



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Dé Máirt, 22 Samhain 2011.

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DÁIL ÉIREANN

Dé Máirt, 22 Samhain 2011.
Tuesday, 22 November 2011.

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

Paidir.

Prayer.

Ceisteanna — Questions

Priority Questions

Export Trade

56. **Deputy Willie O’Dea** asked the Minister for Jobs; Enterprise and Innovation if he will list the measures he has introduced to increase exports to BRIC countries; and if he will make a statement on the matter. [36029/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Government is fully committed to developing and expanding engagement with the key high potential markets of Brazil, Russia, India and China, as these countries are very promising destinations for the sale of Irish goods and services.

The agreed programme for Government commits us to achieve the maximum growth in exports, including the long-term development of new markets. We plan to implement progressively the recommendations in the strategy and action plan for Irish trade, tourism and investment to 2015 entitled, Trading and Investing in a Smart Economy. This has a particular focus on Brazil, Russia, India and China. The formation of the Export Trade Council under the chairmanship of the Tánaiste has given new impetus to this work. It will develop initiatives that will help export growth in these markets. Specific co-ordinated market plans for each of the BRIC countries have been devised, involving all the State agencies.

I have had discussions with a number of groups regarding the scope for developing a more effective Asia trade strategy. This was specifically discussed at the global economic forum and proposals made there are being assessed.

Key instruments to pursue trade expansion are Minister-led trade missions. I led a trade mission to India in April last, with 22 Enterprise Ireland client companies participating. I would be eager to have a trade mission to China next year to reinforce our success in that market.

Enterprise Ireland has opened new offices to facilitate Irish companies developing export opportunities to these four countries. Good progress is being made in these markets albeit from a low base. In the four years between 2006 and 2010 our merchandise exports to the BRIC economies increased by 69% and our services exports by an even more impressive 130%.

[Deputy Richard Bruton.]

At European level, I have pressed for new trade opportunities for Irish exporters, through the negotiation of new free trade agreements with India, and as part of Russia's forthcoming membership of the World Trade Organisation. The Tánaiste recently signed a programme for trade and economic co-operation with Russia which opens up new opportunities.

Deputy Willie O'Dea: On the last day I raised this question the Minister told me "an exporters' unit was being operationalised within Enterprise Ireland". Has that taken place yet and, if so, how is the new unit performing?

The programme for Government contains a number of specific commitments on this section, including creating a new home-to-export programme to share the expertise of exporting companies with firms currently reliant on domestic markets. Has this been done? The programme for Government also contains a commitment to develop a source-Ireland portal to market Irish goods and services abroad. Has this been done? There is also a commitment to establish local trade and investment teams in BRIC countries. Has this been done? In addition, there is a commitment to develop cultural and diplomatic links with emerging markets, including a scholarship scheme. Has this been done?

On another such commitment, may I take it that we can expect a provision to be included in the forthcoming budget to exempt from VAT service companies which export more than 90% of their output? That was another specific commitment included in the programme for Government.

Deputy Richard Bruton: As the former Minister will know, the likelihood that I will reveal budget decisions is remote. Yes, a new unit is operational within Enterprise Ireland. For example, it is seeking to engage with companies which are below the threshold normally regarded as making them eligible for Enterprise Ireland involvement. This is specifically to encourage more small companies to seek export markets. I am developing a jobs strategy, as part of which we will be examining initiatives precisely in the area to which the Deputy referred. How do we enter new markets and get more companies to expand? In addition, how do we get more seasoned companies with experience to support new companies? We are working on these issues. At the global economic forum it was significant that a number of people involved in overseas markets were willing and anxious to support this work.

There is a limited range of placements in BRIC countries. The review of our strategy in these countries will examine how we can expand that footprint. There is clearly a recognition that BRIC countries provide a significant opportunity. However, one must also balance the fact that some of our more traditional markets such as parts of the USA that have not been opened up by Irish exporters provide real opportunities in the short term. We need a long-term strategy to match this in these really dynamic economies.

I understand what the Minister is saying in that all of the specific commitments mentioned are a work in progress. That is fine and we will keep in touch with the Minister on them. He quoted figures for the increase in exports to BRIC countries, but is he aware that the percentage we export to those countries in terms of GDP remains static at 3.7%? It is lower than for any of the Euro-16 areas. The trade balance with BRIC countries has dropped from €80 million last year to approximately €70 million today. Does the Minister realise that it has taken 14 years for our trade with BRIC countries to double to a figure of 3.7%? Does he accept that it will take a great deal of time, effort and continued application to build trade with them? Such trade is badly needed in view of the fact that, taking the balance of trade figures into account, our export recovery seems to be faltering, while the domestic economy remains flat.

Deputy Richard Bruton: The Deputy is right in that these are countries in which we are working from a low base. The figures are encouraging, but this is not the final word on our attempt to exploit these markets. They indicate ups and downs, with the figures being good in some years and then there is a reversal. That is a feature of territories in which, it is widely accepted, companies have to invest in the long-term to build successful export markets. There are no short-term fixes. We need to get companies which are willing to make that level of commitment to open up these markets. The work of Enterprise Ireland lies in seeking companies which are willing to make such long-term commitments. I accept what the Deputy says, there is a lot more work to be done in these markets.

Economic Competitiveness

57. **Deputy Peadar Tóibín** asked the Minister for Jobs; Enterprise and Innovation if he will detail an assessment of the cost to our competitiveness and employment levels of the continued implementation of upward only rent agreements. [35939/11]

Deputy Richard Bruton: Policy responsibility for upward-only rent reviews comes within the remit of the Minister for Justice and Equality, Deputy Alan Shatter. I do not have specific data on the impact of upward-only rent agreements but the National Competitiveness Council provides some data on rents generally. Rent represents an average of 2% to 7% of total costs for manufacturing businesses, and 5% to 6% of total costs for services businesses. The council reported in its Competitiveness Scorecard 2011 that Ireland experienced a fall of 22% in rental costs for prime industrial sites in 2010, with a decline of 12.3% in prime office space rental costs. Both of these were the largest annual declines experienced across the countries benchmarked and both marked a continuation of falling prices seen since the peak in 2007. Rental costs in many of Ireland's competitor economies rose in 2010. Nonetheless, upward-only rent reviews have kept rents for many businesses at an artificially high level compared to open market trends and property values. My Department does not have data on the extent of renegotiation that has occurred.

The Land Conveyancing and Law Reform Act 2009 abolished upward-only rent reviews for all new leases signed on or after 28 February 2010. However, upward-only rent review clauses continue to apply to leases which were entered into prior to that date, impacting on the competitiveness of businesses. The Minister for Justice and Equality is continuing to work on legislative proposals in this area and is receiving advice from the Attorney General.

In the meantime, I urge businesses to make use of the rent review arbitration code, which was drafted by the working group on transparency in commercial rent reviews in 2010. The aim of this code is to make the arbitration process more straightforward, particularly for those businesses who may only rarely be involved in rent reviews and arbitration proceedings. The code is intended as an addition to the Arbitration Act 2010. It cannot override the mandatory provisions of the Act but it provides a mechanism to deal with disputes on commercial rents which can help to resolve issues at a lower cost, in considerably less time, and in a less adversarial way for the parties concerned.

Additional information not given on the floor of the House

The working group on transparency in commercial rent reviews also recommended the establishment of a public database containing relevant details of letting arrangements and rent reviews in the commercial property market. The database, which will ensure transparency in the market and allow all parties to access relevant information, will be established under the Property Services (Regulation) Bill 2009, which has already passed through the Seanad, with Report and Final Stages due to be held in this House later today.

Deputy Peadar Tóibín: Upward-only rents affect competitiveness and raise the costs for end-user consumers. There is also a cost in jobs for the State. Approximately 250,000 people work in the retail sector in the State and it is estimated that approximately 46,000 people have lost jobs in the retail sector in recent years. It is reckoned that approximately 50,000 jobs in the retail sector are in serious danger of being lost at the moment. This sector is a very sensitive to cost changes.

Between 2000 and 2007 there was an increase of approximately 240% in rents in the State for businesses, which was a massive increase in the base cost. The programme for Government states clearly that the issue will be dealt with but Opposition parties are hearing that the Government feels there may be a constitutional issue. Retail Excellence Ireland has stated there can be a change within the parameters of the Constitution.

It is these costs, along with the VAT increases that will be brought about by the Government in the upcoming budget, which form a line from Dublin to Galway, making businesses north of that line extremely uncompetitive compared to their counterparts in the North of Ireland. This issue does not only affect the private sector, it also affects the public sector. How much is the Government paying in upward-only rents?

Deputy Richard Bruton: I do not have that information to hand and the question would have to be directed to the Minister of State responsible for the Office of Public Works, Deputy Brian Hayes. He is responsible for public rent. I do not intend to understate the difficulties in the retail sector, and this issue has been raised by that sector. The Government has included the matter in the programme for Government and as I noted in the reply, the Minister for Justice and Equality, Deputy Alan Shatter, is examining the options in this area and considering what legislation can be produced. The work he is undertaking is ongoing.

Deputy Peadar Tóibín: I have done a little research on the Government's expenditure and my understanding is that, through the OPW, it pays approximately €98 million in rent a year. Approximately €55 million of the rent paid by the Government is paid on an upward-only basis. It is estimated that the current decrease in rent in the private sector is approximately 30% in the past three years. If the Government only benefited from half of the decrease it would save €8 million a year. I refer to the fair decrease of the upward-only rent contracts in which the Government is engaged. It is a large amount of money when cuts are expected to be made to the social welfare bill shortly. Given the state of the public finances, the economy, small businesses and the quarter of a million jobs that are dependent on them, it is incumbent on the Minister for Jobs, Enterprise and Innovation to drive the reform of upward-only rents.

Deputy Richard Bruton: Far be it from me to tell the Deputy to whom he should address the questions but the responsibility for public rents falls to the Department of Finance. Deputy Brian Hayes has been given an explicit mandate to seek reductions in costs across a range of procurement issues. Last week the Minister for Public Expenditure and Reform, Deputy Howlin, published documentation on public service reform which outlined detailed strategies on how savings would be made through public procurement. There is a strategy in place seeking to reduce those costs.

The Minister for Justice and Equality, Deputy Shatter, is responsible for upward-only rent legislation, not my Department. I accept what the Deputy says; that this is both an issue for public costs and private employment. It is clear that we are seeking better deals in the public sector on all areas of procurement.

Job Creation

58. **Deputy Catherine Murphy** asked the Minister for Jobs; Enterprise and Innovation if, in

view of the numbers of unemployed remaining consistently over 440,000, achieving full employment is the aim of his Department in the lifetime of this Government; if so, the job creation schemes he proposes to help achieve this; the figures he can provide in terms of projected jobs to be created as a result of these schemes; and if he will make a statement on the matter.
[36672/11]

Deputy Richard Bruton: Job creation is at the top of the Government's agenda. Since we came into office, we have been working hard to create the improved economic conditions which will support the maintenance of existing jobs and the creation of new ones. Our objective is to put the country back on the road to economic recovery and full employment. However, we are also realistic about the scale of the task that lies ahead. The number of people on the live register is the legacy of failed policies and a measure of the challenge that faces us.

Creating a robust economy, capable of capturing new opportunities and sustaining jobs, requires a medium to long-term vision. I have said many times before that Governments do not create jobs, entrepreneurs do. It is true that with major capital investment Government can stimulate economic activity and create jobs in the design and construction phase of individual projects. Sustainable employment growth, however, requires a dependable, indigenous engine for growth and jobs. That can only be built on a foundation of competitive costs, a supportive environment for business, opening up new export markets and embracing innovation.

In the recent capital budget, an allocation of €2.3 billion is being provided to my Department's Vote between 2012 and 2016. This means that funding for my Department's enterprise development agencies will be protected or enhanced over the medium term. A number of new initiatives will also be funded, including a partial loan guarantee scheme and Innovation Fund Ireland. As a consequence, I expect the enterprise development agencies to deliver on their ambitious jobs targets of more than 110,000 gross new jobs over the five years of the programme to 2016. This represents an average of 22,000 new jobs per annum. Every new job is estimated to have a multiplier effect, so the overall impact on job creation of these activities is estimated at 220,000 gross new direct and indirect jobs. However, the Government has ambitions to go beyond these targets.

In this context, I am currently preparing a jobs strategy for the Government which will set out a series of clear, actionable measures to support the creation and retention of jobs. The strategy will focus on a number of areas.

Additional information not given on the floor of the House

These areas include: improving competitiveness and intensifying competition in sheltered sectors; assisting indigenous business to grow; supporting indigenous start-ups; attracting inward entrepreneurial start ups; developing and deepening the impact of foreign direct investment; exploiting opportunities in new and emerging sectors; and supporting employment initiatives within the community.

The actions contained in this jobs strategy will assist all enterprises across all sectors to protect and create jobs. We will be taking a "whole of Government" approach to making this happen. Some of the actions in the jobs strategy will be delivered in the short term and will have an immediate impact, while others will be delivered over a longer timeframe. The objective is to publish the strategy early in the new year.

Deputy Catherine Murphy: We all agree that job creation is the most important objective because it is clear that if one gets people back to work, they are paying taxes and not receiving social welfare and it has a dynamic that goes beyond the good of the individual who is at work. Will the approach be targeted at certain sectors? Earlier this year, the Government announced

[Deputy Catherine Murphy.]

that it would boost tourism by cutting the lower rate of VAT, which would create a stimulus to jobs in that area. Now, we hear there is to be an increase in the upper rate of VAT. Will that not be a counter-balance?

The Government's capital budget has been reduced. We expected shovel-ready projects but some of these have been scaled back significantly. Will that impact on the 110,000 jobs the Government had targeted?

There appears to be greater intervention at the level of multinational companies and foreign direct investment. Enterprise Ireland and the county enterprise boards seem to be slow to change. We have been waiting for some initiatives in the county enterprise board sector. The last time I asked a question about these initiatives I was told they were due to be announced. Unless we get those things right I cannot see how those sectors will be resourced to create jobs. Reform in those sectors seems to be taking a little longer than I anticipated. If jobs are the centre-piece of Government policy should that reform not be to the forefront and should we not have seen something sooner?

Deputy Richard Bruton: Deputy Murphy asked several questions. Yes, there are targets. The figures I quoted of 22,000 jobs per annum and 110,000 jobs by 2016 are targets set by IDA and Enterprise Ireland and those targets have sectoral elements within them. I can provide those figures to the Deputy. The Deputy is right to say there have been reduced capital allocations. However, the enterprise area has been protected from such reductions and these targets are robust. We have provided money to underpin them and even to provide for some more initiatives aimed at small businesses, such as the partial loan guarantee, the micro-finance initiative and others.

There is not an undue emphasis on IDA versus indigenous companies. Looking to the long term, we clearly need to have more growth from the indigenous side. At present, it is about 12,000 jobs from the IDA and 10,000 from indigenous exporters. We need to see the indigenous element of that grow stronger. Many of the measures I will develop in the jobs strategy will be aimed at getting more people, whether Irish or overseas people, to start businesses. For example, I recently announced a €10 million fund to encourage foreign people to start businesses in Ireland, which is a real area of opportunity.

Deputy Catherine Murphy: Is full employment a stated aim of the Government? I know that is a tall order, but I would rather shoot for the stars and narrowly fail than not aspire to full employment. That is my prime question. Can the Minister answer it?

Deputy Richard Bruton: I said plainly in my reply to Deputy Murphy's question that the Government's objective is to put the country back on the road to economic recovery and full employment. I recognise that this ambition will not be realised in the short term, but I agree with the Deputy that we need to set ourselves ambitious targets. We should aim to get back to having 2 million people at work and being in the top five in terms of competitiveness. The Taoiseach has said, repeatedly, that we should be the best small country in which to do business by 2016.

We need ambitious targets that drive policy development. I hope the jobs strategy will have such ambitious targets and will sustain momentum over a long period of years. We will not simply produce a document and forget about it.

SME Sector

59. **Deputy Willie O'Dea** asked the Minister for Jobs; Enterprise and Innovation if he will

announce measures to tackle the credit shortfall faced by businesses here, particularly the small and medium enterprises; and if he will make a statement on the matter. [36212/11]

Minister of State at the Department of Jobs, Enterprise and Innovation ((Deputy John Perry)): A key priority of the programme for Government is to ensure an adequate supply of credit is available to fund small and medium-sized enterprises. Work is well advanced in my Department on realising our commitments in terms of the temporary partial credit guarantee scheme and the micro-finance loan scheme. The design phase of the temporary partial credit guarantee scheme has been completed and formal proposals will be brought to the Cabinet shortly. Once the design is approved by the Government, a further request for tender will be published to select an operator to allow for the roll-out of the scheme in the coming months. In parallel with the work taking place on the scheme's design, my Department is preparing primary legislation to make the necessary statutory provision for such a scheme.

The micro-finance fund to provide loans for small businesses is also being developed by my Department. This proposal is being designed to stimulate lending to sustainable micro-enterprises. It is targeted at start-up, newly established or growing micro-enterprises across all industrial sectors employing not more than ten people. It will provide loans of up to €25,000 for commercially viable proposals that do not meet the conventional risk criteria

The Minister for Finance has restructured the banks and deleveraged the banking system. This is the principal response to the problem of making credit available through banks. These initiatives have ensured the capacity for the pillar banks to lend to SMEs and other important sectors is in excess of €30 billion during the next three years. The Government has imposed lending targets on the pillar banks for the three calendar years from 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 for SMEs.

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 the banks' decisions to refuse or reduce credit. The office will also monitor the performance of the banks in meeting their lending targets.

Deputy Willie O'Dea: The Minister of State referred to the recapitalisation of the banks, but does he realise that it is not working, that there is a credit famine and that the financial institutions are once again trying to hoodwink the people with their figures, many of which are accounted for by restructuring and replacing existing funds? In the programme for Government, the Government made a significant promise to introduce specific policies to make more credit available to small business. The problem has become more acute since the Government took office, yet we have seen no policies introduced. How much money does the Government propose to guarantee in the loan guarantee scheme?

Deputy John Perry: Regarding the 200,000 small companies and the credit supply of €30 billion for business, the banks will be monitored closely. Many are employed in small companies. Thanks to the legacy of the previous Government, small companies are encountering difficulties because of a lack of demand. Companies which were viable three years ago are now under considerable pressure.

Deputy Willie O'Dea: What lack of demand?

Deputy John Perry: The micro-finance loan scheme is before the Government and will be sufficient to meet demand. Each loan will provide up to €25,000 for start-up companies and people with ideas in order that enterprise might be encouraged. The scheme will be important,

[Deputy John Perry.]

as the banks are not meeting the level of demand. I agree with the Deputy that all the evidence indicates that people are experiencing significant difficulties. This is evident from the number of closures and the lack of confidence in the commercial sector. The partial loan guarantee will not substitute for the banks, but it will provide a level of comfort for clients seeking loans from banks.

Deputy Willie O’Dea: How much will be guaranteed?

Deputy John Perry: Does the Deputy mean in the loan?

Deputy Willie O’Dea: Yes.

Deputy John Perry: I am open to correction, but the ratio will be 50:50.

Deputy Willie O’Dea: What is the total figure for the amount to be guaranteed?

Deputy John Perry: The exact figure must be signed off by the Government. It is not for me to announce it in the Chamber. When the scheme is announced by the Government, the figure will be more than adequate to meet demand.

Deputy Willie O’Dea: I heard what the Minister of State said about the last Government but the problem is that businesses starved of credit are worried about what this Government will do for them. Deputy John Perry is in government now and people are looking to the Government to do something to make financial institutions lend some of the capital stuffed into their coffers. The Minister of State said it is widely known that the figure for the micro-finance scheme will be €100 million. I note the refusal of the Minister of State to say how much will be guaranteed under the partial loan guarantee scheme but some of his civil servants, during the debate on Committee Stage, have mentioned a figure of €300 million-€400 million. For the end of March 2011, the amount of loans to SMEs outstanding in this country was €58.2 billion. This represents a decline of €7 billion over the course of the year. Can the Minister of State explain what impact a couple of hundred million euro will make in this situation? Does he agree that a more radical approach is needed?

Deputy John Perry: There are several options at the moment and the €32 billion ring-fenced over a three-year period for SMEs is very important. The taxpayer and the Government have recapitalised the banks. It is critically important for domestic banks to have profitable SMEs and SMEs need good banks. It is a win-win situation. The banks are duty bound. On the basis of my discussions with banks and based on the evidence on the ground, people are being refused credit and existing loans have been re-financed. We must have straight talk from the banks and the Government will monitor them. With regard to the funding of micro-finance, the last Administration did nothing. The matter was talked about for years prior to the change of government——

Deputy Willie O’Dea: What the Government proposes to do now will be worse than useless.

Deputy John Perry: The last Administration promised it for two years.

Deputy Willie O’Dea: This Government has promised it for a year.

Deputy John Perry: The people who did not cause the recession are the people now paying a huge price. This is the legacy of the last Government, which closed the viability of small businesses.

Deputy Willie O’Dea: People want to know what this Government will do. What will this Government do? Will the Minister of State focus on that?

Deputy John Perry: We will do much more than the last Administration, which did nothing for small businesses.

Deputy Willie O’Dea: The Government is taking its time.

Job Creation

60. **Deputy Tom Fleming** asked the Minister for Jobs; Enterprise and Innovation the initiatives, policies and or steps he has taken or will take to tackle the unemployment crisis in County Kerry which currently boasts a worrying unemployment rate of approximately 20%; the action he will take to address the loss of jobs due to the phased closure of a company (details supplied) in Castleisland; the stage the proposed development of the Pretty Polly building in Killarney and the Global Pharmaceutical Centre of Excellence in Tralee as potential employment hubs have reached and the projected completion times for both; and if he will make a statement on the matter. [36663/11]

Deputy Richard Bruton: The enterprise development agencies under the remit of my department provide a suite of support measures and interventions that help to support job creation and job retention across the country as a whole, including County Kerry. The overall mix of incentives varies from fiscal policies, such as the 12.5% corporate tax rate that all companies can avail of, to targeted supports or incentives designed to stimulate specific types of business activity. These incentives include funding for certain capital investment, job creation, research and development, training, marketing, and management development. The focus of Enterprise Ireland support, in collaboration with the county enterprise board, is on measures to promote high potential start-up companies, increase productivity, develop management and international sales capabilities, facilitate access to equity and finance and to support entrepreneurship and micro-enterprise.

As regards the specific issues raised by the Deputy, since the announcement by Aetna to close its facility at Castleisland on a phased basis by the end of 2011, IDA Ireland has worked to attract other international financial services operations into the region. In addition, IDA Ireland has worked with Aetna to construct a prospectus setting out the skills and capabilities of the workforce and a profile of the Castleisland facility, which IDA is using as part of its efforts to attract alternative employment to Castleisland. IDA has highlighted the skills and capabilities of the Aetna workforce to a number of relevant investors. While several initial expressions of interest have been identified, IDA continues its efforts to attract genuine prospects to Castleisland.

IDA has been successful in attracting JRI America Incorporated, a subsidiary of Japanese financial services company Sumitomo Mitsui Financial Group to locate in the Kerry Business Park in Tralee, County Kerry. The company announced plans in September to establish a software development operation in Tralee, which will create up to 100 highly skilled positions over the next few years with recruitment already under way for several positions.

Additional information not given on the floor of the House

Officials from all three enterprise development agencies, IDA, Enterprise Ireland and Shannon Development have been in negotiations with Global Pharmaceutical Centre of Excellence, GPCE, at various stages since the this project was first announced. I understand that all the agencies have agreed a collaborative approach whereby GPCE would receive whatever comprehensive support is available. I am informed that Enterprise Ireland, which is willing to

[Deputy Richard Bruton.]

support any viable business proposition, is awaiting a new business plan from the promoters of GPCE while IDA has commenced discussions with one company proposed by GPCE. As regards the Pretty Polly site in Tralee, this site is the property of Tralee Town Council and not IDA. I understand that IDA is endeavouring to source a suitable prospective tenant for the building and is working with the town council on the detailed specification of the buildings to assist with the efforts.

Deputy Tom Fleming: In the past few years County Kerry has become a commercial and industrial wasteland. That is the honest reality; we have lost numerous companies in the last ten to 20 years. In my motion I mentioned Pretty Polly which at its peak employed 1,100 people. There were 1,000 jobs lost in Burlington in Tralee and another 500 in Denny.

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

Deputy Tom Fleming: I am trying to give an insight to what is happening in the county. Liebig in Killorglin has closed, while Aetna Company has been the subject of a phased closure in recent months. I urge the Minister to redouble his efforts to find a suitable employer for that facility. Castleisland has been seriously neglected. Moral is at a low level because of these job losses. The company indicated to me a few months ago that it would hand the plant over to the local authority and the Minister told me then that he understood it would be sold by the company. Will he intervene to ensure the facility is handed over to Kerry County Council or a local authority body?

Deputy Richard Bruton: I did not say anything about selling any site; IDA Ireland is promoting the Castleisland site. The Deputy asked about the global pharmaceutical centre of excellence and officials from all three enterprise agencies, IDA Ireland, Enterprise Ireland and Shannon Development, have been in negotiations since it was first announced. All the agencies have agreed to a collaborative approach, whereby the GPCE will receive whatever comprehensive support is available. Enterprise Ireland which is willing to support any viable business proposition is awaiting a new business plan from the promoters of the GPCE, while IDA Ireland has commenced discussions with a company proposed by the GPCE.

The Deputy asked about the Pretty Polly site in Tralee. That site is the property of Tralee Town Council, not IDA Ireland which is trying to source a suitable tenant for the building and working with the town council on the detailed specification of the building to assist in seeking applicants.

Deputy Tom Fleming: I thank the Minister and the Minister for Arts, Heritage and the Gaeltacht for facilitating a meeting with Enterprise Ireland and IDA Ireland in recent months. We hope the rewards will be reaped and that a substantial number of jobs will be provided in the pharmaceutical centre proposed for Tralee. The Pretty Polly site is an ideal location. Pretty Polly employed up to 1,100 people at one stage and I urge all Ministers to find a suitable project, be it in education, enterprise, technology or manufacturing. This is a wonderful plant of substantial size.

What is happening with the Shannon Energy Valley initiative? There has been a lot of bureaucratic messing that has held up the project. In the region of €500 million has been invested in the liquid nitrate gas proposal which has dragged on for a number of years, with various impediments. I ask all Ministers and the Taoiseach to get involved and make an all-out effort to finalise the project because otherwise it will be lost.

Deputy Richard Bruton: While the Pretty Polly site is very valuable, there are questions about the need to convert the building into units that would make it more usable. That issue may need to be explored locally.

I met the sponsors of the LNG project. The key issue in this regard relates to the pricing of gas and whether a fee must be paid in respect of interconnectors. The issue relates to a role that does not fall to the Government but to the Commission for Energy Regulation. That is my understanding of the current position but I would need specific notice to be able to elaborate thereon.

Other Questions

Cloud Computing

61. **Deputy John Browne** asked the Minister for Jobs; Enterprise and Innovation when the Cloud Computing Implementation Group held its most recent meeting; when he expects to receive proposals from the group for his consideration; and if he will make a statement on the matter. [36018/11]

Minister of State at the Department of Jobs, Enterprise and Innovation ((Deputy Sean Sherlock)): On 30 June, the Minister, Deputy Bruton, announced the establishment of a cross-Government implementation group on cloud computing. This group, which is chaired by the Secretary General of my Department, comprises representatives of Departments and agencies responsible for all aspects of cloud computing policy, IT procurement, security, infrastructure and enterprise policy. The group last met on 28 September. In addition, the group's work was complemented by a parallel process of engagement which resulted in 23 meetings with representative bodies and individual companies being facilitated by my Department.

In conducting its work, the group examined the opportunities and challenges presented by cloud computing for business and government from the following perspectives: (i) the cloud as a source for exports, growth and jobs; (ii) the adequacy of key infrastructures; (iii) the regulatory environment; (iv) the opportunities and benefits for indigenous enterprises; (v) the opportunities for attracting foreign direct investment; and (vi) Government as a leader and user of the cloud.

The Secretary General of the Department, upon his recent retirement, submitted a draft interim report to the Minister. This report is currently being reviewed by the group and it is intended that the group will meet shortly for the purpose of agreeing the content of the report and an action plan to implement its recommendations. The group's final report is expected before the end of this year.

Ireland is extremely well placed to take advantage of the rapidly growing international potential of cloud computing. A recent report commissioned by Microsoft has estimated that, by 2014, the cloud computing industry in Ireland could be worth €9.5 billion and employ between 8,500 and 9,000 people. Now, more than ever, we must do everything we can to seize opportunities like this. These jobs will be created automatically, and the Government must act decisively and urgently if we are to position Ireland as a world leader in this high-growth sector. The commitment in the programme for Government on cloud computing sets out the Government's intentions in this important area of the ICT industry.

Deputy Willie O'Dea: I welcome the establishment of the technology centre and the implementation group. In the programme for Government, it is stated that the Government will

[Deputy Willie O'Dea.]

make Ireland the leader in the emerging IT market of cloud computing by promoting its greater use in the public sector. How can that be done when it is fairly widely known that a significant section of the public sector, including those involved in formulating purchasing policy for the Government and public bodies, are opposed in principle to adopting cloud computing solutions?

Deputy Sean Sherlock: Our job is to engage with the centre for management and organisation development, CMOD. The Government acknowledges the possibilities of this. One could say work is ongoing on making the ICT infrastructure more user friendly. There will be challenges, potentially in regard to industrial relations peace, but I believe strongly that through proper engagement with all the stakeholders across government and by taking a more horizontal approach as opposed to the more siloed approach we are used to, we can achieve something and become global leaders in adopting early new technologies such as that associated with cloud computing.

Deputy Willie O'Dea: It would be ironic if cloud computing were at the centre of our innovation policy while the Government could not buy cloud computing services. There seems to be a particular problem with CMOD, which is now part of the Department of Public Expenditure and Reform.

Deputy Sean Sherlock: I did not quite get the last point.

Deputy Willie O'Dea: There seems to be a particular problem among certain people in the centre for management and organisational development, which used to be part of the Department of Finance but is now in the Department of Public Expenditure and Reform.

Deputy Sean Sherlock: I am not aware of such problems. I say that openly and honestly. Research is ongoing and the centre is in the process of developing a cloud computing strategy for the public service, which it intends to bring to the Government for consideration and approval in the first quarter of 2012. If a specific issue arises, I would love to hear the Deputy's thoughts.

Deputy Willie O'Dea: I would be happy to share them.

Deputy Peadar Tóibín: Cloud computing is based on the power of the networks in this State. Ireland is 79th in the world, or 24th out of the EU, for upload speeds and we are 49th in the world, or 23rd in the EU, for download speeds. It is estimated that an investment of €2.5 billion will be needed to bring our broadband services to the top of the table. Without this level of investment, the Minister of State's talk is merely hocus pocus. How much will the Government be investing in broadband services to make this reality rather than spin?

Deputy Sean Sherlock: I fundamentally disagree with the Deputy. If he is willing to show me the source of the statistics he cited, I will revert to him on the matter.

Deputy Peadar Tóibín: They are from the IrelandOffline Quarterly Report.

Deputy Sean Sherlock: EMC, the Irish Internet Association, Facebook, IBM, Microsoft, Fujitsu, Dell and A&L Goodbody are all engaged in this process. It is a worthwhile process because if we can become global leaders by dint of being early adopters we will have a competitive advantage. I recognise that problems arise in broadband provision but the capacity is present in terms of cloud. If the Deputy engages further with the Department, we can send him some facts on the issue.

Job Protection

62. **Deputy Denis Naughten** asked the Minister for Jobs; Enterprise and Innovation the progress made to date on protecting employment at Bank of America, Carrick on Shannon, County Leitrim; and if he will make a statement on the matter. [36057/11]

Deputy Richard Bruton: My priority is that any decision taken by Bank of America should have minimal impact on employees at the Carrick-on-Shannon operation and ensure that jobs are maintained at the facility. I emphasised this when I met with senior executives from Bank of America at their headquarters in Charlotte, North Carolina in September. Since then, IDA Ireland has engaged in actively marketing the Carrick-on-Shannon centre through its network of overseas offices to a broad range of financial institutions and other international groups who may have a potential interest in the skillsets and capabilities available.

As part of its marketing campaign, the IDA prepared a detailed profile of the Carrick-on-Shannon facility which documented the capability available to a prospective acquirer of the business or facility, including staff and properties.

The IDA has met with a number of potential bidders for both the Ireland MBNA portfolio and the combined Ireland-UK MBNA portfolio. It has also introduced some of these parties to potential funding partners who might support potential bids. These are mainly global investment banks and private equity groups. No sale decisions have yet been taken by Bank of America but we remain in ongoing contact.

Credit Guarantee Scheme

63. **Deputy Catherine Murphy** asked the Minister for Jobs; Enterprise and Innovation if he will provide information on the proposed partial loan guarantee scheme; if he will elaborate on whether the scheme will have any facility for struggling businesses, in particular small and medium enterprises, which wish to consolidate existing debt and invest in recovery plans; if not, if he has any proposals for providing assistance to businesses with existing debt who wish to fund recovery plans; and if he will make a statement on the matter. [36015/11]

Deputy John Perry: The design phase of a temporary partial credit guarantee scheme has been completed and formal proposals will be brought to Cabinet shortly. Once the design of the scheme is approved by the Government, there will then be a further request for tender published 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. The purpose of the scheme is to encourage additional lending to SMEs. It 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, and 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 expansionary SMEs which due to their sectors, markets or business model are perceived as higher risks 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 to 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.

[Deputy John Perry.]

Refinancing of existing debts will not be eligible for guarantee and such arrangements will continue to be dealt with by banks under their current lending arrangements. However, in cases where new lending is sought along with refinancing, the availability of a guarantee in respect of the new lending element should be of assistance in providing an overall package of support to the business, including consolidation of existing debts.

The temporary partial credit guarantee scheme will complement the Government plans on the restructuring and recapitalisation of the banking system which seek to secure an adequate flow of credit into the economy to support economic recovery.

Deputy Catherine Murphy: When will the legislation be published and passed? When will the scheme come into place? Is there a possibility that the banks are waiting for this scheme rather than operating their normal lending schemes at the moment? The Credit Reviewer recently said he was sceptical about this being a cure-all and that the guarantee would need to proceed on an individual basis, requiring each application to be considered on its own merits, which is exactly what is supposed to happen when a businessperson seeks a business loan. Does the Minister of State have confidence in the banks lending? We packed them full of money in order for them to lend to productive businesses. All the evidence suggests that is not happening. We own half of these — we certainly own the bulk of AIB and a significant amount of Bank of Ireland which would be the primary banks.

An Leas-Cheann Comhairle: The Deputy should conclude.

Deputy Catherine Murphy: If they are not lending to business that will be productive, what has been the purpose of this? Does the Minister of State have confidence in them doing that?

Deputy John Perry: The scheme will be rolled out in the first quarter of next year. We have to have confidence in the banks because how can they make profit without viable SMEs, which represent the backbone of their business? This partial loan guarantee will not be a substitute for bank lending. It will only guarantee loans for businesses with, for example, a new market or product range where there is a certain element of doubt. Some 650,000 people are working in 200,000 small companies. It is important to have confidence among employers and employees. Much of the money is not being spent in the economy when one considers the level of savings being made. To support small companies in the real economy we need to spend locally and buy for Ireland to get the confidence rolling. Unfortunately many of the businesses that were viable two years ago are no longer viable because domestic spending is low. Clearly no bank will give money to an operation that is losing money. It is equally about the mentoring of a business and we are very confident that the banks will start working with the accountants and others on matters such as due diligence or the company business plan as this requires a partnership approach.

An Leas-Cheann Comhairle: The Minister of State should conclude.

Deputy John Perry: The day of the bank just giving money and standing back and hoping it will work are gone.

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

Deputy John Perry: It is important that the bank take responsibility also.

An Leas-Cheann Comhairle: I call Deputy Catherine Murphy briefly as we are running out of time.

Deputy Catherine Murphy: I am not arguing that money should be advanced to companies that are not viable. The Minister of State and I know there are plenty of viable companies that are being squeezed to the point that they may not be viable. It almost becomes a self-fulfilling prophecy in that the domestic economy will suffer if we do not reinforce viable companies. Plenty of them are being impacted negatively by the banks. I would not argue for a guarantee although where a company is marginal I can see the benefit of a guarantee. In the first instance the money was put into the banks to allow solid companies to continue in business and continue to employ people. I know people in viable small and medium-sized businesses who are concerned about their viability because of the dysfunctional relationship they have with their banks.

Deputy John Perry: The Taoiseach, the Minister for Finance, Deputy Noonan, and the Minister for Jobs, Enterprise and Innovation, Deputy Bruton, met representatives of the banks in the past ten days to discuss their obligation to invest in companies. If we consider the principles of any business, the taxpayer has put money into the banks and therefore the banks are obliged to put money into companies which in turn will create jobs. I entirely agree with the Deputy that the €30 billion will have to be clearly benchmarked on a regional basis. As Deputy O'Dea said, it is not about repackaging a loan that was offered two years earlier.

An Leas-Cheann Comhairle: I thank the Minister of State.

Deputy John Perry: This is about the potential for new business. I assure the Deputy that the Government is determined that the banks will play a critical role in kick-starting the domestic economy. It is very important to get confidence and credit. Unfortunately they are both linked. There is a great lack of confidence. There are 650,000 people working in small companies. We need to give confidence to those employees and their employers.

An Leas-Cheann Comhairle: I thank the Minister of State.

Deputy John Perry: That is why we need certainty. The banks will need to play a role and will be very much benchmarked by the Government as to what they are doing. I will come back to the Deputy again on this.

An Leas-Cheann Comhairle: I will take two brief questions from Deputies O'Dea and Tóibín.

Deputy Willie O'Dea: When a decision needs to be taken as to whether a loan will be guaranteed, what sort of person will take the decision? Will it be taken by a bureaucrat in the Department or by somebody in the private sector?

Deputy Peadar Tóibín: In the North of Ireland, Sinn Féin along with its partners through the programme for government made £50 million available in loans to small and medium-sized businesses. Would the Government not consider putting something like that in place straight away to deal with the problem?

Deputy John Perry: In response to Deputy O'Dea's question as to who will take the decision, there will need to be due diligence of the business plan. It will be in collaboration with the Department, which will have a critical recommendation on this along with the bank and the business's accountant. That will be very much a win-win situation. That level of mentoring will assist with the viability and will reassure banks which in the past have refused money. There will be decisiveness. The code of banking will be looked at to give a timeframe.

In response to Deputy Tóibín's point, we have put a huge amount of money into the pillar banks. They are sufficiently capitalised and have the money to lend. With Mr. John Tre-

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thowan's report, there has been independent assessment of that. Bank of Ireland and AIB are each committed to lending €3 billion, which may be insufficient to meet the demand. The tragedy at the moment is that it is not just about giving money to a business, which is one element. It is about the level of support in the economy, the spend in the economy and the stacked-up costs of doing business. Keeping a company viable is not just about giving it a big cheque and hoping everything else will be rosy.

Deputy Peadar Tóibín: Nobody is making that point.

Deputy John Perry: That is not the answer to all the problems.

Proposed Legislation

64. **Deputy Denis Naughten** asked the Minister for Jobs; Enterprise and Innovation his plans to upgrade the current partnership law; and if he will make a statement on the matter. [36056/11]

Deputy Richard Bruton: The Company Law Review Group gave in-depth consideration, over a period of four years, to the reform of partnership law, in particular to the possibility of introducing limited liability partnerships for accountants and solicitors. In general, the CLRG did not find any strong tide of opinion running in favour of introducing limited liability partnerships. However, the group indicated the issue warranted some further consideration and recommended that the Department of Jobs, Enterprise, and Innovation, and the Department of Justice and Equality should establish a committee, made up of representatives of both Departments, the CLRG, the Irish Auditing and Accounting Supervisory Authority, and the Courts Service of Ireland, to consider whether accountants and solicitors should be permitted to form limited liability partnerships or companies.

The issues at stake here are complex and wide ranging, particularly as it could involve the establishment of a new legal form which would have to apply generally and not only to the professions. The committee considering the issues will also have to take into account the taxation and transparency issues before coming to a conclusion and recommendations.

In the meantime, the Minister for Justice and Equality published the Legal Services Regulation Bill last month. That Bill includes provisions for partnerships for legal practitioners, including for multidisciplinary partnerships providing both legal and other services. The Bill also provides for the new legal services regulatory authority to be established, which will conduct a public consultation and make proposals on partnerships for the legal profession to the Minister for Justice and Equality.

The overall position on liability has been changing in recent years. Section 44 of the Civil Law (Miscellaneous Provision) Act 2008 provides that a solicitor may contract with a client to limit his or her liability to that client. Furthermore, SI 220/2010, European Communities (Statutory Audits) (Directive 2006/43/EC) Regulations 2010, provides, among other things, for the removal of the prohibition on auditors incorporating as a limited-liability company.

An Leas-Cheann Comhairle: I call Deputy O'Dea.

Deputy Richard Boyd Barrett: On a point of order, although the Member who asked the question is not present, Members who are present have tabled questions that may not be reached. Can I ask that Members simply note the Minister's response and move on?

An Leas-Cheann Comhairle: No, Deputy O'Dea or any other Deputy is entitled to ask a question.

Deputy Richard Boyd Barrett: Perhaps Deputy O'Dea might consider some of the other Members who have questions on the Order Paper.

Deputy Willie O'Dea: When can Members expect to see the companies Bill?

Deputy Richard Bruton: Some 2,500 sections of the Bill have been published online, which comprise part 1 of a two-part Bill. It is a major piece of work.

Deputy Willie O'Dea: That is part 1.

Deputy Richard Bruton: I understand the second part is being worked on. It is a major endeavour.

Job Creation

65. **Deputy Pearse Doherty** asked the Minister for Jobs; Enterprise and Innovation the number of jobs that could be created with an additional €3.1 billion per annum. [35942/11]

Deputy Sean Sherlock: On job creation, this Department must deal with the reality of the capital funding available to it. On 10 November the Government published its infrastructural and capital investment medium-term Exchequer framework for the period 2012 to 2016. Overall, capital investment totalling €17 billion has been allocated across Departments. In one way or another, all of this €17 billion ultimately has a focus on job creation. The Government's role is to create the conditions within which it will maximise the impact of this capital allocation and support the private sector in the creation of jobs. Within the medium-term framework the State's support to enterprise and innovation has been protected and prioritised and clear targets for job creation have been set. When averaged over the lifetime of the framework, the job creation targets for Enterprise Ireland and IDA Ireland are set to approximately 22,659 per annum.

The capital allocation for programmes funded by the Department is to be increased in 2012 to €514 million, an increase of €6 million on the 2011 allocation, and supports to industry will be maintained in excess of pre-recession levels when total capital expenditure was at its highest. This represents a strong commitment in this Department to the development of enterprise and provides the development agencies with sufficient resources to target aggressively the projects and investments that will drive economic renewal. In setting out this level of capital investment in the productive economy the Government has been cognisant of issues, including maximising the achievement of value for money and the sustainability of job creation measures.

While the notion of spending an additional €3.1 billion per annum on job creation might sound attractive, what the economy needs is structural change. The Government must ensure the enterprise development supports and agencies are fit for purpose and well positioned to help Ireland to move out of the current downturn by creating sustainable jobs and continuing to grow exports in traditional key markets, as well as targeting high growth markets such as the BRIC countries for both exports and inward investment. The Government has made inroads in bringing about these changes, as well as restoring confidence across enterprise, investors and consumers. For example, work is advanced within the Department on determining the extent of the restructuring of the county enterprise boards; IDA Ireland has restructured in order that more of its staff are in client-facing jobs, while Enterprise Ireland has made operational a new potential exporters division which will target companies with export potential. These are just a few examples of the changes being brought about.

Deputy Peadar Tóibín: While many words were used, the question was not answered. It would have been answered in four syllables, namely, 30,000, the number of jobs that would be

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created if an additional €3.1 billion per annum was available. For example, the Government could reinstate the sum of €750 million it took out and could make Ireland's broadband services the best in the world with the expenditure in one year of €3.1 billion. Obviously, the reason I mention the sum of €3.1 billion is that it is the cost of the Anglo Irish Bank promissory note. One could provide 900 MW of offshore wind energy to power up to 1 million homes. In a five-year period, with that amount of money, one could retrofit 1.4 million houses in the State. This includes every single house in the State, would save each household €1,400 per year and the scheme would pay for itself within seven years.

An Leas-Cheann Comhairle: I am sorry, Deputy, but may I call the Minister of State?

Deputy Peadar Tóibín: I do not know whether the Leas-Cheann Comhairle saw the RTE television programme, "Arrivals", last night. It provides an example of the generation that has been lost to the country owing to the choices being made by the Government to divert funds from capital expenditure to Anglo Irish Bank, etc.

Deputy Sean Sherlock: I take the Deputy's point which is made in good faith. However, in respect of the Government's capital allocation, there has been a 4% increase in Enterprise Ireland's capital budget for 2012. I will rush through these figures because I am conscious of the time constraints, but there has been a 10% increase in the number of high potential start-up companies, a 20% increase in the number of innovation partnerships and expenditure of €18 million on the innovation fund. The key point is that the Government is trying to set down the foundations or the bedrock on which one can sustain jobs over a longer period. If one considers Sinn Féin's proposals for capital expenditure, they entail borrowing something like €1.7 billion from the European Investment Bank. It is talking out of both sides of its mouth in this regard — there is a bit of the Tadhg an dá thaobh about it — because, on the one hand, it states it would not pay back moneys to the European institutions from which Ireland has borrowed money while, on the other, it would have no problem in borrowing approximately €1.7 billion from the European Investment Bank. This does not stack up.

An Leas-Cheann Comhairle: I will call Deputy Tóibín to ask a question and return to the Minister of State.

Deputy Sean Sherlock: The Government is trying to create long-term sustainable jobs, but the Deputy is talking about short-term projects based on capital expenditure. This does not stack up.

An Leas-Cheann Comhairle: I am trying to share six minutes between the Deputy and the Minister of State.

Deputy Peadar Tóibín: My party believes in paying back sovereign debt. It is paying private debt with which we do not agree. Moreover, the European Investment Bank has been tasked with giving funds to states such as Ireland and the amount of money outlined in Sinn Féin's pre-budget submission is allowed for, given the level of the State's GDP.

I have a single question pertaining to the funds taken from Tara Mines pensioners by the Government on foot of the last jobs initiative. The Tara Mines pensioners who were to be found outside the gates of Leinster House today will see a reduction of 10% in their pensions in the next four years. That is a substantial sum which represents nearly a one month's pension payment which is to be taken out of their pockets as a result of the so-called jobs initiative taken a number of months ago. While there has been much to and froing between the miners and the Minister for Finance on this issue — I believe the Minister wrote to the Minister for

Jobs, Enterprise and Innovation in this regard — there has been nothing but platitudes. As for the Minister for Finance's statement, in reality it should be either the company or the pension agency organisation which deals with this matter and there should be oversight by Revenue. However, nothing is happening and the pensioners will still have their pensions reduced by 10% on 1 January as a result of the decision made by the Government.

Deputy Sean Sherlock: In fairness to the pensioners who were outside the gates of Leinster House today, if I interpreted the vox pop correctly, the strong message also extended to the amount of money being taken in administration fees.

Deputy Peadar Tóibín: They want the Government to force the administrators not to do this.

Deputy Sean Sherlock: I respectfully ask the Deputy to allow me to answer the question. The pensioners were as adamant in their opposition to that aspect. Let us take another look and look at the issue from the perspective of the communication passed between Departments. However, with all due respect, as the question tabled by the Deputy pertains to capital expenditure of €3.1 billion, he will forgive me if I do not have an exact answer for him on the issue of the pension fund mentioned.

66. **Deputy Seán Crowe** asked the Minister for Jobs; Enterprise and Innovation when he will launch a jobs strategy; the way such a strategy will differ from the jobs budget launched last summer; and if he will also be developing a retail strategy for the State. [35956/11]

Deputy Richard Bruton: I am preparing a jobs strategy for the Government that will set out a series of clear, actionable measures to support the creation and retention of jobs. The strategy will focus on areas such as improving competitiveness and intensifying competition in the sheltered sectors, assisting indigenous business to grow, supporting indigenous start-ups, attracting inward entrepreneurial start-ups, developing and deepening the impact of foreign direct investment, exploiting opportunities in new and emerging sectors and supporting employment initiatives within the community.

In preparing the strategy I have consulted a wide range of stakeholders from the public, private and community sectors to obtain their views on actions to support employment creation. I have received more than 600 individual ideas through this process. My Department and Forfás, in consultation with officials in other Departments, have been analysing the proposals to identify those which are likely to have the greatest impact on job creation and retention.

The jobs initiative announced last May represented a series of early actions on the part of the Government to restore confidence in the economy, stimulate demand and assist those seeking to work. The jobs strategy, by contrast, will present a medium to long-term vision of where Ireland can maximise employment opportunities in areas where it has traditional strengths such as tourism and agrifoods, as well as in new and emerging sectors such as cloud computing, health and the life sciences, silverttech and the green economy. Some of the actions in the jobs strategy will be delivered in the short term and have an immediate impact, while others will be delivered in a longer timeframe.

The objective is to publish the jobs strategy early in the new year. The actions contained in it will assist all enterprises across all sectors to protect and create jobs. It also will include specific actions for key sectors, including the retail sector.

Deputy Peadar Tóibín: Here we are, roughly eight months into the new Administration, and the situation is that 440,000 people are unemployed and 70,000 are emigrating annually. It is important that the lives of the individuals who are forced out of this country are understood, which was very well demonstrated in the RTE programme "Arrivals" last night. This situation

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is the result of the lack of focus on jobs. We discussed the crisis with regard to upward-only rents, energy costs, the credit freeze, the increases in VAT and, now, the Government's determination to lift the cap on hypermarkets, which are all anti-business policies.

One of the aspects I would like to have included in the jobs strategy is the breakdown of large State contracts. It is not true that the Government does not create jobs. The Government creates jobs, and there is close to a 1:3 multiplier effect for every euro invested in capital projects by the State. To give an example, a new contract is being developed for the maintenance and construction of the Bord Gáis grid throughout the State. It has come to my knowledge that instead of the normal procedure where the Government had contracts for a number of small businesses which worked on the grid, a new super-contract with one supplier is being created which will have a value of approximately €1 billion over almost ten years. It is likely this will push the contract outside of Ireland and make many small Irish suppliers in this area unemployed.

Deputy Richard Bruton: I do not know whether a question was asked. Public procurement is certainly an area where we will look to ascertain what initiatives can be developed to ensure SMEs get a greater share of opportunity from public contracts. I know the Deputy in his question to the Minister of State, Deputy Seán Sherlock, referred to the potential impact of €3.1 billion in creating 30,000 jobs. To put that in context, we are estimating the €2.3 billion we have been assigned for the capital programme over the next four years will create 110,000 jobs through the enterprise agencies. In this difficult time, it is important to put our money into sustainable jobs in exporting businesses that can be sustained for the long term. We would all love to have more money to build projects but what we really need is enterprises to sustain employment for the long term.

Deputy Richard Boyd Barrett: As I have a later question that will not be reached, I will try to connect it to this question on the issue of retaining jobs as well as creating them. Given they handed him a letter, the Minister will be familiar with the Connolly Shoes workers in Dun Laoghaire who were sacked, having been 17 months on strike, and who have now been found by the Employment Appeals Tribunal to have been unfairly dismissed. One of the longest serving employees, Mr. John Mulpeter, after 38 years service has been sacked unfairly and will walk away with only €1,600 because the legislation allows employers to do this to people — it allows them to essentially concoct excuses to sack workers so they do not have to pay them off properly in terms of redundancy and pensions. Legislation needs to be urgently brought in to prevent unscrupulous employers from sacking workers to avoid paying them moneys they are owed and their proper entitlements.

Deputy Willie O'Dea: Does the Minister agree that the new planning guidelines announced by his colleague, the Minister, Deputy Phil Hogan, will have a devastating impact on retail businesses in town centres throughout the country and will not create any new jobs?

Deputy Peadar Tóibín: I mentioned the Bord Gáis contract because it is an example of a contract that will edge out small suppliers and one on which the Cabinet can have an effect. Will the Minister seek to change the policy direction in which that Bord Gáis contract is developed?

Deputy Richard Bruton: I cannot comment on a Bord Gáis contract that is not issued under my Department, in which I have had no direct role and about which I do not know the legal status. However, it will be an ambition of Government to seek to create opportunities for small business. The thresholds for contracts are sometimes set just too high for small businesses to have a chance to compete and we will seek to make changes in that area.

The issue raised by Deputy Boyd Barrett is the subject of a later question and I cannot answer on the particular circumstances of the individual to whom he referred. If the Deputy wants to submit a question, I can answer that. My understanding is, as the Deputy said, that the labour relations machinery has found in favour of the workers in this case and enforcement is being pursued.

Deputy Richard Boyd Barrett: The legislation is inadequate — that is the point. He still walks away with virtually nothing even though the finding was in his favour.

Deputy Richard Bruton: The Deputy will have to submit another question on that because I do not have the details of the individual involved and I am not in a position to comment.

As I understand it, the Minister has announced modifications in the retail planning guidelines which are designed to improve competitiveness and to have value available. The truth is that Irish people pay something like 20% more for retail grocery products compared to other countries in the eurozone. This is a small measure but it is carefully designed to protect town centres and there is a keen awareness by the Minister that the heart of towns have to be protected. This is a well-calculated measure by the Minister which strikes the balance that needs to be struck.

Leaders' Questions

Deputy Micheál Martin: A few weeks ago, the Taoiseach announced in terms of the budgetary process “What I intend to do this year is very different to ... any other budget to date”. We did not quite understand what he meant when he made that statement some weeks ago. However, since then, his Government has announced the fiscal framework, the capital investment programme as well as the expenditure sector reform programme outside of this House. His disregard for the House and its participation in the budgetary process has reached new levels.

On Thursday last, it was announced that he intended to increase the rate of VAT by 2% in one fell swoop in 2012. This information came to Members of this House after it had been distributed to members of the German Parliament. Clearly, the Taoiseach's budgetary process was different to any previous budgetary process. He has doubled the press conferences, trebled the leaks and halved the information to this House. In passing, I ask the Taoiseach to confirm that the documentation that was sent to the German Parliament has now been lodged in the Oireachtas Library, where it should be, so Members from across the House can have access to it.

The Taoiseach must accept that this shows contempt for this House and its elected representatives. To be specific, at a time when economic growth rates are very low, retail businesses are on their knees and confidence is low across the eurozone and in the United States because of difficulties there, surely the Taoiseach must agree it is the worst possible time to increase VAT by 2% in one fell swoop in 2012. Without question, does he agree that this is a tax on jobs and will damage the overall domestic economy, particularly the economy of the Border counties? I point out to the Taoiseach that in 2009, when the VAT rate was increased by 0.5%, the current Minister, Deputy Bruton, described it as turning a recession into a depression, and the current Minister, Deputy Burton, described it as an astronomical increase.

When this proposal is combined with other suggestions about sick leave and redundancy payments, it all adds up to a Government that is heading towards a massive disincentive to job creation and an attack on jobs and small business. Will the Taoiseach consider reversing the decision to increase VAT by 2%?

The Taoiseach: For the Deputy's information, no decision has been taken by the Government in respect of details of the budget. The only reason the information was sent to Mr. Draghi, Mr. Juncker, Mr. Rehn and the Minister for Finance in Poland, signed by our Minister for Finance and the Governor of the Central Bank, was because of the mess we inherited. I will not go back into that kind of politics. I have no intention of it.

Deputy Timmy Dooley: Another promise.

A Deputy: Another U-turn.

The Taoiseach: Part of the memorandum of understanding that we have had to change is in respect of a commitment to take out €250 million extra in income tax in this year's budget for next year, which was agreed by the previous Government. We take a different view here. The Minister for Finance made clear his intention to bring a proposal as one of a number of proposals to the Government for its consideration in respect of a VAT increase of 2% and with no further increase planned over the period of the programme. The difference now is that the exchange rate has moved in our favour as distinct from what it was when Deputy Martin referred to differences in VAT rates previously. If tax plays a role in driving cross-Border shopping, it is the overall level of taxation which combines income tax, corporation tax, VAT and other charges. The UK increased its standard rate of VAT by 2.5% in 2010 and by a further 2.5% earlier this year, and that was up from the temporary lower level of 15% in 2008. We take a different view than Deputy Martin. As far as the Government is concerned, we want to focus on not impeding the opportunity for people to have jobs and to be able to go work. The evidence clearly is that increases in income tax, which were followed by Deputy Martin and his party, directly hit people who want to have a choice in spending their money and in what they purchase.

Deputy Timmy Dooley: Tell us what the impact of the VAT increase will be?

The Taoiseach: To return to Deputy Martin's question, he asked would the decision be reversed. The Cabinet has not made a decision in any of the details of the budget to date but will do so obviously in the next few days.

Deputy Micheál Martin: I have no difficulty with information being sent anywhere once it is sent to this House first — that is the point. If the Taoiseach was sincere about his budgetary process——

The Taoiseach: The Deputy does not seem to realise that he left us in the lurch.

Deputy Micheál Martin: Allow me to make my point. If the Taoiseach was sincere about his budgetary process, greater transparency and greater detail, he would have given all of this information to the House——

Deputy Alan Shatter: Tell us about your legacy to this country.

A Deputy: Mr. Popularity.

Deputy Micheál Martin: ——three or four weeks ago. There is no difficulty. When 41 members of the German Parliament can read this documentation, why cannot Members of this House read it? It is a disgrace that the Taoiseach has not already circulated this to every Member of the House, given that 41 members of the German Parliament have it. I have no difficulty about who gets it, once this House gets it first. That is the key point.

An Ceann Comhairle: Can I have a supplementary question from the Deputy?

Deputy Micheál Martin: The Minister, Deputy Noonan, has made it absolutely clear that a decision has been taken on the 2% increase. The Taoiseach should stop maintaining a fiction about it. He is reported this morning; again, he made it very clear. He said the only reason he is sticking to the 2% is that it is obvious. All the other stuff he describes as speculation. The Tánaiste said he was very puzzled about how all this documentation got to the German Parliament. The Taoiseach said it was speculative. It took the Minister, Deputy Noonan, to confirm it in an honest and open manner.

(Interruptions).

An Ceann Comhairle: Thank you, Deputy. Your time is up.

Deputy Bernard J. Durkan: Did you give all that information——

Deputy Micheál Martin: The fundamental point is this — the ESRI has said that this VAT increase will hit the poorest households the most. I am asking the Taoiseach to stop maintaining the fiction——

An Ceann Comhairle: Could we have the Deputy's question?

Deputy Micheál Martin: ——and indicate this evening that he will reverse that decision of a 2% increase on the VAT rate.

Deputy Alan Shatter: The Deputy's party proposed that 2% increase.

(Interruptions).

A Deputy: Timing is everything, Bernard.

Deputy Bernard J. Durkan: Timing is everything.

The Taoiseach: Let us just put something on the record now for Deputy Martin.

Deputy Colm Keaveney: On the promissory note.

Deputy Bernard J. Durkan: Hear, hear.

The Taoiseach: He and his party——

Deputy Timmy Dooley: I thought the Taoiseach said he had——

Deputy Colm Keaveney: What about the promissory note?

The Taoiseach: ——signed off in the middle of the night and they imposed on the backs of the Irish generation to follow a €3 billion charge every year for the next ten years.

Deputy Micheál Martin: We put it through the Dáil and the Taoiseach voted for it.

Deputy Bernard J. Durkan: Deputy Martin voted for it.

Deputy Simon Harris: A man who is not even in the House——

Deputy Micheál Martin: The Taoiseach voted for it.

Deputy Willie O'Dea: He voted for it.

Deputy Micheál Martin: In the light of day, the Taoiseach voted for it.

A Deputy: And he extended the guarantee last week.

An Ceann Comhairle: Will the Deputies cool down?

Deputy Timmy Dooley: We are being provoked.

The Taoiseach: That is what Deputy Martin did. He can waffle all he likes about it but facts are facts.

Deputy Micheál Martin: The Taoiseach voted for it.

The Taoiseach: Yes, and the Deputy's colleagues came in here and the Deputy said it will cost €6 billion instead of €100 million. The man seated beside the Deputy said it was his idea and a wonderful thing in the following weekend's newspapers. It was his idea, a brilliant opportunity and here we go.

A Deputy: Thanks, Willie.

Deputy Willie O'Dea: I am not that good.

An Ceann Comhairle: We are over time, Taoiseach.

The Taoiseach: The 2% increase that the Minister will bring to Government as a proposal, upon which I might add the Government has not signed off on yet, means that the zero rate of VAT which currently applies to a range of goods and services, including most foods, children's clothing and, importantly, footwear——

Deputy Micheál Martin: The Taoiseach knows all about that.

The Taoiseach: ——oral medicines and so on will not be touched. The 9% rate which involves the reduction of VAT across the hospitality sector will remain unchanged, will not be touched——

Deputy Willie O'Dea: So the Taoiseach has a brief.

Deputy Micheál Martin: Is the Taoiseach confirming the 2% — that the rate is going up? This is pathetic, Taoiseach.

The Taoiseach: ——and the 13.5% rate which applies to residential housing, labour intensive services and general repairs and maintenance are unaffected.

Deputy Timmy Dooley: The Taoiseach should move Standing Orders and bring in——

An Ceann Comhairle: Thank you, Taoiseach.

The Taoiseach: The point I am making to Deputy Martin is that this Government makes a deliberate choice in what it wants to do——

Deputy Micheál Martin: I just asked the Taoiseach to confirm it.

The Taoiseach: ——and what we want to do is sort out our public finances by a different route to the one his crowd adopted——

Deputy Willie O’Dea: Has the Taoiseach made a choice?

The Taoiseach: —and therefore we have renegotiated with the troika in respect of income tax.

Deputy Bernard J. Durkan: Hear, hear.

The Taoiseach: The Minister will bring his proposal to Government for a 2% increase in VAT with no further increase for the remainder of the programme and no further increase in income tax for the remainder of the programme, and the Government will make its decision on that—

Deputy Micheál Martin: No cut in the rate. He made too many commitments—

The Taoiseach: —in due course over the next few days.

