent a number of years as carers and then return to the workforce.

[Deputy Joan Burton.]

From 5 April 1994, any contribution year spent as a homemaker or carer may be disregarded in the calculation of the yearly average up to a maximum of 20 years. The fact that a carer does not have any contributions in those years will not affect his or her entitlement to a pension so long as they otherwise meet the eligibility criteria.

### Social Welfare Benefits

206. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the way in which an alleged debt of €600 in respect of one parent family allowance payment has arisen from in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [32737/11]

**Minister for Social Protection (Deputy Joan Burton):** An overpayment arose in this case as the income of the person concerned increased when she started a FÁS course in June 2010. Her participation on the FÁS course did not come to notice until April 2011.

207. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if supplementary welfare allowance will be paid in the case of a person (details supplied) in County Kildare whose application for disability allowance is currently on appeal; and if she will make a statement on the matter. [32738/11]

**Minister for Social Protection (Deputy Joan Burton):** Supplementary welfare allowance payments are continuing to issue to the person concerned.

208. **Deputy Bernard J. Durkan** asked the Minister for Social Protection further to Parliamentary Question No. 300 of 20 September 2011, if payment will issue in respect of a rent support application in the case of a person (details supplied) in County Carlow; and if she will make a statement on the matter. [32739/11]

**Minister for Social Protection (Deputy Joan Burton):** The community welfare service (CWS) and the community welfare officers providing it transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

The position remains as advised in question 99 which I answered for the Deputy on 28th September. That is, the information that was requested previously from the client remains outstanding. The person concerned has been advised that the following documents must be supplied in order for her file to be processed:

- A copy of the Housing Needs Assessment letter from Kildare County Council.
- A completed Habitual Residence Condition form.
- Copy of photo identification.
- 6 months bank statements or if the person concerned does not possess a bank account, a declaration of this fact and.
- A letter from her Social Worker confirming the long term plan regarding access to her eldest daughter.

### Redundancy Payments

209. **Deputy Anne Ferris** asked the Minister for Social Protection the reason for the delay

in processing an application for redundancy in respect of a person (details supplied) in County Wicklow; when a decision will be determined and conveyed to the applicant; and if she will make a statement on the matter. [32752/11]

**Minister for Social Protection (Deputy Joan Burton):** Under the Redundancy Payments Scheme all eligible employees are entitled to a statutory redundancy lump sum payment on being made redundant. In this case no claim appears to have been submitted for the individual concerned.

### Social Welfare Appeals

210. **Deputy Michael Creed** asked the Minister for Social Protection when a person (details supplied) in County Cork will receive a decision on their invalidity pension appeal; and if she will make a statement on the matter. [32753/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 16 August 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course 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.

211. **Deputy Heather Humphreys** asked the Minister for Social Protection the position regarding an appeal for disability allowance in respect of a person (details supplied) in County Monaghan; and if she will make a statement on the matter. [32758/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

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.

212. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will expedite an oral hearing in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [32759/11]

214. **Deputy Sandra McLellan** asked the Minister for Social Protection if she will expedite an oral hearing for carer's allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [32765/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 212 and 214 together.

I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the available evidence disallowed the appeal of the person concerned by way of a summary decision. The person concerned has been notified of the Appeals Officers decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. The legislation also provides that an Appeals Officer may decide a case before him/her on the basis of the documentary evidence. This course of action was taken in this case as it was considered that an oral hearing was not warranted.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

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**

213. **Deputy Sandra McLellan** asked the Minister for Social Protection the position regarding rent allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [32763/11]

**Minister for Social Protection (Deputy Joan Burton):** The community welfare service (CWS) and the community welfare officers providing it transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and staff are now part of the DSP. The Department's representative administering the supplementary welfare allowance scheme refused the person's rent allowance application on the grounds that her accommodation needs are being provided for by Youghal Town Council. The person concerned was advised of this decision and of her right of appeal if dissatisfied.

*Question No. 214 answered with Question No. 212.*

### **Social Welfare Appeals**

215. **Deputy Charlie McConologue** asked the Minister for Social Protection the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [32770/11]

**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 17th 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 21st October 2011 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

216. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding a carer's allowance in respect of a person (details supplied) in Dublin 9. [32778/11]

217. **Deputy Finian McGrath** asked the Minister for Social Protection the assistance available to a person (details supplied) in Dublin 9 [32779/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 216 and 217 together.

The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 10 May 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 7 September 2011 and the appeal was assigned to an Appeals Officer on 26 October 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. It is open to the person concerned to apply to the Community Welfare Officer for financial assistance while his appeal is pending.

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**

218. **Deputy Dara Calleary** asked the Minister for Social Protection the position regarding a supplementary redundancy application for years 1991 to 1996 in respect of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [32786/11]

**Minister for Social Protection (Deputy Joan Burton):** I understand that my officials are in ongoing contact with the person concerned. A decision on the case will be made as soon as possible.

### **Social Welfare Appeals**

219. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection when an appeal for domiciliary care allowance will be processed in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [32787/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision. The person concerned has been notified of the Appeals Officers decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

220. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the grounds on which an application for invalidity pension was refused in the case of a person (details supplied) in County Kildare; if this parliamentary question will be accepted as notification of an appeal; and if she will make a statement on the matter. [32806/11]

**Minister for Social Protection (Deputy Joan Burton):** Invalidity pension is a payment for people who are permanently incapable of work because of illness or incapacity and who satisfy the contribution conditions.

This department received an application for invalidity pension for the person concerned. The medical evidence provided was examined by a medical assessor who found that the person

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concerned is not eligible for invalidity pension as she does not satisfy the medical criteria. Accordingly, the application for invalidity pension was disallowed. She was notified of this decision on 21 October 2011 and was advised of her right to request a review of the decision and also of her right to lodge an appeal with the social welfare appeals office.

If the person concerned wishes to request a review of the decision she may provide further medical evidence in support of her application. This should be sent directly to invalidity pension section. Any further medical evidence will be evaluated by a medical assessor and a decision on the review will issue to the applicant. The applicant will be notified of her right to appeal this decision if she is still not satisfied.

If the person concerned wishes to lodge an appeal they should forward a letter detailing the grounds of their appeal to the social welfare appeals office within 21 days of the date they were notified of the decision on their claim. Instructions on how to request a review and/or appeal a decision are set out in the decision letter which issued to the person in question.

### **Departmental Records**

221. **Deputy Denis Naughten** asked the Minister for Social Protection the delays and waiting time in the scanning unit of the various sections of her Department; and if she will make a statement on the matter. [32816/11]

**Minister for Social Protection (Deputy Joan Burton):** I understand that the Deputy is referring to delays and waiting times in the scanning unit for carer's allowance scheme.

As part of my department's Document, Record and Information Management (DRIM) programme and in tandem with Service Delivery Modernisation (SDM) projects underway for carer's allowance scheme, scanning of medical documents in Social Welfare Services (SWS) Longford commenced in November 2010. At the beginning of September 2011, scanning was extended to include carer's allowance application forms and associated documentation.

The DRIM programme is a key part of my department's ongoing change and modernisation programme. The rationale for the programme is to reduce the volume of paper documents used and stored in scheme areas by scanning the documents, making the scanned images available online to staff and, where appropriate, extracting data from scanned images for integration to ICT systems to facilitate automation of business processes.

As I have mentioned, carer's allowance section is currently undergoing major modernisation projects under SDM and DRIM. While these projects will yield considerable benefits and enhance customer service, there is a short-term cost. The deployment of scheme staff to project development and implementation and the development and delivery of appropriate staff training programmes was and is vital to the success of these projects. As a consequence, backlogs of new claims awaiting decisions and medical assessments have increased.

Carer's allowance section has commenced full operation of the new SDM system for new claims since the beginning of September 2011. Since then, resources have been prioritised as far as possible to the reduction of backlogs and progress has been made in the past number of weeks in this regard.

### **Social Welfare Benefits**

222. **Deputy Michelle Mulherin** asked the Minister for Social Protection the amounts paid in respect of back to school allowance for each year from 2008; the number of recipients; if she will confirm the portion of the payment which pertains to the provision of school uniform; and if she will make a statement on the matter. [32825/11]

**Minister for Social Protection (Deputy Joan Burton):** The Back to School Clothing and Footwear Allowance (BSCFA) scheme provides a one-off payment to eligible families to assist with the cost of school clothing and footwear. There is no specific amount of the payment that is specifically for the cost of the uniform versus the cost of footwear. The tabular statement sets out the cost of the scheme in the years 2008 to 2010. The full cost of the 2011 scheme will not be known for some weeks yet but it will significantly exceed the costs incurred in 2010.

Table — BSCFA Expenditure & recipient numbers 2008 to 2010

Year	2008	2009	2010
Expenditure	€49.6m	€67.2m	€77.4m
Families assisted	102,065	139,000	162,500
Children assisted	200,246	277,000	325,000

### Departmental Bodies

223. **Deputy Simon Harris** asked the Minister for Social Protection the action she has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under her remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within her Department to fully deliver on this issue; and if she will make a statement on the matter. [32857/11]

**Minister for Social Protection (Deputy Joan Burton):** The three statutory bodies operating under the aegis of the Department of Social Protection are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Office of the Pensions Ombudsman comes under the remit of the Department.

No statutory body under the aegis of the Department has been merged or abolished since March 2011.

The Report of the Special Group on Public Service Numbers and Expenditure Programmes proposed the merging of the Pensions Board with the Financial Regulator and the merging of the Pensions Ombudsman with the Financial Services Ombudsman. It is planned to look in more detail at the feasibility of these recommendations.

### Social Welfare Appeals

224. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding an application for a disability allowance appeal in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [32885/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the disability allowance claim of the person concerned was disallowed following an assessment by a Medical Assessor who expressed the opinion that he was medically unsuitable for the allowance. An appeal was registered on 5th October 2011 and in accordance with the statutory procedures the relevant department papers and the comments of the Social Welfare services on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.



### Social Welfare Benefits

225. **Deputy Jack Wall** asked the Minister for Social Protection when a person (details supplied) in County Kildare will receive arrears of carer's allowance; and if she will make a statement on the matter. [32893/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was awarded carer's allowance with effect from 17 February 2011. The first payment reached his bank account on 14 July 2011. Arrears due from 17 February 2011 to 13 July 2011 less the amount received during this period on his jobseeker's allowance will issue by cheque shortly.

### Social Welfare Appeals

226. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reasons rent allowance has not been awarded in the case of a person (details supplied) in County Kildare; if she will review this case; and if she will make a statement on the matter. [32914/11]

**Minister for Social Protection (Deputy Joan Burton):** The community welfare service (CWS) and the community welfare officers providing it transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

The position remains as advised in question number 111 which I answered for the Deputy on 20th October 2011. That is, that the designated Appeals Officer upheld the decision not to award a rent supplement to the person concerned on the grounds that the rent payable was in excess of the prescribed limit for a single person.

It remains open to the person concerned to make a new application for rent supplement if his circumstances have changed.

### Community Employment Schemes

227. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding a request (details supplied) regarding community employment schemes. [32919/11]

**Minister for Social Protection (Deputy Joan Burton):** The Artane Coolock Resource Development Centre is primarily a family resource centre funded under the Family Support Agency. The centre receives a range of additional supports specific to other services that it provides. The Centre is not part of the community employment programme operated by FÁS.

My understanding is that the centre is seeking funding, or similar support, to recruit extra staff to service ever increasing demand on its current staffing levels and volunteer team. The centre has a number of options that it may wish to explore. Although there is an overall limit on the number of participants on community employment, opportunities do arise as participants complete their terms. I have been informed that contact has already been made with FÁS in this regard. The community services programme, funded by my Department, provides sustainable options to resource centres of this type, particularly where a non-public stream of income can be generated from the services offered to the public. Although there has been no public call for new proposals under this programme in recent years, my Department is in a position to respond where established providers wish to enhance the services they offer or are responding to increasing demands arising from difficult economic circumstances. Northside Partnership is tasked with the delivery of Tús, the new community work placement initiative in part of the Dublin North region. I understand that the centre has made an application to Northside Partnership but that persons with suitable skills have not yet been identified. I have

asked my officials to make contact with the centre and Northside Partnership with a view to examining the opportunities to meet the need of the centre for additional supports.

### **Social Welfare Appeals**

228. **Deputy Charlie McConalogue** asked the Minister for Social Protection when an oral hearing will be heard in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [32953/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

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.

229. **Deputy Catherine Byrne** asked the Minister for Social Protection the reason a person (details supplied) is not entitled to social welfare support; and if she will make a statement on the matter. [33046/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer initially disallowed the jobseekers appeal of the person concerned by way of summary decision.

Following a review of the case, the Appeals Officer has revised his original decision and has allowed this appeal. The person concerned has been advised of the Appeals Officer's revised decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Benefits**

230. **Deputy Pat Breen** asked the Minister for Social Protection the reason a person (details supplied) in County Clare has not received payment; and if she will make a statement on the matter. [33048/11]

**Minister for Social Protection (Deputy Joan Burton):** The position remains as advised in question number 149 which I answered for the Deputy on 27th October 2011.

### **Social Welfare Appeals**

231. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision will issue

[Deputy Barry Cowen.]

on an application for carer's allowance in respect of a person (details supplied) in County Offaly. [33052/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance on grounds that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. On 7 October 2011, she was notified of this decision, the reason for it and of her right of review or appeal within 21 days. Additional medical evidence was received on 24 October and has been forwarded to the Department's medical assessor for review. She will be notified directly of the outcome of the review in due course.

232. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision will issue on an appeal for disability allowance in respect of a person (details supplied) in County Offaly. [33053/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

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.

### **Social Welfare Benefits**

233. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision will issue on an application for carer's allowance in respect of a person (details supplied) in County Offaly. [33054/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of his claim a decision will be made and the person in question will be notified directly of the outcome.

The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

### **Social Welfare Appeals**

234. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for invalidity pension will issue in respect of a person (details supplied) in County Offaly. [33055/11]

**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 17 September 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 27 September 2011 and the appeal was 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.

### Social Welfare Benefits

235. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33057/11]

248. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33071/11]

260. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33094/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 235, 248 and 260 together.

I confirm that the Department is in receipt of applications for disability allowance from the above named persons. On completion of the necessary investigations on all aspects of the claims a decision will be made and the persons concerned will be notified directly of the outcome. The average time taken to process a claim to completion, including assessment of the claimant's means, medical condition and habitual residence status is approximately 17 weeks.

### Social Welfare Appeals

236. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for domiciliary care allowance will issue in respect of a person (details supplied) in County Offaly. [33058/11]

**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 5 July 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 4 August 2011 and the appeal was 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.

### Social Welfare Benefits

237. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33059/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of his claim a decision will be made and the person in question will be notified directly of the outcome.

The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

238. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33060/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of his claim a decision will be made and the person in question will be notified directly of the outcome.

The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

239. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33061/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for disability allowance on 21 April 2011. The medical evidence supplied with her claim was referred to one of the department's medical assessors who was of the opinion, based on the information supplied, that that person was not medically suitable for disability allowance. The deciding officer accepted this opinion and the claim was refused and the person was notified in writing of this decision on 16 August 2011.

Further medical evidence received has now been referred to a medical assessor. When the medical assessor's opinion is received by the deciding officer, s/he will review the decision and the person will be notified directly of the outcome

### Social Welfare Appeals

240. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for domiciliary care allowance will issue in respect of a person (details supplied) in County Waterford. [33063/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts.

Following the submission of additional evidence the Appeals Officer has agreed to review the case. The person concerned will be contacted when the review of her appeal has been finalised.

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

241. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33064/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused a disability allowance on the ground that, based upon the medical assessor's assessment of the medical evidence supplied in support of the claim, the person is not medically suitable for disability allowance.

The person was notified in writing of this decision and the reason for it on 25 October 2011.

242. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33065/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of his claim a decision will be made and the person in question will be notified directly of the outcome.

The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

### Social Welfare Appeals

243. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for domiciliary care allowance will issue in respect of a person (details supplied) in County Offaly. [33066/11]

**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 5 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 in due course 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.

### Social Welfare Benefits

244. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33067/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of his claim a decision will be made and the person in question will be notified directly of the outcome.

The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

245. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Laois. [33068/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance on grounds that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. On 8 September 2011, she was notified of this decision, the reason for it and of her right to a review/appeal within 21 days.

246. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33069/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of his claim a decision will be made and the person in question will be notified directly of the outcome.

The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

### **Social Welfare Appeals**

247. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for jobseeker's allowance will issue in respect of a person (details supplied) in County Offaly. [33070/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 22 July 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 27 September 2011 and the appeal was assigned to an Appeals Officer on 20 October 2011 who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 248 answered with Question No. 235.*

249. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for invalidity pension will issue in respect of a person (details supplied) in County Offaly. [33076/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 21 June 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 21 September 2011 and the appeal was 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.

### Social Welfare Benefits

250. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33079/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of his claim, a decision will be made and the person in question will be notified directly of the outcome. The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

### Social Welfare Appeals

251. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on a review for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33080/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 19 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 19 October 2011 and the appeal will be assigned in due course to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

252. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for State pension non-contributory will issue in respect of a person (details supplied) in County Offaly. [33081/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, including that adduced at oral hearing, has partially allowed the appeal of the person concerned. The person concerned has been notified of the decision. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.



### Social Welfare Benefits

253. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33084/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned was refused carer's allowance on grounds that the care recipient is not so disabled as to require full-time care and attention as prescribed in regulations. On 17 October 2011, he was notified of this decision, the reason for it and of his right to a review or appeal within 21 days.

### Social Welfare Appeals

254. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for invalidity pension will issue in respect of a person (details supplied) in County Offaly. [33085/11]

**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 4 July 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 4 October 2011 and the appeal will be assigned in due course to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

255. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33087/11]

**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 on 10 November 2011. The person concerned has been notified of the arrangements. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

256. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for invalidity pension will issue in respect of a person (details supplied) in County Offaly. [33088/11]

**Minister for Social Protection (Deputy Joan Burton):** I am informed by the Social Welfare Appeals Office that, an appeal was registered on 17 September 2011, and in accordance with the statutory requirements, the Appeals Office has contacted the applicant and asked him to set out the complete grounds of his appeal. On receipt of his response, the relevant departmental papers will be requested from the Department and the appeal will then be referred in due course to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister of Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

257. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for disablement benefit will issue in respect of a person (details supplied) in County Offaly. [33089/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for disablement benefit, under the occupational injuries scheme, on 10 October 2011 in respect of an accident that occurred on Saturday, 27 November 2010. The application has been refused as the person concerned was not working on the day of the accident. Therefore, the accident cannot be considered an occupational accident and, consequently, is not covered under the occupational injuries scheme.

### Social Welfare Appeals

258. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33092/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned. The person concerned has been notified of the decision. Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. 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

259. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33093/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been awarded half rate carer's allowance in respect of two care recipients with effect from 21 April 2011. The first payment reached her bank account on 13 October 2011. Arrears due for the intervening period, which includes her entitlement to two respite care grants, issued to her home address by cheque on 3 November 2011.

*Question No. 260 answered with Question No. 235.*

*Question No. 261 withdrawn.*

### Social Welfare Appeals

262. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for domiciliary care allowance will issue in respect of a person (details supplied) in County Offaly. [33099/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance (DCA) was received for the person in question on the 5th August 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on the 18th October 2011 refusing

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DCA and informing the applicant of her right to appeal the decision. To date no appeal has been registered by the Social Welfare Appeals Office.

### Social Welfare Benefits

263. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an application for carer's allowance will issue in respect of a person (details supplied) in County Offaly. [33101/11]

**Minister for Social Protection (Deputy Joan Burton):** I confirm that an application for carer's allowance has been received from the person concerned. On completion of the necessary investigations relating to all aspect of her claim a decision will be made and the person in question will be notified directly of the outcome.

The average time taken to process a claim to completion, including assessment of the claimant's means and the entitlement of the care recipient to full time care and attention on medical grounds is approximately 19 weeks.

### Social Welfare Appeals

264. **Deputy Barry Cowen** asked the Minister for Social Protection when a decision on an appeal for disability allowance will issue in respect of a person (details supplied) in County Offaly. [33103/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

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.

265. **Deputy Áine Collins** asked the Minister for Social Protection the position regarding a domiciliary care allowance appeal in respect of a person (details supplied) in County Cork. [33115/11]

275. **Deputy Sandra McLellan** asked the Minister for Social Protection if an application for domiciliary care allowance now under appeal will be expedited and approved in respect of persons (details supplied) in County Cork; the medical grounds on which the application was initially refused; and if she will make a statement on the matter. [33242/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 265 and 275 together.

I am advised by the Social Welfare Appeals Office that a revised decision favourable to the person concerned has been made by Department. The person concerned has been contacted regarding this decision.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

266. **Deputy Pat Breen** asked the Minister for Social Protection when a decision will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [33145/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

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.

*Question No. 267 withdrawn.*

268. **Deputy Michelle Mulherin** asked the Minister for Social Protection the reason payment of jobseeker's allowance has been discontinued in respect of a person (details supplied) in County Mayo; and the status of their appeal. [33154/11]

270. **Deputy Michelle Mulherin** asked the Minister for Social Protection the reason payment of jobseeker's allowance has been discontinued in respect of a person (details supplied) in County Mayo; and the status of their appeal. [33157/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 268 and 270 together.

The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 11 October 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 03 November 2011 and the appeal will be assigned, in due course, to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 269 withdrawn.*

*Question No. 270 answered with Question No. 268.*

### **Social Welfare Benefits**

271. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the grounds on which it was considered that circumstances of exceptional need did not exist in respect of an application for supplementary welfare allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [33194/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned is in receipt of a fuel allowance at the weekly rate of €20.00. His application for an exceptional needs payment to cover the cost of fuel was refused on the basis that there was no exceptional need established in his case. He has been advised of his right to request a review of this decision and was given a form for this purpose.

### **Social Welfare Appeals**

272. **Deputy Áine Collins** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Cork. [33213/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that there are five appeals pending for the person concerned and the appeals were registered in that office as follows, supplementary welfare allowance 06 September 2010, child benefit 07 December 2010, domiciliary care allowance 26 January 2011, disability allowance 02 February 2011 and carers allowance 28 September 2011. The appeals were referred to an Appeals Officer who proposes to hold an oral hearing in all cases.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

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.

*Question No. 273 withdrawn.*

### **Employment Support Services**

274. **Deputy Brendan Griffin** asked the Minister for Social Protection if she will allow a person (details supplied) in County Kerry to participate in the JobBridge programme; and if she will make a statement on the matter. [33225/11]

**Minister for Social Protection (Deputy Joan Burton):** JobBridge, the National Internship Scheme, provides internship opportunities of either 6 or 9 months for unemployed individuals on the Live Register, in organisations in the private, public and community and voluntary sectors.

Internships are available across all sectors of the economy, including the education sector where individuals can avail of teaching internships. However, in order to avail of these internships, a person must be eligible to participate on the scheme. In this regard, the scheme is limited to individuals who are currently on the Live Register and have been in receipt of Jobseeker's Allowance/Benefit or are signing on for credits for at least 78 days in the last 6 months. The 78 day criterion exists because evidence shows that a significant number of people leave the Live Register for employment within the first 3 to 6 months of signing on.

*Question No. 275 answered with Question No. 265.*

### **Social Welfare Appeals**

276. **Deputy Brendan Griffin** asked the Minister for Social Protection if an oral hearing date regarding a disability allowance appeal has been scheduled in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [33247/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order.

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.

### **Social Welfare Code**

277. **Deputy Mattie McGrath** asked the Minister for Social Protection her views that a person who is separated and has received a share of the family home but has not as of yet used the payment to purchase a new property is discriminated against in that the payment they receive will be assessed as means against them (details supplied); and if she will make a statement on the matter. [33282/11]

**Minister for Social Protection (Deputy Joan Burton):** In assessing means for social assistance purposes, account is taken of any cash income the person may have, together with the value of capital and property (except the family home). Capital may include the following:

- Stocks and shares of every description, which are assessed according to their current market value.
- Savings certificates / bonds / national instalment savings, which are also assessed according to their current market value.
- Monies invested in a bank, building society etc.

[Deputy Joan Burton.]

For the purposes of most social assistance schemes, the first €20,000 of capital is disregarded for means test purposes and the balance is assessed by reference to a formula. In the case of disability allowance, the first €50,000 is disregarded, while in the case of supplementary welfare allowance, the first €5,000 is disregarded.

In the case of disability allowance, blind pension and state pension (non-contributory), the proceeds derived from the sale of the principal private residence can be disregarded, subject to an upper limit of €191,500. These arrangements do not apply to other schemes such as jobseeker's allowance or one-parent family payment.

I am mindful of the difficulties that can arise for people if there is any significant delay between the sale of the principal private residence and the purchase of a new residence. However, any change in the current arrangements would have to be considered in a Budgetary context.

### Child Support

278. **Deputy Simon Harris** asked the Minister for Social Protection her plans to tackle child poverty; and if she will make a statement on the matter. [33286/11]

**Minister for Social Protection (Deputy Joan Burton):** The elimination of poverty is a key objective of Government and the National Action Plan for Social Inclusion 2007-2016 (NAPSincl) includes a target to reduce the number of people experiencing consistent poverty to between 2 and 4 per cent by 2012, with the aim of eliminating consistent poverty by 2016. Consistent poverty is the Government's official measure of poverty. People are in consistent poverty if their household income is below 60% of median income (at-risk-of-poverty) and they are living in a household experiencing two or more items of basic deprivation, out of an 11 item list. The NAPSincl target is restated in the National Reform Programme 2010, which sets out Ireland's commitments to achieving the poverty target in the Europe 2020 Strategy.

Tackling child poverty is a priority for the Government and a key goal of NAPSincl. Four-fifths of those in consistent poverty are found in households with children and 8.7 per cent of children (96,000 in absolute numbers) were in consistent poverty in 2009. Factors contributing to childhood poverty include living in lone parent households, labour market inactivity, low educational attainment and living in households dependent on income support.

A review of the national poverty target, arising out of the deliberations in drawing up the National Reform Programme, is currently underway. It will enable the Government to adopt appropriate and achievable national poverty targets to meet Ireland's contribution to Europe 2020 and the commitments in the Programme for Government. The Department also contributes to wider efforts to address child poverty, for example by inputting into the implementation of the National Children's Strategy and taking part in a review of that strategy.

The overriding objective for the Government is to increase employment and build real and sustainable economic growth and to protect those who are most vulnerable in our society. The Government Programme sets out the framework to achieve these aims. Employment opportunities will be increased through labour market activation, skills training and education measures. In general, the best route out of income poverty is through sustainable and stable paid employment. It is recognised that work, and especially full-time work, may not be an option for parents of young children. However, it is believed that supporting parents to participate in the labour market, once their children have reached an appropriate age, will improve their own economic situation and contribute to the wider well-being of themselves and of their families.

The Government is committed to ensuring that the social protection system remains a strong support for people against the impact of the economic and fiscal downturn. Government targets in the area of financial support for low-income families continue to be met. One of the high level goals relating to children in NAPs is to maintain the combined value of child income support measures at 33-35 per cent of the minimum adult social welfare payment rate over the course of the plan. The value of the combined child income supports measures (child benefit plus qualified child increases) in both Budget 2010 and Budget 2011 was equivalent to 33 per cent of the main working age payment rates.

A value for money review of child income support policies and associated programmes was published by the Department in November 2010, with some follow-up work including a consultation seminar to gather the views of stakeholders as to the future direction of policy on these payments. The issue of family and child income supports is currently being examined by the Advisory Group on Tax and Social Welfare, which was established last June. The Group has been tasked with recommending cost-effective solutions as to how employment disincentives can be improved and better poverty outcomes achieved, particularly child poverty outcomes.

### **Social Welfare Offices**

279. **Deputy Seán Kenny** asked the Minister for Social Protection her plans to refurbish social welfare offices (details supplied) in Dublin 5; and if she will make a statement on the matter. [33306/11]

**Minister for Social Protection (Deputy Joan Burton):** Refurbishment works were undertaken at both the Coolock and the Kilbarrack Local Offices over the past 12 months.

In the Coolock local office, the public waiting area was enlarged and a new reception counter and extra customer service points were installed to cater for the increased numbers attending the office. An additional interview room was also constructed.

Refurbishment works undertaken at the Kilbarrack office included the installation of a new reception area and the modification of a number of counter service points. Some repairs to the roof were also required.

Having completed those improvements, there are no plans for further refurbishment works at either of these offices.

### **Social Welfare Benefits**

280. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a rent supplement for a person (details supplied) in County Kerry; and if she will make a statement on the matter. [33329/11]

**Minister for Social Protection (Deputy Joan Burton):** The community welfare service (CWS) and the community welfare officers providing it transferred formally to the Department of Social Protection (DSP) from 1 October 2011. The service and the staff are now part of the DSP.

The person concerned has a claim for rent supplement that is currently temporarily suspended. His Family Income Supplement payment has recently been reassessed and confirmation of his recent part time earnings has now been sought. A decision in relation to entitlement will be made when this information has been received.

281. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if she will review an application in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [33348/11]



**Minister for Social Protection (Deputy Joan Burton):** The position remains as advised in Question No.149 which I answered for the Deputy on 27th October 2011.

### **Social Welfare Code**

282. **Deputy Pearse Doherty** asked the Minister for Social Protection if there is any provision or discretion allowed for persons claiming carer's allowance who are from the State but who have moved to Northern Ireland and wish to continue to care for their elderly parents or family relations. [33400/11]

283. **Deputy Pearse Doherty** asked the Minister for Social Protection if there is any provision's or discretion for a person to claim carer's allowance if they now live in close proximity to the Border in the North of Ireland but are originally from the South and wish to care for their relatives who live in close proximity south of the Border, based on the premise that they satisfy all other eligibility and are not claiming any other entitlements North or South. [33401/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 282 and 283 together.

Carer's Allowance is a means-tested payment that may be paid to people living within the jurisdiction who are providing full time care and attention to a person in need of such care. There are a number of conditions that carers must satisfy before they can claim this payment.

Section 180(2) of the Social Welfare Consolidation Act specifies that "A carer shall not be entitled to an allowance under this section unless he or she is habitually resident in the State at the date of the making of the application for the allowance."

Under EU rules, which prohibit discrimination on nationality grounds in relation to social security, it is not possible to exempt Irish citizens on the basis of residency within Northern Ireland without extending the same treatment to all EU nationals within the EU.

### **Departmental Appointments**

284. **Deputy Gerry Adams** asked the Minister for Social Protection if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if she will make a statement on the matter. [33952/11]

285. **Deputy Gerry Adams** asked the Minister for Social Protection the details of any former Government officeholder appointed by her to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if she will make a statement on the matter. [33966/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 284 and 285 together.

I have not appointed any former Government office holders to any position in this Department or agency under the aegis of this Department. There are no former Government office holders appointed by any other current or former Minister in positions in this Department or in any agency under aegis of the Department.

### Inland Waterways

286. **Deputy Mattie McGrath** asked the Minister for Arts, Heritage and the Gaeltacht his views in relation to the issuing of mooring permits on Muckcross Lake, Killarney, County Kerry; his further views that the permit holders can pass their permits from one generation to the next and that this act is discriminatory to all other anglers and recreational users of the lake who cannot obtain permits; his further views that the lottery system in place for 20 one year permits to accommodate the other 800 persons on a waiting list to obtain a permanent boat pass is unrealistic and in need of urgent review; his further views that it is unjustifiable and indeed discriminatory that an Irish citizen should have to pay a boat keeper €40 a visit to use a State lake; if he has any plans to review the issuing of mooring permits on Muckcross Lake; and if he will make a statement on the matter. [32951/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Private boats on the lakes in Killarney National Park are regulated by way of mooring discs. In a scheme introduced in 1991, mooring discs were issued to all boat owners having a recognised traditional mooring on the lakes subject to an overall limit on the number of discs issued. It is considered that a limit is necessary so as to balance recreational use with the conservation imperative of flora and fauna of the lakes and surrounding areas and also taking account of obligations under the EU Birds and Habitats Directives.

My Department does not permit the placing of boats on the lakes on a daily basis, as boats and engines coming from outside the Park carry the risk of spreading invasive alien species such as zebra mussels and various pond weeds. To facilitate others, persons applying for discs are placed on a waiting list and as discs become available, they are allocated to those on the waiting list. In addition, a lottery is held annually to allow 20 additional people use the lakes for a year.

My Department receives numerous requests for mooring spaces but unfortunately, the demand far exceeds the number of spaces available. My Department is currently carrying out a review of all issues relating to the ongoing management of the lakes in the Park, including all boating activities, with a view to developing a long-term sustainable strategy for the lakes as an integral part of Killarney National Park.

### Turbary Rights

287. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht when a person (details supplied) will receive payment for a special area of conservation bog offered to his Department in 2005 and which was closed to turf cutting in 2010; the reason for the delay in making payment; and if he will make a statement on the matter. [32804/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In May 2010, the voluntary bog purchase scheme was closed to new applicants. Processing of applications on hand has been slower than anticipated due to capacity constraints in undertaking the conveyancing work involved. The time it takes to process applications can also vary depending on the legal complexities involved.