Deputy Micheál Martin: The Taoiseach has boxed himself into a corner.

The Taoiseach: What the Deputy stated, therefore, is not true.

Deputy Micheál Martin: The damage is done.

Deputy Gerry Adams: Tá an Rialtas ag magadh faoi seo ach tá sé tromchúiseach gur tharla díospóireacht i bparlaimint eile le heolas ón Rialtas nuair nach bhfuil díospóireacht nó eolas anseo. Sin iontach tromchúiseach — ich spreche kein Deutsch mein Herr, aber haben—

An Ceann Comhairle: Could the Deputy translate that for us please? I do not have German.

Deputy Bernard J. Durkan: I would say that would be easy enough.

(Interruptions).

Deputy Gerry Adams: —dem Bundestag. Chuir mé ceist an bhfuil aon scéal aige ón Bundestag because that is where the decisions are being taken.

I want to deal with another issue. The issue of VAT is one which will destroy small and medium businesses but the big issue that has emerged in recent days is to do with the Government’s commitment to maintain social welfare rates. Labour was crystal clear about that, particularly on the issue of child benefit. The Tánaiste said the issue of child benefit was a red line issue for the Labour Party. Will that be reflected in the budget? Will the Taoiseach make it clear that there will be no cuts to child benefit on 6 December? In case the Taoiseach says he has not made decisions on that, he is able to make it clear on other matters, for example, that there will be no increase in direct taxes. There are also suggestions that lone parents allowance will be stopped when a child reaches the age of seven? Why seven? Does a child not need to be fed, clothed or looked after in terms of going to school after the age of seven? In our view child benefit should be a universal payment and the simplest way to do that is to give every child the same payment and introduce a third rate of income tax for those earning over €100,000 a year. The Taoiseach said in his remarks earlier that these are deliberate choices. About that I agree with him. These are deliberate choices. Will he choose, make it clear here and give a clear commitment that there will be no cuts to child benefit in this budget?

The Taoiseach: Tá a fhios agam nach bhfuil sé ar chumas an Teachta bheith páirteach sna díospóireachtaí a bhíonn ann idir Baill Rialtais ach tá an Teachta ag labhairt faoi ráflaí ag dul timpeall agus faoi dhíospóireachtaí nach bhfuil cinneadh ar bith déanta futhu. Níl cinneadh ar bith ag an Rialtas i leith na mionrudaí a bhfuil an Teachta ag caint futhu. Tá siad fíor-thábhacht-

[The Taoiseach.]

ach agus cuirfidh siad isteach ar dhaoine agus ar chlanna ar fud na tíre. Ní bheidh córas leasa shóisialaigh againn, ní bheidh córas eacnamaíocht Rialtais againn, áfach, mura bhfuil gearradh siar sna struchtúir atá ann. Tá an Teachta ag caint futhu le fada an lá. Ní dhearna na Rialtais na cinnithe mar ba chóir go mbeadh an struchtúr sin i gceart. Caithfidh dírú isteach orthu siúd agus cinnithe a dhéanamh. Séard atá an Teachta ag rá faoi na gearruithe siar agus na lagduithe rátaí agus mar sin, déarfadh mé an fhírinne leis — is fíor-ámh go bhfuil díospóireacht ann ar fud na tíre futhu ach níl cinneadh déanta ag an Rialtas maidir le ceann ar bith acu go fóill ach beidh laistigh de sheachtain. Táimid ag éisteacht leis na díospóireachtaí atá ar siúl ach tá dualgas ar an Rialtas cinneadh dearfa a dhéanamh faoi seo agus sin an rud a bheimid ag déanamh as seo amach.

Deputy Gerry Adams: Rogha atá ann, aontaím leis an Taoiseach faoi sin. Tá mé ar lorg freagra simplí don cheist agus go mbeidh an Taoiseach soiléir nach mbeidh aon ghearradh siar ann do pháistí. Ní ceart don Taoiseach a rá nach bhfuil an díospóireacht fós críochnaithe. I ask the Taoiseach to take the opportunity to be as clear on this issue as he has been on others which benefit the elites. He states money cannot be taken from pensions, that bonuses cannot be taken from the big bankers and that the sum of €700 million must be given to the bondholders. He is very clear about this.

Deputy Ray Butler: What about closing down Dunmurry High School?

Deputy Gerry Adams: All I am asking is that he be equally clear in stating the red-line promises made at the time of the election will be maintained in the budget and making it clear it will not provide for cuts in child benefit.

Deputy Barry Cowen: The programme for Government.

The Taoiseach: Bhí mé thuas i mBéal Feirste cúpla oíche ó shin and one of the things I was told was that Sinn Féin had refused school transport for children who wished to attend an all-Irish school. So much for the cúram faoi chúrsaí teanga. I will be very clear with Deputy Adams. It is the responsibility of the Government to make decisions about the budget. The Government has set its task in fulfilling the mandate given to us by the people to sort out the public finances, reduce the deficit to a figure of 8.6% and remove €3.8 billion from the economy next year. This is not easy and every Department is being examined. The Government will make definitive decisions on all these issues in the coming days. I will not answer for the Cabinet now on the final decisions it will make, nor should I. I am aware of the difficulties for all Ministers in cutting back; these things are never easy.

Deputy Gerry Adams: What about the children? Forget about the Ministers.

The Taoiseach: As I stated, it would be lovely to be able to stand up and state it has all been sorted and everybody will be better off. If we are to have our country and economic sovereignty back, we cannot go on in the way we did and we will not do so. Therefore, we must make decisions which, on the one hand, will meet that target and, on the other, do everything possible to return people to work and take them off the live register, while protecting the most vulnerable in society. That is what the Government will do.

Deputy Micheál Martin: Tá na ráflaí go léir ag teacht ón Rialtas.

Deputy Finian McGrath: I wish to follow up on the issue of child benefit and its importance to children and families. There has been much misinformed debate in the past 48 hours. Does the Taoiseach accept the principle that child benefit helps to reduce the level of poverty for

disadvantaged families and that a cut to this payment would be a nightmare for them? Does he accept that child benefit is not a slush fund for the rich but is a huge help to families, particularly those women and children at risk in dysfunctional families where the partner or husband controls the purse strings? All Deputies are aware of this in their clinics. Does the Taoiseach agree that it is all very well for the likes of Michael O'Leary and other rich people to dismiss it out of hand, but for many families, child benefit can be a matter of life and death? Does he also accept that if he was to dig deeper into child poverty problems, he would see one of the ways out of child poverty is through child benefit? Does he accept that these are the facts for many poor families? I, therefore, ask him not to cut child benefit.

The Taoiseach: The Deputy's question is the same as that put by Deputies Martin and Adams.

Deputy Micheál Martin: No, the Minister for Finance, Deputy Noonan, confirmed the VAT increase.

The Taoiseach: All of these matters must be considered and decided on by the Government. In the past ten days there has been public comment on sickness benefit, child benefit, VAT rates——

Deputy Micheál Martin: From Ministers.

The Taoiseach: ——and indirect taxation measures.

Deputy Robert Troy: From where did the rumours come?

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

The Taoiseach: This is perfectly normal in the run-in to any budget.

Deputy Barry Cowen: It is normal now.

The Taoiseach: Last year we had the same thing; every year I have been in the House there has been the same speculation during the preparation of a budget. It is part of the normal discourse that takes place. It is the responsibility of the Government to see to it that those who are most vulnerable in society are protected. It is clear that child benefit is of importance to this category. In recent days I have heard people state child benefit is of no particular interest to them. Deputy McGrath mentioned one individual who, at least, makes a very substantial contribution through his taxes to the country, for which I respect him and also for what he does.

Deputy Timmy Dooley: He delivered for County Mayo yesterday.

The Taoiseach: The Government is cognisant of the difficulty, on the one hand, in meeting the conditions of the IMF, the ECB and the European Union and, on the other, providing for the protection of the most vulnerable and the provision of front-line services, while offering whatever incentives we can for people to avail of the opportunity to seek gainful employment. Deputy McGrath is no different from anybody else. We have a duty and a responsibility in these straitened circumstances to ensure the decisions made by the Government are as fair as is possible, particularly as they affect those who are most vulnerable.

Deputy Finian McGrath: What I stated was very different from what many commentators had stated in the past 48 hours. I targeted the money provided for the most disadvantaged families, a key aspect of which is child benefit. I ask the Taoiseach not to play games with this issue because it is a very important one. Will he ensure child benefit is not cut because of its

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importance in assisting families to meet their child care costs and creating many jobs in child care services? He mentioned job creation. If child benefit is removed, this will damage jobs in child care services. From an economic point of view, child benefit generates employment and a €10 cut would pose a threat to jobs. On the broader issue involved, does the Taoiseach accept that if a sum of €150 million is removed from child benefit payments, it will destroy child care services and many jobs in the sector? The Minister of Jobs, Enterprise and Innovation is sitting beside the Taoiseach.

We all knew about the state of the public finances prior to the general election. I, therefore, accept the point made by the Taoiseach in that regard. However, does he agree that it was pathetic for Labour Party leaders to promise they would not agree to a cut in child benefit? They did so prior to the election knowing the figures. They made these false promises and are now turning their backs on women and children. It is a bit rich and hypocritical to speak about having a referendum on children's rights when the Government is planning to take €10 from poor families.

Deputy Simon Harris: Give back the leaders' allowance.

The Taoiseach: Deputy McGrath saved his best rant until last. The Labour Party has never turned its back on the people and will not do so now. The Deputy continuously refers back to the decision made by the people. The people made their decision in the general election, prior to which the Deputy had his own programme, like every other party, including the Labour Party and Fine Gael.

Deputy Finian McGrath: I did not make false promises.

Deputy Alan Shatter: The Deputy never stopped making promises.

The Taoiseach: What we are working on is the programme for Government. The mandate given to the Government was to sort out the public finances——

Deputy Micheál Martin: What the Taoiseach told the people was completely irrelevant.

The Taoiseach: ——and to provide a social welfare system that encouraged and incentivised work. If something is not done about these issues, we will continue in the way we did, which is not the way for the future.

Deputy Richard Boyd Barrett: Does starving children help to incentivise work?

The Taoiseach: I understand what the Deputy is saying but let me remind him that when one brands party X or party Y, we are now operating off a programme for Government. That programme is the mandate given to us by the people.

Deputy Micheál Martin: They did not know about that beforehand. They voted for something different.

The Taoiseach: Part of that mandate is to have a social welfare system that incentivises and encourages people to get off the live register, away from social protection and back into the world of work. I am sure the Deputy supports that. If I read his programme prior to the election properly, it contained references to that in his own McGrath way, which is a very special way of saying things.

Ceisteanna — Questions (Resumed)

Carbon Trading

1. **Deputy Micheál Martin** asked the Taoiseach the way the commitment in the programme for Government of making Ireland a leading player in the global carbon market and a centre of excellence in the management of carbon can be achieved; and if he will make a statement on the matter. [34010/11]

The Taoiseach: Before proceeding to answer the question, I wish to make a point of clarification for Deputy Martin and the House. Primary responsibility for questions relating to carbon at a sectoral level are matters for the Ministers concerned. My Department's sole area of responsibility relates specifically to an initiative in the green finance area tasked by the IFSC clearing house group, which is chaired by my Department.

In that regard the position is as follows: the programme for Government states that "Ireland will be developed as a centre of excellence in green finance and carbon management, through the creation of an enabling, co-ordinated and supportive environment".

The green IFSC initiative emerged from a workshop on the future of the IFSC, chaired by the Department of the Taoiseach in February 2009. In November 2009, the Government's high level action group on green enterprise welcomed the establishment of a sub-group — the Green IFSC Steering Group — and the work being carried out in examining green finance opportunities.

Earlier this year, members of the Green IFSC Steering Group were tasked with developing a detailed business plan for the delivery of an initiative to secure a leading position for Ireland as the world moves towards a low carbon global economy. This initiative seeks to build upon the reputation of the IFSC as a leading global financial centre and to develop Dublin as a global hub for green finance.

In July this year, I launched a new strategy for the international financial services industry in Ireland 2011-2016. In the opportunities for growth section of the strategy the potential of green financial services is clearly outlined.

A feasibility study was carried out under the auspices of the IFSC clearing house group in 2010. The goal of the feasibility study was to determine the scale and shape of the green finance opportunity and to determine whether the concept has sufficient potential and substance to be launched as an initiative within the overall framework of the smart-green economy.

The study found that an opportunity does exist for Ireland and its financial services industry to play a role in the further development of a vibrant domestic and international green economy sector. The most promising opportunities involve the development of Ireland as a centre of excellence in green finance, a centre of excellence in the management of carbon and, finally, the creation of an enabling, co-ordinated and supportive eco-system to facilitate this development.

Activity elements therefore include banking, project finance, treasury, asset management, fund services, insurance-reinsurance, carbon markets management, venture capital, private equity, regional HQ activities — including financing and holding company activities — intellectual property, third level education and R&D activities.

There are significant factors beyond Ireland's control that will impact upon the development of international carbon markets in the future. In particular, there is uncertainty around a successor to the international treaty on climate change, the Kyoto protocol. A new treaty which

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binds developed countries to ambitious climate change mitigation targets, would be a key driver of carbon markets.

Notwithstanding this uncertainty, considerable opportunities do exist in the wider area of green financial services and will continue to grow as the interest in and take-up of green financial products expand more generally, and as new green financial products are developed.

A marketing and business plan, including the proposed establishment of a Government-supported carbon markets initiative, is currently being reviewed by an independent cross-departmental evaluation group which has been established to review the proposals contained in the report entitled *Global Green Interchange — Carbon Markets and Green Finance (Securing Ireland's Competitive Advantage in the Transition to a Global Low-Carbon Economy)*. I expect the evaluation group to report back to the clearing house group in the near future.

Deputy Micheál Martin: I would like to award an A-plus to the composer of that reply because there is a lot in it. Any analysis of the IFSC would indicate that in order to maintain the enormous progress that has been made over the last 20 years, and to consolidate and expand the activities at the IFSC, higher level activities need to be introduced in addition to diversification. The green IFSC was a proposal initiated under the last Government, as the Taoiseach outlined, to try to give added dimension and value to the activities there. With the job losses in Aviva and a fear that there can be a degree of migration of certain jobs from the IFSC in future, there is a need to bring different functions that can bring different jobs to the IFSC. In the context of the green IFSC, have any specific recommendations emerged from the feasibility study, which Government could implement and provide for either in the context of the forthcoming budget or in the context of developing the reality of a green IFSC on the ground?

It is my understanding that the Cabinet sub-committee on climate change has not been re-established by the new Government. Therefore, there is no Cabinet sub-committee on climate change, as such. Can the Taoiseach confirm that? If that is the case, I ask him to reconsider the establishment of such a sub-committee because climate change is a fundamental issue that will continue to affect the world, including Ireland. The importance of the Cabinet sub-committee on climate change is that there is an inter-departmental approach to it. One can have various sectors contributing to that process, so that everybody has a clear understanding of the challenges that lie ahead. The fact there is no longer a Cabinet sub-committee acting on climate change, and Minister Hogan's decision not to proceed along sectoral lines in terms of climate change, all adds up to a certain disregard for the issue itself. No matter how much certain politicians might think so, it will not go away. I get a sense from the current Government that it is not taking the issue of climate change seriously enough.

An Ceann Comhairle: I remind Deputies that this is Question Time, so I would appreciate it if they could confine their remarks to questions as distinct from statements.

The Taoiseach: I can confirm for Deputy Martin that the Cabinet sub-committee on climate change did meet on 30 June. It was to meet on 19 October but for a number of reasons that could not happen. As Deputy Martin is aware, green finance refers to capital markets, investment banking activities and related advisory services that support the development, financing and promotion of a low-carbon economy. The group to which I referred has not reported back yet. The value of carbon as a pricing mechanism for the activity of renewable energy generation and energy efficiency and, in the wider context, water, waste and weather management is an issue which is at the core of green finance. The Green IFSC Steering Group has identified that central role in carbon markets as being pivotal to the success of the initiative. The IFSC is part

of the IDA Ireland International financial services portfolio, which comprises about 150 global companies with a range of activities employing over 20,000 people. I can assure the Deputy that vigilance is being kept in this regard. The clearing house group dealing with the IFSC and green finance is chaired by the Secretary General of my Department. The first meeting of that group is due to take place shortly.

The Minister for the Environment, Community and Local Government, Deputy Hogan, has direct responsibility for climate change in a broader sense. He has made it clear that he wants to meet the Kyoto targets. We will do so. There must also be a rational and pragmatic discussion about policy change before committing to legislation that would come from such a debate in which everybody can participate.

Deputy Micheál Martin: Has there been a specific recommendation from the feasibility group on the green Irish Financial Service Centre, IFSC?

The Taoiseach: The group has not reported yet.

Deputy Micheál Martin: I thought the Taoiseach had said the feasibility group had reported.

The Taoiseach: It is due to report shortly.

Deputy Joe Higgins: In all seriousness, does the Taoiseach not see the glaring contradiction between wanting genuine and effective action to reduce pollution — if we take carbon as pollution — on the planet but relying on wild speculation in pollution credits on the world's financial markets as a method of achievement? Does the Taoiseach agree that his own programme for Government and the words he just used indicating that Ireland would become a centre of excellence in the management of carbon, or pollution, and that Ireland would become a leading player in the global pollution market are two diametrically opposed ideas? They are mutually exclusive. Does the Taoiseach find it incredible that carbon credits — or the licence to pollute — are the subject of massive speculation by hedge funds and other sharks in the financial markets? It is beyond belief that the same institutions, made up of sharks and charlatans, which brought the economies of the West to destruction over the past three years as a result of wild financial gambling, are entrusted with this method allegedly to reduce pollution?

Is the Taoiseach aware that in the European Union, reports have indicated that carbon trading has been a dismal failure in reducing pollution and carbon credits are grossly oversupplied, allowing polluters to purchase them cheaply and to continue polluting? The price paid by the consumers has the cost of the credit included. Is the Taoiseach aware that in the European Union there has been massive fraud in pollution credits speculation, as European taxpayers have been swindled out of billions of euro by fraudsters in this so-called market? Will the Taoiseach change the policy, going with his first path of excellence in reducing pollution and environmental management? He should not pursue the mad methods of the markets.

The Taoiseach: I indicated to the Deputy that the initiative seeks to build upon the reputation of the IFSC as a leading global financial centre, developing Dublin as a global hub for green finance. I outlined the areas where green finance would be of importance and priority. The national policy has been laid out since 2000 and 2007, with the most recent strategy focusing on the measures that would be required to achieve compliance with the first commitment period of the Kyoto Protocol and on research and development of the measures necessary to reach the targets for 2020. As I indicated to Deputy Martin, Ireland is on course to meet its Kyoto targets through a combination of domestic emission reductions, supplemented by the use of carbon units, including units acquired through the protocol's flexible mechanisms.

Deputy Micheál Martin: As well as the recession.

The Taoiseach: Ireland has very challenging emissions reduction targets covering the eight years from 2013 to 2020 in the sectors of the economy which are not part of the European emissions trading sector. The Minister for the Environment, Community and Local Government published a review of national climate policy on 3 November, signalling an intention to set out a roadmap for national low carbon ratings. That will provide an opportunity to present a vision, at least for the period up to 2050, in which climate policy must be mainstreamed across every policy area. The Minister announced that an independent study would be carried out by the secretariat to the National Economic and Social Council to inform that policy position and he also initiated a public consultation which will take place in 2012, involving all interested parties.

The provisional figures released two weeks ago by the Environmental Protection Agency show a welcome drop in the total national greenhouse emissions levels in 2010, but there can be absolutely no misunderstanding about the scale of the challenge facing us in the years ahead. I am not aware of the nature and extent of the fraud that Deputy Higgins refers to and how the European Parliament is acting. I am sure the audit committees will consider the matter closely.

Deputy Gerry Adams: I agree that climate change and its consequences is probably one of the biggest challenges facing humanity at this time. The Taoiseach may be correct in saying that Ireland is on course to meet the Kyoto targets but currently Ireland's emissions are still above those targets. The production of carbon is a major factor in that respect. How much of taxpayers' money has been spent buying carbon credits?

The Taoiseach: I do not have that figure but I will endeavour to find it for the Deputy in so far as it is relevant and up to date.

Deputy Gerry Adams: Going beyond the rhetoric we need to pursue clean energy projects. There is much sense in the comments of Deputy Higgins. I look forward to receiving that information from the Taoiseach.

Official Engagements

2. **Deputy Gerry Adams** asked the Taoiseach the contact he has had with European leaders since the EU summit on 23 October 2011. [34014/11]

3. **Deputy Micheál Martin** asked the Taoiseach if he will provide an update on arrangements for his meeting with Chancellor Merkel. [34382/11]

4. **Deputy Micheál Martin** asked the Taoiseach if he has acted on President Sarkozy's March invitation to meet him in Paris. [34383/11]

5. **Deputy Gerry Adams** asked the Taoiseach the contacts he has had with other European leaders in relation to the future of the Euro. [35491/11]

6. **Deputy Gerry Adams** asked the Taoiseach the contacts he has had with other EU leaders since the summit on the 26 October. [35492/11]

7. **Deputy Gerry Adams** asked the Taoiseach the bilateral meetings he has had with foreign leaders since the resumption of Dáil Éireann after the recess. [35493/11]

8. **Deputy Gerry Adams** asked the Taoiseach the bilateral meetings he intends to have between now and the end of the year. [35494/11]

9. **Deputy Micheál Martin** asked the Taoiseach if he will provide a full list of documents he has circulated to other Eurozone heads of State or Governments [35597/11]
10. **Deputy Joe Higgins** asked the Taoiseach if he will report on his most recent discussions with Chancellor Merkel on the Eurozone financial crisis. [35837/11]
11. **Deputy Joe Higgins** asked the Taoiseach if he will report on which Eurozone leaders he has discussed with over the past two weeks in relation to the crisis in the Eurozone. [35838/11]
12. **Deputy Joe Higgins** asked the Taoiseach if he has had any contact with the newly appointed Prime Minister Papademos of Greece and Prime Minister Monti in Italy. [35839/11]
13. **Deputy Gerry Adams** asked the Taoiseach if he will report on his meeting with German Chancellor Angela Merkel on 16 November 2011. [35960/11]
14. **Deputy Gerry Adams** asked the Taoiseach if the issue of EU treaty change was discussed in his meeting with Chancellor Merkel. [35961/11]
15. **Deputy Micheál Martin** asked the Taoiseach if he will publish details of any documents which he supplied to Chancellor Merkel setting out Ireland's position on reform of the EU and Eurozone. [35992/11]
16. **Deputy Micheál Martin** asked the Taoiseach if he will detail any contacts he has had with the new Prime Minister of Greece. [35999/11]
17. **Deputy Micheál Martin** asked the Taoiseach if he will detail any contacts he has held with the new Prime Minister of Italy. [36000/11]
18. **Deputy Micheál Martin** asked the Taoiseach if he will detail the contacts he has had with President Van Rumpoy regarding his drafting of proposals for reform of the EU and Eurozone for consideration at the December meeting of the European Council. [36001/11]
19. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will report on his meeting with Chancellor Angela Merkel; and if he will make a statement on the matter. [36002/11]
20. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised the issue of unemployment in his meeting with Chancellor Angela Merkel; and if so, the response that she gave; and if he will make a statement on the matter. [36003/11]
21. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised with Chancellor Angela Merkel the immorality and damaging economic consequences of Ireland being forced to fully re-pay all senior bondholders in the Irish banks; and if he will make a statement on the matter. [36004/11]
22. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised with Chancellor Angela Merkel the issue of the Anglo-Irish bank promissory note and the burden that it places on Irish State finances over the coming years; and if he will make a statement on the matter. [36005/11]
23. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised the issue of slowing growth rates in the Eurozone with Chancellor Angela Merkel; and if he will make a statement on the matter. [36006/11]

24. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised with Chancellor Angela Merkel the adverse impact of austerity measures on the Irish economy and the Eurozone generally; and if he will make a statement on the matter. [36007/11]

25. **Deputy Richard Boyd Barrett** asked the Taoiseach if he plans further bilateral meetings with other Eurozone leaders in the near future; and if he will make a statement on the matter. [36008/11]

26. **Deputy Richard Boyd Barrett** asked the Taoiseach if he will consider proposing a joint summit meeting of leaders from Greece, Portugal, Italy, Spain and Ireland to discuss the Eurozone crisis and its impact on the peripheral Eurozone States; and if he will make a statement on the matter. [36009/11]

27. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised with Chancellor Angela Merkel the continued deepening and spread of the Eurozone crisis despite the changes in political leadership and moves to impose austerity in Greece and Italy; and if he will make a statement on the matter. [36010/11]

28. **Deputy Richard Boyd Barrett** asked the Taoiseach if he discussed with Chancellor Angela Merkel the treaty changes she envisages within the EU, following her recent statement on the matter and the time-line she envisages for such changes; and if he will make a statement on the matter. [36011/11]

29. **Deputy Richard Boyd Barrett** asked the Taoiseach if he discussed tax harmonisation with Chancellor Merkel as part of the treaty changes she envisages for the EU; and if he will make a statement on the matter [36012/11]

30. **Deputy Richard Boyd Barrett** asked the Taoiseach if he raised the issue of the mandate and role of the ECB within the Eurozone; and if he will make a statement on the matter. [36013/11]

The Taoiseach: I propose to take Questions Nos. 2 to 30, inclusive, together.

With regard to bilateral meetings I have held with foreign leaders since the summer recess, I met with President Yanukovich of the Ukraine, Prime Minister Rutte of the Netherlands, Chancellor Faymann of Austria, Prime Minister Filat of Moldova, President Saakashvilli of Georgia and Prime Minister Katainen of Finland at the Eastern Partnership Summit in Warsaw on 29 and 30 September. On 16 October I met the President of the European Commission, Mr. José Manuel Barroso in Brussels and I attended the European Council and European summit meetings on 23 and 26 October, where I had extensive contacts with many of my colleagues.

I travelled to Berlin on 16 November for a bilateral meeting with Chancellor Merkel. Our meeting, over a working lunch, was an excellent opportunity to engage with a key European partner on the challenges facing Europe ahead of the December European Council meeting. I updated the Chancellor on developments in the Irish economy and I outlined for her the extent of the adjustment under way and what this means for the Irish people. I stressed the urgent need to restore stability, generate growth and get people back to work. I told the Chancellor that addressing unemployment is a key concern for the Government. I underlined that although Ireland is making headway, we still need the ongoing support of EU partners and of Germany. In this regard, I sought support for finding ways to reduce the significant burden of debt the country is carrying, a large part of which results from the steps we have taken to secure the position of our banks and to prevent contagion to the wider European banking system. I

emphasised that Ireland remains vulnerable to volatility in the euro area and that we urgently need to restore stability.

The Chancellor and I had a good and comprehensive exchange of views on how best to demonstrate that the euro area has the capacity and commitment to stand behind its currency. I made the point that allowing the ECB play a stronger role, acting as the ultimate backstop in defending the euro, might be a necessary part of a solution. Germany has its own position on the role of the ECB and the Chancellor set this out clearly. The Chancellor and I also looked ahead to the December European Council, and to President Van Rompuy's report on options to strengthen the economic union.

We both agreed that there is a need to enhance co-ordination of economic policy in the euro area. On the issue of treaty change, I expressed the Irish Government's view that treaty change is a complex and difficult process and that there is considerable potential to improve arrangements within the existing treaties. That must be our first priority and we need a solution to the crisis facing us now.

The Chancellor and I also agreed that improved fiscal responsibility and budgetary discipline should generate confidence in the markets.

After my meeting with Chancellor Merkel, I addressed the Konrad Adenauer Stiftung on the theme of "Ireland's Road to Recovery: Reform, Growth and Jobs", where I also met the German finance Minister, Mr. Wolfgang Schauble. I then travelled to Frankfurt for a dinner with key German-Irish business contacts.

On future bilateral meetings, our embassy in Paris has been in close contact with the Élysée to find a mutually suitable date for a meeting with President Sarkozy. These efforts are continuing and I look forward to visiting Paris when arrangements have been put in place. I will again meet all of my colleagues at the European Council meeting on 9 December.

I look forward to meeting the new Prime Ministers of Greece and Italy at that meeting. I have written to each of them to offer my congratulations, and to express the Government's wish to continue our close co-operation. In advance of the December European Council, contacts with EU partners, including with President Van Rompuy and his office will continue to prepare for that meeting and its conclusions.

An Ceann Comhairle: We have several questions from four Deputies; Deputies Adams, Martin, Higgins and Boyd Barrett. I suggest we take one round of questions and then I will go back to each Member.

Deputy Gerry Adams: The Taoiseach may be interested or amused to hear that a little bet is made in our office about how many questions he will take all at once. When one of my comrades said he would take Nos. 2 to 30 I said no, that he would not take as many as that, but he did. It is challenging for us in terms of assisting us to get information when 28 questions are taken together. I am sure if the Taoiseach were sitting on this side of the House he would make the same point. I am sure he did make the same point back in the day.

We discussed earlier the notion that it is very unfair that the Bundestag can have informed discussion about matters pertaining to this country and we do not have the information, but what is really worrying is the line the Taoiseach is taking on treaty change. He referred to limited treaty change and said there may be other ways of doing this but the central point is that there is a two-tier European Union. If one looks back at everything Sinn Féin has said on the issue going right back to 1972, it has all been borne out. There were reports this morning on the notion — the German Chancellor was reported to have alluded to some of this — that

[Deputy Gerry Adams.]

some of the weaker states would have to be put into trusteeship. What way is that to have a Union of partners?

I previously asked the Taoiseach a number of times about the matter. Will he be clear in assuring the Dáil that any treaty change of the magnitude that has been described — I accept this is a moveable feast but I do not refer to the limited change to which he sometimes alludes — will be put to a referendum. I ask the Taoiseach to be straight about the issue in his reply as if he and I were sitting in a corner talking about it. People in this country should have their say on this type of change, which I think is coming, and that there is an attempt to foist it upon us.

The Taoiseach: The first point the Deputy made relates to the 30 questions that were tabled about Europe. He queried taking them all together. When one goes through them they are all relevant to the same set of problems, either meetings with leaders, bilateral meetings, meetings of the eurozone, the European Union or the ECB. I am not sure how we could split up those questions with any relevance other than to take five about leaders, four about the treaty and three about the eurozone. There would be much repetition in the answers irrespective of what one would do.

Deputy Gerry Adams: We get quite a lot of repetition as it is.

Deputy Richard Boyd Barrett: That is how the Taoiseach should do it.

The Taoiseach: Deputy Boyd Barrett tabled seven or eight questions that are all practically the same. He is waiting for an opportunity to comment and he is entitled to that. My point is that one question from Deputy Adams or Deputy Martin will generally cover the same spectrum anyway.

Deputy Richard Boyd Barrett: From different angles.

The Taoiseach: I cannot give Deputy Adams any such guarantee in respect of treaty change. The eurozone is facing a crisis and it must be dealt with in the immediate future. The next meeting is planned for 9 December. Government leaders and Heads of Government will have to make decisions that will deal with the issue. A range of decisions was made about the EFSF at the previous meeting, which had at its disposal sufficient leverage capacity to become a backstop to prevent contagion into other countries. It is clear that the mechanism and technicalities of that did not prove up to market assessment and the market had no confidence in that. I raised the issue with the German Chancellor. I had previously expressed the view that the ultimate backstop with unlimited financial firepower, as they say, is the European Central Bank. Other countries have different views about that.

In any event, in response to Deputy Adams, a matter being changed in the treaty is one issue but the process of treaty change itself is quite another. As he is aware, if the change proposed is of a limited nature that does not either impinge on sovereignty or involve a major shift——

Deputy Gerry Adams: What sovereignty?

The Taoiseach: —— — national sovereignty — ——

Deputy Gerry Adams: What sovereignty? Could the Taoiseach explain sovereignty?

The Taoiseach: —in competence then the question of a treaty change does not arise. Such matters are always confirmed and assessed by the Attorney General of the day.

If one goes into the process of treaty change, as Deputy Adams is well aware, it means that all of the 27 countries of the Union might have their ideas about what they would like to see put in or taken out of the treaty. I note that other leaders commented about taking power back and making further adjustments to the treaties. Such a process involves intergovernmental conferences and the setting up of a convention to examine such matters. As I made clear to the German Chancellor, one must deal with the current problem with the facilities, tools and opportunities available in existing treaties to address the eurozone crisis which is of such catastrophic potential were it to get out of hand. It is clear that certain countries are in some difficulty with liquidity.

President Van Rompuy was mandated by the Heads of Government to produce a paper in December on the question of limited treaty change, and beyond that, with a roadmap. That paper will be produced for 9 December. Deputy Adams is aware of the public meetings that have taken place between various leaders and the outcome of those. It is clear that there is a broad range of views on how the problem should be tackled. As far as I and the Government are concerned, we would like to see the facilities and opportunities that form part of existing treaties applied to deal with this problem. It is clear that the decision taken at the previous meeting has not attracted the confidence of the markets so we have to move to a different position. The ultimate backstop to prevent contagion in all countries is the European Central Bank. It is clear that this country is vulnerable to volatility in this area, as are a number of other countries. I made that point clearly to the German Chancellor.

Deputy Micheál Martin: When one lumps Questions Nos. 2 to 30 together, approximately 30 questions, the difficulty is that, perhaps deliberately, some questions are not answered.

In Question No. 9. I asked the Taoiseach whether he would publish details of any documents which he supplied to Chancellor Merkel on reform of the European Union and the eurozone. There was no reply to that. I am sorry; that was Question No. 15. In Question No. 9 I asked the Taoiseach to provide a full list of documents he has circulated to other eurozone Heads of State or Government. Earlier today I asked him whether he would provide the documentation that has been formally circulated to the German Parliament? A total of 41 German parliamentarians are now in receipt of documentation pertaining to our budgetary process. I asked earlier on Leaders' Questions whether the Taoiseach could confirm that the documentation has now been lodged in the Oireachtas Library. He refused to answer the question. I ask him again whether he will agree to make available promptly to Members of this House the documentation that has been made available to German parliamentarians. There should be no argument about this.

I do not see any sentence in the troika deal that requires the Taoiseach, or anyone, to give budget information which is before the Cabinet or the Dáil at the level of detail he has done. The detail in the letter from the Minister for Finance about exactly what he intends doing goes well beyond what is required to meet the terms of the deal.

The Government is holding a month-long series of media conferences. All the leaks about the budget are coming from members of the Cabinet. It is, therefore, reasonable to suggest that the Taoiseach would provide the information to Members of the House. There should not be a big deal about it. I do not have a problem about information going anywhere once it comes to this House first.

I find the relaxed tone in which the Taoiseach is addressing this issue and his disregard for the House incredible. When Deputy Kenny became Taoiseach he made a song and dance about

[Deputy Micheál Martin.]

treating the House with respect, but things are going in the opposite direction. We have had much discussion about the eurozone but we are getting less and less information.

I asked Question No. 15 because I do not know what is the Government's policy on proposed EU treaty reform. I have some idea what the Taoiseach is against but I have no idea what he is for. Despite the fact that the eurozone is in a full-blown crisis and is weeks, if not days, away from break-up we have no sense of that crisis in this House, in terms of the meat of the issues being discussed at European level or proposed treaty change. In Question No. 18, I asked the Taoiseach to detail the contacts he has had with President Von Rompuy regarding his drafting of proposals for reform of the EU and the eurozone. The Taoiseach simply replied that he is looking forward to meeting him in December. We have no detail of what is actually going on or of the meat of the discussions about treaty change. I do not know the Taoiseach's position.

In replying to Question No. 20 about meeting Chancellor Merkel, the Taoiseach said a stronger role for the European Central Bank might be required. That is a belated conversion to what I have been saying for three or four months. I would agree with limited treaty change to give the ECB a stronger mandate, apart from simply an exclusive mandate on inflation. If the ECB had acted in a more comprehensive and resolute manner we would not be in the full-blown crisis we are in now. The sooner we discuss this here the more real it will become for the people of the country.

The Taoiseach seems to be hoping the Von Rompuy process will run into difficulty in December and, because we are on the sidelines, we will get away with it. We are not contributing to the process. In all the debates to date I have had no sense of any proposals tabled by the Government. I have asked the Taoiseach if he has tabled proposals about treaty change and if he could publish any proposals he has made on the issue to Chancellor Merkel or to President Von Rompuy so we can have a genuine discussion in the House about the various options and whether we are for or against limited or more comprehensive change to enable us to deal with the current crisis. I accept that much can be done within the existing treaty framework.

Will the Taoiseach circulate the documentation sent to the German Parliament to all Members of the House?

The Taoiseach: Deputy Martin refers to the questions to which he did not get an answer. I read a comprehensive reply, but I will answer them again.

Deputy Martin asked the Taoiseach to provide an update on arrangements for his meeting with Chancellor Merkel. I think I have dealt with that. I went to Berlin and met the Chancellor.

Deputy Micheál Martin: That is okay.

The Taoiseach: Question No. 4 was to ask the Taoiseach if he has acted on President Sarkozy's March invitation to meet him in Paris. The answer to that is, "Yes".

Deputy Micheál Martin: That is fine.

The Taoiseach: The next question was to ask the Taoiseach if he will provide a full list of the documents he has circulated to other eurozone Heads of State or Government. The information relevant to the troika and the assessment of the quarterly review is circulated to Ministries. Deputy Martin said I take a flippant attitude to this. The Minister for Finance wrote officially to the Commissioner for Economic and Monetary Affairs strongly expressing our deep concern that information which was provided, in good faith and on a strictly confidential and limited basis, for discussion at meetings of the euro working group and the economic and financial

committee found its way to the German Parliament. The Minister made the point very clearly that when this information was sent to Commission staff they knew that in sending it to the German Finance Ministry it was to be sent to the German Parliament. Unfortunately, we were not so informed. He made the further point that this occurred before the information was provided to the Oireachtas and that this served to heighten our concern. The Minister pointed out that the Commission should, therefore, review its procedures for the handling of sensitive information so as to eliminate or minimise the risks to the integrity of the data being provided. That matter will be followed through on. The Minister went on to make the point that this is particularly unfortunate as we have developed a very good working relationship with the Commission during the implementation of the programme to date.

Deputy Martin is aware that the European Commission confirmed that it was from their sources that the document found its way to the lower committee of the Bundestag, that it was not signed off on by the Irish Government, that these were not signed Government papers and that the document was a draft indicative of what might happen, on the basis of the troika review of our performance in the last quarter. Because the budget is so close the document contained indications of what might happen there.

Deputy Micheál Martin: Will it be circulated here?

The Taoiseach: Question No. 15 asked if the Taoiseach will publish details of any documents which he supplied to Chancellor Merkel setting out Ireland's position on reform of the EU and the eurozone. I went to Berlin to have a meeting with Chancellor Merkel. It was not a matter of arriving at decisions for the European Union or the eurozone. I clearly set out Ireland's position on the bailout situation we are in, the difficulties for our people and the challenges for the Government in meeting our targets, which we will meet. I also made it very clear that the Government recognises that while we have started a process — it is only a start — and that some confidence is evident, this country, no more than others in the programme, needs continuous support and encouragement and we should not lose sight of that fact simply because bigger countries are now in the minds of international people.

Question No. 16 asked the Taoiseach to provide details of contacts he has had with the new Prime Minister of Greece. I have had none, other than that I wrote to him congratulating him on his appointment. The same applies to Question No. 17, in respect of the Prime Minister of Italy.

I expect to talk to President Von Rompuy before the meeting of 9 December. As the Deputy is aware, the President normally contacts the leaders of the different countries to ask what they think are the main issues to be discussed. It is not a case of submitting an agenda from each of the 17 countries.

Deputy Micheál Martin: Why not?

The Taoiseach: It is not. There is direct contact, in this case with the President——

Deputy Micheál Martin: What are the Government's proposals?

The Taoiseach: ——to say what is the position. On the last occasion and the time before that, I pointed out my view on treaty change and the difficulties that would arise if we opened the process of treaty change. Because of that, President Von Rompuy was mandated by the Heads of Government to produce a tentative paper on 9 December. I will talk to him about that before he produces his agenda, which will be a limited one containing only the main issues, for 9 December.

An Ceann Comhairle: I call Deputy Joe Higgins

Deputy Micheál Martin: Will the Taoiseach circulate the papers sent to the German Parliament?

The Taoiseach: I will consider that.

Deputy Micheál Martin: The Taoiseach should not consider it.

An Ceann Comhairle: The microphones should be switched off.

Deputy Micheál Martin: This has gone beyond a joke. I am simply asking if the documentation will be circulated.

Deputy Richard Boyd Barrett: Deputy Martin should know we also have questions to ask.

Deputy Micheál Martin: I appreciate that. I cannot understand——

An Ceann Comhairle: We agreed there would be one round of questions. Deputy Martin, please resume your seat.

Deputy Micheál Martin: A Cheann Comhairle, you are in charge of the Parliament and you reflect the rights of parliamentarians.

An Ceann Comhairle: I am reflecting them. I called Deputy Higgins

Deputy Micheál Martin: I am very annoyed about this.

An Ceann Comhairle: I am twice as annoyed by your behaviour, Deputy Martin. I call Deputy Higgins.

Deputy Micheál Martin: It is unbelievable that the Taoiseach will not circulate this documentation. It is incredible.

An Ceann Comhairle: What is incredible?

Deputy Micheál Martin: What is incredible is that German parliamentarians have access to documentation which we should get now.

An Ceann Comhairle: Sit down, Deputy Martin, you got a reply to your question. It is now Deputy Higgins's chance.

Deputy Micheál Martin: You asked me a question. I am giving you the answer.

An Ceann Comhairle: I call Deputy Higgins. Deputy Martin, you do not own this Parliament. There are other Deputies with questions. Behave yourself.

Deputy Micheál Martin: I am behaving myself very properly. I have never witnessed such disregard for the House as we are witnessing today.

An Ceann Comhairle: I would appreciate it if you would stop shouting at the Chair.

Deputy Micheál Martin: I am not shouting at the Chair. I am speaking in a very refined tone. I am asking for something very basic and I am very annoyed.

An Ceann Comhairle: We all agreed there will be one round of questions and that I would come back to questioners if there was time. I call Deputy Higgins, without interruption.

Deputy Joe Higgins: There will be time. There are 25 minutes remaining.

An Ceann Comhairle: There are 21 minutes.

Deputy Joe Higgins: Almost as good. I have two questions for the Taoiseach. What did he expect from Chancellor Merkel when he outlined to her the savage austerity measures he was inflicting on the ordinary people of the State to pay off the exorbitant gambling debts of German speculators and salvage the European financial market system? When he went to Germany, was he an innocent wandering abroad, like Little Red Riding Hood visiting her old granny, hoping to get a pat on the head and perhaps a few breaks on the promissory notes, but who instead found the big bad wolf demanding more austerity measures? As the Taoiseach indicated by his phrase, “What must be done to satisfy the market,” is it the more likely that he and Chancellor Merkel believe the speculators in the financial markets can continue to dictate economic policy to tens or hundreds of millions of people throughout Europe in the interests of their profits and irrespective of the social cost and that Chancellor Merkel, President Sarkozy and the rest of them will act as mouthpieces for these financial gamblers?

Did the Taoiseach discuss with Chancellor Merkel political developments in Italy and Greece? Is there not a screaming contradiction between the European Union proclaiming itself a model of democracy and private institutions called the “financial markets” being allowed to dictate to nations such as Greece and Italy who their Prime Ministers and government members should be and that those members should be representatives of bankers and big business rather than elected representatives? Did the Taoiseach discuss the idea that democracy was being killed off in the European Union at the hands of the markets? Why do we not openly and honestly declare formally that democracy is being killed off in the Union and that the financial markets are being allowed to act like a dictatorship? Would that not be the truth of the matter, given what we have witnessed in the past three weeks?

The Taoiseach: I wonder whether the Deputy will ever stand up in the House and show any optimism, hope or credibility in anything that happens.

Deputy Joe Higgins: Answer the question.

The Taoiseach: I have never listened to a more disillusioning and disillusioned——

Deputy Joe Higgins: Do not bluff.

The Taoiseach: ——personality than the Deputy.

Deputy Joe Higgins: Answer the question.

The Taoiseach: The Deputy mentioned my phrase about what would be done to satisfy the markets. I cannot recall using it. I discussed the position of Italy and Greece with the Chancellor and expressed hope about the appointment of Mr. Monti as a Senator for life by the Italian Government, the acceptance by the Italian Government of the austerity measures he had put forward and Prime Minister Papademos being able to make progress with his very challenging austerity programme in Greece. Obviously, one of the leaders has yet to sign up to it and I hope the discussions will continue. I expressed the view that it was important that the government *in situ* carry out its mandate——

Deputy Joe Higgins: To satisfy the markets.

The Taoiseach: —which was for a relatively limited period in order to enable Greece to function and receive its next tranche from the bailout fund.

When the Deputy is at it, perhaps he will explain where he thinks the funds will come from to pay nurses, teachers, gardaí and everyone else. He seems to hold the view that one can just draw a line and, hey presto, the Higgins currency will come to the rescue of everybody. If that is his view, I do not share it with him.

Deputy Joe Higgins: No, we believe in democracy, not speculation.

Deputy Richard Boyd Barrett: I dispute strongly the Taoiseach's suggestion that all of the questions in this group are the same. My questions, most of which he has not answered, are on a different planet from Deputy Martin's. The Deputy is much more on the Taoiseach's planet than ours. The direction from which our questions are coming is different.

Deputy Alan Shatter: On which planet is the Deputy? Is it Neptune, Pluto or Mars?

Deputy Richard Boyd Barrett: Planet Reality. I note the Minister cannot resist having a go whenever I speak.

Deputy Alan Shatter: The Deputy is very tempting.

Deputy Richard Boyd Barrett: We all know why that is.

I asked the Taoiseach 12 specific questions, but the only one he sort of answered was the first. I asked him whether he had raised the issue of unemployment with Chancellor Merkel and what response she gave. He did not tell us what her response was. This is indicative of all the answers and what is fast developing into the most serious economic crisis since the 1930s, in that there are vagaries. We want to know specifically what Chancellor Merkel stated she would do about the burgeoning unemployment crisis across Europe.

Did the Taoiseach raise the question of the gross immorality and the damaging economic consequences of Ireland being forced to repay senior bondholders in full, specifically the €3 billion per year in respect of the toxic Anglo Irish Bank and its bondholders? What did Chancellor Merkel say about this?

Did the Taoiseach ask the Chancellor about the downward projection of growth rates in Europe, including in Ireland, as predicted by all serious analysts? What did she say in response? Did she have anything to say about the fact that, after two years of austerity measures, it was increasingly clear — there is consensus across all serious analyses — that austerity was deepening the economic crisis and careering us towards recession? Was there any discussion of this point of view which is widely held as opposed to a view articulated by socialists alone?

When the Taoiseach asked whether we had alternatives, did he discuss a recent conference held in Iceland at which the IMF had admitted that Iceland had done it right and that we had done the wrong thing? Iceland let the banks fail, strengthened as opposed to cutting welfare payments and imposed capital controls. It is now back in the bond markets. Krugman and Stiglitz stated what Iceland had done was right, whereas what Ireland and other countries had done was wrong. Did the Taoiseach discuss a radically different alternative, one that has proved itself viable, and the fact that the Icelandic economy was recovering because it had repudiated the debts of bondholders and speculators, something he, Chancellor Merkel, the troika and all the rest running the European Union had refused to do, even though their strategy was demonstrably failing?

Did the Taoiseach discuss the deep concerns felt across Europe about democratically elected leaders being pushed out of office in Italy and Greece and replaced by two people who were

former members of the board of Goldman Sachs and whose main qualification was that they had been insiders in the banking and financial system? People believe this to be a serious subversion of democracy in Europe at the behest of the markets.

What treaty changes does Chancellor Merkel envisage? Is she asking for tax harmonisation, less democracy in member states, more dictatorship by the European Central Bank and the European Commission and more penalties and sanctions to be imposed on states that refuse to submit to austerity at the behest of the markets? Those are the questions I asked. Most of them were not answered and perhaps the Taoiseach can answer them and comment on the issue of Iceland.

The Taoiseach: Deputy Boyd Barrett is not on the seafront in Dun Laoghaire with his Sunday morning rant. The first thing I want to say about the subversion of democracy is that the people of this country voted democratically to elect a new Government and give it a specific mandate. The people in Spain voted democratically to elect a new Government and to give prime minister-elect Rajoy the opportunity to do his business.

Deputy Richard Boyd Barrett: Was this the mandate that the Government would not cut child benefit or give a cent to the banks?

The Taoiseach: The former Prime Minister, Mr. Papandreou, offered to resign on the basis that the parliamentarians in Greece would sign up to a programme to which they were committed to draw down the next tranche of funding, given the bankrupt state of the Greek economy. The former Prime Minister of Italy, Mr. Berlusconi, decided to step down and has been replaced by Prime Minister Mr. Mario Monti. Deputy Boyd Barrett wants answers to his questions.

Question No. 19 was on whether the Taoiseach would report on his meeting with Chancellor Merkel.

Deputy Richard Boyd Barrett: The Taoiseach answered that question.

The Taoiseach: Question No. 20 was whether the Taoiseach had raised the issue of unemployment in his meeting with Chancellor Merkel. Yes.

Deputy Richard Boyd Barrett: What was her response?

An Ceann Comhairle: Does Deputy Boyd Barrett stop shouting?

The Taoiseach: Her answer was that she understood completely the efforts the Irish people were making with the Irish Government to make their way forward, that Ireland was an example of a small country being able to meet challenging conditions and that it could be the first country to emerge from the bailout. She recognised that countries like Ireland require continued support and encouragement. She promised it and committed to it, as well as stating this in public.

Question No. 21 was on the immorality and damaging economic consequences of Ireland being forced to fully repay all senior bondholders. I made the point to the Chancellor that subordinated bondholders are taking a hit, that the reduction in interest rates was of great benefit to Ireland of the order of €10 billion, and that what we needed was support in respect of the technical discussions that must take place about further reducing the debt burden on the country. Question No. 22 concerns raising the issue of the Anglo Irish Bank promissory note and the answer to that question is “yes”. Question No. 23 is whether we raised the issue of slowing growth rates in the eurozone. I raised the matter in the context of the very strong

[The Taoiseach.]

export performance of Ireland, the very strong trade surplus, the strong investment programme here, our intention to invigorate the indigenous economy and the potential of the Single Market to give greater opportunity to a range of countries to improve their performance. That was brought to my attention by the Finnish Prime Minister at the second last meeting when he said that we should have a competitiveness index across the EU, which will help greatly in this matter.

Question No. 24 was on whether I raised with the Chancellor the adverse impact of austerity measures on the Irish economy and the eurozone in general. The answer is “yes”. I pointed out the decisions that had been taken by the Irish Government and the decisions being taken by the Irish people in meeting serious challenges as we move forward. Question No. 25 concerned bilateral meetings. There is always contact about arranging suitable opportunities and dates to meet with other leaders. Question No. 26 was on whether I would consider proposing a joint meeting of leaders from Greece, Portugal, Italy, Spain and Ireland and the answer is “No”. I attend the European Council meetings and make our case there.

Question No. 27 is whether I would raise with the Chancellor the continued deepening and spread of the eurozone crisis. I did and it was central to our discussion about what needs to be done here and my view was that the facility of the existing treaties should be used to the limit to deal with the crisis that affects the eurozone and to deal with it now. In that context we discussed the question of limited treaty change, which the Chancellor referred to. The point was that if countries are going to sign on for a set of conditions, there had better be enforceable regulations to see that they adhere to them. Her view of limited treaty change was that there should be recourse to the European Court of Justice if countries do not measure up to the conditions for which they sign up. It will be reflected upon and possibly referred to in the papers to be produced by President Van Rompuy in December. In any event, I am sure the German Chancellor will reiterate her Government’s view and the view of her country.

Question No. 28 concerns whether I discussed with Chancellor Merkel the treaty changes she envisages. Yes, I did speak about this. I asked the Chancellor very directly what she meant by limited treaty change and she outlined that and I have my response to it in respect of dealing with the crisis now and the facilities open to us. Question No. 29 was about whether —

Deputy Joe Higgins: What were the changes?

The Taoiseach: —I discussed tax harmonisation with Chancellor Merkel and the answer is that we did not discuss tax harmonisation. Question No. 30 concerns the role and mandate of the ECB within the eurozone and the answer is “Yes”. I made the point that the institution is a credible backstop with unlimited economic potential to deal with contagion. Chancellor Merkel has a different view and she expressed that.

We are not the same as Iceland as Iceland is not a member of the eurozone. Even Deputy Boyd Barrett is aware that the European Central Bank is run by 17 governors of different banks and they have a range of views on how the eurozone and the ECB should be managed, its role and its remit.

Regarding Deputy Higgins’s belated interruption, Chancellor Merkel said that her view of limited treaty change was to set out the conditions under which countries sign up for assistance and participate in the eurozone and that these should be enforceable, that there should be regulations that can be enforced and that there should be recourse to sanction through the European Court of Justice if countries that sign on do not measure up. I pointed out to her that we have gone beyond that for the main part because a forensic analysis is carried out by the troika in respect of how this country is run, how money is being spent here and the require-

ments of measuring up to the troika conditions. In respect of the issue she mentioned, limited treaty change, I explained to her that in this country, where the issue of competency or sovereignty is involved, the Attorney General is asked for formal legal advice by the Government in respect of whether there needs to be a referendum. I pointed out to the Chancellor my view that changing something in the treaty is very different to the entire process of opening up the treaty change process, which can be very long. What is being considered by the German Government is an amendment to an existing protocol. These matters will be central to the discussion that takes place on 9 December and the paper to be produced by President Van Rompuy.

An Ceann Comhairle: We have two and a half minutes left and that will allow us a quick question from each of the four leaders.

Deputy Gerry Adams: I make it very clear that the Dáil should have the documents discussed in the German Parliament and any other documents of which we are not aware. I do not want to read about this in the newspaper next week to discover that we have been ignored once again. When I asked about whether substantive treaty change would be put to a referendum, the Taoiseach replied that he cannot give any guarantees. However, the Taoiseach can give guarantees and he chose not to. The Taoiseach could easily have said that, on a matter of substantive change, people will have their say. When dealing with bigger powers, the problem is that the Taoiseach spells out in advance how he is complying with all that they want. I presume the Taoiseach reflects privately what he says publicly. It is little wonder that they are ignoring what is happening here. I want the Taoiseach to reflect on his answer and to make it clear that he can make guarantees. He is the Taoiseach and he can say that he will call a referendum if there are substantive treaty changes. I beg him to do so now.

Deputy Micheál Martin: I ask the Taoiseach to formally circulate to every Member of the House the exact documentation circulated to 41 members of the German Parliament. I find it incomprehensible that such documentation will not be made available to Members of this House given that German parliamentarians have it in their possession. It is the very least to which Members of this House are entitled. I wrote to the Taoiseach two weeks ago to ask for cross-party engagement on treaty reform and the proposals that may emerge in December. He refused on that occasion and has not circulated any proposals for the meeting in December. It is important we engage as a Parliament in a more substantial way with potential treaty reform.

Deputy Joe Higgins: Does the Taoiseach agree that if he said to Chancellor Merkel that he has a strong investment programme and is fostering the indigenous economy, he is spinning a yarn? In the same week, the Taoiseach announced massive cuts in the capital programme and the continuation of the austerity measures that are hammering the indigenous economy. What is the Taoiseach's view of this morning's reports that the European Commission wants a system of massively increased intrusion into the budgetary processes of member states and that there should be pre-approval of national budgets in certain countries, and that servicing of debt must always take priority over any other spending? This is a proposal to make vassal states of the peripheral countries.

Deputy Richard Boyd Barrett: I thank the Taoiseach for his more specific answers to the questions. What did Chancellor Merkel say on the promissory note and what point did the Taoiseach make on it given it is such a huge burden and the €3 billion per year could be invested in the economy? Did she not recognise the utter injustice of that and our case for relief on that question? The Taoiseach did not answer the question on its relationship to the contraction of growth in the European economy. Did either the Taoiseach or the Chancellor

[Deputy Richard Boyd Barrett.]

acknowledge the growing consensus that austerity is crippling growth in the European economy? It is not improving the situation or improving competitiveness, it is making things worse. Did the Taoiseach discuss the contrasting fate of Iceland with that of the countries that are pursuing the troika agenda?

The Taoiseach: The answer to Deputy Adams is no, I am not going to give any guarantee on that basis. If and when the issue of treaty change, limited or otherwise, comes before us, I will follow normal procedures and ask the Attorney General for advice. I pointed out to the Chancellor that I believe existing facilities in the treaties should be used to deal with the current crisis.

Deputy Martin wrote to me three weeks ago about giving the Taoiseach a mandate to go to European Council meetings. I thanked him for his letter but he knows that even if someone is sitting at that table with a mandate from here, it could be completely irrelevant to the issue that might evolve for discussion.

Deputy Micheál Martin: We took it on corporation tax.

The Taoiseach: I thank the Deputy for his letter and I am happy to continue discussions with all Members about their views on Europe and the eurozone.

Deputy Micheál Martin: What about the documentation?

The Taoiseach: I said I would consider that. The Government protested strongly to Commissioner Rehn about this.

Deputy Micheál Martin: That is not good enough.

The Taoiseach: Because of the situation we were left in we are required to circulate documentation about intent and it is very general.

Deputy Micheál Martin: The Taoiseach should just give it to us then.

The Taoiseach: The investment programme mentioned by Deputy Higgins is a €17 billion capital programme. It is not true that all money must be paid to reduce debt. We have already negotiated with the troika that in the event the Government disposes of any assets or partial assets, on a case by case basis, consideration can be given for some or all of those proceeds to be used for job creation or investment.

I raised the reduction in the debt burden with the Chancellor and the German Minister for Finance, Mr. Wolfgang Schäuble. In respect of the technical discussions that must take place, the Chancellor was clear in her support for Ireland and in her encouragement for small countries in the bailout situation. I spoke subsequently to the Finance Minister about co-operation with Ireland's efforts to find a further debt reduction which is so important to us. If this crippling burden of €3 billion a year had not been placed on our people, our debt levels would be below the European average and would make the situation manageable. That is where the challenge lies and where we will continue to work on behalf of the people.

Order of Business

The Taoiseach: It is proposed to take No. 11, Property Services (Regulation) Bill 2009 [*Seanad*] — Order for Report and Report and Final Stages; No. 12, National Tourism Development Authority (Amendment) Bill 2011 — Order for Report and Report and Final Stages; and

No. 20, statements on the report of the interdepartmental working group on mortgage arrears (resumed). Private Members' business shall be No. 36, motion re local authority rates.

Deputy Micheál Martin: I am disappointed there will be no specific statement on the circulation of budgetary proposals to German parliamentarians. I tabled a special notice question and I accept the Ceann Comhairle has overruled my request for the Minister for Finance to outline the circumstances of how the pre-budget proposals from the Department of Finance were distributed to outside bodies, particularly members of the German Parliament.

An Ceann Comhairle: The Deputy knows he is out of order.

Deputy Micheál Martin: It is the height of arrogance on the part of the Taoiseach to say he will consider whether he should circulate the documentation now given it is in the possession of 41 members of the German Parliament. It is a disgrace and treats this House with contempt.

An Ceann Comhairle: This is totally out of order. There are four more people offering and I will not allow this.

Deputy Micheál Martin: We have a very good reason for it. The Government could have pre-empted this.

An Ceann Comhairle: The Deputy may think so but he must change Standing Orders.

Deputy Micheál Martin: I believe so. I am a Member of Parliament, I was elected by the people and we should have got the documentation in advance of the German Parliament getting it.

An Ceann Comhairle: I am charged with the responsibility of adhering to the Standing Orders of this House. I must abide by them and I try to be fair to everyone. The Deputy cannot jump up and down raising issues that are totally out of order. The Deputy knows that himself. He is long enough around here.

Deputy Micheál Martin: I am not jumping up and down without very good reason.

An Ceann Comhairle: Please, Deputy.

Deputy Micheál Martin: I am asking the Taoiseach to allow time for a discussion.

An Ceann Comhairle: Ask the Whip to do it.

Deputy Micheál Martin: I will not, it is too important for that. I thought the Taoiseach would come in today and give at least 45 minutes to outline to the House how German parliamentarians got budget proposals in advance of Irish parliamentarians.

An Ceann Comhairle: Would the Deputy resume his seat? He is out of order.

Deputy Micheál Martin: It is a very simple question. I am asking to give time today in this House to give an adequate explanation to Members of how this happened.

An Ceann Comhairle: That is what Whips are for.

Deputy Micheál Martin: Secondly, I am making a simple request that the Taoiseach circulate the documentation to Members of the House. It is a basic entitlement that we should receive them.

An Ceann Comhairle: I have asked the Deputy to resume his seat three times. Would he please do so?

Deputy Micheál Martin: We are being treated with contempt.

An Ceann Comhairle: The Deputy is treating the House contempt.

Deputy Micheál Martin: I reject that.

An Ceann Comhairle: The Deputy is treating it with contempt. I have asked him three times to resume his seat.

Deputy Micheál Martin: Someone must protect the rights of Dáil Members.

An Ceann Comhairle: I reject what the Deputy just said. I protect the rights of Members here.

Deputy Micheál Martin: I do not think I am being protected.

Deputy Mattie McGrath: The Ceann Comhairle did not protect me last week.

An Ceann Comhairle: I do not want any comment from Deputy McGrath either.

Deputy Mattie McGrath: The Ceann Comhairle did not protect me last week either. He is not being fair.

An Ceann Comhairle: Deputy McGrath should resume his seat.

Deputy Mattie McGrath: I am in my seat.

Deputy Gerry Adams: I came here to oppose the Order of Business but as the Ceann Comhairle has pointed out, there is no proposition. I oppose it because I want to ask for a debate on this issue. It is entirely legitimate for the Taoiseach to set time to one side for this. When the news first broke, the Taoiseach said he had no idea how this happened, while the Tánaiste said he was confused. The Minister for Finance has since confirmed his proposals were involved.

An Ceann Comhairle: I ask Deputy Adams to resume his seat. He is out of order.

Deputy Gerry Adams: The problem is that we cannot have a debate here but they can have a debate in Germany.

An Ceann Comhairle: The problem is that I must obey Standing Orders. The Deputy is out of order.

Deputy Gerry Adams: I am asking the Taoiseach.

An Ceann Comhairle: Will the Deputy please resume his seat? Who else wants to raise a matter relevant to the Order of Business?

Deputy John Halligan: I refer to pending legislation, the landlord and tenant Bill, to reform and consolidate the general law on landlords and tenants. Based on Threshold's latest report, which shows the organisation had 20,000 queries on illegal notices, evictions, sub-standard housing and deposit retention, would the Taoiseach consider fast-forwarding the Bill over the next couple of months?

The Taoiseach: The landlord and tenant Bill will be next year.

Deputy John Halligan: Could the Taoiseach give a date? Will it be early? Based on Threshold's—

An Ceann Comhairle: Next year.

The Taoiseach: I do not have an indicative date but I will check on the status of the heads of the Bill and advise the Deputy accordingly.

Deputy Brian Stanley: On proposed legislation, when can the Dáil expect to see the legislation to regulate the collection of domestic waste? In Dublin, it is still the responsibility of the local authorities. In other counties, the service has been privatised, and has been privatised for many years in some. When will we see proper legislation? Will it include a waiver scheme? There is patchiness in that parts of the State have a waiver scheme while others, including my county, do not.

An Ceann Comhairle: That is a matter for a parliamentary question.

Deputy Brian Stanley: It is on legislation.

The Taoiseach: As far as I can recall, I do not believe there is legislation promised in that area. Perhaps the Deputy will raise a topical issue or put a question directly to the Minister.

An Ceann Comhairle: No legislation is promised.

Deputy Terence Flanagan: On the building regulations and the fact that there was a self-certification system operating in the building industry for the past 15 years, has the Taoiseach any plans to introduce new legislation? I acknowledge—

An Ceann Comhairle: Is legislation promised?

Deputy Terence Flanagan: —the presence of the Priory Hall residents' committee, which protested earlier—

An Ceann Comhairle: The Deputy is out of order and should resume his seat. He may raise the issue as a topical issue or through a parliamentary question.

Deputy Terence Flanagan: Priory Hall—

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

Deputy Thomas P. Broughan: On the same issue—

An Ceann Comhairle: Is there promised legislation on the first issue?

Deputy Thomas P. Broughan: On the same issue, and in support of my colleague Deputy Flanagan—

An Ceann Comhairle: The Deputy is out of order.

Deputy Thomas P. Broughan: Three weeks ago, the Ceann Comhairle would not let us have a debate in the House on Priory Hall.

An Ceann Comhairle: The Deputy has a request tabled for a Topical Issues debate and I will consider it tomorrow.

Deputy Thomas P. Broughan: Three weeks later, there has been no debate. People are homeless and living like refugees in their own country.

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

Deputy Thomas P. Broughan: My colleague and I are trying to get the Taoiseach to take some action and reply to us.

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

Deputy Thomas P. Broughan: Can the Taoiseach say something on this matter?

An Ceann Comhairle: We have had the matter debated in this House.

Deputy Thomas P. Broughan: People are homeless.

The Taoiseach: Deputy Terence Flanagan, who has raised this matter, has been in contact with some people from Priory Hall, who happen to be here. Deputy Broughan makes a strong case in support of Deputy Flanagan on this occasion. Everybody understands the absolute difficulty people found themselves in. Some are still in one of two Dublin hotels.
5 o'clock Dublin City Council has been making some progress in dealing with specific families. Thirty-seven were placed in apartments close to Priory Hall which were nominated by NAMA and accommodation was secured for five families by courtesy of one of the voluntary housing organisations. Dublin City Council agreed to give 57 residents in receipt of rent supplement deposits to secure private rented accommodation as an alternative to hotel accommodation. One can understand the frustration of some people. A number of families are staying in accommodation sourced by themselves.

It is understood that three mortgage lenders have agreed to a three-month moratorium on mortgage repayments. There are three distinct aspects to this matter, as Deputies will be aware: fire safety risk issues; non-compliance with planning permission; and non-compliance with the building regulation requirements. This case came before the High Court again on Friday, 11 November. Dublin City Council asked the President of the High Court to vacate his previous order requiring it to pay alternative accommodation, storage and rent differential costs of 240 residents who were evacuated from Priory Hall complex pending completion of the works. The council stated that while it had brought its evacuation applications, the fire authority had no responsibility in law for the housing or other costs of the residents. Mr. Justice Kearns refused the application. The Minister for the Environment, Community and Local Government has made it clear he wishes to see action in respect of this also. The Building Control Act 1990 clearly places responsibility for compliance with the building regulations on the owner of the building concerned and on the builder-developer who carries out the works. Enforcement of those regulations is primarily the responsibility of the 37 local authorities.

Deputy Micheál Martin: Is this in order?

An Ceann Comhairle: The Taoiseach put me in a very awkward position.

The Taoiseach: Gabh mo leithscéal.

An Ceann Comhairle: It was open to the Government to come to the House to order this business, this topic, and give a proper report. The other side of the House is now asking whether the Taoiseach's remarks are in order. I try to be fair to both sides. If this issue is so important, it should have been on the Order of Business today as an item. A report could have been given for 20 minutes.

Deputies: Hear, hear.

An Ceann Comhairle: If I allow one Member in, I am then accused of being biased.

The Taoiseach: My apologies.

An Ceann Comhairle: I am trying to stick to Standing Orders. This applies as much to Ministers as to Deputies.

Deputy Thomas P. Broughan: It has been submitted for a Topical Issues debate.

An Ceann Comhairle: I ask Members to obey the rules of the House in future.

Deputy Thomas P. Broughan: It has been submitted for a Topical Issues debate for weeks.

An Ceann Comhairle: The Deputy has been looked after very well by way of Topical Issues. I allowed this issue as a Topical Issues debate. It is grossly unfair that——

(Interruptions).

An Ceann Comhairle: Do the Deputies see what is happening now? I ask the Deputy to resume his seat.

Deputy Mattie McGrath: How is one to be looked after? I have submitted 15 items and cannot get one accepted.

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

Deputy Mattie McGrath: The Ceann Comhairle is not being fair. How could he look after so many topical issues——

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

Deputy Mattie McGrath: I will. Where is the fairness?

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

Deputy Mattie McGrath: Where is the fairness?

Deputy Seamus Healy: On a point of order——

An Ceann Comhairle: I would appreciate it if Members stuck to the rules of the House as laid down in Standing Orders, or else changed the Standing Orders.

Deputy Mattie McGrath: The same applies to the Chair.

An Ceann Comhairle: I have asked for other changes to Standing Orders but they have not been made yet.

Deputy Mattie McGrath: The same applies to the Chair.

Deputy Seamus Healy: On a point of order——

An Ceann Comhairle: I will not take any more comments from Deputy McGrath on my behaviour in the Chair. I try to be fair to everybody. I ask him to resume his seat.

Deputy Mattie McGrath: I will but it is not fair.

Deputy Seamus Healy: On a point of order, will the Ceann Comhairle facilitate my request for a Topical Issue debate on the closure of Kickham Barracks, Clonmel, which request has been submitted for the past——

An Ceann Comhairle: I will consider the issue.

Deputy Seamus Healy: Excuse me, it is a very topical issue.

An Ceann Comhairle: I will consider the issue.

Deputy Seamus Healy: It was submitted every day last week and was submitted again today, but it has still not been accepted.

An Ceann Comhairle: Will the Deputy please resume his seat? There were 29 requests——

Deputy Seamus Healy: Will the Ceann Comhairle facilitate the debate?

An Ceann Comhairle: Will the Deputy please resume his seat? There are 29 requests in today for Topical Issues debates. I try to spread them fairly——

Deputy Mattie McGrath: It is not fair.

An Ceann Comhairle: ——among Government and Deputies——

Deputy Seamus Healy: For six days——

An Ceann Comhairle: Will the Deputy please resume his seat? I call Deputy Dooley.

Deputy Seamus Healy: Surely it is a topical issue. It concerns a huge attack on families of Clonmel and others around the country, and it is a huge attack on the town of Clonmel.

An Ceann Comhairle: Will the Deputy resume his seat?

Deputy Seamus Healy: Not alone is our barracks being attacked, our hospital is also being attacked.

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

Deputy Seamus Healy: The Labour Party wants to close our acute psychiatric unit.

An Ceann Comhairle: The Deputy should show some respect for the Chair and the institution to which he is elected.

Deputy Seamus Healy: That goes both ways.

An Ceann Comhairle: I call Deputy Dooley for the last time. He should just ignore Deputy Healy.

Deputy Timmy Dooley: I find that difficult to do. I seek the Ceann Comhairle's guidance on how I might propose an amendment to today's Order of Business.

An Ceann Comhairle: Unfortunately, you cannot, and you know that as well as I do.

Deputy Timmy Dooley: It is to allow some time to discuss the circulation of budget documents.

An Ceann Comhairle: The Deputy cannot do so. I call Deputy McConalogue.

Deputy Timmy Dooley: Is it not possible under Standing Orders? I seek the Ceann Comhairle's advice.

An Ceann Comhairle: The Deputy cannot amend the Order of Business.

Deputy Richard Boyd Barrett: I have had my hand up since the beginning of the Order of Business.

Deputy Timmy Dooley: Could the Ceann Comhairle help me and tell me how I might do so as a Member of this House?

An Ceann Comhairle: The Deputy will be called in a moment.

Deputy Timmy Dooley: I seek the Ceann Comhairle's advice.

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

Deputy Timmy Dooley: Could the Ceann Comhairle tell me how I might do so?

An Ceann Comhairle: If the Deputy comes to me afterwards, I will advise him.

Deputy Charlie McConalogue: Does the Taoiseach intend to take the Water Services (Amendment) Bill through the Dáil before Christmas? Is there an update on when it is likely to come before us? Will the Taoiseach agree to making a statement in the Dáil on the North-South Ministerial Council meeting, which took place last week? It was a very important meeting and it is entirely appropriate that time be allowed in the House to discuss it.

An Ceann Comhairle: Will the Taoiseach please answer the question about promised legislation?

Deputy Charlie McConalogue: Will the Taoiseach agree to do that either this week or next week?

The Taoiseach: The answer to the first question is "Yes". I expect the legislation to be taken before Christmas but I cannot give the Deputy the exact day. I would be happy to consider his request for an opportunity to discuss the North-South Ministerial Council held in Armagh last Friday.

Deputy Joan Collins: My query is on legislation. In the case of *A, B and C v. Ireland*, the Grand Chamber of the European Court of Human rights ruled unanimously that Ireland failed to implement the existing constitutional right to a lawful abortion in Ireland when a woman's life is at risk, including through the risk of suicide. When will the relevant legislation be introduced in the House?

The Taoiseach: I cannot give the Deputy an indication as to when that legislation will be brought into the House.

I will advise the Deputy on the timescale envisaged for it.

Deputy Richard Boyd Barrett: Does the Government propose to amend the Finance (No. 2) Act 2011? I am not sure if it was the intention that the 0.6% levy would turn into 10% of the pensions paid to certain workers, such as the pensioners of Tara mines.

An Ceann Comhairle: Is legislation promised?

Deputy Richard Boyd Barrett: Is it likely that the legislation will come before the House for amendment in light of these possibly unintended consequences?

An Ceann Comhairle: Thank you.

Deputy Richard Boyd Barrett: If the Ceann Comhairle will allow me to briefly raise a second matter, I ask the Taoiseach to allow statements on a world historic event that is both terrible and important, namely, the movements for democracy that are being crushed in Egypt and Syria. Can we have an opportunity to debate these matters?

An Ceann Comhairle: I ask the Deputy to speak to his Whip about arrangements for a debate. Is legislation promised in regard to the Finance (No. 2) Act 2011?

The Taoiseach: The Act to which Deputy Boyd Barrett referred passed through the House on 2 June and no commitment has been made to re-enter it into the House.

If the Deputy wishes to the question of Egypt and Syria, he might do so by way of Topical Issues or question.

Deputy Richard Boyd Barrett: I attempted to do so but was refused.

The Taoiseach: He can raise the matter at the Whips meeting or refer it directly to the Joint Committee on Foreign Affairs and Trade.

Deputy Robert Dowds: Where stands the Construction Contracts Bill 2010? The Taoiseach may recall the collapse earlier this year of a home payments organisation. What is the position regarding the legislation that was to be introduced to address the issues arising?

The Taoiseach: I understand the Construction Contracts Bill 2010 is on Second Stage in the Dáil. Will the Deputy repeat his second question?

Deputy Robert Dowds: Does the Taoiseach recall the collapse of a home payments organisation based in Rathmines earlier this year? It was suggested that legislation would be introduced to deal with the issues arising.

The Taoiseach: I will have to revert to the Deputy with the up-to-date position on the matter.

Deputy Robert Troy: In light of a report published in one of Sunday's newspapers, is it still the Government's intention to introduce the landlord and tenant (business leases review) Bill to the House before Christmas, as promised in the programme for Government?

The Taoiseach: We have committed to that for this session and I expect the commitment can be met. The timeline is challenging for the legislative programme between now and the end of the year but I expect it will be met.

Deputy Gerry Adams: Cén uair a bheidh díospóireacht anseo faoin Legal Services Regulation Bill?

The Taoiseach: Tá sé foilsithe. Is dócha go mbeidh díospóireacht ag cruinniú na nAoirí ionas go mbeidh sé ar an gclár díospóireachta. Níl mé cinnte cathain go díreach a dtarlóidh an díospóireacht sin, ach cuirfidh mé scéal chuig an Teachta faoi.

Deputy Clare Daly: I want to know why the Taoiseach cannot advise us on a timescale for the promised legislation to deal with the judgments in A, B and C. It is in the programme for Government and we are under a spotlight from the European Court of Justice. The Government's delay is causing serious problems for thousands of Irish women. I do not accept the Taoiseach's response to Deputy Joan Collins. We need an accurate appraisal of when the legislation will be introduced.

I would also like to know the timescale for the animal (health and welfare) Bill and whether that legislation will propose a ban on fur farming.

The Taoiseach: I am not in a position to give the Deputy an exact time for the Bill, no more than for any other legislation.

Deputy Clare Daly: An idea might be nice.

The Taoiseach: As she will be aware, things change pretty rapidly in here even after one might have set out a programme or schedule of tentative timelines.

Deputy Joan Collins: It has been waiting for 20 years.

The Taoiseach: I will advise the Deputy who asked the initial question on the indicative timescale. Certain procedures must be followed, as Deputies will be aware.

Deputy Clare Daly: Perhaps the Taoiseach will give us a clue.

Deputy Mattie McGrath: I ask the Taoiseach to be more specific regarding the Water Services (Amendment) Bill 2011. He indicated that it might be introduced before the end of the year. Will it be introduced before Christmas and will inspectors and fellows like the peep of day boys be going around back gardens on Christmas week and St. Stephen's Day to inspect water tanks?

An Ceann Comhairle: On the Water Services (Amendment) Bill.

Deputy Mattie McGrath: This is outrageous legislation and I want to know when it will be introduced because we do not want these unwarranted people in our gardens and houses. We got rid of the British and we do not want these agents coming in.

Deputy Micheál Martin: Santa.

Deputy Mattie McGrath: Santa would be welcome but these people will not be welcome, because they will impose inordinate hardships on families.

An Ceann Comhairle: The Taoiseach is about to answer the Deputy.

The Taoiseach: It will be taken before Christmas.

Deputy Mattie McGrath: Will we have it for Christmas week?

Deputy Paul Kehoe: It depends on how long the Deputy speaks.

Deputy Mattie McGrath: Turkeys for Christmas.

Deputy Niall Collins: The programme for Government commits to legislative and constitutional amendments to implement a ban on corporate donations. We debated this issue on Friday in the Taoiseach's absence. The Minister for the Environment, Community and Local

[Deputy Niall Collins.]

Government, Deputy Hogan, who was the only Minister present, stated that a constitutional ban would not be possible because of international commitments. I ask the Taoiseach to enlighten us on whether he still intends to ban corporate donations to political parties and, if so, when he intends to do so.

The Taoiseach: I was at the North-South Ministerial Council in Armagh, as were several Ministers. The Minister, Deputy Hogan, is responsible for this area. He has already set out his views and indicated the nature of the legislation he intends to introduce to deal with the question of corporate donations to political parties. He is well advanced in drafting that legislation.

Deputy Micheál Martin: Will the Taoiseach ask the Chief Whip to engage with other party Whips to organise statements on the circulation of budget documents to German parliamentarians? I also ask him to circulate those documents to every Member of the House so that we can prepare for the debate.

The Taoiseach: The Minister for Finance has already made it perfectly clear in his letter to the Commissioner, Mr. Rehn, that the documentation required to be sent to the Commission because of the mess in which we found ourselves was sent from the Commission to the staff of the committee concerned. That is the trail. Deputy Dooley wanted to know how that happened.

Deputy Micheál Martin: We know that.

Deputy Timmy Dooley: When will we get the documents?

The Taoiseach: If the Deputy wants to have that matter raised at the Whips' meeting he should ask his Whip to do so. Do not tell me to confront the Chief Whip about these matters.

Deputy Micheál Martin: The Taoiseach orders the business of the House.

The Taoiseach: If he wants an issue raised at the Whips' meeting he should ask his Whip to do it.

Deputy Micheál Martin: What are you hiding, Taoiseach?

An Ceann Comhairle: Speak through the Chair.

Deputy Micheál Martin: What are you hiding?

Deputy Paul Kehoe: It is your fault anyway.

Deputy Micheál Martin: It is not.

An Ceann Comhairle: I call Deputy Higgins.

Deputy Paul Kehoe: You brought them in here.

Deputy Micheál Martin: Circulate the Documents.

Deputy Paul Kehoe: You brought them in here.

An Ceann Comhairle: I have called Deputy Higgins.

Deputy Micheál Martin: Silly carry on.

Deputy Paul Kehoe: You brought them in here.

Deputy Joe Higgins: I have three questions. The Taoiseach did not answer the question raised by my colleague, Deputy Clare Daly, regarding when the animal health and welfare Bill will be brought before the Dáil and whether it will include a ban on fur farming.

With two weeks to go to the budget, will the local government charges Bill, which provides for a household tax, be introduced, debated and passed in advance of budget day? I ask the Taoiseach to be precise because he previously indicated that it would be introduced this session. We are rapidly running out of time.

The Taoiseach: The Deputy asked about the animal welfare Bill.

Deputy Joe Higgins: That was No. 1. Tá an Rialtas ag iarraidh cíós a chur ar tithe. Dúradh liom cheana féin go dtiocfadh an cíós isteach sa seisiún seo. Níl ach coicís fágtha roimh an mbuiséad. Cathain go cruinn a thiocfaidh sé os comhair na Dála?

When the Minister for Finance introduced the pension levy, was he aware it would take out 10% of the annual wages of Tara miners for the next four years?

An Ceann Comhairle: The Deputy is stepping out of line.

Deputy Joe Higgins: It is 10% not 0.6%.

An Ceann Comhairle: We cannot discuss that matter at present.

Deputy Joe Higgins: It equates to €1,000 per year for low paid pensioners.

Deputy Michael Noonan: It is a made up story.

Deputy Micheál Martin: It is not a made up story.

The Taoiseach: Is breá liom Gaeilge Daingean Uí Chúis a chloisteáil anseo. Gabhaim buíochas leis an Teachta. Is fíor go bhfoilseófar an Bille faoi chaighdeán maireachtála na n-ainmhithe roimh an Nollaig. Beidh an Bille faoi luach an chíos ar tithe, mar a thug an Teachta air, foilsithe roimh an Nollaig freisin. Tá an trúábhar a d'ardaigh an Teachta — cúrsaí pinsin — freagartha agam go minic anseo. Ba cheart go mbeadh tionscal in ann na costais sin a súigh isteach iontu fhéin.

Deputy Joe Higgins: Tá siad á chur i bhfolach os na hoibrithe.

The Taoiseach: Mar a dúirt mé, bhuail mé le iar-oibrithe as Teamhair cúpla seachtain ó shin. Beidh cead acu bualadh leis an Aire nuair a bheidh am aige.

An Bille um an Naóú Leasú is Fiche ar an mBunreacht (Uimh. 2) 2011: An Dara Céim (Atógáil)

Twenty-Ninth Amendment of the Constitution (No. 2) Bill 2011: Second Stage (Resumed)

An Ceann Comhairle: On the Twenty-Ninth Amendment of the Constitution (No 2) Bill 2011 a division was challenged last Friday. In accordance with Standing Order 117A(4) that division must be taken now.

Cuireadh an cheist: “Go léifear an Bille an Dara hUair anois.”

Question put: “That the Bill be now read a Second Time.”

The Dáil divided: Tá, 47; Níl, 99.

Tá

Adams, Gerry.
Boyd Barrett, Richard.
Browne, John.
Calleary, Dara.
Collins, Joan.
Collins, Niall.
Colreavy, Michael.
Cowen, Barry.
Crowe, Seán.
Daly, Clare.
Doherty, Pearse.
Donnelly, Stephen.
Dooley, Timmy.
Ferris, Martin.
Fleming, Sean.
Fleming, Tom.
Grealish, Noel.
Halligan, John.
Healy, Seamus.
Healy-Rae, Michael.
Higgins, Joe.
Kirk, Seamus.
Kitt, Michael P.
Mac Lochlainn, Pádraig.

Martin, Micheál.
McConalogue, Charlie.
McDonald, Mary Lou.
McGrath, Finian.
McGrath, Mattie.
McGrath, Michael.
McGuinness, John.
McLellan, Sandra.
Murphy, Catherine.
Ó Caoláin, Caoimhghín.
Ó Cuív, Éamon.
Ó Fearghail, Seán.
Ó Snodaigh, Aengus.
O'Brien, Jonathan.
O'Dea, Willie.
O'Sullivan, Maureen.
Pringle, Thomas.
Ross, Shane.
Smith, Brendan.
Stanley, Brian.
Tóibín, Peadar.
Troy, Robert.
Wallace, Mick.

Níl

Barry, Tom.
Breen, Pat.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Butler, Ray.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.
Coonan, Noel.
Corcoran Kennedy, Marcella.
Costello, Joe.
Coveney, Simon.
Creed, Michael.
Deenihan, Jimmy.
Deering, Pat.
Doherty, Regina.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.
Ferris, Anne.
Fitzgerald, Frances.
Fitzpatrick, Peter.
Flanagan, Charles.
Flanagan, Terence.
Gilmore, Eamon.
Griffin, Brendan.

Hannigan, Dominic.
Harrington, Noel.
Harris, Simon.
Hayes, Tom.
Heydon, Martin.
Hogan, Phil.
Humphreys, Heather.
Humphreys, Kevin.
Keating, Derek.
Keaveney, Colm.
Kehoe, Paul.
Kelly, Alan.
Kenny, Enda.
Kenny, Seán.
Kyne, Seán.
Lawlor, Anthony.
Lynch, Ciarán.
Lynch, Kathleen.
Lyons, John.
Maloney, Eamonn.
Mathews, Peter.
McCarthy, Michael.
McEntee, Shane.
McFadden, Nicky.
McGinley, Dinny.
McHugh, Joe.
McLoughlin, Tony.
McNamara, Michael.
Mitchell, Olivia.
Mitchell O'Connor, Mary.
Mulherin, Michelle.
Murphy, Dara.
Murphy, Eoghan.
Nash, Gerald.
Neville, Dan.
Nolan, Derek.

Níl—*continued*

Noonan, Michael.
 Nulty, Patrick.
 Ó Ríordáin, Aodhán.
 O'Donovan, Patrick.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Reilly, Joe.
 O'Sullivan, Jan.
 Perry, John.
 Phelan, Ann.
 Phelan, John Paul.
 Quinn, Ruairí.
 Reilly, James.

Ring, Michael.
 Ryan, Brendan.
 Shatter, Alan.
 Sherlock, Sean.
 Shortall, Róisín.
 Spring, Arthur.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Twomey, Liam.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

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

Question declared lost.

Faisnéiseadh go rabhthas tar éis diúltú don cheist.

Topical Issue Matters

Acting Chairman (Deputy Tom Hayes): 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 Éamon Ó Cuív — an gá atá le cead a fháil cuid de na haonaid tithíochta sóisialta ag Áras Rónáin, Cill Rónáin, Árann a athrúó thithe soisialta 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; (2) Deputy Joe O'Reilly — the potential for the boarding out option to be used more widely in the provision of long-term care by the HSE; (3) Deputy Martin Heydon — the status of and future plans for St. Vincent's Hospital, Athy, County Kildare; (4) Deputy Dessie Ellis — the need to ensure bus services in the Dublin area, in particular in the areas of Ballymun and Finglas; (5) Deputies Tom Hayes, Seamus Healy and Mattie McGrath — the proposed closure of Kickham Barracks, Clonmel, County Tipperary; (6) Deputy Thomas P. Broughan — the need to make available the necessary finance to tackle problems on the north fringe of Dublin and facilitate the rehousing of residents of Priory Hall; (7) Deputy John O'Mahony — possible changes in respect of absenteeism and sick pay; (8) Deputy Brendan Griffin — the threatened closure of Valentia Community Hospital and the shortage of residential care beds on the Iveragh Peninsula, County Kerry; (9) Deputy Nicky McFadden — the development of Coosan national school, County Westmeath; (10) Deputy Tom Fleming — the introduction of a voluntary job share scheme for employees; (11) Deputy Michael P. Kitt — cinneadh an Rialtais deireadh a chur le hoifig reachtúil neamhspleách an Choimisinéara Teanga; (12) Deputy Seamus Kirk — the impact, particularly in Border counties, of the proposal to increase VAT by 2%; (13) Deputy Timmy Dooley — the introduction of VAT charges on admissions to open farms and pet farms; (14) Deputy Simon Harris — the need for the provision of full respite services at St. Colman's Hospital, Rathdrum, County Wicklow; (15) Deputy Paul J. Connaughton — the need to protect services for people with intellectual disabilities such as the services provided by Ability West; (16) Deputies Jonathan O'Brien and Clare Daly — the need to discuss the findings of the annual reports of the prison visiting committees; (17) Deputy Seán Conlan — the need to protect small to medium-sized businesses in the six southern Border counties; (18) Deputy Willie O'Dea — the proposal that employers pay the costs of employees absent due to sick leave; (19) Deputy Charlie

[Deputy Tom Hayes.]

McConalogue — the status of the A5 dual carriageway project from Derry to the Monaghan border; (20) Deputy Niall Collins — the need for RTE to publish the amount paid in the settlement of the Fr. Kevin Reynolds libel case; (21) Deputy Martin Ferris — the impact of cutbacks on people with disabilities; (22) Deputy Dara Calleary — the threat to services at St. Joseph's District Hospital, Ballina, County Mayo; (23) Deputy Seán Kyne — the need to review the management arrangements for herring fisheries and the Celtic Sea fishery, in particular; (24) Deputy Joan Collins — the proposal to cut child benefit and payments to one-parent families; (25) Deputy Joe Costello — the need to ensure the necessary repair work is carried out on gas flues in The Foundry, The Kiln and The Forge, Railway Street, Dublin 1; and (26) Deputy Richard Boyd Barrett — democracy protests in Egypt and the military crackdown.

The matters raised by Deputies Seán Kyne, Paul J. Connaughton, Jonathan O'Brien and Clare Daly and Éamon Ó Cuív have been selected for discussion.

Topical Issue Debate

Fisheries Protection

Deputy Seán Kyne: I thank the Ceann Comhairle's office for selecting this item. It is my first time to raise such an issue and I welcome the attendance of the Minister for Agriculture, Food and the Marine to respond to this important matter. While I am more accustomed to speaking on agricultural rather than fishing issues, the importance of the Celtic Sea as a herring fishery has been brought to my attention a number of times. I commend the Minister for his commitment to the fishing and aquaculture industries and in respect of job protection and creation. In this context, Bord Iascaigh Mhara recently made a presentation on the subject of salmon farming and its potential off the coast of County Galway. I also commend the great strides made by the Celtic Sea Herring Management Advisory Committee, CSHMAC. The Minister should indicate whether he has met that committee, the views of which he sought on 12 May on the management of the Celtic Sea fishery.

As the Minister is aware, overfishing in that part of the State's waters had resulted in a reduction of allocated quotas. In 2009 there was a quota of 5,000 tonnes and through the management of the fishery, this increased to 8,500 tonnes in 2010 and 11,500 tonnes in 2011. Moreover, there is potential for a further 30% increase next year. If the committee is allowed to continue its work on the capping of boat numbers, I am told there is potential to increase the quota to up to 20,000 tonnes. It is the only managed fishery in Ireland, one of the best in the European Union and was set up more than ten years ago.

The 2011 fish processing season in the Celtic Sea fishery finished on 11 November and the quota was fished over a seven week period. I note the Minister is expected to issue a policy document in the coming weeks on the management of the number of boats in the fishery and the future management of the allocation of the quota. Some concern has been expressed about the experience in the 2011 season. The policy of the CSHMAC is that the number of boats operating in the Celtic Sea should be capped on the basis of track record and I believe detailed proposals in this regard were forwarded to the Minister on 8 June. In addition, the committee's policy is that the fishery should continue to be fished on the basis of weekly quotas and according to the Celtic Sea boat to quota ratio. I seek the Minister's opinions on the document he received from the committee.

There also is concern about jobs in the processing industry that result from the landing of the quota because this year, for the first time, a significant quantity of fish was landed abroad

in Denmark, France and Northern Ireland, from where no returns accrue to the State. I appreciate there are issues regarding competition. Can anything be done to encourage better use of this valuable fish stock in terms of job creation and protection? As the quota was fished in just seven weeks, there was a three to four week shortfall in the length of time that up to 500 people could have been working in the various areas of processing, transport, servicing and so on.

The committee has given the documents to the Minister. The function of that committee is to consider the objective of rebuilding this important stock. Great work has been done, as I have outlined, and it is important we continue that great work to ensure this valuable asset for the State and the region is supported. What the Minister does in terms of the management for next year will have a huge part to play in this regard.

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): For centuries, the herring stock in the Celtic Sea, centred around the Dunmore East area, has been a key stock which has reliably supported the fishing industry in the area. In the autumn of each year, many seasonal jobs are created both at sea and onshore in the local fish processing companies. Under the Common Fisheries Policy, 86% of this stock is ring-fenced for Irish vessels. Over the years, the size of the stock has gone through peaks and troughs, with a collapse in the stock in the 1970s and again in the 1990s.

In 2005, the Minister of the day constituted a management committee, the Celtic Sea herring management advisory committee, the role of which is to advise the Minister on the management arrangements for the stock, as outlined by the Deputy. The committee was established on an informal basis, that is, the Minister decided to establish the committee and issued letters to relevant organisations asking them to nominate persons to the committee. The committee comprises representatives of the industry and processors and is chaired by the Irish South and West Fish Producers Organisation. The Department is not represented on the committee, nor is any other State agency. However, the Marine Institute advises the committee from time to time on scientific issues relating to the stock.

The committee, together with the Marine Institute, developed a rebuilding plan for the stock in 2007. This rebuilding plan was submitted to the European Commission by the Minister and informs the total overall catch for the stock. The rebuilding plan includes such measures as spawning area closures and ensuring that only mature fish are caught. This, together with the proactive approach of the Celtic Sea herring management advisory committee, has led to the stock recovering from the downward trend and it has been increasing in recent years. For example, the total allowable catch was 6,000 tonnes in 2009, down from a high of 20,000 tonnes in the mid-1990s, but by 2011 the total allowable catch had increased to just over 13,000 tonnes and a very significant increase in the total allowable catch is expected for next year.

In 2011, the Celtic Sea herring management advisory committee was successful in achieving Marine Stewardship Council certification for the stock. To achieve certification by the Marine Stewardship Council, an extremely rigorous assessment by the council's independent fishery experts and scientists is carried out. A fishery which is certified by the council is a guarantee that the fish are harvested in a sustainable and eco-friendly way.

The rebuilding plan for the stock will be complete by the end of 2011. To ensure a future for the fishery which is not subject to the peaks and troughs of the past, a long-term management plan has been developed by the committee in association with the Marine Institute. This plan will be submitted to the European Commission by the Pelagic Regional Advisory Council and will be assessed by both the International Council for the Exploration of the Seas, ICES, and the Scientific, Technical and Economic Committee for Fisheries, which advises the European Commission in regard to stock assessment and management.

[Deputy Simon Coveney.]

The success of the rebuilding plan has brought a greater demand for access to the fishery from vessels which have not participated in the fishery in recent years. Under current arrangements, the fishery is not restricted and any vessel which does not have a pelagic preclusion in its sea fishing boat licence may enter the fishery. In general, between 2006 and 2010, the number of vessels in the fishery had been relatively constant. For example, 43 boats took part in the fishery in 2010, whereas 105 vessels had booked in to fish in 2011. This situation obviously greatly reduces the allocations for each vessel and poses a challenge to the sustainability of the fishery.

Conscious of the need to preserve these stocks, I announced a review of the management arrangements to apply to herring stocks on 12 May last, in which I asked the industry for its views. The review covered not just the Celtic Sea herring stock but also the herring stocks in the north-west and the Atlanto-Scandian herring stock in Norwegian waters. The views of industry submitted indicate that many in the industry, though not all, are looking for change in the current management arrangements. The changes sought, however, are widely varied and in many respects, to be honest, directly conflict with each other. Taking account of the views expressed, I have asked my Department to prepare options for my consideration, taking all issues into account. I am currently considering these options and when I have chosen a preferred approach, I plan to make this available to industry representatives for views before making a final decision on the future management arrangements for all final herring fisheries management decisions.

Deputy Seán Kyne: I thank the Minister for his response. Sustainability is obviously a very important factor in this regard. I have been made aware that some boats have nets of a huge size which take in their weekly quota in one haul and, as a result, there are substantial quantities of herring discards. Is it under consideration to limit the size of the boats entering the Celtic Sea to stop this? Sustainability is what has brought us to the stage where we have allowed an increase in the quota. I am looking at this from the point of view of job protection and retention, given there are four processing factories for this valuable stock, including at Rossaveal in County Galway.

Deputy Simon Coveney: I understand exactly what the Deputy is suggesting. This is a hugely valuable fishery for the south-east, the south-west and the west coast, and a number of boats come also from the north west into the Celtic Sea.

There are a number of key issues on which I will ultimately need to make a judgment call following consultation and taking into account the views of the Celtic Sea herring management advisory committee but also views outside that committee, given there is not agreement across the board in this regard. Some of the issues relate to where fishermen can land their catch and whether there are restrictions in terms of the ports. As the Deputy knows, one cannot land Celtic Sea herring in certain ports but one can do so in others, which is an issue that needs to be reviewed and on which we need to make a decision. More importantly, we need to decide who gets priority in terms of access to the stock. Should it be people who have a historical track record of catching fish and who have been involved in rebuilding the stock by sustainable management, or people who have come in more recently and who can perhaps catch more efficiently because they are in bigger boats?

Ultimately, my only objective is to try to get the maximum benefit for the fishing industry from a growing stock of very valuable fish in a way that can sustain fishing communities to the maximum effect if the fish are caught efficiently and in a sustainable way. I will consult as widely as I can but, ultimately, given this is one of those issues on which it will be difficult to

get agreement across the board, I will have to make a judgment call on it. However, that will be consistent with the process we agreed back in May.

Services for People with Disabilities

Deputy Paul J. Connaughton: I thank the Ceann Comhairle's office for the opportunity to raise this important issue. Given the country's current perilous financial situation, Deputies on all sides of the House are only too well aware of the harsh budgets cuts that need to be made to ensure Ireland regains its sovereignty and turns the current economic tide. However, what is imperative is that we continue to protect services to the most vulnerable citizens among us and, thus, it is imperative that funding for organisations that provide services to people with disabilities are maintained.

Associations such as Ability West and the services provided by the Brothers of Charity are just two instances of services that must be protected amid the forthcoming cuts. Ability West was set up in 1962 by parents and friends of people with intellectual disabilities. It provides high quality services and supports to more than 480 children and adults with an intellectual disability in 55 centres in Galway city and county. As a voluntary organisation, it already relies heavily on fund-raising events and is currently organising everything from cookery demonstrations to fashion shows and Christmas draws in an effort to continue its current service levels. Any change to the funding of such organisations would have a huge impact on every one of those 480 families, many of whom are already struggling financially.

The Brothers of Charity service is another such service that provides a very important service. In Galway alone, the Brothers of Charity cater for more than 1,000 people with intellectual disabilities. Its services are divided equally between children and adults, with an emphasis on community-based services such as early childhood services and supported employment to name but two. Half of those clients attend centre-based services, while the other half are supported in their local preschools, schools or other community settings. The Brothers of Charity Services Galway currently operates with an annual budget of €51 million, with the principal funding coming from the HSE.

Any cut in funding would have a devastating effect on organisations that work with people with intellectual disabilities. It would discourage those people already volunteering with such organisations, it would demoralise staff and result in redundancies, it would create even more worry for the families of people with intellectual disabilities, but most importantly it would have a direct and negative impact on the quality of life enjoyed by people with intellectual disabilities, people who very often are not in a position to lobby politicians or demonstrate outside Leinster House or take on any of the very visible campaigns that have been mounted by other groups. However, it is imperative that their needs be taken into account as this budget, which everyone recognises will be harsh, is drawn up.

The welfare of children with special needs must be a top priority during coming years as severe budgets continue. A structure has been put in place through the hard work and dedication in recent years and decades, which features tailor-made solutions to the needs of individual children and adults, providing them with the educational support they need, often in a local or community setting, by working with their parents and building up strong relationships. That work must be recognised in the forthcoming budget.

I fully recognise that the Minister for Finance and the Minister of State present are faced with a hugely difficult task in framing the coming budget, and that everyone will have to feel the repercussions of the fact that we as a country are currently spending money we do not have and that we will find it difficult to access money given the European debt crisis, but the most vulnerable people in society must be shielded from the worst brunt of the coming cuts. I ask

[Deputy Paul J. Connaughton.]

the Minister of State to ensure that protecting services for the most vulnerable in our society remains a top priority in these crucial weeks as budget matters are finalised.

Minister of State at the Department of Health (Deputy Róisín Shortall): I thank Deputy Connaughton for raising this matter. Under the Health Act 2004 the HSE is required to manage and deliver, or arrange to be delivered on its behalf, health and personal social services, including all disability services. Expenditure on health services for people with a disability in the current year will be approximately €1.5 billion, with an overall staffing level of 15,800 whole-time equivalents. The majority of that funding is used by the non-statutory agencies providing services, including Ability West. The integral role of these agencies is of particular relevance to the provision of health and personal social services to people with a disability. These agencies provide a very significant and broad range of services in partnership with and on behalf of the HSE.

I am aware that Ability West, for example, provides a wide range of community-based day, residential and support services to an average of 500 children and adults with an intellectual disability within Galway city and county, and that it is also patron to four special schools in the county, providing health related supports as required. Ability West is funded by the HSE under section 39 of the Health Act 2004. Services are provided through a service level agreement which is reviewed annually. The HSE provided funding of €22.5 million to Ability West this year.

As noted above, expenditure on health services for people with a disability in the current year will be around €1.5 billion. Special consideration was given to disability and mental health in the 2011 budget through a maximum reduction of just 1.8% in the allocation for the two sectors. The relatively lower reduction of 1.8%, compared with other areas of the health budget, recognises that these services are provided to vulnerable groups and should help to ensure that existing services are maintained and that priority is given to the delivery of front-line services. The HSE has informed me that it is working closely with service providers in 2011, including Ability West, to ensure the maximum delivery of services in an efficient and effective manner, with priority being given to those in greatest need. The HSE was provided with an additional €10 million for disability services this year to provide for the anticipated extra demand in emergency residential, respite and personal assistant-home support hours for people with disabilities, and day places for school leavers in September of this year. Taking the reduction in the overall HSE disability budget into account, the HSE was asked to manage the additional resources and engage with service providers to ensure that existing support needs, and demands for additional places and supports, are managed effectively within the overall allocation.

The level of funding available for the overall health budget is being considered as part of the comprehensive review of expenditure and Estimates process for 2012 which is currently under way. Deliberations by the Government on the expenditure allocations for next year are likely to continue right up to budget time and it would not be appropriate for me to comment further at this stage pending the outcome of those deliberations. The very difficult financial position facing the Exchequer will obviously require very careful management across all areas of expenditure.

A major priority for the Government in the coming months will be to finalise the current value for money and policy review of disability services to ensure that existing funding for people with disabilities is spent to best effect. The review is expected to be completed by the end of this year. It will make recommendations that will ensure that the very substantial funding provided to the specialist disability health sector is used to maximum benefit for persons with

a disability, having regard to overall resource constraints which affect all sectors at this difficult time. I thank the Deputy again for raising this matter.

Deputy Paul J. Connaughton: I thank the Minister of State for her reply. While I understand that no decision will be made at this stage two weeks in advance of the budget, it is important that consultation continues between the organisations and the Minister. I know from meeting representatives of the organisations that they are very open to working within the budget they are given. Like many organisations, they have experienced many cuts during recent years and are now surviving on a very strict budget. Any further harsh cuts will severely affect their ability to provide the services they deliver. I ask that before any budget decisions are made, these organisations be involved in those discussions to give them every opportunity to see how they can best deliver these services. These are the most vulnerable people in society and we must do everything we can to protect them. The only way to do that is to work with the service providers.

Deputy Róisín Shortall: I fully accept the points made by the Deputy in this regard. I will relay those views to the Minister of State, Deputy Lynch, who has responsibility for this area. I can assure the Deputy that the circumstances in which we are operating are very difficult and it is always to the fore of everybody's mind in government to ensure in so far as we possibly can that services for the most vulnerable are protected.

Prison Visiting Committees

Deputy Jonathan O'Brien: I want to focus on two reports, the first being the report of the visiting committee into the Dóchas Centre. Two incidents are cited in the welfare section of that report about which I wish to ask the Minister. The first incident occurred in May of last year. The report states there was an incident where a prisoner was forcibly removed in circumstances which the visiting committee felt were in violation of the prisoner's human rights. The committee went on to state in the report that it has written several letters which have gone unanswered. Can the Minister comment on whether this incident is still under review and, if it is, when he expects an outcome to the investigation?

The second incident relates to the manner in which searches are conducted in the Dóchas Centre. As the Minister is aware, the visiting committee highlighted the manner in which the BOSS chair is used in the prison and in particular made reference to incidents where female prisoners were required to remove clothing in the presence of male officers. A media report attributed to the Minister comments that this was not the case and that male officers were not present. Regardless of whether they were present, the purpose of the BOSS chair is to be non-intrusive. The report uses words such as "unnecessary", "humiliating" and "degrading". Was a formal complaint made by any prisoner about being stripped in front of male officers? If so, when was the complaint made? Is it still under investigation? When did the Minister become aware of it?

I wish to touch briefly on a second issue.

Acting Chairman (Deputy Tom Hayes): You are eating into your colleague's time.

Deputy Jonathan O'Brien: It is with regard to Cork Prison. The report mentions that a new slopping out vessel will be introduced. Will the Minister clarify what this is and how it will improve conditions?

Deputy Clare Daly: This is a fundamental human rights issue. The revelations in the report about practices in the women's prison are very worrying. They indicate a move away from the

[Deputy Clare Daly.]

ethos which used to prevail of a progressive and rehabilitative outlook to one which is much more punitive. As somebody who spent a month there I am well aware of the set-up in the Dóchas Centre, and this is an extremely worrying trend which will be bad for the women and the staff.

At the root of many of the problems highlighted by the report is the issue of overcrowding. At one stage 150 women were in the facility which was designed for 85 people. This is double the number in a very small area and goes completely against the idea of respect and dignity and people having their own space.

The two cases referred to by Deputy O'Brien are appalling. It is a scandal and it made me physically sick to read the accounts because of what they revealed. The practice of searching people in front of others, be they male or female, in a gym without proper protection after having locked down the facility and maintaining searches had no purpose other than to degrade. As somebody who was strip-searched, albeit not, thankfully, in those circumstances, it is an extremely humiliating and vulnerable position for anybody to be in. I want an investigation into whether it was carried out in the manner in which it is alleged.

I am aware of reports in which the Minister disputed some of the findings. I ask that the internal report be published. There should be an independent investigation into the incidents and I agree this reinforces the need for an independent complaints mechanism to exist in prisons.

Will the Minister comment on the other issue, which is the slopping out situation? Several weeks ago in answer to a question I asked, the Minister stated 830 prisoners did not have access to 24-hour in-cell sanitation, of which 555 shared a cell. What is the timescale for addressing these issues? We need a process to investigate them publicly.

Minister for Justice and Equality (Deputy Alan Shatter): I thank Deputies O'Brien and Daly for raising these important matters and for the opportunity to speak on some of the issues which occurred in our prisons in 2010, prior to my appointment as Minister for Justice and Equality.

I published the Prison Visiting Committees' annual reports for 2010 on 18 November 2011. They highlight a number of issues relating to prison conditions and services. There is also an acknowledgement, however, of the efforts made by the Irish Prison Service management and staff to address these despite limited resources. I have absolutely no doubt that further improvements are needed. The Government remains committed to tackling overcrowding and poor physical conditions in our prisons and to eliminating, where possible, the problem of slopping out.

An extensive project to upgrade and provide in-cell sanitation to more than 100 cells in Mountjoy Prison will be completed shortly. The Inspector of Prisons, Judge Michael Reilly, recently wrote to me congratulating my Department and the Irish Prison Service on the work carried out in this regard. A similar renovation of B Division will result in 317 cells, almost 60% of the total prison, in Mountjoy Prison having in-cell sanitation by the end of next year. The completion of the Midlands Prison extension and the provision of 70 extra dormitory-style spaces in the Dóchas Centre will mean that approximately 80% of the prison estate will have in-cell sanitation by mid 2012.

I am pleased also to inform the House that the World Health Organisation has awarded a health in prisons best practice award 2011 to the recently-opened high support unit in Mountjoy Prison; and to the Red Cross project which has been rolled out in Wheatfield, Cloverhill, Shelton Abbey and Mountjoy Prisons.

I now turn to the issues with regard to the Dóchas Centre to which the Deputies made reference, both of which occurred in 2010. The House will appreciate that all prisons are subject to search procedures to maintain safety and security and there are specific rules governing the search of prisons and prisoners. Rule 6 of the Prison Rules 2007 provides that prisoners can be searched where the Governor considers, upon reasonable grounds, that such search is necessary for the purposes of ensuring that a prisoner is not in possession of a prohibited article, confiscating a prohibited article and ensuring safe and secure custody and good government of the prison. Searches conducted under this rule may consist of the removal and examination of all the prisoner's clothing and the examination of the prisoner's body in as seemly a manner as is consistent with the necessity of discovering any concealed article. A search under this rule must be undertaken by a prison officer of the same gender as the prisoner being searched.

I am informed by the Irish Prison Service that the search undertaken on 9 November 2010 prior to my appointment as Minister and commented on by the visiting committee, was a targeted search for contraband undertaken by staff from the operational support group, OSG. The OSG team comprised of staff drawn from a number of prisons. The function of the male officers was to search areas of the Dóchas Centre where female prisoners were not present including prisoners' rooms, recreational areas, visiting areas, kitchen, roof-top, workshops, the school and yard.

All prisoners were brought to the reception by Dóchas Centre staff to be searched and placed on the BOSS chair, supervised by a female OSG officer. Two female assistant chief officers attached to the Dóchas Centre supervised the operation while prisoners were coming and going from the area. I have been assured that all other staff in the area were female and attached to the Dóchas Centre. On completion of the search in the reception area, all prisoners were escorted to the gym area where they remained for the duration of the search operation, supervised by Dóchas Centre staff. No further searching of prisoners occurred while they were in the gym. At no time was the BOSS chair located in the gym.

All individual searching of the women prisoners was carried out by female staff. The visiting committee, in its report, states female offenders were required to remove their clothing, including underwear, in the presence of male officers. I have been assured by the Irish Prison Service that this did not happen. The use of the BOSS chair does not necessitate a person being stripped of their clothing. On this occasion, all prisoners placed on the chair were covered in towels to protect their modesty having had their clothing removed at an earlier search stage. The chair includes a flat metal detector which is affixed to the seat. When an inmate sits on the chair it scans the person's body cavities in a non-intrusive manner and an alarm will sound if contraband is detected.

The search teams confiscated a number of items which appeared to be non-prison issue property for a prisoner in a closed prison. Any such items were recorded and retained and given to the management of the centre on the understanding that management would determine whether such items were allowed in the prison. I understand these included scissors, screwdrivers, pliers, drugs, mobile phones, phone chargers, a syringe, a metal comb with a sharpened end, alcohol and various other contraband items.

Following a meeting with the Inspector of Prisons concerning the Dóchas Centre search operation, all staff have been circulated with guidelines on the use of the BOSS chair. The Governor has supplies of dressing gowns for all future searches and has advised that subsequent searches have not raised the same issues. As Minister, I regard it as unacceptable that towels only and not dressing gowns were made available to prisoners for the search detailed in the 2010 report of the visiting committee. It was also unacceptable that the prisoners were covered by towels only when being scanned by the BOSS chair. This should not have occurred. I am

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informed that procedures are now in place which respect the dignity of the prisoner and ensure that searches are conducted in a professional manner by the staff involved and I expect these procedures to be fully complied with.

As regards the release of a prisoner from the Dóchas Centre, I have been informed that the director general of the Irish Prison Service had the circumstances surrounding the release investigated. The investigation found there were some procedural failures and these issues were dealt with directly by the director general with the Governor of the Dóchas Centre to ensure that such a situation could not re-occur in future. I regard the manner in which this prisoner was treated as entirely unacceptable.

The report also made a number of recommendations on the incident and a working group has been established to oversee their implementation. This group is due to meet in the near future and consists of the Governor of the Dóchas Centre, the Governor of Mountjoy, the director of operations and representatives from both human resources and operations directorates. Arising from the work of the implementation group, it is envisaged that a comprehensive set of guidelines on releases will be issued to ensure such a situation does not occur in future.

Deputy Jonathan O'Brien: I thank the Minister for his response and note his personal opinion on what happened in the Dóchas Centre. My second question was about in-cell sanitation facilities in Cork Prison. The report states a new slopping out vessel is being introduced. What is meant by “a new slopping out vessel” and how will it improve matters?

Deputy Clare Daly: I appreciate that the Minister has said some of the practices are unacceptable and that is important. However, there is a contradiction between what was stated in some of the visiting committees' reports and what was stated subsequently by the Irish Prison Service. Will the Minister, therefore, examine the idea of publishing the findings of the internal investigation into the incidents mentioned because completely different things have been said?

Overcrowding and doubling up are the cause of many problems in prisons. In-cell sanitation facilities are not an issue in the Dóchas Centre, but to promote this positively as being addressed by the provision of 70 dormitory places in the centre is not appropriate. It is a backward step. There are in-cell sanitation facilities in all rooms in the centre. However, having 70 dormitory places in the facility will be a nightmare. Having women trebling or quadrupling up in a dormitory will be a nightmare both for inmates and staff. The Minister needs to address the change of ethos in the facility.

Acting Chairman (Deputy Tom Hayes): I will allow the Minister to reply briefly, although we have gone over time.

Deputy Alan Shatter: I will try to be rapid. I visited Cork Prison where a new procedure to replace what they used to use in the context of slopping out is being put in place. I will have a detailed letter sent to Deputy O'Brien about that issue because I am conscious of the time constraints.

On the second issue, the prisons are overcrowded. Successive Governments failed adequately to address the problem. We are doing what we can within limited resources. Providing additional places in the Dóchas Centre was not of relevance to the slopping out issue; it was responding to the issue raised about overcrowding in the centre. Additional bed facilities will be provided.

It is expected that 300 additional cells will be provided in Mountjoy Prison with in-cell sanitation during the course of 2012. Given the limited resources available to me, I cannot move as quickly as I would like to, but we will do what we can to make up for the years of

neglect in the prisons. We will also ensure proper and appropriate facilities that should be available in the 21st century are ultimately made available. However, we cannot redress ten years of neglect overnight.

Health Services

Deputy Éamon Ó Cuív: Ba mhaith liom buíochas a ghlacadh leis an Aire as ucht teacht isteach sa Teach anocht chun an cheist seo a thógáil. Go bunúsach, tógadh Áras Rónáin i gCill Rónáin in Inis Mór sa bhliain 1999 nuair a tháinig an pobal le chéile chun teach altranais a thógáil mar aon le tithíocht shóisialta do sheandaoine. Thug an tAire Comhshaoil a bhí ann ag an am, Bobby Molloy, cead cuid den fhoirgneamh a úsáid mar teach altranais agus an chuid eile den ionad a úsáid mar thithíocht shóisialta. Bhí 18 aonaid sóisialta ann agus deich leaba lán aimseartha sa teach altranais, móide dhá leaba faoisimh. Nuair a bhí an t-aonad tógtha, tógadh ar lámh éo Respond go dtí coiste Áras Rónáin agus tá siadsan ag déanamh cúram don áit le cúnaimh ón HSE ó shin. Chomh maith le sin, bhí páirt nach beag ag Comharchumann na nOileán sa scéal. Caithfidh mé a rá go raibh sé de phribhléid agam go raibh cúnaimh á thabhairt dóibh teacht ar an réiteach nuálaíoch cruthaíoch a thángthas air leis an áit seo a ríocht.

Ó tógadh an teach altranais, tá na leapacha ar fad lán an t-am ar fad. Go deimhin, bhíodh ar chuid de na daoine a bhí ag lorg leapa sa teach altranais dul go dtí an mórthír le haghaidh leaba altranais a fháil. Ag an am céanna, níor bhaineadh leas iomlán as na haonaid cónaithe a bhí curtha ar fáil agus d'fhan dhá thrian de na haonaid sin folamh. Nuair a bhí Noel Ahern mar Aire Stáit, thug sé cead cuid de na haonaid tithíochta sóisialta a aistriú gan aon aisíoc le haghaidh cur leis an teach altranais. Ní dhearnadh an obair sin, ach glacadh leis i bprionsabal. Tá fíor-dhroch aonad príomhúil nó ionad sláinte ar an oileán. Tá sé an-dona ar fad. Tá an HSE ag rá go mbeadh sé an-ciallmhar dá mbeadh aonad príomhúil le haghaidh an oileán ar fad lonnaithe ar láthair Áras Rónáin agus go ndéanfaí aistriú ar cuid de na haonaid tithíochta isteach ina ionad príomhúil sláinte. Níl á lorg acu ón Aire ach cead é sin a dhéanamh. Níl siad ag iarraidh air ach breathnú ar seo san iomlán agus a rá gur ar mhaithe le pobal an oileán atá an rud ar fad. Níl ach Rialtas amháin sa tír. Ba chóir go dtabharfaí cead don choiste áitiúil dul go dtí an HSE. Tá sé mar aidhm ag an gcoiste, in ionad na haonaid tithíochta a bheith ann, go n-aithneofaí cuid acu — seacht cinn, sílim — mar ionad príomhúil sláinte. Réiteódh sé sin an fhadhb a bhaineann leis an droch-ionad sláinte. Cuireadh sé na seirbhísí sláinte ar fad ar an oileán ar aon láthair amháin. Mar a deirim, níl aon airgead i gceist ó thaobh na Roinne.

Tá súil agam go mbeidh dea-scéal ag an Aire dom tráthnóna. Ba cheart don Rialtas an rud ciallmhar a dhéanamh. Tá súil agam go dtuigtear nach bhfuil aon athrúúinéireachta i gceist. Níl aon athrú bunúsach i gceist ó thaobh úsáid na háise de. Is le pobal an oileán — agus le aos an oileán, go speisialta — a bheidh sé seo ann. Bheadh sé iontach dá mbeadh an aonad príomhúil sláinte in áit agus seirbhísí ar nós na teiripe cainte agus na fisiteiripe lonnaithe ar aon láthair amháin. Tá súil agam go mbeidh dea-scéal ag an Aire dom, agus go dtabharfar litir don choiste ag rá go bhfuil cead acu dul ar aghaidh le seo. Ba chóir go mbeadh an HSE in ann an aonad príomhúil a aistriú ón áit ina bhfuil sé, atá thar a bheith mí-oiriúnach, suas go dtí láthair Áras Rónáin, ar an Mainistir i gCill Rónáin.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I am pleased to have the opportunity to express my appreciation of the good work done by the voluntary housing sector in Ireland. The sector works in close co-operation with local authorities and other statutory bodies to deliver many local services for the public.

Last June my Department launched a new housing policy framework which puts the voluntary and co-operative sector at the very heart of social housing provision. I will use the substan-

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tial expertise and momentum the sector has built up in recent years in meeting our shared objective of providing housing for those who cannot do so from their own resources.

With regard to Áras Rónán on Inis Mór, the project was constructed about ten years ago with grant assistance of €2.4 million from my Department to meet a specific housing need for elderly persons on the island. The facility includes a group home and 18 units for independent living. I am pleased to see the voluntary body in question has worked in close co-operation with the HSE in the delivery of care services locally. I understand both the HSE and the voluntary body want to consolidate care services at Áras Rónán, using part of the existing residential facility for this purpose.

In the case of all projects funded under the capital assistance scheme, it is a condition that the facilities are used for their intended purpose and that the investment by the taxpayer is protected. The approved housing body must enter into a mortgage agreement with the local authority for a period of 30 years. In cases where the accommodation provided under the capital assistance scheme is no longer used for its intended purpose, the mortgage must be redeemed in full or transferred to another approved body. In the case of Áras Rónán, the voluntary body is the *de facto* owner of the properties, subject to the terms of the mortgage deed.

My Department wants to be as supportive as possible in consolidating care services at Áras Rónán. To this end, it wrote to the voluntary body last month asking for specific information on the number of units required for the care facility. Given that the terms of the mortgage deed could be an issue, we asked if a lease arrangement could be put in place between the housing body and the HSE. To date, we have not received a response. I hope we can make progress on the basis of the lease arrangement.

Deputy Éamon Ó Cuív: This seems to be one of those cases involving a voluntary group in which all sorts of legalities and difficulties are being thrown up. I am sure that as a backbencher for many years, the Minister threw up his hands in despair about how pedantic the State could become. In this case the lessee will be the HSE. I often used to ask the question when in government, “Can we get it into our heads that there is only one Government in the country?” The agencies involved should not act as if they are competing against each other. It was hard to get that message across and the Minister will also find it hard. I know, however, that with his determination he will overcome that “silo” view of the world. Will he try to expedite this issue and agree to a meeting between Coiste Áras Rónáin, the HSE, departmental officials and the county council? That would help the committee in providing the relevant information and might simplify the procedures required to be followed. Ultimately, the State is the tenant and I cannot understand the reason we must make matters so complicated. I am sure if all the parties involved got around the table, they would crack in one day what might take months to crack with letters going back and forth. I have experience of trying to get the State to move away from the “silo” attitude and know it can be difficult. However, I hope the Minister, like me, will do his best to ensure this attitude does not prevail.

Deputy Phil Hogan: I am delighted the Deputy’s long experience is coming into play, as he has a great reputation of being able to knock heads together in agencies and local authorities. I am sure he could try it on this occasion also. If there is a response to the letter we have sent, we can see what progress can be made. We must receive a response in line with the terms and conditions of what was approved ten years ago. There is a legal difficulty in sorting the matter in the manner in which Áras Rónáin wishes to resolve it. There is a solution, however, if we go down the route of a leasing arrangement. I am certainly prepared to work with the Deputy to ensure the lack of co-operation sometimes evident between agencies can be overcome.

Deputy Éamon Ó Cuív: There are two agencies involved.

Deputy Phil Hogan: I understand that and that the Deputy has much experience. He had plenty of opportunities to ensure we had fewer rather than more agencies.

Deputy Éamon Ó Cuív: I did that.

Deputy Phil Hogan: I am trying to solve the problem and the manner I suggest involves a leasing arrangement that could be entered into under certain conditions. If we receive a response to the initiative taken by the Department, perhaps we might make progress.

Deputy Éamon Ó Cuív: What about the HSE? If one set of conditions is laid down, the HSE might not be happy; the result is that we are caught between two State agencies. Will the Department liaise directly with the HSE to sort out the matter?

Deputy Phil Hogan: If I receive a response to the letter, I will be prepared to revert to the Deputy to see where we can make progress.

Deputy Éamon Ó Cuív: That would be appreciated.

Property Services (Regulation) Bill 2009 [Seanad]: Order for Report Stage

Minister for Justice and Equality (Deputy Alan Shatter): I move: “That Report Stage be taken now.”

Question put and agreed to.

Property Services (Regulation) Bill 2009 [Seanad]: Report and Final Stages

Minister for Justice and Equality (Deputy Alan Shatter): I move amendment No. 1:

In page 13, line 10, to delete “of,” and substitute “, of”.

This is a minor drafting amendment. It might be the briefest amendment I have ever dealt with.

Amendment agreed to.

Acting Chairman (Deputy Tom Hayes): Amendments Nos. 2 and 8 will be discussed together.

Deputy Alan Shatter: I move amendment No. 2:

In page 14, line 3, after “59(3),” to insert “or 60(1),”.

I thought we might have given more time to the previous amendment.

On Committee Stage I flagged my intention to introduce new provisions to address the potentially serious conflicts of interest which can arise where an auctioneer promotes an apparently attractive loan package to intending purchasers without revealing that the financial institution providing the loan has already funded the development or is prepared to do so where the property is being sold from the plans. This conflict of interest can arise, in particular, in the case of multi-unit developments where a particular financial institution has links with the developer and seeks to reduce its exposure to risk by assembling what appears to be an attractive loan package for intending purchasers. Purchasers who avail of the package may end up paying over the odds for the property. Amendment No. 8 addresses the issue by inserting a new section 60 which will ensure transparency in such cases and thereby improve consumer protection.

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Subsection (1) prohibits a licensee from providing information, advice or assistance concerning a lending institution's willingness to provide a mortgage for a purchaser of residential property unless the vendor — in other words, the builder or developer — has advised the licensee whether that lending institution has provided or intends to provide a loan for the development or construction of the property. The licensee must then inform the purchaser whether the lending institution has been involved in funding the development. This provision will apply to persons who develop or build residential properties on a commercial basis, not to private persons selling their own homes. Subsection (2) provides, therefore, that the requirement in subsection (1) will not apply where the vendor is an individual acting outside his or her business. Subsection (2)(b) also allows for the making of regulations by the Minister for Justice and Equality to exclude other specified classes of vendors from the requirements set out in subsection (1). The regulation making power is a precaution in case it becomes necessary to make further exceptions to the new requirement.