The Chief State Solicitor's Office has forwarded the contract for the sale of the site referred to in the Deputy's question for execution and this contract is currently under review by officials of my Department. Following the conclusion of this review, I expect that the CSSO will be in contact with the applicant's solicitor in due course with a view to closing this sale.

288. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht when a person (details supplied) will receive payment for a special area of conservation bog offered

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to his Department in 2005 and which was closed to turf cutting in 2010; the reason for the delay in making payment; and if he will make a statement on the matter. [32808/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** In May 2010, the voluntary bog purchase scheme was closed to new applicants. Processing of applications on hand has been slower than anticipated due to capacity constraints in undertaking the conveyancing work involved. The time it takes to process applications can also vary depending on the legal complexities involved.

With regard to the site referred to in the question, a letter of offer issued to the applicant on 15 June 2006 and the contract for the sale of the site was forwarded by the applicant's solicitor to my Department on 5 May 2010. Officials from my Department have examined this contract and are awaiting clearance from the Chief State Solicitor's Office in order to forward the file to that office.

It is acknowledged that some applicants have been waiting for some time for their sales to complete. My Department will be writing to all remaining applicants under the voluntary bog purchase scheme in the coming weeks to outline their options in light of recent policy decisions regarding the availability of alternative compensation arrangements.

### Departmental Bodies

289. **Deputy Simon Harris** asked the Minister for Arts, Heritage and the Gaeltacht the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32845/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** There are currently 14 State bodies/agencies funded from my Department's Vote Group. I should advise the Deputy that the question of the rationalisation and the reduction of State bodies is currently being considered in the context of the Comprehensive Review of Expenditure and the overall budgetary and estimates process for 2012, and decisions on such matters will be made by the Government over the coming period.

The priorities set out in the programme for Government for the rationalisation of State agencies states that rationalisation must be cost effective and lead to a more transparent, accountable and efficient public service.

### Commemorative Events

290. **Deputy Simon Harris** asked the Minister for Arts, Heritage and the Gaeltacht the status of plans for the centenary of the 1916 Easter Rising; the structures in place to arrange this commemorative event; and if he will make a statement on the matter. [32873/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Following the Taoiseach's invitation to Party Leaders earlier this year, nominations for the Oireachtas Consultation Group on Centenary Commemorations, which includes the 1916 Centenary, were:

Mark Daly

Aonghus Ó Snodaigh

Catherine Murphy

Maureen O'Sullivan

Kathryn Reilly

Mary White

This Consultation Group, which is chaired by me, held its first meeting in July and I will shortly be arranging to hold another meeting. The Deputy will appreciate that planning for a commemoration programme will have to be sensitive to the current circumstances and I anticipate that this will be reflected in the scope and scale of any proposals emerging.

### **National Asset Management Agency**

291. **Deputy Simon Harris** asked the Minister for Arts, Heritage and the Gaeltacht if he has had any discussions with the National Assets Management Agency regarding the possibility of capturing for the public good buildings under NAMA's remit which have no commercial potential and which might be suitable as local facilities for art and culture; if any discussions have yielded a positive outcome; and if he will make a statement on the matter. [32874/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I refer the Deputy to my answer to Parliamentary Question No 60 of Tuesday 18 October, 2011. I have met the chair and chief executive of NAMA in relation to the potential use of NAMA buildings for cultural purposes.

NAMA states that it is required to deal with a range of sensitive financial matters in carrying out its functions and is restricted in regard to the information it may make available in relation to assets. Contacts, as appropriate, continue with NAMA.

### **Turbary Rights**

292. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht the numbers and take up of the various schemes offered as a solution to turf cutting cessation programme for individual counties; the number of cases outstanding; and if all applicants will have their moneys by end of year. [32886/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** Earlier this year, the Government announced a compensation package for those affected by the cessation of turf cutting in 53 raised bog special areas of conservation (SACs). The package offers qualifying turf cutters the option of a financial payment of €1,000 per year, index linked, for a period of 15 years or, where feasible, relocation to a non-designated bog where they can continue to cut turf. Qualifying applicants awaiting relocation can avail of the annual €1,000 payment or an annual delivery of turf to their homes.

My Department is currently processing applications under this Cessation of Turf Cutting Compensation Scheme. Following a reminder issued from my Department, there has been an increased interest in the scheme with the vast majority of applications, and requests for application forms, being received in the week preceding the closing date for the scheme (31 October 2011). I have decided to extend the deadline for the receipt of applications until 31 December 2011 to allow potential applicants the time to gather the necessary legal documents.

The process of confirming details of ownership rights or of turbary rights, determining whether turf has been cut on a particular bog plot in the current year, following up with some applicants regarding supporting documentation can be complex and time consuming. However,

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work on processing these applications is ongoing with a view to commencing payments before the end of this year.

In 2010 an interim payment scheme was operated and this scheme paid a once-off amount of €1,000 to those who could not continue to cut turf on designated sites in 2010.

Details of the numbers of applications under the two schemes are set out in the tables at Appendix 1 and 2.

Since 1999 my Department has operated a voluntary bog purchase scheme under which sites in designated bogs have been purchased by the Department at agreed rates. In May 2010, this scheme was closed to new applicants. Processing of applications on hand has been slower than anticipated due to capacity constraints in undertaking the conveyancing work involved. The time it takes to process applications can also vary depending on the legal complexities involved.

It is acknowledged that some applicants have been waiting for several years for their sales to complete. My Department will be writing to all remaining applicants under the voluntary bog purchase scheme in the coming weeks to outline their options in light of recent policy decisions regarding the availability of alternative compensation arrangements.

Details of the scheme are not readily available in the format requested. This information is currently being compiled by my Department and will be forwarded to the Deputy as soon as possible.

Cessation of Turf Cutting Compensation Scheme 2011

Site Name	County	No. of applications
Killyconny Bog (Cloghbally)	Cavan/Meath	37
Barroughter Bog	Galway	25
Cloonmoylan Bog	Galway	32
Kilsallagh Bog	Galway	11
Lisnageeragh Bog and Ballinstack Turlough	Galway	9
Lough Lurgeen Bog/ Glenamaddy Turlough	Galway	19
Shankill West Bog	Galway	4
Sheheree (Ardagh) Bog	Kerry	1
Ballynafagh Bog	Kildare	38
Derrynabrock Bog	Mayo/Roscommon	2
Flughany Bog	Mayo/Sligo	11
Tawnaghbeg Bog	Mayo	1
All Saints Bog and Esker	Offaly	19
Clara Bog	Offaly	87
Ferbane Bog	Offaly	3
Mongan Bog	Offaly	2
Moyclare Bog	Offaly	24
Raheenmore Bog	Offaly	0
Sharavogue Bog	Offaly	2
Bellanagare Bog	Roscommon	69
Carrowbehy/Caher Bog	Roscommon	2
Cloonchambers Bog	Roscommon	4
Derrinea Bog	Roscommon	1
Cloonshanville Bog	Roscommon	6
Ballyduff/Clonfinane Bog	Tipperary	2

Site Name	County	No. of applications
Kilcarren-Firville Bog	Tipperary	14
Garriskil Bog	Westmeath	0
Carrownagappul Bog	Galway	39
Lough Forbes Complex	Longford/Roscommon	7
Corliskea/Trien/Cloonfelliv Bog	Galway/Roscommon	9
Lough Corrib	Galway/Mayo	21
Applications received with no details of site		8

## Interim Payment Scheme 2010

Site Name	County	No. of applications	Invalid Applications	Paid	In Processing
Killyconny Bog (Cloghbally)	Cavan/Meath	25	25	0	0
Barroughter Bog	Galway	17	3	14	0
Cloonmoylan Bog	Galway	11	5	5	1
Kilsallagh Bog	Galway	2	0	2	0
Lisnageeragh Bog and Ballinstack Turlough	Galway	4	2	2	0
Lough Lurgeen Bog/ Glenamaddy Turlough	Galway	12	8	4	0
Shankill West Bog	Galway	1	1	0	0
Sheheree (Ardagh) Bog	Kerry	0	0	0	0
Ballynafagh Bog	Kildare	27	8	19	0
Flughany Bog	Mayo/Sligo	1	0	1	0
All Saints Bog and Esker	Offaly	13	2	11	0
Clara Bog	Offaly	84	14	70	0
Ferbane Bog	Offaly	1	0	1	0
Mongan Bog	Offaly	2	2	0	0
Moyclare Bog	Offaly	21	1	20	0
Raheenmore Bog	Offaly	1	1	0	0
Sharavogue Bog	Offaly	1	1	0	0
Bellanagare Bog	Roscommon	17	6	11	0
Carrowbehy/Caher Bog	Roscommon	3	2	1	0
Cloonchambers Bog	Roscommon	2	2	0	0
Derrinea Bog	Roscommon	0	0	0	0
Cloonshanville Bog	Roscommon	3	2	1	0
Ballyduff/Clonfinane Bog	Tipperary	4	2	2	0
Kilcarren-Firville Bog	Tipperary	9	4	5	0
Garriskil Bog	Westmeath	0	0	0	0
Carrownagappul Bog	Galway	11	5	4	2
Lough Forbes Complex	Longford/Roscommon	0	0	0	0
Corliskea/Trien/Cloonfelliv Bog	Galway/Roscommon	4	2	2	0
Lough Corrib	Galway/Mayo	2	0	2	0
River Moy	Mayo/Roscommon/Sligo	3	3	0	0
Other Sites		2	2	0	0

### Grúp-Scéimeanna Uisce

293. D’fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil deontais ar fáil óna Roinn le cabhrú le grúp-scéimeanna uisce Gaeltachta; agus mura bhfuil cén uair a cuireadh an scéim ar fionraí agus ar fógraíodh é seo go poiblí; agus an ndéanfaidh sé ráiteas ina thaobh. [33123/11]

294. D’fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta cé mhéid iarratas ar dheontas a rinneadh faoi scéim deontais na ngrúp-scéimeanna Gaeltachta ó cuireadh an scéim ar fionraí, méid na ndeontas a lorgaíodh san iomlán, líon na scéimeanna a bhí i gceist; agus an ndéanfaidh sé ráiteas ina thaobh. [33124/11]

295. D’fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil sé i gceist aige an scéim deontais do ghrúp-scéimeanna a athoscailt; agus má tá cén uair atá sé i gceist é sin a dhéanamh; agus an ndéanfaidh sé ráiteas ina thaobh. [33125/11]

296. D’fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta cén soláthar a rinneadh i meastacháin na Roinne don bhliain 2011 do scéimeanna uisce agus séarachais; an méid atá caite go dáta; agus an ndéanfaidh sé ráiteas ina thaobh. [33126/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá i gceist agam Ceisteanna Uimh. 293, 294, 295, agus 296 a thógáil le chéile.

Faoi mar is eol don Teachta, tá scéim ag mo Roinn faoina gcuirtear cúnaimh ar fáil do ghrúpscéimeanna uisce agus séarachais sa Ghaeltacht. Cé nach bhfuil an scéim sin curtha ar fionraí go foirmiúil, níl mo Roinn ag glacadh le hiarratais nua faoin scéim faoi láthair de bharr méid na ngealltanas atá ar lámh aici. Go deimhin, cuireadh in iúl d’fhiafraitheoiríéagsúla ó chomhairlí contae ó thús na bliana seo — ar a n-áirítear cás amháin ó Chontae Mhaigh Eo a luadh go sonrath — nach bhfuil mo Roinn ag glacadh le hiarratais nua faoin scéim.

Cuireadh soláthar €20,000 ar fáil don scéim in 2011 le freastal a dhéanamh ar scéimeanna atá ceadaithe le tamall. Cé nach bhfuil an soláthar seo caite go fóill, táim dóchasach go mbeidh a dhóthain ann le freastal a dhéanamh ar na riachtanais a bheidh ann i mbliana.

### Polasaí Oileánda

297. D’fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil freagracht aige as polasaí oileánda; agus an ndéanfaidh sé ráiteas ina thaobh. [33127/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Is féidir liom a dheimhniú don Teachta go bhfuil na feidhmeanna a bhíodh lonnaithe sa Roinn Gnóthaí Pobail, Comhionannais agus Gaeltachta, mar a bhí, maidir leis na hoileáin amach ón gcósta tarmligthe chugamsa, mar Aire Stáit sa Roinn Ealaíon, Oidhreachta agus Gaeltachta.

### Calafóirt Oileánda

298. D’fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil sé i gceist aige fóirdheontais a chur ar fáil do na húdaráis áitiúla a bhfuil céibheanna oileánda faoina gcúram a mbíonn seirbhísí fóirdheonaithe farantóireachta ag teacht chucu agus ag imeacht uathu agus an bhfuil costais arda reáchtála ag baint leo le cuidiú leis an gcostas maireachtála, atá i bhfad níos airde ar na hoileáin cheana féin, a choinneáil síos; agus an ndéanfaidh sé ráiteas ina thaobh. [33129/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá sé mar fhreagracht ar na húdaráis áitiúla íoc as na costais chothabhála a bhaineann leis na saoráidí atá faoina gcúram. Dá bhrí sin, níl i gceist ag mo Roinn fóirdheontas a chur ar fáil.

299. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil sé i gceist aige diúltú d'aon éileamh ar arduithe ar tháillí paisinéirí ag éirí as cinneadh Chomhairle Condae na Gaillimhe táillí calafoirt a chur i bhfeidhm i gCill Rónáin, Inis Mór; agus an ndéanfaidh sé ráiteas ina thaobh. [33130/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tá uasmhéid na dtáillí taistil le haghaidh paisinéirí don tseirbhís seo sonraithe sa chonradh idir an comhlacht farantóireachta agus mo Roinnse. Is cúram do Chomhairle Contae na Gaillimhe é na táillí calafoirt atá luaite sa cheist. Tá na táillí sin neamhspleách ar na táillí taistil atá fóirdheonaithe ag mo Roinnse. Dá bhrí sin, níl aon fhreagracht ag mo Roinn i leith na dtáillí calafoirt.

300. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an bhfuil sé i gceist aige dul i gcomhairle leis na hAirí Ránna Comhshaoil, Pobail agus Rialtais Áitiúil agus Talamhaíochta, Bia agus Iascaigh le cinntiú nach mbeidh ar bháid iascaigh a íocann táillí cuain ag na calafoirt iascaigh táillí breise a íoc ar na calafoirt oileánda; agus an ndéanfaidh sé ráiteas ina thaobh. [33131/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Bíonn teagmháil rialta ag mo Roinnse leis na Ránna cuí maidir le nithe éagsúla ar na hoileáin. Sa chás atá luaite ag an Teachta, luíonn an fhreagracht maidir leis na táillí ar úinéirí na saoráidí agus níl aon ról díreach ag mo Roinn chomh fada is a bhaineann sé leis na táillí sin.

301. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta cén dul chun cinn atá déanta le pleanáil don síneadh ar Chéibh Inis Oírr; agus cén uair atá súil an togra seo a chur ar tairiscint agus cén uair atá súil go mbeidh sé críochnaithe; agus an ndéanfaidh sé ráiteas ina thaobh. [33133/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tuigtear do mo Roinn go bhfuil cead pleanála agus ceadúnas forchladaigh faighte ag Comhairle Contae na Gaillimhe don fhorbairt atá i gceist. Tuigtear do mo Roinn fosta nach bhfuil sé beartaithe dul chun tairisceana sa ghearrthearma toisc nach bhfuil na hacmhainní ar fáil chun dul i mbun na forbartha faoi láthair ar Ché Inis Oírr.

#### **Céibheanna na nOileán**

302. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreachta agus Gaeltachta an ndearna Comhairle Condae na Gaillimhe iarratas ar dheontas le solas a chur ar an tonn-chosc ag Céibh an Chalaigh Mhóir; agus má rinne cén uair a dhéanfar cinneadh ar an iarratas; agus an ndéanfaidh sé ráiteas ina thaobh. [33134/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Níl aon iarratas faighte ag mo Roinn ó Chomhairle Contae na Gaillimhe ar dheontas le solas a chur ar an tonn-chosc ag Cé an Chalaigh Mhóir ar Inis Meáin.



303. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreacht agus Gaeltachta cén dul chun cinn atá déanta leis an gcéad chéim eile d'fhorbairt Chéibh an Chalaídh Mhóir in Inis Meán; agus an ndéanfaidh sé ráiteas ina thaobh. [33135/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Tuigtear do mo Roinn go bhfuil réamh-ullmhúchán á dhéanamh ag Comhairle Contae na Gaillimhe d'iarratas ar chead pleanála don fhorbairt seo ar Ché an Chalaídh Mhóir in Inis Meáin.

#### Scéimeanna Feabhsúcháin Gaeltachta

304. D'fhiafraigh **Éamon Ó Cuív** den Aire Ealaíon, Oidhreacht agus Gaeltachta Ealaíon cén soláthar a cuireadh ar fáil sna meastacháin athbhreithnite i mbliana do shaoráidí spóirt agus caitheamh aimsire; cé méid de sin atá caite go dáta; agus an ndéanfaidh sé ráiteas ina thaobh. [33136/11]

**Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley):** Cuireadh €1.3m ar fáil do mo Roinn le caitheamh ar shaoráidí spóirt agus caitheamh aimsire sa Ghaeltacht in 2011 agus táthar sásta gur leor an méid sin le freastal bunúsach a dhéanamh ar na riachtanais atá ann.

Tuigtear dom go bhfuil caiteachas de €655,236 déanta faoin scéim go dáta agus go bhfuiltear ag súil leis go mbeidh éilimh íocaíochta déanta ar an bhfuilleach roimh dheireadh na bliana.

#### Turbary Rights

305. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht if a farmer who has 19 acres of bogland in special area of conservation (details supplied) in County Roscommon who has not cut turf for the past five years on this land is entitled to the compensation package. [33321/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** The qualifying criteria for the Cessation of Turf Cutting Compensation Scheme, announced earlier this year require that:

- the claimant must have a legal interest in a site that is in one of the 53 raised bog Special Areas of Conservation (SACs). This could be through ownership of land or a turbary (turf-cutting) right within one of these designated sites.
- the claimant must have been the owner or entitled to exercise turbary rights on the land in question on 25th May 2010.
- the turbary on the site must not be exhausted.
- the claimant must have been cutting turf on the lands in question during the five year period up to the 25th of May 2010.
- up to 29 raised bog SACs on which turf cutting has ended, no turf cutting or associated activity is ongoing on the property or has occurred in 2011. If turf was cut in 2011 and all other qualifying criteria are met, payment or delivery of turf will not commence until 2012.

Any person, who feels that they qualify for compensation, should submit a completed Cessation of Turf Cutting Compensation Scheme application form to my Department. Each application will be examined within my Department.

The operation of this scheme will be kept under review. In this regard, the Peatlands Council has been tasked with advising me in relation to issues of compensation that may arise under the scheme.

If an individual has a legal interest in one of the 53 designated sites and had not been extracting turf in the five years up to 25th of May 2010, my Department is willing to examine the feasibility of relocating such interests to alternative non-designated bogs.

### **Ministerial Appointments**

306. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht if former Government officeholders are in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33941/11]

307. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33955/11]

**Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan):** I propose to take Questions Nos. 306 and 307 together.

I wish to advise the Deputy that I have not appointed any former Government office holders to any position under the remit of my Department. In relation to the Deputy's query as to whether any former Government office holders are currently in positions and were appointed by former Governments, I must also advise the Deputy that a former Minister, Mr. Gerry Collins, is a member of the Board of the National Museum of Ireland and his term of office will expire on 20 October 2015. Remuneration for this position is €5,985 per annum. In relation to expense arrangements that apply in the bodies funded from my Department's Vote Group, I am advised that any such expenses are paid in accordance with the guidelines and rules set down by the Department of Public Expenditure and Reform.

### **Fisheries Protection**

308. **Deputy John McGuinness** asked the Minister for Communications, Energy and Natural Resources if there is a sufficient number of fishery officers dedicated to the Barrow, Nore, Suir rivers catchment area to police illegal fishing activity; the number of personnel involved; the number of fines issued or court cases taken against individuals for illegal fishing; and if he will make a statement on the matter. [32790/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Inland Fisheries Ireland (IFI) is charged with ensuring the protection and conservation of our inland fisheries resource including enforcement of the Fisheries Acts, conservation Bye-laws and orders.

I am advised that there are currently 12 full-time IFI officers involved in, amongst other duties, policing illegal fishing activity in the area that covers the River Barrow, Nore and Suir catchments. In addition, there were three temporary officers employed for four months during the high season of 2011. The area (10,260 km<sup>2</sup>) that these officers police also covers the

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Wexford and Waterford coasts including the freshwater and tidal sections of the rivers Mahon, Colligan, Tay, Owenduff and Corock.

I am informed that IFI officers patrol the area in a manner which optimises staff resources and targets areas and times when illegal activity is likely to be greatest. This involves undertaking land and boat based policing over a 24 hour, 7 day per week period, including responses to reported incidents. I am reluctant to offer any more details in case it might compromise their operations.

I understand that so far this year there have been eight court cases progressed through the courts relating to illegal fishing in the Rivers Barrow, Nore and Suir and 25 on the spot fines have been issued by fisheries officers.

It is a day-to-day operational matter for IFI to deploy the protection and enforcement resources available according to appropriate risk assessment and identified priorities.

### **Energy Prices**

309. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the new practice of electricity supply companies of requiring a substantial deposit on new and renewing contracts; if consideration has been given to the detrimental effect on business, the restriction on competition and the risk to the deposit if the supplier should cease trading; and if he will make a statement on the matter. [32818/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body. I have no statutory function in the setting of electricity supply contracts in the business or domestic sectors.

The setting of supply contracts is a day to day operational matter for electricity supply companies. These contracts are governed by the CER's guidelines for suppliers' Codes of Practice, Customer Charter and Terms and Conditions of Supply for Household Customers.

My Department is advised by the CER that suppliers have always had requirements regarding the provision of deposits in advance. Due to the general economic situation, it is possible that suppliers are strictly applying these requirements as standard, whereas in the past they may have waived them.

One of the main reasons that electricity and gas suppliers require deposits is that their customers consume the energy supplied in advance and pay in arrears. Therefore suppliers must always meet the cost of providing the energy in advance of payment and consequently they run the risk of non-payment from their customers. This is in contrast to suppliers of other energy products, such as heating oil or Liquid Petroleum Gas (LPG), as customers are required to pay for these products in advance.

The CER is currently consulting on revised guidelines for suppliers' Codes of Practice, Customer Charter and Terms and Conditions of Supply for Household Customers. It has been proposed in the consultation process that in relation to household customers, the supplier should return a deposit after one year if the customer has met the supplier's credit terms.

In any commercial dealings, if a customer pays a deposit to an enterprise that subsequently goes out of business, that customer risks losing their deposit. If a business goes into liquidation, customers may end up as unsecured creditors, the last group to be paid by the liquidator.

### Television Reception

310. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources if he will request RTE to conduct an assessment of the level of Saorview availability in the area around Clonmany, County Donegal, before the switch off of analogue television in October 2012; if RTE will consider erecting a digital mast in the area to ensure a strong Saorview service; and if he will make a statement on the matter. [32834/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Issues relating to television coverage and the levels of availability in specific areas of the country are an operational matter for RTE as is the building and maintaining of television broadcast masts.

The Broadcasting Act 2009 provides for RTE to build, roll-out and maintain a digital TV network. RTE has informed my Department that the current analogue TV network covers 98% of the population and that its new digital TV network called SAORVIEW will also cover 98% of the population.

RTE has developed a website (*www.saorview.ie*) providing information on the SAORVIEW service including coverage information and information on transmission sites. Further information on transmitter locations is available from RTE Networks Limited.

### Departmental Bodies

311. **Deputy Simon Harris** asked the Minister for Communications, Energy and Natural Resources the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32847/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I can inform the Deputy that State bodies and companies under the remit of my Department have been cut by 9 through merger or abolition since the formation of my Department in 2007 as set out in the table below. Proposals for further restructuring of bodies under my remit are being considered by Government in the context of the Comprehensive Review of Expenditure.

Restructuring since establishment of Department in June 2007	Current Status/Savings
1. Abolish The National Salmon Commission	Abolished on the enactment of the Inland Fisheries Act 2010. No Exchequer spending was incurred in relation to the National Salmon Commission in either 2009 or 2010.
2. Merge BCI and BCC	BCI and BCC were dissolved under the Broadcasting Act 2009 and subsumed into the Broadcasting Authority of Ireland. The BAI is now a levy based organisation and is not funded by the Exchequer. The last full year of Exchequer funding in 2008 amounted to €6.5m.
3. Merge Regional Fisheries Boards	Merger took effect on 1 July 2010 on the establishment of Inland Fisheries Ireland following the enactment of the Inland Fisheries Ireland Act 2010. Direct Exchequer funding for Inland Fisheries Ireland was reduced by €2.582 million in 2010 compared to 2009 and there was a further €0.749 million reduction in 2011 although not all of this is attributable to savings arising from restructuring of the inland fisheries sector.

### Grant Payments

312. **Deputy Thomas Pringle** asked the Minister for Communications, Energy and Natural Resources the position regarding an application in respect of a person (details supplied) in

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County Donegal which was approved by Meitheal Forbartha na Gaeltachta under the warmer homes scheme but has yet to be allocated to a contractor; and if he will make a statement on the matter. [33014/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Sustainable Energy Authority of Ireland (SEAI) administers Better Energy: Warmer Homes on behalf of my Department, which is delivered through a range of Community Based Organisations (CBOs), augmented by a panel of private contractors. The energy poverty strand of Better Energy aims to provide energy efficiency improvements to low-income homes unable to afford the cost of implementing such measures. This will enable over 20,000 low-income homes to benefit from energy efficiency retrofit measures this year. Queries in relation to individual applications are an operational matter for the SEAI and dedicated hotlines for both schemes are available (Better Energy: Warmer Homes hotline — 1800 250 204 and Better Energy: Homes hotline — 1850 927 000). In addition, the SEAI has recently established a specific email address for queries from Oireachtas members, which can be sent to oireachtas@seai.ie and will be dealt with promptly.

The SEAI advises that all CBOs are required to upload details of applicants to Better Energy: Warmer Homes to the national database. SEAI also advises that there are challenges associated with the liquidation of Meitheal Forbartha na Gaeltachta (MFG) and the Authority is endeavouring to reconcile all homes registered for Warmer Homes with MFG against this database. All homes previously registered with MFG identified on the national database will be delivered through a panel of private contractors in order to address those homes with works outstanding, subject to available resources.

My officials have requested that the SEAI contact the homeowner in question directly to follow up on the application. MFG applicants should be encouraged to contact the SEAI hotline directly to ensure that they are on the national database.

There has been a significant uptake in applications and interest in the scheme over the last three years. The success of the scheme has led to an unprecedented demand and a subsequent increase in waiting times. While surveys are carried out on eligible homes and a number of measures are identified, the SEAI has to prioritise lower cost measures, in order to address the maximum number of vulnerable homes.

### Telecommunications Services

313. **Deputy Áine Collins** asked the Minister for Communications, Energy and Natural Resources the position regarding problems with landlines in respect of a person (details supplied) in County Cork. [33199/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Issues relating to the provision of telecommunications services are, in the first instance, a matter for the relevant service provider operating in a fully liberalised market. The service provider retains the primary responsibility for complaint resolution.

Statutory responsibility for the regulation of the electronic communication sector including issues surrounding the quality of services delivered to the consumer rests with the independent regulator, the Commission for Communications Regulation (ComReg). Users of services who are experiencing problems with the services they receive may wish to contact ComReg.

ComReg can be contacted as follows:- Commission for Communications Regulation, Block DEF, Abbey Court, Irish Life Centre, Lower Abbey Street, Dublin 1, — on 01 804 9600/Lo call 1890 229668 or at [www.askcomreg.ie](http://www.askcomreg.ie).

### Appointments to State Boards

314. **Deputy Seán Kenny** asked the Minister for Communications, Energy and Natural Resources the names of the persons on the boards of RTE, ESB, and Bord Gáis; when the term of each member of the board is due for renewal; and if he will make a statement on the matter. [33310/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I wish to inform the Deputy that the information requested is set out in the following table, which outlines all appointment dates for current members of RTE, ESB and BGÉ.

Board	Member	First Appointed	Term	Reappointed	Term-End Date
RTE	Mr Tom Savage	24/02/2009	2	01/09/2009	31/08/2014
RTE	Mr Alan Gilsean	24/02/2009	2	01/09/2009	31/08/2014
RTE	Mr Fergus Armstrong	24/02/2009	2	01/09/2009	31/08/2014
RTE	Mr Sean O'Sullivan	24/02/2009	2	01/09/2009	31/08/2014
RTE	Ms Patricia Quinn	24/02/2009	2	01/09/2009	31/08/2014
RTE	Ms Karlin Lillington	24/02/2009	2	01/09/2009	31/08/2014
RTE	Mr Noel Curran	Ex Officio			
RTE	Ms Orlaith Carmody	16/02/2010	1		16/02/2015
RTE	Mr Joe Little	30/09/2009	1		31/08/2014
RTE	Ms Aileen O'Meara	16/02/2010	1		16/02/2015
RTE	Ms Eunice O'Raw	16/02/2010	1		16/02/2015
RTE	Mr Stuart Switzer	16/02/2010	1		16/02/2015
ESB	Mr Brendan Byrne	01/09/2004	2	09/09/2009	08/09/2014
ESB	Mr Lochlann Quinn	22/01/2008	1		21/01/2013
ESB	Mr Pdraig Mc Manus	Ex Officio			
ESB	Ms Ellvena Graham	05/10/2010	1		04/10/2015
ESB	Ms Noreen Wright	28/06/2011	1		27/06/2016
ESB	Mr Garry Keegan	06/06/2007	1		05/06/2012
ESB	Mr Seamus Mallon	21/02/2006	2	03/05/2011	02/05/2016
ESB	Mr Sean Conlan	23/10/2007	1		22/10/2012
ESB	Mr John Coleman	01/01/2007	2	01/01/2011	31/12/2014
ESB	Mr Tony Merriman	01/01/2007	2	01/01/2011	31/12/2014
ESB	Mr Dave Byrne	01/01/2011	1		31/12/2014
ESB	Mr Sean Kelly	01/01/2011	1		31/12/2014
BGÉ	Ms Rose Hynes	21/06/2006	2	28/07/2009	27/07/2014
BGÉ	Mr John Mulins	Ex Officio			
BGÉ	Mr Aidan Eames	03/03/2004	2	10/06/2009	09/06/2014
BGÉ	Mr Prionsias Kitt	17/04/2002	2	06/06/2007	05/06/2012
BGÉ	Mr Mike O'Hara	18/12/2007	1		17/12/2012
BGÉ	Mr Laurence Crowley	01/08/2009	1		31/07/2014
BGÉ	Mr Laurence Shields	10/06/2009	1		09/06/2014
BGÉ	Mr Joe O'Flynn	28/11/2008	1		27/11/2013
BGÉ	Ms Imelda Hurley	23/11/2010	1		22/11/2015

### National Inland Fisheries Forum

315. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural

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Resources if he will provide the details of members making up the inland fisheries forum; and if he will make a statement on the matter. [33336/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The National Inland Fisheries Forum was established by Inland Fisheries Ireland (IFI) in accordance with section 7(4)(a) of the Inland Fisheries Act 2010, (No 10, 2010).

The Forum consists of 60 members who were appointed, in accordance with the terms of reference agreed with IFI as provided for in section 7(4)(b) of the statute, following an open selection process conducted by the Public Appointments Service on behalf of IFI. I am advised that details of the membership of the forum are published on Inland Fisheries Ireland's website ([www.fisheriesireland.ie](http://www.fisheriesireland.ie)).

The first meeting of the Forum took place on 20 October 2011.

I believe that the Forum will provide a meaningful channel of communication which will provide interested stakeholders with an opportunity to influence policies on how the resource is managed and developed in the current challenging economic climate and into the future.

### Fishing Licences

316. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources the number of salmon rod licenses sold nationwide in 2005 to 2010, inclusive; the amount of revenue raised in each year; and if he will make a statement on the matter. [33393/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I am advised that details of the sale of all rod licences are appended to the annual report published by Inland Fisheries Ireland (and previously the Central and regional fisheries boards), which is available on its website. The following table provides the number of rod licences sold from 2005 to 2010 and the revenue raised from those sales.

Year	Licences Sold	Revenue Raised
2005	28,738	€897,851
2006	27,341	€895,376
2007	19,986	€1,208,492
2008	20,061	€1,329,626
2009	18,314	€1,227,592
2010	17,983	€1,093,598

I understand that in 2007, as part of a suite of conservation measures for the management of the wild salmon fishery following closure of the mixed stock fisheries at sea, a salmon conservation component was applied to all licence fees. This component was set at the same rate as the licence fee and effectively doubled the cost of the licence to the beneficiaries of the fishery closure.

Income generated from that component, under Ministerial direction, is specifically dedicated by Inland Fisheries Ireland (IFI) to the rehabilitation of salmon habitats and stocks and associated conservation measures throughout the country.

I am advised that all of the proceeds of the licence fee income are reinvested, by IFI, in the conservation, protection and development of the inland fisheries resource.

### Ministerial Appointments

317. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources if former Government officeholders are in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33943/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have had the records of my Department examined in relation to appointments to boards of state bodies under the aegis of my Department.