It should be noted that the new requirement applies not only to actual purchasers and vendors of residential property but also to prospective purchasers and vendors because section 2(2) of the Bill defines “purchaser” as including a prospective purchaser and a “vendor” as including a prospective vendor.

Amendment No. 2 extends the definition of “improper conduct” in section 2 to include a contravention of the new disclosure requirement by a licensee. It means that a contravention may result in imposition by the authority of an appropriate sanction on the licensee.

The Minister for Finance is proposing to enhance the powers of the Central Bank to ensure the interests of consumers are further protected when mortgage credit is being provided in the Central Bank (Supervision and Enforcement) Bill 2011 which is before the House. The Central Bank is also responsible for ensuring mortgage lending in Ireland conforms with the appropriate standards and that where conflicts of interest arise, they are identified and dealt with. The Bill I have just mentioned provides for substantial penalties for financial service providers who fail to abide by the rules.

Amendment agreed to.

Bill recommitted in respect of amendments Nos. 3 and 4.

Deputy Alan Shatter: I move amendment No. 3:

In page 14, between lines 39 and 40, to insert the following:

““land” has the meaning assigned to it by the Land and Conveyancing Law Reform Act 2009;”.

The Bill does not include a specific definition of “land” because the definition in the Interpretation Act 2005 is a generally applicable definition. However, it appears that the lack of a definition has resulted in some confusion relating to residential property and the purpose of the amendment is to insert a definition in order to remove any uncertainty on the matter. It states “land” has the meaning assigned to it by the Land and Conveyancing Law Reform Act 2009. The definition of “land” in that Act is more detailed than the definition in the Interpretation Act 2005 in so far as it explicitly includes “buildings or structures of any kind on land and any part of them, whether the division is made horizontally, vertically or in any other way”. Therefore, it clearly includes apartments, as well as other types of buildings.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 4:

In page 15, to delete lines 38 to 40 and substitute the following:

“(i) which is formed for the purposes of becoming the owner of all or some of the common areas of the development, and”.

This is a technical amendment that will ensure consistency between the definition of “management body” in the Bill and the corresponding definition in the Multi-Unit Developments Act 2011.

Amendment agreed to.

Bill reported with amendments.

Deputy Alan Shatter: I move amendment No. 4a:

In page 22, line 6, to delete “*Part 1*” and substitute “*Part 2*”.

This is a drafting amendment.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 5:

In page 29, to delete lines 21 to 46 and in page 30, to delete lines 1 to 34.

Amendment No. 5 relating to section 15, amendment No. 6 relating to section 16 and amendment No. 17 are being discussed together.

On Committee Stage I indicated the possibility of Report Stage amendments to sections 15 and 16 to address possible duplication between the disclosure of interest provisions in section 15 and those already in place in the Ethics in Public Office Acts. Arising from discussions with the Attorney General’s office, the amendment proposes the deletion of section 15, while amendment No. 6 replaces subsection (3) of section 16 with a revised wording which provides protection for the disclosure of information as required under the Ethics in Public Office Acts. Amendment No. 6 goes on to insert a new subsection (4) in section 16 which will facilitate the provision of information for the authority and the Minister and also, where the information may relate to the commission of an indictable offence, for other public authorities such as the Garda, the Director of Corporate Enforcement, the Central Bank and the Revenue Commissioners.

Amendment No. 17 deletes paragraph 11 of Schedule 5 which applies section 15 to the appeals board. It is no longer required following the deletion of section 15.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 6:

In page 31, to delete lines 1 to 3 and substitute the following:

“(3) Nothing in *subsection (1)* shall prevent the disclosure of information by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995.

(4) Nothing in *subsection (1)* shall prevent the disclosure of information—

(a) to the Authority,

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(b) by or on behalf of the Authority to the Minister, or

(c) which, in the opinion of a person referred to in that subsection, may relate to the commission of an indictable offence to—

(i) the Director of Corporate Enforcement,

(ii) the Competition Authority,

(iii) a member of the Garda Síochána,

(iv) an officer of the Revenue Commissioners,

(v) the Central Bank of Ireland, or

(vi) such other person as may be prescribed under *section 96* after consultation by the Minister with any other Minister of the Government appearing to the Minister to be concerned.”.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 7:

In page 43, line 18, after “*paragraphs (a) to (f)*” to insert “of this subsection”.

This is purely a drafting amendment.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 8:

In page 62, between lines 6 and 7, to insert the following:

60.—(1) Subject to *subsection (2)*, a licensee shall not provide information, advice or assistance, whether by means of a brochure, advertisement (in whatever media) or otherwise, to a purchaser of residential property in respect of the possible availability of a loan from a lender in respect of the purchase of the property unless—

(a) the vendor of the property has advised the licensee, in writing, whether or not the lender has provided or indicated the lender’s willingness to provide a loan (whether in whole or in part) for the development or construction (whether in whole or in part) of the property, and

(b) the licensee informs the purchaser of whether or not the lender has provided or indicated the lender’s willingness to provide a loan (whether in whole or in part) for the development or construction (whether in whole or in part) of the property (which may be done, in the case of a brochure or advertisement, by including the information concerned in the brochure or advertisement, as the case may be).

(2) *Subsection (1)* shall not apply in any case where the vendor of the residential property concerned is, in his or her capacity as such vendor—

(a) an individual acting outside his or her business, or

(b) a person, or a person who falls within a class of persons, prescribed under *section 96* for the purposes of this paragraph.

(3) In this section “lender” includes a holding company and a subsidiary (within the meaning of section 155 of the Companies Act 1963) of the lender.”.

Amendment agreed to.

Bill recommitted in respect of amendment No. 9.

Deputy Alan Shatter: I move amendment No. 9:

In page 87, between lines 5 and 6, to insert the following:

“(3) Subject to *subsection (4)*, the Commercial Leases Database may, at the Authority’s discretion, contain, in respect of a commercial property lease, the particulars provided for in *paragraphs (a) to (d) of subsection (2)* notwithstanding the fact that such a lease was entered into before the commencement of this section.

(4) *Subsection (3)* shall not apply to a commercial property lease entered into more than 5 years before the commencement of this section.”.

As the Bill stands, it is envisaged that the commercial leases database will only contain information on leases entered into on or after the commencement of section 87. Having considered the matter, I believe it would be in the public interest if certain basic information was also to be made available on commercial leases which have been entered into in the past. The amendment I am proposing is analogous to the provision contained in section 86 which relates to residential property sales prices. However, in the case of commercial leases, I am proposing that the database will only apply to leases which have been entered into within the last five years. The reason for this is that, in the rent review context, the most useful information is that which relates to open market lettings at the time of the review date. Thus, while access to some past information may be useful in terms of assessing emerging trends, that information will have little direct bearing on the level of rent to be fixed in current circumstances.

The public information on to past leases will be that information which is made available to the authority by the Revenue Commissioners. It will include the address of the commercial property concerned, the date of the lease, the term of years of the lease and the rent payable. That will ensure there is generally more information made available on the level of rental payments being made than is the case, and there will be more information made available than was originally envisaged in the Bill, as first published.

Deputy Dara Calleary: I have a query on separate legislation the Minister is preparing on upward-only rent reviews. Will that legislation have any implications for this Bill and *vice versa*?

Deputy Alan Shatter: That is an entirely separate issue, but as the Deputy is aware, detailed consideration has been given to the issue of upward-only rent reviews by my Department and the Attorney General. The matter will come before Government shortly for final decision. Obviously, once it has made a decision, its nature will be announced.

Deputy Dara Calleary: Is it likely that we will have to amend this Bill owing to possible implications of the legislation on upward-only rent reviews?

Deputy Alan Shatter: What we are doing in this legislation is ensuring there is transparency with regard to rental payments being made in the commercial area and that there is a bank of

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reliable knowledge available in order that when discussions occur on rent reviews or when individuals are considering renting properties, there will be access to transparent and reliable information from which comparators can be taken as to the types of rental arrangements made. In a sense, this is a stand-alone provision that will be of relevance for the future. Consideration is being given by the Government to the advice on other legislation. The matter will be dealt with shortly and we will make an announcement thereafter.

Amendment agreed to.

Bill reported with amendment.

Deputy Alan Shatter: I move amendment No. 10:

In page 87, line 19, after “out” to insert the following:

“(in addition to the particulars specified in *paragraphs (a) to (d) of section 87(2)*)”.

This is a technical amendment which is being made in the interests of administrative efficiency. The particulars specified in section 87(2) relate to the basic information which will be made available to the authority by the Revenue Commissioners, while the section 88 particulars relate to the additional information to be provided by the individual tenant. The amendment will ensure all of the pertinent information will be readily discernible from a single form.

Amendment agreed to.

Acting Chairman (Deputy Tom Hayes): Amendments Nos. 11 to 13, inclusive, are related and will be discussed together, by agreement. Is that agreed? Agreed.

Bill recommitted in respect of amendments Nos. 11 to 13, inclusive.

Deputy Alan Shatter: I move amendment No. 11:

In page 88, between lines 7 and 8, to insert the following:

“(3) Where a tenant ceases to have an interest in a commercial property which is the subject of a relevant commercial lease, the tenant (or such other person as the tenant has authorised in writing to act on his or her behalf for the purposes of this subsection in so far as it relates to the cesser) shall, within the relevant period immediately following the day on which the cesser takes effect, give the Authority a notice in the specified form setting out particulars of the cesser (including the day on which it takes effect).”.

The key amendment is amendment No. 11. It is intended to provide a mechanism to ensure the authority will be informed when a tenant ceases to have an interest in a property which is the subject of a commercial lease. This will be especially relevant where the tenant assigns the property to another tenant during the currency of such a lease. The amendment is directly related to section 88(2) which requires the tenant to give the authority certain information when a rent has been reviewed. In the context of enforcement, it is clearly very important that the authority have up-to-date information on the identity of the tenant. The amendment will facilitate the authority in its enforcement function. Amendments Nos. 12 and 13 are consequential changes.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 12:

In page 88, lines 10 and 11, to delete “or (2)” and substitute “, (2) or (3)”.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 13:

In page 88, line 15, to delete “or (2)” and substitute “, (2) or (3)”.

Amendment agreed to.

Bill reported with amendments.

Deputy Alan Shatter: I move amendment No. 14:

In page 91, line 31, to delete “reside” and substitute “resides”.

The amendment is purely a drafting amendment.

Amendment agreed to.

Deputy Alan Shatter: I move amendment No. 15:

In page 95, line 23, to delete “outwith” and substitute “outside”.

The same applies. This is simply a drafting amendment.

Amendment agreed to.

Bill recommitted in respect of amendment No. 16.

Deputy Alan Shatter: I move amendment No. 16:

In page 110, after line 29, to insert the following:

5. Section 6 of the Protection of Employees (Employers’ Insolvency) Act 1984 (as amended by Schedule 2 to the Criminal Justice Act 2011) is amended—

(a) in subsection (2)(a)—

(i) in subparagraph (xxvi), by deleting “and” after “that Schedule,”,

(ii) in subparagraph (xxvii), by substituting “that Schedule, and” for “that Schedule.”, and

(iii) by inserting the following subparagraph after subparagraph (xxvii):“(xxviii) any amount which an employer is required to pay by virtue of a decision of a rights commissioner under *paragraph 1(2)(b) of Schedule 4 to the Property Services (Regulation) Act 2011* or a determination by the Labour Court under *paragraph 2(1) of that Schedule.*”,

(b) in subsection (2)(b), by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”,

(c) in subsection (2)(c), by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”, and

(d) in subsection (9), in the definition of “relevant date”, by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”.

[Deputy Alan Shatter.]

This amendment makes a number of changes to the Protection of Employees (Employers' Insolvency) Act 1984 in order to include in the insolvency payments scheme under that Act any compensation payable in accordance with a decision of a rights commissioner or the Labour Court under Schedule 4. Under the scheme, employees may claim for entitlements such as pay arrears, holiday pay, pay in lieu of statutory notice and awards due under employment legislation. Claims are generally made through the receiver or liquidator, as the case may be. Payments are made from the social insurance fund to which employers generally contribute.

Amendment agreed to.

Bill reported with amendment.

Deputy Alan Shatter: I move amendment No. 17:

In page 114, to delete lines 39 to 42.

Amendment agreed to.

Bill received for final consideration.

Question proposed: "That the Bill do now pass."

Minister for Justice and Equality (Deputy Alan Shatter): I take the opportunity to thank the Acting Chairman and the Deputies who have contributed to our discussion this evening and during the earlier discussions at the select committee. Many of the amendments made on Committee and Report Stages are designed to introduce much needed transparency to the residential and commercial property markets in line with a commitment given in the programme for Government which I am pleased to be in a position to discharge in this legislation. Publication of residential property sales prices and the establishment and maintenance of the commercial leases database by the Property Services Regulatory Authority will help to restore much needed confidence to the property market. Together with the new statutory requirement on auctioneers to publish a realistic "advised market value" of property for sale rather than using the discredited "guide price" mechanism, the legislation will serve to enhance consumer protection and improve consumer confidence.

The new statutory requirements on auctioneers who provide advice for intending purchasers on the possible availability of loans from a particular lender, an issue we discussed, will help to avoid the types of conflicts of interest which can be to the detriment of such purchasers, as occurred during the boom years in circumstances where individuals were afforded what appeared to be easy loans in circumstances in which there was no transparency or disclosure and no revelation of a linkage between the financial institution making funding available to individual house purchasers and the developer which the same institution had funded.

Having completed its passage through the House, the Bill will now return to the Seanad for consideration of the amendments made here on Committee and Report Stages. My intention is that it will be enacted before the end of the year.

Since publication of residential property prices and the establishment of the commercial leases database are key priorities, I expect the new authority and the Revenue Commissioners will move to put a user-friendly system in place as soon as possible. I know that preparatory work has been under way for some time and I thank the Revenue Commissioners for their participation in the new arrangements.

With regard to the new licensing arrangements, a number of regulations specifying the required eligibility standards in relation to education and training and professional indemnity insurance will have to be made by the authority. In the meantime, the existing licences of auctioneers and letting agents remain valid until 30 June next. However, property management agents are not subject to any licensing arrangement. I expect, therefore, that the authority will give immediate priority to the introduction of much needed standards in this segment of the property services sector. New licensing requirements for such agents will complement the provisions of the Multi-Unit Development Act 2011 which entered into force early this year and enhance protection levels for apartment owners.

Question put and agreed to.

National Tourism Development Authority (Amendment) Bill 2011: Order for Report Stage

Minister of State at the Department of Tourism, Culture and Sport (Deputy Michael Ring): I move: "That Report Stage be taken now."

Question put and agreed to.

National Tourism Development Authority (Amendment) Bill 2011: Report and Final Stages

Bill received for final consideration.

An Ceann Comhairle: As there are no amendments, we proceed to Fifth Stage.

Question proposed: "That the Bill do now pass."

Deputy Timmy Dooley: I compliment the Minister of State on his speedy movement of the Bill through the House. While the Bill is technical in nature, it sets out a commitment to recognise the importance of investment in the tourism industry, particularly in capital infrastructure. I encourage the Minister of State, in his ongoing work in the Department and at Government level, to ensure the tourism industry remains in focus.

I know about the work of the Government in assisting the tourism industry through the reduction of VAT, a matter I do not propose to discuss, as the Minister of State knows my views on it. I do not believe the reduction has worked, or that it will do so. We must be prepared to invest significant amounts of money in the capital product that underpins the industry. The discretion for people travelling across the world has changed and their expectations are greater and different. Therefore, we can only go so far in attracting them with our current product. We have beautiful scenery, fantastic destinations and fine hotels, but we need to look to a new era with a range of products that surpasses the best throughout the world.

Given the Minister of State's commitment, I have no doubt he will seek to ensure funding is put in place. This will be more difficult in the current environment because the private investment that was available in the past is no longer available to the same extent in what is considered to be a speculative business. However, if the right approach is taken to using pension funds, there will be a willingness on the part of outside and private sources to participate, as well as on the part of practitioners in some of the major attractions around the world who recognise and understand the tourism business. For too long we have sought to rely on our scenery and uniqueness, but that will not be enough for the future.

I urge the Minister of State to take the comments of Deputies on board and to try, wherever possible, to develop a properly resourced tourism product development fund that will allow for the provision of the most appropriate product to ensure we retain and grow our tourist numbers in the future.

Deputy Sandra McLellan: I wish the Minister of State well with the Bill. Tourism is very important in the current economic climate and I hope every consideration and support will be given to the industry in the upcoming budget.

Minister of State at the Department of Tourism, Culture and Sport (Deputy Michael Ring): I thank the Opposition spokespersons and all speakers who spoke positively about tourism. I compliment Deputies on the speed with which this important Bill was dealt with in the House and thank them for their co-operation. I look forward to working with the spokespersons on tourism for the next few years.

Tourism is a very important item on the Government's agenda. In the first nine months of the year there was a 10% increase. However, funding in the coming year will be difficult, but the Government is committed to the provision of capital funding, marketing and promoting the industry throughout the world. I seek the same support from everyone in the country for The Gathering in 2013. We must work together and encourage our sister and brother sports and cultural organisations to come to Ireland in 2013. I, therefore, ask for the support of the House for this project.

Everyone who spoke to the Bill was positive about what was going on in the country. We have a good product and good people. Now we need to work together. Everyone who comes to Ireland brings money with him or her. On the other hand, two thirds of bed nights in Ireland are accounted for by domestic tourists. This is about Ireland in very difficult times. I am glad to say, however, that the tourism industry has performed very well this year and know the Government will give us the necessary resources to promote the country.

Question put and agreed to.

Report by the Interdepartmental Working Group on Mortgage Arrears: Statements (Resumed)

Deputy Peter Mathews: The expeditious passage of the National Tourism Development Authority (Amendment) Bill by the Minister of State, Deputy Ring, has given me this welcome opportunity to make some observations on the report.

The mortgage arrears problem has been highlighted as perhaps the greatest weight on the people. However, the banks have been slow to admit the scale of the problem. This report does not even address buy-to-let mortgages. Recent commentary by the experts in this field indicates that the provision made by the main banks may fall short of requirements when buy-to-let mortgages are taken into account.

Having made this observation, I will turn to the issue of mortgage arrears that are crushing many mortgage holders, households and families. Two cases as recently as last week come to mind. The debt load on people and businesses — it is not just a question of mortgages — has reached impossible proportions and it is time for the House to get to the core of the problem. If it is underestimated, we will fall short in how we address it.

The combined debt overhanging the economy — households, businesses and the State collectively — is the largest in the world. A report produced by the chief economists of the Bank for International Settlements in late August examined 18 of the developed economies in the OECD, including the world's largest economies, the United States of America, Germany, Japan, the United Kingdom, France, Italy and so on, but it did not bring Ireland within its scope. In the table that was the output of the review, it was not surprising that Japan headed the list with the largest combined debt-to-GDP ratio. In this context, "combined" means household debt, including mortgages, credit cards, term loans and so on, non-financial corporate or business debt, including loans, term loans and so on, plus sovereign debt. Japan's combined

figure was 454% of GDP, highlighting the fact that, since 1990, it has struggled without gaining economic growth.

Perhaps because of its size, Ireland was not included in the exercise. Having obtained the relevant figures for the economy — household debt, non-financial corporate debt and sovereign or national debt, which is rising as we draw down the troika loans — they came out at 494% of GNP and approximately 440% of GDP. We would have been top of the table.

Discussing the review now is relevant because the findings of those eminent economists explain that, if economies have combined debt-to-GDP ratios that exceed approximately 300% , the prospect of growth is eliminated, suffocated or whatever word one prefers to use. Notwithstanding the fact that here and there we see occasional reports of optimistic signs in the figures from the Central Statistics Office and other agencies, we must not lose sight of the fact that the country has a massive debt overload. Households and businesses are trying to deleverage, reduce their debts and correct their balance sheets. It is this imperative that will obstruct opportunities for growth in the economy, as it will reduce the desire to spend and boost or stimulate the economy.

While we are achieving notable successes in adjusting the fiscal imbalance, that is, the overspend compared with the revenue the State earns, we are doing it from an impossible starting point. I am not someone who looks for impossibilities. I look to find realities, in this case what we can do. Having been able to ascertain what I have just explained, I would give every encouragement to the Minister for Finance, the Taoiseach and the rest of the Cabinet to press the case with the European Union, particularly the European Central Bank, on the imperative of achieving a debt write-down in order that we can have a fair starting point.

Of the €110 billion owed to the ECB, €70 billion is due because it advanced emergency liquidity loans to our banks, enabling them to redeem in full senior bondholders up to the end of last year and into the beginning of this year. That was not a good idea, right or proper. The issue of provenance of the loans in the banking system owed to the ECB could not have arisen had a proper assessment of loan losses in the system been conducted. This point must be communicated to Chancellor Merkel and President Sarkozy. It must be properly explained persistently and consistently. The Minister and his officials are doing their best behind the scenes in the unfolding crisis, but it needs to be said loud and clear within the hearing of the 16 other members of the eurozone. The losses across the members of the eurozone need to be individually and collectively acknowledged and addressed. A sequential examination is taking place, but it is not addressing and combining the contemporaneous problems.

In recent months a book written by John Mauldin and Jonathan Tepper, *The End Game: The End of the Debt SuperCycle and How it Changes Everything*, explains the debt “SuperCycle” in the world’s developed economies in the past 15 years, particularly in the past decade. It is an important book for anyone to read and it is easy to read. It explains the core origins of the strains being placed on Europe’s national economies.

This is the largest financial crisis Europe and the world have faced and it needs to be addressed robustly, openly and honestly. The speculation is that elements of treaty change may be needed to provide for financial re-engineering and restructuring during the coming months. In fact, it will only be a matter of weeks, as this is a crisis. It is in speculating on what might occur that we must know exactly where we lie and what is possible and impossible to achieve. It is no good having conversations and discussions with eurozone leaders who cannot understand our position unless they have expressly stated writing down and restructuring our obligations and the debt of our banks to the ECB and outstanding bondholders in the large banks will be on the agenda.

[Deputy Peter Mathews.]

With that consideration, the position on promissory notes is part of the discussion. It is imperative the scale of loan write-downs in the banking system be addressed because only then will it be possible to arrange the transfer and the proper and orderly restructuring of household debt obligations to the banks. The Keane report raises the problem for consideration but falls short of what is needed in working out the write-downs necessary. There is no point in trying to postpone or delay the working out the loan indebtedness of households to banks. The loans need to be written down to levels that are recoverable and repayable and that will require large write-downs. It will be done on a bespoke, rather than a blanket, basis. If there is an epidemic in a country, one cannot give antibiotics on a blanket basis; each patient presenting with the disease must be addressed. The same applies in the case of financial repairs.

I urge my colleagues, the Minister for Finance and the Taoiseach, to bring this request for recalibration and a loan write-down in the economy to our partners, the leaders of Europe, in order that it can be part of the discussion and the solution to enable our banks to undertake the necessary restructuring of mortgage loan arrears for households and businesses and the buy-to-let sector under the supervision of and with the assistance and encouragement of the Government. A comprehensive solution to this problem must be found.

Deputy Joe Costello: I propose to share my time with Deputy Heather Humphreys.

This is one of the more serious issues facing the citizenry. The number of people with mortgages in arrears was published in Central Bank data recently. Some 100,000 mortgages in the State are in arrears or being restructured. By and large, they are single mortgages. This figure refers to residential mortgages, not those of landlords. Including families makes it clear that there are hundreds of thousands in difficulty paying mortgages for one reason or another. The total amount involved has been estimated at €114 billion, based on the value of the properties, but that is a movable feast, given the figures released today that suggest there has been a 60% reduction in the value of property in the last couple of years.

We are dealing with a human tragedy as well as a financial crisis. People are under so much stress all the time, wondering how they will keep the show on the road, their children in school and food on the table. At the same time they must face an increasing mortgage debt burden. The restructuring that has taken place has been reasonably extensive in dealing with moratoria and bank and mortgage lenders. There has been a certain amount of activity in this regard, including by the expert group which provided the original set of recommendations in 2010 and the proposals made by the Government in the current manifesto. To a considerable extent, there have been attempts to implement them.

The nuclear option of debt forgiveness was not recommended by the original expert group in 2010 or in the Keane report in September this year. That group was a model of efficiency in conducting its work in two months and it came up with some interesting proposals. The basic principle which we all want to see implemented is that no one in possession of a mortgage should have the roof taken from over him or her. In other words, they should be able to hold onto the family home. The number of repossessions has been relatively low. Figures for the last quarter show there were 162 repossessions — in 119 of the cases the property was voluntarily surrendered or abandoned. There were 43 forced repossessions. I am dealing with a number of cases in which repossession has been threatened and in which the sheriff has been contacted. If there were only 43 in the last quarter, the number in my constituency seems to proportionately exceed the amount in others. It is a difficult problem in that all efforts have been exhausted, but there is no adequate mechanism in place to deal with it.

The only mechanism offered in the Keane report is that the mortgage be taken over by an approved housing body. A mortgage-to-rent scheme was put in place. However, it has been

the subject of much criticism. It effectively means the approved housing body can take over from the local authority and take a 75% stake, with 25% remaining with the lender. The person in possession, the mortgagee, pays the equivalent of a social rent and remains in the house. However, one element is missing, a mechanism whereby the rent paid is viewed as valued capital as happens in local authorities. In a local authority, after ten years, if one is purchasing a house, a figure of 3% is allocated for each year. There should be an opportunity for the mortgagee to repurchase the house, but such a measure is not included in the Keane report. In that way, someone with an unsustainable mortgage, where the mortgage has been taken over by an approved housing association with the agreement of the lender, could remain with his or her family in the home as tenants. This could be done relatively cheaply because the value of property has decreased so much. He or she would, however, would have the opportunity to repurchase when in a position to do so; the equity against the mortgage while paying rent would allow him or her to buy it back. That would be a valuable mechanism for dealing with unsustainable mortgages, a number of which I am dealing with. We need this final safety net to allow people to avoid repossession. We should put it in place as soon as possible.

Deputy Heather Humphreys: I welcome the opportunity to contribute to this debate on the findings of the Keane report. Mortgage arrears are a serious matter and are affecting people across the country on a daily basis. According to statistics from the Central Bank, around 45,000 households are in arrears for more than 90 days, of which about 32,000 are in arrears for more than 180 days. Those figures give an insight into the scale of the crisis we face. It is easy in the course of a debate for the statistics mentioned to go over our heads without our absorbing their meaning but in this instance we are all aware of the 45,000 household figure. We have all seen the faces of the people behind those figures and encountered the families who are desperately trying to hang on to their homes. We have met those parents who are having sleepless nights because they do not know if they will be able to keep a roof over their children's heads. As Deputy Costello said, this is the human tragedy.

This is an issue that has been brought to the attention of all Deputies in the House. It is not a problem unique to any one area, from Cork to Donegal, or indeed in my constituency, Cavan-Monaghan.

We are all aware of how we came to this juncture. The reckless lending by the banks has been well documented and the purchase of property is now seen as part of the abiding legacy of the bubble. Unfortunately, the lack of supervision and regulation in our banks meant that loans were given to people who should have never have got them.

While it is important we learn from the mistakes of the past to ensure they are not repeated, it is time to move on from analysis of how we got here. It is time to start looking for solutions. The Keane report represents a good starting point. As the Minister has stated, the objective of the Government must be to assist those having genuine difficulties in meeting their mortgage repayments. We all acknowledge the economic climate is unrecognisable from that of just a few short years ago. The aim of this report is to help those who bought their houses at the height of the boom and who have since lost their jobs owing to circumstances completely outside of their control. As a result of a substantial loss of income, they can no longer meet their repayments. There are instances where young couples bought a house, started a family and, subsequently, one or both parents became unemployed or took substantial cuts in wages. That same couple are now in debt, out of work and contending with the many challenges of rearing young children. These are the people who are in real difficulty and who genuinely need help.

[Deputy Heather Humphreys.]

We must acknowledge the difference between those who cannot afford to pay their mortgages and those who choose not to pay them. The core objective of Government must be to ensure families are in a position to remain in their homes.

It is clear there is no single remedy that will alleviate the mortgage crisis we face. Instead, the situation must be examined on a case by case basis. Different circumstances apply to different households. A single person in mortgage arrears could have entirely different circumstances from a family in arrears. The Keane report identifies this fact and outlines a number of solutions. Split mortgages would allow those who cannot meet their current commitments to reduce weekly repayments for a period. The trade-down mortgage option would allow families to move from a high value property to a house of lower value when they are unable to meet their current repayments. The aim is to ensure families have a mortgage they can afford. In certain instances, such an approach may be acceptable for the individual but in the case of families, moving home could mean leaving behind friends and neighbours, children having to move school and all the other stresses and challenges moving house can cause. With this in mind, the mortgage to rent scheme could be a positive solution that would allow families to remain in their local community.

It is clear there is no single solution to the mortgage arrears problem. The Keane report is by no means the finished article but it represents a starting point we can build upon. It is important the Government engages with the relevant agencies and groups with a view to building on the findings and recommendations of this report. Groups such as MABS have a long-standing and excellent record of assisting people in difficult financial circumstances. It is important the group's experience and skills are used to good effect when progressing this matter. We must build on MABS's strength and further expand the existing skill set. During my time as a credit union manager, I worked closely with MABS and I have first-hand experience of the great work it does and the respect it enjoys from both clients and creditors.

Deputy Tom Barry: I welcome the opportunity to speak on this matter. It is one of the most serious situations we have faced as a State and how we find a solution to it will define us. Every problem has a solution. People might want to hide away from it but eventually we must face up to it.

I will focus on the split mortgage idea in the Keane report. I welcome the report, whose authors did good work in a short time. Everyone knows 45,000 mortgage holders are in arrears, an increase from 25,000 in 2010. Arrears now account for 6% of the total market and that figure could rise. None of those figures even takes into account the vast numbers of restructured loans, which numbered 60,000 at the start of 2011. Compounding the problem is the interpretation of the Basel agreement currently being applied by the banks. This protocol is used by the banks to issue horrendous letters threatening to withdraw facilities. The implementation of the agreement is left to individual banks, and they are dealing with it by kicking the can down the road either by delaying or disguising the problem, which will eventually make it worse. No action is an action in itself, allowing the market to freewheel with devastating social and financial consequences.

Many Irish people see no light at the end of the tunnel and they are voting with their feet. This wave of emigration is like no other as these people will not be back because all that awaits them is retribution for money owed and unpaid. While many commentators evaluate the situation and highlight the problem, not many solutions have been forthcoming until this analysis by the Keane report.

The need to own one's own home is deep in the Irish psyche. That desire has been ingrained since the Famine, when tenants demanded the three Fs: fair rent, fixity of tenure and free sale.

The rush by a new generation to buy a family home was all consuming and, unfortunately, trapped not only this generation of first-time buyers but those who wanted to move upwards and onwards. Each group bought according to their means and disposable income at the time but are now trapped in a financial nightmare.

The split mortgage idea proposes the use of the information from the last banking evaluation, where each mortgage in the State was analysed, along with the knowledge of local and regional bank managers. Preferably, we try to get managers involved in the initial lending of the funds to distressed mortgage holders. As the banks tried to tidy up their books in recent years, they shuffled bank managers around like a deck of cards, thus removing local knowledge from branches and breaking the personal link between manager and customer. This was deliberate and it was done in order that the new bank managers could be a little more assertive and, perhaps, demanding. This needs to be rectified. Banker knowledge of customers needs to be established.

The Keane report, on page 34, expresses worry about the scale of the problem and how we must deal with it. If we got back the original people involved in decisions on most of the distressed loans, we would have a chance of speeding up the redress process. Each mortgage will need to be analysed separately and individually to ascertain the level of repayment the mortgage holder can realistically bear on a capital and interest repayment basis. As an example, let us take a mortgage holder with a €200,000 mortgage. If it is established through the afore-described mechanisms that this mortgage holder can pay interest and capital only on €100,000, the €100,000 that cannot be paid must be placed as a charge on the property to be addressed at a later stage, either as a second mortgage or on the sale of the property. The interest element of the charged amount needs to be financed in the interim. This funding needs to be negotiated centrally by the Government at as low an interest rate as possible with the European Union and the IMF because this is a serious issue for Ireland. It is also a possibility that when the banks get back into profit, they could make a contribution towards the funding of the money that must be stacked. We have received no money from them to date and, in fairness, they must start to show a willingness to help.

This is not a new concept as there have been intergenerational loans in the past. An example is the land annuities and land repayments system set up over 65 years ago to allow Irish tenants to gradually claim ownership of their farms. Under that system, special courts were set up to establish land valuations and tenants could pay off the land annuity at any time during the term if their circumstances improved. I have paid off land annuities, as did my father and grandfather. We should not try to solve the mortgage problem in one generation but over a longer period.

The parked percentage mortgage plan, the split mortgage approach, has many positive aspects. It is individually tailored and allows people to pay for their house with no fear of eviction. This is the first priority. It allows the mortgage holder to pursue the objective of owning his or her own home. It prevents a mortgage from becoming a bad debt, thus crystallising the loan and adding to the country's debt crisis. It allows the mortgage holder the possibility of having some disposable income which will help to stimulate the domestic economy. People cannot continue to live in fear of the next letter seeking repayments. The plan will address the considerable fear and anxiety in society on this issue. It may help to avert significant societal problems such as depression and suicide that will arise from the fallout from this crisis. It simply offers light at the end of the tunnel for those who see no way out of the financial mess.

The plan will keep people in Ireland who can help to rebuild our society. Exporting our best and brightest is certainly not the way forward. The plan prevents the sale of properties to venture capitalists and investors who, as the recession starts to recede, might start to raise the

[Deputy Tom Barry.]

rent on these properties, thereby trapping their tenants in an immovable vice once more. This solution does not abolish the debt by debt forgiveness and, therefore, moral hazard is not an issue. The mortgage holder who pays off his or her mortgage on time is rewarded by becoming debt free earlier.

This debt solution prevents banks from off-loading aggressively their distressed mortgages to the State. This would, of course, increase banks' bad debts and only weaken the banks' recovery, placing them in circumstances in which they would be looking to the State for further bailouts. The solution prevents them from becoming demanding landlords, which would cripple sustained recovery. It prevents the transfer of the problem to the local authorities, which would result in their having to bear the cost of rehousing and the massive cost of maintenance. Within the split mortgage mechanism, housing maintenance should not be an issue.

The mechanism prevents banks from standing steadfast behind their implementation of the Basel agreement. They are doing so and will continue to do so if allowed, with such detachment that it is akin to terrorising mortgage holders. They issue letters threatening to revoke facilities and demanding repayments in an unrealistic timeframe. This implementation of the Basel agreement by the banks implies that people will not even have enough money to feed themselves. This is completely unacceptable. A split mortgage plan takes negative equity out of the equation as the debt will be serviced, albeit over a longer timeframe, and the repayments will be adjusted according to individual circumstances.

Strangely, a solution that might have averted the worst excesses of the 1847 Famine, the three Fs, might work in this instance. The first aspect is fair rent. This equates to fair payment, or to what the mortgage holder can realistically pay against the principal sum and interest. The second is fixity of tenure. This is as relevant today as it was 150 years ago because mortgage holders could not be evicted if they followed the schedule. The third is free sale. In this instance, one would be free to sell one's property, by consent, if there was someone willing to take on the existing mortgage.

The proposal forms the basis of a comprehensive plan. While there may be many minor adjustments to be made, the spirit of the proposal needs to remain the same. Interest-only mortgages clearly are one of the factors that created the property boom. They were part of the problem and will not be part of the solution. Banks are moving distressed mortgage holders into interest-only arrangements, which is not a solution. A large number are still heading down the road to default. If successful, the model could also be applied to small businesses. This would increase their cash flow and keep them going. Many small businesses are anchored with property debt because they had a good cash flow during the Celtic tiger years.

The objective of the split mortgage plan is to see all moneys repaid to the banks and the State. The number of evictions and societal breakdown would be reduced. People would enjoy a reasonable standard of living, with disposable income, thus providing a workforce to assist in our badly needed recovery. To paraphrase Edmund Burke, we need to look to experience rather than consult our invention.

Deputy Paul J. Connaughton: The latest figures from the Central Bank of Ireland for mortgage interest arrears make for very pessimistic reading. Circumstances are deteriorating fast and the problem is so vast that it cannot be ignored. I fully understand the concept of moral hazard and the fact that people who did not speculate in the mortgage market do not deserve to be penalised for the debts of others. However, the problem has reached proportions that simply cannot be ignored any more.

The real crux of the crisis is the fact that the current figures are only raising a red flag on the issue. The mortgage interest arrears crisis it is only in its infancy. As many of those in dire

financial straits were made redundant since the height of the property boom in 2007, arrears are going to grow exponentially in the coming years. The problem of negative equity is growing. The difficulties will be compounded in 2012 and future years because of the upheaval in international financial markets. It will have a knock-on effect on the availability of credit. Essentially, the days of cheap credit and easy access to credit are gone, not only in Ireland but also across Europe. This will ensure the property market remains in the doldrums and those in negative equity who are willing to trade down will be hampered because willing buyers will not be able to obtain credit. The latter would be unlikely to buy in a market in which prices continued to plummet. This is the perfect storm in financial terms, with international and national economic factors combining in an excruciating way for householders.

There is a danger that debates such as this will descend into a veritable feast of euphemisms, with talk of negative equity, debt ratios, debt solutions and distressed mortgages. It is not distressed mortgages that should be the subject of our focus but the distressed mortgage holder. I refer to the person who has sleepless nights worrying about the security of the family home. I refer also to children growing up in homes filled with tension because mortgage arrears are piling up. In such circumstances, any small instance of over-expenditure or unanticipated cost makes the family budget teeter on the brink or places it in a state of collapse. Thousands upon thousands of households across the country experience considerable angst and tension if there is but one unanticipated bill such as one associated with a visit to an accident and emergency department or car repairs. A high electricity bill also has this effect. I refer not only to the homes of people who depend on social welfare but also to those of people who work daily in low and medium-paid jobs, people whose rates of pay have been cut and people who are working shorter hours or are on a three day week. Such circumstances were never anticipated when they were taking out their mortgages.

Many pensioners are affected. They are struggling to help their adult children through dark financial circumstances. The crisis is taking a considerable physical, emotional, spiritual and financial toll on people across the State. Already, the stress is evidenced by high suicide rates, increased demand on mental health services and the urgent appeal made this week by the good people of the Society of St. Vincent de Paul who are only too well aware of the incomprehensible financial burden placed on many families. The Minister has acknowledged there is no magic solution to this crisis and, in dealing with it, a correct balance must be found between those who cannot pay for their mortgages because of income shocks and those who will not pay. Only 10% to 13% of those in negative equity are also in arrears, which indicates that the problem is caused by income shocks rather than negative equity.

I commend the Minister on the steps he has already taken in regard to forcing banks to deal with people who are facing up to their difficulties, the Taoiseach on his intervention to get the banks to pass on the reductions in interest rates, and the Minister for Justice and Equality on his efforts to update our antiquated bankruptcy laws. I welcome the Keane report and the many good suggestions that have arisen from this debate. I hope the relevant Ministers take account of these suggestions.

If we are to deal with this problem, we will have to consider the consequences of letting the current situation deteriorate, which is inevitable if we do not change course. We cannot stand by and watch as these people crumble under a mountain of debt because the social toll will be too high. Some will ask whether we can afford to address the problem given that the country is effectively bankrupt. I argue that we cannot afford to do otherwise.

Deputy Catherine Byrne: I welcome the opportunity to speak on this debate. As I have only been asked to speak in the last few minutes, I have not prepared speaking notes. However, what is in the head is just as important.

[Deputy Catherine Byrne.]

When Dublin Corporation introduced a house purchase grant in 1988, the country went into a frenzy in the belief that everybody needed to buy property and nobody needed to live in rented accommodation any longer. However, the majority of those who live in the 14 different flat complexes in my constituency still cannot afford to buy their homes.

I welcome the Keane report both as a public representative and a parent of young adults who have bought their homes and established their own identities. My mother used to tell us that when we turned 21 we would be given a rucksack and told to make our own lives. This report shows that we care about these people. Even though they may be in debt, they will have an opportunity to stay in their homes. Most young people are not looking for handouts. They simply want an opportunity to live in their own homes while paying for them as best they can. I have dealt with a considerable number of young people who are struggling to repay their mortgages and send their children to school. If they are given this breathing space, they will be able to manage their debts.

The role of this House is to make policies that allow people to return to work and give them opportunities to own their homes so that they can make a future for themselves. As a mother, I often wonder whether my children have enough money to buy a bottle of milk and a sliced pan. These little things in life that we took for granted have become important to people. I have noticed that people are putting fewer groceries in their shopping trolleys when they go to the supermarket at the weekend.

The young people who present to my clinics with mortgage debts do not believe their banks are prepared to listen to them. I was given a copy of a letter which a certain bank sent to a young man with a mortgage. This individual operated a small company that employed eight people but he had to close it because the business went away. When he went into arrears of €2,390.50, the bank started to hound him with demands to make an agreement to pay.

The inner city witnessed an onslaught of apartment construction over the past ten years. No sooner had developers laid the last bricks on the foundations of their apartment blocks than they turned the corner to start new developments. Many of the people who bought in this area want to move on or expand their families but are caught in their apartments. A young couple who were living in an apartment block were interviewed on a recent television programme on the issue of arrears. The couple were anxious to move to a house with a back garden in which their child could play and, most of all, space to expand their family. However, they are caught in a hole which they will not be able to escape for a long time to come.

I have come across a category of people who are in love. Do Deputies recall how we used to know what that meant? These individuals bought properties before they met and now they have to run between their homes to maintain their relationships. They come to me for advice on how they can develop their relationships when they face huge mortgages. The Keane report has nothing to say about this category of people.

I welcome the three alternative solutions that the report offers. The one that jumps off the page for me is the proposal on split mortgages. Most people who present to my clinic simply want breathing space and time to get back on their feet. Please God, the economy will turn around and they will be able to start paying their full mortgages in three or four years time. The report opens up an opportunity for young people and families with young children to step back and come to an arrangement with their banks to remain in their own homes.

Other Deputies have quoted statistics and numbers. I am not great at quoting figures but in the last six months I dealt with more mortgage related problems than in my previous 12 years in politics. If one takes the human aspects into account, most parents would saw off their right

arms if they thought it would solve their children's problems. However, what young people need is precisely what is recommended in the Keane report.

The banks still believe they can act as they want. The letter to which I referred earlier leads me to suspect the banks are not listening. The letter states that the bank in question is not obliged to release a mortgage unless its client can repay the loan in full and suggests this may not be possible in the current market. It goes on to state that the bank is not obliged to agree to provide a mortgage loan for this purpose. Every paragraph of the letter is exactly the same. The country and the Government are shoring up these banks. The Minister for Finance and his Cabinet colleagues should ensure that people who want to stay in their own homes can do so. We need to make it very clear to these banks that this is the way to go. They cannot be waving the sword at these people and telling them they will not agree to these terms. There is an opportunity to give young people some breathing space, which is what this report is all about. I welcome the report and I hope many young people get an opportunity to stay in the homes they bought and to rear their children there. This is particularly true in communities where people have bought apartments. Hopefully in the coming months we may do something to help those who are paying huge amounts.

Debate adjourned.

Private Members' Business

Commercial Rates: Motion

Deputy Niall Collins: I move:

“That Dáil Éireann:

- notes the significant contribution made to the economy by commercial rate payers;
- accepts that many small businesses are experiencing difficulty in paying their rates to local authorities and that this is contributing to the closure of businesses across the country and job losses;
- observes that the Programme for Government is silent on the issue of commercial rates and that the Valuation Act 2001 is due to be reviewed in 2012;
- recognises that approximately 80% of rates paid come from 20% of the payers;
- further recognises that commercial rates account for 27% of local authority funding and that commercial rate payers also pay for water provision and disposal capacity;
- agrees that the re-valuation exercise currently being undertaken by the Valuation Office will take too long to roll out across the country with most local authorities not addressing a rate reduction in any meaningful way;
- asserts that the current system makes no allowance for ability to pay or changed economic circumstances and that the valuation system and charges setting mechanisms are archaic and complex;
- further notes that the Local Government Efficiency Review Group has identified savings of €511 million that can be made in the sector;

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- calls on the Government to commit immediately to a review of the present rates system and identify better and fairer alternatives such as a self assessment method;
- further calls on the Government to immediately begin a process of substantial commercial valuation reduction across each local authority in the country;
- advocates that the Government implements an effective rebate and refund scheme for small businesses;
- further advocates that the Government introduce a rate system which is user friendly and recognises economic circumstances and the ability to pay;
- calls on the Government specifically to delete the subsequent occupier clause and apply that retrospectively;
- urges the Government to ensure that seasonality is taken into account in calculating the valuation of business properties that are fully closed for a significant part of the year;
- advocates that the Government grant a 50% reduction on the rates charged on offshore islands in view of the additional cost of doing business in the islands; and
- urges the Government to implement immediately the recommendations of the Local Government Efficiency Review Group.”

I wish to share time with Deputies McGuinness and Seán Fleming.

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

Deputy Niall Collins: This motion aims to confront severe problems with the commercial rates system and proposes alternative mechanisms to alleviate the financial burden on struggling businesses. The ultimate goal of the motion is to protect and create jobs in the heart of villages, town centres and cities throughout Ireland. There are three areas I want to address: Government inaction, the scale of the problem and the specific problems with the system and alternative solutions we can use to address it.

There is a paradox at the heart of the Fine Gael and Labour programme for Government — a contradiction between what it says and what the Government does. In stirring words it sets out a vision of economic growth and job creation by stating:

The Government will get our economy moving, restore confidence...and support the protection and creation of jobs. The success of our economic plans will lay the foundation for the rest of our agenda for change.

However, what lies behind these words is what the Government has done. It has not put forward any clear ideas for generating job creation nor has it provided a real way to protect vulnerable jobs. The programme for Government is entirely silent on the issue of commercial rates which are crippling businesses the length and breadth of Ireland.

This is a silence echoed by Fine Gael and Labour in their respective 2011 election manifestos and it is a silence continued by the Minister for the Environment, Community and Local Government in his ongoing refusal to confront the issue. The legislative agenda put forward

by the Government offers little hope to hard pressed ratepayers who are barely keeping their heads above the waters of recession. It only proposes an accelerated revaluation programme that will result in few effective revaluations, which will not take effect until 2013 at the earliest, by which time it will be too little too late. Bolder action is needed by the Government if we are to help small and medium-sized enterprises to protect and create jobs, and get the economy moving again.

But rather than helping business the Government is hindering it with damaging measures. At a time when businesses need support the Government is considering what amounts to a sick-leave tax on employers and a crippling 2% VAT increase that will drive shoppers North and further suppress demand. When the Government should be tackling fundamental problems such as business costs it is instead imposing fresh burdens on hard pressed employers. This is the sharp disconnect between the reality of the economy that people face on a daily basis and the rhetoric of the Government. Issues like curbing and reforming commercial rates should be at the forefront of Government efforts to generate economic activity.

The lack of action by the Government on this issue reflects the broader national failure of the Government parties at a local level to confront the problem. Since 2009 Fine Gael and Labour have dominated local authorities. Fine Gael has outright control of three of the 34 local authorities. Combined with Labour they control 22 of the 34 local authorities. They exert equal sway over town councils with rating powers — a total of 88 rating authorities. The local election manifestos of these parties rightly recognised the need to address failing businesses and the impact it has on the vitality and viability of towns and villages. Unlike their general election manifestos and programme for Government, they specifically earmarked commercial rates as being badly in need of change. However, once more, words did not translate into action.

Labour promised a breakdown of how the annual rates of businesses were spent which would be provided as a kind of receipt along with their rates bills. It also proposed a rate increment scheme to allow new businesses to pay a lower rate. Behind these words however there has been no action. The national lethargy on the issue reflects the local failure to act. Labour did not address the need to freeze or reduce rates preferring instead just to tell people on what the money was being spent in the hope that it would assure them while their businesses went to the wall.

Fine Gael promised to freeze commercial rates. The impact of the recession since then and the deepening international malaise we see in the eurozone crisis present an even graver threat than we imagined in 2009. Yet despite this, Fine Gael-dominated councils across the 88 rating authorities have overseen a measly 0.64% reduction nationally over the past two years. Like their jobs budget, which was watered down into a damp squib jobs initiative, the real impact of Fine Gael efforts on this issue have been meaningless for businesses on the ground.

Commercial rates represent 27.9% of local government finance. If we continue to inflict an inflexible system upon ratepayers, that base will be further whittled away by financial pressure. In my county of Limerick ratepayers funded local government to the tune of just under €23 million in 2009. Yet the county had to write off €2.6 million. This has no doubt increased since then owing to the impact of the international crisis and depressed consumer demand. The local government efficiency review group has earmarked €510 million in savings in the sector. It is imperative that we make the structural reforms necessary to create a streamlined local government and use these savings to reduce the burden placed on the shoulders on businesses.

While the financial strains on retailers, pubs, hotels and companies are immense, these businesses are not taking this wilful neglect lying down. The failure to address this critical issue is

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being met with constructive resistance by the thousands of small and medium-sized enterprises. They are pointing out the sheer scale of the problems they face, the impact of the rates system on businesses on the ground and what needs to be done to solve them.

ISME, representing some 8,500 members across the country, has bitterly criticised the inaction of the Government. It estimates that 40% of SMEs are under threat from the burden of commercial rates. Approximately 86,000 small businesses employ more than 700,000 people and generate €90 billion in annual turnover. These SMEs represent some 95% of all businesses in Ireland, with the vast majority of them micro-businesses which employ between one and ten employees. Based on these figures, in the worst case scenario if ISME's concerns are legitimate, it means that up to 172,000 jobs are at stake if we do not move swiftly in tackling commercial rates.

From a national perspective SMEs are a major contributor to the national finances, paying 37% of total income tax receipts and collecting more than 50% of gross VAT. If 40% of the businesses underpinning these vital contributions to the Exchequer fall, the repercussions for the public purse will be profound.

Chambers Ireland, representing 60 chambers of commerce covering some 13,000 business, has consistently criticised local authority charges that fall on the shoulders of businesses already struggling in the wake of the sharp international downturn. The ratepayers and local government council that drives the policies of Chambers Ireland on local government has highlighted the impact of rates on business and the heavy reliance of local authorities on businesses to finance their services.

RGDATA represents approximately 4,000 family-owned shops. The independent retail sector provides approximately 90,000 jobs in local communities. Many of these shop owners are battling for survival in the economic downturn. Stringent commercial rates are a central feature of the difficulties facing these small retailers. These local shops are hubs of activity in their areas providing jobs, goods, services and a centre point for the community. They do not simply have a commercial role in their local areas but also play a pivotal social role. The collapse of these shops tears asunder an integral part of the fabric of community life and deprives the national economy of €2.02 billion in wages and a €358 million contribution to the Exchequer.

From the other end of the retail spectrum Retail Excellence Ireland has urged swift action by the Government in addressing the local authority rates problem facing its members. This group covers 700 leading retail companies, which operate more than 9,000 stores in the Irish market. They represent a significant section of the retail industry and reflect the deep anxiety seeping into Irish businesses. The concerns these businesses have for the viability of their stores is at the heart of this motion.

Only last week, the Vintners Federation of Ireland staged a protest outside the Dáil. A prominent concern voiced by their members pertains to the status of local authority rates. Specifically, the vintners called for a clause in the forthcoming valuation Bill that would allow an appeal on rates based on a change in the economic circumstances of a business. The federation estimates that 5,000 jobs are at stake in its industry. These pubs are like the local shops and are as much social entities as they are commercial enterprises. Their pivotal role as the central hub of social life and an essential part of the fabric of the community is under threat. Apart from the devastating direct impact on those who will lose their jobs, the closure of local pubs inflicts immense damage to the social bonds that hold communities together. The Irish Hotels Federation, IHF, undertook a survey earlier in the year in which eight out of ten proper-

ties cited local authority rates as having a serious negative impact. The IHF and the Restaurants Association of Ireland represent almost 1,600 hotels, restaurants and guesthouses nationwide that employ more than 121,000 people. The IHF went as far as calling for the scrapping of the Valuation Act 2001, citing the onerous burden of funding €90 million of local authority finance. The slow rate of revaluation progress made by the Valuation Office is a major issue for hotels attempting to stay in business during this very challenging time.

It is clear from these representations by businesses which employ hundreds of thousands of people that there is a real problem with the commercial rate system. Economic growth is the key to resolving our current financial difficulties and creating a framework for businesses to develop and thrive is a central task of government. Protecting the jobs and livelihood of workers must be a top priority for the Government. It can start with a complete overhaul of the valuation process, which clearly is strangling Irish businesses. The current regime suffers from a number of fundamental deficiencies, namely, the arduous slow pace of revaluation and the failure of the process to recognise economic circumstances. The Valuation Office is moving at an excruciatingly slow pace and may take an additional ten years — an entire decade — to complete an entire overall review of rates in all authorities. Irish businesses cannot be condemned to a struggle for survival in a hostile economic environment while being saddled with a rates system that is failing them.

Even if the Government hastens this process with the amendment to the Valuation Act 2001 due next year, it may be 2013 or 2014 by the time revaluations are complete. If one considers the low ebb of consumer confidence in the country, the crisis in which the euro is mired and the austerity measures being put forward by the Government over this period, it is not too hard to predict that it will be a very difficult time for Irish business. For many struggling to survive, time is not on their side. Promises of future relief means little to those who will not be around to benefit from it. This is the reason factoring into account the ability to pay is a core part of any meaningful reform of the commercial rate system. The financial strength of innumerable businesses has diminished in light of the recession. Their capacity to pay rates has suffered as they struggle to make ends meet, pay wages, fund bills and buy stock. A system must be developed that reflects this fundamentally changed reality. Economic conditions must be at the heart of any future overhaul of the commercial rates system.

The Local Government (Rates) Act 1970 currently includes the possibility of a waiver for some or all the rates due by ratepayers. This scheme is a reserved function of local authority members and requires the consent of the Minister and therefore of the Government. The costs incurred must be met by the council. This scheme has proven to be unworkable in practice. Many businesses do not even know about it and in my meetings with employers they generally have been surprised to hear about it. The need for a council vote by local authority members, the financial repercussions and then the need for Government approval mean this scheme has had little if any impact on the burden of rate paying.

The Irish Employers for Affordable Rates, IEAR, an umbrella group representing Irish rate payers as a whole, has put forward a series of worthwhile measures to address the problem. Economic conditions and ability to pay considerations are key to its proposals. Specifically, it has requested that Dáil Eireann insert an economic conditions clause into the Valuation Act 2001. This would allow employers appeal a rates valuation due to a change in economic circumstances. The IEAR rightly argues that this amendment would alleviate the pressure.

The United Kingdom model offers an alternative way forward for the rates system. Economic conditions and the ability to pay of the business is factored into account. Councils have the

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power to exempt struggling businesses from paying rates and rural businesses have a 50% mandatory exemption on rates. The money collected is put into a central pot that is then distributed to councils on the basis of need. The comparative inflexibility of the current rates system here could be adapted to draw from the best elements of the United Kingdom model. This more inherently responsive system offers an opportunity to give businesses much-needed breathing space.

A survey of Ireland's current economic landscape reveals that we face immense challenges. Members are faced with the choice of standing still and hoping things turn out for the best or of taking strong decisive action to spark the economy back into life. They must look at the structural reforms they can make that will protect and generate jobs. The commercial rate system is one such example and reforming the commercial rate structure will do more for employment than will a dozen damp squib jobs initiatives. The Government was elected on the basis of promised jobs. This is an opportunity for it to take real action to live up to those promises, rather than adding them to the ever-growing mountain of confirmed broken promises and U-turns. I urge it to support this motion and take the first steps in giving Irish businesses a fighting chance in these difficult times.

Deputy John McGuinness: I am thankful for the opportunity to contribute to the debate on the motion because it is central to the survival of the small and medium-sized enterprise, SME, sector. It is fair to state the rates issue has been on the agenda and has been a contentious issue since 1979, when I first was a member of a local authority. At that time, the chambers of commerce nationwide would make a plea to members of local authorities to not increase or to reduce rates, depending on the economic activity at the time. It is a reflection of how difficult and complex is the area that it has not been reformed up to now. However, it is only difficult and complex if the bureaucracy of the State looks at it that way or if it is not driven politically to ensure the requisite change is delivered. Therefore, I will appeal to the Minister, who is familiar with local authorities and businesses and who understands what needs to be done. In terms of job creation and of conducting business, the SME sector, which is given credit for employing almost 800,000 people in the economy, has been tightening its belt over the past three to four years since the economy's difficulties began to hit hard. The sector has been reducing its staff numbers and it is not business as usual. Enterprises have introduced new and better ways of doing business and have tried to contend with an extremely difficult position at home and abroad. People who travel abroad with representatives of many of the companies to which I refer in respect of the employment of 800,000 people will say that competing abroad is one thing but controlling costs at home, especially commercial rates, is something completely different.

Such businesses have always considered, regardless of who was in government, be it Fianna Fáil, which was in office in recent years or the present Government parties, that they are not being listened to. However, now is the appropriate time as sometimes, the middle of a crisis is the best time to force a system to recognise exactly what is happening and to put in place politically the changes that are absolutely necessary to reflect an equitable system for the rates structure. The present position regarding rates and the SMEs simply is not sustainable. Such enterprises have reduced their employee numbers to contend with their costs. They have dealt with all costs within their business and the only costs with which they cannot deal are local government charges and rates in particular. The cost of doing business in Ireland is high by most standards and for the SME sector, the cost of paying rates adds to the overall cost.

The other issue which is causing difficulties in regard to properties that have to be rented, or simply where businesses have gone out of business and are anxious to rent the building they own, is the subsequent occupier clause. I ask that the Minister would consider this issue in particular. It is a system with no flexibility, and this clause is causing the property to be left idle and unoccupied where it could be put to better use if we were to reform this area.

I understand the difficulty in terms of local government funding — this is the dilemma. If some of that 29% is taken out of the system, where else does one get it except from central government? The McCarthy report clearly indicated €511 million can be saved, and that was just at a first glance. Given my experience with local government, having served there over 25 years, I suggest there are many areas where one could cut back and save money, thereby giving some form of relief to ratepayers and saving the costs of local authorities even further.

I say this while being conscious that it was a Government in which we were involved that introduced the directors of services in every local authority. None the less, it is simply not credible to continue with that system because of the costs involved. I respect the fact the Minister has merged some local authorities and that he has recognised the cost. He should go further with that type of reform so we bring a better, more cost-effective model to bear on local government in order that, in turn, local authorities are forced to live within their means and to pass on savings in such areas as commercial rates.

The councils are also taking initiatives across the country to allow activities associated with arts and so on to use these vacant buildings, many of which are an eyesore on the high streets of Ireland. That, too, is a recognition something needs to be done. The local authorities see it and are trying to bring about change in that area.

The Commissioner of Valuation recently came before the Committee of Public Accounts. I wish to put on the record of the House that of all the Accounting Officers we have met, he is the one who is an example to all the rest in terms of how he conducts his business and the fact the work is being done on a *pro bono* basis, which is significant. He indicated that it will be 2018 before the 175,000 properties throughout the country are dealt with and revalued.

The Minister mentioned the 2001 review in his amendment and I hope that review will be dealt with in the House sooner rather than later, because it is the one piece of legislation that could be classed as emergency legislation. We must put it before the House and allow a suggestion made by the Valuation Office, namely, that there should be self-assessment, which is working in many other areas such as taxation. I do not see any reason this legislation cannot be taken as emergency legislation and that we cannot put in place, with the appropriate checks and balances, a system whereby there would be self-assessment to allow businesses to re-engineer or re-gauge their rates and reduce that cost, allowing them to continue in employment.

The Minister's amendment states he is "acutely aware of the pressures". If he is acutely aware in this regard, and if the emergency exists outside, given the House now sits on a Friday, I suggest we should sit and deal with this issue. There is nothing wrong with that. It is what businesses are doing every single day of the week. They are reconstructing and reinventing themselves and dealing with the cost base immediately. Given this is a cost that is having a negative impact on their ability to do business, I suggest, as legislators, we should sit in the House regardless of the day to deal with the legislation.

The Valuation Office has come forward with other examples of how one might have an appeal system within the rates valuation. If we do that, the second leg has to be that the county councillors throughout the country should be encouraged to ensure a 25% reduction in rates, something I said when I was on the other side of the House. Essentially, all that does is to

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force local government to live within its means. They are asked to cut their cloth according to their measure. These are the simple things I believe need to be done. They can be done swiftly and easily if we are committed to delivering a reasonable rate base for the SME sector.

Deputy Sean Fleming: I welcome the opportunity to contribute to the debate. I thank my colleagues for putting the motion before the House because it is an issue that has exercised the minds of many throughout the country and one we hear in every local authority every day of the week. This has to be placed in the context of a jobs initiative. We have had various jobs initiatives during the course of the year, although a specific jobs target was never attached to them. The focus of the Government now needs to be on reducing the number of unemployed given that many of the adjustments to the Government's finances have happened at the national level. It is important that everything the Government can do to get out of people's way in regard to creating and maintaining jobs at local level is done through the Oireachtas and down through the local authority level with immediate effect.

With regard to the motion, everybody accepts the importance of small and medium size businesses in the current challenging economic environment. There is a suggestion we might move on to self-assessment of valuation and also to outsourcing valuation work, as appropriate, in regard to the proposed new legislation, to which I will return later.

The main issues have been highlighted by my colleagues. The motion states: "that the current system makes no allowance for ability to pay or changed economic circumstances and that the valuation system and charges setting mechanisms are archaic and complex". Most people would assume that the rateable valuation would be in some way connected to the value of the property, and that is where it originally began. However, if anybody was to take a constitutional challenge in regard to specific provisions at this stage, I would be surprised if they did not succeed. It would be a bit like the situation of years past, when household valuations and rates on land were calculated based on the situation in the previous century, which had just carried on. Equally, I do not believe there is a satisfactory current constitutional basis.