I can inform the Deputy that there are no former Government office holders currently in any position on a board under the aegis of my Department who have been appointed by me or by former Governments.

318. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33957/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have had the records of my Department examined in relation to appointments to boards of State bodies under the aegis of my Department.

I can inform the Deputy that I have not appointed any former Government office holder to any position on a board under the aegis of my Department.

### Security of the Elderly

319. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if a panic button will be supplied to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33268/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department is responsible for the Seniors Alert Scheme. No application has been received in the Seniors Alert Section for the person referred to in the Question.

The Scheme supports qualifying older people, aged 65 and older, by providing funding towards monitored personal alarms and other items of security and safety equipment. Applications are made through the applicant's local community or voluntary group.

My Department has contacted the relevant local community group operating the scheme. The group will be in touch with the person referred to with a view to facilitating an application on his behalf.

### Waste Management

320. **Deputy Michael Creed** asked the Minister for the Environment, Community and Local Government his plans for restructuring the waste market; the evaluation he has done on the benefits of side-by-side competition as opposed to franchise bidding; the scientific, economic and environmental evidence in support of this restructuring; and if he will make a statement on the matter. [32747/11]



**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The Programme for Government contains a commitment to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service. This system of market structuring is known as franchise bidding. A Regulatory Impact Assessment is currently underway, the purpose of which is to evaluate options for the regulation of household waste collection markets, including both the current system of side-by-side competition and franchise bidding. The assessment is being informed by the outcomes of the recent public consultation process. I intend to bring policy proposals to Government before the end of the year.

**Litter Pollution**

321. **Deputy Mattie McGrath** asked the Minister for the Environment, Community and Local Government his plans to introduce a nationwide litter awareness initiative; the way he plans to deal with the litter problem across the country, specifically, on rural country roads which do not fall into boundaries of local tidy towns committees; and if he will make a statement on the matter. [32761/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In September 2011, I announced that I am preparing a new national anti-litter campaign which will raise awareness of the costs and the consequences of littering. It is intended that this campaign will be launched in spring 2012. At that time, I also announced that, in conjunction with this campaign, I would be introducing further initiatives to assist local authorities in their efforts to tackle litter generally. These include legislation designed to ensure that the punishment fits the crime in all cases and an anti-litter enforcement grant scheme for local authorities to enhance their existing enforcement activities, through measures such as the purchase of CCTV equipment to allow for the effective monitoring of known litter black spots.

In addition to these measures, my Department already has in place an Anti-Litter & Anti-Graffiti Awareness Grant Scheme, which allows local authorities the opportunity to apply for grant funding for suitable projects, such as adopt a road schemes. €1 million was made available under this Scheme this year and I specifically requested local authorities to investigate the possible roll-out of adopt a road schemes in their functional areas. Of the 34 submissions received from local authorities, 14 have applied for funding of adopt a road type schemes. This represents a significant increase over the 2010 figures, where 6 local authorities had projects of this nature in operation. It is estimated that the total cost of the projects this year will be in excess of €90,000, compared to approximately €33,000 in 2010.

**Proposed Legislation**

322. **Deputy Michael McGrath** asked the Minister for the Environment, Community and Local Government the position regarding the commitment to enact climate change legislation; and if he will make a statement on the matter. [32766/11]

325. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if he intends to bring climate change legislation forward for consideration before the UN talks on climate change which will take place in Durban in December 2012; and if he will make a statement on the matter. [32827/11]

341. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government if he will ensure that climate legislation will be published in 2012 in line with the programme for Government. [33205/11]

356. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government if he will bring the proposed climate change bill through the Oireachtas including committee stage before the UN talks on climate change in Durban, South Africa; and if he will make a statement on the matter. [33443/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 322, 325, 341 and 356 together.

I refer to the reply to Questions Nos. 257, 258, 268, 269, 292, 294, 295 and 302 of 2 November 2011 which sets out the position in relation to climate legislation.

The Climate Policy Review was issued on 3 November 2011 and is available on my Department's website *www.environ.ie*.

### **Building Regulations**

323. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government the steps he is taking to address the non-representation of non-registered architects within the Building Regulations Advisory Body; and if he will make a statement on the matter. [32773/11]

324. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and Local Government if he will acknowledge the role RIAI certified architects play in the design of buildings according to fire safety regulations; and if he will make a statement on the matter. [32774/11]

347. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government if he will consider the introduction of a robust construction inspection regime, including mandatory inspections after the completion of every phase of building work, to ensure that standards in construction are improved and that scenarios such as that in Priory Hall, Dublin are never allowed to occur again. [33281/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 323, 324 and 347 together.

The Building Regulations Advisory Body (BRAB) is a statutory body whose primary function is to advise the Minister on matters relating to the Building Regulations. All proposals to change the Building Regulations are subject to public consultation and anyone with an interest in such matters is welcome to contribute their views in this way. Thus, while membership of BRAB is necessarily limited to a relatively small grouping of both private industry and public sector representatives, the opportunity exists for all concerned individuals and groups to contribute to the ongoing review of the Building Regulations in a real and meaningful way.

The responsibilities of owners, designers and builders/developers in relation to the design and construction of buildings are clearly set out under the Building Control Acts 1990 and 2007.

In July 2011, I announced a number of measures to be advanced by my Department and local authorities with a view to improving compliance with, and oversight of, the requirements of the Building Regulations.

In broad terms the measures will involve:—

(a) the introduction of mandatory certificates of compliance by builders and designers of buildings confirming that the statutory requirements of the Building Regulations have been met;

(b) more efficient pooling of building control staff and resources across the local authority sector to ensure more effective and meaningful oversight of building activity;

[Deputy Phil Hogan.]

(c) standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions;

(d) better support and further development of the building control function nationwide.

The mandatory certification and improved inspection arrangements outlined above are key reforms which, I believe, will have the capacity to improve the quality of buildings and will lead to further strengthening of the regulatory regime as early as possible in 2012.

*Question No. 325 answered with Question No. 322.*

### Departmental Bodies

326. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32850/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** As part of a rigorous appraisal of the State Agencies under the aegis of my Department, I announced, in October, 2011, further measures in relation to the rationalisation programme with the overall number of agencies being reduced from 21 to 12. The Agencies under the aegis of my Department are identified in the table below.

No.	Body
1	An Bord Pleanála
2	Building Regulations Advisory Board
3	Affordable Homes Partnership
4	An Chomhairle Leabharlanna
5	Comhar
6	Centre for Housing Research
7	Dublin Docklands Development Authority
8	Environmental Protection Agency
9	Fire Services Council
10	Housing Finance Agency
11	Irish Water Safety
12	Limerick Northside Regeneration Agency
13	Limerick Southside Regeneration Agency
14	Local Government Computer Services Board
15	Local Government Management Services Board
16	National Building Agency
17	National Traveller Accommodation Consultative Committee
18	Private Residential Tenancies Board
19	Radiological Protection Institute of Ireland
20	Rent Tribunal
21	Western Development Commission

An Chomhairle Leabharlanna will be dissolved, with any key residual functions to be subsumed into an existing public body.

The Housing and Sustainable Communities Agency (HSCA) has been established and is operating on an administrative basis. It rationalises the functions of the National Building Agency (NBA), the Affordable Homes Partnership (AHP) and the Centre for Housing Research (CHR). The AHP and the CHR have been closed down and the NBA is in the process of being wound down.

The Local Government Management Services Board and the Local Government Computer Services Board are merging as the Local Government Management Agency. Pending necessary legislation, a common board and Chief Executive have been put in place on an interim basis and joint management arrangements are being implemented. The rationalisation process includes the closure of regional offices in Limerick and Waterford and other non-pay savings have been achieved by rationalising the use of products and services such as software licensing, hardware infrastructure, phone systems etc.

The Limerick Northside and Southside Regeneration Agencies are being serviced by a single executive, and resources freed up through this are being used to deliver the Phase 1 implementation plans for Limerick Regeneration. (The agencies' roles will be replaced through the development of a joint management arrangement in 2012 for Limerick City and Limerick County Council as a step to the merger of the two Councils).

The functions of the Fire Services Council are now subsumed into my Department.

The sustainable development role performed by Comhar, the Sustainable Development Council, is to be integrated into the National Economic and Social Council (NESC).

The administrative functions of the Rent Tribunal have transferred to the Private Residential Tenancies Board.

The agency rationalisation/efficiency agenda will be kept under review insofar as all agencies under my Department's aegis are concerned.

Pobal, is a not-for-profit company with charitable status, which manages programmes on behalf of the Irish Government and the EU.

The Dormant Accounts Board operated with Departmental administrative support. The Dormant Accounts Board (Amendment) Bill 2011 proposes to dissolve the Dormant Accounts Board.

### **Community Development**

327. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government when he expects the older people councils highlighted in the programme for Government to be established; the work done to date by him on the establishment of such councils; the role he envisages for these councils; and if he will make a statement on the matter. [32871/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The establishment of Older People Councils is part of the delivery of the overall National Positive Ageing Strategy, which is a matter for my colleague, the Minister for Health. The Strategy is being led by that the Department of Health. I envisage that the role of local government, through the multi-agency County/City Development Board structure, will be to facilitate the county / city structure of Older People Councils if, and when, requested by the Department of Health.

### Planning Issues

328. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government if he intends to proceed with plans to make the planning process more democratic and to rebalance power towards elected representatives; his views on whether it is desirable that before a local authority acquires any land or an asset it should seek the approval and consent of the elected members of that local authority; and if he will make a statement on the matter. [32877/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The planning code is kept under review in my Department to ensure that there continues to be adequate participation by public representatives in decision-making and policy formulation.

The local government system is based on the principle that major decisions of policy rest with the elected council (reserved functions), with the implementation of this policy on a day-to-day basis resting with the City or County Manager (executive functions). Under the Local Government Act 2001 the acquisition or disposal of land or an agreement regarding the use of land is an Executive Function.

### Departmental Investigations

329. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the action taken by him when he received a request from a local authority for a local public inquiry to be established under the Local Government Act into the granting of a waste permit (details supplied); the position regarding this issue; if it was considered by his predecessor; if a decision was reached on the way to respond to this request by the elected members; and if he will make a statement on the matter. [32878/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Questions Nos. 306 and 307 of 4 February 2010 together with the reply to Question No. 1448 of 29 September 2010. This matter is the subject of ongoing consideration in my Department and a decision will be made in due course.

### Local Authority Housing

330. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government if he has given approval to Monaghan County Council and Respond Housing Association to progress their proposals for a group home at Drummond Otra, Carrickmacross which will cater for women with physical and sensory disabilities; if the housing association can submit the planning application in this regard; if he is committed to this project; and if he will make a statement on the matter. [32936/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Monaghan County Council submitted proposals to my Department in December 2009 for the provision of a group home for people with physical and sensory disabilities at Drummond Otra, Carrickmacross. Provisional approval for the project issued in July 2010 subject to certain cost and design issues being addressed. My Department anticipates receiving revised proposals from the Council in the near future. Further progress is contingent on a successful outcome to the assessment process.

### Water Charges

331. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local

Government the way he plans to install water metres in households throughout the country; and if he will make a statement on the matter. [33005/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Memorandum of Understanding between Ireland and the EU/IMF includes a commitment to introduce water charges for households. The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in households connected to public water supplies and move to a charging system based on usage. My Department is currently preparing a strategy to implement these proposals and further details will be announced following the Government's consideration of the proposals.

### **Local Authority Services**

332. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the procedure to have a housing estate taken in charge by a local authority when the developer is no longer trading; and if he will make a statement on the matter. [33049/11]

333. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government the procedure to have a housing estate taken in charge by a local authority when the developer is no longer trading, the residents wish to instigate the procedure and when the estate and all roads and services are complete to the required standard; and if he will make a statement on the matter. [33051/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 332 and 333 together.

Section 180 of the Planning and Development Act, 2000 applies to estates which have been granted planning permission and include the construction of 2 or more houses (which as defined in the Act includes apartments) and the provision of new roads, open spaces, car parks, sewers, watermains or drains.

In relation to estates which have been completed to the satisfaction of the planning authority in accordance with the permission, section 180 provides that the planning authority must if requested to do so by the developer or by the majority of the qualified electors who are owners of the houses involved, initiate the procedures in section 11 of the Roads Act 1993 for declaring the road(s) to be public roads, for whose maintenance the local authority will then be responsible.

Section 11 of the Roads Act empowers a local authority to, by order, declare any road over which a public right of way exists to be a public road. Before making an order the local authority must be satisfied the road is of general public utility, consider the financial implications of taking the road in charge and consult with the public/consider any objections received. The consideration of the objections and the making of the order declaring the road to be a public road is a reserved function, so that the decision whether to take the road in charge is ultimately one for the discretion of the elected members.

In relation to estates which have not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced within the relevant period section 180 also provides that the planning authority must, if requested to do so by the majority of the owners, initiate the procedures in section 11 of the Roads Act. However, in this case the section provides that the provision in section 11 of the Roads Act requiring the authority to consider the financial implications of taking the road in charge shall be disregarded.

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Section 180 also provides that where a planning authority, in complying with S.180, makes an order under section 11 of the Roads Act, it must also take in charge any open spaces, car parks, sewers, watermains, or drains within the attendant grounds of the development.

Section 180 was amended in the Planning and Development (Amendment) Act 2010 to provide that a planning authority may take in charge an unfinished estate, at the request of the owners of the housing units, at any time after the expiration of the planning permission, in situations where enforcement actions have commenced or where the planning authority consider that enforcement action will not result in the satisfactory completion of the estate by the developer. Planning authorities have also been empowered to take in charge part of an estate or some, but not all, of the facilities in an estate.

### Calaidh agus Céanna

334. D'fhiafraigh **Éamon Ó Cuív** den Aire Comhshaoil, Pobail agus Rialtais Áitiúil cén uair a cheadófar scéim séarachais do Chill Rónáin ar Árainn; agus an ndéanfaidh sé ráiteas ina thaobh. [33138/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Soláthraíonn An Clár Infheistíochta Seirbhísí Uisce 2010-2012, a bhfuil cóip ar fáil i Leabharlann an Oireachtais, maidir le forbairt raon cuimsitheach de bhonneagar na seirbhísí uisce nua i gContae na Gaillimhe. Cuimsíonn an Clár conarthaí atá faoi thógáil agus atá le tusú le luach os cionn €130 milliún i gContae na Gaillimhe i rith tréimhse an Chláir. Ní raibh an Scéim Séarachais Chill Rónáin i measc na conarthaí agus na scéimeanna tosaíochta roghnaithe le cur san áireamh sa Chlár reatha.

Is é aidhm ag an gClár tús áite a thabhairt do thionscadail a chomhlíonann saincheisteanna comhshaoil ?? agus a thugan tacaíocht do fostaíocht agus forbairt eacnamaíochta. Ba é an measúnú ar riachtanais ullmhaithe a rinne na húdaráis áitiúla lena n-áirítear Comhairle Chontae na Gaillimhe, mar fhreagra ar iarratas ón Roinn a bhí mar príomh ionchur d'fhorbairt an Chláir. Rinneadh measúnú ina dhiaidh sin sa Roinn i gcomhthéacs na cistí atá ar fáil agus na critéir lárnacha a chomhlánú lena cinn a úsáidtear ag na húdaráis. Níl dul thairis, tríd an bpróiseas seo, bhí ar thionscadal áirithe a bhí molta slí a ghéill do thionscadal eile a bhí níos straitéiseach no tábhachtach.

### Departmental Agencies

335. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 365 of 25 October 2011, the rate of interest that the Housing Finance Agency is paying on these bonds; and if he will make a statement on the matter. [33146/11]

336. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 365 of 25 October 2011, the rate of interest that the local authorities are paying to the Housing Finance Agency for loans of this type that are still outstanding; and if he will make a statement on the matter. [33149/11]

337. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 365 of 25 October 2011, if local authorities were permitted to charge an interest rate in excess of the 10.5% mentioned in his answer; and if he will make a statement on the matter. [33158/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 335 to 337, inclusive, together.

The HFA pays an interest rate of 10% on the loans in question, with the corresponding rate charged on the loans to local authorities also being 10% per annum. The HFA thereby makes no margin on these loans.

Local authorities are permitted to add an administration charge of 0.5% and borrowers also pay an additional 0.5615% to cover their mortgage protection insurance.

### **Financial Services Regulation**

338. **Deputy Peter Mathews** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 124 of 25 October 2011, if local authorities are also obliged to establish a dedicated arrears support unit and an internal appeals board; if a decision on mortgage arrears with a local authority can be appealed directly to him or to another outside body; and if he will make a statement on the matter. [33159/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** In March 2010, my Department issued comprehensive guidance to local authorities on the treatment of mortgage arrears. That guidance was based on the Central Bank's first statutory Code of Conduct on Mortgage Arrears to ensure that cases of local authority mortgage arrears are handled in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned. To reflect the content of the Central Bank's revised Code of Conduct — which replaced the previous code from 1 January 2011 and was informed by the deliberations of the Expert Group on Mortgage Arrears and Personal Debt — my Department is currently preparing updated guidance to local authorities in consultation with the City and County Managers Association.

The new guidance will provide for the introduction, inter alia, of:

- dedicated arrears support,
- a common mortgage arrears resolution process (MARP),
- a process for appeal of decisions reached under the MARP, and;
- a range of options for the treatment of arrears in particular cases.

### **Social and Affordable Housing**

339. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government if there is any restriction on a person being an applicant for social housing in a county in which they are not currently residing; and if he will make a statement on the matter. [33161/11]

340. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government if there is any restriction on a person being an applicant for social housing in more than one county; and if he will make a statement on the matter. [33162/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 339 and 340 together.

A new system of social housing assessments by housing authorities came into force on 1 April 2011 and is operated in accordance with regulations made under section 20 of the Housing (Miscellaneous Provisions) Act 2009. One objective of the new arrangements is to streamline



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the process of applying for social housing support, both for the applicant and the local authority, while at the same time allowing a reasonable level of choice to households as to the areas in which they would like to receive social housing support.

Under the regulations, a household may apply to one housing authority only for social housing support. That housing authority is usually the housing authority for the functional area in which the household normally resides or with which the household has a local connection. A household has a local connection with the functional area of a housing authority if a household member—

- lived in the area at any time for a continuous 5-year period;
- is employed in the area or within 15 km of the area;
- is in full-time education, or attending specialist medical care, in the area; or
- has a relative living in the area for at least 2 years.

The regulations define the relative of a household member as a parent, adult child or sibling and including another relative, such as a step-parent, grandparent, grandchild, aunt or uncle, who has close links with the household member in the form of commitment or dependence.

An applicant household may specify up to three areas of choice for the receipt of social housing support within the county (including the city, where relevant) of the housing authority of application. At least one of these areas of choice must be in the functional area of the housing authority of application. For example, a household living in, or having a local connection with, a town council area may apply for housing support to that town council and may also express preferences to live in 2 other areas outside the town concerned but within the county boundaries. Similarly, a household living in, or having a local connection with, a county area may apply to the county council concerned, but may also specify 2 other areas of choice for the receipt of social housing support within city or town council areas in the county. Thus, a household qualified for social housing support from 3 different housing authorities in a county will be entered on the waiting lists of each of those authorities.

The regulations also empower a housing authority, at its discretion, to carry out a social housing assessment for a household that does not meet the residence or local connection criteria in respect of its functional area. In this case, the household may specify areas of choice within the functional area of that housing authority only.

*Question No. 341 answered with Question No. 322.*

### **Proposed Legislation**

342. **Deputy Barry Cowen** asked the Minister for the Environment, Community and Local Government if the Oireachtas Joint Committee on the Environment, Transport, Culture and the Gaeltacht will play a central role to ensure that the final law is robust and ensures Ireland will be well placed to position itself as a hub for green energy. [33206/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I expect the Joint Committee on the Environment, Transport, Culture and the Gaeltacht to make an important ongoing contribution to the enactment of primary legislation on environmental protection.

### Environmental Policy

343. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding radon testing; and if he will make a statement on the matter. [33249/11]

344. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government if a radon remedial grant scheme will be established; and if he will make a statement on the matter. [33252/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 343 and 344 together.

The RPII operates a radon advice and testing service in line with its statutory function to make the public aware of the hazards of ionising radiation including radon gas. I have no plans to review the role of the Institute in this regard.

In addition to providing information on its own testing service, the RPII also lists private radon testing services on its website. Private radon testing service providers are notified in advance of proposed RPII radon publicity campaigns. This enables private companies to avail of business opportunities created by these campaigns, and many private companies arrange advertising of their own to coincide with the RPII campaigns. RPII mailshots to householders in High Radon Areas include a list of all radon measurement services as well as information on the service offered by the RPII.

Through support for the RPII's radon advice and awareness work, my Department is supporting efforts to raise public awareness of the risks posed by radon, particularly in the home. Householders, particularly those in known high radon areas, have been strongly encouraged to have their homes tested for radon and to undertake remediation works where necessary. However, I have no plans at present to make it mandatory to have dwellings here tested for radon as a condition of sale when buying or renting a dwelling. There is no existing grant scheme administered by my Department for household radon remediation. The cost of a household radon test is typically around €55.

### Water and Sewerage Schemes

345. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on the construction of integrated constructed wetlands as a method of waste water treatment; if he agrees that these are effective methods of waste water treatment; and if he will make a statement on the matter. [33261/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Integrated constructed wetlands have a role to play in the provision of waste-water treatment facilities. In support of this, my Department published Integrated Constructed Wetlands — Guidance Document for Farmyard Soiled Water and Domestic Wastewater Applications, in November 2010.

Such wetlands can not only provide a sustainable, cost-effective means of treating wastewater but can also provide ancillary services such as carbon sequestration, habitat provision and flood attenuation.

Funding for eight integrated constructed wetland projects, amounting to €1.3 million in total, has been approved under the Small Schemes element of the Rural Water Programme this year.

### EU Funding

346. **Deputy Tony McLoughlin** asked the Minister for the Environment, Community and Local Government if he will supply details of grants paid to a project (details supplied) through the Combat Poverty Agency; the levels of moneys paid and the particular activities and sectors targeted for assistance; and if he will make a statement on the matter. [33269/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The organisation referred to by the Deputy was awarded grant aid of €600,568 in July 2002 under the EU co-funded PEACE II Programme. This was to assist ex-political prisoners, their families and others to access education, training, advice and mentoring as a progression to employment, equality and full integration.

Specifically, the funding was committed to enhance the welfare, integration and development of ex-republican prisoners, displaced people and former combatants and their families in Leitrim, west Cavan, and the Arigna area—

- to assist survivors of conflict to overcome the psychological and emotional effects of their experiences;
- to improve their position in the economy through the welfare advice, emotional support, training, education, transport and childcare support which will address and assist in removing barriers to inclusion and reconciliation; and
- to assist in healing divisions in communities brought about by conflict.

In specifically addressing the needs of ex-prisoners and their families, this funding under PEACE II was designed to underpin the commitments made by the two governments on the reintegration of politically motivated prisoners. The project was implemented over a three and a half year period from July 2002 until December 2005 and, during this time, in excess of 800 people availed of the services or supports provided. In addition, eight individuals were trained in reconciliation and conflict resolution.

Following on from the PEACE II grant, an additional award of €385,500 was made in January 2006 in respect of the PEACE II Extension Programme. This was essentially a two and a half year extension to the work undertaken under the original project. As an Employment Enhancement Programme, it was aimed at advancing education, relieving poverty, outreaching to other groups or individuals who may consider or perceive the target group as adversaries, providing support and training for Republican political ex-prisoners and their families, displaced persons, former combatants and their families, to facilitate their resettlement and reintegration into society.

Some of the specific objectives of the Employment Enhancement Programme were:

- to build the capacity of individuals and target groups through the delivery of employment skills training and other related programmes;
- to deliver an integrated capacity building and reconciliation programme to both provide the skills and confidence for the target groups to engage with other groups and to conduct reconciliation workshops around the theme of social justice and inclusive society;
- to provide support services such as counselling, mentoring and advice, to encourage and assist target group members in obtaining gainful employment;

- to assist a further 120 individuals increase their employability by gaining at least one accredited training course and enhance the development of another 200 target group individuals;
- to improve the ability of target group individuals to compete for employment opportunities.

In excess of 500 people participated in the Employment Enhancement Programme, with 129 individuals receiving accreditation in a range of courses to enhance their employability, as well as further training in conflict resolution and reconciliation.

*Question No. 347 answered with Question No. 323.*

### **Commercial Rates**

348. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government if he will confirm when the amount of arrears owing to local authorities for the year 2010 in respect of commercial rates will be available; if he will supply them in tabular form for each authority if available now; and if he will make a statement on the matter. [33288/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Audited information in relation to the amount of commercial rates arrears owing to local authorities is not yet available for 2010. The audit of the 2010 Annual Financial Statements (AFS) is scheduled for completion by end March 2012.

### **Water and Sewerage Schemes**

349. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government if, having due regard to the potential negative effects a large waste water treatment plant can have on surrounding environments, he will consider alternative proposals to the greater Dublin drainage project, including the option for a number of smaller facilities; and if he will make a statement on the matter. [33338/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Greater Dublin Strategic Drainage Study (GSDSDS) analysed the existing drainage system in the Greater Dublin Area and proposed policies, strategies and projects for developing this system to meet future needs. In relation to waste water treatment capacity, the study recommended that, in addition to the expansion of the Ringsend wastewater treatment plant, a future regional wastewater treatment plant should be constructed in the Portrane/Donabate area of Fingal. Fingal County Council decided that certain aspects of the GSDSDS should first be subjected to a Strategic Environmental Assessment.

The Strategic Environmental Assessment assessed sixteen strategic drainage options for the Greater Dublin Area. I am therefore satisfied that, through this process, the issue of alternative options has been addressed.

The Strategic Environmental Assessment concluded that a new regional wastewater treatment plant should be built in the Northern Greater Dublin Area and that the outfall should be located along the North Dublin coastline following a detailed site selection process.

Fingal County Council has appointed a consultant to prepare a Preliminary Report and Environmental Impact Assessment for the scheme. The identification of potential locations for the regional wastewater treatment plant is an important step in this process. A report entitled Alternative Site Investigation Phase 1 — Preliminary Screening Outcomes Report was published by the Council in October 2011. A six week consultation process on this report will draw

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to a close on 18 November 2011. This early engagement is in addition to future statutory consultation in the context of the formal planning application process in respect of the new infrastructure.

### **Local Government Reform**

350. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding local government reform; and if he will make a statement on the matter. [33345/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Questions Nos. 15 and 19 of 20 October 2011, indicating that significant progress is being made in relation to a range of work relevant to the reform and development of local government in accordance with the Programme for Government.

Initial decisions, as in the case of Limerick and Tipperary, have concentrated on structural consolidation at city and county level. I have also established a Local Government Committee to consider whether the creation of a unified authority in Waterford would be warranted. These measures are being progressed ahead of more comprehensive policy proposals which I intend to bring to Government shortly in relation to the structures at each level of the local government system, regional, county and sub-county. I have noted the views contained in the document referred to in the Question. Decisions in relation to municipal governance within counties will be a matter for Government in that context.

### **Consumer Protection**

351. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied) regarding consumers; and if he will make a statement on the matter. [33347/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 114 of 3 November 2011 which deals comprehensively with the matters raised in the correspondence supplied.

### **Energy Efficiency**

352. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if there are any programmes provided by him or other State agencies to assist council tenants improve the energy efficiency of their homes, particularly with reference to providing insulation upgrades or switching to more energy fuels. [33377/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** In line with overall national policy which promotes a reduction in energy use, the enhancement of energy efficiency standards remains a priority within my Department's overall strategy for the improvement of local authority housing.

Under the Department's Social Housing Investment Programme, local authorities are allocated capital funding each year in respect of a range of measures to improve the standard and overall quality of their social housing stock. The programme includes a retrofitting measure aimed at improving the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers.

Since the introduction of the retrofitting initiative in 2009, my Department has provided funding for energy efficiency improvement works to some 3,000 local authority dwellings across

the country. In 2011, some €31million is being provided to local authorities in respect of their improvement works programmes. Under this year's programme there is a particular focus on returning vacant properties to productive use. Works to occupied units may also be carried out, within the allocation provided, where the local authority considers this appropriate.

### **Election Management System**

353. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on a matter (details supplied); if he intends to address the issues raised; and if he will make a statement on the matter. [33378/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The primary role of my Department in electoral matters is to provide an appropriate policy and legislative framework for a modern and efficient electoral system. Within that framework, local returning officers are responsible for all matters in connection with the actual conduct of elections and referendums, including the selection, appointment and training of polling station and count staff in accordance with the relevant provisions of electoral law.

To assist returning officers, my Department issues guidance to them in advance of each election and referendum. The guidance emphasises that the smooth conduct of polls is dependent on maintaining a cadre of sufficiently skilled and experienced people.

Having regard to that overall objective, returning officers are advised to employ competent and efficient persons as polling staff and asked to give consideration, where possible, to employing suitable persons who are unemployed.

### **Dormant Accounts Fund**

354. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government the amount of money transferred to the dormant accounts fund each year since 2005 in tabular form. [33398/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Dormant Accounts Acts provide for an annual transfer by credit institutions and insurance undertakings of monies in accounts determined to be dormant into the Dormant Accounts Fund (DAF). Since its establishment in April 2003 to the end of August 2011, the transfers to the DAF have totalled some €626.59m, which includes interest earned of some €35.53m. Funds reclaimed in that period by account holders amounted to approximately €218.7m.

A summary of the current status of the DAF is available on my Department's website [www.environ.ie](http://www.environ.ie) and is set out in the table below. This provides a profile of the Fund showing yearly inflows, reclaims, disbursements, etc. from 2003 to the end of August 2011.

Value of Dormant Accounts Fund at 31 August 2011

Year	Inflows					Gross Inflow of Funds	Outflows			Net Funds
	Banks/building societies	An Post products	Insurance products	Intestate Estates	Interest earned		Reclaimed by account holders	Disbursed by NTMA	Expenses & Compliance Costs	
2003	105,802,747	90,406,394	0	0	2,778,039	198,987,180	24,002,874	0	148,048	174,836,258
2004	18,387,604	14,642,260	22,994,803	0	3,802,846	59,827,513	21,080,853	14,000,000	1,055,958	198,526,960
2005	13,049,089	19,870,684	7,895,688	0	4,061,302	44,876,763	22,916,079	14,400,000	1,673,497	204,414,147
2006	20,535,464	52,513,242	7,100,575	0	6,375,902	86,525,183	44,736,631	33,250,000	1,608,356	211,344,343
2007	12,531,434	42,658,151	6,704,210	4,400,000	8,787,603	75,081,398	34,082,871	45,511,412	1,881,135	204,950,323
2008	19,644,431	6,239,735	7,149,521	0	7,561,873	40,595,560	19,500,791	73,050,705	1,999,776	150,994,611
2009	25,014,071	11,359,722	5,010,644	0	891,120	42,275,557	19,051,956	37,644,335	1,717,634	134,856,243
2010	20,970,759	12,304,426	6,010,712	0	472,958	39,758,855	20,303,827	20,267,035	1,618,257	132,425,979
2011	22,623,769	9,912,279	5,325,750	0	796,773	38,658,571	13,044,929	818,931	0	157,220,690
Totals	258,559,368	259,906,893	68,191,903	4,400,000	35,528,416	626,586,580	218,720,811	238,942,418	11,702,661	

Liabilities on the Fund: Of which				
1. Reserve for future reclaims by account holders				-47,178,335
2. Disbursements allocated to beneficiary projects by	Approved	Decommitted	Net Approved	
(a) Dormant Accounts Fund Disbursement Board	63,082,815	4,620,969	58,461,846	
(b) Government (2006)	75,642,596	2,662,872	72,979,724	
(c) Government (2007)	22,278,213	480,618	21,797,595	
(d) Government (2008)	30,134,074	29,876	30,104,198	
(e) Government — Early Childhood Initiative (2006)	18,000,000		18,000,000	
(f) Government — Rural Social Scheme (2004-2008)	64,400,000		64,400,000	
(g) Government — Catch Up Measure 5 new RAPID towns	1,250,000		1,250,000	
Sub-totals	274,787,698	-7,794,335	266,993,363	
3. Remaining funds to be disbursed by NTMA on foot of approvals				-28,050,945
Net Value of Dormant Accounts Fund (uncommitted funds)				€81,991,410

Under the Dormant Accounts Act 2001, the NTMA is required to maintain a Reserve Account to meet reclaims from account holders and operational expenses of the agency and the Dormant Accounts Board.

### Flood Prevention

355. **Deputy Kevin Humphreys** asked the Minister for the Environment, Community and Local Government that following the near annual flooding of homes and businesses across the country in many locations due to climate change and insufficient infrastructure, if he will consider introducing a grant aid programme to subsidise property owners to invest in flood protection equipment such as flood door barriers, anti-flood airbricks, and other waterproofing measures; and if he will make a statement on the matter. [33424/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Flood risk management, including prevention and protection measures, are a matter for the Office of Public Works. I have no function in flood protection grant aid programmes for property owners.

*Question No. 356 answered with Question No. 322.*

### Departmental Appointments

357. **Deputy Gerry Adams** asked the Minister for the Environment; Community and Local Government if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33946/11]



358. **Deputy Gerry Adams** asked the Minister for the Environment; Community and Local Government the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33960/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 357 and 358 together.