There was a time when people thought rates were a small contribution that businesses made towards running the local authority. Now, in many situations, the rates bill from the local authority can be higher than the rent bill charged in respect of the building by a landlord to a tenant, which was never envisaged. It has developed in that way owing to the valuations of property having reduced in an area. I think of a situation where a town or street may have been bypassed, where a new road has reduced business on a busy high street or where new shops have drawn business out of a town centre location. While all of this means the valuation of the premises, the level of business, the turnover, the number of customers and the number of staff employed have dramatically reduced, this is not reflected in the current valuation legislation.

The current legislation is fundamentally flawed. I would recommend to a number of the employer organisations and small business organisations to consider taking a test case immediately to have the constitutionality of this matter tested, which might bring an immediate response.

If the courts ruled in a practical common-sense manner that some of this is no longer tenable, it might bring an immediate response and lead to us discussing the introduction of good legislation at that stage.

It is also important to note that the Local Government Efficiency Review Group has identified savings which I support and I will list a specific number of those that should be

implemented. The group has called on the Government to immediately begin the process of substantial commercial valuation reduction in each local authority area in the country and, where necessary, to introduce a refund scheme for small businesses. It also calls on the Government to delete the subsequent occupier clause and to apply that retrospectively. I will return to those points.

I will turn to some of the difficult issues people might say we on the Opposition side are slow to grasp. I spoke about this in the last Dáil when I was chairman of the environment committee of which the Minister, Deputy Hogan, was a member and on which we worked well together. The annual report of An Bord Pleanála contains a summary, county by county or corporation by corporation, of the number of appeals and the different categories of appeal. From looking at its annual report year in year out I thought there were about 32 planning authorities when it listed all the counties. On pursuing the representatives of An Bord Pleanála at a meeting of that committee, I learned there were more than 70 planning authorities. It is daft to have that number of them. The powers of those authorities should be removed immediately. Such authorities account for offices, structures, planners and an administration system being in place. Counties like my county of Laois has one county council; it does not have a borough council or town council. That local authority is the adequate planning authority for the county. Neighbouring counties that are not dramatically different in size have two or three planning authorities and there is no case for that being the position. The idea of local town councils or borough councils, or urban councils as they used to be, having powers to issue planning permission is not only inefficient from a local authority point of view, it is bad government and bad planning that some of these smaller planning authorities continue to exist. Because of the limited number of cases with which they deal, it is not possible that planning officers and administrative staff could have the breadth of experience to deal with complex planning issues that may come their way from time to time. When we examined this area it transpired that some local planning authorities had dealt with 15, 20 or 30 planning cases during the course of a year none of which may have been appealed to An Bord Pleanála. To have a planning authority that did not have a case appealed to An Bord Pleanála in the course of a year or two is an example of how small and insignificant such authorities are.

The same principle should apply to housing authorities. I stand by the county structure we have in place and support the move in respect of Tipperary North and Tipperary South, although some people might not agree with me on that. Very few people outside local authorities other than the people in County Tipperary are familiar with Tipperary North Riding and Tipperary South Riding. Most people think Tipperary comes under one county structure and everybody would agree that there should be one local authority there.

A number of what were urban councils are housing authorities in their own right and there can be competing authorities. There can be two or three towns in a county that have a housing authority and the county council is also a housing authority. That is daft and that should be ended. The savings and efficiencies that would ensue from that could help to reduce the burden on businesses. It is an unnecessary bureaucracy and it was invented before the advent of the motor car when people gravitated to the local town and the concept of travelling to a town that was 30 or 40 miles away was not on people's radar. We need to examine these issues.

In regard to rates, water rates must be factored in. The water supply into and the waste water from a premises is being metered. The owner of a premises will pay for the water consumed. Most local authorities apply a formula based on an assumption of the volume of waste water from a premises to a wastewater treatment plant and the owner of a premises is charged for that as well. That can be a significant charge on businesses and they also rightly have to pay refuse collection charges. The owner of an average size hotel can receive a bill of €70,000

[Deputy Sean Fleming.]

from the local authority before he opens the door and meets a customer. That is a very high charge for a small hotel to have to pay. It is way too much.

Flexibility is required in regard to the forthcoming valuation Bill. A number of people have said that it is very rigid and that the annual amount is set. The phraseology used is archaic. Language such as “the first moiety” and “a half moiety” are used. I do not believe anybody in the 21st century knows that language. The use of such phraseology is extraordinary and it shows how archaic the system is. There should be a facility whereby rates could be charged on a monthly basis. There is a new phenomenon of pop up shops where people may want to set up a shop for the Christmas period or two months in the summer period. If there was a mechanism to charge rates on such premises, the authorities would be happy to charge them. If such shops are set up beside a shopping centre, there is confusion as who should pay the rates and, I suspect, sometime the rates are not paid by anybody. If one sets up a business and operates it for part of the year, somebody will be billed for the annual rates and the premises might only be open for a few months. It is important to examine those issues.

I mentioned the archaic nature of the system. Only elected members and a handful of people know how the system works. There is an annual rateable valuation and the rateable valuation is set by the valuation commissioners. There is an appeals system in place and we all know how long and complex that is. A council sets its annual rate of valuation in its annual estimates and one multiplies one by the other to get the rates bill. There are 88 rating authorities in Ireland. If the Minister halved that number tomorrow morning, we would support him on that. There should not be 88 rating authorities. In my county we have authorities that were town commissions. Portlaoise can set a rate and Mountmellick can set a rate and that goes on top of the county rate. There should not be an additional rate set for Portlaoise and a different rate set for Mountmellick. The idea of having three rating authorities in County Laois is long past its sell by date. If the Minister brings forward proposals on that, it would help simplify matters. It is a charade for these councils, which were town commissions, to set a rate. It gives the public the impression that they have a function, a role and a budget, but some of them have minuscule budgets.

Most people would see the sense of what I propose. It should only be an exceptional case where there would be more than one rating authority in a county. I am sure the corporation in the Minister’s and Deputy McGuinness’s county of Kilkenny would not like to lose its rights to be a local authority or planning authority, but that should only be the case in a county where there is a very big city. There is no reason Carlow should not have only one rating authority, one housing authority and one planning authority. There is no reason Offaly should not have one authority. Birr, Edenderry and Tullamore have housing authorities, planning authorities and rating authorities but at this stage Offaly County Council should be the authority for all of those.

Deputy Paudie Coffey: The Deputy is only realising this now.

Deputy Sean Fleming: I am sure the Minister, Deputy Hogan will agree with me that we had a discussion on reducing the number of planning authorities at the environment committee, which I chaired, during the past few years. I accept we did not get around to doing all of this in the previous Government, we had to leave something for the next Government to do.

Deputy Paudie Coffey: Time ran out for the Deputy.

Deputy Sean Fleming: We said we would leave some aspects for the next Government to deal with. We will support the Minister on this matter.

I have an issue regarding the subsequent occupier clause. If a tenant renting a property does not pay the rates due, there should be a sunset clause beyond which the local authority cannot charge. The Minister should follow up on that. The current position allows local authorities to be inefficient and not collect rates. A person telephoned me yesterday about a previous tenant who had run up a rates bill over an eight year period. That tenant had left the country and when the landlord was resetting the property the new tenant checked with the local authority to see if there were any unpaid rates and discovered the rates had not been paid for the past eight years. The landlord was not aware of this. There was no mechanism in the local authority to consult the landlord. The local authority is a State agency like the Revenue Commissioners. As in the case of a liquidation, one should have a priority in a business that is going bust to collect the first year's rent or second year's rent but if a local authority has not collected its rates after three, four and five years have elapsed, I would ask what the local authority was doing. A local authority should not be able to come back to the landlord eight years later and demand payment. There is a four year clause whereby unless the Revenue Commissioners suspect fraud, they do not deal with periods further back than four years with regard to rebates or tax payments. Local authorities must smarten up in collecting rents due. This is an important point that needs to be made.

We look forward to the Bill on valuations being brought before the House as soon as possible. I ask, however, that it be geared towards supporting businesses and jobs.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I move amendment No. 2:

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

- acknowledges that the Government is acutely aware of the pressures on small and medium-sized businesses and the challenging economic environment in which many property and business owners are operating at the present time;
- recognises the very important contribution that commercial rates make to funding local government and meeting the cost of services provided by local authorities, with some 29% of local authority income raised locally from rates;
- accepts that local authorities have exercised restraint in setting commercial rates in recent years as annual rates on valuation have been reduced by an average of 0.6% in 2010 and by a similar level in 2011, reflecting real reductions in commercial rates income;
- welcomes the Government's intention to introduce legislation shortly to amend the Valuation Act 2001, with a view to streamlining the valuation process and speeding up the national revaluation programme in the interests of both the rate payers and the local authorities;
- notes that the proposed legislation will allow the Commissioner of Valuation to pilot the introduction of a new system of self-assessment of valuation and also to outsource valuation work, as appropriate;
- welcomes the revaluation programme currently under way to update commercial valuations which will assist in providing a more equitable distribution of rates across those liable to pay rates;

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- further welcomes that, following completion of the revaluation programme, there will be a much closer and uniform relationship between rental values of property and their commercial rates liability and this relationship will, thereafter, be maintained by means of recurring revaluations provided for in the Valuation Act;
- acknowledges that the rates system, as a local tax, is deeply embedded in the local government system: a large body of case law is well established and local authorities and rate payers are, in the main, very familiar with and generally accepting of the operation and practice of the rating system;
- recognises the importance of the valuation system in underpinning a stable source of financing for local government that is not affected unduly by short-term changes in economic circumstances in between periodic revaluations;
- notes that the Government's water pricing policy requires local authorities to recover the cost of providing water services from non-domestic users of these services as required under the EU water framework directive;
- welcomes that the local government efficiency review group has identified significant savings that can be made for the local government sector;
- acknowledges the Government's establishment of an implementation group under an independent chair earlier this year to oversee delivery of the recommendations of the local government efficiency review group;
- recognises the supports provided by local government for enterprises and small businesses, in order to promote entrepreneurship and jobs at local level, and further welcomes the commitment of the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, to support all local authorities to implement best practice in this regard;
- notes the measures already taken by the Minister for the Environment, Community and Local Government in relation to local government reform through the decisions to merge Limerick City and County Councils, the merger of Tipperary North and South County Councils and the establishment of a local government committee to examine the question of a single authority for Waterford city and county, along with his intention to bring forward policy proposals on local government reform early in the new year;
- acknowledges the widening of the base of local government funding through the proposed introduction of a new household charge in accordance with the EU-IMF programme of financial support for Ireland; and
- further welcomes the Minister for the Environment, Community and Local Government's intention to keep all matters relating to commercial rates under continuing review.

I wish to share time with Deputies Nash, Kyne, Maloney and Coffey.

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

Deputy Phil Hogan: I know Deputy Niall Collins and his party colleagues are well meaning in tabling the motion, but I never cease to be amazed by Fianna Fáil's capacity to lose its memory and have all of the solutions to various issues after it leaves office. It was in government only eight months ago.

Deputy Niall Collins: We learned from the Minister.

Deputy Phil Hogan: Its collective amnesia is astounding. Is this not the same Fianna Fáil Party which was in government from 1997 to earlier this year when all of these issues were apparent but nothing happened? What did it do when it was in government to ease the pressures on small and medium-sized businesses? What changes in the rating system did it deliver? Why has the rating system suddenly become not fit for purpose since the turn of the year? The issues are the same now as they have been for years during which nothing happened, but the Government will change this.

Since the abolition of property tax and agricultural and residential rates in 1977, the pressure has always been on the small business sector and businesses generally to balance the books on behalf of local authorities. This was a very bad decision and a very bad mistake which was made for political reasons. I emphasise that the Government is acutely aware of the pressures on many businesses and the challenging economic environment in which many property and business owners operate and which the Government inherited. In this context, the Government is focused on reducing the cost of doing business to support competitiveness and employment in the economy generally and protect the interests of local communities.

As Deputies are aware, local authorities are under a statutory obligation to levy rates. Rates must be levied on any property used for commercial purposes, in accordance with the details entered in the valuation lists which are prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority. The annual rate on valuation which is applied to the valuation of each property as determined by the Valuation Office to obtain the amount payable in rates is decided by the elected members of each local authority in annual budgets. Its determination is a reserved function of a local authority.

As stated in the amending motion, rates income is a very important contribution to the cost of services provided by local authorities. Rates income contributes to the provision of services such as roads, water, fire services, public lighting, development control, parks and open spaces. The continued provision of these services is essential in creating and maintaining the local environment in which business can operate and prosper.

The factors that influence local authority members' decisions on the annual rate on valuation include the level of services they wish to provide in the local authority area and the income required from all other sources to fund these services. Therefore, elected members adopt the annual rate on valuation they consider necessary to provide the range of services for the communities, including businesses, in their area. Local authorities have responded positively to requests by the Department and me to exercise restraint in recent years in setting commercial rates. Annual rates on valuation reduced in 2010 and again in 2011, although not by enough to take account of the present economic and financial climate. All commercial rates are collected and spent locally on essential public services. This is local democracy in action.

The Commissioner of Valuation who has sole responsibility for all valuation matters is conducting a programme of revaluation of all commercial and industrial properties throughout the State. The aim of the programme of revaluation is to provide up-to-date valuations for proper-

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ties subject to local authority rates. It is an important programme, especially given the significant changes in values and rents in recent times in the context of the economic downturn. The revaluation process is the mechanism whereby economic changes in the market are reflected in the valuation lists and, ultimately, individual ratepayers' rates bills.

The purpose of the revaluation is to redistribute commercial rates liabilities among ratepayers based on up-to-date property values. Following revaluation, there will be a much closer and uniform relationship between rental value and commercial rates liability and this relationship will be maintained by means of recurring valuations to be carried out under the provisions of the Valuation Act 2001.

The Government is aware that the roll-out of the revaluation programme has been much slower than anticipated. However, unlike the previous Government, we are going to do something about it. The Commissioner of Valuation, in consultation with my colleague, the Minister for Public Expenditure and Reform, Deputy Howlin, has been reviewing various options for streamlining the valuation process and speeding up the national revaluation programme in the interests of both ratepayers and the local authorities. Any changes will require amending legislation and the Minister, Deputy Howlin, intends to bring proposals for a valuation Bill to the Government shortly.

It is important to acknowledge that commercial rates, as a local tax, and the rating system generally are deeply embedded in the local government system. A large body of case law is well established and local authorities and ratepayers are, in the main, very familiar with, and generally accepting of, the operation and practice of the rating system. Rates are also a stable source of financing for local government which is not affected unduly by short-term changes in economic circumstances.

A property-based tax such as rates has a distinct advantage over any tax based on profits or incomes as it is generally found to be easy to collect and difficult to evade; people can move but property cannot. The success of rates as a tax is in no small part due to the ease with which the liable person can be identified. A system having regard to economic factors on an ongoing basis would create uncertainty by providing for continuous change to the valuation base. Such a system would not provide a stable basis for funding local government and would require significant additional resources to operate.

While commercial rates provide an important contribution to local government funding, the Department also provides local authorities with significant resources from central government grants and subsidies. General purpose grants from the local government fund of €790 million have been allocated to local authorities in 2011. These resources have assisted in reducing the overall burden that would otherwise have been placed on commercial ratepayers.

It is recognised that the existing revenue base of local authorities is too narrow by international standards. This was a consideration in the introduction of the €200 charge on non-principal private residences in 2009. While the non-principal private residences charge represents a dedicated source of funding for local authorities which is relatively stable, it does not go far enough in addressing the imbalance in the sector's financing. A proper broadening of the revenue base for local government will be achieved as a result of the introduction of the household charge in 2012 and the subsequent property tax in due course. The €100 charge to be levied on the majority of households in the State is in accordance with the requirements of the EU-IMF programme of financial support for Ireland. The household charge which has the potential to contribute up to €160 million towards the provision of local services is an interim

measure and proposals for a full property tax will be developed and considered by the Government in due course. It will provide a more meaningful base of financial support for local government and ease the pressure on the commercial rate paying sector.

The Government is not solely focused on the funding of local government. I am also concerned to ensure local government delivers the services our communities expect as efficiently and effectively as possible. I agree with Deputy McGuinness that much work can be done to reduce the burden on commercial rate payers and make possible a more effective and efficient delivery of services at local level.

I am determined to ensure local authority cost bases will continue to be rigorously examined and reduced to maximise efficiencies which, in turn, will impact positively on business. The realisation of the savings and other efficiencies identified in the local government efficiency review report will involve implementation over a focused and achievable timescale. In May I established an implementation group with an independent chairperson, Mr. McLoughlin, who has business expertise to drive and oversee the implementation of relevant prioritised recommendations of the report of the review group. The group is focusing on key recommendations in areas such as shared services, procurement, ICT and human resources that will remove costs and yield early financial savings for the local government sector. It is preparing its first report on progress since its first meeting in June and I look forward to receiving it by the end of the month and examining the assessment of progress made to date. This work must take account of the reduction of more than 6,500 staff in local authorities in recent years, well ahead of any other area of the public service. This is the biggest single contributor to efficiency and productivity.

The Government's commitment to align the community development sector with local government will also see an expanded role for local authorities in local enterprise and community development. This, in turn, will maximise the impact of investment to produce jobs at a local level. My Department will continue to work with the County and City Managers' Association to identify best practices in the local government sector in building stronger sectoral approaches and eliminating variances between local authorities.

While there can be no doubt that these are difficult economic times for many businesses, Deputies will appreciate that local authorities play, and must continue to play, a central role in delivering local services at a local level. Local authority capital and current budgets, economic planning and development, and the provision of goods and services, as well as community infrastructure, feed into the communities that they serve.

Local authorities have an important role in providing support both for the retention of existing jobs and the creation of new employment in their areas. There are many ways in which local authorities are being proactive in this regard. For example, business support units in each county and city council are providing a focal point for business and enterprise to engage with the local government system and smooth their path in setting up and managing businesses. This Government will continue to impress upon local authorities the need to continue measures to enhance efficiency with a view to minimising rates and charges for business.

Significant progress has already been made on a range of work on local government reform and the development of local government structures in accordance with the programme for Government. As regards structural reform, I announced a Government decision, on 28 June 2011, to create a single local authority to replace Limerick city and county councils with effect from the local elections in mid-2014. In addition, the Government decided to establish a unified county council in Tipperary also with effect from the next local elections. These are examples

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of some of the work that is going on to reduce costs and ensure synergy between the services that local authorities provide.

I have established a local government committee under the Local Government Act to consider whether the creation of a unified authority in Waterford would be desirable. These measures are being progressed ahead of more comprehensive policy proposals which I intend to bring to Government in relation to local government structures at regional, county and sub-county levels.

I have outlined to the House the details of this Government's achievements within a short period, which focus on the sustainable development of our local government sector well into the future. I want to assure Deputies that I will continue to keep all matters relating to commercial rates, local government funding, and a new system of valuation under review.

The ineptitude of previous Administrations in the management of our economy has placed many small and medium size businesses in an unenviable position. This Government will not be found wanting in trying to deal with these issues and putting them right.

Deputy Gerald Nash: Local authorities are starved of funding. The funding they do receive is so dependent on the commercial rates system and development levies that the funding model is completely unsustainable. The "significant contribution", as the motion puts it, made by business owners to the operation of local authorities is so significant because that is how the previous Administration determined it should be. Successive half-cocked attempts at local government reform over the past 14 years by the party moving the motion dodged the issue of local authority resourcing. It left local government with a funding base so narrow that local businesses up and down the country were left carrying the can to an unsustainable and disproportionate level.

The system of local authority funding is broken but it did not break down just last week, it broke down years ago. I am disappointed that the motion stops short of venturing into the realm of local government reform. Funding and future resourcing are inextricably linked to the programme of reform. I agree that an over-reliance on the commercial rates model for local government is not on any more. I first became a member of a local authority about 12 years ago. In that time the business community's contribution in my local authority area, through the commercial rates system, more or less doubled, and at a time of economic crisis. As the Minister points out, this Government will widen the funding base and further identify efficiencies in the system to bring about the savings we are all seeking. More importantly, this Government should, and will, approach the issue not just from the perspective of cost savings for the Exchequer and the business community, but also from the perspective of reform of local democratic structures, making the system much more responsive to the needs of local communities. I hope this approach will be informed by a desire to achieve a real system of local government and not just the maintenance of something more akin to a system of local administration.

Deputy Seán Kynne: I welcome the Minister's speech and am delighted to support the Government amendment to the motion. I was a member of Galway County Council from 2004 until the general election this year. The councillors had their annual rates discussion at budget time. In fairness to all members, there was general consensus among all parties and independent councillors about the burden on small businesses and the impact the rates bill had on the viability of such businesses and their capacity to grow, retain staff or employ extra workers. The rates bill may not have been the only burden, or the most significant one, but it was no help to firms' ability to grow and survive, especially in rural areas. In my first year in the county

council, 2004, there was a rates increase of 7% or 8%. The increase was not popular but it was a different era in which the Celtic tiger was in full flight and these matters were not as difficult as they would be now.

Since 2008, the annual rate increase on that county council has only been 1% or frozen. This is a recognition of the burden of rates on these companies. At all times, there has been an appetite to decrease the rates. That is the general consensus but as is pointed out to us so often by council officials, our largest rate payer in County Galway is an energy company in east Galway that would pay circa €1 million or more. I am not sure of the exact figure at this stage. A 1% rate reduction for such a company would have a huge impact in terms of giving a cheque back that it would not have sought. However, a 1% rate cut for a small shopkeeper, while important, would not have the same effect. When we discussed meaningful rate reductions we spoke of cuts of 10% or 20%. However, the county council could not afford such reductions across the board that would benefit the large companies, including multinationals. Meanwhile, such a reduction would have a major impact on small rural businesses, including corner shops. We all strove to achieve that.

In reviewing local authority funding, including rates, it is important to examine a tiered approach whereby we can set higher valuations for larger companies, including multinationals. It should be framed to allow for a tiered system so that smaller companies can benefit to a greater extent from a larger rate reduction. There are a number of possible ways of approaching this, including targeted relief for businesses. For example, is it right that a business benefitting from the 12.5% corporation tax and all that goes with it should also benefit at the expense of other businesses from the rates valuation? Those matters should be examined.

Rural businesses in Connemara, east Galway or on the islands may feel they are being unduly hit by rates. Whenever we raise this matter at county council level, however, we are always told that the legislation did not allow for such a differentiation because the system operates across the board. Whatever approach is taken, we must change the system to allow for more freedom by county councils to levy rates from those who can best afford to pay them.

The Minister referred to efficiencies, which is the name of the game in terms of how we can progress and save money. The Minister cited examples of council mergers in Tipperary and Limerick. Galway city and county councils have been slightly amalgamated in that the county council is responsible for fire services, motor tax and libraries. That is an example of the importance of both local authorities working together to deliver a service without the extra burden of administration.

We have seen a spiralling of directors of services under the better local government programme, which has increased the cost burden and has thus raised the requirement to raise funds to pay for these higher levels of bureaucracy. There is scope for a wide range of reforms and efficiencies within the county councils. County councils can also work to increase the proportion of electricity generated from wind power, and local authorities own many sites suitable for wind turbines, solar collectors or other technologies that can be used to save money or create efficiencies. There is much scope in that regard and local government reform could be used for positive change within our local services.

Deputy Eamonn Maloney: I will be brief. Like others I welcome the opportunity to debate the question of commercial rates and it is an opportune time to do so given the state of the economy. I read the draft motion from the Opposition and one wonders if we would not be having the debate if some of the items listed had been acted upon previously. As others have

[Deputy Eamonn Maloney.]

stated, commercial rates are an important part of the funding for local authorities. For some authorities it is vital and for others it is not quite as important.

I disagree with some of the detail in the motion. There was an ESRI report some years ago and it almost specifically referred to the retail sector. There was a conclusion that commercial rates were between 7% and 9% of all overheads in a commercial business. There is a great focus on rates in terms of running a business and in some cases there is a great pressure put on local councillors and Deputies to bring changes to the system. Nevertheless, it is not the case that they are always a great burden, although they can be for some individual companies.

I was a member of South Dublin County Council, the second-largest local authority in the country, for 12 years, and it had a very progressive view on commercial rates. Rates may be a small factor in the grand scheme of running a business at 7%, and pay may make up half or more of costs. There is also the question of waste and water. There is a tendency to hear more about rates and how local authorities are punishing business but South Dublin County Council management took a unique view by indicating that businesses should come together on matters such as water supply and waste, recycling etc.

In a recession we become more acutely aware of certain facts and in most Irish businesses, an average of 35% of overheads relate to energy. Most commercial operators in Ireland, as opposed to some of our neighbours, are not as tuned into this issue. If 35% of overheads in a commercial business equate to five times the commercial rates, businesses should examine better ways of using energy more efficiently and securely.

I recognise that rates are an overhead and for many local authorities they are the lifeblood. Nevertheless, we should all examine how businesses can be more efficient rather than just concentrating on commercial rates.

Deputy Paudie Coffey: It is an opportune time to have this debate about businesses and the ways we can explore to assist them. There is no doubt that businesses have been put to the pin of their collar in the current economic climate. Businesses alone have carried the entire rates bill to run local services over the past number of years and there is no doubt that a fairer and more sustainable system of supporting local authorities and services is required. For this reason I welcome the fact the Minister, Deputy Hogan, and the Government is looking to broaden the base to support those services.

Reform, in conjunction with new efficiencies in the delivery of local services, will assist local authorities in meeting their obligations, and the sooner this happens, the better. I welcome the fact the new proposed legislation will streamline the valuation system and introduce new models of assessment that will be considered on a pilot basis, such as the self-assessment model. The revaluation programme to update commercial valuations will bring about a more equitable system of rate paying, and it will also facilitate a close and consistent relationship between the rental values of property and rates liability. I urge the Minister to consider a graduated system of rates to assist small and medium businesses, particularly those on the high streets which are really struggling. Some breaks should be offered to them in preference to large multinational companies.

I listened closely to the Fianna Fáil contributors and I remind the House that the last time a Valuation Act was introduced was in 2001. That was done by my former colleague, the former Minister, Mr. Martin Cullen. At the time he said the Bill was designed to improve, streamline and modernise the operation of the valuation system, and he indicated the country would be revalued over five years, with subsequent revaluations at regular intervals thereafter. In 2011

only three local authorities have been revalued, including South Dublin County Council, Dún Laoghaire-Rathdown County Council and Fingal County Council. The process has commenced in a couple of other authorities.

It is a bit rich for Fianna Fáil Members to come to the House seeking wholesale reformation of the valuation system when the party was in Government for the past 15 years.

Deputy Niall Collins: It used to be 14 years. The Deputy is giving us an extra year.

Deputy Paudie Coffey: It introduced an Act in 2001 but has not implemented a fraction of what was proposed.

Deputy Fergus O'Dowd: That is typical.

Deputy Niall Collins: The Deputy's party controls the local authorities.

Deputy Paudie Coffey: I listened to Deputy Seán Fleming earlier but when he contributed to the 2001 Bill he indicated that it was a new concept, and when it would become fully operational within one, two or three years of the enactment of the legislation, the country would see the full benefit. The benefit was a 50% increase in commercial rates since 2001. That is the legacy of Fianna Fáil and why businesses are suffering.

Deputy Niall Collins: Some 25 local authorities are controlled by Fine Gael.

Deputy Paudie Coffey: We will take no lectures from a party which failed this country, its people and businesses while in government.

Deputy Niall Collins: Those councils increased rates year on year. The Deputy should speak to the minions at home.

Deputy Paudie Coffey: The Deputy's party has a brass neck to come into the House and put down a motion like this. Commercial rates increased by 50% in the past ten years while the Deputy's party was in government.

Deputy Peadar Tóibín: I will share time with my colleagues. I will take eight minutes, with Deputy Stanley taking three minutes and Deputy Ó Caoláin taking approximately four minutes.

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

Deputy Peadar Tóibín: The protection and promotion of indigenous industry is key to economic growth and employment. Our local businesses, manufacturers, technology companies, services sectors and retailers are bearing the brunt of the economic downturn. The trading environment in the last number of years has been unparalleled and we are now facing into a further European recession. This extended period of contraction has been deepened by successive Government policies, which have put the interests of bankers and bondholders over the needs of indigenous businesses and the requirements of our people and the national interest.

A Government elected to sweep away the mistakes of the past and right wrongs and abuses is now indistinguishable from what came before, with the economy paying the price. Sinn Féin's amendment to this motion highlights a number of issues facing our community. It highlights the dysfunctionality that exists where a Government claims that it is for growth and jobs but implements policies which retard growth and jobs. The key drivers of competitiveness are education, infrastructure, energy provision, innovation and low costs, including rents and rates.

[Deputy Peadar Tóibín.]

Rates are a major factor affecting the sustainability of our small businesses. For example, a typical pub in Dublin now has a €40,000 rates bill per year, which on average is the same as its rental costs. Rate collection is on the floor in many local authorities, with Dublin City Council having difficulty claiming more than 70% of rates. My council, Navan Town Council, collects 72% of all rates.

There is a need to review the commercial valuations and Sinn Féin believes in a system of progressive rates. With all taxation systems, Sinn Féin has indicated that as one earns more, more should be paid. Why should it be any different for a business? Why should a small, indigenous business that is hanging on by its fingernails at the moment be forced to pay the same amount as a highly profitable international multiple retailer? In the North, Sinn Féin has supported the holding of industrial rates to the rate of inflation. We have also introduced a rebalancing system in favour of small and medium-sized businesses which puts a further burden on large international multiples who can afford to pay.

However, rates are only one cost. Rental costs also impact on the sustainability of enterprises. The Government has failed to do anything about upward-only rents. The situation should never have become legal in the first place. Upward-only rents do not only affect the private sector, the Government is tied into upward-only rents to the value of €53 million a year. The State, the most sought after of all tenants, signed leases that it could never renegotiate downwards. Given the rental decreases that have occurred recently, this equates to approximately €10 million wasted per year by the Government.

While there has been a lack of urgency in dealing with upward-only rents, the Government is quick to move ahead with cost increasing measures such as VAT increases. The same Government that ruled out income tax increases to high earners is very happy to implement a 2% increase in VAT and other flat taxes and charges on low income earners. The union, UNITE, has stated that the increase in VAT will have four times the impact on low income families than on high income families. That is fundamentally unjust. So much for Labour acting as a balance to the excesses of the Fine Gael right wing.

The VAT change will also impact adversely on indigenous industry. It will increase costs and drive down demand. It will increase the differential between prices North and South. In October 2009 the late Mr. Brian Lenihan acknowledged that the VAT increase he introduced increased the differential in price between North and South and that was a disaster for the economy of the southern Border region with approximately €700 million lost in trade in a short period. At a time of deeper and longer recession it is understandable that people will use their feet and travel to make savings.

Businesses are facing nearly a perfect storm at the moment with concurrent crises occurring such as falling demand, rates, upward-only rents, energy costs, the credit freeze and increases in VAT. On top of that the Government is now talking about lifting the cap on out-of-town supermarkets. The Government is proving to be the biggest threat to the economy and to small business. If the Government had the political will it would be within its gift to turn this around. What is necessary is to stimulate demand, drop the plans for VAT increases, work with our colleagues in the North of Ireland who are looking to harmonise VAT, excise and taxes across the island of Ireland, and introduce legislation to end upward-only rents right away.

What Sinn Féin proposes in our amendment to the Private Members' motion will rebalance the burden of rates onto the large profitable multinationals and take it off the shoulders of small, indigenous Irish businesses that are suffering. We have done in the North of Ireland,

which shows it is possible. We are also calling for a system that will allow for a progressive rates bill to be put in place whereby the more one earns as a small business, the more rates one would pay. These are simple but necessary ideas. They have been implemented in other economies across the world.

What we have in this State is approximately 255,000 people dependent on the retail industry and we have a Government that, at best, is moving at a snail's pace but, at worst, is implementing a range of policies that are actively putting those companies out of business. I appeal to the Minister of State, Deputy O'Dowd, to do his utmost. The proposal we make is revenue neutral as far as central government is concerned. There is no decrease for central government. If a local authority wants to increase the rates and increase its income, it can do so. If it wants to decrease rates, it can do so. The level of income of central government would not be affected negatively but it would allow small businesses to get through the next two years of recession and, I hope, make it through to a better time. I appeal to the Minister of State to try his best to make such changes.

Deputy Brian Stanley: I agree that any overhaul of the rating system must be central to an overall reform of local government, which is badly needed. A debate on the rating system is long overdue. The State does not have any real local government which devolves power to local communities or empowers them to take responsibility for the local environment and area where local people debate issues of concern and implement solutions through their elected representatives. That is what real, local democracy should be about.

The State has a system of local administration of varying sizes that is dependent on Government handouts and an archaic system of striking rates where unelected city and county managers decide where incinerators are built and when essential services are privatised. Every year in the run-up to the budget, which comes just before Christmas, the debate rages in council chambers across the State. I know from my experience as a councillor that the debate is made very difficult because of the pressure on the one hand from businesses and their lobby groups who demand lower rates and on the other hand from those who elect councillors for services that are needed and must be paid for, which in turn is understandable. Unfortunately, the two main sources of funding for the services are commercial rates and the block grant from central government. The block grant is the equivalent of pocket money from central government. It comes late and long after the budgets have been agreed. I have seen that happen year after year.

Commercial rates need to be implemented on a progressive basis. The current system is fundamentally flawed and is in need of major overhaul. In their current form commercial rates are a blunt tool for raising finance. We need to shift the balance of payment away from smaller businesses to larger ones that are more profitable. Smaller businesses are often the backbone of local economies and they are struggling with rent and rates. We must overhaul the rates system and introduce a new scheme that will take into account the ability of a company or business to pay. Sinn Féin has long argued for that. I put forward the argument as far back as 25 years ago, that the ability to pay must come into play. We propose that it would be done on a progressive basis with the wealthier companies paying their fair share. A new overhauled rates scheme must take into account one's ability to pay. I support the Sinn Féin amendment. Any proposals on rates must be done in the context of radical reform of local government.

Deputy Caoimhghín Ó Caoláin: Iarraim ar Theachtaí tacú leis an leasú ar an rún in ainmneacha na dTeachtaí Shinn Féin. Is tábhachtach é an díospóireacht seo. Tá gnó agus fostaíocht á phlé againn, rudaí atá práinneach le níos mó ná 450,000 daoine dífhostaithe faoi láthair.

[Deputy Caoimhghín Ó Caoláin.]

It is timely that this debate is taking place so we can address the perilous state of businesses in Ireland today, especially small and medium-sized indigenous enterprises that provide so much employment. Many of those businesses have gone under during this prolonged recession, taking with them many tens of thousands of jobs while many more are struggling to keep their heads above water.

Since the Dáil adjourned last week we learned through the Bundestag that the Fine Gael-Labour Government is planning to increase VAT by 2%. Budget documents to which Oireachtas Members do not have access were being bandied about in the German Parliament. That is the extent of the sell-out of our economic sovereignty. Nothing exemplifies it more strongly. A 2% VAT increase would cause huge damage to businesses across the country but especially in the Border counties. It would create a 3% gap between VAT in the Twenty-six Counties and the Six Counties.

Once again the VAT differential would lead to a stampede across the Border, leaving ghost towns all along the Border's length. The VAT increase must not be allowed to go ahead. It would also punish middle to low income families, especially in the festive season. It should most definitely not be included in budget 2012. As the Sinn Féin amendment states, the Government should drop plans for the VAT increase and work with the Executive in the Six Counties to gain powers to harmonise tax and VAT across Ireland.

It seems extraordinary that, as our amendment states, the programme for Government is silent on the issue of commercial rates, but we should not be surprised because this is from a Government that has no coherent jobs strategy and that follows all its predecessors in totally neglecting the issue of fair and effective local government funding. The current rates system is grossly unfair, never taking into account ability to pay. It needs to be fundamentally reformed as part of a major overhaul of local government funding and as part of a programme to assist small businesses.

We are facing an almost chaotic situation in local government funding. As we speak, local authorities are being asked to adopt annual budgets without knowing what form the local government fund will take in 2012. It is suggested that they face a reduction of at least 10%. They are being told the already notorious household charge will be paid into that fund. This charge is a flat tax which, like commercial rates, takes no account of ability to pay. For many households, it will be the final straw. Many people cannot and will not pay. To what extent this will reduce the local government fund we simply do not know.

For small to medium size businesses the current rates system weighs very heavily, along with the current rent system and now the threatened VAT increase. This is totally unsustainable for many businesses, which will simply go under in the months ahead. We have already seen this happen to far too many in recent years, nowhere more than in the Border counties which the Minister of State and I represent.

Reform and rebalancing are needed and must be brought forward if we are to have some hope of leaving the prolonged recession behind us. We face a situation where the largest retail units, parts of multiple and multinational chains, are thriving and proliferating at the expense of smaller retail businesses. It is far from a level pitch. There is no comparison between the burden of rates and other costs on small and medium size retailers and the ability of the big chains to bear such costs. The bigger businesses must pay their fair share and the struggling smaller enterprises must be relieved of some of their excessive burden. We need to see the

reality of the recession taken into account. We need to see some form of appeals system with regard to rates. Tinkering with the system is not enough. We need real and substantive change.

The upwards only rent system also needs to be ended. This is another toxic legacy of the Celtic tiger. The property madness during the boom squeezed out productive business, inflating property prices and rents, which sucked the life out of businesses. This is still happening. The life is being sucked out of businesses, some of which have been there for generations. The evidence is on the streets of all our towns, especially in the Border counties. It is still happening and it must be urgently addressed.

Deputy Maureen O’Sullivan: With the agreement of the House I will share time with another Deputy from the Technical Group.

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

Deputy Maureen O’Sullivan: There are two aspects to this debate. One relates to small businesses paying this commercial rates and their viability. The other is the way local authorities depend on commercial rates for revenue.

Small and medium size businesses are in a very difficult situation and many cannot afford the current commercial rates during this economic downturn. If they cannot afford the rates they will have no option but to close, with disastrous consequences for their employees and for the areas where they are in business. It must be demoralising for areas, whether in city communities or in small towns and villages, to see businesses boarded up.

Every job lost costs the State in the region of €20,000, and we know the unemployment statistics. Apart from the commercial rates, which must be addressed, the main issues for small and medium size businesses are upward only rent reviews, lower demand for their products and services, late payments — and the ISME credit watch survey tells us that small businesses wait an average of 72 days for payment — access to credit for start-up and expanding businesses and cost increases of at least 5% for insurance, energy, transport and waste. We need to support businesses providing employment. That means speeding up the process of the national evaluation of commercial property begun in 2005.

What is the point of exorbitant or very high rates which businesses cannot pay and which force them out of business so that no rates are paid? We saw an example of this in the closure of the Light House cinema in Smithfield, Dublin. Can we not do what the hotels and airlines have done, which is to reduce prices and fill beds and seats, and apply that strategy to the businesses so they can continue? The system must take account of ability to pay and current economic circumstances, in good times and bad. In the good times a business should pay more and in the bad times it should pay less.

With other public representatives, I attended a briefing given by the Restaurants Association of Ireland today. I know that during the Celtic tiger years, eating out was far more expensive than the food warranted. Nevertheless, the association says Ireland is the most expensive country in which to run a restaurant business. The association’s comment, rightly or wrongly, was that local authorities are treating restaurants like ATM machines. Its press release made a number of points. Creating a fat tax will cost jobs, making employers pay four weeks sick leave will also cost jobs and increasing excise duty will drive consumers to Northern Ireland, and so cost jobs.

I am all for just and equitable commercial rates being paid by businesses. The idea of hypermarkets is being mooted. They may bring in additional income from high commercial rates but

[Deputy Maureen O'Sullivan.]

this could have a devastating effect on employment in small and medium size businesses. Local authorities provide vital services and need adequate resources to do so. Businesses should contribute fairly. Local authorities have provided supports for enterprise and small businesses, as the Government amendment says. Some local government reform has taken place but there is much more to do. Property taxes, water charges and septic tank charges are coming at a time when people cannot afford to pay any more.

Although I represent Dublin city I have a close affinity with some of the islands, particularly Oileán Cléire. Some county councils are imposing further charges and levies on islanders. We know costs for communities living on islands are higher than for those on the mainland.

Debate adjourned.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 23 November 2011.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 30, inclusive, answered orally.

Questions Nos. 31 to 55, inclusive, resubmitted.

Questions Nos. 56 to 66, inclusive, answered orally.

Job Creation

67. **Deputy Mick Wallace** asked the Minister for Jobs, Enterprise and Innovation the number of jobs that will be created over the next two years as a result of the State's enterprise strategy which will see a total spend of €1 billion; and if he will make a statement on the matter. [35990/11]

83. **Deputy Mick Wallace** asked the Minister for Jobs, Enterprise and Innovation the number of jobs that will result from the State's enterprise strategy in view of the fact that the Department allocation for 2012 is a record high of €514 million, to be followed by €458 million in 2013; and if he will make a statement on the matter. [35991/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 67 and 83 together.

The Government published its *Infrastructural and Capital Investment 2012-16: Medium Term Exchequer Framework* on the 10th of November last. The capital investment programme covers a broad range of critical areas including economic infrastructure, environmental infrastructure and social investment.

While acknowledging that over the medium-term, there will be a lower level of resources available for capital investment generally, I am delighted to say that supports to industry will be maintained at very significant levels. In total, €2.334 billion is provided for jobs, enterprise and innovation over the period from 2012 to 2016, with over €900 million also being invested by my colleagues in programmes related to tourism, agriculture, food and the marine, all of which deliver major economic and environmental benefits. This will be an increase in the annual allocation for enterprise support from €508 million in 2011 to its highest ever level of €514 million in 2012, reflecting the priority accorded to job creation by the Government.

[Deputy Richard Bruton.]

In 2010, IDA Ireland clients created 10,897 new jobs while Enterprise Ireland clients created 8,193. Shannon Development clients created 362 while the 35 CEBs together created 5,901 when full and part-time jobs are included. It is vital that this level of job creation is maintained and enhanced in the years ahead and the capital allocation to my Department ensures that this will be the case. There will inevitably be some job losses also, however, improved competitiveness, a more benign trading environment and interventions by the enterprise agencies in support of existing jobs will ensure that losses will be minimised.

Under the new investment framework the funding of these key employment creating agencies will be protected or enhanced over the medium term. A number of new initiatives will also be funded including a Partial Loan Guarantee Scheme, Innovation Fund Ireland and there will be increased focus on accelerating High Potential Start-Ups. As a consequence I expect these enterprise-development Agencies to deliver on their ambitious jobs targets of over 110,000 gross new jobs over the five years of the programme to 2016 — or 22,000 per annum on average. Every new job is estimated to have a multiplier effect so the overall impact on job creation of these activities is estimated 220,000 gross new direct and indirect jobs.

Continued investments in research, technological development and innovation have been and will remain a pivotal element of our enterprise development offering to 2016. These investments underpin both the quantum and quality of employment in enterprise today and into the medium term. The environment for business and job growth is of course affected by international economic conditions and our own competitiveness. In recognition of this I am conducting a review of our policies and I plan to publish a Jobs Strategy early in the new year to ensure that policies are adopted which maximise job opportunities.

County Enterprise Boards

68. **Deputy Michael McGrath** asked the Minister for Jobs, Enterprise and Innovation if any county and city enterprise boards could be abolished or merged as part of the rationalisation of State agencies being considered; and if he will make a statement on the matter. [36038/11]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy John Perry): The issue of restructuring the County and City Enterprise Boards (CEBs) is under consideration within my Department and various options have been considered. It is my intention, however, to ensure that any opportunity presented by CEB restructuring will not simply be about reducing or changing the numbers of CEBs in existence but will be used as an opportunity to fundamentally reform, streamline and revitalise the manner in which the State supports the valuable micro-enterprise sector.

In particular, I want to ensure that State support is delivered in a cohesive manner and that there is a targeted local delivery of enterprise support, driven by a national enterprise policy, in a manner which eliminates overlap and duplication and which makes it easier for the end-user to access the necessary supports and services which can help the sustainability and growth of his/her business. The micro-enterprise and small business sector will be central to the economic recovery and the future economic prosperity of this Country and it is vital that it is properly supported at State level.

Industrial Disputes

69. **Deputy Joan Collins** asked the Minister for Jobs, Enterprise and Innovation if he has responded to the letter handed to him recently by workers (details supplied) and members of Mandate in Dún Laoghaire, Dublin, who have been on strike since April 2010 following their dismissal; and if he will make a statement on the matter. [36055/11]

81. **Deputy Richard Boyd Barrett** asked the Minister for Jobs, Enterprise and Innovation if he has responded to the letter handed to him recently by workers (details supplied) and members of Mandate in Dún Laoghaire, Dublin, who have been on strike since April 2010 following their dismissal and the failure of their employer to abide by Labour Court rulings or pay moneys owed to the sacked employees; if he intends to introduce legislation to prevent such treatment of workers by some employers in the future; and if he will make a statement on the matter. [36052/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 69 and 81 together.

This issue involves a dispute that resulted from a decision by the employer in 2010 to cut pay and working hours of the workers. The issues in dispute were referred to the Labour Relations Commission by the workers. Separate exploratory talks involving the Conciliation Service of the Labour Relations Commission and the employer and workers' representatives took place in June 2010, where all possibilities were explored with both parties in an effort to reach a mutually acceptable agreement to settle the dispute. Unfortunately, the Conciliation Service determined that it was not in a position to assist the parties achieve a settlement of the issues in dispute.

I understand that the workers referred claims regarding alleged breaches of their employment rights under a number of different pieces of legislation to the Rights Commissioner Service and to the Employment Appeals Tribunal. I am advised that the Rights Commissioners and EAT found in favour of the workers in all cases, and made appropriate awards in favour of the workers concerned. I understand that the employer failed to attend at any of the hearings.

There is in place a comprehensive suite of employment rights legislation through which disputes can be pursued. In this context, all employment rights legislation provides for mechanisms through which the decisions of Rights Commissioners and the Employment Appeals Tribunal can be enforced through the Courts. I understand that the enforcement of some of the decisions made in relation to the claims arising from this dispute has already been put in train. In other related instances the specified date by which the decisions or determinations were to be carried out has not yet been exhausted.

The mechanisms provided to ensure compliance with the provisions of employment rights legislation have been shown to have been fully utilised in this instance and to have resulted in a series of decisions and determinations which can now be enforced in the appropriate way. Accordingly, I have no plans to introduce further legislation in this regard.

Employment Rights

70. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation if he will provide figures for the average waiting time for an applicant to have a rights commissioner hearing between 2005 and 2011; if he will provide figures for the average waiting time for an applicant to have an Employment Appeals Tribunal hearing between 2005 and 2011; if he will provide figures for the volume of applications for rights commissioner and Employment Appeals Tribunal hearings between 2005 and 2011; if he will provide figures for the staffing levels of the rights commissioner and Employment Appeals Tribunal between 2005 and 2011; and if he will provide the necessary resources to reduce current waiting times for rights commissioner and Employment Appeal Tribunal hearings from current levels to a maximum of one month. [35633/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Rights Commissioner Service is part of the Labour Relations Commission, a statutory body independent

[Deputy Richard Bruton.]

of my Department in the performance of its functions. All operational matters relating to the Rights Commissioner Service, including the scheduling of hearings, is a matter for the Labour Relations Commission. Equally, it is a matter for the Commission to decide on the extent to which its administrative resources are allocated to the Rights Commissioner Service. I have forwarded your Question to the Chief Executive of the Commission and have asked that he respond directly to you on the matter. I can say that the number of rights commissioners assigned and administrative staff assigned to the Commission increased significantly since 2005. Details are provided at the end of this reply.

The Employment Appeals Tribunal has also seen a significant increase in its caseload in recent years. Between 2007 and 2009, the number of claims coming to the Tribunal trebled and this had a consequential impact on case processing timeframes. The waiting periods are set out in the table. In response to this increase, the Tribunal has been allocated some additional administrative staff in recent years while also improving the efficiencies of its own operations. As a result, there has been a large increase in the number of claims disposed of by the Tribunal in recent years with 6,064 cases disposed of in 2010 compared with 4,680 in 2009 — an increase of approximately 30%.

I would add however that the functions and outputs of both the Rights Commissioners Service and the Employment Appeals Tribunal are being addressed in the context of my planned reform of the State's employment rights and industrial relations structures and institutions. As part of this, I am chairing an Implementation Group charged with overseeing the restructuring of five existing bodies into a simplified two-tier structure. 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.

Number of rights commissioners 2005 to October 2011

2005	2006	2007	2008	2009	2010	Oct 2011
7	8	14	15	15	15	15

Number of Labour Relations Commission staff 2005 to October 2011

2005	2006	2007	2008	2009	2010	Oct 2011
40	45	48	48	50	44.53	44.53

Number of Claims to Employment Appeals Tribunal 2005 to October 2011

2005	2006	2007	2008	2009	2010	Oct 2011
3,727	3,480	3,173	5,457	9,458	8,778	7,424

Average Waiting Period for Dublin 2005 to October 2011 (Weeks)

2005	2006	2007	2008	2009	2010	Oct 2011
28	27	20	16	31	58	74

Average Waiting Period for Provincial Areas 2005 to October 2011 (Weeks)

2005	2006	2007	2008	2009	2010	Oct 2011
41	44	51	31	32	55	76

Staffing in Employment Appeals Tribunal 2005 to October 2011

2005	2006	2007	2008	2009	2010	Oct 2011
29.4	26.8	30	34.6	36.4	35.20	45.80

EU Funding

71. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which Irish enterprise has made contact through his Department or directly with the relevant EU Commissioner with the objective of accessing the appropriate funding for job creation, innovation and technology; the number of projects to date approved under such heading; the number of projects, if known, pending; the extent to which Irish projects continue to compete for such funding with other EU member states both inside and outside the eurozone; the degree to which he expects a major breakthrough in this area in the future; and if he will make a statement on the matter. [36017/11]

Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Sean Sherlock): The Seventh EU Framework Programme for Research and Development (FP7), with a budget of over €50 billion for the period 2007 to 2013, is the EU's main instrument for funding research and development in Europe. In order to extract the maximum benefit from the opportunities available within FP7, a National Support Network has been put in place, headed by a National Director for FP7 based in Enterprise Ireland who leads a team of national contact points for various elements of the Programme. This support structure ensures that a coordinated and coherent approach is adopted towards FP7 across all of the Government Departments, agencies and other organisations involved. Through this support structure, a mix of guidance, advice and financial assistance is available to encourage researchers and companies, large and small, to avail of the opportunities within the Programme.

The latest available data in relation to participation by enterprise in FP7, from 2007 to April, 2011, illustrates the number of participations (applications), number of successful applications, number of specific companies and funding to those companies.

In the period from the beginning of 2007 when the Seventh Framework Programme began to April this year, 171 companies based in Ireland have had projects approved for funding under the programme. A number of companies are involved in more than one project and the total number of projects approved involving Irish companies in that period is 262. The total amount of funding to Irish based companies in these projects is €74.8 million. Small and Medium Enterprises (SMEs) account for €55.5 million i.e. 74% of funding to Private Industry with 206 out of the 262 participations in projects. 22 Multinational companies (MNCs) based in Ireland have been approved funding and are involved in 56 approved projects.

Ireland's overall success rate in FP7 of 23% (percentage of successful Irish applications including industry and academic) remains above the European Member State average of 22.21%. The funding secured by Irish applicants at 21% (funding secured as percentage of funding requested) is also above the EU average of 20.68%. The high level of activity of Irish researchers and the Irish success rate ahead of the overall EU average are very positive indica-

[Deputy Sean Sherlock.]

tions of the prospects for Irish participation in FP7 and are broadly in line with our national targets.

With regard to the number of projects pending and prospects for a major breakthrough, it is not possible to provide details at this stage. All major FP7 Calls for 2012 opened in July, 2011 and will close sequentially from September, 2011 to March, 2012. The next information available from the European Commission with regard to these Calls will be in April, 2012. There will be one more series of Calls in respect of 2013, before the end of FP7, which is due to conclude at the end of 2013.

The Commission gives special consideration to the funding of SMEs within FP7, setting a target of at least 15% of the available funding. Ireland's SME participation remains in line with this target. Indeed, Ireland has the highest SME participation degree of the EU 27 Member States, with 104 per 100,000 SMEs participating in FP7 Themes.

EU support for innovation is also provided through the Competitiveness and Innovation Framework Programme (CIP) which runs from 2007 to 2013. It includes the Entrepreneurship and Innovation Programme which aims to improve the conditions for innovation, such as exchanges of best practices between Member States and actions to improve, encourage and promote innovation in enterprises. It also includes the ICT Policy Support Programme which aims to stimulate the new converging markets for electronic networks and services, media content and digital technologies. The CIP is administered through the Commissioner for Enterprise and Industry.

Enterprise Support Services

72. **Deputy Dessie Ellis** asked the Minister for Jobs, Enterprise and Innovation the steps taken by him to reform the enterprise development sector. [35958/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Enterprise Development Agencies have served the economy well in recent years in terms of the many thousands of high-value and sustained jobs created across the regions, the significant contribution their clients make to tax receipts and spend in the Irish economy, as well as their contribution to our export success and continuing healthy balance of payments.

However, we are now presented with new challenges and changed economic circumstances, both domestically and across our main trading partners. We must ensure that our enterprise development supports and agencies are fit for purpose and well positioned to help move us out of the current downturn by creating sustainable jobs here in Ireland, continuing to grow exports in our traditional key markets, as well as targeting high-growth markets, such as the BRIC countries, for both exports and inward investment projects.

As part of our reviews of the effectiveness of our spending I am reviewing the structure of all agencies in the Department. In the recent paper on Restructuring Agencies I have indicated a number of changes under review. This includes the enterprise development sector and specifically a review of the role of Forfás, of Shannon Development in the context of the Mid West Task Force and of the County Enterprise Boards. I will bring proposals to Government when they are finalised. I am also developing a Jobs Strategy and it may be necessary to make changes within our agencies to implement the new strategy effectively.

EU Directives

73. **Deputy Dessie Ellis** asked the Minister for Jobs, Enterprise and Innovation the dis-

cussions that he has had with regard to the transposition of the temporary agency workers directive. [35959/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The EU Directive on Temporary Agency Workers (2008/14/EC) is due to be transposed into Irish law by 5 December 2011. A central aim of the Directive is to ensure protection of temporary agency workers by applying the principle of equal treatment in their basic working and employment conditions. My Department initiated a public consultation on the national transposition of the Directive in October 2010. Observations were provided by a number of stakeholders and interested parties. As part of the consultation process a number of follow-up bilateral meetings were held between my Department and a number of respondents to further elaborate on positions. This informed the preparation of draft legislation by my Department.

Government approval for the draft Scheme of a Bill to give effect to the EU Directive in Irish law has been obtained and the Office of Parliamentary Counsel is proceeding with urgency to draft the Bill. I expect that the Bill will be published in early December 2011.

In tandem with the preparation of the necessary legislation to give effect to the Directive, my Department has been engaged in discussions with the national social partners, IBEC and ICTU, with the objective of facilitating agreement on the conclusion of a “Framework Agreement” under the terms of a derogation provided under Article 5.4 of the Directive. This would allow for a “qualifying period” before the principle of equal treatment would apply to agency workers in Ireland and would place us in a similar situation to that of the UK and Northern Ireland which has already obtained agreement on a 12-week qualifying period. In the absence of a “Framework Agreement” the default position is that equal treatment will apply from day 1 of the assignment of the agency worker to the hirer undertaking.

I met with IBEC and ICTU on 31st August, 2011 to facilitate discussions with the objective of concluding a framework agreement allowing for a qualifying period. At that time, I set in motion a series of bilateral discussions between officials of my Department and the national social partners to tease out the prospects for securing agreement and, while those discussions are ongoing, to date, no agreement has been reached on this issue.

Given the imminence of the date on which the Directive comes into effect i.e. 5 December 2011, there are considerable time pressures to conclude these discussions. In light of the extremely challenging labour market conditions with high unemployment and the need to do all in our power to sustain and grow employment, it is my sincere hope that agreement can be achieved between both sides. This would allow necessary leeway in terms of labour market flexibility and ensure that the labour market conditions in this jurisdiction align with those in Northern Ireland and in the UK.

Departmental Agencies

74. **Deputy David Stanton** asked the Minister for Jobs, Enterprise and Innovation if he will provide a list of the agencies under the auspices of his Department; the amounts made available to each and their expenditure or indicative expenditure in 2010 and 2011 respectively; and if he will make a statement on the matter. [35989/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): A list of the agencies under the auspices of my Department and their financial allocations for 2010 and 2011 sought by the deputy are published under Vote 34 in the Revised Estimates Volumes for the Public Service 2010 and 2011 which are available in the Dáil Library. The outturn figures for 2011 will not be available until years end.

Job Creation

75. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which the relevant personnel within his Department have focused on the various issues affecting, impeding or obstructing job creation, enterprise and innovation; the extent to which positive intervention has been examined with a view to maximising opportunities in the areas for which he has responsibility; the extent to which the various stakeholders have been interviewed in this context; if it is expected that every possible opportunity for improvement is vigorously pursued; if he intends to take on board specific bold ventures with a view to utilising all possibilities in the context of national economic recovery; and if he will make a statement on the matter. [36016/11]

231. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent that he and or his Department have examined the extent to which job creation is impeded by specific practices; the main issues that have emerged; the extent to which the large, small and/or medium sized sector is affected; and if he will make a statement on the matter. [36328/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 75 and 231 together.

The main factors impacting on job creation, enterprise and innovation at present have been well flagged in reports from the National Competitiveness Council (NCC) and include a lack of consumer demand, difficulties accessing certain business finance, cost competitiveness issues and the impact of the global economic downturn on the Irish economy. These issues impact on firms of all size and in all sectors. However, smaller companies are finding it particularly difficult to access finance at present.

The Government has taken decisive action in relation to recapitalising the banks and setting ambitious lending targets for them. The NCC's *Costs of Doing Business in Ireland* report for 2011 found that business costs in Ireland have reduced in relation to labour, property, utilities and business services in the last two years. The report made a number of recommendations to improve our cost competitiveness further and I have brought these recommendations to the attention of my Ministerial colleagues in Government.

With regard to my own Department's area of responsibility, I have been working on proposals for the introduction of a Temporary Partial Credit Guarantee scheme and a Microfinance Fund for small business start-ups and both are at an advanced stage. I am continuing to work on proposals to reform the statutory wage setting mechanisms, which will help to improve the competitiveness of businesses in certain sectors. My Department has identified potential savings of approximately €198 million per annum for businesses in Ireland arising from measures taken to reduce the administrative burden in the areas of Company Law, Employment Law and Health and Safety Law. My Department is also leading a cross-Government programme to further measure and reduce the administrative burden across all areas of regulation affecting business. A project to measure these burdens across seven Departments and the Offices of the Revenue Commissioners is due to be completed by mid-2012.

I am currently preparing a Jobs Strategy for the Government which will set out a series of clear, actionable measures across all Departments to support the creation and retention of jobs. The Strategy will focus on areas such as:

- improving competitiveness and intensifying competition in sheltered sectors;
- assisting indigenous business to grow;

- supporting indigenous start ups;
- attracting inward entrepreneurial start ups;
- developing and deepening the impact of Foreign Direct Investment;
- exploiting opportunities in new and emerging sectors; and
- supporting employment initiatives within the community.

In preparing the Strategy, I have consulted with a wide range of stakeholders from the public, private and community sectors, to obtain their views on actions to support employment creation. I received over 600 individual ideas through this process, including some innovative proposals for job creation. My Department and Forfás, in consultation with officials in other Government Departments, have been analysing the proposals to identify those which are likely to have the greatest impact on job creation and retention. The objective is to publish the Jobs Strategy in early in the New Year.

These measures will be underpinned by an allocation to my Department of €514 million for enterprise support from the Government's Capital investment budget for 2012. This is the highest ever Capital allocation to my Department, reflecting the priority accorded to job creation by the Government.

Units of Measurement

76. **Deputy Luke 'Ming' Flanagan** asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn to the continued use of imperial size fittings in the plumbing trade and the unnecessary confusion and extra costs that imperial fittings cause especially in small scale and private work; if he will eliminate the use of imperial sized fittings; the steps he will take to bring the plumbing trade fully into the metric era; and if he will make a statement on the matter. [33490/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Directive 80/181/EEC on Units of Measurement, transposed by European Communities (Units of Measurement) Regulations 1992 (S.I. No. 255 of 1992) as amended by Directive 2009/3/EC transposed by European Communities (Units of Measurement) (Amendment) Regulations 2010 (S.I. No. 89 of 2010) outline when metric measurements must be used and the extent to which imperial measures can continue to be used.

S.I. No. 255 of 1992 required that measurement should be indicated in metric units, but allowed the use of supplementary indications until the end of 2009. However, it became apparent that the 2009 cut-off date for the use of supplementary indications could cause problems in USA-EU trade. In order to avoid these obstacles the EU stepped back from an outright ban on the use of imperial measures and continues to allow their use on the proviso that in a retail context it is compulsory to display the equivalent metric measurement, even where the good is produced and packaged to imperial measures.

All dimensions in the Technical Guidance Documents that accompany the current Building Regulations are in metric. Those Building Regulations and associated Technical Guidance Documents are the responsibility of the Department of the Environment, Community and Local Government. The primary purpose of the Building Regulations is to safeguard the health and safety of people in and around buildings.

The Building Regulations apply to all new buildings, extensions and certain works to existing buildings and provision or replacement of certain services, fittings and equipment. However,

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the national building stock includes many existing buildings which predate the current Building Regulations and which may include services, fittings and equipment produced to imperial measures. Repair and renewal of such older services, fittings and equipment therefore gives rise to an ongoing market for imperial or dual measurement supplies.

Job Creation

77. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation the targets he has set for job creation every year through the four year budget cycle outlined in the medium term fiscal statement. [35940/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Medium Term Fiscal Statement was published by the Minister for Finance on 4 November and outlines macro-economic projections for the period 2011 to 2015. The Government subsequently published its Medium Term Framework for Infrastructural and Capital Investment on 10 November, to cover the period 2012 to 2016. The Capital Investment Framework places a focus on economic growth and jobs, as well as addressing social cohesion and environmental sustainability. In total, €2.334 billion is being provided to my Department's Vote from the Capital Investment Framework to support jobs, enterprise and innovation over the period 2012 to 2016. A further €900 million is being invested by my colleagues in programmes related to tourism, agriculture, food and the marine, all of which deliver major economic and jobs benefits.