There are no former Government office holders serving on the boards of Agencies under the aegis of my Department.

### **National Disability Strategy**

359. **Deputy Simon Harris** asked the Minister for Justice and Equality the progress made on the commitment to publish a realistic implementation plan for the National Disability Strategy; when such an implementation plan will be produced; the number of meetings that have taken place with stakeholders in the strategy to ensure widespread consultation; and if he will make a statement on the matter. [32867/11]

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** The Programme for Government commits to publishing, “following wide consultation, a realistic implementation plan for the National Disability Strategy (NDS), including sectoral plans with achievable timescales and targets within available resources and ensuring whole-of-government involvement and monitoring of the Strategy, in partnership with the disability sector”.

As the Minister responsible for disability, in line with this commitment, I have assessed the monitoring and implementation structures already in place for the strategy, which included meeting and consulting with the key organisations in the sector. I will be announcing in the near future, the details of revised structures and processes I am establishing for the development and implementation of the new Plan for the progression of the NDS. These will involve collaboration with the key stakeholders in the sector.

I am confident that the fresh approach which I am introducing, will re-invigorate the implementation of the National Disability Strategy and will greatly assist in meeting the commitments to disability in the Programme for Government.

### **Daylight Savings Time**

360. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he has examined any proposals for changing the current daylight saving time system; if he has reviewed the current proposals before the UK parliament regarding same; if he plans to ask the relevant Oireachtas committee to examine this matter; and if he will make a statement on the matter. [33280/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to refer the Deputy to my reply to Question Nos. 10 and 16 of 23 June, 2011 below and Question No. 73 of 25 October 2011.

The position remains unchanged and with particular regard to the last paragraph of my previous replies. I can advise the Deputy that while officials of my Department continue to carefully monitor the situation in the United Kingdom I have no plans at this time to ask the relevant Oireachtas Committee to examine this matter at this time.

<Previous PQ>

10. *To ask the Minister for Justice and Equality if he had any discussions with either his British counterpart or his European colleagues regarding the possibility of changing our time zone to European Time; his views on the benefits or disadvantages to Ireland if such a change was made; and if he will make a statement on the matter.*

- Noel Harrington

16. *To ask the Minister for Justice and Equality his plans to conduct a cross Departmental analysis of the potential costs and benefits of advancing time by one hour all year round for Ireland; if his attention has been drawn to the passage of a Bill in the House of Commons undertaking a similar study; and if he will make a statement on the matter.*

- Noel Harrington

*For ORAL answer on Thursday, 23rd June, 2011.*

*I can inform the Deputy that I am aware of the Bill to which he refers. The Daylight Saving Bill 2010/11 passed its second reading in the House of Commons on 3 December, 2010. I understand that, if it became law, this Private Members' Bill would require the British Government to conduct a cross-departmental analysis of the potential costs and benefits of the advancing time by one hour for all, or part of, the year. I further understand that such analysis would include a breakdown, so far as possible, of the costs and benefits for England, Wales, Scotland and Northern Ireland. In light of this, I would expect that each of the devolved administrations in Wales, Scotland and Northern Ireland would ensure that their views and concerns would be fully reflected in any analysis that might be conducted.*

*Were this cost benefit analysis to be conducted, the Bill requires that an independent Commission would be established to assess it. If that Commission were to conclude that the advancing of time by one hour for all, or part of, the year would be beneficial to England, Wales, Scotland and Northern Ireland then an Order bringing the Commission's recommendations into effect for a three-year trial period would need to be made. Given that European Union Directive 2000/84/EC results in all EU member states starting and ending summer time simultaneously in order that time differences between member states remain constant throughout the year, this would impose a limitation on the discretion available in this area.*

*At present Ireland and the United Kingdom operate in the same time zone. Each year summer time begins at 1:00 a.m. Greenwich Mean Time (GMT) on the last Sunday in March when clocks are put forward one hour and ends at 1:00 a.m. GMT on the last Sunday in October when clocks are put back one hour. During summer time our clocks are set at GMT plus one hour and at GMT during winter time. Were clocks to be put forward for an hour for all of the year, clocks would be set at GMT plus two hours during summer time and at GMT plus one hour during winter time. To illustrate this point I wish to inform the Deputy that today in Belfast sunrise was at 4:48 a.m. and sunset will be at 10:04 p.m. If clocks were put forward by one hour sunrise in Belfast would have been at 5:48 a.m. and sunset would be at 11:04 p.m. Six months from now, if clocks were put forward by one hour, sunrise would be at 9:45 a.m. and sunset at 5 p.m. instead of 8:45 a.m. and 4 p.m.*

[Deputy Alan Shatter.]

*I can also inform the Deputy that in advance of the second reading of the Bill Mr. Edward Davey, Parliamentary Under-Secretary at the Department for Business, Innovation and Skills sought a meeting with our Ambassador in London to discuss issues concerning daylight hours. The meeting took place in November 2010.*

*I can further inform the Deputy that in February 2011 officials from my Department and our London Embassy met with the Bill's Sponsor, Rebecca Harris, M.P. in order to find out more about the background to her Bill as well as registering our interest in its passage and the potential implications for this country. While there has been contact with the British no discussions have been held with our European colleagues in relation to this matter as the matter is not at a sufficiently advanced stage.*

*I have no plans at this time to change the present time zone arrangements or to conduct a cross-departmental cost benefit analysis of advancing time by one hour all year round for Ireland. However, officials of my Department and the Department of Foreign Affairs are keeping a close watch on the issue and should the position I have outlined change I will review the situation.*

### **Garda Stations**

361. **Deputy Jim Daly** asked the Minister for Justice and Equality the average cost of running a rural Garda station (details supplied) in County Cork, excluding the Garda salaries; and if he will make a statement on the matter. [33330/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

362. **Deputy Jim Daly** asked the Minister for Justice and Equality the criteria assessed for determining the effectiveness of a particular Garda station over another; the person that makes the assessment; and if he will make a statement on the matter. [33332/11]

363. **Deputy Jim Daly** asked the Minister for Justice and Equality if he will clarify who will have the final say in relation to any proposed Garda station closures; if he will have the final say in relation to any such closures; and if he will make a statement on the matter. [33333/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 362 and 363 together.

Under the Garda Síochána Act 2005 the Garda Commissioner must each year prepare a policing plan setting out the proposed arrangements for the policing of the State, including any proposal to cease stationing members in a Garda station. The policing plan, once it has been approved by the Minister, is laid before each House.

The Garda Commissioner has been reviewing the Garda station network with the aim of identifying the scope for greater efficiencies in the delivery of a policing service. This review has included an examination of the case for the closure of some stations and for a reduction in opening hours of other stations. All relevant factors will have been taken into account in this examination, including the current status of stations, an activity analysis of stations, an impact assessment in each case of either closure or a reduction in opening hours, and the identification of an alternative model for delivering policing services.

I will consult with the Garda Commissioner as part of the statutory process of finalising the policing plan for 2012, which will be laid before each House upon approval.

364. **Deputy Jim Daly** asked the Minister for Justice and Equality the options available to concerned local community groups who wish to make a submission to the deciding officer in relation to any potential Garda station closures; and if he will make a statement on the matter. [33335/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Under the Garda Síochána Act 2005 the Garda Commissioner must each year prepare a policing plan setting out the proposed arrangements for the policing of the State, including any proposal to cease stationing members in a Garda station. The policing plan, once it has been approved by the Minister, is laid before each House.

The Garda Commissioner has been reviewing the Garda station network with the aim of identifying the scope for greater efficiencies in the delivery of a policing service. This review has included an examination of the case for the closure of some stations and for a reduction in opening hours of other stations. All relevant factors will have been taken into account in this examination, including the current status of stations, an activity analysis of stations, an impact assessment in each case of either closure or a reduction in opening hours, and the identification of an alternative model for delivering policing services.

I will consult with the Garda Commissioner as part of the statutory process of finalising the policing plan for 2012, which will be laid before each House upon approval.

It is of course always open to local community groups to make submissions to local Garda management in relation to any aspect of the local policing service, and of course the Garda Síochána Act 2005 has also put in place joint policing committees in each local authority area which act as a forum for consultations and discussions on matters affecting local policing. In addition to this, I am advised that there will be consultation by the Garda Síochána within a local community in relation to any revised model for delivering a local policing service following the closure of a Garda station.

### **Garda Deployment**

365. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality when he intends to fill the vacant superintendent position at Bruff Garda station, County Limerick. [32813/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed allocation of resources, including personnel, throughout the organisation, and I have no function in the matter.

The moratorium on recruitment and promotions in the Public Service continues to apply to the Garda Síochána for both sworn members and civilian support staff. The situation is continually kept under review by the Garda Commissioner and further derogations can be sought, in exceptional circumstances, from the Minister for Public Expenditure and Reform.

### **Garda Stations**

366. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality his plans for upgrading a Garda station (details supplied) in County Donegal to a 24-hour Garda station. [32831/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Commissioner that there are no plans, at this time, to make Carndonagh Garda Station to a 24 hour Garda Station.

I am further informed by the Commissioner that the Carndonagh Station is in the Buncrana District and the Garda strengths in each of those stations are 4 and 53, respectively. The opening hours of each of those Garda Station are:

Station	Monday-Friday	Saturday	Sunday
Carndonagh	09:00 — 15:00	10:00 — 13:00	Closed
Buncrana	24 hours	24 hours	24 hours

367. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the annual cost to the Garda of operating two Garda stations (details supplied) in County Donegal excluding staffing costs; and if he will make a statement on the matter. [32832/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

#### Road Traffic Offences

368. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality the total number of speeding fines issued in County Donegal to date in 2011; the breakdown of fines by Garda district; the way the level of fines compares with the year 2010; and if he will make a statement on the matter. [32833/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** In the time available it has not been possible to obtain the details requested by the Deputy. I will be in contact with the Deputy when the information is to hand.

#### Garda Transport

369. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality the position regarding a squad car (details supplied); and if he will make a statement on the matter. [32839/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The allocation of Garda resources, including transport, is a matter for the Garda Commissioner to decide in accordance with his identified operational requirements and priorities. At Divisional level, responsibility for the efficient deployment of all Garda vehicles is a matter for the Divisional Officer.

I am advised by the Garda authorities that the current allocation of Garda vehicles within the Carlow/Kilkenny Division makes the best use of available resources. The situation with regard to the station referred to by the Deputy is being kept under on-going review. Currently the area is being serviced by mobile patrols operated within the Carlow/Kilkenny Division. I am also informed by the Garda authorities that there are currently 34 cars attached to this Division.

370. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will provide a replacement squad car for Sneem Garda station, County Kerry, in view of the fact that its squad car was written off in a recent car accident; and if he will make a statement on the matter. [32840/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The allocation of Garda resources, including transport, is a matter for the Garda Commissioner. In that context the efficient deployment of Garda vehicles within each Garda Division is a matter for the Divisional Officer in the light of operational requirements.

I am advised by the Garda authorities that the situation with regard to Sneem Garda station is being kept under on-going review. Currently the area is being serviced by mobile patrols operated by Caherciveen District personnel and the Divisional Traffic Corps.

371. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will provide a dedicated squad car to Waterville Garda station, County Kerry; and if he will make a statement on the matter. [32841/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The allocation of Garda resources, including transport, is a matter for the Garda Commissioner. The efficient deployment of Garda vehicles within each Garda Division is a matter for the Divisional Officer in the context of operational requirements.

I am advised by the Garda authorities that the current allocation of Garda vehicles within the Kerry Garda Division makes the best use of available resources. The situation with regard to Waterville Station is being kept under on-going review. Currently the area is being serviced by mobile patrols operated by Caherciveen District personnel and the Divisional Traffic Corps.

### Departmental Bodies

372. **Deputy Simon Harris** asked the Minister for Justice and Equality the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32855/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The number of State bodies under the aegis of my Department is 23, while there are no State companies.

In accordance with the Programme for Government my Department has reviewed the configuration of State bodies in the Justice and Equality sector.

The formal integration of the Family Mediation Service with the Legal Aid Board took place on 2 November 2011.

Work is underway to rationalise the various structures in the immigration area. Under the Immigration, Residence and Protection (IRP) Bill 2010 the functions currently carried out by the Office of the Refugee Applications Commissioner (ORAC) will be subsumed into the Irish Naturalisation and Immigration Service (INIS) of the Department. Also under the Bill, the Refugee Appeals Tribunal (RAT) will be replaced by the Protection Review Tribunal (PRT), which will be statutorily independent and will deal with appeals against a refusal to grant refugee status or subsidiary protection under the EU Qualification Directive.

Legislation is also being prepared within this Department to allow for the amalgamation of the Equality Authority and the Human Rights Commission to form a new Integrated Human Rights and Equality Commission. The objective is to have the new Body in place by February 2012.

[Deputy Alan Shatter.]

The Government is also considering the merger of the functions of the Equality Tribunal with bodies in the employment rights area under the aegis of the Department of Jobs, Enterprise and Innovation.

### **Garda Court Duties**

373. **Deputy Simon Harris** asked the Minister for Justice and Equality the progress that has been made on the issue of reforming the prosecution and judicial case management systems in order to reduce the number of gardaí unnecessarily detained in the courts; and if he will make a statement on the matter. [32865/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will appreciate that a significant amount of Garda time has to be devoted to court duties. In that context specific measures have been put in place by the Garda authorities, and in legislation (including the Courts and Court Officers Act 2009), to minimise the extent to which Garda members have to attend in court. Following a recent detailed review of the procedures involved, the Garda Commissioner is making arrangements to implement a comprehensive set of measures to reduce the amount of time Garda members spend in court. These measures include the expansion of the court presenter system to all parts of the country and overall they are designed to ensure that Garda personnel are not unnecessarily tied up in court but rather are available for policing duties.

These measures are, of course, subject to the overall requirements of justice and judicial supervision. In addition, following on a number of reviews, the Chief Justice has recently agreed to my proposal to establish two Working Groups, which include judges from the relevant jurisdictions, to look at the operations of the Circuit and District courts with a view to identifying additional efficiencies to benefit the justice sector and how best these could be implemented in light of current financial circumstances.

### **Garda Reserve**

374. **Deputy Simon Harris** asked the Minister for Justice and Equality the current number of individuals in the Garda Reserve; the geographical locations, by county, of members of the Garda Reserve; his view on the role of the Garda Reserve; and if he will make a statement on the matter. [32866/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have been informed by the Garda Commissioner that the personnel strength of the Garda Reserve on 30 September, 2011, the latest date for which figures are readily available, was 816. Members of An Garda Síochána are assigned on a Divisional basis and not on a county basis. The personnel strength of the Garda Reserve by Division is as set out in the table hereunder:

Division	Strength
DMR South Central	48
DMR North Central	32
DMR North	74
DMR East	17
DMR South	41
DMR West	49
Waterford	27
Wexford	24

Division	Strength
Tipperary	29
Kilkenny/Carlow	27
Cork City	48
Cork North	19
Cork West	19
Kerry	15
Limerick	37
Donegal	23
Cavan/Monaghan	18
Sligo/Leitrim	18
Louth	32
Clare	17
Mayo	26
Galway	56
Roscommon/Longford	13
Westmeath	20
Meath	27
Kildare	25
Laois/Offaly	18
Wicklow	17
Total	816

The Deputy will be aware that the Commissioner, in consultation with his senior management team, is responsible for the detailed allocation of resources, including personnel, throughout the organisation, and I have no function in the matter. The target strength of the Garda Reserve remains at 10% of the full time Force and I would like to assure the House that the Government and the Garda Commissioner are fully committed to the Garda Reserve.

### Official Engagements

375. **Deputy Finian McGrath** asked the Minister for Justice and Equality the number of visits he has made to all prisons since taking up office; if he will provide the details and breakdown of these visits; if he will provide the details of any planned visits in 2011; and if he will make a statement on the matter. [33043/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that one of the first things I did on becoming Minister was to visit the Mountjoy Prison campus. While there, I conducted a full tour of the prison including the landings, workshops, school and medical facilities. In addition, I also visited the Dóchas Centre and St. Patrick's Institution. I can further advise the Deputy that I visited Cork Prison in May 2011.

I may, depending on my schedule, make further prison visits this year and early next year.

### Garda Collection Permits

376. **Deputy John Lyons** asked the Minister for Justice and Equality if he will consider granting an organisation (details supplied) Garda collection permits for each of their independent branches; his views on the Garda Síochána's reason for limiting collection permits due to the current fiscal climate; and if he will make a statement on the matter. [33148/11]



**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested a report on the matter from the Garda authorities. I will be in contact with the Deputy when this report is to hand.

### **Garda Investigations**

377. **Deputy Terence Flanagan** asked the Minister for Justice and Equality the position regarding the Anglo Irish Bank investigation; and if he will make a statement on the matter. [33163/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I attach the highest priority to the full investigation of white collar crime and bringing the perpetrators of such crime to justice. I have already expressed my unhappiness at the protracted nature of the investigations underway. This is not a criticism of the investigators and prosecutors, who face tough challenges as a result of the complexities of the matters being investigated. At the same time, I am anxious to ensure that I do not say anything which might jeopardise any prosecutions.

Within eight weeks of taking up office, I moved urgently to draft, and seek Government approval to the introduction of, additional legislation. This new legislation, the Criminal Justice Act 2011, was enacted on 2 August. The Act is an important step in delivering on the Government's commitment to tackle white collar crime. Its main purpose is to address delays in the prosecution and investigation of complex white collar crime by improving certain important procedural matters and strengthening Garda investigative powers. The Act's provisions are based on the experiences of those involved in investigations and prosecutions of white collar crime, and in particular on the experiences of those involved in current investigations into bank fraud and financial irregularities. It provides new procedures and powers which will speed up both current and future investigations, including investigations into offences in the areas of banking and finance, company law, money laundering, fraud and corruption.

The Programme for Government contains a commitment that rogue bankers and all those that misappropriate or embezzle funds are properly pursued for their crimes and that the full rigours of the law will apply to them. I am determined to see this commitment fulfilled.

I am informed by the Garda authorities that the investigations into Anglo Irish Bank by An Garda Síochána and the Office of the Director of Corporate Enforcement (ODCE) are ongoing, with a full investigation team employed at the Garda Bureau of Fraud Investigation. This team continues to conduct necessary follow up enquiries in respect of investigations, as well as investigations into separate complaints received regarding other alleged malpractices.

All members of An Garda Síochána allocated to such investigations have previous experience in the investigation of fraud related offences, and the investigations are augmented by experienced investigators from ODCE. There is close cooperation and ongoing liaison between An Garda Síochána and ODCE, with members of An Garda Síochána seconded to ODCE.

I am informed that two comprehensive investigation files were submitted by the Garda Bureau of Fraud Investigation to the Law Officers in December, 2010. In addition, supplementary investigation files were submitted in May and October. The files remain under consideration by the Director of Public Prosecutions, and directions are awaited. It is anticipated that a further supplementary investigation file will shortly be submitted to the DPP.

Garda management is satisfied there is sufficient personnel and technical expertise available to assist in the various aspects of the ongoing investigations.

I note that the DPP is quoted in the media today as saying: "The new law is very significant and has remedied [people refusing to cooperate with investigations]. They are cooperating

now.” He is also quoted as saying that real progress was now being made and that good quality evidence was being produced. The law referred to is the Criminal Justice Act 2011, enacted on 2 August. I am pleased to note that it is clearly assisting An Garda Síochána in overcoming obstacles that have arisen in its investigations of such offences.

### Garda Checkpoints

378. **Deputy Michael McCarthy** asked the Minister for Justice and Equality if he will confirm the number of Garda checkpoints that were in operation on the following bank holiday weekends this year: Friday 29 April to Monday 2 May, Friday 3 June to Monday 6 June, Friday 29 July to Monday 1 August and Friday 28 October to Monday 31 October separately; the number of checkpoints operating in each county on each weekend in tabular form; and if he will make a statement on the matter. [33164/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** All members of An Garda Síochána are tasked with the enforcement of relevant legislation, including the Road Traffic and Road Transport Acts. As part of this enforcement policy, members of An Garda Síochána set up checkpoints, including mandatory alcohol testing (MAT) checkpoints.

The information readily available relates to MAT checkpoints, which are authorised in writing by a District Officer or Inspector, are checkpoints to conduct mandatory breath testing. The objective of MAT checkpoints is to increase compliance by road users, detect incidents of drink driving, reduce road traffic fatalities and deter incidents of alcohol impaired driving by systematically selecting drivers to assess their level of alcohol impairment.

I am informed by the Garda authorities that to compile the information on a county basis would require a disproportionate use of Garda resources. The following table shows the numbers of MAT checkpoints over bank holiday weekends in 2011 broken down by Garda Division.

Number of Mandatory Alcohol Testing Checkpoints on Bank Holiday Weekends in 2011\*

Garda Division	29 April - 2 May	3 June - 6 June	29 July - 1 August	28 October - 31 October
DMR East	11	5	13	5
DMR North Central	3	14	5	6
DMR North	17	27	19	17
DMR South Central	13	11	13	9
DMR South	19	16	12	8
DMR West	13	25	18	24
Kildare	33	19	20	19
Laois/Offaly	26	35	22	29
Meath	58	58	29	37
Westmeath	25	27	21	23
Wicklow	46	45	19	16
Cavan/Monaghan	36	27	55	58
Donegal	53	41	29	58
Louth	21	54	28	36
Sligo/Leitrim	48	32	58	43
Kilkenny/Carlow	43	82	84	55
Tipperary	114	101	107	100
Waterford	40	37	18	32

[Deputy Alan Shatter.]

Garda Division	29 April - 2 May	3 June - 6 June	29 July - 1 August	28 October - 31 October
Wexford	54	48	58	65
Cork City	23	46	42	26
Cork North	58	73	54	55
Cork West	86	72	83	38
Kerry	26	24	33	31
Limerick	43	72	47	44
Clare	48	63	54	48
Galway	88	94	51	36
Mayo	46	55	28	29
Roscommon/Longford	24	40	38	21

\*Information provided is operational and liable to change and is valid to 2 November, 2011.

### Certification of Documents

379. **Deputy Jim Daly** asked the Minister for Justice and Equality further to Parliamentary Question Nos. 379 of 27 September and 369 of 18 October 2011, the reason he will not certify a copy of a passport held by him to progress an application for a driving licence (details supplied); and if he will make a statement on the matter. [33245/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** As I have previously advised the Deputy, my Department will, on request, provide an applicant, or their legal representative, with a photo-copy of any documentation held on file to attest to that applicant's identity and nationality. However, my Department cannot certify such documentation as being authentic as it cannot be certain of its provenance. This is stated without prejudice to the documentation referred to by the Deputy.

The Deputy will appreciate that, in the context of an application for a Driver's Licence, the onus is on the applicant to convince the relevant licensing authority as to their identity and nationality and my Department has no role, directly or indirectly, in such matters.

### Departmental Funding

380. **Deputy Mick Wallace** asked the Minister for Justice and Equality if State funding has ever been given to any of the following organisations (details supplied); and if so, the amount for each of the years 2000 to 2009. [33259/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Data in relation to such funding are not readily available prior to 2005. Since 2005 no State funding has been provided by this Department to the said organisations.

### Garda Vetting of Personnel

381. **Deputy Frank Feighan** asked the Minister for Justice and Equality the steps he will take to alleviate the delays in administration of cases by the Garda Vetting Unit when the waiting time is approximately 20 weeks and growing. [33266/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed that the current average processing time for Garda vetting applications at the Garda Central Vetting Unit (GCVU) is 9 weeks. This is a significant improvement on the average processing time of 12 weeks at the end of last year. All organisations registered for Garda Vetting are aware of the processing time frames for the receipt of Garda vetting and have been advised to factor this

into their recruitment and selection process. This processing time can, nevertheless, be affected by seasonal fluctuations or the necessity to seek further information on particular applications which may result in the processing time exceeding 9 weeks.

I am very conscious of the need to keep the time required to obtain a vetting to the minimum possible. Since taking office I have taken a number of initiatives with a view to achieving this objective. The sanction of the Department of Finance was obtained to retain the services of 10 temporary employees working in the GCVU. Sanction was also obtained to engage an additional 10 temporary employees and these have recently commenced work in the GCVU. A further initiative to provide internships through the National Internship Scheme, “Job Bridge”, under the aegis of the Department of Social Protection, is also currently under way.

All of this should have a further positive impact on processing times.

### **Garda Transport**

382. **Deputy Seán Kenny** asked the Minister for Justice and Equality the amount spent on purchasing replacement and additional Garda mountain bikes for the years 2007, 2008, 2009, 2010 and to date in 2011; the average cost of purchasing one bike; and if he will make a statement on the matter. [33302/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have requested the information sought by the Deputy from the Garda authorities. I will be in contact with the Deputy when this information is to hand.

### **Garda Powers**

383. **Deputy Seán Kenny** asked the Minister for Justice and Equality if gardaí have the powers to seize a vehicle if the vehicle is not registered to a person, if the vehicle has not got either front or rear registration plate displayed, or if the vehicle is being driven by a provisional driver unsupervised; and if he will make a statement on the matter. [33303/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Road traffic law is the responsibility of my colleague, the Minister for Transport, Tourism and Sport.

I am informed by the Garda authorities of the following circumstances in which they have the power to seize vehicles.

Section 41 of the Road Traffic Act 1994, as amended, provides for the detention, removal, storage and subsequent release or disposal of a mechanically propelled vehicle. In summary, the provisions of section 41 relate to a vehicle which is in use in a public place and which is uninsured, untaxed, does not have a test or roadworthiness certificate or the driver refuses or fails to produce a driving licence and a Garda is of the opinion that the person is, by reason of his or her age, ineligible to hold a driving licence, whether or not the driver is the registered owner of the vehicle.

A Garda also has the authority to seize or detain a vehicle if he or she has reasonable cause to believe the vehicle is stolen, for which a prosecution can be initiated against the person for an offence contrary to section 112 of the Road Traffic Act 1961.

I am also informed that offences in respect of a vehicle not displaying either front or rear registration plates are dealt with under the Roads Vehicles (Registration and Licensing) (Amendment) Regulations 1992 and section 139 of the Finance Act 1992. A learner driver driving unaccompanied is committing an offence under section 42 of the Road Traffic Act 1961 and the Road Traffic (Licensing of Learner Drivers) Regulations 2007.

### Fireworks Seizures

384. **Deputy Seán Kenny** asked the Minister for Justice and Equality the amount of fireworks seized by gardaí to date in 2011; the monetary value of the fireworks seized; the number of persons arrested and charged for possession of fireworks to date; the number of successful convictions secured to date; if he will provide same for 2008, 2009 and 2010; and if he will make a statement on the matter. [33304/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The table sets out the estimated value of fireworks seized for the years 2008 to 2011 (to date):

Year	No. of Seizures	Estimated value
2011 (to 3 Nov.)	170	€11,670
2010	169	€43,350
2009	169	€29,424
2008	91	€40,446

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, accordingly, requested the CSO to provide statistics in relation to arrests, charges and convictions directly to the Deputy.

### Criminal Prosecutions

385. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of cases prosecuted for driving with no insurance, driving without a driving licence, driving under the influence of alcohol that have been brought in front of Swords and Balbriggan District Courts, County Dublin from 1 January 2010 to date in 2011; and if he will make a statement on the matter. [33305/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will be aware that, under the provisions of the Courts Service Act 1998, management of the courts is the responsibility of the Courts Service and I have no role in the matter. Section 4(3) of the 1998 Act provides that the Courts Service is independent in the performance of its functions, which includes the provision of statistics.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that the information sought by the Deputy is as set out in the table:

1 January, 2010 to 4 November, 2011

Offence	Balbriggan	Swords
Driving with no insurance	306	612
Driving with no licence	1	20
Driving under the influence of alcohol	156	221

### **Criminal Injuries Compensation Tribunal**

386. **Deputy Charles Flanagan** asked the Minister for Justice and Equality if he will ensure that all payments are made under the Criminal Injuries Compensation Tribunal when the tribunal has found in favour of claimants; and if he will make a statement on the matter. [33312/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that under the terms of the Scheme of Compensation for Personal Injuries Criminally Inflicted, the Criminal Injuries Compensation Tribunal is entirely independent in the matter of individual applications under the Scheme. In this regard, I am sure the Deputy will appreciate that it would be inappropriate for me as Minister for Justice and Equality to have any involvement with the applications received.

I can inform the Deputy, as he will be aware, that paragraph 18 of the Scheme of Compensation for Personal Injuries Criminally Inflicted provides that compensation is paid by the Criminal Injuries Compensation Tribunal out of funds made available to it by the Oireachtas.

During the current financial year, €4.056m was provided to the Tribunal for the payment of compensation and a provision of €4.256m was made available for the payment of compensation during each of the two previous financial years, i.e. 2009 and 2010.

I understand from the Tribunal that the Scheme continues to operate as normal.

### **Visa Applications**

387. **Deputy Brendan Ryan** asked the Minister for Justice and Equality the reason a holiday visa application was refused in respect of a person (details supplied); if he will have this decision reviewed with a view to granting the holiday visa; if he will state exactly the documentation the applicant must provide in order to ensure a successful application; and if he will make a statement on the matter. [33367/11]

388. **Deputy Brendan Ryan** asked the Minister for Justice and Equality if it is his policy to refuse a holiday visa to applicants from non-EU countries for reason of not having a compliant travel history, even in cases when the applicant has not travelled outside his or her own country before. [33368/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 387 and 388 together.

The person referred to by the Deputy created a 'C type' i.e. short-stay visa application (online) on 3 August, 2010. Following full consideration by a Visa Officer this application was refused on 9 September, 2010 for the following reasons:

1. The Visa Officer had concerns surrounding the authenticity of documentation regarding employment submitted in support of the application. On contacting the applicant's employer by telephone, contradictory information was given as to whether the person concerned actually worked for the company and, if so, what was her period of leave;
2. The Visa Officer had concerns surrounding the immigration history of applicant. It was noted that the applicant had demonstrated no previous compliant travel history;
3. It was the opinion of the Visa Officer that the applicant had insufficient obligations to return to the home country in circumstances where a visa was to be granted.

[Deputy Alan Shatter.]

The person concerned appealed this decision on 12 October, 2010. Following full consideration by a Visa Appeals Officer, the applicant failed to address the original concerns raised. The original decision to refuse the visa was upheld on 13 October, 2010.

It is of course open to the person concerned to submit a fresh visa application at any time. If doing so, the applicant would be strongly advised to be in a position to address the above mentioned concerns.

The Deputy may wish to note that the unique visa transaction number referred to by him would appear to be incorrect as it refers to a visa applicant from a different country.

Guidelines on the visa application process are available on the website of the Irish Naturalisation and Immigration Service ([www.inis.gov.ie](http://www.inis.gov.ie)).

Regarding the Deputy's question relating to travel history policy, I can advise that each visa application is considered on its individual merits. Factors taken into account when processing a visa application include all of the applicant-specific information available to the Visa Officer as well as more general in-country factors such as immigration trends and the socio-economic circumstances pertaining in the visa applicant's country of residence. A visa is merely a form of pre-entry clearance to travel to Ireland and is essentially the first line of defence in upholding the immigration system of our State. Processing a visa application involves a risk evaluation, where all pertinent circumstances of the applicant are considered in the round. The onus is on the visa applicant at all times to demonstrate to the Visa Officer that the risks involved are minimal and that a visa is merited. In considering a 'Visit Visa' type application, a key consideration by a Visa Officer is whether or not an individual will abide by and observe the conditions of a visa where granted.

The immigration or travel history of all applicants is also a factor in any evaluation. A cautious approach is adopted by visa officers when processing visa applications where no travel history is demonstrated. In such circumstances, the Visa Officer will normally look for other factors in the visa application which demonstrate a commitment to return home at the end of the visit. It is possible for an applicant to be refused a visa based solely on a lack of immigration or travel history, but such refusals are very rare. It is much more likely that the visa refusal will also be based on a variety of other reasons as happened in the individual case to which the Deputy refers.

### Ministerial Appointments

389. **Deputy Gerry Adams** asked the Minister for Justice and Equality if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33950/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that it has not been possible to provide the information required in the time available. The information is currently being collated and will be forwarded to the Deputy as soon as it is to hand.

390. **Deputy Gerry Adams** asked the Minister for Justice and Equality the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses

claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33964/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that I have not appointed any former Government office holder to any position since taking up office in March of this year.

### Departmental Staff

391. **Deputy Éamon Ó Cuív** asked the Minister for Defence if unestablished civil servants working in the maintenance section of the Department of Defence have to pay the pension services levy for public servants in view of their small public service pension entitlements; and if he will make a statement on the matter. [33166/11]

**Minister for Defence (Deputy Alan Shatter):** I presume that the Deputy is referring to the civilian employees of the Department involved in the maintenance of military installations. In line with the relevant provisions of the Financial Emergency Measures in the Public Interest Act 2009, the employees in question are subject to the deduction from remuneration set out in section 2 of that Act.

### Army Barracks

392. **Deputy Jack Wall** asked the Minister for Defence the constitution of each Army barracks, Army head office and any subsidiary Army units or serving personnel under the stated headings (details supplied); and if he will make a statement on the matter. [32830/11]

**Minister for Defence (Deputy Alan Shatter):** It was not possible to provide the detailed information sought by the Deputy in the time available. My Department is currently seeking to compile the relevant data and I will provide the information directly to the Deputy once it comes to hand.

### Departmental Bodies

393. **Deputy Simon Harris** asked the Minister for Defence the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32848/11]

**Minister for Defence (Deputy Alan Shatter):** The bodies under the aegis of my Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. In 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 in August. The Bill is currently being drafted and it is anticipated that 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 as a Branch of the Department.

No reforms or mergers have been made in relation to the Army Pensions Board since March 2011.



[Deputy Alan Shatter.]

Coiste an Asgard was the company set up to manage the National Sail Training Scheme. In September 2008, the company’s sail training vessel ‘Asgard II’ sank in the Bay of Biscay. In December 2009, the previous Government announced that the National Sail Training Scheme was to be discontinued and the funding for 2010 was cancelled.

The Company has been inactive since and there are no crew or staff left on the payroll. The winding-up process is well advanced and it is anticipated that the company will be in a position to close by the end of this year, following a final audit by the Comptroller and Auditor General.

**Defence Forces Equipment**

394. **Deputy Denis Naughten** asked the Minister for Defence further to Parliamentary Question No. 372 of 2 November, the base for each of the three field ambulances in the Western Brigade; the number of standard ambulances available to the Defence Forces; the location of each; his plans to purchase additional standard vehicles; and if he will make a statement on the matter. [33397/11]

**Minister for Defence (Deputy Alan Shatter):** The three field ambulances in the Western Brigade are located as follows:

- Finner Camp, County Donegal 1 x Ambulance
- Custume Barracks, Athlone, Co. Westmeath 2 x Ambulances

In addition to the fleet of eleven field ambulances, eleven standard ambulances are currently in service with the Defence Forces.

The standard ambulances are located in the following Barracks/Bases:

Location	Standard Ambulances
St. Bricins Hospital, Dublin	2
Defence Forces Training Centre, Curragh Camp, County Kildare	2
12th Infantry Battalion, Sarsfield Barracks, Limerick	1
3rd Infantry Battalion, Stephens Barracks, Kilkenny	1
Training Installation, Kilworth Camp, County Cork	1
Medical Company, Collins Barracks, Cork	1
Medical Company, Custume Barracks, Athlone, County Westmeath	1
Air Corps, Baldonnell, County Dublin	1
Naval Base, Haulbowline, County Cork	1
<b>Total</b>	<b>11</b>

There are no plans at this time to purchase any additional standard ambulances.

**Defence Forces Recruitment**

395. **Deputy John Browne** asked the Minister for Defence when the current Army recruitment panel based in County Cork will be exhausted or will the current panel continue into the future. [33480/11]

**Minister for Defence (Deputy Alan Shatter):** The Deputy will be aware of the restrictions on recruitment to the public service generally arising from the necessity to restore balance to the public finances. In the context of this challenge, the Government intends to maintain the operational efficiency of the Defence Forces to the greatest extent possible. I am advised by

the Military Authorities that the strength of the Permanent Defence Force at the 30 September, 2011, the latest date for which details are available, was 9,458 which is the lowest number since the early 1970s. This is against the approved Employment Control Framework for the Permanent Defence Force of 10,000 as recommended in the McCarthy Report (Bord Snip).

Under the National Recovery Plan the strength of the Permanent Defence Force is scheduled to fall to approximately 9,600 by 2014. Targeted recruitment was carried out in 2010 and is continuing in 2011 because the strength of the Permanent Defence Force is below the reduction prescribed by 2014.

The recruitment of 40 recruits to the Southern Brigade is currently underway. Following completion of the selection process of these recruits there will be 503 candidates remaining on the Southern Brigade panel. 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. At this time no decision has been made as to whether this panel will continue into the future.

I have on a number of occasions placed on the record in Dáil Éireann my view that personnel in the Defence Forces should be maintained at 9,500 to ensure that the Defence Forces have the capabilities to meet both their international (UN/EU) and domestic obligations.

### **Ministerial Appointments**

396. **Deputy Gerry Adams** asked the Minister for Defence if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33944/11]

397. **Deputy Gerry Adams** asked the Minister for Defence the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33958/11]

**Minister for Defence (Deputy Alan Shatter):** I propose to take Questions Nos. 396 and 397 together.

I can confirm that no former Government office holder has been appointed to any agency under the aegis of the Department.

### **Departmental Expenditure**

398. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the level of funding provided by him in 2011 to meet costs arising out of the pork dioxin contamination problem and the anticipated level of expenditure for this crisis in 2012; and if he will make a statement on the matter. [32741/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A sum of €4.5m has been provided by my Department in 2011 to cover the cost of claims arising from pigmeat contamination incident. At this stage, I do not anticipate that there will be any expenditure under this heading in 2012.

399. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the level of expenditure by him in 2011 under the farm waste management scheme; and if he will make a statement on the matter. [32742/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Payments under the Farm Waste Management Scheme over the period January-October 2011 have amounted to €32.4 million.

#### **Agri-Environment Options Scheme**

400. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the number of farmers whose REP scheme 3 plans have expired in 2011; the saving to him in respect of these farmers for 2012; his plans to extend the agri-environment options scheme to these farmers; and if he will make a statement on the matter. [32743/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Over 23,000 REPS 3 participants will complete their contract in 2011. The majority of these participants received their final annual payment at the end of 2010. Payments under the scheme to these farmers on a full year basis would be of the order of €140m.

The overall level of funding available to the Department in the 2012 Budget will be determined by the Government in the context of the prevailing economic and budgetary situation while having regard to the outcome of the Comprehensive Expenditure Review and the discussions on the 2012 Estimates process. A decision on the future of the Agri Environment Options Scheme will be made following the outcome of this process and I will make an announcement on the situation in due course.

#### **Farm Incomes**

401. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine the data available to him regarding the financial circumstances of those receiving grant aid under suckler cow schemes, disadvantaged area and single farm payments including information on the numbers in receipt of a means tested social welfare payment; the number of farmers who are entirely dependent on agriculture for their household income; the number of farmers who themselves have off-farm income; the number of farmers whose spouses have off-farm income; and if he will make a statement on the matter. [32744/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Eligibility for grant aid under Departmental schemes and EU Schemes administered by this Department is based on criteria such as animal numbers, acreage farmed or location, Single Payment entitlements held, or land classified as disadvantaged, etc, and as a consequence specific financial information on applicants is not recorded. However, the following broad information is available from the Teagasc 2010 National Farm Survey:

- 23% of all Households were in receipt of a pension, either to the farm holder or spouse (2009)
- 49% of farms were recorded as not having off-farm income accruing either to the farm holder or spouse (2010)
- 36% of farmers had off-farm income (2009)
- 34.8% of farmers' spouses had off farm income (2009)

One of the main supports for low income farmers is the Farm Assist Scheme, run by the Department of Social Protection. According to the records of that Department, at 28 October there were 11,239 recipients on the scheme.

### Grant Payments

402. **Deputy Jim Daly** asked the Minister for Agriculture, Food and the Marine the position regarding single farm payments in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [32751/11]

**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, following processing of which an over-claim was identified on one of the land declared. The person named was written to on 28 October in this regard and, immediately on receipt of a satisfactory reply, the application will be further processed with a view to the appropriate payment issuing shortly thereafter.

### Departmental Funding

403. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine if a decision has been made on funding for a voluntary organisation (details supplied) in County Mayo. [32754/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application for *ex-gratia* funding has been received from the organisation in question. Provision of *ex-gratia* assistance this year is subject to the availability of funds and the application will be considered in this context and having regard to competing claims for financial assistance submitted by other animal welfare bodies.

### Grant Payments

404. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive payment under the grassland sheep scheme 2010; and if he will make a statement on the matter. [32756/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2010 Single Payment Scheme/Grassland Sheep Scheme was received from the person named on the 14 May 2010. This application was fully processed and payment under the Grassland Sheep Scheme issued on 1 February 2011, based, in accordance with the provisions of the Scheme, on the original Sheep Census return received by my Department on 11 January 2010, which indicated that the person named had twenty breeding ewes in his flock.

The person named has since appealed to my Department stating that incorrect details were entered on the Sheep Census return. This appeal was received after it was found at inspection that the sheep census return was correct. The appeal was subsequently rejected.

405. **Deputy Brendan Smith** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Monaghan has been requested to submit a map that was already submitted with the single farm payment application last May; the reason for the delay in finalising this application in view of the fact that they have submitted the map a second time; when payment will issue; and if he will make a statement on the matter. [32767/11]

**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, following processing of which an over-claim was identified in respect of a land parcel declared by the person named. This necessitated correspondence in order to clarify the mapping position and, having been satisfactorily resolved, the 50% advance payment issued to the person named on 3 November.

406. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Galway has not received their single farm payment or area based payment; when same will issue; and if he will make a statement on the matter. [32771/11]

**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 16th May 2011.

This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection.

This inspection was completed and the results are now being processed.

In the vast majority of inspected cases amendments have had to be made to the maps in order that the Land Parcel Identification System that is used for making payments to farmers is kept up-to-date. Processing of these changes is continuing and priority is given to applications who were the subject of a Ground Eligibility Inspection.

407. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine when a single farm payment will issue to a person (details supplied) in County Cork. [32789/11]

**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 13 May 2011. While the person named replied to a query in relation to an over-claim, which had been identified following processing of the application, the matter is not yet resolved and is still being investigated. However, immediately the matter is resolved, the application will be further processed with a view to the appropriate payment issuing shortly thereafter.

#### **Animal Identification Scheme**

408. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the reason that horses who were not issued with a passport at birth have their passports marked not fit for human consumption; if he will review this policy; and if he will make a statement on the matter. [32807/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Commission Regulation 504/2008, which came into force on 1 July 2009, requires that equine animals be identified with an equine identification document (passport) and a microchip. The Regulation is implemented in Irish law by S.I. No. 357 of 2011 — European Communities (Equine) Regulations 2011. This S.I. provides that if an equine animal has not been identified within six months of the date of its birth, or by the 31 December in the year of its birth, whichever date occurs later, then the equine animal cannot be admitted to the food chain. There are no plans to review this requirement at present.

### Grant Payments

409. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a decision has been made on the appeal for single farm payment from the national reserve in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [32811/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named submitted an application under Category B which caters for farmers who commenced farming after 15 May 2009. In addition, applicants under this category are also required to meet certain criteria with regard to income limits and farming qualifications. An application from the person named was deemed ineligible as he commenced farming prior to the 15th May, 2009.

The person named appealed this decision and his case has been forwarded to the Independent Single Payments Appeals Committee who will carry out a full review of the case. The Independent Single Payments Appeals Committee will correspond directly with the person named following the outcome of their review.

### Organic Farming

410. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when an application will be processed in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [32835/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Following the initial processing of the Organic Farming Scheme (OFS) application submitted by the person named discrepancies were discovered regarding the status of land parcels listed on the application form. A letter has issued to the person named requesting that these discrepancies be rectified. Once resolved, the application of the person named will be processed for payment without further delay.

### Departmental Bodies

411. **Deputy Simon Harris** asked the Minister for Agriculture, Food and the Marine the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32844/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The State bodies that come within the aegis of my Department are:

- Aquaculture Licensing Appeals Board (ALAB)
- Bord Bia
- Bord Iascaigh Mhara
- Bord na gCon
- Coillte Teoranta
- Horse Racing Ireland
- Irish National Stud

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- National Milk Agency
- Marine Institute
- Sea Fisheries Protection Authority (SFPA)
- Teagasc
- Veterinary Council of Ireland

The changes implemented by three of these agencies are outlined below:

#### Board Iascaigh Mhara

In response to the McCarthy Report, which identified a €7.3m saving to the State through the abolition of BIM in its current form, the Agency finalised a documented proposal “Transforming an Bord Iascaigh Mhara and Delivering on the Potential of Irish Seafood”. This plan documented a number of cost saving measures to match the €7.3m outlined in the McCarthy report without the negative impact on the seafood sector. These initiatives included organisational change, a reduction in contractors, consultancies and overheads and a reduction in staff levels. In line with these actions BIM’s budget has reduced from €40.8m in 2009 to €16.7m in 2011.

BIM has also delivered on the Governments plans for the rationalisation through the transfer of its seafood marketing and promotion functions to Bord Bia. This has ensured the strengthening of seafood marketing as part of a more cohesive overall food marketing effort, while allowing BIM to focus all its energies in developing the seafood industry in line with the Cawley Strategy — Steering A New Course.

#### Aquaculture Licences Appeals Board

The Aquaculture Licences Appeals Board formerly employed a Technical Advisor whose contract expired on 04 August 2008 and was not renewed. The administrative function of the ALAB Board has been subsumed into the Agriculture Appeals Office, allowing a former full-time secretary to be redeployed within the Department.

Teagasc is implementing a major ‘Change Programme’ 2009-2013 to achieve greater efficiencies in all aspects of their business and address the need for significant resource rationalization. A continued emphasis is placed on the potential to achieve greater efficiencies in the delivery of programmes, services and activities. The main achievements to date include the closure of 23 local advisory offices, some 300 staff reductions, annual payroll savings of €16m and exchequer grant in aid savings of €8m. A voluntary early retirement/redundancy programme (VER) was introduced in September to achieve additional staff savings in non-essential support areas such as administration, support staff etc by year end. A comprehensive Staffing and Efficiency Plan has also been prepared to prioritise the allocation of resources, ensure staff are deployed in areas of greatest service need and minimise the impact on front-line services.

At present, there are no plans to merge or abolish the other agencies listed.

### **Grant Payments**

412. **Deputy Patrick O’Donovan** asked the Minister for Agriculture, Food and the Marine

when a single farm payment will be paid in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [32882/11]

**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 3 May 2011, following processing of which an over-claim was identified on one of the land declared. The person named was recently written to in this regard and, immediately on receipt of a satisfactory reply, the application will be further processed with a view to the appropriate payment issuing shortly thereafter.

### On-farm Investment Schemes

413. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he will consider a grant application under force majeure in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [32883/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the terms of the current EU provisions which govern my Department's on-farm investment schemes, recognition of the principle of *force majeure* is strictly limited to actual beneficiaries under the schemes concerned and, even in those cases, the options are restricted. I am not, therefore, in a position to consider an application of the principle of *force majeure* in relation to failure to make an application under an on-farm investment scheme. The possibility of re-opening the scheme will be decided shortly in the context of the comprehensive review of expenditure which has been carried out in my Department and in the process of finalising the 2012 Estimate.

### Consultancy Contracts

414. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he has retained the services of an external contract company to carry out checking on applications and or mapping for the purposes of assessing changes, amendments and payments to the single farm payment scheme; if he will provide details of the company concerned; if he has provided a timeframe for any outside agency and or company to have deliberations completed and reports filed with his Department; if he will consider advancing the first instalment of the payment to farmers in order that they will be in a position to meet outstanding debts that they are trying to manage in the knowledge that any discrepancy and or issue that is identified within his Department will be recouped in the second payment; and if he will make a statement on the matter. [32888/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The services of an external contractor are employed by my Department, on an ongoing basis, subject to the governing EU rules concerning tendering for contracts, to carry out digitising of maps submitted to my Department in support of various schemes, principally the Single Farm Payment scheme. No outside body has been engaged to carry out checking on applications or maps, for the purposes of assessing changes or amendments and payments to the Single Farm Payment. The services of an outside consultancy, KPMG, was, however, engaged to conduct a review of internal processing arrangements, including workflows and their report is currently under consideration.

Payments under the Single Payment Scheme are governed by EU regulations, principally regulations 73/2009, 1120/2009 and 1122/2009. It is not possible under these regulations to make payments to any cases that are not fully processed and clear. That said, however, payments of the 50% advance of the SFP are continuing apace, with payments runs being made twice weekly. Since these payments started on 17 October, over €537 million has issued to 108,000



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applicants. Every effort continues to be made to maximise the numbers of payments being made and, in this regard, I would again urge any farmer who has been written to regarding an issue which is delaying payment, to respond without delay. I can also confirm that arrangements are well advanced to allow balancing payments commence issuing on target, as and from 1 December.

### Grant Payments

415. **Deputy Heather Humphreys** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Monaghan will receive a disadvantaged area payment and agri-environmental options scheme payment; and if he will make a statement on the matter. [32931/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 September 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a discrepancy was discovered in respect of one parcel listed on the application of the person named. Officials in my Department have been in direct contact with the person named and the matter is being addressed with a view to issuing payment as quickly as possible.

416. **Deputy Heather Humphreys** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Monaghan will receive a disadvantaged area payment and agri-environmental options scheme payment; and if he will make a statement on the matter. [32932/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1 September 2010.

Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a discrepancy was discovered in respect of one parcel listed on the application of the person named. Officials in my Department have been in direct contact with the person named and the matter is being addressed with a view to issuing payment as quickly as possible.

417. **Deputy Heather Humphreys** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Monaghan will receive a disadvantaged area payment; and if he will make a statement on the matter. [32933/11]

**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 13 May 2011, following processing of which an overlap was identified in respect of a land parcel declared by the person named. 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 payments issuing at an early date thereafter.

418. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Roscommon will receive payment; the reason for delay in same; and if he will make a statement on the matter. [32939/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 27 April 2011, processing of which was recently completed thereby allowing payment under the above Schemes to issue to the person named on 27 October and 3 November, respectively, the payment under the Single Payment Scheme being net of the annual Land Purchase Annuity.

419. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine when an application will be processed in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [33009/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme (AEOS) with effect from 1 September 2010. 75% payment in respect of Year 1 totalling €528.04 issued to the person named on 19th October 2011. Payment of the remaining 25% will issue shortly.

Payments in respect of year 2 are expected to commence in December.

#### **Disadvantaged Areas Scheme**

420. **Deputy James Bannon** asked the Minister for Agriculture, Food and the Marine the details of the amount a person (details supplied) in County Leitrim is being required to pay in relation to the area based compensation scheme; and if he will make a statement on the matter. [33020/11]

464. **Deputy James Bannon** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Leitrim has been requested to repay a purported overpayment under the 2008 disadvantaged area scheme, when in fact the person contends that it was an underpayment; and if he will make a statement on the matter. [33361/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 420 and 464 together.

Under the 2010 Disadvantaged Areas Scheme, the person named received a seventy-five percent advance payment based on those parcels cleared at the time of payment. Subsequently, following digitising of all remaining parcels on the holding, the claimed forage area of the person named increased, thereby requiring a higher stocking density rate. The person named was informed of this in writing and requested to submit any additional information they may have in relation to additional stock on the holding. In the absence of evidence of further qualifying animals, the application of the person named was confirmed not to have met the required minimum stocking density requirement, as a result of which an overpayment of €1,010.74 was levied. This sum was recouped as follows: €288.16 (2010 SPS, 24 March 2011), €722.58 (REPS, 11 July 2011).

In relation to the overpayment under the 2008 Disadvantaged Areas Scheme, this arose following a review of eligible areas as submitted by the person named, on foot of which ineligible areas were identified. The ineligible area in question was measured as 0.57 hectares, the annual monetary value of the this being €54.72 under DAS, for both years 2008 and 2009, with further annual penalties of €17.68 (2008) and €18.60 (2009) under the Single Payment Scheme.

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All sums were recouped from the 50% advance of the 2011 Single Payment, which issued to person named on 17 October.

### Seirbhísí Farantóireachta

421. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Bia agus Mara an bhfuil sé i gceist feabhas a chur ar na foscadáin ag na pontúin i Ros an Mhíl, Contae na Gaillimhe; agus an bhfuil sé i gceist na suíocháin atá sna foscadáin atá ann cheana féin a ardú mar go bhfuil siad ró-íseal; agus an ndéanfaidh sé ráiteas ina thaobh. [33137/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Is ar iarratas ón Roinn Ealaíon, Oidhreacht agus Gaeltachta a cuireadh foscadh ar fáil ag Lárionad Chuan Iascaigh Ros an Mhíl do phaisinéirí a bheadh ag dul go hÁrainn agus ag teacht as agus is í an Roinn sin atá ag maoiniú 75% de chostas iomlán an tionscadail.

Tá ardú curtha le gairid ag na conraitheoirí, atá freagrach as an bhfoscadh do phaisinéirí a shuiteáil, ar airde na suíochán mar fhreagra ar ábhar imní a d'ardaigh mo Roinnse.

Glacaim leis go soiléiríonn sé seo an cás.

422. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Bia agus Mara an bhfuil sé i gceist táillí páirceála a ghearradh ar oileánaigh ag an gclós páirceála de chuid na Roinne i Ros an Mhíl, Contae na Gaillimhe, ó tharla nár gearradh táillí go dtí seo ar oileánaigh; agus an ndéanfaidh sé ráiteas ina thaobh. [33139/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Tá mo Roinn freagrach as na sé Lárionad Chuan Iascaigh a bhainistiú agus a fhorbairt, lena n-áirítear Lárionad Chuan Iascaigh Ros an Mhíl.

Is féidir liom a dheimhniú go ndearna mo Roinn infheistíocht le déanaí in uasghrádú na háise carrchlóis ag Lárionad Chuan Iascaigh Ros an Mhíl agus tá sé soiléir go bhfuil freagracht ar mo Roinn an toradh is mó is féidir a fháil ar an infheistíocht sin. Tá an bealach iomchuí chun úsáid na háise sin a bhainistiú á mheas faoi láthair.

### Departmental Expenditure

423. **Deputy John Lyons** asked the Minister for Agriculture, Food and the Marine the cost of running the Veterinary Public Health Inspection Service in 2009 and 2010; if he will provide a breakdown of that cost to include staff salaries and wages, temporary veterinary inspectors and travel and subsistence; and if he will make a statement on the matter. [33143/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Slaughterhouses and meat processing plants operate under the supervision of the Veterinary Public Health Inspection Service (VPHIS) of my Department, in accordance with the terms of EU Food Hygiene Regulations. These plants are supervised by veterinary inspectors employed by the Department, assisted in their duties by technical staff (agricultural officers) and by temporary veterinary inspectors (TVIs) drawn from private practice on a rota basis.

The cost of the meat inspection service has been reduced in recent years. The figures as calculated for 2009 and 2010 are set out below:

Year	2009 €m	2010 €m
Salaries: veterinary inspectors	7.1	4.5

Year	2009 €m	2010 €m
Salaries: technical staff	11.4	8.3
TVIs	18.8	18.3
Travel and subsistence	0.7	0.7
Total	38.0	31.8

Part of the cost is recovered from industry through fees for official controls, charged under the terms of Regulation (EC) 882 of 2004. The amount recovered in 2009 was €13.9m (37% of the total cost); and the amount in 2010 was €15.5m (49% of total cost).

### Departmental Schemes

424. **Deputy Billy Timmins** asked the Minister for Agriculture, Food and the Marine the position regarding entitlements in respect of a person (details supplied); and if he will make a statement on the matter. [33153/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the 2010 Grassland Sheep Scheme, farmers were required to:

- maintain ewes;
- complete the Sheep Census return by 9 April 2010; and
- submit the SPS application form by the closing date of 17th May 2010.

While an application under the 2010 Single Payment Scheme/Grassland Sheep Scheme was received from the person named on 21 May 2010, following validation, it was found that the person named had not submitted the Sheep Census by the closing date, as required. Therefore, no payment is due under the Grassland Sheep Scheme to the person named.

Persons who hold or keep sheep on a registered holding must maintain records of the individual animal identification number attached to the animals. They must also keep a written record of the movement of animals onto or off the registered holding. To facilitate the recording of these details, Flock Registers are issued to all sheep flock owners. I have arranged for an official of my Department to contact the person named in this regard.

425. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the position regarding an application for funding of Ainmhithe Animal Rescue, Thornberry Cottage, Rathreagh, Kincon, Ballina, County Mayo; and if he will make a statement on the matter. [33155/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application for ex-gratia funding has been received from the organisation in question. Provision of ex-gratia assistance this year is subject to the availability of funds and the application will be considered in this context and having regard to competing claims for financial assistance submitted by other animal welfare bodies.

### Harbours and Piers

426. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine if an application has been received from Galway County Council for funding for the upgrading of

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Coolacloy Pier in Knigstown, Clifden; if it has, when a decision will be made on this application; and if he will make a statement on the matter. [33168/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The pier at Coolacloy, Kingston is owned by Galway County Council and the responsibility for its repair and maintenance lies with the Local Authority in the first instance.

Earlier this year, however, my Department invited coastal Local Authorities to submit applications in respect of priority harbour development projects for inclusion in its 2011 Fishery Harbour and Coastal Infrastructure Development Programme. My Department received an application from Galway County Council for funding for a total of 3 projects, of which Coolacloy pier was identified as the 3rd project in order of priority.

Having regard to its prioritisation and the fact that the required planning permission was not in place, the project was not selected for funding by the Evaluation Committee.

Any application for funding in future years by Galway County Council will be given consideration subject to available exchequer funding and overall national priorities.

### Agri-environment Options Scheme

427. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will provide a breakdown for both agri-environment option scheme 1 and 2 farmers by county. [33172/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The total number of current valid applications for AEOS I and II by county are as set out in the table:

Counties	AEOS I Number	AEOS II Number
Carlow	106	38
Cavan	257	219
Clare	399	404
Cork	573	434
Donegal	720	957
Dublin	19	7
Galway	903	878
Kerry	396	422
Kildare	85	45
Kilkenny	299	143
Laois	195	91
Leitrim	418	243
Limerick	307	228
Longford	123	99
Louth	69	39
Mayo	1012	955
Meath	197	97
Monaghan	254	135
Offaly	155	107
Roscommon	438	389
Sligo	324	220
Tipperary	443	292
Waterford	158	65

Counties	AEOS I Number	AEOS II Number
Westmeath	257	147
Wexford	222	104
Wicklow	116	74
Total	8,445	6,832

### Grant Payments

428. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the number of farmers that have been paid agri-environment options scheme 1 payments to date; the amount paid; and for those that are paid when the remaining 25% payment will be made. [33173/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** A total of 4,605 applications have been fully processed. 75% of the 2010 entitlement under AEOS I amounting to €3,095,086.88 has issued to date. I expect that payments in respect of the remaining 25% will commence shortly.

429. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine when agri-environment options scheme 2 payments will be made; the amount of the 2011 REP scheme AEOS book of estimates that have been made to date; and if he will provide a breakdown of REPS 3, REPS 4 and AEOS 1. [33174/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. Participants were accepted into the AEOS 2 scheme with effect from 1 September 2011 and I expect that payments in respect of year 1 will commence in the first quarter of 2012. In relation to REPS and AEOS schemes the following is a breakdown of the total spend to-date and the amount paid in 2011:

REPS 3:

Total to-date: €1.514 billion

Paid in 2011: €27 million

REPS 4:

Total to-date: €382 million

Paid in 2011: €96 million

AEOS 1:

Total to Date: €3 million

Paid in 2011: €3 million

### Farm Inspections

430. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the number of inspections that will take place this year for single farm payment, REP scheme, agri-environment options scheme and disadvantaged areas. [33175/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In the context of delivering the Single Payment Scheme, Disadvantaged Areas Scheme, REPS and AEOS

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schemes my Department is required to carry out inspections on a number of farms covering such issues as eligibility, compliance with EU regulations under headings such as environment, food safety, animal welfare and plant health.

A minimum of 5% of Single Payment Scheme applicants are required to be inspected under the eligibility rule. These checks are carried out to verify that the actual area claimed in the Single Payment Scheme application form corresponds to the area held by the farmer and to ensure there are no overlapping claims, or duplicate claims. Up to two-thirds of these inspections are carried out without a farm visit and using the technique of “remote sensing”. The rate of on-farm inspection required for cross-compliance is 1% of those farmers to whom the Statutory Management Requirements or GAEC apply. Under the relevant regulations 3% of producers must be inspected under the Bovine Animal Identification and Registration Requirements together with 3% of sheep producers covering 5% of the National flock.

In 2010, in an effort to minimise duplication of farm inspections, my Department agreed to carry out some 1,600 farm inspections under the GAP regulations on behalf of the Department of the Environment, Community and Local Government. This arrangement was retained for 2011. Of the 30,000 farmers still active in REPS my Department carried out approximately 2,500 inspections in 2011. Under AEOS I approximately 850 inspections were carried out during 2011. The AEOS inspections cover both 2010 and 2011 in respect of the 8,445 valid AEOS participants.

These inspections are, as far as is possible integrated in order to minimise the number of farm visits. For 2011 it is estimated that some 13,500 inspections will be carried out of which some 3,000 are carried out without a farm visit using remote sensing. Some 130,000 farmers apply annually for the Single Farm Payment Scheme, over 100,000 of these also apply for the Disadvantaged Areas Scheme, REPS and AEOS. The total value of these schemes to Irish Farmers is worth €1.8billion.

### **Departmental Expenditure**

431. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the amount of the allocated TAMS funding that has been spent to date in 2011. [33176/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Payments under the Targeted Agricultural Modernisation Schemes (TAMS) over the period January-October 2011 have amounted to €0.46 million.

### **Departmental Schemes**

432. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine when he will confirm the €150 per hectare payment for agri-environment option scheme Natura payments. [33177/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** When AEOS was launched last year, the intention had been to increase the rate for designated land from the €75 per hectare which was originally announced to €150 per hectare and my Department had been in discussion with the Commission with a view to obtaining approval for this proposal. However, given the current financial constraints and the overall funding limits which have been introduced in the National Recovery Plan and in order to ensure that as many applicants as possible can be accepted into the scheme, I have decided that the rate for designated land will be €75 per hectare.

### Commonage Division

433. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the progress made on commonage framework plans; and when farmers will be notified. [33178/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** My Department is working in close co-operation with the National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht, which has responsibility for the commonage framework plans, on a review of the existing plans. I understand that a review of the situation in 4 counties will be completed by the end of 2011 (Mayo, Galway, Kerry and Donegal). I understand that the review of the remaining counties will be completed by the end of February 2012.

### Grant Payments

434. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the amount of farm improvement scheme grants that have been made in 2011. [33179/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Payments under the Farm Improvement Scheme over the period January-October 2011 have amounted to €2.6 million.

435. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the number of farmers and the amount paid under the disadvantaged areas scheme in each of the following areas: mountain areas, severely handicapped and less severely handicapped areas. [33180/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The position regarding payments made to date under the 2011 Disadvantaged Areas Scheme, by land category, is as outlined in the tabular statement.

Category	Numbers Paid*	Value of payments
Mountain	26,974	€60,682,727
More Severely handicapped	51,234	€100,911,814
Less Severely handicapped	19,137	€33,486,466
Total	88,603	€195,081,008

\* Applicants can have land in one or more categories

Payments continue to be made as individual cases are confirmed eligible for payment, with payment runs taking place twice per week.

### Direct Payment Schemes

436. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine when the young farmers installation grant scheme will be reopened. [33181/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Young Farmers' Installation Scheme was closed to new applicants on 14 October 2008 and I have no plans to reopen the Scheme at this time. An allocation of almost €1 million has been provided in this year's Estimates to meet the remaining commitments under both the Young Farmers' Installation Scheme and the preceding equivalent schemes.



437. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will provide a breakdown of the single farm payment on a NUTS1 and NUTS2 basis. [33182/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** While NUTS 1 equates to the National position, payment statistics are more readily available on a national/county basis, rather than a NUTS basis. The tabular statement shows the present payments position, on a county basis.

County	Applicants	Number Paid	Value €
Carlow	1,705	1,426	10,935,789.60
Cavan	5,109	4,095	15,764,702.60
Clare	6,379	5,669	23,155,370.10
Cork	13,517	10,596	69,016,989.80
Donegal	8,904	6,489	19,578,171.70
Dublin	657	497	3,205,467.63
Galway	12,710	10,452	36,374,957.40
Kerry	8,205	6,881	27,393,202.80
Kildare	2,141	1,706	13,564,349.60
Kilkenny	3,573	2,906	23,922,963.10
Laois	3,050	2,397	16,794,568.80
Leitrim	3,655	2,803	7,242,835.24
Limerick	5,424	4,496	23,369,615.80
Longford	2,511	2,164	9,469,734.96
Louth	1,556	1,175	7,543,814.52
Mayo	12,137	10,277	27,965,727.10
Meath	3,920	3,498	27,282,894.80
Monaghan	4,304	3,473	13,767,632.30
Offaly	3,203	2,631	16,016,077.80
Roscommon	6,016	4,733	17,328,037.40
Sligo	4,253	3,285	9,745,379.74
Tipperary	7,309	5,739	41,677,573.10
Waterford	2,570	2,127	17,449,588.30
Westmeath	3,127	2,478	14,049,132.60
Wexford	4,162	3,209	24,383,506.00
Wicklow	2,188	1,746	11,973,759.40

### Rural Development

438. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine when food projects will be allowed to be funded under the rural development plan 2007 — 2013. [33183/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The European Commission has advised this year that food projects being funded under Axis 3 of the rural development programme [RDP] are appropriate to Axis 1 and must be funded under that part of the programme. These projects are being funded through LEADER which falls within the remit of the Department of the Environment, Community and Local Government. The Department of Agriculture, Food and Marine has responsibility for the overall RDP as the Managing Authority. A balance of funding the 3 Axes of the RDP must be maintained and the transfer

of funding for food projects to Axis 1 was not readily possible due to this requirement. Additional national funding is required to activate these projects under Axis 1 and this issue is under active review.