Capital funding for my Department's enterprise development agencies will be protected or enhanced over the medium-term. A number of new initiatives will also be funded, including a Partial Loan Guarantee Scheme and Innovation Fund Ireland. There will also be an increased focus on accelerating High Potential Start-Up companies. As a consequence, I expect the enterprise development agencies to deliver on their ambitious jobs targets of over 110,000 gross new jobs over the five years of the programme to 2016. This represents an average of 22,000 new jobs per annum.

Every new job is estimated to have a multiplier effect, so the overall impact on job creation of these activities is estimated at 220,000 gross new direct and indirect jobs. The environment for business and job growth is, of course, affected by international economic conditions and our own competitiveness. In recognition of this, I am conducting a review of our policies and I plan to publish a Jobs Strategy early in the New Year to ensure that policies are adopted which maximise job opportunities.

Consultancy Contracts

78. **Deputy Clare Daly** asked the Minister for Jobs, Enterprise and Innovation the number of public service jobs that have been outsourced since he took office; the Departments and bodies from which they were outsourced; the amount paid to those firms by the Exchequer who now undertake work previously performed by public servants. [35987/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): No jobs in my Department or any of the bodies under its aegis have been outsourced since I took office.

Sick Pay Scheme

79. **Deputy Aengus Ó Snodaigh** asked the Minister for Jobs, Enterprise and Innovation if he was consulted, and his view on the impact on employment, of the proposal to transfer responsibility for paying sick pay in the first month of illness from the Department of Social Protection to employers. [35953/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The introduction of a Statutory Sick Pay scheme, along the lines of those which operate in many other European countries, has been suggested for consideration by the Minister for Social Protection as part of the Government's pre-Budget preparations. No decision has been taken by Government on the proposal at this stage. I have, however, heard the views of business representatives first hand on the matter and I will reflect on their position. I have also asked Forfás to examine the potential impact on competitiveness and employment of Statutory Sick Pay, if such a scheme were to be introduced.

Enterprise Support Services

80. **Deputy David Stanton** asked the Minister for Jobs, Enterprise and Innovation the policy directives given to enterprise support services under the auspices of his Department, with reference to the possible need to encourage enterprise in provincial towns across the country; and if he will make a statement on the matter. [35988/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Job creation is at the core of Government policy and the creation and retention of sustainable jobs is central to the work of the enterprise development agencies — Enterprise Ireland, IDA Ireland and the County and City Enterprise Boards. Enterprise Ireland's primary objective is to drive the growth of Irish-owned companies in overseas markets. In so doing, jobs will be created and additional spend will be generated in their localities. Company growth means economic growth throughout all the regions. With well over half of the agency's client companies located outside the major urban centres of Dublin, Cork and Galway, working directly with new and established companies based in provincial towns and surrounding areas is a fundamental aspect of Enterprise Ireland's work.

Currently, EI client companies employ around 137,000 people and half are employed outside Dublin, Cork and Galway. Around €420 million, or 63%, of all funding allocated for "direct company development projects" since 2008 has been approved to companies outside the Dublin region. Enterprise Ireland also supports the Community Enterprise Centres (CECs) throughout the regions which provide a range of facilities that enable entrepreneurs to establish new businesses and provide employment in local and rural communities. Since the first CEC development scheme in 1989, €61.4 million has been approved for the building and expansion of 134 centres across the country. An estimated 4,300 are employed in these Centres.

The County and City Enterprise Boards have an excellent track record in tapping into local entrepreneurial potential and they currently support more than 38,000 jobs across the regions. Their focus has increasingly been on the development of sustainable growth-orientated local enterprise, which can deliver high quality job creation without displacement or deadweight. Through the provision of both financial and non-financial support the Boards have assisted many micro-enterprises in developing their growth and export potential right around the country.

At present, 45% of IDA Ireland client employment of over 125,000 is outside of the key urban centres of Dublin and Cork. The agency's strategy, "Horizon 2020" has set specific regional goals of securing 50% of all investments into locations outside of Dublin and Cork. The Government's Capital Investment Framework 2012-2016 announced on the 10th November last provides €2.334 billion for jobs, enterprise and innovation over the period. This investment will assist enterprises across the regions and deliver much needed jobs to the economy as a whole.

Question No. 81 answered with Question No. 69.

Job Protection

82. **Deputy Mary Lou McDonald** asked the Minister for Jobs, Enterprise and Innovation the consideration he has given to developing a job retention scheme for viable business to keep workers in employment rather than join the live register. [35947/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Employment Subsidy Scheme (Temporary) was introduced in December 2008 to help vulnerable but viable businesses retain jobs during the most difficult period of the economic downturn. The scheme was approved by the European Commission under a Temporary Framework for State Aid measures. This Temporary Framework was limited to a two-year period and it expired at the end of 2010. There are no plans for a further scheme of this nature at present.

However, job creation and retention is a central objective of the Government. The Government's role is to ensure that we have the right policies in place to support and grow our enterprise base in order to facilitate both job creation and job retention. The Jobs Initiative announced last May focused our resources on measures that offered the greatest potential for expansion and employment creation in the domestic economy. Initiatives such as the reduction in the lower rate of VAT and the halving of employer's PRSI on earnings up to €356 per week have helped to retain people in employment and create new jobs, particularly in the hospitality industry.

Building on the Jobs Initiative, I am currently preparing a Jobs Strategy for the Government which will set out a series of clear, actionable measures to support the creation and retention of jobs in to the future. The Strategy will focus on areas such as:

- improving competitiveness and intensifying competition in sheltered sectors;
- assisting indigenous business to grow;
- supporting indigenous start ups;
- attracting inward entrepreneurial start ups;
- developing and deepening the impact of Foreign Direct Investment;
- exploiting opportunities in new and emerging sectors; and
- supporting employment initiatives within the community.

Some of the actions in the Jobs Strategy will be delivered in short-term and will have an immediate impact, while others will be delivered in a longer timeframe. The objective is to publish the Strategy early in the New Year.

Question No. 83 answered with Question No. 67.

North-South Co-operation

84. **Deputy Pádraig Mac Lochlainn** asked the Minister for Jobs, Enterprise and Innovation the steps he is taking to develop the proposals for an all-Ireland approach to the development of the labour market with his colleagues in the Northern Executive. [35944/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My colleague Ruairí Quinn T.D., Minister for Education and Skills, has overall responsibility for the development

of further education and skills training in the context of the current difficult and changing labour market and is assisted by the Minister of State with responsibility for Training and Skills, Ciarán Cannon T.D.

The Northern Ireland Department of Employment and Learning (DEL) has responsibility for further/vocational and higher education matters as well as employment matters and skills training in Northern Ireland. While the Department of Education and Skills does not formally engage with DEL within the structures of the NSMC, both Departments liaise on North South education and training cooperation issues as required. There is also good co-operation between third level institutions in both jurisdictions in relation to third level courses and research programmes.

My colleague, the Minister for Education and Skills, Mr Ruairí Quinn T.D., met with Minister Stephen Farry, M.L.A., the Northern Ireland Minister for Employment and Learning, on Wednesday, 28 September 2011. I am informed that, at their bilateral meeting, the Ministers discussed issues of mutual interest including Further and Higher Education and the drive to raise skills levels, as well as looking ahead to possible further areas of collaboration. The Ministers acknowledged that the need to raise the skills levels of the workforce is a challenge throughout the island. Both Departments have previously engaged constructively on this issue, with the production of an All-Island Skills Study and the also the Management Matters report which highlighted the need for improvements in management and leadership skills in Northern Ireland and the Republic of Ireland.

I understand from Forfás, the policy advisory board for enterprise, trade, science, technology and innovation, that in recent years there have been many examples of both Forfás and the Northern Ireland Department for Employment and Learning working together to share information and to understand more fully the labour market on both parts of the island of Ireland. These include joint meetings of the Expert Group on Future Skills Needs (EGFSN) and the (then) Northern Ireland Skills Expert Group, the production of the All Island Skills Report, the All Island Skills Conference in 2008 and the steering of research into management skills North and South.

A Comprehensive Study on the All-Island economy (2006) commissioned by the British-Irish Intergovernmental Conference, emphasised the benefits of working together in a co-ordinated way to ensure that the necessary skills are in place to encourage sustained growth. The two skills expert groups established North and South — the NI Skills Expert Group and the Expert Group on Future Skills Needs — agreed to work together on an All-Island Skills Study to provide the evidence for delivering the required workforce skills across the island. This Study was completed in October 2008 and provides an evidence base for future partnership and effective working between the two skills expert groups by providing a comprehensive picture of skills demand on an All-Island basis.

The Study was launched at a conference held in Derry on 9th October 2008. The conference provided an opportunity to share good practice and maximise opportunities for future North/South cooperation. It discussed future challenges and opportunities facing economies North/South and potential responses to help sustain future economic and social development. Since then a number of meetings have been held between the chairperson of the EGFSN and the head of the Education, Skills and Labour Market Policy, Forfás and the Northern Ireland Adviser on Employment and Skills. The purpose of the meetings is to provide an exchange of information on the role, functions and work of the Expert Group on Future Skills Needs and on the work of the Northern Ireland Adviser on Employment and Skills and the Employment &

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Skills Advisory Group and on respective research work being undertaken — such as on the demand for high-level ICT skills and the skills demand needs of the green economy.

I am informed that FÁS has continued its tradition of co-operating with the training authorities in Northern Ireland in the running of the Wider Horizons Programme (WHP). The programme aims to enhance employment opportunities by providing vocational training, work experience and personal development training both at home and overseas to disadvantaged people aged between 18 and 28 years. The Wider Horizons Programme is delivered on behalf of The International Fund for Ireland (IFI) by its joint managing agents, the Department for Employment and Learning (DEL) in Northern Ireland and FÁS in the Republic of Ireland. IFI funds the programme costs with FÁS and DEL contributing to the training allowance and travel and accommodation costs of participants. Last year approximately 570 young people participated in the Wider Horizons Programme across 29 projects.

In the sphere of social protection and the coordination of social security arrangements, the Department of Social Protection is represented at meetings of the inter-departmental North-South co-ordinators group, chaired by the Department of Foreign Affairs and Trade. The Secretariat of the North South Ministerial Council (NSMC) recently finalised a paper on Obstacles to Cross Border Mobility and which, amongst a range of issues, highlights difficulties people who are regarded as frontier workers have in the social welfare and tax areas.

A Cross-Border Operational Forum has been established comprising of selected investigators from the Irish Department of Social Protection the Great Britain Department for Work and Pensions and the Northern Ireland Social Security Agency of the Department for Social Development. The Forum's remit is to liaise at an operational level, under the aegis of the Memorandum of Understanding between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland concerning Co-operation and Mutual Assistance in the Administration of Social Security Programmes (the MOU), in matters of mutual interest in the areas of fraud in their respective social security systems.

With regard to co-operation on issues relating to employment law, employment rights and industrial relations, officials of my Department maintain continuing liaison with their counterparts in the Northern Ireland Department of Employment and Learning. These contacts are also complemented by continuing close working relationships between the Labour Relations Commission and its Northern Ireland counterpart, the Labour Relations Agency. Issues of mutual interest addressed at the most recent joint engagement at official level included the transposition of the EU Directive on temporary agency work and the parallel experience of public consultations conducted on the reform of individual employment rights dispute resolution mechanisms.

National Statistics

85. **Deputy Seamus Healy** asked the Taoiseach if he will provide the figures for net financial assets of households and non-profit institutions serving households for the years 2008, 2009, and 2010; and if he will make a statement on the matter. [36263/11]

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): The information requested by the Deputy is contained in the table:

Net Financial Assets (€Billion)	2008	2009	2010
Households and Non-profit Institutions Serving Households	71,876	98,264	117,153

Notes:

1. Households consist of persons in their capacity as holders of financial assets or as borrowers. The business assets and liabilities of unincorporated self-employed persons are also mainly reflected in this sector.
2. Non-Profit Institutions Serving Households consist of bodies such as charities and non-commercial agencies not owned by the government (e.g. some schools and hospitals).
3. Net Financial Assets show the stock at the end of each year of the financial assets less the financial liabilities of the sector.
4. A change in the balance sheet position from year to year reflects not only the net transactions during that year — valuation changes, exchange rate changes and reclassifications can also impact on the balance sheet position.

Constitutional Convention

86. **Deputy Clare Daly** asked the Taoiseach if the proposed constitutional convention will be independent of the Oireachtas in the exercise of its function; if it will be open-ended in its remit and agenda; if it will contain a representative cross-section of citizens; if it will be citizen led and not be dominated by political parties and interest groups; if it will present its recommendations within 12 months of its formation; and if those recommendations, unaltered by the Government, will be put to a referendum of the people within a further six months. [35482/11]

87. **Deputy Gerry Adams** asked the Taoiseach if he will outline the proposed timeline for work on the constitutional convention; and the way that participation in the convention will be structured. [35495/11]

97. **Deputy Gerry Adams** asked the Taoiseach the procedures he will put in place to ensure participation by communities and civic society in the constitutional convention. [36087/11]

98. **Deputy Gerry Adams** asked the Taoiseach the timeframe he envisages for the proposed constitutional convention. [36088/11]

99. **Deputy Gerry Adams** asked the Taoiseach when the work of the proposed constitutional convention will commence. [36089/11]

100. **Deputy Gerry Adams** asked the Taoiseach the steps that have been taken to prepare for the setting up of the proposed constitutional convention. [36090/11]

101. **Deputy Gerry Adams** asked the Taoiseach the matters which will be under the remit of the constitutional convention. [36091/11]

The Taoiseach: I propose to take Questions Nos. 86, 87 and 97 to 101, inclusive, together.

The Programme for Government contains a commitment to establish a Constitutional Convention and indicates areas for it to examine. The Programme says that the Convention will report within 12 months. I have previously indicated that, in order to give the Convention time to fully consider the matters which will be referred to it, the 12 month period should run from the date of its establishment, which it is intended will be in the Spring of next year. Work is proceeding in my Department on the preparation of proposals for the setting up of the Convention, including consideration of issues raised in the Deputies' questions. When these proposals are ready, they will be considered by the Government and I intend that they will be the subject of full consultation with the opposition parties.

Appointments to State Boards

88. **Deputy Dara Calleary** asked the Taoiseach the names of all persons nominated by him or by a Minister of State at his Department to any State appointment since 9 March 2011. [35496/11]

The Taoiseach: Since entering office, in accordance with established practice, I appointed Martin Fraser, Secretary General of my Department as Chair of the National Economic and Social Council (NESC) on 1 August. I also appointed the following independent nominees to the NESC in June:

Prof. Edgar Morgenroth, Economic and Social Research Institute

Prof. John McHale, National University of Ireland, Galway

Prof. Mary Daly, Queen's University Belfast

Prof. Anna Davis, Trinity College

Prof. Seán Ó Riain, National University of Ireland, Maynooth

Dr. Michael O'Sullivan, Credit Suisse — London

Ms Mary Walsh, Chartered Accountant.

Dr. Michelle Morris, University College Dublin was appointed in July.

Departmental Properties

89. **Deputy Mary Lou McDonald** asked the Taoiseach if he will provide a list of the private rental properties leased by him; the location of each property; the annual value of each lease; if each lease is subject to an upward only rent clause; and the name of the landlord in tabular form. [35498/11]

The Taoiseach: My Department has no private rented properties leased.

Official Engagements

90. **Deputy Gerry Adams** asked the Taoiseach if he has made any arrangements to meet with the family of human rights solicitor Pat Finucane. [35499/11]

The Taoiseach: I visited Belfast on Thursday and Friday 17th and 18th of November. On the Thursday I met with Geraldine Finucane, members of her family and their solicitor Peter Madden. Later that day I attended the annual Aisling Awards ceremony at which I had the privilege of presenting the Person of the Year Award to Geraldine Finucane. Officials from the Department of Foreign Affairs and Trade and my own Department are in ongoing contact with the Finucane family.

Information Technology

91. **Deputy Denis Naughten** asked the Taoiseach the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35520/11]

The Taoiseach: The National Economic and Social Development Office (NESDO) is the only agency under the aegis of my Department. There are no computer servers leased by either my Department or NESDO.

92. **Deputy Denis Naughten** asked the Taoiseach the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35536/11]

The Taoiseach: The servers owned by the Department of the Taoiseach and their capacity are summarised in the table.

Server Type	Total Storage Capacity	RAM
Dell Power Edge 2850	140GB	2GB
Dell Power Edge 2850	140GB	2GB
Dell Power Edge 2850	68GB	2GB
Dell Power Edge 2850	140GB	2GB
Dell Power Edge 2850	140GB	2GB
Dell Power Edge 2850	140GB	4GB
Dell Power Edge 2850	140GB	4GB
Dell Power Edge 2850	560GB	4GB
Dell Power Edge 1950	70GB	2GB
Dell Power Edge 1950	75GB	1GB
Dell Power Edge 2950	135GB	4GB
Dell Power Edge 2950	480GB	4GB
Dell Power Edge 2950	200GB	4GB
Dell Power Edge 2950	200GB	4GB
Dell Power Edge 2950	200GB	4GB
Dell Power Edge 2950	200GB	4GB
HP Proliant DL380	70GB	1GB
HP DL380 g7	770GB	34GB
HP DL 380 g7	290GB	34GB
Dell Power Edge 2650	170GB	2GB
Dell Power Edge 2850	73GB	4GB
Dell Power Edge 2950	73GB	4GB
Dell Power Edge 2950	145GB	4GB
HP DL380 g6	75GB	60GB
HP DL 380 g6	75GB	60GB
HP DL380 g6	75GB	60GB
HP DL 380 g6	75GB	60GB
HP DL 380 g6	75GB	60GB

Maintenance of these servers is covered by an annual hardware maintenance contract awarded on foot of an open tendering competition. The current hardware maintenance contract covers not only servers but also covers maintenance of PCs and Printers. The hardware maintenance contract for 2011 cost my Department €8,712. During 2011 my Department has reduced the number of servers it operates through virtualisation and consolidation and is committed to further reducing server numbers wherever possible. My Department is also exploring the possibility of establishing an IT infrastructure shared service with a larger Government Department in an effort to reduce costs further.

NESDO SERVERS The National Economic and Social Development Office (NESDO) is the only agency under the aegis of my Department. The computer servers owned by NESDO and their capacity are summarised in the table.

[The Taoiseach.]

Server Type	Total Storage Capacity	RAM
Dell Power Edge 860	73 GB	2GB
Dell Power Edge 860	146 GB	2GB
Dell Power Edge 2950	146 GB	2GB
Dell Power Edge 2650	219 GB	2GB
Dell Power Edge 2950	600 GB	32 GB
Dell Power Edge 2950	600 GB	32 GB

In order to obtain best value for money, NESDO has issued a Request for Tender on *www.etenders.gov.ie* 4th November last, for the maintenance of its IT infrastructure, including the computer servers listed above. The closing date for receipt of tenders is 25th November 2011. In the circumstances, I do not propose to disclose the cost of maintenance while this process is underway.

National Statistics

93. **Deputy Thomas P. Broughan** asked the Taoiseach the levels of employment, total numbers employed at the end of the years 2008, 2009, 2010, first quarter of 2011, second quarter of 2011, third quarter of 2011 and end of 2011; and if he will make a statement on the matter. [35081/11]

Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe): The Quarterly National Household Survey (QNHS) is the official source of estimates of employment in the State. The most recent figures available are for the second quarter of 2011. The data requested by the Deputy in relation to the numbers in employment and associated employment rates for the fourth quarters of 2008, 2009 and 2010 as well as the first two quarters of 2011 are presented in tables 1 and 2.

The CSO does not forecast employment levels or related indicators; therefore data for the third and fourth quarters of 2011 are not available from the CSO. Employment forecasts are however, produced by the Department of Finance and the following information has been supplied by the Department:

Quarterly Irish economic data can be very volatile and reflecting this, the Department of Finance's labour market forecasts are based on annual averages rather than quarterly figures. On this basis, the Department of Finance anticipates that employment will decline by 1.8 per cent to 1.814 million this year. These forecasts are set out in the Medium Term Fiscal Statement, which was published by the Department of Finance on November 4th, 2011.

Table 1 Persons aged 15 years and over in employment (ILO) classified by sex and quarter

Numbers in Employment

	Males	Females	All persons '000
Quarter 4 2008	1,143.4	911.2	2,054.6
Quarter 4 2009	1,016.2	871.6	1,887.7
Quarter 4 2010	973.0	850.2	1,823.2
Quarter 1 2011	962.1	842.1	1,804.2
Quarter 2 2011	970.0	851.3	1,821.3

Source: Quarterly National Household Survey, Central Statistics Office.

Table 2 Employment rates (ILO) for persons aged 15-64 years classified by sex and quarter

Employment rates

	Males	Females	All persons %
Quarter 4 2008	72.6	59.3	66.0
Quarter 4 2009	65.3	57.0	61.1
Quarter 4 2010	63.1	55.7	59.4
Quarter 1 2011	62.6	55.3	58.9
Quarter 2 2011	63.3	56.0	59.6

Source: Quarterly National Household Survey, Central Statistics Office.

Appointments to State Boards

94. **Deputy Sean Fleming** asked the Taoiseach the changes he has made to the system of appointments to State boards since coming to office; and if he will make a statement on the matter. [35352/11]

The Taoiseach: The Government has made a number of changes to the system for making appointments to State boards since coming into office. These include:

- Departments inviting expressions of interest in vacancies on the boards of bodies under their aegis on their websites. Ministers are not confined to considering those who make expressions of interest, but must ensure that all appointees have the relevant qualifications.
- Those being proposed for appointment as Chairperson of State boards being required to make themselves available to the appropriate Oireachtas Committee to discuss the approach they will take to their role as Chairperson and their views about the future contribution of the body in question. Following that discussion, decisions are taken by the Minister or the Government, as appropriate, to confirm the nominee as Chairperson.

The Government will continue to keep the arrangements for appointments to State boards under review.

Civil Service Staff

95. **Deputy Mary Lou McDonald** asked the Taoiseach the number of former Secretaries General in receipt of public sector pensions whilst currently employed in a public body and or State agency. [35791/11]

The Taoiseach: No former Secretaries General are employed by my Department or the State agency under the aegis of my Department.

Departmental Staff

96. **Deputy Micheál Martin** asked the Taoiseach if he will detail the staff and other costs of the supports for the Tánaiste in place within his Department. [35982/11]

The Taoiseach: 1.4 whole-time equivalent (wte) staff from my Department are assigned to the Tánaiste's Office which is located in my Department, comprising an Assistant Principal

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Officer at 0.8 (wte) and a Higher Executive Officer at 0.6 (wte). The total annual salary cost of these staff is €103,068, including employers' PRSI. Office accommodation and computer and telephone support are also provided for three Special Advisers and one Personal Administrator appointed by the Tánaiste.

Questions Nos. 97 to 101, inclusive, answered with Question No. 86.

Appointments to State Boards

102. **Deputy Gerry Adams** asked the Taoiseach if former holders of the Office of Attorney General have been appointed to State boards by the 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 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.

[36119/11]

The Taoiseach: No former holders of the office of Attorney General have been appointed by the current Government to a State board under the aegis of my Department. It would not be cost effective to ascertain the position regarding the appointment of former Attorneys General to such Boards by all previous Governments.

Economic and Monetary Union

103. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade his reaction to comments from the French President, Mr. Nicolas Sarkozy, predicting that a two-speed Europe will emerge from the debt crisis, with some euro-zone states moving towards closer integration and the rest making up a looser confederation. [35500/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The question of the future direction of the Union is, of course, a matter for all 27 Member States. For its part, the Government has expressed its strong view that future arrangements must avoid fragmentation of the Union, including as regards the operation of the single market. Doing things together is what makes sense of the Union, while working together brings us closer and strengthens the ties that bind us. The key to our future is acting together and in solidarity.

At their meetings in October, the Heads of State or Government of the Euro Area agreed to reflect on further strengthening of economic convergence within the euro area, on improving fiscal discipline and on deepening economic union. They asked President Van Rompuy, in close cooperation with the President of the Commission and the President of the Eurogroup, to identify possible steps to this end, including exploring the possibility of limited treaty change. An interim report on this work will be presented to the European Council on 9 December. The Government looks forward to receiving President Van Rompuy's report and to giving it careful consideration.

Official Engagements

104. **Deputy Catherine Murphy** asked the Tánaiste and Minister for Foreign Affairs and Trade the civil society and human rights groups he met with during his recent visit to Moscow to chair a meeting of the Joint Economic Commission between Ireland and Russia; the issues that were discussed during each of these meetings; the issues or cases of concern expressed to him there by the representatives of these groups; the commitments or support he offered to each of these groups on behalf of the State; and if he will make a statement on the matter.

[35454/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): During my recent visit to Moscow, I had an opportunity for brief contact at events held in the Irish Embassy with representatives of a number of humanitarian groups, NGOs and academic institutions as well as religious figures, lawyers and media representatives. Due to time constraints, it was not possible to enter to detailed discussion with individual groups. I also attended a round-table session with leading Irish citizens in Moscow.

Through these various contacts, I obtained a good sense of the current situation in Russia, including matters of concern to civil society. I also signalled the availability of officials to meet representatives of human rights groups on the margins of my visit for fuller discussion. In addition, the Embassy in Moscow has regular contact with civil society and human rights groups in Russia and reports on issues of concern to the latter. In September, for example, representatives of a range of groups including Human Rights Watch, Amnesty International, Memorial and the Moscow Helsinki Group were invited by the Ambassador to an event at the Embassy. The Government follows closely issues relating to the promotion and protection of human rights in Russia, both bilaterally and via the Council of Europe, and we will continue to do so.

Information Technology

105. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35514/11]

106. **Deputy Denis Naughten** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35530/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I propose to take Questions Nos. 105 and 106 together.

My Department does not lease any computer servers. The 284 computer servers required to support the Department's ICT services are owned by the Department. Server capacity falls into the following ranges:

Up to 200 gigabytes — 101 servers.

Between 200 gigabytes and 1 terabyte — 160 servers.

In excess of 1 terabytes — 23 servers.

My Department's experience is that the most cost effective means of maintaining these servers is to include at the time of purchase manufacturers' warranty and maintenance services for the expected life time of the unit. At current costs this averages less than €800 per annum per unit, including VAT, for the level of service required.

My Department seeks to consolidate its ICT infrastructure and services where possible thereby reducing the number of servers required and containing and reducing costs. This is an on-going programme of work as equipment and services are replaced or upgraded or where new services are being introduced. There are no State agencies under the aegis of my Department.

Human Rights Issues

107. **Deputy Stephen Donnelly** asked the Tánaiste and Minister for Foreign Affairs and Trade his policy with regard to the long-standing United Nations commitment to hold a referendum on the issue of self-determination for the non-self-governing territory of Western Sahara; and if he will make a statement on the matter. [35589/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): Ireland continues to support the right to self-determination of the people of Western Sahara, and the continuing engagement of the United Nations in the search for a political solution in the territory based on the principle of self-determination. UN Secretary General Ban's Personal Envoy for Western Sahara, Christopher Ross, has convened several rounds of informal talks most recently in July this year. Mr Ross reported to the Security Council last month that, while there had been some progress between the two sides, negotiations effectively remain at a standstill.

The major obstacle remains Morocco's refusal to allow a referendum in the territory which would include an option of independence for the people of the Western Sahara. This has been provided for in a number of UN peace plans, and it is difficult to see that there can be any genuine self-determination without such a referendum. In his most recent report to the Security Council on the situation in Western Sahara, the UN Secretary General has suggested that the parties find a means to include respected representatives of a wide cross-section of the population of Western Sahara inside and outside the territory in the discussion of issues related to self-determination. SG Ban also urged both parties to identify and discuss governance issues as many of these issues can be discussed without reference to the final status of the territory. A resolution of some governance issues such as the structure of judiciary, the conduct of elections, or the design of education could help build trust between the two parties. I would encourage both parties to implement the Secretary General's recommendations as a means of making progress.

I would also encourage Morocco and the Polisario to collaborate with the United Nations High Commissioner for Refugees in the implementation of confidence building measures as progress on these issues could also help to improve the atmosphere for the political process. I welcome the parties' readiness to support the extension of the confidence-building measures programme by allowing people to travel overland for family visits and would encourage them to explore the possibility of enlarging the family flights visit programme further.

Ireland will continue its dialogue with both Morocco and the Polisario, through their representatives based here in Ireland, to encourage support for the UN Secretary General's good offices mission and the efforts of Personal Envoy Ross to achieve some measure of political progress and increased confidence between both sides.

108. **Deputy Stephen Donnelly** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to allegations that an Irish oil exploration company (details supplied) is working in Western Saharan territory; if his attention has been drawn to the fact that, according to an opinion by United Nations legal counsel, mineral resource activities conducted in Western Sahara under Moroccan auspices, without regard for the needs and interests of the persons of Western Sahara, would be illegal; if he proposes to take any course of action on this issue; and if he will make a statement on the matter. [35591/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The Government supports the right to self-determination of the people of the Western Sahara. Ireland has not taken a position on the future status of the territory, so long as that status is decided in a genuine exercise of self-determination. At present, the Western Sahara is a non-self governing

territory. Under international law, the economic resources of a non-self governing territory may only be exploited for the benefit of the people of the territory, on their behalf or in consultation with their representatives.

The Government would expect that any Irish company operating abroad would have due regard to the principles of international law and the rights of the inhabitants of the territory. I am aware that an Irish registered company is engaged in exploration activities in Morocco and Western Sahara. These projects have not yet advanced to exploitation stage. I would expect any Irish company operating in the Western Sahara to ensure that any economic benefit derived from its activities benefited all the people concerned and should be in full accordance with the principles of international law.

Security of Aid Workers

109. **Deputy Stephen Donnelly** asked the Tánaiste and Minister for Foreign Affairs and Trade if his attention has been drawn to the kidnapping of one Italian and two Spanish aid workers from the Saharawi refugee camps in Algeria on 23 October; if he has considered if Irish officials could offer any support to Spanish officials working on this case, in particular in view of the experience of officials dealing with the kidnapping of an Irish citizen in Sudan in 2009; and if he will make a statement on the matter. [35592/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I am aware of the kidnapping of three European aid workers from the Saharawi refugee camps in Algeria in October and hope that they will be re-united with their families very shortly. It is a traumatic and worrying time for their families, as we know from our experience of the kidnapping of aid workers with Irish NGOs, and my thoughts are with their families at this distressing time.

It is a perturbing and unfortunate reality that aid workers who devote their careers to trying to make a difference in the developing world are often targets for these types of attacks. Like many countries, Spain and Italy have direct experience of these types of incidents. The Spanish authorities successfully negotiated the release of three Spanish citizens held captive in Mauritania for nine months in 2010 and have themselves significant expertise in dealing with these types of hostage situations.

My Department has not received any request for assistance from the Spanish or Italian authorities. Both Spain and Italy have strong ties with North Africa, given their close geographic proximity. I believe Spanish and Italian officials are well equipped with the skills needed to secure the release of the aid workers and know that they are doing everything possible to guarantee the safety of their citizens.

Passport Applications

110. **Deputy Brendan Griffin** asked the Tánaiste and Minister for Foreign Affairs and Trade the position regarding a passport in respect of a person (details supplied) in County Meath; and if he will make a statement on the matter. [36111/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): For data protection reasons, I am not in a position to advise on the receipt or otherwise of passport information from a third party. However, it should be noted that the Passports Act, 2008 requires that before issuing a passport to a person, the Minister for Foreign Affairs shall be satisfied as to the identity of each applicant and that the person is an Irish citizen. Documentary proof in respect of identity and entitlement to citizenship are required for all passport applications. These requirements are outlined in the passport application form notes that accompany each application form. Details are also available on the Department's website www.passport.ie.

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Moreover, there are several citizenship categories in which a person, born outside Ireland, may be able to demonstrate her/his Irish citizenship. These are as follows:

Born abroad to a parent: If a person has a parent who was born in Ireland, s/he can demonstrate her/his citizenship by submitting her/his long-form birth certificate, her/his parent's long-form Irish birth certificate and if applicable in terms of any name change, the applicant's and her/his parents' marriage certificates. These documents should be submitted with a fully completed and properly witnessed passport application form

Foreign Birth Registration: If a person has no Irish-born parents, s/he can still qualify for Irish citizenship through an Irish-born grandparent. This citizenship process is known as Foreign Birth Registration (FBR) and is administered by the Consular Section in my Department. FBR certificates are issued to those applicants who can successfully establish their family link to Irish-born grandparents. This certificate must be submitted with a passport application form to demonstrate the person's Irish citizenship. More information about this category of citizenship is available on the Department's website.

Naturalisation: It may be the case that a person has no Irish-born parents or grandparents. In this situation and on the basis of residence in the State, that person may be able to become a naturalised Irish citizen. To do this, s/he will have to apply to the Department of Justice and Equality, which is responsible for citizenship matters, and obtain a certificate of naturalisation. This certificate would have to be submitted with any future passport application as evidence of her/his Irish citizenship. More information about naturalisation is available on www.inis.gov.ie.

Departmental Staff

111. **Deputy Seán Kenny** asked the Tánaiste and Minister for Foreign Affairs and Trade the number of persons currently working in each of the passport offices by grade; and if he will make a statement on the matter. [36191/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): The table contains details of the number of full-time-equivalent staff by grade assigned to the Passport Offices in Balbriggan, Cork and Molesworth Street.

Grade	Balbriggan	Cork	Molesworth Street	Total
Principal Officer	0	0	1	1
Assistant Principal Officer	1	1	0	2
Higher Executive Officer	5	1	4.6	10.6
Executive Officer	14.8	4.8	10.3	29.9
Staff Officer	3.6	7	8.9	19.5
Clerical Officer	100	65.1	75.5	240.6
Services Officer	3	0	3	6
Cleaner	0	0	4	4
Total	127.4	78.9	107.3	313.6

Consultancy Contracts

112. **Deputy Richard Boyd Barrett** asked the Tánaiste and Minister for Foreign Affairs and

Trade the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36227/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department has some contracts in place for services such as IT, cleaning and security. However it does not employ agency staff in Ireland. In addition, from time to time, a small number of our Missions abroad engage agency staff for administrative roles. There are no state boards or state agencies operating under the aegis of my Department.

Human Rights Issues

113. **Deputy Michael Creed** asked the Tánaiste and Minister for Foreign Affairs and Trade the representations which he has made to the Iraqi authorities regarding Camp Ashraf; if he has been in contact with the EU High Representative, Baroness Ashton, on this matter; and if he will make a statement on the matter. [36353/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I have made clear in answer to previous questions my deep concern about the residents of Camp Ashraf residents in Iraq, 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. Ireland and its EU partners are determined to seek a long-term and peaceful solution to the predicament of the residents of Camp Ashraf. The situation was discussed with High Representative Ashton at the Foreign Affairs Council last May. I welcome the fact that the High Representative 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 welcome the offer of UN envoy Martin Kobler to mediate between the government of Iraq and Camp Ashraf residents, and 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.

Appointments to State Boards

114. **Deputy Gerry Adams** asked the Tánaiste and Minister for Foreign Affairs and Trade if former holders of the Office of Attorney General have been appointed to State boards by the current or former Governments; the details of such appointments to include position taken,

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name of organisation, salary or income derived or expenses claimed per annum, any 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. [36955/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): There are no state boards operating under the aegis of my Department.

Interest Rates

115. **Deputy Peadar Tóibín** asked the Minister for Finance the efforts he has made to ensure that reductions in the ECB interest rate are passed on to the end user in the business community. [36215/11]

Minister for Finance (Deputy Michael Noonan): As I said in a reply to a question from Deputy Troy on 16 November last, the decisions financial institutions operating in Ireland make on the interest rates they charge to customers are commercial decisions for the institutions concerned. Interest rates are determined by a broad range of factors including ECB base rates, deposit rates, market funding costs, the competitive environment, and an institution's overall funding. I have no statutory function in relation to business interest rate decisions made by individual lending institutions at any particular time.

The Financial Regulator and Deputy Governor of the Central Bank stated in his response of 11 November 2011 to the Taoiseach on the issue of passing on mortgage interest rate adjustments following ECB actions, that the power to exercise close regulatory control over retail interest rates is not sought by the Central Bank. Similar principles apply in relation to business interest rates. The Deputy Governor has indicated that the Central Bank will, within its existing powers and through suasion, engage with specific lenders which appear to have standard mortgage variable rates set disproportionate to their cost of funds.

He has indicated that experience of such controls in the past and in other countries does not encourage the Central Bank to believe that such a regime would be advantageous in net terms as the banking system recovers its normal functioning. Binding controls tend to reduce availability of credit and channel it to the most creditworthy customers, starving smaller and less secure customers from credit. The Regulator indicates that this could have a chilling effect on the entry of sound competitors into the market. By absolving banks from their responsibility to price risk accurately, binding interest rate controls would, especially during this recovery phase, impede progress towards the re-establishment of bank management practices that can ensure a healthy and free-standing banking system no longer dependent on the Government for bail-outs.

In conclusion, 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.

Disabled Drivers

116. **Deputy Charlie McConologue** asked the Minister for Finance his plans, if any, to expand the medical criteria to include blind persons for a primary medical certificate; and if he will make a statement on the matter. [35460/11]

Minister for Finance (Deputy Michael Noonan): The Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme provides relief from VAT and Vehicle Registration Tax (up to

a certain limit), and exemption from motor tax, on the purchase of an adapted car for transport of a person with specific severe and permanent physical disabilities. The disability criteria for these concessions are set out in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994. To get a Primary Medical Certificate, an applicant must be permanently and severely disabled within the terms of these Regulations. Some 13,500 people have benefited under the scheme in 2010 at an overall estimated cost of €55 million. I have no plans to widen the exemption qualification criteria.

Information Technology

117. **Deputy Denis Naughten** asked the Minister for Finance the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35513/11]

Minister for Finance (Deputy Michael Noonan): Nil response. No servers are leased by either the Department of Finance or the NTMA.

118. **Deputy Denis Naughten** asked the Minister for Finance the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35529/11]

Minister for Finance (Deputy Michael Noonan): Sixty seven servers are owned by the Department of Finance¹. The “capacity” of each server ranges from 1Gb to 32Gb RAM; 32Gb to 8Tb Hard Disk Drive; and 1 to 2 CPUs. The Department maintains its own servers and does not currently hold any server maintenance or support contracts with external ICT contractors. The Department has realized significant cost savings in terms of hardware and support by consolidating its server base through the use of virtualisation technology, this consolidation is ongoing. In relation to State Agencies under the aegis of my Department, I am advised that the number of physical computer servers owned by the NTMA is 112. The total capacity is 68,585 Gigabytes (Just under 67 Terabytes). There is no maintenance charge associated with these servers in 2011. The NTMA is migrating individual servers on a phased basis to a virtual server platform with Storage Area

Network (SAN) which is currently under warranty.

Footnotes:

1. IT is now provided on a shared service basis between the Department of Finance and the Department of Public Expenditure & Reform.

Tax Code

119. **Deputy Stephen Donnelly** asked the Minister for Finance if, as part of budget 2012, he will consider reducing the VAT rate applying to artisan makers of musical instruments here from the higher rate of VAT, consistent with other businesses that are highly labour intensive and are VAT rated at 13.5%. [35583/11]

Minister for Finance (Deputy Michael Noonan): The VAT rating of goods and services is subject to the requirements of EU VAT law with which Irish VAT law must comply. Under the VAT Directive Member States may only apply the reduced VAT rate to those goods and services which are listed under Annex III of the VAT Directive. The sale of artisan musical instruments is considered the sale of a good for VAT purposes and not the service that went

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into making the good. Annex III does not provide for a reduced rate of VAT to be applied to musical instruments, which are consequentially subject to the standard VAT rate of 21%.

National Asset Management Agency

120. **Deputy Peter Mathews** asked the Minister for Finance if developers who are paid by the National Asset Management Agency to manage their property assets are treated as employees or contractors; if they have PAYE, PRSI and USC deducted from their earnings if they are treated as employees; if they have withholding tax deducted at source if they are treated as contractors; and if he will make a statement on the matter. [35707/11]

Minister for Finance (Deputy Michael Noonan): NAMA advises me that it does not employ or pay developers, whose loans have transferred to the agency, on a direct employee or on a contract basis. Each developer is responsible for ensuring that they are fully compliant as regards the payment of all taxes, PRSI or USC. NAMA only works with developers where it considers that this will provide the best return to the taxpayer. The agency informs me that the remuneration packages for developers who agree to co-operate with NAMA are authorised by NAMA within the budget for overheads, which is part of its business plan agreements with these debtors. The business plan process is designed to ensure that the return to the taxpayer is maximised.

Interest Rates

121. **Deputy Michael Healy-Rae** asked the Minister for Finance his plans to make the mortgage rates of the various lenders in the financial market come out more to be in line with the ECB rate. [35820/11]

Minister for Finance (Deputy Michael Noonan): Credit institutions are not primarily or always funded from the ECB, but rather from a variety of sources. Neither the Central Bank nor I, as Minister for Finance, have any statutory role in the setting of interest rates charged or paid by financial institutions regulated by the Central Bank.

Based on the advice received from the Central Bank, I have no plans to recommend to Government that legislation be introduced to compel lenders to reduce their standard variable rates. The question of how interest rates paid on deposits should be treated would also have to be considered in the context of such legislation. However, I will keep the matter under review. The Central Bank have also informed me that they will engage with lenders which appear to have standard variable rates set disproportionate to their cost of funds.

Banks Recapitalisation

122. **Deputy Shane Ross** asked the Minister for Finance if the July 2011 stress tests carried out by the Central Bank of Ireland were compromised in the following respects: was the quality assurance and peer review process deficient and did it fall below accepted standards with the consequence that assurance cannot be given that the stress tests have been applied consistently in accordance with the standards advised by the European Banking Authority; and if the formulas applied by the Central Bank to analyse the data from the Irish banks were amended inappropriately outside normal protocols and procedures with the intent of ensuring that one of the Irish banks would meet the test requirements. [35901/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Central Bank of Ireland (CBI), that they assisted the European Banking Authority (EBA) in carrying out a European-wide bank solvency stress test in July 2011. The test was applied to three Irish banks in accord-

ance with a methodology that was pre-agreed with the EBA. As a result of the significant restructuring underway in the Irish banking system at the time, the methodology applied by the EBA to the Irish banks differed in some respects to that prescribed to the other European banks participating in the exercise.

The differences in methodology were introduced to fully account for the Irish banks requirement to deleverage their balance sheets in the coming years and also to consider the detailed loan loss forecasts produced by BlackRock Solutions on behalf of the CBI earlier this year as part of the Irish PCAR stress tests. By taking account of the negative impact of the asset disposals and the losses forecast by BlackRock, the Irish banks were subject to a much tougher stress test than other banks participating in the European stress test.

In order to assure quality in the process and the outputs in the European stress test, the EBA assigned a team of independent peer reviewers to verify that methodologies were applied consistently and correctly. This team, which comprised of senior European stress testing experts, worked with the CBI to validate and verify the submissions made by the Irish banks. This iterative process resulted in many clarifications leading to instructions to each of the Irish banks. Once updated submissions were received from the banks, the CBI checked and subsequently forwarded them on to the EBA for further validation and review. The results/submissions made by the Irish Banks were not amended in any way before being forwarded on to the EBA peer review team.

I am further advised by the CBI, that one of their employees expressed a concern over the way in which the EBA stress testing procedure was applied in Ireland. In response, CBI management commissioned an investigation. This investigation was conducted by the CBI's Internal Audit Department under the CBI's 'speak-up' policy. Based on the report of this investigation, which has been accepted by the employee, CBI Management are satisfied that, while the complaint was made in good faith, there is no reason for concern with the figures provided to the EBA.

Despite the additional conservatism applied to the Irish banks, all three Irish banks passed the European stress test. This is a direct result of applying a much tougher PCAR stress test earlier in 2011, as part of the Irish Financial Measures Programme, and requiring the banks to recapitalise based on the results of that stress test. The PCAR stress test was overseen by a series of independent observers, including the Troika, and was widely regarded by market participants as being credible and a benchmark on information disclosure that other supervisory authorities should follow.

Disabled Drivers

123. **Deputy Tony McLoughlin** asked the Minister for Finance the reason a disabled person (details supplied) was refused vehicle registration tax exemption on the purchase of a car; and if he will make a statement on the matter. [35910/11]

Minister for Finance (Deputy Michael Noonan): The initial application for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994, is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. If the Primary Medical Certificate has been refused in this case, the named person may appeal the refusal to the Disabled Drivers Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dun Laoghaire, Co. Dublin. I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

Tobacco Smuggling

124. **Deputy Robert Dowds** asked the Minister for Finance if he will consider imposing a significant minimum fine of €10,000 for tobacco smuggling on the basis that in the second quarter of 2011, the average fine imposed was only €1,600. [35911/11]

Minister for Finance (Deputy Michael Noonan): The penalties for cigarette smuggling are laid down in section 119, as amended, of the Finance Act 2001. That provision sets out the various actions that constitute offences of evasion or attempted evasion of excise duty, as well as the penalties, by way of a fine or imprisonment, or both, that may be imposed for such offences. Where a conviction occurs following a summary prosecution, the fine that may be imposed is €5,000, and was last increased in 2008. For convictions following prosecution on indictment, the fine is an amount not exceeding €126,970 or, where the value of the excisable products concerned is greater than €250,000, not exceeding three times the value of the products. That fine was increased substantially by the Finance Act 2010. The 2010 Act also brought the penalty that applies where a case is dealt with under section 13 of the Criminal procedure Act 1967 into line with that for summary convictions.

The penalty to be imposed in any particular case is a matter for the Courts. Section 130(2) of the Finance Act 2001 permits a trial judge, in his or her discretion, to mitigate a fine incurred for an offence under excise law, provided that the amount so mitigated is not greater than 50 per cent of the amount of the fine. The need for further changes to the fines provisions will be kept under review, taking account, among other considerations, of experience of the operation of the increased fines provided for in the Finance Act 2010 as cases to which they apply come to Court.

125. **Deputy Robert Dowds** asked the Minister for Finance if Ireland will apply to the European Union Hercules Fund to help fund x-ray screening machines for detecting illegal tobacco imports in view of the fact that currently there are only two here; and if he will make a statement on the matter. [35912/11]

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 use of detection technologies, including x-ray container scanners and other scanning machines, is just one part of a multi-faceted strategy employed by Revenue to tackle the illicit trade in tobacco products. This strategy 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 deployment of detection technologies and optimum deployment of resources at points of importation and inland 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 consistently monitors ongoing developments in available x-ray and other technologies, and the selection and deployment of detection equipment is constantly reviewed. Revenue has made use of the European Union Hercules II Programme in the past to fund detection equipment and will apply for funding, when appropriate, in the future. The actual technology selected and the operational deployment of that technology is a matter for the Revenue Commissioners.

Under the present rules of the EU Hercules II Programme, Ireland would have to fund a minimum of 50% of the capital costs and 100% of the on-going operational costs of a new

container scanner. The capital cost of a new mobile X-ray container scanner is in the region of €3 million with annual running costs of approximately €320,000.

Revenue currently has two mobile X-ray container scanning systems, the second of which was commissioned in January 2010. One scanner is based in Dublin Port and the other at Rosslare Ferry Port. However, both scanners are available for deployment at other ports etc. as required. Revenue deploys the scanners on a risk assessment basis at various locations throughout the country. In addition to the container scanners, Revenue also uses smaller static 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. Revenue also expects to procure a smaller mobile Scan Van in 2012 and has submitted an application for co-funding for this to the European Union Hercules II programme.

Tax Code

126. **Deputy Robert Dowds** asked the Minister for Finance if he will consider not imposing extra tax on cigarettes on the grounds that it may encourage further tobacco smuggling. [35914/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware, taxes are considered in the context of the Budget process. It is the usual practice for the Minister for Finance not to speculate in advance of a Budget on what it will contain; and I do not propose to deviate from that practice.

127. **Deputy Robert Dowds** asked the Minister for Finance if he will consider eliminating the discrepancy that exists between the duty paid on different kinds of tobacco product, in particular cigarettes versus loose tobacco for hand-rolling, by imposing extra tax on products other than cigarettes; and if he will make a statement on the matter. [35915/11]

Minister for Finance (Deputy Michael Noonan): I am informed by the Revenue Commissioners that the Tobacco Products Tax on cigarettes is expressed as a fixed amount per 1,000 cigarettes, together with a percentage of the retail price at which the cigarettes are sold. Tobacco products other than cigarettes, including fine-cut tobacco for the rolling of cigarettes, are taxed by reference to the weight of tobacco. When the tax rates for cigarettes and for other products are compared on the basis of the weight of tobacco, the taxation on cigarettes is higher than on the other products. I am aware of proposals from certain interests that the tax on tobacco products other than cigarettes should be increased relative to the tax on cigarettes. Any question of a change to the established relationship between the tax rates for the various products would fall to be considered in the Budget process.

Ministerial Staff

128. **Deputy Pearse Doherty** asked the Minister for Finance if he will detail the roles and responsibilities of the newly appointed special adviser (details supplied); and if he will make a statement on the matter. [35927/11]

Minister for Finance (Deputy Michael Noonan): The recently appointed Special Advisor to my Department will undertake any duties which may be assigned to him from time to time as appropriate to the position of Special Adviser as set out in Section 11 of the Public Service Management Act 1997. The salary for this individual does not exceed the Government's special advisor pay scale as outlined in the Instructions regarding Ministerial Appointments (April 2011).

Fiscal Statement

129. **Deputy Pearse Doherty** asked the Minister for Finance the impact of half a per cent growth reduction in 2012, 2013, 2014 and 2015 from the growth projections contained in the mid-term financial review and the impact this would have on our deficit to GDP ratio in 2012, 2013, 2014 and 2015; and if he will make a statement on the matter. [35965/11]

Minister for Finance (Deputy Michael Noonan): The Deputy should be aware that Chapter 5 of the Medium-Term Fiscal Statement sets out a range of different scenarios which show the estimated impact on the General Government balance/GDP ratio of both higher and lower nominal rates of economic growth. These are summarised in the table.

General Government Balance (% of GDP)	2012	2013	2014	2015
Base Case	-8.6	-7.5	-5.0	-2.9
Nominal GDP Growth 1% Lower	-9.1	-8.7	-6.7	-5.0
Nominal GDP Growth 2% Lower	-9.7	-9.9	-8.4	-7.3
Nominal GDP Growth 1% Higher	-8.0	-6.4	-3.4	-0.8
Nominal GDP Growth 2% Higher	-7.4	-5.3	-1.8	+1.3

Interest Rates

130. **Deputy Dara Calleary** asked the Minister for Finance if he has consulted the public interest directors in Bank of Ireland regarding the decision of the bank not to pass the ECB rate reductions on to mortgage holders; if so the outcome of those consultations; if not the reason for same; and if he will make a statement on the matter. [35969/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy will be aware, under the terms of the Credit Institutions (Financial Support) Scheme 2008, domestic credit institutions benefiting from the State guarantee were required at the direction of the Minister for Finance to appoint up to two non-executive directors to promote the public interest. The legal position is that any director appointed to the board of the covered institutions, whether under the CIFS scheme or otherwise, is subject to the requirements of company law in the discharge of his or her responsibilities as a company director. As such, the director is legally bound to act in what he or she believes are the interests of the separate legal entity that is the institution itself. These are the director's so-called fiduciary duties.

I understand that in addition to their other experiences, the public interest directors currently on the boards of the covered institutions were nominated by my predecessor on the basis of the Minister's assessment of their civic mindedness and sense of where the public interest lies to inform their view of what was in the institution's interest. I am advised that the Department of Finance held generic briefing sessions on the CIFS scheme in general and on the fiduciary duties of non-executive directors for individuals on the panel from which the covered institutions appointed public interest directors but that there was no job description or scope of work set out for them as this, as I have outlined, was determined under company law. In addition, for this reason public interest directors did not have a formal reporting relationship to the Minister or to the Department of Finance.

In light of the foregoing and the scope for actual and perceived conflicts between the fiduciary duties of the directors of financial institutions under company law and the wider public interest in circumstances that those institutions have received huge financial support from the State, it was essential to bring legal clarity not just to the role of the public interest directors but to that of the entire boards of those institutions. Section 48 of the Credit Institutions

(Stabilisation) Act, therefore, provides that the overriding duty of directors of the covered institutions relates to the public interest as set out in the Act. As Minister for Finance, I am strongly committed to ensuring that the boards of the covered institutions act at all times in a manner fully consistent with key public interest objectives for the banking sector. This will be a major element of my assessment of the board renewal programme.

The primary duty and responsibility of the public interest directors, as well as all the other directors, is to ensure that the institution on whose board they serve is run properly and appropriately. As I have indicated, because it would be inappropriate to do so, they do not report to the Minister for Finance or to the Department of Finance. Their responsibility under company law is to the institution on whose board they serve. I work with these covered institutions through the chairpersons of the boards and that is my point of contact. If I want to see the board or individual directors, I will meet the board in its totality. I will not pick out individual directors and call them in for some kind of reprimand when I do not have a legal leg on which to stand to make any suggestion to them whatsoever.

The Government wants the lending institutions to pass on the interest rate cut for a number of reasons. In particular, the interest rate cut will be of assistance to those mortgage holders who are struggling to pay their mortgages. The Deputy will be aware that representatives of the banks were called in to discuss the situation in regard to passing on the ECB rate reduction to mortgage holders with the Economic Management Council, which comprises of the Taoiseach, Tánaiste, myself as Minister for Finance and Minister for Public Expenditure and Reform. I welcome the decision by the majority of lenders to reduce their standard variable rates following the recent announcement by the ECB. I would encourage all lenders to follow suit. Such a reduction will be of benefit to homeowners struggling with mortgage payments.

Following a request from the Taoiseach, Mr. Elderfield, the Deputy Governor of the Central Bank, forwarded a report regarding mortgage interest rates on 11 November 2011. The Deputy Governor acknowledges that the Government is not unjustified to have concerns for some particular banks regarding the widening of the spreads by which their standard variable rate (SVR) exceed their cost of funds and how they are still so far above the prevailing rates of their industry peers. However, the Deputy Governor states that the power to exercise close regulatory control over retail interest rates is not sought by the Central Bank at this time. He has indicated that the Central Bank will, within its existing powers and through suasion use existing processes to engage with specific lenders which appear to have standard variable rates set disproportionate to their cost of funds.

In his report, the Deputy Governor states that, while the standard variable rates (SVR) of mortgage interest from Irish banks reached historically low levels in early 2009, several forces have contributed to the subsequent increases in such rates. Firstly, the access of the Irish banks to wholesale funding from the market was sharply curtailed, especially from mid-2010 and there was a sharp increase in the interest cost (including the guarantee fee mandated by the EU Commission) of what market funding was secured. Secondly, while the ECB policy rate is only .25% higher now than it was in 2009, the total cost to the banks of some of the sizeable drawings they have made on central bank funding (inclusive of guarantee fee) is much higher than the policy rate. Thirdly, the banks appear to have increased — at different times and to different degrees, the spread by which the SVR exceeds their cost of funds.

The Deputy Governor goes on to say that the third issue is the one on which the current debate is focused. He has indicated in his report that a somewhat wider spread of new loans could be rationalised on the basis of the bank's belated realisation of the credit risk that may be involved in mortgage lending (even though this can be limited by prudent loan underwriting practices, risk reduction mechanisms such as low loan-to-value and loan-to-income ratios.). A

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significant widening of mortgage interest rate spreads has also been happening in other countries. The Deputy Governor comments that it is less clear that retroactively applying a risk-spread to existing loans is fully consistent with fair practice, given that standard variable rates have, in the past, generally moved broadly in line with the cost of funds, and given the current situation where most borrowers have limited alternatives such as refinancing or pre-paying.

In his report, the Deputy Governor states that the Central Bank has two concerns. The SVR contract has operated for decades during which the reasonable assumption has been established that it would generally track the cost of funds to the lender. The exercise of the currently heightened market power by some banks in increasing rates for existing SVR borrowers would be an abuse contrary to public policy. Secondly the Central Bank comments that from the point of view of prudential and consumer legislation, it is possible that the deleterious effect on the mortgage arrears situation arising from large increases in the SVR could result in a net worsening of the banks' prospective profitability, while at the same time adding to the financial difficulty of hard-pressed homeowners.

The Deputy Governor has indicated that experience of interest rate controls in the past and in other countries does not encourage the Central Bank to believe that such a regime would be advantageous in net terms as the banking system recovers its normal functioning. Binding controls tend to reduce availability of credit and channel it to the most creditworthy customers, starving smaller and less secure customers from credit. The Deputy Governor indicates that this could have a chilling effect on the entry of sound competitors into the market. By absolving banks from their responsibility to price risk accurately, binding interest rate controls would, especially during this recovery phase, impede progress towards the re-establishment of bank management practices that can ensure a healthy and free-standing banking system no longer dependent on the Government for bail-outs.

I welcome the report from Mr. Elderfield which will be examined to see what further action, if any, is required. My initial reading of his report is that the Deputy Governor is not seeking emergency legislation. Taking into account the advice of the Central Bank, I do not intend to recommend to Government to introduce emergency legislation as requested by the Deputy. The Deputy Governor has also mentioned that competition policy issues may arise in this area. I will bring a copy of his letter to the attention of my colleague, the Minister for Jobs, Enterprise and Innovation, for any further requirement in this regard.

131. **Deputy Dara Calleary** asked the Minister for Finance if his attention has been drawn to the decision of Bank of Ireland to change its method of calculating interest rates on term lending facilities from the current Euroibor-Euro interbank derived reference rates to a reference rate based on bank cost of funds; if his further attention has been drawn to the fact that this change will result in substantial interest rate increases for small business; if he has consulted the public interest directors regarding same; and if he will make a statement on the matter.
[35970/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy may be aware, this issue was the subject of a topical issues debate in the Dáil put down by his colleague Deputy Niall Collins on 15 November last. As the Deputy is aware, in an effort to recoup some of its higher input funding costs, Bank of Ireland is changing the method of calculating its interest rate on its term lending facilities from the current EURIBOR derived reference rates to a reference rate based on "Bank Cost of Funds".

The decisions financial institutions operating in Ireland make on the interest rates they charge to customers are commercial decisions for the institutions concerned. Interest rates are

determined by a broad range of factors including ECB base rates, deposit rates, market funding costs, the competitive environment, and an institution's overall funding. As in the case with mortgage interest rates, I have no statutory function in relation to business interest rate decisions made by individual lending institutions at any particular time.

I do appreciate that this increase will be difficult for some business customers to absorb. As I understand it, the Bank has written to its business customers inviting them to contact their respective Relationship Managers who will assist them in managing the impact of this change and look at potential solutions for their businesses.

On the general issue of interest rates, the Financial Regulator and Deputy Governor of the Central Bank stated in his report of 11 November 2011 to the Taoiseach on the issue of passing on mortgage interest rate adjustments following ECB actions, the power to exercise close regulatory control over retail interest rates is not sought by the Central Bank. Similar principles apply in relation to business interest rates. The Deputy Governor has indicated that the Central Bank will, within its existing powers and through suasion, engage with specific lenders which appear to have standard mortgage variable rates set disproportionate to their cost of funds.

He has indicated that experience of such controls in the past and in other countries does not encourage the Central Bank to believe that such a regime would be advantageous in net terms as the banking system recovers its normal functioning. Binding controls tend to reduce availability of credit and channel it to the most creditworthy customers, starving smaller and less secure customers from credit. The Regulator indicates that this could have a chilling effect on the entry of sound competitors into the market. By absolving banks from their responsibility to price risk accurately, binding interest rate controls would, especially during this recovery phase, impede progress towards the re-establishment of bank management practices that can ensure a healthy and free-standing banking system no longer dependent on the Government for bail-outs.

The public interest directors do not report to me or to the Department of Finance. Their responsibility under company law is to the institution on whose board they serve. I work with these covered institutions through the chairpersons of the boards and that is my point of contact. If I want to see the board or individual directors, I will meet the board in its totality.

Tax Code

132. **Deputy Pearse Doherty** asked the Minister for Finance if he will abolish the dual abode allowance for Ministers; the way the relief is availed of; the allowances that can be availed of; the way it is vouched; and if he will make a statement on the matter. [36073/11]

133. **Deputy Pearse Doherty** asked the Minister for Finance the number of persons who availed of the dual abode allowance for Ministers in each year since it was introduced; the value of the allowance that was availed of each year; the Ministers who availed of same; and if he will make a statement on the matter. [36074/11]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 132 and 133 together.

The dual abode allowance is granted under Rule 3 of Schedule 2 of the Income Tax Act 1967 (now Section 114 of Taxes Consolidated Act 1997) and provides that where, arising out of his or her duties, a Minister (who is a member of Dáil Eireann for a constituency outside of Dublin) maintains a second residence in addition to his or her main residence, then that Minister may, by way of written claim to Revenue, claim a tax deduction in respect of that second residence.

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The relief that can be availed of is as follows:

- Where Ministers own a second property in Dublin, a tax deduction can be claimed in respect of the amount of the annual interest actually paid on any loan taken out to purchase the second residence. In addition, Ministers can claim a deduction for the actual vouched costs expended in maintaining the second residence. Examples of maintenance costs in such circumstances are lighting, heating, repairs and insurance. As an alternative to vouched maintenance expenses, a tax deduction may be claimed on an amount of €6,500 per annum.
- If the second residence is rented accommodation, Ministers can claim for the actual cost of renting the accommodation (i.e. the annual rent). In addition, Ministers can claim a tax deduction for the actual vouched costs expended in maintaining the second residence. Examples of maintenance costs in such circumstances are lighting, heating and insurance of contents. As an alternative to vouched expenses, a tax deduction may be claimed on an amount of €4,500 per annum.
- If Ministers use hotel or guesthouse accommodation as a second residence, they can claim for the actual cost of room rental (i.e. the annual hotel/guest house bill excluding meals, etc). In addition, they can claim for the actual vouched additional costs associated with maintaining a second residence in a hotel. Examples of maintenance costs in such circumstances are laundry, etc. As an alternative to vouched expenses, a tax deduction may be claimed on an amount of €3,500 per annum.

As to the vouching of claims, I am further informed by the Revenue Commissioners that, as with all tax reliefs and credits, from time to time, receipts are requested to substantiate claims. For reasons of confidentiality, the Revenue Commissioners cannot reveal the identities of the claimants or the amounts availed of by the individual claimants. The years for which statistics are available are set out in the tabular statement.

Year	Number of Claimants	Cost
1998/1999	19	€160,570
1999/2000	19	€142,134
2000/2001	10	€79,943
2001	Short tax year no details available	
2002	18	€95,051
2003	19	€109,540
2004	13	€63,448
2005	18	€93,471
2006	18	€107,298
2007	16	€88,335
2008	19	€74,770
2009	14	€74,996.

Figures for 2010 are not yet available as Returns of Income for 2010 are in the process of being submitted and processed. No doubt the Deputy is aware that overnight expenses are not paid to Office holders. Such expenses apply only to Deputies who are not Office holders. It is a longstanding practice of the Minister for Finance not to comment in advance of the Budget on any tax matters that might be the subject of Budget decisions.

Financial Services Regulation

134. **Deputy Terence Flanagan** asked the Minister for Finance his views on the mortgage market and particularly on the IBF PWC Mortgage Profile for Q3 2011 recently published; and if he will make a statement on the matter. [36083/11]

Minister for Finance (Deputy Michael Noonan): I have received the report of the IBF/PwC Market Profile for new lending for the quarter ending 30 September 2011. This report shows that 3,607 new mortgages to the value of 623 million euros were issued during that quarter. This represents an increase of 1.6% in the number of mortgage loans issued in the quarter compared to the previous quarter. It is the first time since the third quarter of 2006 that the number of new mortgages issued has increased in two consecutive quarters. However, this small gain must be considered in the context that the number of mortgage loans issued in the quarter is 50.3% less than in the same quarter in 2010. I welcome the indications that the number of mortgage loans being issued is gradually increasing in 2011. However, it should be borne in mind that it is ultimately a commercial decision for mortgage lenders to determine the number and amount of mortgage loans that they grant.

Departmental Responsibilities

135. **Deputy Pearse Doherty** asked the Minister for Finance if he will provide an organisational chart detailing officials and their responsibilities within his Department. [36092/11]

Minister for Finance (Deputy Michael Noonan): An organisational chart detailing the responsibilities of certain officials in my Department follows.

Department of Finance: Management Chart

22nd November 2011

Minister's Office

Press Office

		Division	Senior Staff
Secretary General	Kevin Cardiff	Senior Economic Advisor Finance & Corporate Directorate	Jim O'Leary Paul Ryan
Second Secretary General	Ann Nolan	Human Resource Manager Financial Services & Taxation Division	Niall Ó Ceallaigh Aidan Carrigan, Derek Moran
Second Secretary General	Mr John Moran	Banking Division Shareholding Management Unit	Neil Ryan Michael Torpey
Second Secretary General	Jim O'Brien	Budget & Economic Division	Michael Mc Grath

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Financial Services & Taxation Division

Second Secretary General — Ann Nolan

Senior Staff	Responsibilities
Aidan Carrigan	Reform of Financial Regulatory Structures, Credit Unions Central Bank Credit Unions Financial Service Consumer Issues, Mortgage Arrears Anti Money Laundering & Fin Sanctions & Asset Freezing, FATF Consumer Credit Directive & Financial Ombudsman & Council, IFSAT EU Financial Services Policy & Legislation, Central Co-Ordination Unit Investment Services & Securities, Funds, UCITS, EU Fin Supervision Insurance, IFS NAMA Bank Legislation Legal Advisor

Financial Services & Taxation Division

Second Secretary General — Ann Nolan (Continued)

Senior Staff Responsibilities

Senior Staff	Responsibilities
Derek Moran	Business tax team — EU & International Business tax team — Tax Incentives Business tax team — IFSC Business tax team — Corporation Taxation Income Tax Policy Income tax Incentives VAT Excise Duty, VRT Energy Tax Policy Capital & saving Tax Finance Bill, Tax Clearance Pension Taxation

Banking Division

Second Secretary General — John Moran

Senior Staff Responsibilities

Senior Staff	Responsibilities
John Hogan	Credit & Lending Policy Mortgage arrears

Senior Staff	Responsibilities
Neil Ryan	Systemwide Funding and Deleveraging, Bank Sector Balance Sheet Management Bank Sector HR & IR Policy D.G. Comp, State Aid Stability Monitoring & Planning, ELG Operation
Michael Torpey	Shareholding Management Unit

Budget and Economic Division

Second Secretary General — Jim O'Brien

Senior Staff Responsibilities

Senior Staff	Responsibilities
Michael Mc Grath	EU Co-ordination/ Ecofin/Eurogroup/EFC/ EWGEU Economic Governance/ EU 2020/EU EPC/ NESC and NSB Liaison/ Budget and Economic Statistics/ Monthly Economic Bulletin Analysis International Economy/OECD Central Budget Office Statistical Issues NTMA Issues/Debt Management/ Funding/EIB Domestic Macroeconomic Analysis & Forecasts Labour Market/Incomes International Institutions —including IMF (SCIMF)/World Bank/ADBEU Budget/Financial Perspective/EBRD/CEBEU/IMF External Programme Compliance Unit EU Advisory Unit
	EU Co-ordination/ Ecofin/Eurogroup/EFC/ EWG EU Economic Governance/ EU 2020/EU EPC/ NESC and NSB Liaison/ Budget and Economic Statistics/ Monthly Economic Bulletin Analysis International Economy/OECD Central Budget Office Statistical Issues NTMA Issues/Debt Management/ Funding/EIB Domestic Macroeconomic Analysis & Forecasts Labour Market/Incomes International Institutions — including IMF (SCIMF)/World Bank/ADB EU Budget/Financial Perspective/EBRD/CEB EU/IMF External Programme Compliance Unit EU Advisory Unit

Finance & Corporate Directorate (Shared Services)

Director: Paul Ryan

Director Responsibilities

Director	Responsibilities
Paul Ryan	PMG Pensions PMG Banking Control Unit Accounts Section Exchequer Section Business Admin Unit Finance Unit ¹

¹Shared Service to Department of Public Expenditure & Reform

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Corporate Services Division

Human Resource Manager: Niall O’Ceallaigh

HR Manager	Responsibilities
Niall O’Ceallaigh	Employee Relations/Performance Workforce Planning/Resourcing

Bank Guarantee Scheme

136. **Deputy Peter Mathews** asked the Minister for Finance, further to Parliamentary Question No. 116 of 15 November 2011, if he will provide details on the consultations between the Central Bank of Ireland and the ECB; if a two thirds majority of the board of the ECB is required to approve exceptional liquidity assistance by the Central Bank here; if a two thirds majority of the board of the ECB is required to veto ELA by the Central Bank of Ireland; and if he will make a statement on the matter. [36093/11]

Minister for Finance (Deputy Michael Noonan): The Central Bank does not comment on its consultations with the ECB. The Central Bank Act 1942 provides the statutory basis for the Bank to provide emergency liquidity assistance. Section 5B(d) provides the Bank with a general power to lend against security to credit institutions, which power may be exercised in pursuit of the Bank’s financial stability objective provided by Section 6A(2)(a) of the 1942 Act. Regarding the functions carried out by a NCB, other than those specified in the Statute, I would draw attention to Article 14.4 of the following:

<http://www.ecb.int/ecb/legal/pdf/en—statute—2.pdf>

137. **Deputy Peter Mathews** asked the Minister for Finance, further to Parliamentary Question No. 117 of 15 November 2011, if there is an agreed repayment schedule for IBRC’s exceptional liquidity assistance liabilities; and if he will make a statement on the matter. [36094/11]

Minister for Finance (Deputy Michael Noonan): Exceptional Liquidity Assistance or ELA helps fund a large portion of IBRC’s balance sheet. IBRC submitted a formal restructuring plan to the European Commission which was approved on the 29th June this year. This plan sets out in detail how the bank will be wound-down over a period of 10 years. Since then the Authorities and the State have identified measures which are expected to further accelerate this wind down profile of IBRC. The plan assumes that IBRC’s funding will decline in line with the bank’s loan book. Further details in relation to the bank’s Restructuring Plan can be found on the European Commission website at:

<http://ec.europa.eu/competition/state—aid/cases/239466/239466—1251121—21—1.pdf>.

Tax Code

138. **Deputy Richard Boyd Barrett** asked the Minister for Finance if the Revenue Commissioners have sought to apply the removal of benefit-in-kind in respect of the provision of crèche facilities for employees’ children announced in budget 2011; if so, which organisations have already removed it; and the number that have yet to do so. [36100/11]

Minister for Finance (Deputy Michael Noonan): The benefit in kind exemption in respect of the provision by employers of crèche facilities was provided for in section 120A of the Taxes Consolidation Act 1997. The removal of this exemption was announced in Budget 2011 and

given effect to by section 7(1)(b) of Finance Act 2011. I am informed by the Revenue Commissioners that a dedicated meeting with representatives of the payroll industry takes place immediately after each Budget. The purpose of this meeting is to ensure that payroll systems are adjusted correctly to ensure compliance with all related measures announced in the Budget in advance of their deployment for the following tax year.

In addition, I am further informed that the ending of this exemption was publicised on the Revenue website immediately after the Budget announcement and at the same time details of this and other Budget changes were made available in leaflet form.

It is the responsibility of employers and their advisers to ensure their payroll systems take account of Budget changes and, in the case of the change in the rules on benefit in kind, there is no obligation on employers to formally report to Revenue that they have complied with the new requirements. Instead, issues of any such non-compliance will be discovered if a Revenue audit is carried out on the employer's business.

Where Revenue becomes aware of an employer who has not implemented the changes, the employer is immediately required to implement them and may become liable to interest and penalties for failure to correctly operate the PAYE system. If the Deputy is aware of such situations, he should advise Revenue.

Bank Guarantee Scheme

139. **Deputy Peter Mathews** asked the Minister for Finance, further to Parliamentary Question No. 117 of 15 November 2011, the frequency with which approval from the ECB for exceptional liquidity assistance must be sought; and if he will make a statement on the matter. [36159/11]

Minister for Finance (Deputy Michael Noonan): The Central Bank does not comment on its discussions with the ECB in relation to these matters.

Banking Sector Regulation

140. **Deputy Seán Kenny** asked the Minister for Finance the names all persons currently on the senior management teams in each of the State controlled banks; and if he will make a statement on the matter. [36193/11]

Minister for Finance (Deputy Michael Noonan): Information regarding the composition of the management teams of the relevant credit institutions is available on the respective company's websites through annual reports and updated press releases. However, for completeness, the current status of the management teams of each institution is presented below.

The Executive Committee of AIB is currently comprised of the following individuals: David Hodgkinson, Executive Chairman; Stephen Bell, Acting CRO; Bernard Byrne, Director of Personal & Business Banking; John Conway, Human Relations Director; Keith Davies, Group Services & Transformation Director; Marcel McCann, Operations & Technology Director; Jerry McCrohan, Director of Corporate & Institutional and Commercial Banking; Gerry McGinn, Managing Director, First Trust Bank; Fergus Murphy, Managing Director, EBS; Ronan O'Neill, Managing Director, AIB UK; Peter Spratt, Head of Non Core Unit; Paul Stanley, Acting CFO.

The Executive Committee of BoI is comprised of the following individuals: Richie Boucher, Group Chief Executive; Julie Sharp, Head of Group HR; Des Crowley, Chief Executive Officer — Retail (Ireland & UK); Denis Donovan, Head of Non-Core Division; Liam McLoughlin,

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Head of Group Manufacturing; Vincent Mulvey, Chief Credit & Market Risk Officer; Peter Morris, Chief Governance Risk Officer; John O'Donovan, Group Chief Financial Officer.

The current members of the senior management team of IBRC are: Mike Aynsley, Group Chief Executive Officer; Jim Bradley, Chief Financial Officer; Gary Marshall, Chief Operating Officer; Peter Rossiter, Chief Risk Officer; Lizanne White, Chief Legal Officer; Tom Hunersen, Group Executive — Corporate & Institutional Recovery; Richard Woodhouse, Specialised Asset Management; Mark Layther, Recovery Management Ireland; Jim Brydie, Recovery Management UK; John McLoughlin, Group Executive — Investment & Loan Servicing

The Executive Committee of the IL&P is comprised of: Kevin Murphy, Group CEO; David McCarthy, Group Finance Director; Gerry Hassett, CEO Irish Life Retail; David Harney, CEO Irish Life Corporate Business; Gerry Keenan, CEO Irish Life Investment Managers; David Guinane, CEO permanent tsb; Tony Hession, Group Head of Human Resources & Organisation Development; Bill Hannan, Group Head of Risk & Compliance; Brendan Healy, Group Chief Information Officer.

Tax Reliefs

141. **Deputy Jonathan O'Brien** asked the Minister for Finance if his attention has been drawn to the fact that his predecessor announced in budget 2010 that he would introduce a scheme to give standard tax relief for a list of approved works for home insulation separate from the home energy savings scheme; the date on which he will introduce this tax relief scheme; and if he will provide details of the way the scheme will operate. [36238/11]

Minister for Finance (Deputy Michael Noonan): Section 13 of Finance Act 2011 provided for income tax relief at the standard rate for expenditure incurred by individuals on a range of works carried out to improve the energy efficiency of residential premises situated in the State. The underpinning legislation for the scheme was subject to Commencement Order. However, that legislation, on review, was found to have flaws and would have required amendment before it could be implemented.

As part of the announcement in the recent Jobs Initiative, the Government undertook to provide further funding for the grants available under the Better Energy Homes scheme operated by the Sustainable Energy Authority of Ireland (SEAI). Because of these circumstances, I decided to review the requirement for a coexisting tax incentive for similar works and, following this review, I have decided not to proceed with the introduction of the tax relief scheme.

Tax Collection

142. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare is due a refund on their disability grant; and if he will make a statement on the matter. [36288/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that a claim under the Value Added Tax (Refund of Tax) (No. 15) Order 1981 was received on 15 November 2011 from the Deputy on behalf of the claimant. This claim was returned on 16 November 2011 with a request for the required supporting documentation. On receipt of this documentation, the claim will be processed without delay.

Bank Guarantee Scheme

143. **Deputy Peter Mathews** asked the Minister for Finance, further to Parliamentary Ques-

tion No. 115 of 15 November 2011, if the Central Bank of Ireland needs approval from the ECB to write-off the ELA to Irish banks; if there would be any consequences to the Irish taxpayers of such a write-off; and if he will make a statement on the matter. [36340/11]

Minister for Finance (Deputy Michael Noonan): The Bank does not comment on ELA operations, other than what is contained in its Monthly Statistics update and its Annual Report. All ELA operations conducted by the Bank are fully collateralised. Appropriate haircuts/discounts are applied with a view to ensuring that the Bank would not suffer any loss in the event of default on the loan assistance. The Bank has received formal comfort from the Minister for Finance such that any shortfall on the liquidation of the collateral is made good.

144. **Deputy Peter Mathews** asked the Minister for Finance, further to Parliamentary Question No. 115 of 15 November 2011, if the letter of formal comfort from the former Minister for Finance has any legal status whatsoever; and if he will make a statement on the matter. [36341/11]

Minister for Finance (Deputy Michael Noonan): The legal basis for the aforementioned guarantees made in favour of the Central Bank of Ireland derive from the Credit Institutions (Financial Support) Act 2008. Specifically the Minister for Finance is empowered under Section 6(1) of the Credit Institutions (Financial Support) Act 2008 to provide financial support in respect of the borrowings, liabilities and obligations of any credit institution that the Minister may specify by order. This includes support by way of a guarantee.

Tax Code

145. **Deputy John Lyons** asked the Minister for Finance his plans to extend the betting levy to remote, on-line and phone betting operators; the way this extended levy will be collected; the amount he believes could be raised annually from such a measure; and if he will make a statement on the matter. [36343/11]

Minister for Finance (Deputy Michael Noonan): The Finance Act 2011 contains legislation that, subject to a Ministerial Commencement Order, provides for the extension of betting duty to remote bookmakers and betting exchanges. The tax changes provided for in the Finance Act can only be implemented once the Betting (Amendment) Bill, which will provide for a regulatory and licensing regime, is enacted. The Betting (Amendment) Bill 2011 is currently at an advanced stage of drafting. The proposed licensing regime will make it a condition of the license for the operator to collect the betting duty with the licensed operators being liable for payment of the duty.

It is expected that by including this high-growth area of the betting sector, particularly given the increasing prevalence of smart phones, the tax base from betting will be boosted significantly. In a full year it is expected that the tax yield could grow up to €20 million depending on the prevailing market conditions. Just as important is the positive signal this measure will convey to international betting operations that have expressed an interest in or have already invested in Ireland. A location with an appropriate licensing framework coupled with relatively low taxes provides real investment and employment opportunities in this sector.

Appointments to State Boards

146. **Deputy Gerry Adams** asked the Minister for Finance if former holders of the Office of Attorney General have been appointed to State boards by the 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 additional benefits including car provided,

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travel costs per annum, terms of office and so on; and if he will make a statement on the matter. [36954/11]

Minister for Finance (Deputy Michael Noonan): In response to the Deputy's question Mr David Byrne was appointed Chairman of the National Treasury Management Agency Advisory Committee on 1 January 2008 for a period of 5 years. He receives a fee of €50,000 per annum. No other former Attorney General was appointed by me, or to my knowledge by any of my predecessors, to a State Board.

FÁS Training Programmes

147. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills the reason a further 12 weeks must be completed post-Christmas 2011 in respect of a FÁS course already undertaken by a person (details supplied) in County Westmeath in view of the fact that they have completed 272 weeks to date for some of which documentation can be provided by their employer; and if he will make a statement on the matter. [35438/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I understand that in order to qualify as an electrical craftsman, an apprentice must be employed by a FÁS approved employer and complete all seven alternating on-the-job and off-the-job phases of their apprenticeship, which is a minimum of four years (208 weeks) in duration from the date of registration, as well as achieving the qualifying standard throughout their apprenticeship. I am informed by FÁS that an examination of the apprenticeship records of the person in question indicates that he requires another 12 weeks in employment with a FÁS approved employer. If he can secure employment with a FÁS approved employer for the period of 12 weeks he will qualify as a craftsman and he will be awarded his FETAC Craft Certificate, which will validate his competence.

Alternatively, he is eligible to participate on the Competency Determination Mechanism (CDM), which has been introduced by FÁS to enable eligible redundant apprentices to complete their apprenticeships if they are short of the minimum time requirements. Further information on the FÁS CDM initiative can be sourced on the FÁS website www.fas.ie. The person in question is advised to remain in contact with his assigned FÁS Training Adviser, Mr. Charlie Walsh, (0877444537) to discuss the options available to him.

Vocational Education Committees

148. **Deputy Gerry Adams** asked the Minister for Education and Skills if the institutions of the vocational education committee are exempt from freedom of information requests; if so, should a situation arise whereby the vocational education committee is requested to address an issue, and a satisfactory response is not received, without recourse to FOI the alternatives that are in place for those seeking recourse to questions remaining unanswered; and if he will make a statement on the matter. [35756/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Vocational Education Committees (VECs) are not currently covered by the Freedom of Information Act. However, the Programme for Government provide that the Government will legislate to extend its remit to other public bodies. The Department of Public Expenditure and Reform is carrying out preparatory work to implement the above commitment, which includes consideration of the extension of the Freedom of Information Acts to the VECs. As VECs are statutory bodies, any issue arising, such as that referred to by the Deputy, are a matter for the relevant VEC to address.

FÁS Training Programmes

149. **Deputy Sandra McLellan** asked the Minister for Education and Skills if the redundancy apprentice scheme to enable young apprentices to finish their trade and financed through FÁS has been abolished; if the scheme has been replaced with another similar scheme; and if he will make a statement on the matter. [36140/11]

179. **Deputy Sandra McLellan** asked the Minister for Education and Skills if the redundancy apprentice scheme to enable young apprentices to finish their trade and financed through FÁS has been abolished. [36128/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I propose to take Questions Nos. 149 and 179 together.

The Redundant Apprentice Placement Scheme (RAPS) was introduced in February 2011 to provide support to redundant apprentices to complete the minimum duration of on-the-job training with assessments at Phase 3, Phase 5 or Phase 7 of the Standards Based Apprenticeship Programme. This scheme has not been abolished. The budget allocation for the scheme for 2011 has been fully committed and consequently FÁS is not in a position to issue any further contracts at present. I understand however that FÁS is continuing to take applications for the scheme pending the allocation of the 2012 budget.

150. **Deputy Sandra McLellan** asked the Minister for Education and Skills the financial options available to young apprentices to enable them to finish their apprenticeship when they do not meet the criteria for the internship scheme. [36141/11]

180. **Deputy Sandra McLellan** asked the Minister for Education and Skills the financial options available to young apprentices to enable them to finish their apprenticeship when they do not meet the criteria for the internship scheme. [36129/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I propose to take Questions Nos. 150 and 180 together.

I understand from FÁS that redundant apprentices are paid a weekly training allowance when attending the following programmes to progress their apprenticeship training: Redundant Apprentices scheduled to off-the job training at Phase 2, Phase 4 or Phase 6 in a FÁS Training Centre, an Institute of Technology or a College of Further Education; Redundant Apprentices attending the FÁS Competency Determination Mechanism to complete their apprenticeships where they have not completed the minimum of 4 years in employment as an apprentice; Redundant Apprentices attending Phase 7 Equivalent Assessment in a FÁS Training Centre, where the apprentice is unable to source employment to complete Phase 7; Redundant Apprentices attending specific skills trade related training courses in a FÁS Training Centre; Redundant Apprentices attending Refresher Programme for Redundant Referred Apprentices in the Institutes of Technology; Redundant Apprentices attending the Certificate in Transferable Skills in the Institutes of Technology. In addition under a Fee Waiver Scheme, course fees will be waived for redundant apprentices who attend FÁS day and/or evening courses in order to enhance their employable skills.

Schools Building Projects

151. **Deputy Dara Calleary** asked the Minister for Education and Skills the position regarding a school building project (details supplied) in County Mayo; when it will be allowed to proceed to tender. [35450/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The project referred to by the Deputy is currently at an advanced stage of Architectural Planning. The Deputy will note that this project was not included in the 2011 school building work programme announced earlier this year. Although planning permission has already been secured, there are still outstanding elements of the architectural planning process which must be completed before the project would be in a position to be considered for progression to tender and construction. The Board of Management are currently in communication with each member of the Design Team regarding their continued involvement with the project and my Department awaits an update from the Board in this regard.

The further progression of this project through to tender and construction stage will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the Department's capital budget, it is not possible at this time to give a more indicative timeframe for the progression of the project to tender and construction.

Schools Refurbishment

152. **Deputy Pat Breen** asked the Minister for Education and Skills the position regarding an application in respect of a school (details supplied) in County Clare; and if he will make a statement on the matter. [35472/11]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department introduced an energy efficiency scheme in 2009 to improve roof and cavity wall insulation levels in school buildings across the country. The scheme which was implemented with the help of Sustainable Energy Ireland, allowed schools to apply for funding on a once-off basis to upgrade the fabric insulation in attics and the external cavity walls of their buildings. The closing date for receipt of application under this scheme was November 2009.

As the Deputy may be aware I announced on the 10th November 2011 that my Department will be issuing the minor works grant for 2011/12 to primary school shortly and it is open to the school in question to prioritise the use of these funds to address such issues as referred to by the Deputy.

Higher Education Grants

153. **Deputy Michael Lowry** asked the Minister for Education and Skills if he will verify the media reports that emerged over the weekend which stated that the grant scheme for post-graduate students will be scrapped for the coming year; and if he will make a statement on the matter. [35503/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Deputy will appreciate that the preparation of the Estimates for any Budget is carried out on a strictly confidential basis. It would not be appropriate for me to comment on media speculation or on specific issues or proposals, including those relating to student grants, in advance of the Budget announcement.

Information Technology

154. **Deputy Denis Naughten** asked the Minister for Education and Skills the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35511/11]

155. **Deputy Denis Naughten** asked the Minister for Education and Skills the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35527/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to respond to Questions Nos. 154 and 155 together.

My Department does not currently lease any computer servers. In order to reduce ongoing costs my Department is currently undergoing a storage and virtualisation project, which will reduce the number of servers from 125 to around 25. This project is due for completion by the end of 2012. Prior to the commencement of this project the total storage capacity of the servers was 59 terabytes, on the completion of the project the total storage capacity of the servers will be 50 terabytes. Hardware support costs for all servers currently amount to €52,300 approximately per annum.

The information sought in relation to the bodies under the aegis of my Department is not readily available and would involve an inordinate amount of administrative time to compile. However, if the Deputy has any particular agency in mind I would be happy to have my officials obtain the relevant details and communicate them to the Deputy.

Redundancy Payments

156. **Deputy Brendan Smith** asked the Minister for Education and Skills when a payment will issue to a former special needs assistant (details supplied) who is currently unemployed; and if he will make a statement on the matter. [35545/11]

Minister for Education and Skills (Deputy Ruairí Quinn): An application for redundancy from the person referred to by the Deputy was received by my Department on 9th September 2011. Applications are processed in date order of receipt and every effort is being made to process these applications as quickly as possible. Applications received in May/June 2011 are currently being processed.

Extra resources have been assigned to the Redundancy Unit to ensure that Special Needs Assistants that have been made redundant will have their claims for payment processed as quickly as possible. My Department is also now prioritising the processing of redundancy applications from those SNAs who have not obtained alternative employment in a non teaching capacity in primary, secondary or community/comprehensive schools in the current school year.

Special Educational Needs

157. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will support the proposals for developing provision for students of post-primary age with multiple disability and visual impairment at a school (details supplied) in Dublin 9. [35565/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to confirm to the Deputy that a proposal in relation to provision for mobility training at the school referred to by the Deputy has recently been made to my Department. This proposal is currently under active consideration and my Department will reply to the school in relation to this proposal in the near future.

School Accommodation

158. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position

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regarding an application made by a school (details supplied) in County Limerick for funding; and if he will make a statement on the matter. [35587/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The school in question was allocated devolved funding for the provision of a mainstream classroom under my Department's Additional Accommodation Scheme in 2010. The school subsequently requested further funding to have additional works carried out. In light of the competing demands on the available budget; it is not possible to approve additional funding to have the works referred to by the Deputy carried out at this time. The school authorities have been notified accordingly.

Schools Refurbishment

159. **Deputy John McGuinness** asked the Minister for Education and Skills when a decision will be made on an application for emergency works to be undertaken at a school (details supplied) in County Kilkenny; and if he will expedite the matter. [35628/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to inform the Deputy that my Department recently approved emergency funding for repairs to a gas leak at the school in question.

Higher Education Grants

160. **Deputy Timmy Dooley** asked the Minister for Education and Skills the status of an appeal application for a third level maintenance grant in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [35699/11]

Minister for Education and Skills (Deputy Ruairí Quinn): An appeal was received in my Department on 9 November 2011 from the student referred to by the Deputy. The appeal is appropriate to the independent Student Grant Appeals Board and a decision will issue from the Board within the timeframe set out in the Student Support Act 2011, which is 60 days from the making of the appeal.

161. **Deputy Michael McCarthy** asked the Minister for Education and Skills the reason a person (details supplied) in County Cork is being asked to submit documents in respect of a student grant application when they have already submitted same; and if he will make a statement on the matter. [35710/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The processing of student grants is carried out by local grant awarding authorities — VECs and local authorities. In the circumstances, it will be necessary for the student in question to contact her grant awarding authority to ascertain the position regarding her grant application, particularly if she is of the view that she has already supplied the information now being sought by the grant awarding authority.

Skills Development

162. **Deputy Alan Farrell** asked the Minister for Education and Skills the supports available to ensure that graduates of non-performing industries have the option of returning to education for further graduate or undergraduate studies; and if he will make a statement on the matter. [35721/11]

Minister for Education and Skills (Deputy Ruairí Quinn): It is open to any individual to apply for a place on an undergraduate or postgraduate higher education programme in the publicly funded higher education sector and, depending on their previous level of educational

attainment and personal circumstances they may be eligible for support under the Free Fees Scheme or the Student Grant Scheme. In general, students who previously pursued a course of study are not eligible for free fees support or grant assistance for a second period of study at the same level. Such students may, however, be eligible for tax relief for their tuition fees, as are students who undertake courses of study on a part time basis. Full details of all supports available to students who wish to return to education are available at www.studentfinance.ie. Information on available tax reliefs for tuition fees can be accessed on www.revenue.ie.

Under the Springboard initiative, 5,800 free part-time higher education places have also been offered to unemployed people to re-skill in areas where there are identified skills needs. Programmes range from level 6 to Masters level and are targeted at participants who have lost their jobs in sectors where employment levels are not likely to recover, even as the economy recovers. Further information is available on www.bluebrick.ie. The HEA has also just issued a tender for the provision of new graduate skills conversion programmes to be delivered in 2012 to address the specific needs of the ICT sector.

FÁS Training Programmes

163. **Deputy Tony McLoughlin** asked the Minister for Education and Skills when the FÁS training centre at Baldoyle, Dublin, will be in a position to organise repeat examinations for phase 2 of the construction plant fitting apprenticeship (details supplied); and if he will make a statement on the matter. [35728/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I understand from FÁS that with the closure of the Cabra Training Centre in December 2010, the Construction Plant Facility Course was transferred to Baldoyle Training Centre. I also understand there was a delay in calling referred learners for re-sit assessments. This delay is regretted and I understand from FÁS that it occurred for two principal reasons. Firstly, significant building works had to be undertaken to facilitate the course transfer. Secondly, unforeseen technical IT issues relating to the apprenticeship results system needed to be identified and resolved. However, I understand that FÁS Baldoyle is now in the process of calling the referred learners for their re-sit assessments. In addition, to compensate the learners for the delay, FÁS is prepared to provide refresher tuition for the referred learners.

School Closures

164. **Deputy Tom Fleming** asked the Minister for Education and Skills the status of a school (details supplied) in County Kerry; and if he will make a statement on the matter. [35768/11]

190. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills the position regarding a school (details supplied) in County Kerry; and if he will make a statement on the matter. [36270/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 164 and 190 together.

Last week, the Department was advised by the Patron's office that it is the Bishop's intention to close the school in question with immediate effect. The Patron's office has confirmed that this decision is being taken as a result of demographic changes in the area and that demand no longer exists to support the viability of the school. Arrangements are being made for the redeployment of the school principal to a teaching post in a neighbouring school following completion of administrative work associated with the school's closure.

Schools Building Projects

165. **Deputy Tom Fleming** asked the Minister for Education and Skills, further to Parliamentary Question No. 254 of May 2011, when he will address the health and safety issues pertaining to a school (details supplied) in County Kerry in which 120 students have to cross a very busy regional road every 40 minutes to attend class by providing the necessary funding for a new school. [35769/11]

Minister for Education and Skills (Deputy Ruairí Quinn): A major project for the school to which the Deputy refers was included on the work programme for 2011, where an accommodation brief will be formulated and the appointment of a Design Team will commence. The accommodation brief for the project is currently being finalised and the next step, following completion of this process, involves the appointment of a Design Team. My Department has recently been in contact with the school regarding the progression of the project.

166. **Deputy Tom Fleming** asked the Minister for Education and Skills, further to Parliamentary Question No. 60 of 12 May 2011, when he will provide a replacement school (details supplied) in County Kerry. [35771/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Government's Medium Term Infrastructure and Capital Investment Framework, which was published on 10 November 2011, sets out the demographic challenge facing the education system in the coming years. In this context, the school referred to by the Deputy has made a major capital application to my Department for the provision of a replacement school building to meet the demographic needs of the area. This application is being assessed by my Department and the school authorities will be notified of the outcome shortly.

Higher Education Policy

167. **Deputy John Paul Phelan** asked the Minister for Education and Skills if he is planning on establishing a national academy for the enhancement of teaching and learning in third level education; the role this organisation will have; the staff levels required to operate same; the budget that would be allocated to same; and if he will make a statement on the matter. [35808/11]

Minister for Education and Skills (Deputy Ruairí Quinn): As part of the implementation process for the National Strategy for Higher Education, the HEA issued a consultation document to higher education institutions on 4 October in relation to proposals to establish a National Academy for the Enhancement of Teaching and Learning in Higher Education. This document is available on the HEA website, and submissions are being accepted until the 2nd December. I understand that the HEA also intends to hold a consultation event in early 2012.

The consultation document proposes that the National Academy will assume a leading role in implementing the vision for teaching and learning outlined in the National Strategy and will provide a forum for driving innovations in teaching and learning across the sector. However, no decisions have been made in relation to the structure and remit of the Academy, and final proposals will be informed by the current consultation process.

Infrastructure Investment Plan

168. **Deputy Charlie McConalogue** asked the Minister for Education and Skills if he will outline the specific projects that he plans for County Donegal arising from the Infrastructure

and Capital Investment Plan 2012-2016; and if he will make a statement on the matter. [35828/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Government's Medium Term Infrastructure and Capital Investment Framework, which was published on 10 November 2011, sets out the demographic challenge facing the education system in the coming years. Total enrolment in both primary and post-primary schools is expected to grow by almost 70,000 between now and 2018 (over 45,000 at primary level and 25,000 at post primary) and will continue to grow up to at least 2024 at post-primary level. The necessity to ensure sufficient school places arising from increasing demographics and involving both new school buildings and extensions, will continue to be the priority for schools capital expenditure. I have previously committed to publishing details next month of the school building projects to be constructed in 2012. Early in the new year, I will publish a five year plan outlining the projects concerned to be constructed in that time.

In relation to the Higher Education sector, I can confirm that my Department will be funding a science facilities extension project at Letterkenny Institute of Technology. This project consists of the construction of new science laboratories within a new third storey extension to the existing Science Building at an overall cost of €3.86m. Construction work began on this project earlier this year and it is targeted for completion in mid-2012.

School Staffing

169. **Deputy Gerald Nash** asked the Minister for Education and Skills if he will provide a breakdown of absentee rates for primary and secondary school teachers for the past ten years; and, if known, the amount of that absenteeism caused by stress related illness. [35877/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The information that is available in my Department relating to the issues raised by the Deputy is being compiled and will be forwarded to him.

Special Educational Needs

170. **Deputy Michael Creed** asked the Minister for Education and Skills if he will outline the monitoring he conducts on the effective use of resource hours for individual students; if he is satisfied with the structures in place in his Department and at individual school level to ensure maximum return for these hours, and compliance with the psychological report on individual students' needs; and if he will make a statement on the matter. [35905/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Approximately 9,950 whole time equivalent learning support/resource teacher posts, including those allocated under the General Allocation model, are being provided this year in primary and post-primary schools in order to provide additional teaching support to pupils with special educational needs or learning support requirements. This represents a significant investment in resource teaching supports and an increase of approximately 350 whole time equivalent posts over last year's allocation.

My Department's circular SP ED 02/05 provides guidance to schools on the deployment and organisation of teaching resources allocated to them either under the General Allocation Model or in relation to individual resource allocations for pupils with low incidence disabilities.

Once resource teaching allocations have been made to them, schools have responsibility to monitor and utilise these resources to best support the needs of individual qualifying pupils, in accordance with my Departments guidance. Support for students, including resource teaching support, is one of five areas that inspectors report on in Whole School Evaluations. A schools

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management of its learning supports for students therefore forms part of a Whole School Evaluation.

In relation to psychological reports, the Deputy will be aware that the EPSEN and Disability Acts set out clearly the role and functions of the NCSE and the HSE and their staff in carrying out assessments and with regard to the provision of services for children with special educational needs. Responsibility for deciding on the quantum of educational supports and resources to be allocated to schools, or to individual pupils, rests with the NCSE in accordance with DES policy.

The consideration of professional reports is an integral part of determining the extent of supports to be provided for pupils with special educational needs. However, whereas health reports provide valuable assistance to education providers in identifying a diagnosis or identifying appropriate interventions, health staff are asked not to include references to the specific quantum of educational resources in their reports, but should state the outcome of tests carried out and the range of needs of the child as clearly as possible.

The NCSE circular 03/08 clarifies the respective roles and functions of the NCSE and the HSE and their respective personnel in carrying out assessments and sanctioning resources to support children with special educational needs.

Schools Building Projects

171. **Deputy Michael Creed** asked the Minister for Education and Skills the position regarding an over-run of costs for a school building project (details supplied); if he accepts the detailed engineering evidence submitted; and if he will make a statement on the matter. [35908/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The school referred to by the Deputy was allocated devolved funding for the provision of a mainstream classroom and a resource room under my Department's Additional Accommodation Scheme in 2010. The school authorities recently sought additional funding towards this building project. My Department's Planning and Building Unit is currently examining the application and has written to the school authorities seeking additional information relating to the request. As soon as the information is received a final decision will be communicated to the school authority.

Departmental Schemes

172. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Education and Skills if he will expand the eligibility criteria for the Springboard initiative to include persons in receipt of the back to work enterprise allowance. [35932/11]

Minister for Education and Skills (Deputy Ruairí Quinn): To be eligible for a place on a Springboard course an applicant must have a previous history of employment, and at the time of starting a Springboard course must be unemployed and in receipt of Jobseeker's Allowance, Jobseeker's Benefit or One Parent Family Payment or be signing for contribution credits. As all applicants must be available for and actively seeking employment, the Back to Work Enterprise Allowance is not one of the eligible payments.

The Higher Education Authority (HEA), which is managing Springboard on behalf of my Department, has commenced an evaluation of all aspects of the roll-out of Springboard in 2011. The outcome of this evaluation will inform decisions in relation to the further development of the Springboard initiative in the future.

Redundancy Payments

173. **Deputy Michael Lowry** asked the Minister for Education and Skills the reason a redundancy payment was not paid in respect of an employee (details supplied) of his Department; if said employee can now apply for redundancy; if they are entitled to redundancy in view of the extraordinary circumstances in this individual case; and if he will make a statement on the matter. [35986/11]

Minister for Education and Skills (Deputy Ruairí Quinn): An application for compensation for loss of hours (partial redundancy) was received on 28th June 2011 by my Department from the person referred to by the Deputy. Under the terms of my Department's circular on redundancy arrangements for Special Needs Assistants, this person is not entitled to a partial redundancy payment as the time limit for submitting an application (52 weeks after the date on which the hours were lost) had expired. My Department has been in touch with the person referred to by the Deputy on a number of occasions informing her of the position.

My Department's circular on redundancy arrangements for Special Needs Assistants (circular 0058/2006) was posted to all schools in 2006 for the attention of Boards of Management, Principal Teachers and Special Needs Assistants. This circular was also placed on the Department's website at that time. These arrangements, including the time limit for submitting an application, were agreed at national level and were agreed at the Labour Relations Commission.

Persons making enquiries regarding redundancy are referred by my Department's officials to the relevant circular and application forms on my Department's website. As the SNA's employer, the Board of Management is responsible for following correct procedure in recruitment and any other matters regarding that person's contract.

School Transport

174. **Deputy Peadar Tóibín** asked the Minister for Education and Skills, following the transfer of the role of transport liaison officer from the vocational education committees to Bus Éireann, if he will confirm which body is now responsible for setting the annual fare for the school transport system. [36084/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Decisions on school transport charges are made by my Department in consultation with the Department of Finance as part of the annual budgetary process. The cessation of the role of the Transport Liaison Officer will have no impact on the matter.

175. **Deputy Peadar Tóibín** asked the Minister for Education and Skills the number of students negatively affected by changes to the rules for transport catchment areas. [36085/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): From the commencement of the 2012/13 school year, the use of the Catchment Boundary Area (CB) System as a means of determining eligibility will cease for all pupils newly entering post primary school. This means that from the 2012/13 school year, school transport eligibility for all pupils newly entering a post primary school will be determined by reference to the distance they reside from their nearest post-primary education centre having regard to ethos and language.

This change was announced as part of Budget 2011 but is not being introduced until the 2012/13 school year in order to allow parents of children newly entering post primary school ample time to consider their school choice options, taking account of the revised school transport eligibility arrangements. At post-primary level, the evidence is, as set out in the Value for

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Money Review of the School Transport Schemes, that the majority of children are attending their nearest post primary school/centre.

Schools Refurbishment

176. **Deputy Timmy Dooley** asked the Minister for Education and Skills the position regarding an application for emergency works at a school (details supplied) in County Clare; and if he will make a statement on the matter. [36086/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I assume the Deputy is referring to the application by the school in question for funding to provide roof insulation. My Department introduced an energy efficiency scheme in 2009 to improve roof and cavity wall insulation levels in school buildings across the country. The scheme which was implemented with the help of Sustainable Energy Ireland, allowed schools to apply for funding on a once-off basis to upgrade the fabric insulation in attics and the external cavity walls of their buildings. The closing date for receipt of application under this scheme was November 2009.

I announced on 10 November 2011 that my Department will be issuing the minor works grant for 2011/12 to primary schools shortly and it is open to the school in question to prioritise the use of these funds to address such issues as referred to by the Deputy.

Disadvantaged Status

177. **Deputy Michelle Mulherin** asked the Minister for Education and Skills the reason the pupils of a school (details supplied) in County Mayo are being discriminated against due to the fact that he has not granted their school DEIS status despite its location in one of the areas of highest educational disadvantage in the country and despite the fact that all other schools in Erris have been so designated. [36105/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The process of identifying schools for participation in DEIS was managed by the Educational Research Centre (ERC) on behalf of my Department and supported by quality assurance work co-ordinated through the Department's regional offices and the Inspectorate.

In the primary sector, the identification process was based on a survey carried out by the ERC in May 2005. The analysis of the survey returns from primary schools by the ERC identified the socio-economic variables that collectively best predict achievement, and these variables were then used to identify schools for participation in DEIS. Notwithstanding repeated communications to the school on the matter a completed survey form was not received from Inver National School and therefore it could not be assessed for participation in DEIS.

An ongoing evaluation of DEIS has been underway since the roll-out of supports commenced in 2006. My Department commissioned the Educational Research Centre to undertake this evaluation, the aim of which is to monitor the implementation of the programme and assess its impact on students and schools at primary and post primary levels. An evaluation report, the second in a series of reports, is currently being finalised.

In addition, the Inspectorate of my Department conducted evaluations of planning in a sample of 36 DEIS schools, 18 primary and 18 post-primary. A national composite report on the effectiveness of DEIS planning in primary and post primary schools has been completed and is expected to be available shortly. The Department will fully consider these evaluation reports before any decisions can be made regarding the future of DEIS.

The Deputy will be aware that a Comprehensive Expenditure Review is ongoing in all government Departments at the request of the Minister of Public Service Expenditure and Reform. Furthermore the current economic climate and the challenge to meet significant targets on reducing public expenditure limits opportunities and means that there is no capacity to provide for additionality to the DEIS programme.

School Transport

178. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will extend the existing primary school bus service to persons (details supplied). [36125/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of the Primary School Transport scheme pupils are eligible for school transport if they reside 3.2 kilometres or more from and are attending their nearest national school, having regard to ethos and language.

Bus Éireann, which operates the School Transport Schemes on behalf of my Department, has advised that not all the pupils referred to by the Deputy in the details supplied are eligible for school transport under the terms of the scheme. Furthermore, Bus Éireann has advised that an extension to the existing service is not feasible as the road in question is unsuitable for the vehicle operating the service to this school. I understand that the families of eligible pupils, for whom there is no school transport service available, have been offered a remote area grant towards the cost of making private transport arrangements.

Question No. 179 answered with Question No. 149.

Question No. 180 answered with Question No. 150.

FÁS Training Programmes

181. **Deputy Sandra McLellan** asked the Minister for Education and Skills the financial help currently available to a young person (details supplied) with family commitments to enable them to take up a position offered to them to finish their apprenticeship. [36130/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I understand from FÁS that the person in question is recorded on the FÁS Apprenticeship Database as a non-active apprenticeship. However, I understand that he has successfully completed Phase 2 off-the-job training and successfully completed Phase 4 off-the-job training on 11th June 2011, when he was redundant. The person should contact his Senior Training Adviser to progress his apprenticeship as I am informed that FÁS has not been able to contact him or his previous employer.

I understand that redundant apprentices are paid a FÁS weekly training allowance when attending the following programmes to progress their apprenticeship training:

- Redundant Apprentices scheduled for off-the job training at Phase 2, Phase 4 or Phase 6 in a FÁS Training Centre, an Institute of Technology or a College of Further Education.
- Redundant Apprentices attending specific skills/trade-related training courses in a FÁS Training Centre.
- Fee Waiver Scheme course fees will be waived for redundant apprentices who attend FÁS day and/or evening courses in order to enhance their employable skills.

Pension Provisions

182. **Deputy Catherine Byrne** asked the Minister for Education and Skills if he will clarify the pension entitlements of a person (details supplied); and if he will make a statement on the matter. [36149/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 2057Details of the pension entitlements of the person in question are being sent directly to her by the Pension Section of my Department.

Residential Institutions Redress Scheme

183. **Deputy Terence Flanagan** asked the Minister for Education and Skills if he will deal with a matter (details supplied) regarding the statutory trust fund; and if he will make a statement on the matter. [36158/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 1The details provided by the Deputy relate to the proposed Residential Institutions Statutory Fund. The Government agreed to the drafting of the Residential Institutions Statutory Fund Bill to provide for the establishment of a Statutory Fund to support the needs of victims of residential institutional abuse, as endorsed by Dáil Éireann in the aftermath of the publication of the Ryan Report in 2009. The legislative proposals followed extensive consultations with survivors of residential abuse and the groups which support them, together with a public consultation process. In this context, the report on the consultation process and the General Scheme of the Residential Institutions Statutory Fund Bill are available on my Department's website.

It is the case that some former residents advocated a simple distribution of the available money rather than the establishment of the Statutory Fund. However, as I outlined when I published the legislative proposals, I believe that the Fund should target resources at services to support former residents' needs. The General Scheme outlines the range of services proposed.

I had a very constructive meeting with groups representing survivors of residential institutional abuse on 22nd July last, when we discussed the Government's approach to the proposed Statutory Fund. Attendees at that meeting raised a number of issues regarding aspects of the proposed approach as set out in the General Scheme of the Residential Institutions Statutory Fund Bill. I have also received a number of submissions from groups and individuals in relation to the proposed legislation. Work is progressing on the drafting of the Bill and the various views expressed to date are being considered as the drafting process continues.

Higher Education Grants

184. **Deputy Pat Breen** asked the Minister for Education and Skills the reason a person (details supplied) in County Clare has not been facilitated; and if he will make a statement on the matter. [36178/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 1The decision on eligibility for a student grant is a matter for the relevant grant awarding authority. The Deputy will appreciate that in the absence of all of the relevant details that would be contained in an individual's application form it would not be possible for me to say why a particular rate of grant was applied by the grant awarding authority. An applicant may appeal the decision of the grant awarding authority to its appeals officer. Where the appeals officer decides to reject the appeal, the applicant may appeal this decision to my Department or the independent appeals board, as appropriate. No appeal has been received in my Department to date.

Departmental Agencies

185. **Deputy Seán Kenny** asked the Minister for Education and Skills the number of persons employed by the Higher Education Authority by grade; and if he will make a statement on the matter. [36187/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 1 There are 61.9 full time equivalent (FTE) staff currently employed by the HEA. This includes staffing for two research councils — Irish Research Councils for Science, Engineering and Technology and the Irish Research Council for Humanitarian and Social Services. The breakdown of grades is as follows: 1 Chief Executive Officer 6.5 Principal Officers 13.8 Assistant Principal Officers 14.8 Higher Executive Officers 17.4 Executive Officers 6.8 Clerical Officers 1.6 Service Attendants. 5 staff currently on career breaks are not included in the breakdown.

Third Level Courses

186. **Deputy Seán Kenny** asked the Minister for Education and Skills the number of Irish students, UK students, EU students excluding the UK and non-EU students currently enrolled in each of the third level institutions here for the years 2006 to 2010, inclusive, and to-date in 2011; and if he will make a statement on the matter. [36188/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 1 A comprehensive range of statistics in relation to students attending higher education institutions are compiled and published by the Higher Education Authority (HEA) on their website *www.hea.ie*. The enrolment data requested may be viewed in the table which has been provided by the HEA based on the published information.

[Deputy Ruairí Quinn.]

Domiciliary of Origin of All Full Time Students at 1 March 2011

Country of Origin	UCD		UCC		NUIG		TCD		NUIM		DCU		UL		MIC		SPD		MDEI		NCAD		RCSI		St. Angela's		Totals		Grand Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F		
Ireland (including Northern Ireland)	7,912	8,597	6,187	8,231	5,355	6,392	5,087	7,650	3,107	3,847	3,569	3,839	5,356	4,367	702	2,132	443	1,537	142	292	292	611	827	912	15	421	38,994	48,828	87,822	
Great Britain (excluding Northern Ireland)	156	174	12	25	169	224	204	218	2	0	12	10	20	19	2	1	0	0	0	2	0	1	1	15	24	0	0	595	696	1,291
Europe (EU)	281	427	61	84	84	166	202	248	22	24	135	172	54	54	1	3	0	1	0	2	3	2	10	10	0	0	853	1,193	2,046	
Non-EU	861	1,046	515	864	466	877	390	563	68	70	268	206	182	142	2	2	0	0	3	1	3	5	211	183	0	0	2,969	3,959	6,928	
Total	9,210	10,244	6,775	9,204	6,074	7,659	5,883	8,679	3,199	3,941	3,984	4,227	5,612	4,582	707	2,138	443	1,538	147	295	299	619	1,063	1,129	15	421	43,411	54,676	98,087	

Domiciliary of Origin of All Full Time Students at 1 March 2010

Country of Origin	UCD		UCC		NUIG		TCD		NUIM		DCU		UL		MIC		SPD		MDEI		NCAD		RCSI		St. Angela's		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Ireland (including Northern Ireland)	7,779	8,431	6,040	8,199	5,124	6,470	4,894	7,714	2,894	3,592	3,510	3,820	4,947	4,398	646	2,203	405	1,658	119	290	303	617	715	810	16	432	37,392	48,634	86,026
Great Britain (excluding Northern Ireland)	168	193	16	16	154	212	190	227	4	0	12	13	22	21	2	2	0	0	1	1	0	1	19	15	0	0	588	701	1,289
Europe (EU)	289	444	53	86	90	166	178	236	29	22	125	143	59	64	3	2	0	1	0	0	2	3	5	10	0	0	833	1,177	2,010
Non-EU	905	1,149	549	821	455	798	387	564	54	52	310	225	171	139	3	3	0	0	1	1	3	3	268	250	0	0	3,106	4,005	7,111
Total	9,141	10,217	6,658	9,122	5,823	7,646	5,649	8,741	2,981	3,666	3,957	4,201	5,199	4,622	654	2,210	405	1,659	121	292	308	624	1,007	1,085	16	432	41,919	54,517	96,436

[Deputy Ruairí Quinn.]

Domiciliary of Origin of All Full Time Students at 1 March 2009

Country of Origin	UCD		UCC		NUIG		TCD		NUIM		DCU		UL		MIC		SPD		MDEI		NCAD		RCSI		St. Angela's		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Ireland (including Northern Ireland)	7,142	8,098	5,803	7,991	4,563	6,229	4,460	7,408	2,484	3,442	3,112	3,537	4,585	4,285	2,300	1,854	390	1,854	99	260	266	595	245	503	23	471	33,467	46,973	80,440
Great Britain (excluding Northern Ireland)	148	186	19	21	137	187	172	221	6	0	13	17	18	26	0	0	0	0	1	0	0	1	19	13	0	1	533	675	1,208
Europe (EU)	273	397	49	87	92	160	169	221	31	20	156	206	63	87	5	1	0	1	0	3	0	1	10	26	0	0	845	1,214	2,059
Non-EU	831	1,029	573	833	421	760	351	504	62	55	345	232	145	136	3	0	0	0	3	0	0	2	561	671	0	0	3,294	4,225	7,519
Total	8,394	9,710	6,144	8,932	5,213	7,336	5,152	8,354	2,583	3,517	3,626	3,992	4,811	4,554	2,310	1,855	390	1,855	103	263	266	599	855	1,213	23	472	38,139	53,087	91,226

Domiciliary of Origin of All Full Time Students at 1 March 2008

Country of Origin	UCD		UCC		NUIG		TCD		NUIM		DCU		UL		MIC		SPD		MDEI		NCAD		RCSI		St Angela's		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Ireland (including Northern Ireland)	6,899	7,943	5,188	7,874	4,163	5,928	4,227	7,201	2,268	3,183	2,915	3,406	4,263	4,118	549	2,253	346	1,788	81	237	244	569	346	461	16	503	31,505	45,464	76,969
Great Britain (excluding Northern Ireland)	129	172	19	17	146	188	171	226	5	1	16	21	21	20	0	1	0	0	1	0	1	7	34	30	0	3	543	686	1,229
Europe (EU)	235	319	52	78	74	103	147	201	25	32	160	190	51	84	1	4	0	1	0	0	1	7	2	6	0	1	748	1,026	1,774
Non-EU	782	964	550	781	475	773	372	492	47	47	362	210	128	115	2	4	0	0	3	1	1	0	478	473	1	0	3,201	3,860	7,061
Total	8,045	9,398	5,809	8,750	4,858	6,992	4,917	8,120	2,345	3,263	3,453	3,827	4,463	4,337	552	2,262	346	1,789	85	238	247	583	860	970	17	507	35,997	51,036	87,033

[Deputy Ruairí Quinn.]

Domiciliary of Origin of All Full Time Students at 1 March 2007

Country of Origin	UCD		UCC		NUIG		TCD		NUIM		DCU		UL		MIC		SPD		MDEI		NCAD		RCSI		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	Total
Ireland (including Northern Ireland)	6,790	7,901	5,000	7,724	4,211	5,981	4,207	7,108	2,068	3,118	2,773	3,100	313	1,716	4,118	4,108	481	2,201	91	265	269	585	211	364	30,532	44,171	74,703
Great Britain (excluding Northern Ireland)	113	156	18	15	96	132	192	229	3	2	19	25	0	0	17	17	0	1	0	2	0	5	17	6	475	590	1,065
Europe (EU)	208	249	54	69	91	118	155	176	22	25	211	221	0	0	47	58	0	3	0	0	1	12	14	13	803	944	1,747
Non-EU	679	779	511	774	457	667	363	482	53	52	289	246	0	0	121	106	1	6	4	1	1	6	599	551	3,078	3,670	6,748
Total	7,790	9,085	5,583	8,582	4,855	6,898	4,917	7,995	2,146	3,197	3,292	3,592	313	1,716	4,303	4,289	482	2,211	95	268	271	608	841	934	34,888	49,375	84,263

Domiciliary of Origin of All Full Time Students at 1 March 2006

Country of Origin	UCD		UCC		NUIG		TCD		NUIM		DCU		UL		MIC		SPD		MDEI		NCAD		RCSI		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Ireland (including Northern Ireland)	6,609	8,015	4,855	7,599	4,347	6,330	4,121	7,034	2,044	3,138	2,678	2,880	300	1,690	4,143	3,987	442	2,121	85	261	246	578	170	287	30,040	43,920	73,960
Great Britain (excluding Northern Ireland)	109	155	20	21	20	32	217	229	4	2	27	21	0	0	15	21	0	0	0	1	0	5	12	25	424	512	936
Europe (EU)	165	201	46	69	37	48	215	304	18	17	174	186	0	0	40	59	0	3	0	0	4	9	9	10	708	906	1,614
Non-EU	543	625	445	711	328	597	364	455	57	44	238	186	0	0	105	87	1	4	4	3	1	6	628	580	2,714	3,298	6,012
Total	7,426	8,996	5,366	8,400	4,732	7,007	4,917	8,022	2,123	3,201	3,117	3,273	300	1,690	4,303	4,154	443	2,128	89	265	251	598	819	902	33,886	48,636	82,522

The HEA took over responsibility for the collection of data from St Angela's College in 2007. Therefore the first year of data available to the HEA is for the academic year 2007/08.

Domiciliary of Origin of All Full Time Students at 1 March 2011

Country of Origin	AIT		CIT		DIT		DLIADT		DKIT		GMIT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
Ireland (including Northern Ireland)	1,626	1,842	4,319	2,671	6,768	4,725	1,032	1,013	2,254	2,063	3,257	2,170	1,104	811	1,851	1,494	1,940	1,879	1,691	1,114	1,174	1,204	1,260	1,230	2,309	1,799	376	292	3,299	3,117	34,260	27,424	61,684
Great Britain (excluding Northern Ireland)	0	0	2	2	9	6	0	0	2	3	2	0	0	0	0	0	4	1	0	0	1	1	18	18	0	0	0	0	3	1	41	32	73
Europe (EU)	102	53	123	78	18	21	3	5	1	3	8	14	1	2	7	8	13	7	0	2	2	5	7	10	3	5	0	1	9	28	297	242	539
Non-EU	42	30	38	3	125	61	2	2	17	10	47	19	2	1	5	1	4	7	0	2	10	2	11	14	6	3	1	1	80	43	390	199	589
Total	1,770	1,925	4,482	2,754	6,920	4,813	1,037	1,020	2,274	2,079	3,314	2,203	1,107	814	1,863	1,503	1,961	1,894	1,691	1,118	1,187	1,212	1,296	1,272	2,318	1,807	377	294	3,391	3,189	34,988	27,897	62,885

Domicillary of Origin of All Full Time Students at 1 March 2010

Country of Origin	AIT		CIT		DIT		DLIADT		DKIT		GMT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Ireland (including Northern Ireland)	1,433	1,855	4,331	2,736	6,424	4,578	1,016	942	2,047	2,032	3,079	2,060	895	661	1,754	1,348	1,850	1,864	1,469	947	1,096	1,147	1,207	1,196	2,290	1,726	264	215	3,217	3,027	32,372	26,334	58,706
Great Britain (excluding Northern Ireland)	0	0	2	0	15	8	0	0	1	4	0	0	0	0	1	0	4	1	0	0	1	1	38	35	0	1	0	0	0	2	62	52	114
Europe (EU)	16	11	112	78	19	25	3	3	0	1	6	11	0	2	6	2	14	14	0	1	1	3	15	17	3	5	1	0	10	4	206	177	383
Non-EU	33	16	51	3	144	88	4	5	34	29	8	5	1	1	6	3	3	4	1	2	11	20	21	11	6	1	0	75	41	403	226	629	
Total	1,482	1,882	4,496	2,817	6,602	4,699	1,023	950	2,082	2,066	3,093	2,076	896	664	1,767	1,353	1,871	1,883	1,470	950	1,109	1,153	1,280	1,269	2,304	1,738	266	215	3,302	3,074	33,043	26,789	59,832

[Deputy Ruairí Quinn.]

Domicillary of Origin of All Full Time Students at 1 March 2009

Country of Origin	AIT		CIT		DIT		DLI/ADT		DKIT		GMIT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
Ireland (including Northern Ireland)	1,108	1,760	3,866	2,498	5,597	4,406	858	850	1,803	1,845	2,007	690	542	1,638	1,293	1,656	1,720	1,265	784	892	1,083	1,005	1,135	1,557	187	141	2,996	3,141	28,417	24,762	53,179		
Great Britain (excluding Northern Ireland)	0	0	2	1	14	18	0	3	1	2	1	0	0	1	0	1	1	0	0	1	0	0	22	26	0	1	1	0	1	2	46	55	101
Europe (EU)	49	37	35	22	46	51	2	5	2	2	10	4	2	30	27	20	38	0	1	5	4	20	25	4	8	0	1	5	3	232	240	472	
Non-EU	54	22	37	0	179	98	2	4	47	30	3	4	1	6	2	2	0	1	2	11	4	26	27	11	15	2	0	83	39	464	248	712	
Total	1,211	1,819	3,940	2,521	5,836	4,573	862	862	1,853	1,879	2,026	694	545	1,675	1,322	1,679	1,759	1,266	787	909	1,091	1,073	1,213	1,581	190	142	3,085	3,185	29,159	25,305	54,464		

Domicillary of Origin of All Full Time Students at 1 March 2008

Country of Origin	AIT		CIT		DIT		DLIADT		DKIT		GMT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
Ireland (including Northern Ireland)	1,024	1,732	3,637	2,512	5,327	4,283	787	789	1,618	1,707	2,739	2,089	573	456	1,564	1,260	1,528	1,786	1,169	726	809	1,060	859	985	1,869	1,335	157	127	2,731	3,231	26,391	24,078	50,469
Great Britain (excluding Northern Ireland)	0	0	0	1	17	10	0	0	2	2	1	1	0	0	0	0	1	3	0	0	2	0	26	37	0	0	0	0	1	0	50	54	104
Europe (EU)	22	23	49	38	39	31	1	2	0	3	4	6	0	0	8	6	19	15	1	2	4	5	4	13	3	11	2	0	5	3	161	158	319
Non-EU	19	17	13	4	162	92	1	1	66	47	4	3	0	0	3	4	0	2	1	0	6	5	25	24	23	19	0	0	94	45	417	263	680
Total	1,065	1,772	3,699	2,555	5,545	4,416	789	792	1,686	1,759	2,748	2,099	573	456	1,575	1,270	1,548	1,806	1,171	728	821	1,070	914	1,059	1,895	1,365	159	127	2,831	3,279	27,019	24,553	51,572

The HEA took over responsibility for the collection of data from the Institute of Technology sector in 2007. Therefore the first year of data available to the HEA is for the academic year 2007/08.

[Deputy Ruairí Quinn.]