### Departmental Schemes

439. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine in terms of the targeted agricultural modernisation scheme sow welfare grant, in view of the fact that the deadline for loose housing of sows is set for 31 December 2012 and there is much work on farm still to be carried out, if he will give an indication as to when the TAMs for sow welfare will reopen. [33184/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The Targeted Agricultural Modernisation Schemes (TAMS) were suspended for new applications on 8 June 2011 pending the outcome of the comprehensive review of expenditure by my Department. I am conscious of the pressures on pig producers and a decision on the re-opening of TAMS will be taken in the context of the outcome of the review and the preparations and finalisation of the 2012 Estimates process for the Department.

440. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will provide the following information in respect of the disadvantaged areas scheme on a county breakdown: the number of applicants, the number of applicants paid, the number of applicants awaiting payment, the amount of moneys paid and the amount of moneys outstanding. [33185/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** There are no delays in payments to farmers under the Disadvantaged Areas Scheme, payments having commenced, on target, on 22 September, with payments issuing to those farmers whose applications had been confirmed eligible for payment at that time. I can confirm that my Department has, in the interim, continued to pay individuals, as their cases became clear, with payment runs taking place twice a week. This is normal practice and will continue on an ongoing basis, as necessary. In this regard, while I am pleased to note that payments worth €191.7 million have issued to date, representing over 85% of applicants, I remain confident that the full budget for the Scheme will have been exhausted by year-end.

County Name	Applied	Paid	Gross Amount	Percentage Paid
Carlow	763	677	€1,479,346.59	88.73%
Cavan	4,826	4,098	€8,746,956.18	84.92%
Clare	6,159	5,610	€13,436,952.24	91.09%
Cork	7,085	6,073	€14,417,132.10	85.72%
Donegal	8,422	6,471	€14,876,115.75	76.83%
Dublin	144	105	€235,934.07	72.92%
Galway	12,177	10,538	€22,738,991.44	86.54%
Kerry	7,764	6,738	€16,451,697.06	86.79%
Kildare	525	463	€889,325.27	88.19%
Kilkenny	1,781	1,524	€3,439,225.19	85.57%
Laois	1,712	1,427	€2,943,887.67	83.35%
Leitrim	3,498	2,850	€6,268,479.16	81.48%
Limerick	2,951	2,652	€5,455,711.00	89.87%
Longford	2,395	2,151	€4,695,369.16	89.81%
Louth	781	609	€1,052,915.78	77.98%

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County Name	Applied	Paid	Gross Amount	Percentage Paid
Mayo	11,697	10,192	€21,598,271.13	87.13%
Meath	1,334	1,232	€2,381,972.85	92.35%
Monaghan	4,102	3,554	€6,973,286.20	86.64%
Offaly	2,433	2,132	€4,393,387.56	87.63%
Roscommon	5,702	4,730	€10,187,542.22	82.95%
Sligo	4,055	3,319	€7,103,837.67	81.85%
Tipperary	4,546	3,842	€8,463,186.92	84.51%
Waterford	1,456	1,296	€2,936,834.15	89.01%
Westmeath	2,643	2,252	€4,642,606.05	85.21%
Wexford	1,507	1,189	€2,341,784.92	78.90%
Wicklow	1,768	1,445	€3,590,532.32	81.73%
Totals	102,226	87,169	€191,741,280.65	85.27%

441. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will provide the following information in respect of the single farm payment scheme on a county breakdown: the number of applicants, the number of applicants paid, the number of applicants awaiting payment, the amount of moneys paid and the amount of moneys outstanding. [33186/11]

442. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will provide the following information in respect of the persons that are not paid on a county breakdown: the number of persons not paid as a result of inspections, digitising, transfers and queries. [33187/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 441 and 442 together.

There are no delays in payments to farmers under the Single Farm Payment Scheme, the 50% advance payments having commenced issuing, on schedule, on 17 October. While the earliest payment date under the governing EU rules is 1 December, earlier this year I successfully sought the approval of the Commissioner to have advance payments made as and from 17 October. This is the earliest possible legal date for making payments, it being the start of the new EU financial year.

Suggestions have been made that the necessity to re-digitise farmers' maps is leading to unnecessary delays, resulting in payments being made later than would otherwise be the case. I can assure the Deputy and all concerned of my commitment to allocating such resources as is necessary to ensure that the essential digitisation of applicants' maps onto the Department's Land Parcel Identification System (LPIS). I must emphasise, however, that any failings or shortcomings in LPIS would leave the Department open to the very real risk of significant fines. I am not prepared to take such a risk, nor will I compromise the value of direct payments to Irish farmers.

Furthermore, sight should not be lost of the fact that the changes which have been recorded onto LPIS in very significant numbers, both throughout last year and again this year, are necessitated by the need to have all ineligible areas mapped; simply put, the position on the ground in any given farm must be accurately reflected on LPIS. Insofar as inspections are concerned, there are specific requirements laid down in the governing EU Regulations. All

inspections are required to be initiated before any payments may commence and this priority was achieved in time to allow the advance payments begin issuing on 17 October.

All cases currently not yet paid the advance, be they inspection-related, or due to transfers, digitising or queries, are being actively pursued, with a view to payments issuing at the earliest possible date. To this end, payments are continuing to issue, on a twice-weekly basis, as individual cases are confirmed eligible. The tabular statement shows the present payments position, on a county basis.

County	Applicants	Number Paid	Value €
Carlow	1,705	1,426	10,935,789.60
Cavan	5,109	4,095	15,764,702.60
Clare	6,379	5,669	23,155,370.10
Cork	13,517	10,596	69,016,989.80
Donegal	8,904	6,489	19,578,171.70
Dublin	657	497	3,205,467.63
Galway	12,710	10,452	36,374,957.40
Kerry	8,205	6,881	27,393,202.80
Kildare	2,141	1,706	13,564,349.60
Kilkenny	3,573	2,906	23,922,963.10
Laois	3,050	2,397	16,794,568.80
Leitrim	3,655	2,803	7,242,835.24
Limerick	5,424	4,496	23,369,615.80
Longford	2,511	2,164	9,469,734.96
Louth	1,556	1,175	7,543,814.52
Mayo	12,137	10,277	27,965,727.10
Meath	3,920	3,498	27,282,894.80
Monaghan	4,304	3,473	13,767,632.30
Offaly	3,203	2,631	16,016,077.80
Roscommon	6,016	4,733	17,328,037.40
Sligo	4,253	3,285	9,745,379.74
Tipperary	7,309	5,739	41,677,573.10
Waterford	2,570	2,127	17,449,588.30
Westmeath	3,127	2,478	14,049,132.60
Wexford	4,162	3,209	24,383,506.00
Wicklow	2,188	1,746	11,973,759.40

### Grant Payments

443. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine in view of the fact that there will be an additional 1% increase in modulation from the single farm payment in 2012, if he will confirm that there will be no other deductions to the single farm payment in 2012. [33188/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As part of the adoption of the Commission's proposals on the CAP Health Check, the rate of modulation deduction was increased from 5% over a 4-year period commencing in 2009. The rate of the modulation deduction, which applies to all amounts paid under the Single Payment Scheme (SPS) in excess of €5,000, was increased as follows;

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Year	Rate of Modulation Deduction
2009	7%
2010	8%
2011	9%
2012	10%

In addition, an additional 4% modulation deduction applies to all payments in excess of €300,000. This additional modulation deduction applies to only four applicants in Ireland, whose SPS payment exceeds €300,000.

As part of the range of options being considered under the Comprehensive Expenditure Review and in preparation for the 2012 Estimates campaign, my Department submitted an application to the Commission in July to possibly avail of the Article 68 of Council Regulation (EC) No 73/2009 facility to fund the Suckler Cow Welfare Scheme. The use of Article 68 mechanism would involve the imposition of linear reduction on Single Payment Scheme entitlements to provide the required funding for the Welfare Scheme. I can confirm that no definitive decision has been taken on whether to proceed to fund the Scheme through this mechanism. A decision on the matter will be taken in the context of finalising the 2012 Estimates for my Department.

### Common Agricultural Policy

444. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine his views on the EU Commission analysis that the greening measure under the Common Agricultural Policy 2013 reform will cost farmers here €15 per hectare; and if he will outline his analysis of the costs of greening. [33189/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I have examined the Impact Analysis prepared by the EU Commission of various alternative options for greening that were considered by the Commission prior to publication of the legal proposals. This analysis estimates the cost of greening for Ireland at between €23 and €25 per hectare, assuming an ecological set aside ranging between 5 and 10%. However, the options analysed do not match the actual proposal from the Commission.

The reality is that it is premature to attribute definitive costs to the greening proposals at this point. We need much more clarity concerning the detailed conditions attaching to the proposals before we can calculate any costs involved. This is why the Polish Presidency has organised a series of Working Groups to examine the technical details of the proposals. These are taking place over the coming months.

### Direct Payment Schemes

445. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine the action he is proposing to take to prevent the severe distortion to the land rental and sale market resulting from the EU Commission proposal to set 2014 as the new reference period for entitlements under the single farm payment. [33190/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I have advised farmers on a number of occasions that they should not rush into investment or long-term leasing decisions on the basis of the current proposals for a reference year of 2014. The provisions surrounding establishment of entitlements are very complex and will require detailed

clarification. A great deal of negotiation also remains to be done in respect of this issue. I will continue to press for changes to the proposal to ensure that it does not have detrimental consequences for the land rental market. It is likely that they will be altered significantly during the course of the protracted negotiations that are ahead.

446. **Deputy Michael Moynihan** asked the Minister for Agriculture, Food and the Marine if he will confirm when the sheep grassland payments will be made in 2011; the number of applicants on a county basis; the number of eligible sheep; and the value of the payments in each county. [33191/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** Processing of applications under the 2011 Grassland Sheep Scheme is currently in train, with a payment target date of 8 December 2011. As processing is still ongoing, the statistics sought by the Deputy are not yet available.

#### **Grant Payments**

447. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Galway will receive their single farm payment; and if he will make a statement on the matter. [33218/11]

**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 11 May 2011, processing of which has recently been completed, thereby allowing payment to issue shortly, directly to the nominated bank account of the person named.

#### **Afforestation Programme**

448. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine the position regarding an application for afforestation in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33221/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The application by the person named is currently being considered within my Department and a decision will not be made until such time as the necessary enquiries are complete. A significant number of local objections to the proposed development have been received which must be considered as part of the evaluation of the application.

#### **Grant Payments**

449. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a decision on his appeal; and if he will make a statement on the matter. [33246/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 11th of May 2011. This application was selected for a Cross Compliance inspection.

During the course of the inspection an issue was raised concerning the requirement to maintain lands in Good Agricultural and Environmental Condition, specifically in relation to the prevention of encroachment of invasive species. Correspondence has been received from the person named on the matter and is being considered, formal notification of the outcome of the inspection will issue to the person named shortly. Should he be dissatisfied with the outcome

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of the inspection he retains the right to seek a review. He also retains the right to have the outcome of any such review appealed to the Independent Agriculture Appeals Office.

450. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a single farm payment and area aid payment will be made available to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33253/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 11th 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.

451. **Deputy Heather Humphreys** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Monaghan will receive their single payment scheme and disadvantaged area scheme; and if he will make a statement on the matter. [33256/11]

**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 8th April 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.

452. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when headage and single farm payment will be made available to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33257/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the 2011 Single Payment/Disadvantage Areas Scheme was received from the person named on 9 May 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment and full payment under the Disadvantaged Areas Scheme to issue in the coming days.

453. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Food and the Marine the total amount of overpayment assessed against a person (details supplied) in County Galway for the period 2005 to 2010 under the single payment scheme and the disadvantage area scheme; the amount recouped by him to date; the balance now due; and if he will make a statement on the matter. [33263/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** As part of EU requirements my Department has been reviewing the areas claimed by applicants under the Single Payment scheme in the years 2005-2010 with a view to excluding ineligible areas. This review is in place to ensure that the area of land parcels claimed by applicants for payment under the Single Payment Scheme accurately reflects the eligible area for the purposes of such

payment and that any ineligible area (e.g. roads, farmyards, woods, scrub, etc.), have been excluded from the claimed area.

The individuals concerned were written to with regard to the reduction in eligible area/possible overpayments and were offered an opportunity to appeal the Departments findings. Maps and letters were issued to the applicants outlining the ineligible areas and stating the new Reference Areas. As a result of the review, overpayments arose for the scheme years 2005 to 2010 for the person named, as follows: under the Single Payment Scheme the sum amounted to €2,583.67 (of which €2,242.04 has been recovered, leaving a balance outstanding of €341.63), while under the Disadvantaged Areas Scheme the sum amounted to €1,367.40, which has been fully recouped.

454. **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 payment will issue; and if he will make a statement on the matter. [33264/11]

**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 11 May 2011, following processing of which an over-claim was identified on one of the land parcels declared. The person named was written to on 4 November in this regard and, immediately on receipt of a satisfactory reply, the application will be further processed with a view to the appropriate payment issuing shortly thereafter.

455. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a payment under the 2008 calf welfare scheme will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33275/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named registered ten beef breed animals in 2008. The Scheme, commonly referred to as the Suckler Welfare Scheme, is in fact called the Animal Welfare, Recording and Breeding Scheme. An integral component of this Scheme is the establishment of a comprehensive breeding database to assist suckler farmers identify the best breeding sires for their requirements and to this end the provision of a sire number for each calf is required. Sire details have not been received in respect of eight animals. The applicant should be able to obtain the necessary sire information from the company, who employed the person (now deceased) who carried out the artificial insemination. Receipts are not required.

456. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when the agri-environment options scheme and single farm payment will issue to persons (details supplied) in County Kerry; and if he will make a statement on the matter. [33284/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 21st April 2011. This application was selected for and was the subject of a Ground Eligibility/Cross Compliance Inspection. This inspection was completed and the results are now being processed.

In the vast majority of inspected cases amendments have had to be made to the maps in order that the Land Parcel Identification System that is used for making payments to farmers is kept up-to-date. Processing of these changes is continuing and priority is given to applications who were the subject of a Ground Eligibility Inspection.



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The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st September 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a discrepancy arose in relation to the area claimed on a number of the land parcels and applicant was asked to submit amendments to SPS Section in Portlaoise. To date these amendments have not been received in SPS Section. Officials in my Department have been in contact again with the person named with a view to getting claim sorted as quickly as possible.

I am well aware of the financial pressures on many farm families and of the importance of grant and scheme payments to their incomes and cash-flow. I have given the highest priority to the processing and payment of outstanding Agri-Environment Options Scheme payments and to the elimination of all unnecessary delays.

457. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive their agri-environment options scheme payment; the amount of that payment; and if he will make a statement on the matter. [33314/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named was approved for participation in the Agri-Environment Options Scheme with effect from the 1st September 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. This application was also randomly selected for an on-farm inspection. During this inspection an issue arose in respect of the area claimed under Species Rich Grassland. This matter is currently being examined by my Department with a view to finalising the processing of the application as quickly as possible.

458. **Deputy Pearse Doherty** 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 Donegal; and if he will make a statement on the matter. [33315/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme was received from the person named on 1 April 2011, following processing of which dual claims were identified in respect of three land parcels declared by the person named. Following correspondence with my Department, the person named confirmed in writing, on 30 September, that he did not have the right to declare these parcels. The application was then processed as per the Terms and Conditions of the Single Payment Scheme, based on the governing EU Regulations, resulting in no payment being due to the person named as the dual claimed parcels exceeded 20% of his application.

459. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive their single farm payment; the amount of that payment; and if he will make a statement on the matter. [33328/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** An application under the Single Payment Scheme was received from the person named on 13 May 2011, following processing of which an over-claim was identified on one of the land parcels declared. The person named has been written to in this regard and, immediately on receipt of a satisfac-

tory reply, the application will be further processed with a view to the appropriate payment issuing shortly thereafter.

460. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the position regarding payment for area aid single farm payments in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33346/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** In order to receive payment under the Single Payment/Disadvantaged Area schemes it is a requirement for applicants to submit an application prior to the closing date, which for the 2011 scheme year was 16 May 2011. Records held by my Department indicate that a pre-printed 2011 SPS application form was sent to the person named on 29 March 2011. My Department has no record of receiving a 2011 Single Payment/Disadvantaged Area application from the person named. All Single Payment applications sent out by my Department contained a pre-addressed return envelope with a Swiftpost label attached for which the herd owner receives a receipt from the Post Office upon posting. If the person named can provide this proof of postage or provide an explanation as to why the application form does not appear to have been returned, my Department will review the case based on the information and documentation submitted.

461. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Kerry. [33353/11]

**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 10th of 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.

462. **Deputy James Bannon** asked the Minister for Agriculture, Food and the Marine the reason for the delay in issuing a person (details supplied) in County Longford with their suckler cow grant payments; and if he will make a statement on the matter. [33354/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named registered nineteen beef breed calves under the 2009 Suckler Welfare Scheme and seventeen calves under the 2010 Scheme. Payment has issued in respect of seven of the 2009 born animals but errors have been identified with the remaining twelve animals. A letter was recently issued to the applicant by my Department regarding these errors and the matter will be reviewed on receipt of a reply.

To date, weaning information has only been received in respect of two of the 2010 born animals. Payment cannot be considered until the dates of weaning have been received for the remaining animals and the procedures followed have been found to be in compliance with the Terms and Conditions of the Scheme.

463. **Deputy James Bannon** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) will receive their REP scheme payment 2011; and if he will make a statement on the matter. [33358/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** The person named commenced REPS 4 in May 2008 and received payments for the first two years of the contract.

In addition, 75% of the year 3 payment issued on 23rd May 2011 for the amount of €6265.65 and the balancing payment of 25% issued on 26th May 2011 for the amount of €2088.55. The administration checks in respect of 2011 payments are currently being carried out and I expect that payments in respect of 2011 will commence later this month or in early December.

*Question No. 464 answered with Question No. 420.*

### **Ministerial Appointments**

465. **Deputy Gerry Adams** asked the Minister for Agriculture, Food and the Marine if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33940/11]

466. **Deputy Gerry Adams** asked the Minister for Agriculture, Food and the Marine the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33954/11]

**Minister for Agriculture, Food and the Marine (Deputy Simon Coveney):** I propose to take Questions Nos. 465 and 466 together.

There are no former Government office holders in positions within the State agencies that come within the aegis of my Department. Mr. Jim O’Keeffe, former Minister of State participates in an informal group to discuss horse racing matters. He does not receive any fees or expenses in respect of this work.

### **Adoption Services**

467. **Deputy Jerry Buttimer** asked the Minister for Children and Youth Affairs the reasons for the delays in adopted persons being granted access to their files regarding Bessborough Centre, Cork which are being held by the Health Service Executive in St. Stephen’s Hospital, Glanmire, Cork; if measures will be implemented to shorten the delays; and if she will make a statement on the matter. [32925/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** Following talks with the HSE, the Sacred Heart Order and officials from my Department, the HSE agreed to take responsibility for the adoption files of the Sacred Heart Adoption Society located in Bessborough, Blackrock, Co. Cork.

I have been advised by the Office of the National Director, Children & Family Services HSE that the files have now been transferred to the HSE in their entirety. The HSE inform me that a system has been put in place to manage queries from clients, i.e. children born in the Sacred Heart Homes (now adults) and birth mothers. Queries are being dealt with in the HSE Regional Adoption Department in order that enquirers can be offered a meeting with a social worker/counsellor to deal with requests as promptly as possible.

The HSE has already commenced responding to individual queries and encourages anyone seeking their personal data to communicate directly with the HSE South Adoption Unit, St Stephen's Hospital, Glanmire, Co.Cork (tel. 021 4858650).

### **Departmental Bodies**

468. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs the action she has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under her remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within her Department to fully deliver on this issue; and if she will make a statement on the matter. [32846/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department was formally established on the 2nd of June 2011 and since then it has not established or abolished any State agencies, independent statutory bodies, State boards or other quangos.

It should be noted that following enactment of the Child Care Amendment Act 2011, which was guided through its final stages in the Oireachtas in July by myself, the Children's Act Advisory Board was subsequently dissolved by means of the commencement by the Minister of Health of Part 6 of the Child Amendment Act 2011.

The following State agencies come under the aegis of my Department: Family Support Agency, Adoption Authority of Ireland, Office of the Ombudsman for Children; and the National Education & Welfare Board.

### **Mental Health Services**

469. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs the number of cross-departmental meetings that have taken place between her and the Department of Education and Skills or the Department of Health specifically in respect of children's mental health policy; if there is a cross-departmental committee responsible for this area; if she will provide details on same; and if she will make a statement on the matter. [32862/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** There have been no such meetings to date. I have had discussions with my colleague the Minister for Health on a range of policy issues which impact on both Departments including the issue of mental health. This is an important policy area for the Departments. My Department is presently considering the arrangements to be put in place.

### **Departmental Agencies**

470. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs if the work programme for the taskforce charged with setting up the child and family support agency has been completed; when she expects the agency to be fully operational; the resources that will be allocated to the agency; and if she will make a statement on the matter. [32863/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I established the Task Force on the Child and Family Support Agency in September 2011 under the chairmanship of Ms Maureen Lynott. The Task Force will advise my Department in regard to the necessary transition programme to establish a Child and Family Support Agency, and will base its work on best practice in child welfare, family support and public administration; consistent with the Government's public sector reform agenda.

In relation to the Agency it has been asked to:

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- Propose a vision and the principles to guide operations;
- Advise on the appropriate service responsibilities, and the delivery of same;
- Review existing financial, staffing and corporate resources; and propose a methodology for resource allocation;
- Propose an organisational design and operating child welfare and protection service model;
- Prepare a detailed implementation plan;
- Identify the main priorities and core relationships required;
- Oversee the implementation and monitor progress, pending establishment of the Agency.

As I already outlined, the Task Force will advise on the appropriate service responsibilities for the Agency during the course of its work from amongst those within the HSE that relate to children and family services, or from within the relevant operational responsibilities of my Department or its agencies. Resource allocation for the new Agency will largely be determined by the services for which it will have responsibility; in terms of both direct provision and commissioning. The Task Force has been asked to review the existing budgets, staffing and other corporate supports in respect of the services transferring. Further, the Task Force has been asked to assess and propose, within the resources available for the transferring services, a plan for resource and staffing configuration which takes full account of the overall corporate vision, indicators of need (geographically and by service) and the objectives of public sector reform and modernisation.

In relation to the work programme, the Task Force held its fifth plenary meeting last week. The final stages of a detailed work programme for the three sub-groups are still being finalised, and will be determined following some of the exploratory work currently underway. I look forward to receiving the report of the Task Force's work, which will inform preparations for the new Agency, including the drafting of legislation. It is my intention, working with my colleague the Minister for Health, to establish a dedicated Child and Family Programme within the HSE in 2012. This will provide for a dedicated management structure and budget for children and family services. Management of these services will be led by the National Director (Mr Gordon Jeyes) who already has a very close working relationship with me and my Department. A considerable change programme is already being implemented by the National Director within HSE Child and Family Services aimed at strengthening organisation capacity, business processes and systems. These developments are an integral part of preparations for the new stand alone Agency. I am anxious to advance the full establishment of the Agency as early a date as possible, subject to the work of the Task Force and necessary legislature provision. I would envisage tabling legislation before the House next year to provide for the Agency's establishment in 2013.

### **National Children's Strategy**

471. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs when the forthcoming national children's strategy will be published; if the priorities of this strategy will differ from its predecessor; the way the mental health needs of children will be addressed in the new strategy; and if she will make a statement on the matter. [32864/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** My Department is developing a new strategy for children and young people for publication in mid 2012. It will build on *Our Children — Their Lives*, Ireland's first children's strategy, which was published in 2000 and the goals, that children will have a voice in matters which affect them, that their lives will be better understood and that they will receive quality supports and services to promote all aspects of their development, will inform the new strategy.

The challenges facing children and young people today are very different to those that existed when the National Children's Strategy, *Our Children — Their Lives*, was published. The new strategy will take account of the new and emerging issues that impact on children's lives today. It is being developed in a holistic way to comprehend the continuum of the lifecycle from infancy, through early and middle childhood, to adolescence through to early adulthood in keeping with my Department's responsibilities for children and young people. It will have a specific focus on the aspects of growth and development that are unique to each time period and the policies and services that are required at each stage to secure good outcomes for children and young people.

Prevention and early intervention policies to promote all aspects of children's development including mental health well being will be central in the development of the strategy.

Government objectives in key policy areas for children and young people including those in relation to children and young people's mental health and well being, such as those set out in *A Vision for Change* and *Reach Out*, will be included in the policy framework for the new strategy.

The new strategy for children and young people will cover the period from 2012 to 2017. I intend that it will be the overarching framework under which policy and services for children and young people will be developed and implemented in the State.

### Health Service Staff

472. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the reasons for the failure to fill all existing child protection social worker posts. [32905/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** In line with the Programme for Government I am committed to delivering on the Ryan Report Implementation Plan. Earlier this year I personally took over the chair of the Ryan Report Implementation Group and I laid the Second Annual Progress Report before the Houses of the Oireachtas in July. While there are significant financial pressures on child and family services, my Department is nonetheless seeking to prioritise implementation of the Ryan Report recommendations both this year and in our planning for next year.

The Ryan Report Implementation Plan committed to the recruitment of an additional 270 social workers. 200 of these new posts were in place by the end of 2010. The HSE National Service Plan includes financial provision for the recruitment of a further 60 social workers this year. I have been assured by the HSE that it plans to have these additional staff in place by the end of the year. While the HSE introduced a recruitment pause across all categories of staff over the month of August due to its adverse financial position, the HSE has prioritised the filling of certain key development posts and decided to process the recruitment of these staff with a view to their taking up employment by year end. This includes the recruitment of the additional social workers. My Department will continue to closely monitor the position with regard to the recruitment of the additional personnel.

The additional social workers will be targeted at priority areas of the service having regard to an overall assessment of workload undertaken by the National Director and his team. The

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recruitment of the additional social workers is one element of a wider change agenda within the HSE, through which I believe we can deliver better outcomes for children and families. This reform agenda will lead to the establishment of a new Child and Family Support Agency which will provide a dedicated focus on child protection and support families in need.

This change agenda seeks to deliver the best outcomes for children and families through achieving:

- A service delivery model that will address a multi-agency approach to managing the child welfare and protection system;
- A nationwide consistency-of-approach in practice and implementation of Children First and child welfare and protection services generally;
- Use of standardised definitions, criteria and thresholds for reporting and referrals including prioritisation of cases;
- The recent launch of a Child Welfare and Protection Handbook for HSE staff and the commencement of training courses for staff, including joint-training with Gardaí;
- Greater reliance on real-time data on social work referrals and alternative care collated through HSE performance management indicators and the ongoing development of the National Child Care Information System;
- Improved resource allocation responsive to changing needs;
- Clearer management and budgetary accountability.

473. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if she is satisfied that optimal staff to case ratios are currently in place in the child protection system. [32906/11]

474. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if the Health Service Executive is satisfied that optimal staff to case ratios are currently in place in the child protection system. [32907/11]

475. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the minimum ratio of filled social worker posts to cases that she is prepared to accept and allow. [32908/11]

476. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the minimum ratio of filled social worker posts to cases that the head of child protection services is prepared to accept and allow. [32909/11]

477. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the number of community care child protection, fostering team, team leaders and principal social worker posts in the Health Service Executive; the number currently filled; the number of vacancies as of January 2011; and the number of vacancies since the number of children in care passed 6,000 [32910/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 473 to 477, inclusive, together.

The Government is committed to fundamental reform and transformation of the delivery of our children and family services. A number of significant structural and legislative changes are key to effecting such reform. This includes the establishment of a new agency with dedicated responsibility for the delivery of child welfare and protection services, separate from the HSE.

The employment control framework for the HSE provides that the grade of social worker is exempted from the public sector moratorium on recruitment and filling of vacancies. The Ryan Report Implementation Plan committed to the recruitment of an additional 270 social workers. 200 of these new posts were in place by the end of 2010. The HSE National Service Plan includes financial provision for the recruitment of a further 60 social workers this year. I have been assured by the HSE that it plans to have these additional staff in place by the end of the year.

The additional social workers will be targeted at priority areas of the service having regard to an overall assessment of workload undertaken by the National Director and his team. The recruitment of the additional social workers is one element of a wider change agenda within the HSE, through which I believe we can deliver better outcomes for children and families. This reform agenda will lead to the establishment of a new Child and Family Support Agency which will provide a dedicated focus on child protection and support families in need.

In relation to the specific manpower related matters raised, as these are service matters, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

478. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the number of community care child protection, fostering team, team leaders and principal social workers each year for the past five years on long-term sick leave and on maternity leave. [32911/11]

479. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs the amount of short-term sick leave taken by Health Service Executive community care child protection, fostering team, team leaders and principal social workers in the past five years. [32912/11]

480. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Children and Youth Affairs if the amount of illness leave taken by social workers has increased along with the increase in the number of children in care; and if so, the proportion of same. [32913/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 478 to 480, inclusive, together.

As these are service matters, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

### **Inter-Country Adoptions**

481. **Deputy Noel Harrington** asked the Minister for Children and Youth Affairs the countries that have ratified the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption; the number of children that have been adopted from each of these countries for each of the past ten calendar years; if she will state the same for each of the countries that have not yet ratified the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption; if she will confirm the countries with whom we have a bilateral agreement regarding inter country adoption; the countries that are currently under investigation by the Adoption Authority of Ireland with regard to creating a bilateral



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agreement; the expected timetable for these negotiations for each of these countries; and if she will make a statement on the matter. [33200/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Department of Children and Youth Affairs is responsible for matters relating to the formulation of adoption legislation, including Regulations, and public policy issues on adoption. The Adoption Authority of Ireland (AAI) was established in November 2010. The Authority is an independent statutory body charged with implementing the Adoption Act, 2010. The Authority has responsibility for the direct operational implementation of legislation and Government policy.

The AAI have informed me that 88 Countries have ratified or acceded to the Hague Convention on Protection of Children and Co-operation in Respect of Inter country Adoption. Details of these countries are available on the HC website, [www.hcch.net](http://www.hcch.net).

The Adoption Authority have informed me that the number of persons adopted into Ireland whose adoptions have been entered in the Register of Foreign Adoptions from 2001 to 2010 is as follows:

Hague	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Belarus	0	0	0	1	0	2	56	39	27	11
Brazil	0	0	0	0	0	0	1	0	0	0
Bulgaria	0	0	0	0	0	0	0	0	1	1
Cambodia	3	0	0	0	0	0	0	0	0	0
China	9	10	19	31	33	52	60	56	51	16
Colombia	1	1	1	0	0	0	0	1	1	3
Kazakhstan	1	7	4	6	15	16	9	17	23	19
Kenya	0	0	0	0	0	0	0	0	0	1
Mexico	10	16	22	8	4	9	3	3	1	1
Peru	0	1	0	0	0	0	0	0	0	0
Philippines	0	0	0	0	0	0	0	0	0	0
Romania	0	0	1	0	1	0	2	8	13	48
South Africa	0	0	1	0	0	0	0	0	0	0
Thailand	2	6	11	9	6	2	8	16	15	5
USA	7	4	4	5	2	2	0	1	0	0
	33	45	63	60	61	83	139	141	132	105
<i>Non-Hague</i>										
Bosnia & Herzegovina	0	0	0	0	0	0	1	0	0	0
Ethiopia	75	21	26	17	14	13	16	7	2	0
Malawi	0	0	0	0	0	0	1	0	0	0
Russia	80	100	117	160	143	131	189	139	107	45
Taiwan	1	2	0	1	1	1	1	1	1	3
Ukraine	2	2	9	8	11	27	12	14	12	0
Uzbekistan	0	1	0	1	0	0	0	0	0	0
Vietnam	10	136	182	130	68	92	16	39	81	10
Zimbabwe	0	0	0	0	0	0	0	0	1	0
	168	262	334	317	237	264	236	200	204	58

The negotiation of bilateral agreements on intercountry adoption with non-contracting states is governed by Section 73 of the Adoption Act 2010 which states that “the Authority with the prior consent of the Minister, may enter into discussions with any non contracting state concerning the possibility of the Government entering into a bilateral agreement with that State”. Ireland currently has no bilateral agreements with non — Hague countries.

The Adoption Authority have indicated that their first priority is to reach agreements on arrangements with other Hague countries. The Authority has confirmed that delegations will shortly travel to Mexico and the United States to discuss possible administrative agreements under the Hague Convention. The Authority has also commenced a review of the adoption laws of Lithuania, Panama, Kenya and Kazakhstan as prospective countries for adoption into Ireland.

Furthermore, my Department is currently in discussions with the AAI on the appropriateness and feasibility of exploratory discussions with the Russian authorities concerning the possibility of the Government entering into a bilateral agreement with that State.

482. **Deputy Noel Harrington** asked the Minister for Children and Youth Affairs the position regarding negotiations of a bilateral agreement regarding inter-country adoption with Russia, Vietnam, and Ethiopia; and if she will make a statement on the matter. [33201/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** The Department of Children and Youth Affairs is responsible for matters relating to the formulation of adoption legislation, including Regulations, and public policy issues on adoption.

The Adoption Authority of Ireland (AAI) is an independent statutory body charged with implementing the Adoption Act, 2010. The Authority has responsibility for the direct operational implementation of legislation and Government policy.

#### *Vietnam*

Section 72 of the Adoption Act 2010 states that the “*the Authority may enter into administrative arrangements with any contracting state concerning the processing of applications*”. The establishment of such administrative arrangements will be a matter for the AAI. Preliminary discussions have taken place regarding official visits and exchange of information between Ireland and Vietnam with a view to putting in place such administrative arrangements following Vietnam’s ratification of the Hague Convention which is expected shortly.

#### *Russia*

The negotiation of bilateral agreements on inter country adoption with non-contracting states is governed by Section 73 of the Adoption Act 2010 which states that “*the Authority with the prior consent of the Minister, may enter into discussions with any non contracting state concerning the possibility of the Government entering into a bilateral agreement with that State*. The situation in relation to Russia is complex. My Department is currently in discussion with the AAI on the appropriateness and feasibility of exploratory discussions with the Russian authorities concerning the possibility of the Government entering into a bilateral agreement with that State.

#### *Ethiopia*

Ethiopia, as it is not a signatory of Hague, is also covered by Section 73 of the Adoption Act 2010. As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, the Adoption Authority have indicated that their current priority is to reach agreements on arrangements with other Hague countries.

### Foster Care

483. **Deputy Martin Heydon** asked the Minister for Children and Youth Affairs the number of potential foster parents who were vetted in County Kildare in the years 2009, 2010 and to date in 2011; the length of time this vetting process takes; the way these figures compare with the national average; and if she will make a statement on the matter. [33289/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** As this is a service matter, I have asked the Health Service Executive to respond directly to the Deputy with the most up-to-date information.

### Ministerial Appointments

484. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if she will make a statement on the matter. [33942/11]

485. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs the details of any former Government officeholder appointed by her to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if she will make a statement on the matter. [33956/11]

**Minister for Children and Youth Affairs (Deputy Frances Fitzgerald):** I propose to take Questions Nos. 484 and 485 together.

There are no former Government office holders currently in positions for which I am responsible including State Agencies under the aegis of my Department.

### Medical Cards

486. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a medical card in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33351/11]

**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

487. **Deputy Seán Conlan** asked the Minister for Health the reason that home help hours have been reduced from eight hours per week to just two and three quarter hours per week in respect of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [32762/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

488. **Deputy Charles Flanagan** asked the Minister for Health when it is envisaged that the vacant position of a speech and language therapist will be appointed to the Midland Regional Hospital Portlaoise to replace the therapist who resigned; when a person (details supplied), in

County Laois might expect to be assessed for speech and language therapy; and if he will make a statement on the matter. [32768/11]

**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

489. **Deputy Finian McGrath** asked the Minister for Health the reason a person (details supplied) in Dublin 9 was refused a medical card. [32780/11]

**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

490. **Deputy Finian McGrath** asked the Minister for Health the assistance available to a person (details supplied) in Dublin 5. [32781/11]

**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 Waiting Lists

491. **Deputy John McGuinness** asked the Minister for Health if he will arrange an early date for an operation in respect of a person (details supplied) in County Kilkenny. [32791/11]

**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

492. **Deputy John McGuinness** asked the Minister for Health if an application for a medical card will be expedited and approved in respect of a person (details supplied) in County Carlow. [32792/11]

**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.

493. **Deputy John McGuinness** asked the Minister for Health if a medical card will be approved in respect of a person (details supplied) in County Carlow; and if both matters will be expedited. [32797/11]

**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.

494. **Deputy John McGuinness** asked the Minister for Health further to Parliamentary Question No. 291 of 22 March 2011, the position regarding an application for a medical card now under appeal in respect of a person (details supplied) in County Kilkenny; and if an early decision will be made in view of the fact that the card is urgently required by the applicant. [32798/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** My Department has again requested the Parliamentary Affairs Division of the Health Service Executive to arrange for a reply to issue to the Deputy on this matter.

495. **Deputy John McGuinness** asked the Minister for Health if a medical card will be approved in respect of a person (details supplied) in County Kilkenny. [32801/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

496. **Deputy John McGuinness** asked the Minister for Health if an application for a medical card now under appeal will be reviewed and approved in respect of a person (details supplied) in County Carlow. [32803/11]

**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

497. **Deputy Bernard J. Durkan** asked the Minister for Health if respite care will be provided in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [32809/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### Accident and Emergency Services

498. **Deputy Bernard J. Durkan** asked the Minister for Health his future plans to improve the current conditions of the accident and emergency department at Tallaght hospital, Dublin; and if he will make a statement on the matter. [32810/11]

**Minister for Health (Deputy James Reilly):** Immediately following my appointment I set about establishing the Special Delivery Unit to unblock access to acute services by improving the flow of patients through the system. The SDU was established in June and quickly began work with the HSE to put in place a systematic approach to eliminate excessive waiting in emergency departments. The SDU is establishing an infrastructure based on information collection and analysis, hospital by hospital, so that we will know what is actually happening in real time. This will allow us to begin to embed performance management in the system to sustain shorter waiting times.

The SDU has identified the hospitals which account for the greatest number of trolley waits and which will benefit from intensive support between now and the end of the year. Liaison officers are working pro-actively to support these sites. I have also agreed that some additional funding may be provided, on a strictly once off basis, based on specific proposals from the hospitals to reduce waiting times. Adherence to the agreed criteria will be closely monitored by the SDU.

In the case of Tallaght, the hospital has requested a range of supports and the SDU has agreed to a set of proposals which will cost over €300,000 between now and the end of this year. These supports include the opening of a ward for low acuity patients, accessing additional nursing home places and the deployment of an additional community Gerontologist to minimise avoidable re-admission.

Peaks and troughs are a feature of attendances at emergency departments. The SDU is working with hospitals to use the data on attendance patterns to plan for the variations which will inevitably occur. At my behest, the SDU is driving this approach to radically reduce the overcrowding in our emergency departments which has been tolerated for far too long.

### **Departmental Bodies**

499. **Deputy Simon Harris** asked the Minister for Health the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32853/11]

**Minister for Health (Deputy James Reilly):** Under the previous rationalisation of State Agencies programme which commenced in July 2008, my Department committed to an ambitious reduction in the number of health agencies which totalled 34 at that time. It was decided at the time not to introduce omnibus legislation dealing with rationalisation of agencies which meant that separate amending legislation was needed in the case of each agency. This has inevitably been a slow process.

The Children Acts Advisory Board was dissolved on 8th September 2011. To date eight agencies have been dissolved and legislation is at various stages of preparation to deal with a further five. We now have 20 agencies (excluding the HSE) which we are on track to reduce to 15. It should also be noted that 8 of our agencies are either completely or largely self funding.

My Department is currently preparing proposals concerning the organisational arrangements arising from the commitment in the Programme for Government that the HSE will cease to exist. However, the size of the HSE makes it an exceptional case and the organisational changes are being dealt with as part of the overall health reform programme.

### **Services for People with Disabilities**

500. **Deputy Simon Harris** asked the Minister for Health when he intends to put in place a personal budget model for persons with disabilities and their families; the progress that has been made on this to date; the timeline for the implementation of such a model; and if he will make a statement on the matter. [32868/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The funding of disability services by the Department of Health is the subject of a detailed Value for Money

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and Policy Review as part of the Government's Value for Money Reviews for the period 2009 to 2011.

As part of the overall VFM review, a separate Expert Reference Group on Disability Policy was established to look specifically at existing disability policy and whether it needs to be changed to better meet the expectations and objectives of people with disabilities. As part of this review, a public consultation process on existing disability services was also undertaken which confirmed that people with disabilities and their families, more than anything else, are looking for more choice in the services they receive and more control over how they access them.

The report proposes a very significant reframing of disability services towards a model of individualised supports, underpinned by mainstreaming of all public services. On this basis, State funding would be allocated based on an independent assessment of individual needs. Following the needs assessments, individual support plans would then be drawn up and individualised budgets allocated from which the supports and services needed would be purchased.

A number of mechanisms are proposed to achieve this, including a broker system where the person has the choice and control but the broker administers the budget and commissions supports and services on their behalf, or direct payments where the person manages the budget and purchases the supports themselves. The Group's final report has already been the subject of both internal consultation within the Department of Health and external consultation with other Government Departments. More recently, it has been released for the public and interested parties to have their say on the future direction of disability policy in this country. The closing date for receipt of such submissions was last Friday, 4 November, though, of course, any late submissions on their way to the Department will also be accepted.

The VFM exercise is due to be completed by year end with the submissions from the public consultation on the Disability Review also to be collated and analysed in that timeframe. It is then my intention to look at both reports together and in conjunction with Minister Reilly ensure that proposals for the future of our disability services are brought to Government.

501. **Deputy Simon Harris** asked the Minister for Health when the national standards for residential services for people with disabilities will be put on a statutory footing; and if he will make a statement on the matter. [32869/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Health Information and Quality Authority (HIQA) has prepared and published standards for this sector, which outline what is expected of a provider of services and what a person with a disability, his or her family, and the public can expect to receive from residential care services. They clearly set out what a quality safe residential service for people with disabilities should be and support the delivery of person-centred care in this sector.

As the Deputy will be aware, the current Programme for Government includes a specific commitment to put these standards on a statutory footing and ensure that the services are inspected by HIQA. As I announced on 16th June last, discussions have now begun between the Department of Health and HIQA to progress this commitment. Given the complex nature of residential service provision for people with disabilities — ranging from congregated settings to dispersed housing in the community — careful consideration is being given to designing the most appropriate regulatory model and this work is ongoing.

Other steps in the process will include:

- costing the regulatory model;

- conducting a regulatory impact analysis of same;
- preparation of a memorandum for Government;
- drafting of regulations;
- recruitment and training, as required, of inspectors for the new regulatory model.

A target date of January 2013 has been provisionally set for the commencement of the new mandatory scheme of registration and inspection of residential services for people with disabilities.

While the HIQA standards have yet to be put on a statutory footing, it is worth noting that compliance with the HIQA standards is already included in the Service Level Arrangements between the HSE and service providers in the disability sector. Service providers are required to have systems in place to assess quality and standards and to specify the actions being taken to maintain and monitor quality and service standards. I understand that some service providers have also commenced a review of their services in the context of the HIQA standards.

### **Care of the Elderly**

502. **Deputy Simon Harris** asked the Minister for Health the status of the national positive ageing strategy; the status of an implementation plan for this strategy; the discussions and meetings he and his Department have had with other Departments to ensure a whole of government approach to this issue; and if he will make a statement on the matter. [32870/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Programme for Government published in March 2011 has committed to completing and implementing the National Positive Ageing Strategy so that older people are recognised, supported and enabled to live independent full lives.

However important health and social care issues are in later life, quality of life in later life, as at any stage of the lifecycle, has many other determinants such as income, housing and the built environment, transport, education and lifelong learning, employment and retirement and opportunities for participation and contribution to social and civic life.

In recognition that a wide range of policies, programmes and services impact directly on the lives of older people, development of the Strategy is being assisted by a Cross-Departmental Group (CDG), comprised of officials from 11 Government Departments, the Central Statistics Office and An Garda Síochána, and is chaired by the Director of the Office for Older People.

It is not the intention that the Strategy will propose new service developments, rather it will set the strategic direction for future policies, programmes and services for older people in Ireland.

The Strategy will require a consideration of the inter-related nature of many of the actions needed to enable older people to age positively in Ireland. This means that no single Department or agency can be expected to deliver the Strategy alone. In addition, in the short term, when implementation will require a reconfiguration of existing programmes and services, collaboration between Departments will be important.

The Strategy will set out a common framework for the development of operational plans by Government Departments. These operational plans will clearly set out each Department's objectives relating to older people. Mechanisms designed to monitor the implementation of measures contained in operational plans will also be developed in consultation with Departments.



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Work on developing the Strategy is on-going and taking place within the constraints posed by the present fiscal situation. This work will not be concluded before the end of the year.

503. **Deputy Simon Harris** asked the Minister for Health the details of the home care package scheme; the number of home help hours available under this scheme; the number of persons employed to deliver these home care packages; if he will provide a breakdown of these home help hours by county; the criteria for availing of home help and care packages; the efforts being undertaken by him to ensure that the eligibility criteria for home help is applied consistently; and if he will make a statement on the matter. [32872/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Hospital Services

504. **Deputy Billy Kelleher** asked the Minister for Health the position regarding the urgent care centre planned for St. Mary's Orthopaedic Hospital, Cork, as part of the hospital reconfiguration. [32889/11]

506. **Deputy Billy Kelleher** asked the Minister for Health his views that the plan for accident and emergency services no longer being provided in the South Infirmity Hospital, Cork, from April next is safe; his views that alternative services, resources and staff will be allocated to the Mercy and Cork University Maternity Hospitals to allow for the transfer of services. [32891/11]

507. **Deputy Billy Kelleher** asked the Minister for Health if negotiations have commenced with the staff in the South Infirmity Hospital, Cork, who will be required to manage the urgent care centre in the St. Mary's Orthopaedic Hospital; and if he will make a statement on the matter. [32892/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 504, 506 and 507 together.

The HSE South is continuing to work on the reorganisation of services from St Mary's Orthopaedic Hospital to the South Infirmity Victoria Hospital.

I am satisfied that this initiatives will result in a more efficient and high quality service for the people of the Cork and Kerry region. There has been considerable engagement with staff and key stakeholders in relation to the transfer of services. I believe that this process has been crucial and will greatly facilitate the new developments that are to be implemented.

I have arranged for Deputy's questions to be sent to the HSE so that they can provide the details in relation to the staffing arrangements and the establishment of the urgent care centre in Cork.

505. **Deputy Billy Kelleher** asked the Minister for Health the location of the physiotherapy department in the South Infirmity Hospital, Cork, to cater for the transfer of orthopaedic surgery from St. Mary's Orthopaedic Hospital. [32890/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

*Questions Nos. 506 and 507 answered with Question No. 504.*

### Medical Cards

508. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health further to Parliamentary Question No. 147 of 28 September 2011, when a reply will issue from the Health Service Executive. [32894/11]

**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.

### Expenditure Reviews

509. **Deputy Bernard J. Durkan** asked the Minister for Health in the context of budgetary reviews for the coming year, those carrying out such a review, if he will ensure that the structure and integrity of the health service is not fundamentally damaged arising there from; if he will ensure that due cognisance is taken of the need to provide a broadly based and well balanced service throughout the country; and if he will make a statement on the matter. [32895/11]

**Minister for Health (Deputy James Reilly):** My Department's Comprehensive Review of Expenditure is currently under consideration as part of the overall pre-Budget deliberations of the Government. A priority objective is to minimise, and avoid if possible, reductions in core health and personal care services and to respond to increased need. The nature and range of the savings measures taken in recent years means that it has become increasingly necessary to focus in the Review on improving the way services are organised and delivered. This is entirely appropriate and in keeping with the focus in the Programme for Government on reforming the way health services are funded and delivered to achieve greater productivity and more cost effective services, with improved outcomes for patients.

### Departmental Bodies

510. **Deputy Bernard J. Durkan** asked the Minister for Health the persons, body or group with whom or with which responsibility rests for the evaluation of the general hospital network throughout the country; with whom this body or group has consulted to date; if this group has met with hospitals that have been downgraded in the past 12 months; and if he will make a statement on the matter. [32896/11]

**Minister for Health (Deputy James Reilly):** The Government intends to publish a Framework for the Development of Smaller Hospitals, which will set out the way these hospitals provide services to patients and how they work within their regional hospital networks. A Joint HSE/Departmental group is currently working on the Framework's development. The Framework and its implementation is a priority of the Government.

In developing the Framework, the Government is clear that:

- there is an important future role for smaller hospitals, in which they will provide services for more patients, not fewer
- no acute hospital will close, and
- safety issues in all acute hospitals, big or small, must be fully addressed, by providing the right type of services in the right settings.

We also need to take into account the individual circumstances of each hospital, to recognise the need for regional solutions and, within the excellent context provided by the HSE's clinical programmes, to encourage local innovation in response to service issues that arise locally or

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regionally. The best solutions will vary between regions and within the overall context referred to there is no question of a ‘one size fits all’ approach.

We will arrange extensive consultation to ensure we develop an effective framework that takes account of local and regional needs. This process of consultation will begin shortly. I have already said that the reorganisation of our acute system must involve a two way transfer of services between the larger and smaller hospitals, and that as much of the less complex acute treatment should be provided as close to a patient’s community as possible. I expect that the model for reassignment of services will be a dynamic one, capable of adapting to the changing needs of patients and the health service, nationally, regionally and locally, and the evolving nature of medical treatment and technology.

### Health Services

511. **Deputy Bernard J. Durkan** asked the Minister for Health the extent to which the relevant authorities within his Department or within the Health Service Executive have examined the need for the upgrading of health centres throughout the country in keeping with population demands; and if he will make a statement on the matter. [32897/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The HSE takes full account of population trends and demographics in planning new developments in primary care under its capital programme and in considering leasing of infrastructure for service developments. An accommodation assessment for primary care is currently being undertaken by the HSE and I expect to receive the report shortly.

The HSE undertakes regular reviews of the needs of health centres and essential maintenance is undertaken within available resources.

### Community Care

512. **Deputy Bernard J. Durkan** asked the Minister for Health the total number of publically funded nursing homes and-or community hospitals on a county basis throughout the country; the extent to which budgetary restrictions are likely to affect the operation of such institutions; if due regard will be given to the particularly urgent need to ensure the maximisation of support for these institutions particularly in the present economic climate; and if he will make a statement on the matter. [32898/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Health Service Properties

513. **Deputy Bernard J. Durkan** asked the Minister for Health the number and location of buildings including hospitals, health centres or other institutions decommissioned, closed or downgraded by the Health Service Executive or him in the past 12 months; the number and location of new buildings commissioned or acquired during the same period; the extent to which full staffing commitments have been met in the process; and if he will make a statement on the matter. [32899/11]

514. **Deputy Bernard J. Durkan** asked the Minister for Health the number and location of new buildings acquired by the Health Service Executive or him in the past 12 months; the purpose for which such buildings are likely to be used; and if he will make a statement on the matter. [32900/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 513 and 514 together.

Management of the health care infrastructure is a service issue. The questions have been referred to the Health Service Executive for direct reply.

### Health Services

515. **Deputy Bernard J. Durkan** asked the Minister for Health the extent to which consideration has been given by him to upgrading facilities at Johnstownbridge Health Centre, County Kildare; the length of time spent at the facility by the relevant officers of his Department or the Health Service Executive during a recent visit; if he is satisfied that such a brief discussion is adequate to fully examine and assess the requirements of the area in view of its increased population; and if he will make a statement on the matter. [32901/11]

**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.

516. **Deputy Bernard J. Durkan** asked the Minister for Health the total number and location of beds available for older persons with a high dependency in County Kildare; the extent to which the full bed complement is likely to be maintained and increased in the short and medium term; and if he will make a statement on the matter. [32902/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Hospital Accommodation

517. **Deputy Bernard J. Durkan** asked the Minister for Health the number of hospital beds at all levels in the health services throughout County Kildare in each of the past three years to date; the extent to which any bed losses have taken place; and if he will make a statement on the matter. [32903/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Services

518. **Deputy Bernard J. Durkan** asked the Minister for Health the level at which major policy decisions are taken affecting the health services throughout the country; if such changes are initiated by him or the Health Service Executive or a combination of both; if he will indicate in terms of seniority and responsibility the persons engaged in such discussions; and if he will make a statement on the matter. [32904/11]

**Minister for Health (Deputy James Reilly):** The Government's agenda of health reforms are set out in the Programme for Government. Broadly speaking, all major policy decisions relating to that agenda and to the health services generally are made by me. Policy formulation is a core function of my Department and many of my policy decisions are informed by advice and briefings I receive from senior officials in the various policy areas of the Department, and, where appropriate, following consultation with the Health Service Executive (HSE) and other relevant stakeholders. Since the HSE has statutory responsibility for the management and delivery of health and personal social services, its primary focus is on operational policy matters.

### Medical Cards

519. **Deputy Ciarán Lynch** asked the Minister for Health when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [32918/11]

**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.

### Tobacco Control Measures

520. **Deputy Jerry Buttimer** asked the Minister for Health if, in view of recommendations in new research for the Irish Heart Foundation titled Tobacco Taxation, Smuggling and Smoking in Ireland, he will support the development of a comprehensive national tobacco control strategy combining tobacco tax policy, enhanced anti-smuggling measures and more effective quit smoking supports and services which the report says will reduce smoking rates, save lives and increase tax revenue on a significant scale; and if he will make a statement on the matter. [32922/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Office of the Revenue Commissioners has responsibilities in the area of detection of counterfeit and contraband tobacco products. Smuggling cigarettes into Ireland is illegal and penalties prescribed in this regard reflect the gravity of such acts; however, policy with respect to the consumption of cigarettes is largely oriented towards reducing smoking and predicated on the fact that one in every two smokers will die from a tobacco-related disease — a stark fact that is central to the HSE's health education QUIT campaign aimed at encouraging smokers to quit.

It seems appropriate to firstly reflect on the comprehensive range of tobacco control legislation that has been introduced in Ireland since 2002, particularly the successful implementation of the smoke-free initiative in 2004; the ban on the sale of packs of cigarettes of less than 20 in 2007; and the ban on in-store display and advertising and the introduction of the retail register in 2009. This comprehensive nature of our tobacco control legislation places Ireland in the top rank of countries internationally in this regard. Ultimately, the legislation further de-normalises smoking among children and will, I believe, reduce childhood initiation in the long term.

In addition to the HSE's QUIT campaign, other measures to encourage people to quit smoking include Nicotine Replacement Therapies (NRT) — which are available to medical card holders — and Smoking Cessation Services within the Health Service Executive that offer services in different areas. Health Promotion Departments within the HSE also offer an extensive programme of training that includes developing skills for health care practitioners to support people wishing to stop smoking; they also provide support to schools around the issue of smoking and substance misuse, and support to workplaces on developing smoking policies.

The HSE funds the National Smokers Quitline which, in conjunction with the Irish Cancer Society, provides a smoking cessation advice and support service. This provides the public with access to a telephone support service from a trained smoking cessation counsellor.

Finally, there is a range of measures under consideration by the Tobacco Policy Review Group (TPRG) including price, enforcement of existing legislation and cessation services. The terms of reference of this review are, among others: (a) to examine Irish and international evidence and experience of effective measures and programmes to reduce smoking prevalence; and (b) to make policy proposals aimed at reducing smoking initiation and prevalence. I antici-

pate that the report of the TPRG will be completed in the coming months and that this will be brought to Government for decision.

### Medical Cards

521. **Deputy Jim Daly** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [32937/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Departmental Funding

522. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health if he will ensure that funding for the Coolmine therapeutic community, Dublin, will be retained in 2012 in view of the fact that it is the only mother and child residential treatment centre here; and if he will make a statement on the matter. [32942/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Funding in relation to 2012 for community based drugs initiatives, such as Coolmine Therapeutic Community, will be determined in the context of the Estimates process, taking into account the need to protect front line service provision.

### Hospital Services

523. **Deputy Aengus Ó Snodaigh** asked the Minister for Health if his attention has been drawn to cutbacks in respect of the hospital transport system to Tallaght hospital and other Dublin hospitals. (details supplied) [32943/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Health Services

524. **Deputy Anne Ferris** asked the Minister for Health when respite services at a facility (details supplied) will be restored; and if he will make a statement on the matter. [32946/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Ambulance Service

525. **Deputy Dessie Ellis** asked the Minister for Health if he will provide a breakdown of emergency call outs in south Wicklow since 2009; and the location from which the ambulance for each call out was dispatched. [33007/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Health Service Allowances

526. **Deputy John O'Mahony** asked the Minister for Health further to Parliamentary Question No. 504 of 18 October 2011, when a reply will issue; and if he will make a statement on the matter. [33012/11]

**Minister for Health (Deputy James Reilly):** I understand that a response on this matter issued from the HSE to the Deputy on Monday 7th November 2011.

### Medical Cards

527. **Deputy James Bannon** asked the Minister for Health the position regarding applications for medical cards in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [33016/11]

**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.

### Official Engagements

528. **Deputy Finian McGrath** asked the Minister for Health the number of visits he has made to all public hospitals since taking up office; if he will provide the details and breakdown of these visits and the details of any planned visits in 2011; and if he will make a statement on the matter. [33042/11]

**Minister for Health (Deputy James Reilly):** Details of visits made by me to public hospitals since my appointment as Minister for Health are detailed in the following table. Provisional visits to Kenmare and Dingle Community Hospitals on 25th and 26th November 2011 have also been arranged but have yet to be fully confirmed. It should be noted in my previous position as Fine Gael Health Spokesperson I visited many Hospitals. The Special Delivery Unit (SDU) established by my Department has visited most of the major Hospitals in the country and the SDU continues to liaise with me on plans for these Hospitals.

Hospital	Date	Purpose
Clonakilty Hospital, Cork	29.4.11	Official visit
South Tipperary General Hospital	6.5.11	Official Opening of University of Limerick Graduate Entry Medical School Education Centre
Mater Misericordiae Hospital	20.5.11	First National Mater Hospital Joint Cardiology & Cardiothoracic Nursing Conference
St. James Hospital	24.6.11	Official visit
Our Lady's Children's Hospital	27.6.11	Official Opening Paediatric Intensive Care Unit
Galway University Hospital A & E	30.6.11	Unofficial visit
Cappagh Orthopaedic Hospital	22.7.11	Official Opening of New Theatre Facility
Cork University Hospital	25.7.11	Official Opening of National Haemophilia Centre
St James Hospital	27.7.11	Launch of new linen distribution system
Mater Misericordiae Hospital	16.9.11	Colorectal Cancer Conference
Connolly Hospital	3.10.11	Official Opening of Endoscopy Suite
Mater Misericordiae Hospital	14.10.11	Official launch of Maurice Neligan Congenital Heart Room
Coombe Women & Infants University Hospital	21.10.11	Official Opening of Colposcopy Unit

### Medical Cards

529. **Deputy Barry Cowen** asked the Minister for Health when a decision on an application

for a medical card will issue in respect of a person (details supplied) in County Offaly. [33105/11]

**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

530. **Deputy Barry Cowen** asked the Minister for Health if he will arrange an appointment for an operation to be brought forward in respect of a person (details supplied) in County Offaly. [33106/11]

**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

531. **Deputy Barry Cowen** asked the Minister for Health when a decision on an application for a medical card will issue in respect of a person (details supplied) in County Offaly. [33107/11]

**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.

532. **Deputy Barry Cowen** asked the Minister for Health when a decision on an application for a medical card will issue in respect of a person (details supplied) in County Offaly. [33108/11]

**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

533. **Deputy Catherine Murphy** asked the Minister for Health if he will provide detailed figures on the treatment services available from the Health Service Executive for persons with addiction problems, including alcohol and substance addictions; if he will provide a breakdown on those services on a county basis; and if he will make a statement on the matter. [33113/11]

534. **Deputy Catherine Murphy** asked the Minister for Health if he will provide detailed figures on the treatment services available from private practitioners and service providers for persons with addiction problems, including alcohol and substance addictions; if he will provide



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a breakdown on those services on a county basis; and if he will make a statement on the matter. [33114/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** I propose to take Questions Nos. 533 and 534 together.

The information requested by the Deputy is being collated by the HSE. I will arrange to have it forwarded to the Deputy shortly.

### **Ambulance Service**

535. **Deputy Martin Ferris** asked the Minister for Health if he will clarify the future status of the west Cork ambulance service; and if he will make a statement on the matter. [33119/11]

**Minister for Health (Deputy James Reilly):** The HSE has confirmed to me that no ambulance stations are closing in Cork and Kerry. In fact, the opposite is true, as stations move to on-duty status and away from on-call. This means our highly trained paramedic crews will be on site in their stations to respond to calls, rather than having to go to the station when called out. It also means that resources can be deployed dynamically across an area, based on need and demand patterns, rather than tied to any one specific location, producing more flexibility and responsiveness. This will lead to better response times for the people in Cork and Kerry and a better service. Paramedics will be present at all times, with an on-duty ambulance during the day and an on-duty rapid response vehicle at night. The dynamic delivery model means that an on-duty emergency ambulance will be available from what is systematically assessed to be the best available location within the region as required.

I note that ambulance staff sought the elimination of on-call working, that it has already been reduced from 44 hours to 16 hours per week, and that it will continue to decrease on a phased basis, as part of the improvement of services and response times in the region. There are ongoing discussions with staff on implementing the proposals. The HSE and Unions are committed to this process. The NAS proposals are phased. In phase 1, stations in East Cork which currently have night time on-call will have crews rostered on-duty 24/7, 365 days a year. The more rural stations (Castletownbere, Kenmare, Bantry, Caherciveen, and Skibbereen) will be in later phases. The service will be evaluated after each phase.

Current evidence suggests patient outcomes can be improved by better treatment and stabilisation at the scene, followed by ongoing treatment and transport to the most appropriate centre, even if that means longer transport times. On-duty service will enable a modern emergency response service, involving paramedics, advanced paramedics, community first responders and GP out of hour services working together to respond to emergency situations. This approach is consistent with international best practice and will ensure compliance with HIQA response times and quality standards. On-duty rostering is one of several service enhancements. Other developments include improved arrangements for control and dispatch, practitioner deployment and inter-hospital transfers. All of these will allow the National Ambulance Service to provide a better, safer, more comprehensive and more efficient emergency ambulance service to the people of Cork and Kerry.

### **Mental Health Services**

536. **Deputy Anthony Lawlor** asked the Minister for Health if he has taken on board the recommendations of the National Registry of Deliberate Self Harm Annual Report of 2010; and if he will make a statement on the matter. [33150/11]

537. **Deputy Anthony Lawlor** asked the Minister for Health based on the recommendations of the National Registry of Deliberate Self Harm Annual Report of 2010, will there be an increase in aftercare programmes for persons who self harm. [33151/11]

538. **Deputy Anthony Lawlor** asked the Minister for Health if it is proposed to increase the information available to the general public on the common symptoms of depression and signs of suicidal behaviour and where persons can access help for same; and if he will make a statement on the matter. [33152/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I propose to take Questions Nos. 536 to 538, inclusive, together.

The Government's commitment to the development of our mental health services in line with *A Vision for Change* and *Reach Out* was clearly shown in the Programme for Government which provides that €35 million will be ring-fenced annually from within the overall health budget to develop community mental health services, ensure early access to more appropriate services for adults and children and implement *Reach Out*. This is currently being considered as part of the Estimates process for 2012 and future years.

Several initiatives are ongoing and in development that take account of the recommendations of the National Registry of Deliberate Self Harm Report of 2010. An additional €1 million was provided to the HSE's National Office for Suicide Prevention (NOSP) in 2011 to develop the number and range of training and awareness programmes as well as improving and standardising the response to deliberate self harm. The NOSP is working to progress a more unified and consistent response to self-harm presentations in Emergency Departments. A self harm awareness training programme is also being developed which will be rolled-out nationally over the coming years, beginning next year. The HSE Clinical Care national lead on mental health is working with key stakeholders to develop a uniform approach to self harm assessments in emergency departments so that all those who present will receive the most appropriate care and treatment. In addition, a pilot project is now underway in the Cork Hospital Group to train all appropriate clinical staff in self harm/suicide management and it is planned that in due course this will be rolled-out to other hospitals. The NOSP has also funded a number of community Suicide Community Assessment Nurses (SCAN) who work primarily with GPs to provide early intervention services to clients in suicidal crisis and thus avoid admission to hospital. A number of voluntary organisations also provide services to those who self harm.

A core function of the NOSP is the provision of evidence based information to the general population on suicide prevention and mental health promotion. The NOSP co-ordinates the development and dissemination of information resources through [www.healthpromotion.ie](http://www.healthpromotion.ie). Information is available to the public regarding the symptoms of depression and signs of suicide through the website. The NOSP also coordinates two public health awareness campaigns on mental health — the *Your Mental Health Campaign* which is targeted at adults and the *Let Someone Know Campaign* which is targeted at young people.

Where there are symptoms of depression or suicidal behaviour, the most appropriate course is to advise the individual to seek help from their GP, who can then make a referral to other services such as the mental health or addiction services, if the suicidal behaviour is drug or alcohol related. In an emergency the individuals should be referred or taken to the nearest hospital emergency department for a medical assessment, treatment and if necessary referral to other services.

### Oireachtas Committee Inquiry

539. **Deputy Gerald Nash** asked the Minister for Health if, in view of the defeat of the

[ Deputy Gerald Nash.]

proposed 30th amendment of the Constitution, he will now commit to undertaking an inquiry into the Michael Shine cases; and if he will make a statement on the matter. [33165/11]

**Minister for Health (Deputy James Reilly):** Earlier this year I indicated that the issues raised by the case of Michael Shine, former Consultant at Our Lady of Lourdes Hospital, Drogheda would be the subject of an inquiry by an Oireachtas Committee. This decision followed consultation with the Attorney General, and was dependent on the powers that had been proposed under the 30th Amendment of the Constitution. The Government will now consider the overall implications of the referendum result. Now that it will not be possible to proceed as proposed, I will consider how best to deal with the issues raised in the Michael Shine case.

### Health Services

540. **Deputy Éamon Ó Cuív** asked the Minister for Health in view of the reply to this Deputy's recent question in relation to the services available to a person (details supplied) if he will provide the details of the services offered; if these will be as beneficial as the services offered by the clinic in England of which the Health Service Executive is aware; and if he will make a statement on the matter. [33167/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** I have been informed by the HSE that a comprehensive treatment plan has been formulated in relation to the care of the person in question. However, as the person concerned is abroad, the treatment plan cannot be implemented. The HSE has arranged that contact will be made with the person on her return to Ireland. Owing to data protection and patient confidentiality requirements, the HSE is not in a position to release details regarding the care of this patient until such time as they receive consent from the person concerned to such release.

### Health Service Staff

541. **Deputy Éamon Ó Cuív** asked the Minister for Health the total reduction or increase in administrative staff in the Health Service Executive since the 9 of March 2011; and if he will make a statement on the matter. [33171/11]

**Minister for Health (Deputy James Reilly):** Data on employment in the public health service is compiled on a monthly basis. The number of Management/Administrative staff at end February 2011 and end September 2011 is set out in the following table.

Number of Management/Administrative staff employed in the public health service

	28/02/2011	30/09/2011	Change between end Feb 2011 and end Sept 2011
General Administrative [III to VII]	14,516	14,350	-166
Management [VIII+]	1,061	1,055	-6
Other Administrative	665	653	-12
Total	16,242	16,058	-184

While I recognise that the public health service, as with all health systems, requires managers and administrators to run effectively, nonetheless, I am of the view that there is scope for a reduction in the number of management/administrative staff in the health sector. This is necessary to ensure that we have streamlined and effective structures and also to enable staffing resources to be focused to the maximum extent on front-line patient care. The Government is

committed in line with the Programme for Government to reducing numbers in the Civil/Public Service in the period to 2015, while protecting front-line services as far as possible.

### **Departmental Funding**

542. **Deputy Mick Wallace** asked the Minister for Health if he will outline the cutbacks to the regional drugs task forces; and if he will make a statement on the matter. [30306/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** Over €9.7m has been made available by my Department to Regional Drugs Task Forces in 2011 for community based drugs initiatives. There were no cuts made to Regional Drugs Task Force funding by my Department during the year.

### **Medical Cards**

543. **Deputy Barry Cowen** asked the Minister for Health when a decision on an application for a medical card will issue in respect of a person (details supplied) in County Offaly. [33193/11]

**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.

544. **Deputy Sandra McLellan** asked the Minister for Health if he will expedite the issuing of a medical card in respect of a person (details supplied) in County Cork. [33198/11]

**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.

### **National Lottery Funding**

545. **Deputy John O'Mahony** asked the Minister for Health further to Parliamentary Question No. 577 on 4 October 2011, when will a decision issue on this funding; and if he will make a statement on the matter. [33212/11]

**Minister for Health (Deputy James Reilly):** This is one of a large number currently being assessed by my Department. The Deputy will be informed of the outcome of the application as soon as a decision has been made.

### **Hospital Services**

546. **Deputy Barry Cowen** asked the Minister for Health if he will confirm when the speech and language therapist will resume service at the Midland Regional Hospital, Portlaoise, County Laois. [33214/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### **Medical Cards**

547. **Deputy Mattie McGrath** asked the Minister for Health if a decision will be made on an application for a medical card in respect of a person (details supplied) in County Tipperary; the reason for the delay in processing this application; and if he will make a statement on the matter. [33217/11]

**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.

548. **Deputy Mattie McGrath** asked the Minister for Health his views that it is unacceptable that a medical card application which was received by the Primary Care Reimbursement Service took more than 30 days to decide that further information was required; his further views that the *medicalcard.ie* website states that the application has been unsuccessful despite the fact that this Deputy has been informed that additional information has been requested; if he will confirm the correct position regarding this application; and if he will make a statement on the matter. [33224/11]

**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.

549. **Deputy Mattie McGrath** asked the Minister for Health his views regarding the fact that the *medicalcard.ie* website has given incorrect information on a number of occasions which is causing confusion to applicants; if he will ensure that the website is updated to reflect the information that staff at the Primary Care Reimbursement Service are issuing; his further views regarding the length of time a medical card application should take; the steps he will take to ensure more efficient administration of medical card applications; and if he will make a statement on the matter. [33226/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Health Service Executive centralised the processing of all new applications and renewals of medical cards at the Primary Care Reimbursement Service (PCRS) in Finglas, Dublin from 1 July 2011.

A new online application facility has now been provided at *www.medicalcard.ie* which enables people anywhere in the country to apply for, or to renew a medical card online. Applying online also gives applicants access to up-to-date information on the progress of their medical card renewal or application.

The Health Service Executive has stated that it is aware of the problem raised by the Deputy. The problem arises because following the initial assessment of a medical card application a decision is made to either grant or refuse the card. Depending on the decision made, this generates a “successful” or “unsuccessful” comment on the website. However, to ensure accurate decision making and as a quality control issue, each unsuccessful application is re-assessment by the PCRS Quality Assurance team. Only when this final check has been carried out is a letter issues stating whether the application has been successful or not.

The HSE has stated that it is working to address the issue raised by the Deputy to ensure that information provided to applicants online is accurate and clear.

The Executive has stated that there is no backlog of work in the central office and all complete medical card applications and reviews are being processed within 15 working days or less. Delays occur where applications are submitted without the supporting documentation necessary to complete the processing of the application.

### **Departmental Funding**

550. **Deputy Mick Wallace** asked the Minister for Health the amount of State funding given to each of the following organisations (details supplied) in each of the years 2000 to 2009. [33258/11]

**Minister for Health (Deputy James Reilly):** The following table sets out the funding that was allocated to the Irish Patients' Association between 2000 and 2009. No funding was allocated to Patient Focus or Patients Together during this period. I have also asked the HSE to reply to you directly in respect of any funding it may have made to the respective organisations.

Funding allocated to Irish Patients' Association

Year	€
2001	25,395
2002	30,000
2005	79,000
2007	32,000
2009	3,000
Total	169,395

### Medical Cards

551. **Deputy Brendan Griffin** asked the Minister for Health if a medical card will be granted to persons (details supplied) in County Kerry; and if he will make a statement on the matter. [33265/11]

**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.

### Disabled Drivers

552. **Deputy Brendan Griffin** asked the Minister for Health if a disabled driver's primary certificate will be issued to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33267/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

### Hospital Services

553. **Deputy Billy Timmins** asked the Minister for Health the position regarding respite services in St. Colman's Hospital, Rathdrum, County Wicklow; when this service will be reinstated; and if he will make a statement on the matter. [33270/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Hospital Waiting Lists

554. **Deputy Tom Fleming** asked the Minister for Health the average waiting times for all procedures or treatments in Kerry General Hospital; and the measures he proposes to address same. [33278/11]

**Minister for Health (Deputy James Reilly):** The management of waiting lists generally is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply.

### Health Service Staff

555. **Deputy Seán Conlan** asked the Minister for Health if he will direct the Health Service Executive to determine if a person (details supplied) in County Monaghan who is a relief social care worker in a special care facility supported by the Health Service Executive is an employee of the Health Service Executive or an employee of the special care facility; and if he will make a statement on the matter. [33287/11]

**Minister for Health (Deputy James Reilly):** I understand that a response on this matter issued from the HSE to the Deputy on Monday 7 November 2011.

### General Practitioner Services

556. **Deputy Seán Ó Feargháil** asked the Minister for Health if the Health Service Executive is satisfied that adequate general practitioner cover is available to meet the health needs of a rapidly growing population at a location (details supplied) in County Kildare; and if he will make a statement on the matter. [33291/11]

**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

557. **Deputy Seán Kenny** asked the Minister for Health the addiction services currently available in north Dublin; the number of persons attending each addiction services; the number of persons on the waiting list to each addiction service; and if he will make a statement on the matter. [33298/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The information requested by the Deputy is being collated by the HSE. I will arrange to have it forwarded to the Deputy shortly.

558. **Deputy Brendan Griffin** asked the Minister for Health if funding will be provided to reverse cuts in home help hours available to vulnerable members of society in County Kerry; if employment schemes such as JobBridge could be used to help increase hours available to recipients; and if he will make a statement on the matter. [33325/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

559. **Deputy Brendan Griffin** asked the Minister for Health if a person (details supplied) in County Kerry will be prioritised for wisdom teeth extraction due to severe pain; and if he will make a statement on the matter. [33334/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

### National Lottery Funding

560. **Deputy Billy Timmins** asked the Minister for Health the position regarding national lottery funding in respect of a centre (details supplied) in County Wicklow; and if he will make a statement on the matter. [33340/11]

**Minister for Health (Deputy James Reilly):** My Department has no record of an application from the Group referred to by the Deputy. If the organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on my Department's website — *www.doh.ie*

### Medical Aids and Appliances

561. **Deputy Brendan Griffin** asked the Minister for Health if a person (details supplied) in County Kerry will qualify for a hearing aid; and if he will make a statement on the matter. [33342/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply to the Deputy.

### Medical Cards

562. **Deputy Brendan Griffin** asked the Minister for Health if a medical card will be renewed in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [33364/11]

**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

563. **Deputy Gerry Adams** asked the Minister for Health his plans for the future of St James's Hospital, and in particular Hospital 5. [33372/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

564. **Deputy Gerry Adams** asked the Minister for Health if a no smoking policy is being implemented in St. James's Hospital; if this is being adhered to in the lobby area of the hospital; and if he will provide details of same. [33373/11]

**Minister for Health (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

565. **Deputy Pearse Doherty** asked the Minister for Health his plans for the development of the Cu Chulainn, Old Convent site, in Falcarragh, County Donegal; and if he will make a statement on the matter. [33374/11]

**Minister for Health (Deputy James Reilly):** As estate management is a service issue your question has been referred to the Health Service Executive for direct reply.

### Medical Cards

566. **Deputy Sandra McLellan** asked the Minister for Health the current waiting time to process medical card applications; and if it has increased significantly since centralisation on 1 July. [33375/11]

**Minister of State at the Department of Health (Deputy Róisín Shortall):** The Health Service Executive centralised the processing of all new applications and renewals of medical cards at



[Deputy Róisín Shortall.]

the Primary Care Reimbursement Service (PCRS) in Finglas, Dublin from 1st July 2011. The Executive has stated that there is no backlog of work in the central office and all complete medical card applications and reviews are being processed within 15 working days or less. Delays occur where applications are submitted without the supporting documentation necessary to complete the processing of the application.

### **Remembrance Days**

567. **Deputy Sandra McLellan** asked the Minister for Health if he would consider organising a national stillbirth remembrance day similar to that organised in Canada and the United States. [33376/11]

**Minister for Health (Deputy James Reilly):** It is my understanding that Remembrance days such as that proposed by the Deputy, are often organised by non governmental bodies. Stillbirth is the source of much concern and anguish to those who have lost babies or have been touched by such events. I would be happy to consider carefully any detailed proposal submitted related to this traumatic issue.

### **Health Service Staff**

568. **Deputy Michael Healy-Rae** asked the Minister for Health the amount of money that has been paid to employment agencies to provide staff in the Health Services Executive south region; and if he will make a statement on the matter. [33381/11]

571. **Deputy Michael Healy-Rae** asked the Minister for Health the amount of money that has been paid to private employment agencies to provide staff to Kerry General Hospital; and if he will make a statement on the matter. [33386/11]

572. **Deputy Michael Healy-Rae** asked the Minister for Health the amount of money that has been paid to private employment agencies to provide staff at Cork University Hospital; and if he will make a statement on the matter. [33387/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 568, 571 and 572 together.

As these are service matters, they have been referred to the HSE for attention and direct reply to the Deputy.

### **Nursing Homes Support Scheme**

569. **Deputy Michael Healy-Rae** asked the Minister for Health his views on a matter (details supplied) regarding the fair deal scheme; and if he will make a statement on the matter. [33382/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The Nursing Homes Support Scheme is a system of financial support for individuals who require long-term nursing home care and applies to people entering public, private and voluntary nursing home care. Since the scheme commenced over 25,000 applications have been received and approximately 22,155 people are in receipt of financial support towards the cost of long-term nursing care at present. The total baseline funding for long-term residential care is €963 million. Applications are processed in accordance with the legislation and within the funding limits available to the scheme. Approvals are being issued to applicants in chronological order by date of

determination. This ensures equity nationally. The HSE is operating a national placement list to facilitate this. There are approximately 800 people awaiting funding approval at present. Currently funding is being released by the HSE on a weekly basis.

The Nursing Homes Support Scheme is due for formal review commencing in 2012. The review will look at the ongoing sustainability of the scheme, the relative costs of public versus private provision and the balance of funding between residential and community care.

### **Health Service Staff**

570. **Deputy Michael Healy-Rae** asked the Minister for Health in view of the figure of €169 million which was paid to private employment agencies by the Health Service Executive, his views that it is time to start re-employing and filling full-time positions which are available in the HSE; and if he will make a statement on the matter. [33385/11]

**Minister for Health (Deputy James Reilly):** Agency staff, including doctors, nurses, and healthcare assistants are used in the main as temporary cover for vacant posts that arise for a variety of reasons including sick leave, annual leave and maternity leave, and to ensure continuity of service provision.

The decision to use agency staff is made at local service level and the reliance on agency staff is one of the expenditure items being reviewed as part of local cost containment plans. The new contracts for the provision of agency services put in place by the HSE earlier this year have resulted in significant unit price savings being available to the service.

The Employment Control Framework (ECF) for the Health Sector requires reductions in employment levels in line with the Government's fiscal and budgetary strategy. Notwithstanding this, some exceptions can be made in order to address critical service risks. Where possible and in the context of the moratorium, part time and work-sharing staff are being offered the opportunity to increase the number of hours they work before agency staff are used.

*Questions Nos. 571 and 572 answered with Question No. 568.*

### **Nursing Home Charges**

573. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding nursing home charges (details supplied); and if he will make a statement on the matter. [33388/11]

**Minister of State at the Department of Health (Deputy Kathleen Lynch):** The legislation underpinning the Nursing Homes Support Scheme requires all private nursing homes and voluntary nursing homes to negotiate and agree a price for the cost of care with the National Treatment Purchase Fund (NTPF) should they wish to participate in the scheme. This is a necessary feature of the scheme due to the commitment by the State to meet the full balance of the cost of care over and above a person's contribution.

The NTPF has statutory responsibility for the negotiation of prices with private and voluntary nursing homes. The NTPF is independent in the performance of this function and, in carrying it out, it must ensure value for money for both the individual and the State. The NTPF negotiates with each nursing home individually and may examine the records and accounts of nursing homes as part of the process. This method of negotiation is necessary in order to ensure that the State obtains the best value for each individual in a nursing home and to comply with competition law.

[Deputy Kathleen Lynch.]

The Nursing Homes Support Scheme provides financial support towards the cost of long-term residential care. The services which fall within the scope of long-term residential care and which are covered by this cost are:

- nursing and personal care appropriate to the level of care needs of the person,
- basic aids and appliances necessary to assist a person with the activities of daily living,
- bed and board, and
- laundry service.

Individuals who avail of the Nursing Homes Support Scheme should not be charged any additional fee over and above the cost agreed with the NTPF, except where he or she chooses to obtain additional services over and above long-term residential care services, for example, hairdressing, social programmes or the delivery of daily newspapers.

### **Hospital Staff**

574. **Deputy Martin Ferris** asked the Minister for Health if he will meet with representatives of the nursing staff at the Mid-Western Regional Hospital, Limerick, to discuss how best to ensure the reduction of clinical risk due to overcrowding the hospital. [33399/11]

**Minister for Health (Deputy James Reilly):** I met with a delegation of nurses from the Mid-Western Regional Hospital Limerick on 12 October, when they highlighted their concerns in relation to the provision of safe patient care in the hospital's Emergency Department.

Subsequently, agreement was reached at the Labour Relations Commission on the 18 October 2011 in relation to a number of steps to be taken over a four-week review period to resolve issues in the Emergency Department. As part of the agreement, nurses in that Department of the hospital who are members of the INMO and SIPTU agreed to suspend the industrial action they commenced in September in the form of periodic work stoppages. At the end of the review period, management will present a detailed set of proposals which will set out roster options to address the issues in dispute.

I am satisfied that the process in train is the best way of addressing the nurses' concerns.

### **Ministerial Appointments**

575. **Deputy Gerry Adams** asked the Minister for Health if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include positions taken, names of organisations, salaries or incomes derived or expenses claimed per annum, any other additional benefits including cars provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33948/11]

576. **Deputy Gerry Adams** asked the Minister for Health the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33962/11]

**Minister for Health (Deputy James Reilly):** I propose to take Questions Nos. 575 and 576 together.

Clarification on the details of the questions are being sought from the Deputy's office. When this is received the information requested will be forwarded to the Deputy.

### **Local Improvements Scheme**

577. **Deputy Heather Humphreys** asked the Minister for Transport, Tourism and Sport the number of local improvement scheme applications approved on a county basis over the past five years; and if he will make a statement on the matter. [32884/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Section 81 of the Local Government Act 2001 provides the statutory basis for the Local Improvements Scheme (LIS) and the Local Improvements Scheme Memorandum, which issued in February 2002, sets out the terms and conditions for the payment of LIS grants. Under the Scheme, grants are provided to county councils for the construction and improvement of non-public roads.

The administration of the Local Improvements Scheme, is a matter for the relevant county council and applications under the scheme are submitted to, and decided by, the relevant county council. My Department has no function in the matter.

My Department's role is confined to the allocation of funds under the scheme to individual county councils. The allocations made to local authorities under this scheme of grants over the past five years are available in the Dáil Library. The information is contained within the annual Regional and Local Roads Allocations publication.

### **Proposed Legislation**

578. **Deputy Joe McHugh** asked the Minister for Transport, Tourism and Sport when legislation will be introduced for the standardised testing of motor homes as per Road Safety Authority guidelines; if this will be in line with national car test requirements; and if he will make a statement on the matter. [33391/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Legislation to provide for the roadworthiness testing of motor caravans in accordance with mandated EU standards is in preparation in my Department and will be finalised in the near future.

This legislation will be in line with National Car Test requirements but, due to the broad spectrum of types and sizes of this vehicle, type testing will be carried out at Commercial Vehicle Test Centres, i.e. Vehicle Testing Network (VTN) Test Centres.

### **Road Signage**

579. **Deputy Michael Creed** asked the Minister for Transport, Tourism and Sport if he will request the National Roads Authority and all local authorities responsible for traffic lights to change the current sequencing whereby lights will flash amber before turning green thereby facilitating better traffic flow; and if he will make a statement on the matter. [32740/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Regulations governing the use of traffic signals specify the sequence in which red, amber and green signals must be displayed. Irish regulations do not provide for the use of amber in combination with red, immediately in advance of the green signal, to alert drivers to prepare for the green signal, as is done in the UK.

[Deputy Leo Varadkar.]

The change in regulations proposed by the Deputy would appear to have merit however any proposed change would need to be considered from a road safety perspective and from the point of view of traffic management. As an initial step towards assessing the value for this proposal I have written to the Gardaí, Road Safety Authority and National Transport Authority to seek their views on the potential merits and demerits of such changes. I will keep the Deputy abreast of developments in this area.

### **Local Improvements Scheme**

580. **Deputy Joan Collins** asked the Minister for Transport, Tourism and Sport if he will name the seven local authorities which did not submit their revised restoration improvement three year programmes, restoration improvement schemes maps and restoration maintenance schemes forms to the National Roads Authority by 16 March 2011, in compliance with the contents of Circular RLR 2/2011; and if he will make a statement on the matter. [32748/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The local authorities that did not submit all relevant documents requested in RLR 2/2011 by the stated deadline are:

Donegal County Council  
Galway County Council  
Kildare County Council  
Limerick County Council  
Longford County Council  
Mayo County Council  
Westmeath County Council.

### **Sports Capital Programme**

581. **Deputy Billy Timmins** asked the Minister for Transport, Tourism and Sport the assistance available to a club (details supplied) in County Wicklow for windows and insulation; and if he will make a statement on the matter. [32757/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Under the Sports Capital Programme an allocation of €30,000 was made to the organisation referred to by the Deputy in 2006 towards the costs of floodlighting, ball-stop netting and the redevelopment of toilet facilities. All of this funding has been drawn down.

No decision has been made on the timing of the next round of the Programme.

The club might consider contacting the Sustainability Energy Authority of Ireland who provide information and grants relating to energy efficiency.

### **Rail Network**

582. **Deputy Mattie McGrath** asked the Minister for Transport, Tourism and Sport his plans regarding the Waterford to Limerick railway line; his views on reports that this line is to be closed along with other lines throughout the country; the amount that has been spent on works on the Waterford to Limerick line over the past five years; his plans to promote rail transport as an attractive public transport option in Munster; and if he will make a statement on the matter. [32760/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issues raised are operational matters for Iarnród Éireann in the first instance. I should advise the Deputy that any proposals for rail service reductions or line closures require the approval of the National Transport Authority as it is responsible for ensuring best use of Public Service Obligation (PSO) subvention for rail and bus services provided by the CIE group. In this context, I can also advise the Deputy that as a matter of policy, I believe the focus should be on the achievement of cost savings and maximising patronage of the public transport system rather than simply cutting services.

### Swimming Pool Projects

583. **Deputy Terence Flanagan** asked the Minister for Transport, Tourism and Sport the position regarding a grant in respect of a club (details supplied) in Dublin 13; and if he will make a statement on the matter. [32817/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** A total of €10.67m was recently allocated to 33 local authorities for 56 swimming pools for energy updating and enhanced disabled access. No application was received under the initiative for the pool in question.

584. **Deputy Terence Flanagan** asked the Minister for Transport, Tourism and Sport the position regarding a grant in respect of a club (details supplied); and if he will make a statement on the matter. [32819/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** A total of €10.67m was recently allocated to 33 local authorities for 56 swimming pools for energy updating and enhanced disabled access. No application was received under the initiative in respect of the pool referred to by the Deputy.

### Road Network

585. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his views on the N22 Killarney to Cork road; if he considers it a priority project when funding becomes available; and if he will make a statement on the matter. [32837/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Within its capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act.

The capital investment review has examined capital expenditure proposals in order to establish a set of priority projects and programmes, taking into account the very serious financial constraints. The outcome of this review will be published later this week.

### Departmental Bodies

586. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport the action he has taken to date to fulfil the commitment in the programme for Government to make substantial cuts to the number of State bodies and companies; the number of such bodies and

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companies under his remit; the number that have been reformed, merged or abolished since March of this year; the plan in place within his Department to fully deliver on this issue; and if he will make a statement on the matter. [32859/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Since my appointment as Minister for Transport, Tourism and Sport on 9 March 2011, I have not established any State agencies, independent statutory bodies, State Boards or other bodies.

A full list of the agencies for which I have responsibility is outlined in my reply to Dáil Question 624 on 25 October 2011.

Dundalk Port Company was merged with Dublin Port Company on 12 July 2011. Tralee and Fenit Harbour Authority transferred to the control of Kerry County Council and the tenure of the Harbour Commissioners, accordingly, ceased with effect from 1 October 2011.

My Department, in conjunction with the Department of Environment, Community and Local Government, is actively pursuing a policy of transferring the Regional Harbours operating under the outdated provisions of the Harbours Act 1946 to local control. Agreement has recently been reached to transfer Baltimore Harbour and Kinsale Harbour to the control of Cork County Council from 1 January 2012. The current intention is that the two remaining harbours are transferred to a more appropriate governance framework over the course of the next year.

A ports policy review is at an advanced stage and it is hoped to publish a revised document in the coming months. Port company restructuring is among the issues being considered as part of the policy review.

With regard to other future developments, I am working on a proposal to rationalise agencies and offices under my Department's remit. This includes the merger of the NRA and RPA into a single body, and the merger of the Air Accident Investigation Unit, the Marine Casualty Investigation Board and the Railway Safety Commission.

The Government is also considering options for further radical streamlining of State bodies and I expect that the Government will be in a position shortly to announce its plans in this regard.

### **National Asset Management Agency**

587. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport if he has had any discussions with the National Assets Management Agency regarding the possibility of capturing for the public good buildings under NAMA's remit which have no commercial potential and which might be suitable as local facilities for sports clubs and organisations; if any discussions have yielded a positive outcome; and if he will make a statement on the matter. [32875/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):** Under the Sports Capital Programme the Department provides funding at local, regional and national level to sporting clubs and organisations, voluntary and community organisations and, in certain circumstances, local authorities and schools/colleges towards the provision of sporting facilities. The Programme does not provide funding towards the purchase of land or buildings.

My officials have had discussions with NAMA with regard to how NAMA properties can be made available to sporting organisations. From these discussions, I understand that NAMA

has already made arrangements with some sports groups to lease land controlled by NAMA and that NAMA tries to accommodate these requests where it is possible.

### Departmental Agencies

588. **Deputy Simon Harris** asked the Minister for Transport, Tourism and Sport if he intends to proceed with plans to make a number of positions on the governing board of the Irish Sports Council directly electable; the number of positions he envisages being filled in this manner; the person who will elect same; the timeframe for such reforms; and if he will make a statement on the matter. [32876/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Programme for Government provides that a number of positions on the Sports Council's governing Board will be made directly electable. This matter is under consideration in my Department at present, and I would welcome any views the Deputy may have on the matter. There are currently no vacancies on the Board of the Irish Sports Council, with the next vacancy due to arise in 2013.

### Grant Payments

589. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport when will the final instalment on a grant be paid in respect of a museum (details supplied) in County Limerick; and if he will make a statement on the matter. [32921/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy's Question to Fáilte Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### State Airports

590. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport if he has received a recent submission from the chairperson of the Shannon Airport Authority in relation to the future governance of Shannon Airport; and he will provide this Deputy with a copy of same. [32927/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The submission from the Chairperson of the Shannon Airport Authority, together with the submissions from the Dublin and Cork Airport Authorities, on the question of establishing separate airports under the State Airports Act 2004, were sent to me in confidence. They contain commercially sensitive information and accordingly I do not propose to publish them.

It should be noted that I have appointed Booz and Company to provide me with wide ranging advice on all possible options for the future ownership and operation of the airports so that I can propose informed recommendations to Government.

I have asked the consultants to consult as widely as possible with stakeholders in Cork and Shannon on sustainable options for the two airports. Their mandate is to report back to me by the end of this month and I hope to bring proposals to Government as soon as possible thereafter.

### Road Safety

591. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the number



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of cyclists killed and the number seriously injured on public roads in the past five years. [32940/11]

592. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the number of pedestrians killed or seriously injured where a bicycle was involved. [32941/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 591 and 592 together.

The subject matter of these questions is the responsibility of the Road Safety Authority (RSA) and I have referred them to the RSA for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

### **Pension Provisions**

593. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if the pension rights of the Dundalk Port company staff and pensioners have been secured. [33260/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As the Deputy is aware, all functions, staff, assets and liabilities (including pension liabilities) of Dundalk Port Company transferred to Dublin Port Company on 7 July 2011. Upon transfer, Dublin Port Company took on responsibility for the Dundalk Port's pension scheme and the pension rights of the members of the scheme.

### **Departmental Agencies**

594. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the number of tourist offices that Fáilte Ireland operate in Dublin; the location of same; the number of employees per site; the amount of turnover per site; and if he will make a statement on the matter. [33299/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** This is an operational matter for Fáilte Ireland and I have referred the Deputy's Question to them for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Tourism Promotion**

595. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the additional steps being taken to attract additional visitors from the Great Britain and US markets; the budget allocated for same; and if he will make a statement on the matter. [33300/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational one for Tourism Ireland Limited, in the first instance, as the body responsible for promoting the island of Ireland as a tourist destination overseas. I have referred the Deputy's Question to Tourism Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Public Transport**

596. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the number of passengers carried by Bus Éireann and Dublin Bus for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [33301/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational matter for the bus companies concerned. I have referred the Deputy's question to the companies for direct reply. Please inform my private office if you do not receive a reply within ten working days.

### Road Network

597. **Deputy Paul J. Connaughton** asked the Minister for Transport, Tourism and Sport if there are plans for a service station on the M6 between Ballinasloe, County Galway and Galway City; and if he will make a statement on the matter. [33313/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual national roads are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. In particular, the allocation of funding in relation to the construction or maintenance of national road projects, including service area projects, is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act. In addition under section 54 of the Roads Act 1993, as amended by section 10 of the Roads Act 2007, the NRA has a specific responsibility in relation to agreements to build and operate motorway service areas.

Subject to planning permission, the private sector may also develop off-line service areas, and related facilities, without direct involvement by the NRA in their development.

As regards the M6 Galway to Ballinasloe road, I understand that the NRA's plan to build an on-line service area on the M6/N18 junction is now on hold and will not progress in the short to medium term.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

### Tourism Industry

598. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to a public tender process in relation to a project (details supplied) in County Kerry; if he will ensure a speedy and efficient transition in the interest of catering for and not jeopardising upcoming bookings at the centre; and if he will make a statement on the matter. [33337/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational matter for Fáilte Ireland. I have referred the Deputy's Question to Fáilte Ireland for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### Ferry Services

599. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport his plans to ensure that we retain the Cork to Swansea, Wales, ferry service. [33349/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I share the disappointment that the Cork to Swansea ferry service has run into difficulties.

[Deputy Leo Varadkar.]

The market for ferry services in and out of Ireland is well served and is highly competitive. Ferry services must operate on a commercial basis and to do so they must have a sufficient customer base. It is a very dynamic market as demonstrated by the frequent changes in routes and operators. Market conditions have been very challenging in recent years, particularly with increases in fuel prices.

I understand that in 2010 the ferry service recorded an operating loss of €2.5 million over a ten month period, despite the increase in passenger numbers as a result of the volcanic ash crisis. Fastnet Line's announcement on 1 November 2011 that it was suspending its winter service is just one of many changes to routes and operators over the last year. The High Court has appointed Grant Thornton as an interim examiner to the company. I understand that a restructured business plan has been presented by the company as part of the examinership process and forecasts that the ferry service will resume in April 2012.

My Department has no function in, or finance for, the provision of or subsidisation of ferry services on this or any other route. We are bound by EU state aid rules and the limitations these impose. However, a range of other supports remains available from State agencies such as Fáilte Ireland and Tourism Ireland to ferry services operators to promote tourism in Ireland, and the company may be able to avail of these.

### **Road Network**

600. **Deputy James Bannon** asked the Minister for Transport, Tourism and Sport if he will ensure that funds are allocated for 2012 to progress the development of the N4 project motorway to Longford town; and if he will make a statement on the matter. [33362/11]

601. **Deputy James Bannon** asked the Minister for Transport, Tourism and Sport the cost of the preparation of plans for the N4 motorway to date; the details of the estimated costs of this route to completion; and if he will make a statement on the matter. [33363/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 600 and 601 together.

As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Within is capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

The capital investment review has examined capital expenditure proposals in order to establish a set of priority projects and programmes, taking into account the very serious financial constraints. The outcome of this review will be published later this week.

602. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport the future plans for a road (details supplied) in County Kerry; and if he will make a statement on the matter. [33365/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism & Sport, I have responsibility for overall policy and funding in relation to the national roads programme. The planning, design and implementation of individual road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Within the capital budget, the assessment and prioritisation of individual projects is a matter in the first instance for the NRA in accordance with Section 19 of the Roads Act.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

The capital investment review has examined capital expenditure proposals in order to establish a set of priority projects and programmes, taking into account the very serious financial constraints. The outcome of this review will be published later this week.

### Public Transport

603. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport if he is satisfied that the recent tendering process for painting and decorating works at Killarney railway station, County Kerry, was adequately advertised; if he will review this matter; and if he will make a statement on the matter. [33396/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. Matters relating to tendering processes for painting and decorating works are day-to-day operational issues for Iarnród Éireann and I have no function in such matters.

Noting this I have referred the Deputy's question to Iarnród Éireann for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

### Ministerial Appointments

604. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if former Government officeholders are currently in positions appointed by current or former Governments, the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33953/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The only Government appointments made to bodies under my remit are to the board of CIÉ. There are no former Government office holders currently appointed to the CIÉ board.

605. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport the details of any former Government officeholder appointed by him to any position; the details of such appointment to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any other additional benefits including car provided, travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [33967/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Mr. Bernard Allen was appointed to the Board of the Irish Sports Council on 12 October 2011 and his term will run until 16 September 2014.

[Deputy Leo Varadkar.]

Mr. Allen has waived his entitlement to the fee of €5,985 per annum payable relating to membership of the Council. Mr. Allen will be paid travel and subsistence allowances at the rates specified in and subject to the conditions of civil service regulations for his attendance at Council meetings.

Given Mr. Allen was the Minister for Sport who oversaw the foundation and establishment of the Irish Sports Council, he can offer a unique contribution to the Board of the Irish Sports Council. Furthermore, as a former Chairman of the Public Accounts Committee he has considerable experience with regard to corporate governance. Mr. Allen responded to a public advertisement placed by my Department in the national press seeking expressions of interest in serving on state boards in April of this year.

I would like to thank Mr. Allen for agreeing to serve on the board of the ISC and acknowledge the fact that he agreed to serve without receiving a fee.