Domicillary of Origin of All Full Time Students at 1 March 2011

Country of Origin	AIT		CIT		DIT		DLI/ADT		DKIT		GMT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
Ireland (including Northern Ireland)	1,626	1,842	4,319	2,671	6,768	4,725	1,032	1,013	2,254	2,063	3,257	2,170	1,104	811	1,851	1,494	1,940	1,879	1,691	1,114	1,174	1,204	1,260	1,230	1,799	376	292	3,299	3,117	34,260	27,424	61,684	
Great Britain (excluding Northern Ireland)	0	0	2	2	9	6	0	0	2	3	2	0	0	0	0	0	4	1	0	0	1	1	18	18	0	0	0	3	1	41	32	73	
Europe (EU)	102	53	123	78	18	21	3	5	1	3	8	14	1	2	7	8	13	7	0	2	2	5	7	10	3	5	0	1	9	28	242	539	
Non-EU	42	30	38	3	125	61	2	2	17	10	47	19	2	1	5	1	4	7	0	2	10	2	11	14	6	3	1	80	43	390	199	589	
Total	1,770	1,925	4,482	2,754	6,920	4,813	1,037	1,020	2,274	2,079	3,314	2,203	1,107	814	1,863	1,503	1,961	1,894	1,691	1,118	1,187	1,212	1,296	1,272	2,318	1,807	377	294	3,391	3,189	34,988	27,897	62,885

Domiciliary of Origin of All Full Time Students at 1 March 2010

Country of Origin	AIT		CIT		DIT		DLIADT		DKIT		GMT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Ireland (including Northern Ireland)	1,433	1,855	4,331	2,736	6,424	4,578	1,016	942	2,047	2,032	3,079	2,060	895	661	1,754	1,348	1,850	1,864	1,469	947	1,096	1,147	1,207	1,196	2,290	1,726	264	215	3,217	3,027	32,372	26,334	58,706
Great Britain (excluding Northern Ireland)	0	0	2	0	15	8	0	0	1	4	0	0	0	0	1	0	4	1	0	0	1	1	38	35	0	1	0	0	0	2	62	52	114
Europe (EU)	16	11	112	78	19	25	3	3	0	1	6	11	0	2	6	2	14	14	0	1	1	3	15	17	3	5	1	0	10	4	206	177	383
Non-EU	33	16	51	3	144	88	4	5	34	29	8	5	1	1	6	3	3	4	1	2	11	2	20	21	11	6	1	0	75	41	403	226	629
Total	1,482	1,882	4,496	2,817	6,602	4,699	1,023	950	2,082	2,066	3,093	2,076	896	664	1,767	1,353	1,871	1,883	1,470	950	1,109	1,153	1,280	1,269	2,304	1,738	266	215	3,302	3,074	33,043	26,789	59,832

[Deputy Ruairí Quinn.]

Domiciliary of Origin of All Full Time Students at 1 March 2009

Country of Origin	AIT		CIT		DIT		DLI/ADT		DKIT		GMIT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
Ireland (including Northern Ireland)	1,108	1,760	3,866	2,498	5,597	4,406	858	850	1,803	1,845	2,007	690	542	1,638	1,293	1,656	1,720	1,265	784	892	1,083	1,005	1,135	1,557	187	141	2,996	3,141	28,417	24,762	53,179		
Great Britain (excluding Northern Ireland)	0	0	2	1	14	18	0	3	1	2	1	0	0	1	0	1	1	0	0	1	0	0	22	26	0	1	0	1	2	46	55	101	
Europe (EU)	49	37	35	22	46	51	2	5	2	2	10	4	2	30	27	20	38	0	1	5	4	20	25	4	8	0	1	5	3	232	240	472	
Non-EU	54	22	37	0	179	98	2	4	47	30	3	4	1	6	2	2	0	1	2	11	4	26	27	11	15	2	0	83	39	464	248	712	
Total	1,211	1,819	3,940	2,521	5,836	4,573	862	862	1,853	1,879	2,026	694	545	1,675	1,322	1,679	1,759	1,266	787	909	1,091	1,073	1,213	1,581	190	142	3,085	3,185	29,159	25,305	54,464		

Domiciliary of Origin of All Full Time Students at 1 March 2008

Country of Origin	AIT		CIT		DIT		DLIADT		DKIT		GMT		ITB		ITC		ITS		ITT		ITTRA		LYIT		LIT		TI		WIT		Totals		Grand Total
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
Ireland (including Northern Ireland)	1,024	1,732	3,637	2,512	5,327	4,283	787	789	1,618	1,707	2,739	2,089	573	456	1,564	1,260	1,528	1,786	1,169	726	809	1,060	859	985	1,869	1,335	157	127	2,731	3,231	26,391	24,078	50,469
Great Britain (excluding Northern Ireland)	0	0	0	1	17	10	0	0	2	2	1	1	0	0	0	0	1	3	0	0	2	0	26	37	0	0	0	0	1	0	50	54	104
Europe (EU)	22	23	49	38	39	31	1	2	0	3	4	6	0	0	8	6	19	15	1	2	4	5	4	13	3	11	2	0	5	3	161	158	319
Non-EU	19	17	13	4	162	92	1	1	66	47	4	3	0	0	3	4	0	2	1	0	6	5	25	24	23	19	0	0	94	45	417	263	680
Total	1,065	1,772	3,699	2,555	5,545	4,416	789	792	1,686	1,759	2,748	2,099	573	456	1,575	1,270	1,548	1,806	1,171	728	821	1,070	914	1,059	1,895	1,365	159	127	2,831	3,279	27,019	24,553	51,572

The HEA took over responsibility for the collection of data from the Institute of Technology sector in 2007. Therefore the first year of data available to the HEA is for the academic year 2007/08.

Third Level Fees

187. **Deputy Seán Kenny** asked the Minister for Education and Skills the amount of tuition fees received by each third level institution here for the years 2006 to 2010, inclusive, and to-date in 2011; and if he will make a statement on the matter. [36189/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Details on funding provided in respect of free fees for the years 2006 to 2011 (to date) are set out in the tables. Figures in respect of 2011 are provisional as all claims have not been received yet.

Total Fees Paid

Institution	2006	2007	2008	2009	2010	2011*
UCD	€46,600,984.00	€49,016,559.00	€49,736,444.00	€49,899,530.00	€58,454,342.00	€51,956,756.00
UCC	€38,723,388.00	€42,397,043.00	€47,680,516.00	€41,369,734.00	€49,371,437.00	€45,299,521.00
NUIG	€31,613,760.00	€33,126,661.00	€34,404,814.00	€34,581,093.00	€41,588,367.00	€37,743,892.00
NUIM	€17,646,026.00	€16,863,070.00	€20,552,585.00	€20,781,596.00	€24,600,813.00	€23,263,265.00
TCD	€31,607,581.00	€35,177,312.00	€33,253,291.00	€35,105,600.00	€41,456,996.00	€37,567,230.00
UL	€26,682,614.00	€27,726,584.00	€30,780,246.00	€30,021,549.00	€35,293,504.00	€32,053,497.00
Mary Immaculate College	€7,887,394.00	€7,995,804.00	€8,901,860.00	€8,508,315.00	€9,767,640.00	€8,622,232.00
DCU	€16,271,943.00	€17,622,720.00	€21,339,887.00	€18,513,530.00	€23,194,556.00	€20,923,262.00
St Patrick's Drumcondra	€5,727,687.00	€6,256,732.00	€6,849,028.00	€6,402,542.00	€7,154,930.00	€6,448,205.00
Mater Dei	€1,038,745.00	€1,165,023.00	€1,288,631.00	€1,130,480.00	€1,439,272.00	€1,247,560.00
NCAD	€2,189,575.00	€2,433,064.00	€2,961,900.00	€2,786,700.00	€2,959,000.00	€2,985,400.00
St Angela's College	€557,000.00	€595,228.00	€940,190.00	€733,750.00	€1,008,295.00	€1,028,356.00
RCSI	€1,698,275.00	€1,841,200.00	€2,055,070.00	€2,179,581.00	€2,320,848.00	€2,332,506.00

*Figures in respect of 2011 are provisional as not all claims in respect of free fees funding are paid

Total Fees Paid

Institution	2006	2007	2008	2009	2010	2011*
Athlone IoT	€4,113,533	€3,811,658	€3,949,591	€3,505,742	€4,736,491	€4,346,432
IoT Blanchardstown	€1,353,198	€1,566,517	€1,951,192	€1,820,847	€2,720,340	€2,949,290
IoT Carlow	€3,174,381	€4,262,495	€4,178,050	€3,709,969	€5,443,281	€5,614,084
Cork IoT	€8,185,563	€8,290,413	€9,449,825	€8,388,454	€12,067,597	€10,453,531
Dundalk IoT	€3,934,663	€4,329,153	€4,238,713	€3,750,993	€6,265,154	€5,144,025
Dun Laoghaire IAD&T	€3,095,641	€3,211,999	€3,414,061	€3,034,731	€4,791,174	€4,165,247
Galway-Mayo IoT	€6,265,387	€6,720,870	€7,302,327	€6,463,016	€7,146,943	€7,435,183
Letterkenny IoT	€2,170,572	€2,287,036	€2,714,029	€2,414,155	€3,824,876	€3,502,894
Limerick IoT	€5,925,005	€5,645,361	€6,883,020	€6,115,206	€7,182,832	€7,163,394
IoT Sligo	€5,480,700	€5,410,226	€6,115,641	€5,460,610	€6,698,642	€6,397,667
IoT Tallaght	€2,586,955	€2,843,397	€3,119,804	€2,772,667	€3,730,441	€4,450,725
IOT Tralee	€2,687,574	€2,816,413	€2,309,260	€2,038,699	€3,608,175	€3,438,540
Waterford IoT	€8,492,911	€9,661,257	€10,203,660	€9,069,804	€9,798,336	€10,403,871
D.I.T.	€15,792,390	€17,493,435	€18,117,538	€16,078,613	€19,661,838	€19,535,117

*Figures in respect of 2011 are provisional as not all claims in respect of free fees funding are paid

Total Fees Paid

Institution	2006	2007	2008	2009	2010	2011*
Church of Ireland College of Education	€315,276	€337,788	€359,198	€373,888	€434,848	€461,494
Froebel College of Education	€667,215	€825,645	€882,080	€838,097	€926,592	€988,512
Marino College of Education	€1,085,302	€1,150,059	€1,237,046	€1,259,840	€1,467,104	€1,568,054
National College of Ireland	€3,548,833	€3,894,980	€4,280,917	€4,393,793	€4,426,271	€4,478,000
St Patrick's College, Maynooth	€686,078	€678,389	€690,941	€701,930	€706,059	€724,000
Milltown Institute	€239,060	€238,740	€205,070	€144,933	€84,123	€46,000
Tipperary Rural and Business Development Institute	€531,783	€395,686	€436,202	€702,900	€1,014,960	€950,000
All Hallows	€451,009	€497,082	€517,958	€511,168	€533,988	€519,744
St Patrick's College, Carlow	€1,549,465	€1,714,128	€1,959,942	€2,261,392	€2,748,157	€2,957,190
Shannon College	€717,325	€818,623	€943,651	€1,011,500	€966,875	€933,300
St Patrick's College, Thurles	€422,375	€559,480	€634,951	€755,592	€877,389	€936,931

*Figures in respect of 2011 are provisional as not all claims in respect of free fees funding are paid

Redundancy Payments

188. **Deputy Pearse Doherty** asked the Minister for Education and Skills whether the portion of the interventions funded by the European Globalisation Fund programme for 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 will be complementary to existing interventions provided by the State; the portion of the funds secured under this application that will be used to defray costs of existing State interventions accessed by any of the individual construction workers named in the original application since the application was submitted; and if he will make a statement on the matter. [36218/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): 1A number of measures, for which EGF co-financing assistance is being sought for 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, have been, and continue to be, provided by relevant service providers.

Interventions being funded under existing budgetary provision include career guidance, full, part-time and evening further education and training courses, apprenticeship on-and off-the-job training, full and part-time third level education programmes, enterprise start-up advisory and financial supports and related training and education allowances where appropriate. In the absence of EGF funding to date, although in anticipation of such funding, all relevant measures must in the interim be provided through national funding.

That a suite of measures, or the types of measures, as outlined above, may be provided to redundant workers in the normal course of events, or to other redundant persons, does not make those measures any less valuable in terms of upskilling, providing education opportunities

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and keeping the particular redundant persons in question in closer contact with the labour market. The provision of EGF funding will permit these measures to have been provided as a complement to normal provision, the measures having been directed specifically at the eligible cohort of redundant workers. Moreover, the reimbursement of up to 65% of validated expenditure on these measures in due course allows for greater national funding to be targeted at the generality of activation measures at a time of significant constraints on the public finances.

My Department in conjunction with other Government Departments and Agencies is currently seeking to put in place certain new measures to assist these particular redundant workers in the period to the end of the EGF programmes, when approved by the EU, next June. The precise breakdown of expenditure as between different EGF related measures throughout the full period of these EGF programmes is not yet known and is unlikely to be known with finality until the programmes are duly completed.

Vocational Education Committees

189. **Deputy Seán Crowe** asked the Minister for Education and Skills the number of vocational education committees that own their office buildings; and the expiry dates on leases of VEC buildings that are currently being rented. [36235/11]

1 In November 2010, officials of my Department issued a questionnaire to each VEC. Information provided by the VECs in response to this questionnaire indicates that 13 of the 33 VECs own their headquarter premises, while 20 rent or lease their premises. The following information sets out the position regarding the remaining term of the leases as advised by the relevant VECs.

VEC	Term remaining
Co. Wexford	4 years and 6 months
Co. Wicklow	Two separate leases (i) 8 years and (ii) 3 years and 8 months
Co. Kilkenny	16 years and 6 months
Co. Kildare	5 years
Dún Laoghaire	11 years
Co. Dublin	14 years
City of Galway	5 years and 2 months
Co. Longford	20 years
Co. Limerick	18 years and 1 month
Co. Kerry	4 years
Co. Waterford	16 years and 6 months
City of Waterford	4 years
South Tipperary	8 years
Co. Offaly	15 years and 5 months
Co. Westmeath	13 years and 3 months
Co. Cavan	33 years
Co. Monaghan	13 years
City of Cork	19 years and 3 months
Co. Cork	15 years and 8 months
City of Dublin	68 years

Question No. 190 taken with question No. 164.

FÁS Training Programmes

191. **Deputy John Lyons** asked the Minister for Education and Skills if he will re-examine the case of a person (details supplied) in County Sligo who is seeking to be granted recognition of completing an apprenticeship with FÁS; if he will grant the person their apprenticeship in view of the fact that they have completed all necessary components of the programme; and if he will make a statement on the matter. [36290/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I understand from FÁS that the person in question is recorded on the FÁS Apprenticeship Database as a non active apprenticeship. However, I also understand that this person has successfully completed Phase 2 off-the-job training and has successfully completed Phase 4 off-the-job training on 11th June 2011, when he was redundant.

The person should contact his Senior Training Adviser to progress his apprenticeship as I am informed that FÁS has not been able to contact him or his previous employer. I understand that redundant apprentices are paid a FÁS weekly training allowance when attending the following programmes to progress their apprenticeship training:

- Redundant Apprentices scheduled to off-the job training at Phase 2, Phase 4 or Phase 6 in a FÁS Training Centre, an Institute of Technology or a College of Further Education;
- Redundant Apprentices attending specific skills trade related training courses in a FÁS Training Centre; and
- Fee Waiver Scheme Course fees will be waived for redundant apprentices who attend FÁS day and/or evening courses in order to enhance their employable skills.

School Transport

192. **Deputy Jack Wall** asked the Minister for Education and Skills the reason school transport arrangements are being altered in respect of a person (details supplied) in County Kildare; the reason this pupil cannot be facilitated with their existing transport arrangements; and if he will make a statement on the matter. [36339/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): One of the Department's objectives is to provide a reasonable level of transport service for eligible pupils to and from school. Bus Éireann, which manages school transport services on behalf of the Department, is responsible for the establishment, contracting and operation of those services in an efficient and cost-effective manner. The school transport service which was in place for the pupil referred to by the Deputy was not considered a reasonable level of service as it resulted in a reduced school day for the pupil in question. Bus Éireann has now confirmed that new arrangements have been put in place which allows the pupil attend a full school day.

193. **Deputy Mattie McGrath** asked the Minister for Education and Skills when he will approve an application for school transport for children with special needs (details supplied) in County Tipperary; and if he will make a statement on the matter. [36349/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of my Department's School Transport scheme, a pupil with special educational needs is eligible for school transport if he or she is attending the nearest recognised mainstream school, special class, special school or a unit, that is or can be resourced to meet

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the child's special educational needs under Department of Education and Skills criteria. My Department was recently made aware of the change of address for the children in question and is liaising with the Special Education Needs Organiser and Bus Éireann with a view to reorganising transport arrangements.

Schools Building Projects

194. **Deputy Billy Timmins** asked the Minister for Education and Skills the position regarding an application in respect of a school (details supplied) in County Wicklow for a site and building works; and if he will make a statement on the matter. [36362/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 1My Department has sought the assistance of the Local Authority in relation to identifying and acquiring a suitable site for the provision of permanent accommodation for the school referred to by the Deputy. Once a suitable site has been identified and acquired, the proposed building project will be considered in the context of the capital budget available to my Department for school buildings generally.

195. **Deputy Billy Timmins** asked the Minister for Education and Skills the application he currently has for accommodation works in respect of primary and post-primary schools in County Wicklow and County Carlow. [36363/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 1The current status of all projects on the school building programme, including those in Counties Carlow and Wicklow, may be viewed on my Department's website at www.education.ie and this will be updated regularly throughout the year. For the Deputy's convenience, however, I am attaching details of the 55 applications for building works from schools in the Counties in question that are on hand.

The Government's Medium Term Infrastructure and Capital Investment Framework, which was published on 10th November 2011, sets out the demographic challenge facing the education system in the coming years. In conjunction with this, I indicated that I will publish details next month of the school building projects to be constructed in 2012.

Application Stage — List of projects in Carlow and Wicklow

County	Roll Number	School	Current status	Project	Band Rating
Carlow	01116A	Baile An Chuilinn N S Muinebeag (Carlow)	Application	Extension/Refurb	Band 2
Carlow	00977B	Ballyconnell NS	Application	Extension/Refurb	Band 2
Carlow	01415K	Rathoe Ns Rathoe (Carlow)	Application	New School	Band 1
Carlow	02124E	Scoil Nais Molaise Old Leighlin (Carlow)	Application	Extension/Refurb	Band 2
Carlow	04077I	Scoil Nais Bhride Grange (Carlow)	Application	Extension/Refurb	Band 2
Carlow	13607M	St Columbas N S Tullow (Carlow)	Application	Extension/Refurb	Band 4
Carlow	17053P	Bishop Foley Memorial School Carlow (Carlow)	Application	Extension/Refurb	Band 2
Carlow	17462J	Scoil Nais Mhichil Baile Nua (Carlow)	Application	Extension/Refurb	Band 3
Carlow	17514C	S N Cluain Na Gall Clonegal (Carlow)	Application	Extension/Refurb	Band 1

County	Roll Number	School	Current status	Project	Band Rating
Carlow	18424G	Scoil Nais Iosef Naofa Carlow (Carlow)	Application	Extension/Refurb	Band 2
Carlow	18510W	Ballymurphy NS, Borris (Carlow)	Application	Extension/refurb	Band 2
Carlow	19477J	Holy Family Boy's N.S, Askea, (Carlow)	Application	Extension/Refurb	Band 2
Carlow	19784S	St Laserians Mxd Ns Leighlinbridge (Carlow)	Application	Extension/Refurb	Band 2
Carlow	61120E	St Mary'S Academy C.B.S. Station Rd (Carlow)	Application	Extension/Refurb	Band 2
Carlow	61140K	St. Leo'S College Convent Of Mercy (Carlow)	Application	Extension/Refurb	Band 2
Carlow	61150N	Presentation / De La Salle College Royal Oak Road (Carlow)	Application	Extension/Refurb	Band 2
Carlow	PPC1002	Traveller Training Centre Carlow (Carlow)	Application	Extension/Refurb	Band 2
Wicklow	00973Q	Grange Con N S Grange (Wicklow)	Application	Extension/Refurb	Band 3
Wicklow	01782O	S N Naomh Padraig Bearna Chle (Wicklow)	Application	New School	Band 2
Wicklow	10131U	Moin An Bhealaigh N S Moin An Bhealaigh (Wicklow)	Application	Extension/Refurb	Band 3
Wicklow	11372B	Brittas Bay Mxd N S Brittas Bay (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	12529N	St Saviours N S Rathdrum (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	14045B	Carysfort Mixed National School, Arklow	Design Team to be appointed	Extension/Refurb	Band 2
Wicklow	14398L	The Glebe Ns Wicklow (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	15676S	Padraig Naofa B N S St Patricks Road (Wicklow)	Application	Extension/Refurb	Band 3
Wicklow	16027J	S N Muire Stratford On Slaney (Wicklow)	Application	New School	Band 2
Wicklow	16573N	St Brigids School (Wicklow)	Application	Refurb	Band 3
Wicklow	17181B	St Josephs N S Templerainey (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	17223O	S N Muire Is Gearard Enniskerry (Wicklow)	Application	Extension/Refurb	Band 1
Wicklow	17265H	Rathdrum Boys N S Rathdrum (Wicklow)	Application	Extension/Refurb	Band 3
Wicklow	17500O	S N Muire Mxd Barndarrig (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	17826V	Na Coroine Muire Mxd Ashford (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	18054W	Hollywood N S Hollywood (Wicklow)	Application	Extension/Refurb	Band 2

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County	Roll Number	School	Current status	Project	Band Rating
Wicklow	18118W	Coolfancy N S Cul Fhasaigh (Wicklow)	Application	Extension/Refurb	Band 3
Wicklow	18242A	Carnew N S Carnew (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	18470N	Naomh Brid N S Cnoc An Eanaigh (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	18489L	Tinahely N S (Wicklow)	Application	Extension/Refurbishment	Band 2
Wicklow	18502A	S N Naomh Brid Talbotstown (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	19339U	Stratford Lodge Ns Baltinglass (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	19573F	St Laurences N S St Laurences N S (Wicklow)	Application	Extension/Refurb	Band 1
Wicklow	19734D	St Francis N S Newcastle (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	20039P	Scoil Naomh Iosaf Baltinglass (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	20045K	Gaelscoil Chill Mhantáin An Casadh Meidhreach (Wicklow)	Application	New School	Band 2
Wicklow	20080M	Gaelscoil An Inbhir Mhoir Fernbank Park (Wicklow)	Application	New School	Band 2
Wicklow	20178G	Wicklow Educate Together Ns Marine House (Wicklow)	Application	New School	Band 2
Wicklow	20207K	St Philomenas St Peters (Wicklow)	Application	New School	Band 1
Wicklow	20278K	Newmountkennedy N.S, (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	61820J	Loreto Secondary School Vevay Rd (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	61860V	Dominican College Wicklow (Wicklow)	Application	Extension/Refurb	Band 4
Wicklow	70760S	Blessington Community College Naas Rd (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	70770V	St Thomas' Community College Novara Avenue (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	70790E	Coláiste Bhríde Carnew Carnew (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	70821M	Colaiste Raithin, Bray	Application	New School	Band 2
Wicklow	81016V	East Glendalough School Station Road (Wicklow)	Application	Extension/Refurb	Band 2
Wicklow	91376L	St. Killian'S Community School Ballywaltrim (Wicklow)	Application	Extension/Refurb	Band 2

Appointments to State Boards

196. **Deputy Gerry Adams** asked the Minister for Education and Skills if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36952/11]

Minister for Education and Skills (Deputy Ruairí Quinn): 1There are no former holders of the Office of Attorney General currently on the board of a State body under the aegis of my Department.

National Lottery

197. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform if consideration has been given to allowing shops or newsagents in the North to sell tickets for the national lottery of Ireland. [35456/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): 1The National Lottery Act 1986 and the National Lottery licence only permit the sale of National Lottery tickets in the State. The sale of National Lottery tickets elsewhere raises obvious legal and regulatory issues.

Proposed Legislation

198. **Deputy Michael Creed** asked the Minister for Public Expenditure and Reform the position regarding the re-introduction of the Construction Contracts Bill; if the revised Bill will address the concerns of small contractors who were excluded from redress under the terms of the previous draft; and if he will make a statement on the matter. [35470/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): 2057You will be aware that the Programme for Government contains a commitment to introduce new legislation to protect small building subcontractors that have been denied payments from bigger companies. In this regard, my colleague Minister of State Mr Brian Hayes has been working with Senator Quinn to develop the Construction Contracts Bill, which is now before the Dáil, into a robust piece of legislation. In order to address a number of issues that were raised during the consultation on the Bill a Regulatory Impact Assessment (RIA) was carried out. The RIA was completed and published on 27 September. The Report is available on my Department's website: www.per.gov.ie/reports.

The RIA examined issues relating to payment practices in the construction sector and assessed the need for legislative intervention. It found that legislation is desirable to improve payment practices and to allow swift resolution of payment disputes by way of adjudication, allowing projects to be completed without wasting time and money in litigation. In addition, the RIA examined the main proposals to amend the Bill that were raised during the Seanad debate and subsequent consultation. It found that there were merits to considering amending the Bill in a number of respects e.g. to bring lower value contracts within its scope and to make the adjudicators award binding in payment dispute cases. It concluded that any such amendments should be formulated in such a manner that would protect the taxpayer.

Minister Hayes is now reflecting on the findings of the RIA and is preparing legislative proposals which will be brought to Government shortly for approval. It is essential that the solution to this issue needs to be balanced so as to avoid imposing regulatory or cost burdens on parties in dispute, the State or others.

Election Management System

199. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the total costs in wages paid to polling clerks for Dáil, local, European and presidential elections, broken down per election from 2002 to-date in 2011. [35604/11]

200. **Deputy Niall Collins** asked the Minister for Public Expenditure and Reform the total costs in wages paid to returning officers. [35606/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I propose to take Questions Nos. 199 and 200 together.

Returning Officers are required to submit accounts to the Department of Finance within six months of holding an election. While the accounts for the recent General Election have not yet been completed, we have included estimated figures. The accounts for the Presidential election and Dublin West bye-election have not yet been submitted and an accurate break down of costs will not be available until that time for those events. A detailed breakdown of the election/referendum costs was not recorded until 2007. Therefore it is not possible to provide the details required before 2007. The following table provides the information requested for elections and referendums since 2007. Wages for the Returning Officers relates to the services of the Returning Officer.

All Elections Held from 07-11 — Summary of Election Expenses by Constituency

Constituency	General Election May 07	Lisbon Treaty Jun 08	European & Local Election Jun 09	Dublin South/Central By Election Jun 09	Lisbon Treaty (2) Oct 09	Donegal South/West By-Election Nov 10	*General Election Feb 11
Carlow/ Kilkenny	€22,196.67	€16,057.69			€15,793.40		€19,947.84
Carlow Kilkenny			€9,826.82 €10,367.77				
Cavan/ Monaghan	€19,869.00	€15,799.38			€15,387.36		€18,947.78
Cavan			€9,929.74				
Clare	€13,698.50	€9,777.45	€10,680.38		€9,445.92		€12,407.16
Cork East.Cork North/ South West	€24,917.00	€17,933.35	€28,607.09		€13,759.70		€22,712.97
Cork North/ South Central	€20,763.00	€14,033.52	€25,673.36		€16,675.64		€18,812.00
Donegal North East/ South West	€17,321.00	€12,104.94	€13,453.15		€11,828.24	€9,985.99	€15,417.76
Dublin Central	€41,553.00	€27,917.96	€34,577.51		€26,735.81		€37,518.84
Dublin Central By- Election				€14,815.83			
Dublin County	€47,009.37	€31,573.83	€53,867.79		€30,478.95		€39,098.02

Constituency	General Election May 07	Lisbon Treaty Jun 08	European & Local Election Jun 09	Dublin South/Central By Election Jun 09	Lisbon Treaty (2) Oct 09	Donegal South/West By-Election Nov 10	*General Election Feb 11
Dublin South By-Election				€17,216.05			
Galway East & West	€21,125.92	€14,449.35	€16,483.14		€13,811.35		€23,111.03
Kerry North/South	€16,680.50	€11,565.54	€11,333.09		€11,265.16		€15,827.52
Kildare North/South	€18,199.50	€12,974.69	€31,646.46		€12,587.08		€16,394.93
Laois/Offaly	€21,418.00	€16,206.34			€15,413.14		€21,749.64
Laois			€9,555.68				
Offaly			€10,233.35				
Limerick East/West	€18,353.96	€12,864.04	€13,895.22		€12,944.03		€15,946.25
Longford/Westmeath	€21,592.50	€16,041.72			€15,461.53		€19,009.68
Longford			€10,017.17				
Westmeath			€10,625.58				
Louth	€13,772.00	€9,894.07	€11,210.18		€9,569.76		€13,080.33
Mayo	€14,744.50	€10,379.61	€11,766.58		€10,103.68		€13,019.53
Meath East/West	€17,667.50	€12,391.00	€13,950.18		€13,234.81		€15,732.65
Monaghan			€10,522.32				
Roscommon/South Leitrim	€16,109.00	€12,039.90			€11,709.50		€10,567.65
Roscommon			€10,033.18				
Sligo			€20,735.02				
Sligo/North Leitrim	€16,117.00	€11,730.45			€11,225.50		€18,334.36
Leitrim			€9,828.38				
Tipperary North/South	€17,401.90	€12,209.04	€13,270.15		€12,037.20		€15,958.20
Waterford	€13,079.00	€9,358.85	€10,332.32		€9,049.28		€15,566.59
Wexford	€14,593.50	€10,635.05	€12,325.43		€10,204.00		€13,270.83
Wicklow	€14,315.04	€10,106.42	€10,924.36		€9,612.18		€15,486.01
Referendum Returning Officer		€4,200.00			€4,200.00		
Total Cost Returning Officers	€462,497.36	€332,244.19	€445,671.40	€32,031.88	€322,533.22	€9,985.99	€427,917.57
Total Cost Polling Clerks	€2,743,010.78	€2,852,011.17	€3,251,482.14	€126,432.17	€2,739,333.75	€36,247.24	€2,417,745.01

*The costs of the General Election 2011 have not yet been finalised.

Departmental Expenditure

201. **Deputy John McGuinness** asked the Minister for Public Expenditure and Reform, further to Parliamentary Question No. 270 of 4 October 2011, if he will confirm the whereabouts of the bronze sheet; if the research has been put to use by Leinster House; if the research is available in the Oireachtas Library; and if he will make a statement on the matter. [35621/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): 1The prototype bronze sheet was dismantled and the pieces are held in OPW stores in Dublin. The research material was put to use by Leinster House and it is currently available on the Oireachtas website. It can be accessed by searching the Members Database under the title ‘Chronology of Members of the Houses of the Oireachtas 1919-2011’.

Flood Relief

202. **Deputy Catherine Byrne** asked the Minister for Public Expenditure and Reform the plans in place to implement a long-term strategy to prevent future flood damage in Dublin city, particularly in areas affected recently when the Camac and Poddle rivers burst their banks; and if he will make a statement on the matter. [35738/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): 1The Office of Public Works (OPW) is currently undertaking the Catchment Flood Risk Assessment and Management (CFRAM) Programme which is designed to identify and assess areas, both coastal and inland, at risk of significant flooding. The purpose of the Programme is to:

- produce detailed flood mapping in order to identify and map the existing and potential future flood hazard and risk areas;
- build the strategic information base necessary for making informed decisions in relation to managing flood risk; and
- identify viable structural and non-structural measures and options for managing the flood risks for localised high-risk areas both coastal and inland.

There are three main stages in the Programme and a suite of documents will be produced for public consultation at each stage:

2011 — Preliminary Flood Risk Assessment (The public consultation stage of the Preliminary Flood Risk Assessment was concluded on 1st November, 2011);

2013 — Flood Hazard Mapping; and

2015 — Catchment Flood Risk Management Plans.

Engineering Consultants RPS have been engaged to undertake the Eastern CFRAM Study. This is currently underway and will cover the rivers Camac and Poddle. Dublin City area will be covered by this CFRAM study in conjunction with the Dodder CFRAM study, which is nearing completion.

Pluvial flooding due to blocked or under capacity urban storm water drains is the responsibility of Dublin City Council. The OPW, in association with Dublin City Council, has undertaken a number of flood relief works in Dublin in the last number of years. This has included such major schemes as the completed River Tolka Flood Relief Scheme and the ongoing works

on the River Dodder. OPW has also funded the development of several other schemes including the Clontarf Flood Defence Scheme and the proposed South Campshire works.

It is open to Dublin City Council to submit a funding application to this Office under the Minor Flood Mitigation works Scheme. Any application received will be considered having regard to the scheme eligibility criteria and the overall availability of resources for flood risk management.

Pension Provisions

203. **Deputy Paschal Donohoe** asked the Minister for Public Expenditure and Reform if he would consider advancing the lump sum payment to those who took advantage of the early retirement scheme, particularly for those whose personal circumstances mean they are in financial difficulty; and if he will make a statement on the matter. [35903/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The scheme to which the Deputy refers is the Incentivised Scheme of Early Retirement as promulgated in Circular 12/09. The terms of the scheme provide that the balance of the retirement lump sum will be payable upon the retiree reaching his/her normal preserved pension age. There is no provision in the scheme to allow payment to be brought forward.

Flood Relief

204. **Deputy Michael P. Kitt** asked the Minister for Public Expenditure and Reform the position regarding improvement works on the Dunkellin river, County Galway; and if he will make a statement on the matter. [36068/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Galway County Council has appointed consultants to carry out an Environmental Impact Statement (EIS) for the proposed flood relief scheme for the Dunkellin River (from Craughwell to Kilcolgan) and the Aggard Stream, and to complete the detailed design of the scheme to enable the necessary statutory consents to be obtained. In order to further the consultative process, another Public Information Event is being arranged by the Council for early in 2012.

The Council is progressing the scheme through An Bord Pleanála under the Strategic Infrastructure Act. The Office of Public Works (OPW) understands that due to the complexity of the environmental issues involved, the Council expects that the EIS will be completed in Spring 2012. The OPW also understands that An Bord Pleanála will formally consider the scheme on completion of the EIS.

Garda Stations

205. **Deputy Jonathan O'Brien** asked the Minister for Public Expenditure and Reform the amount of money allocated to building a new Garda station at a location (details supplied) in County Cork; if this is included in the capital expenditure budget; the date on which this building will be completed; and if he will make a statement on the matter. [36184/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): Tender documentation for the fit-out of premises being acquired for An Garda Síochána in Glanmire is currently in preparation. Subject to a satisfactory outcome to the planning application process, it is expected that tenders for the works will be invited in the first quarter of 2012. To ensure competitive tendering, it is not proposed to disclose the project budget prior to requesting tenders.

Information Technology

206. **Deputy Denis Naughten** asked the Minister for Public Expenditure and Reform the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35518/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): No servers are leased by either the Department of Public Expenditure & Reform or the Special EU Programmes Body.

207. **Deputy Denis Naughten** asked the Minister for Public Expenditure and Reform the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35534/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): IT is now provided on a shared service basis between the Department of Finance and the Department of Public Expenditure & Reform. No servers are currently owned by this Department.

In relation to State Agencies under the aegis of my Department, I am advised that the Special EU Programmes Body (SEUPB) is fully committed to reducing server maintenance time and cost. The SEUPB maintains its own servers and does not currently hold any server maintenance or support contracts with external ICT contractors. In order to reduce server maintenance costs the SEUPB recently upgraded 3 servers in its Belfast office, at a cost of £7,669.76, rather than replacing its existing stock.

By implementing ‘virtualisation’ technologies on the 3 upgraded servers the SEUPB is able to utilize each server in a much more efficient manner, getting improved return on investment (estimated at 70% increased usage per server). For a modest amount of investment the SEUPB has significantly improved performance in these 3 servers, allowing them to become virtual host servers which will provide a greater platform for applications. It will also serve to ‘future proof’ the existing server stock.

Total SEUPB Servers: 17

Location/Server No.	Disk Capacity (in Gigabytes)
BELFAST/SERVER1	270
BELFAST/SERVER2	270
BELFAST/SERVER3	420
BELFAST/SERVER4	680
BELFAST/SERVER5	200
BELFAST/SERVER6	140
BELFAST/SERVER7	75
BELFAST/SERVER8	135
BELFAST/SERVER9	820
BELFAST/SERVER10	820
BELFAST/SERVER11	140
BELFAST/SERVER12	140
OMAGH/SERVER1	280
OMAGH/SERVER2	280
OMAGH/SERVER3	820 (DR FOR Belfast)

Location/Server No.	Disk Capacity (in Gigabytes)
MONAGHAN/SERVER1	280
MONAGHAN/SERVER2	280

Footnotes:

1. IT is now provided on a shared service basis between the Department of Finance and the Department of Public Expenditure & Reform.

Ministerial Staff

208. **Deputy Mary Lou McDonald** asked the Minister for Public Expenditure and Reform the annual salary awarded to a person (details supplied) recently appointed special adviser to the Minister for Finance; if the salary exceeds the special adviser pay cap; and if so, did he sign off on the salary. [35723/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The recently appointed Special Advisor to the Minister for Finance will undertake any duties which may be assigned to him from time to time as appropriate to the position of Special Advisor as set out in Section 11 of the Public Service Management Act 1997. The salary for this individual does not exceed the Government's special advisor pay scale as outlined in the Instructions regarding Ministerial Appointments (April 2011).

Public Procurement

209. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the value of public tenders for the years 2008, 2009, 2010 and to date in 2011. [35797/11]

210. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the value of public tenders awarded to Irish companies for the years 2008, 2009, 2010. [35798/11]

211. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the value of public tenders awarded to non-Irish companies for the years 2008, 2009, 2010. [35799/11]

212. **Deputy Peadar Tóibín** asked the Minister for Public Expenditure and Reform the value of public tenders to small, medium and large Irish companies for the years 2009, 2010. [35801/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I propose to take Questions Nos. 209 to 212, inclusive, together.

The table answers Questions Nos. 209 to 211, inclusive. Information on contract placement is available currently for the years 2008-2010 relates to above-EU threshold contracts only and is contained in the tabular statement below. Data in respect of 2011 will not be available until the third quarter 2012 as this data is collated a year in arrears. The Deputy should be aware that the figures contained in the table relates to the number of contracts placed which were above the EU Threshold for the year in question and must not be interpreted as indicative statistics for the overall procurement spend. It must also be borne in mind that these statistics relate only to above threshold procurements, where contract award notices were published, and where the nationality of the winning tenderer was disclosed.

For example, when considering the year 2009, €2.8 billion worth of expenditure was advertised in the Official Journal, out of the €15 billion public procurement spend in that year. The National Procurement Service estimates that less than 5% of the overall spend went to non-domestic suppliers, as a significant proportion of the overall procurement spend is below the

[Deputy Brian Hayes.]

EU threshold and is also below the threshold for advertising on eTenders (the eTenders threshold was €50,000 in 2009).

It should be noted also that all the statistics relating to non-domestic suppliers relate to suppliers with an address in countries other than Ireland and do not distinguish between European and non-European suppliers.

Above Threshold Contracts awarded to Irish and non-domestic suppliers 2008-2010

	2008	2008
	No. of Contracts	Value €000
Irish Suppliers	1,016	4,217,564
Non-Domestic Suppliers	296	568,338
Total	1,312	4,785,902

	2009	2009
	No. of Contracts	Value €000
Irish Suppliers	777	2,537,622
Non-Domestic Suppliers	170	347,137
Total	947	2,884,759

	2010	2010
	No. of Contracts	Value €000
Irish Suppliers	690	3,001,218
Non-Domestic Suppliers	102	285,183
Total	792	3,286,401

For Question 212, information of the size of Irish companies winning tenders is not available, as it is not collected centrally. As the majority of Irish companies fall into the SME bracket, it can be assumed that the majority of tenders are in fact going to SMEs. The new eTenders system, when implemented in the new-year, will collect data on the size of companies winning tenders and it will then be possible to provide this information in respect of all future contracts.

Infrastructure Investment Plan

213. **Deputy Charlie McConalogue** asked the Minister for Public Expenditure and Reform if he will outline the specific projects that he plans for County Donegal arising from the infrastructure and capital investment plan 2012-16; and if he will make a statement on the matter. [35833/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): My Department's capital allocation is very small consisting of only €0.5 million per annum. This is primarily used for Peace Programme, INTERREG and IT-related expenditure. The cross-border PEACE and INTERREG programmes are administered by the Special EU Programmes Body and provide funding for eligible projects in border counties. Information in relation to the potential for

funding for projects in Donegal can be obtained from that body. The allocation of capital to particular projects in other Ministerial areas is a matter for the individual Ministers in question.

Constitutional Referendums

214. **Deputy Jerry Buttimer** asked the Minister for Public Expenditure and Reform the total cost, including an itemised breakdown, of the Referendum Commission in respect of the thirtieth amendment to the Constitution; the amount paid to date; if he will detail any further anticipated costs and expenses; the costs and expenses expected to be incurred in the period provided for the commission to report to him and in the period between reporting and dissolution of the commission; and if he will make a statement on the matter. [35981/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): My Department does not have any direct responsibility in relation to the Referendum Commission, other than to sponsor the budgetary requirement. All financial commitments will be authorised by the Referendum Commission and discharged by the Office of the Ombudsman. I am advised by the Office of the Ombudsman that the total budget for the Referendum Commission established in respect of the thirtieth amendment is 1.5 million euro.

Communications

Consultancy Fees and costs up to 11 November 2011 — 46,471 euro

TV production, photography and fees — 201,061 euro

Distribution Leaflet distribution — 96,909 euro

Legal fees — 5,747 euro

Translation services — 914 euro

Miscellaneous — 1,549 euro

Total expenditure — 352,651 euro

The Commission is required to report to the Minister within 6 months of the date of the referendum and total expenditure within that period is estimated to amount to 0.7 million euro. The Commission expects that the bulk of the estimated expenditure will occur before the end of 2011. Anticipated costs after the report date will comprise the cost of production of the Commission's report which is not available at this stage.

Public Sector Staff

215. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform if he will provide a full break down by sector, health, education, local authority and so on, of the numbers of employees currently in the public sector; and the way this compares to March 2009, the beginning of the moratorium on public sector recruitment. [36101/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The breakdown of Public Service numbers by Sector for March 2009 and September 2011 is set out in the table. This data is available on my Department's Website.

	2009	2011	Variance	% Decrease
	Qtr1	Qtr3		
Defence Sector	11,169.00	10,168.60	-1,000.4	-9.0%
Education Sector	95,253.24	90,577.81	-4,675.4	-4.9%
Health Sector	111,769.97	104,286.88	-7,483.1	-6.7%
Civil Service *	38,658.91	36,571.33	-2,087.6	-5.4%

[Deputy Brendan Howlin.]

	2009	2011	Variance	% Decrease
Justice Sector	15,664.00	14,477.23	-1,186.8	-7.6%
Local Authorities	34,178.86	30,089.40	-4,089.5	-12.0%
NCSA Total	12,980.73	11,709.44	-1,271.3	-9.8%
Total	319,674.71	297,880.69	-21,794.0	-6.8%

*The full impact of 957 Community Welfare Officers moving from HSE to Department of Social Protection has been factored in during Q3 2011. The Total figure does not include Civil Servants who work for the Oireachtas, which is directly funded by the Central Fund and where the relevant staff numbers are projected to be 457 by end 2011.

Pension Provisions

216. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform, further to Parliamentary Question No. 231 of 15 November 2011, in respect of former holders of the Office of Attorney General currently in receipt of pensions, the names of the recipients; the amount of money they receive from the pensions on an annual basis; if these persons receive additional pensions for their roles as Deputies, Senators or Ministers, as former judges or former members of the European Commission; and the total pension they receive. [36118/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The data in respect of Attorney General, Ministerial, TDs' and Judges' pensions requested by the Deputy are in the tabular statement. The figures were provided by the Office of Paymaster General in respect of Attorney General, Ministerial and Judges' pensions, and from the Houses of the Oireachtas Service in respect of TD pensions. Former Members of the European Commission are entitled to a monthly pension according to EU Regulation N° 422/67/EEC. The pension is based on the number of years spent in office and the type of mandate held. The pension is paid by the European Commission.

Forename And Surname	Annual Amount of AG's Pension less Public Service Pension Reduction	Annual Amount of Ministerial Pension less Public Service Pension Reduction	Annual Amount of TD's/Senator's Pension less Public Service Pension Reduction	Annual Amount of Judge's Pension less Public Service Pension Reduction	Total
Anthony Hederman	€60,611	€0.00	€0.00	€92,195	€152,806
John Murray	€67,686	€0.00	€0.00	€0.00	€67,686
Harry Whelehan	€54,025	€0.00	€0.00	€0.00	€54,025
David Byrne	€43,061	€0.00	€0.00	€0.00	€43,061
Dermot Gleeson	€47,918	€0.00	€0.00	€0.00	€47,918
John Rogers	€44,905	€0.00	€0.00	€0.00	€44,905
Peter D Sutherland	€49,500	€0.00	€0.00	€0.00	€49,500
Michael McDowell* (See Note Below)	—	€74,281	€30,245	€0.00	€104,526

*The Pension of €74,281 is in respect of his service as a Minister, Tánaiste and the Attorney General.

Consultancy Contracts

217. **Deputy Richard Boyd Barrett** asked the Minister for Public Expenditure and Reform the names of agencies which provide staff for his Department and for bodies and agencies

under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36231/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In the timeframe involved it has not been possible to collate the data requested by the Deputy. As soon as the data is collated it will be forwarded directly to the Deputy.

Appointments to State Boards

218. **Deputy Gerry Adams** asked the Minister for Public Expenditure and Reform if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36958/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): In response to the Deputy's Question I am not aware of any former Attorney General having been appointed to any board under the aegis of my Department by the current Government or former Government.

Third Level Institutions

219. **Deputy Brendan Smith** asked the Minister for Jobs, Enterprise and Innovation if the programme for research in third level institutions will proceed as announced last July; and if he will make a statement on the matter. [35807/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Cycle 5 of the Programme for Research in Third level Institutions (PRTLTI) was launched July 2010 with awards totalling €359m comprising €296m in exchequer funding and €63m from private non-Exchequer sources. The PRTLTI investment is in strategic areas of science and technology, including environment, marine and sustainable energy; material sciences and platform technology; biosciences translational research, biomedical research and arts, humanities and social sciences. The PRTLTI is administered on behalf of the Department by the Higher Education Authority.

In order to satisfy the requirements of the National Recovery Plan, which requires all Departments to secure current expenditure savings over the period to 2014, earlier this year a decision was made to defer the commencement of three PRTLTI Cycle 5 projects until the 2013/14 academic year at the earliest. In announcing my Department's capital budget allocation for 2012-2016, I indicated that the PRTLTI would be maintained. Resources available on an annual basis will be less than originally projected and will require management over a longer period of time to deliver.

Illicit Trade in Tobacco Products

220. **Deputy Robert Dowds** asked the Minister for Jobs, Enterprise and Innovation if he would review the Casual Trading Act in regard to the sale of illegal cigarettes as the current fine for selling them at markets is only €63. [35913/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Casual Trading Act, 1995 is the legislation which establishes the regime for the regulation of selling goods in public places. Section 2(1) of the Act defines casual trading as "selling goods at a place (including a public road) to which the public have access as of right or any other place that is

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a casual trading area”. Casual trading is regulated by the 88 local authorities who have the legal capacity to make bye laws under the Act. I, as Minister, have no role in the day to day regulation of casual trading by local authorities.

The enforcement of casual trading bye laws is a function of the local authority in the place where the selling of goods is taking place through their authorised officers for the purposes of the Act and through An Garda Síochána. The authorised officers of the local authorities have the usual powers to enter, inspect and examine any place where they have reasonable cause to believe that casual trading is taking place and to require information from traders etc. Also, An Garda Síochána have additional powers. An Garda Síochána can arrest without warrant a person they believe to be contravening the provisions of the Act and can seize and remove any goods which that person is selling or has possession for sale.

The sale of tobacco products has its own regulatory regime established under the Public Health (Tobacco) Acts, 2002 and 2004. Under this legislation it is an offence to sell tobacco products without being registered with the National Tobacco Control Office which is part of the Health Service Executive (HSE). Therefore anyone selling tobacco products without being registered is committing an offence. The penalties for not being registered to sell tobacco are on summary conviction a fine not exceeding € 1,900 or imprisonment for a term not exceeding 3 months or to both or on conviction on indictment to a fine not exceeding € 125,000 or to imprisonment for a term of not exceeding 2 years or to both. There is another aspect of the sale of tobacco products and this is the payment of excise duty. The non-payment of excise duty is, I understand, an offence and subject to prosecution by Customs and Excise.

While I agree that there is a need to review the penalties under the Casual Trading Act, 1995 I would not propose to introduce a new offence under that Act for the sale of tobacco products for which excise duty has not been paid. I do, however, recognise the harm caused to the economy both in terms of lost revenue for the State and the adverse consequences for legitimate traders from the sale of tobacco on which duty has not been paid. Much of this activity is connected to criminal conduct and as such the competent authorities best suited to address this are An Garda Síochána and Customs and Excise. This would be in addition to the enforcement activities of the National Tobacco Control Office of the HSE. I do not feel that casual trading regulation is suited to address what is essentially a criminal enterprise.

Information Technology

221. **Deputy Denis Naughten** asked the Minister for Jobs, Enterprise and Innovation the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35516/11]

222. **Deputy Denis Naughten** asked the Minister for Jobs, Enterprise and Innovation the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35532/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 221 and 222 together.

My Department does not lease computer servers. The current number of servers owned by and in operation in my Department and its Offices is 210 with an average of 4GB memory per server. The disk capacity of each server varies depending on the application involved and the

data stored by users of each application and this can change depending on business requirements. The approximate total capacity of the servers is 80 terabytes.

It should be noted that storage capacity is just one of a number of determinants of server performance, and that the relative importance of each of these determinants is dependent on the use to which the server is put. There are no ongoing maintenance costs associated with these servers; the servers are supplied with a five year break fix warranty which is embedded in the initial capital outlay. The ICT Unit in my Department has informed me that it is in the early planning stage for the formulation of a server consolidation and virtualization strategy.

Server specifications for servers owned by the agencies under the aegis of my Department are day-to-day operational matters for the agencies involved and not ones in which I have any function. However, I am referring the specific question to each of the Agencies under my remit with a request to respond to you directly.

Infrastructure Investment Plan

223. **Deputy Charlie McConalogue** asked the Minister for Jobs, Enterprise and Innovation if he will outline the specific projects that he plans for County Donegal arising from the infrastructure and capital investment plan 2012-16; and if he will make a statement on the matter. [35831/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The role of my Department is to ensure that we have the right policies to support enterprise and innovation so that quality employment opportunities can be grown and maintained. Strong, balanced regional development and thriving entrepreneurship in all parts of Ireland are fundamental to the country's economic growth and to job creation. To support this my Department has secured an increase in its capital budget, from €508m to its highest ever level of €514m in 2012, which reflects the high priority accorded to job creation by this Government.

Specifically in relation to Donegal, there are currently 12 IDA Ireland supported companies employing over 1,800 people in Software Development, Systems Development and the Medical Technology sectors. Donegal's industry base has moved from clothing and textile activities to other high tech activities as outlined above. A key part of IDA's strategy, Horizon 2020 is to work closely with its client companies to retain and grow their business in Ireland. Companies such as Pramerica and UnitedHealth (PacifiCare), which have located in Donegal are continuously growing and recruiting. Currently, the three largest employers in Letterkenny — Pramerica, UnitedHealth (PacifiCare) and Medisize employ in excess of 1,300 people.

At present, 45% of IDA Ireland's client company employment is outside the key urban centres of Dublin and Cork and the agency's strategy, "Horizon 2020" has set a specific goal of securing 50% of all its investments in locations outside of Dublin and Cork. There are currently 182 Enterprise Ireland client companies in Co. Donegal employing more than 2,600 people. So far this year, the agency has paid out almost €2m in funding to its client companies in the County. In addition, Enterprise Ireland has paid out almost €300,000 to Third Level colleges in Co. Donegal between Innovation Partnership and Research funding and Innovation Vouchers awarded to companies in the County.

Donegal County Enterprise Board as part of the nationwide Network of CEBs provides supports to the micro-enterprise sector throughout the County of Donegal. Subject to eligibility criteria new and developing micro-enterprises may qualify for financial support from Donegal CEB as well as availing of a range of non-financial supports. Capital funding for my Department's enterprise development agencies will be protected or enhanced over the medium term as a consequence, I expect the enterprise development agencies to deliver on their ambitious

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jobs targets of over 110,000 gross new jobs over the 5 years of the programme to 2016. This represents an average of 22,000 new jobs per annum.

Every new agency job is estimated to have a multiplier effect, so the overall impact on job creation of the enterprise agencies activities is estimated at 220,000 gross new direct and indirect jobs. All parts of Ireland including Donegal will benefit from this investment.

Competition Law

224. **Deputy Thomas P. Broughan** asked the Minister for Jobs, Enterprise and Innovation if he will ask the Competition Authority to undertake an investigation into the operation of the cement industry; and if he will make a statement on the matter. [35924/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Competition Act 2002 provides that the Competition Authority, the statutory body responsible for enforcing competition law in the State, is independent in the performance of its functions. Under section 30(1)(b) of that Act, the Competition Authority is responsible for investigating breaches of the Act. Investigations and enforcement matters generally are part of the day-to-day operational work of the Authority. I have no direct function in such matters.

Job Protection

225. **Deputy Denis Naughten** asked the Minister for Jobs, Enterprise and Innovation the progress made to date on protecting employment at a company (details supplied) in County Westmeath; and if he will make a statement on the matter. [36059/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Covidien, which has been operating in Athlone for 30 years, is undertaking a transformation of its operations to improve efficiency and future proof its facility. As part of this, one of its basic products, a low value respiratory line will transfer, over the next two years to Thailand, and the company will be offering a voluntary redundancy programme. It is too early for the company to state how many job numbers will be impacted as they are looking at bringing in new products and technologies to the site which will affect the final number.

Investment in technologies and facilities are currently and will continue to be made by the company to improve efficiency and the longer term viability of Covidien's Athlone facility. The company remains very committed to maintaining a significant presence in Athlone and across their six Irish sites. Athlone is the global centre of excellence for Covidien's airways R&D business and will continue to be an important site for Covidien. Only last week, the company announced an investment of some €25M in a number of R&D projects to be undertaken in Ireland, including at its Athlone facility. These projects are being supported by the Government through IDA.

Job Creation

226. **Deputy Micheál Martin** asked the Minister for Jobs, Enterprise and Innovation his views on how the innovation fund is contributing to job creation; and how the fund is currently being used. [32728/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Innovation Fund Ireland is an important element of enterprise policy as investments through the Fund facilitate job creation in innovative export focused sectors as well as proving a return to the exchequer

over time. The Fund has up to €250 million available to make commitments. This funding runs along two parallel tracks.

The first comprises a €125 million pool of funds provided by the Exchequer and managed by Enterprise Ireland. Successful applicants who receive an investment from Enterprise Ireland will have to commit to investing an equivalent amount in Irish companies or companies with substantial Irish operations over the lifetime of their fund. The second is for a similar amount and designed to allow Ireland's National Pensions Reserve Fund (NPRF) to make a similar level of commercial investments assuming its criteria are met.

Over the lifetime of the funds, it is envisaged that the State will make a return on its investment. In terms of economic growth where the Funds invest in Irish start-up, scaling companies or companies with operations in Ireland, the State can expect to see:

- an increase in employment;
- an increase in the number of high potential start-ups;
- the attraction of high potential start up and scaling European technology and life science companies requiring growth capital investment to Ireland;
- increased commercialisation of the ideas and R&D coming out of the Universities and Institutes of Technology and
- the persistence of Ireland as a centre for technology, life sciences and venture capital investment within Europe through multiple fund iterations.

Following the first call for expressions of interest in September 2010, a large number of responses were received from a sectorally and geographically diverse group of companies. To date the NPRF have made three investments. The first investments were in DJF Esprit and DFJ Venture Capital resulting in a partner being hired on the ground in Ireland to invest in Irish companies. The other NPRF investment is in Polaris which has resulted in the establishment of the first Dogpatch Incubator Lab outside of the United States.

The first round of commitments out of the €125m of Enterprise Ireland managed funds are expected to be formalised in the near term. As you will be aware I issued a statement on October 5th indicating my intention to issue a second call for expressions of interest for the balance of the €125m fund, when the first of the new Irish offices associated with these new investments is established. The operation of the Innovation Fund will continue to be managed by EI in ongoing co-operation with the NPRF.

I am committed to increasing the number and scale of innovation driven and high-growth businesses in Ireland and a dynamic and progressive venture capital market is a prerequisite in this endeavour. This Fund is further evidence of the Government's continued commitment to generate high quality jobs in Ireland. Apart from the tangible benefits this brings to the domestic economy, the message that is sent out to the international market is that Ireland is open for business.

Trade Relations

227. **Deputy Seán Kenny** asked the Minister for Jobs, Enterprise and Innovation the level of trade between Japan and Ireland for the years 2007, 2008, 2009 and 2010; and if he will make a statement on the matter. [36198/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Details of Ireland's trade with Japan, for the years 2007 to 2010 are set out in the table.

	Merchandise Imports (€million)	Merchandise Exports (€million)	Services Imports (€million)	Services Exports (€million)	Total Imports (€million)	Total Exports (€million)	Balance of Trade (€million)
2007	1,630.63	1,738.06	561	897	2,191.63	2,635.06	+443.43
2008	1,144.41	1,708.24	500	1,152.	1,644.41	2,860.24	+1,215.83
2009	654.49	1,701.90	452	1,035.	1,106.49	2,736.90	+1,630.41
2010	796.70	1,754.16	615	1,323.	1,411.70	3,077.16	+1,665.46

228. **Deputy Seán Kenny** asked the Minister for Jobs, Enterprise and Innovation the level of trade between India and Ireland for the years 2007, 2008, 2009 and 2010; and if he will make a statement on the matter. [36199/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Details of Ireland's trade with India, for the years 2007 to 2010, are set out in the table.

	Merchandise Imports (€million)	Merchandise Exports (€million)	Service Imports (€million)	Service Exports (€million)	Total Imports (€million)	Total Exports (€million)	Balance of Trade (€million)
2007	279.93	168.34	103	374	382.93	542.34	+159.41
2008	265.16	160.98	88	423	353.16	583.98	+230.82
2009	280.93	158.50	116	582	396.93	740.50	+343.57
2010	301.14	161.69	113	788	414.14	949.69	+535.55

Consultancy Contracts

229. **Deputy Richard Boyd Barrett** asked the Minister for Jobs, Enterprise and Innovation the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; how this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36229/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Public Appointments Service undertakes all recruitment to posts in my Department, with the exception of cleaning staff who are recruited through FÁS. The recruitment of staff by the State bodies under the aegis of my Department is an operational matter for the bodies concerned. While I retain responsibility for policy issues, I am not responsible and have no involvement in the day-to-day operational activities of these bodies, which are statutorily independent.

Job Creation

230. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has evaluated the potential for job creation on an annual basis over the next five years through innovation; how this is likely to be manifested through small and medium-sized businesses; and if he will make a statement on the matter. [36327/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The use of technology and innovation has a crucial role to play in supporting economic recovery and in driving

sustainable employment in the current environment. Strategic investments in Research, Development and Innovation have led to the creation and application of new knowledge and technology across the enterprise spectrum and so have contributed significantly to the competitiveness of indigenous enterprise and to securing the Foreign Direct Investment base in Ireland. There is evidence that research performing companies have weathered the recession better, have suffered less job losses and have generated better levels of growth and exports than those not so involved.

The Government published its Infrastructural and Capital Investment 2012-16: Medium Term Exchequer Framework on the 10th of November last. The capital investment programme covers a broad range of critical areas including economic infrastructure, environmental infrastructure and social investment. This framework has protected and prioritised the State's support to enterprise and innovation. The framework makes provision for the following technology and innovation related investment:

- A 4% increase in the Enterprise Ireland capital budget in 2012
- A 10% increase in the number of high potential start-up Irish companies supported in 2012
- A 20% increase in the number of Innovation Partnerships
- €18million spend on Innovation Fund Ireland in 2012 to further improve the Irish venture capital industry
- New technology centres in Cloud, E-learning and Financial Services to be commenced in 2012
- Full support in 2012 for the SFI research community of over 3,000 researchers, including research teams working with over 500 industry partners
- Maintenance of the Programme for Research in Third Level Institutions
- Full protection of the IDA capital budget over the period of the programme, to enable delivery of the "Horizon 2020" strategy
- Doubling the number of Technology Innovation Development Awards to 200 in 2012

While acknowledging that over the medium-term, there will be a lower level of resources available for capital investment generally, I am delighted to say that supports to industry will be maintained at very significant levels. In total, €2.334 billion is provided for jobs, enterprise and innovation over the period from 2012 to 2016, with over €900 million also being invested by my colleagues in programmes related to tourism, agriculture, food and the marine, all of which deliver major economic and environmental benefits. This will be an increase in the annual allocation for enterprise support from €508 million in 2011 to its highest ever level of €514 million in 2012, reflecting the priority accorded to job-creation by the Government.

In 2010, IDA Ireland clients created 10,897 new jobs while Enterprise Ireland clients created 8,193. Shannon Development clients created 362 while the 35 CEBs together created 5,901 when full and part-time jobs are included. It is vital that this level of job creation is maintained and enhanced in the years ahead and the capital allocation to my Department ensures that this will be the case.

Under the new investment framework, supports through IDA Ireland will be fully protected to enable delivery of the "Horizon 2020" strategy. Enterprise Ireland will be protected over

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the medium-term and a number of new initiatives will be funded including a Partial Loan Guarantee Scheme, Innovation Fund Ireland and there will be increased focus on accelerating High Potential Start-Ups. As a consequence I expect these enterprise-development Agencies to deliver on their ambitious jobs targets of some 110,000 gross new jobs over the five years of the programme to 2016 — or 22,000 per annum on average. When additional indirect employment supported through multiplier effects in the local economy are included, we expect over 220,000 gross new direct and indirect jobs will be created or supported as a result of the significant investment made in enterprise alone over the period to 2016.

Continued investments in research, technological development and innovation have been and will remain a pivotal element of our enterprise development offering to 2016. These investments underpin both the quantum and quality of employment in enterprise today and into the medium term. In addition to supporting the enterprise sector through the provision of funding, I am also continuing to work with my Government colleagues on other measures which will provide further support job creation in the economy. All of these measures — and others across Government — underpin the capital investment which is being made by my Department to support job creation.

Question No. 231 answered with Question No. 75.

Economic Competitiveness

232. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the degree to which he has identified issues that might impede competitiveness in the areas for which his Department has responsibility; the action taken or proposed in this regard; and if he will make a statement on the matter. [36329/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The issues that impact on competitiveness cut across a range of Government Departments and include factors such as business costs, fiscal policies, the quality of our education and training systems, and economic infrastructure. I am working with my Ministerial colleagues, through the Cabinet Committee on Economic Recovery and Jobs, to address many of these issues and to identify actions that can be taken to improve our competitiveness and support job creation.

In relation to my own Department, the key competitiveness issues which I am seeking to address at present relate to access to finance for businesses, reducing administrative burdens and costs on enterprises, and reforming the statutory wage setting mechanisms. With regard to access to finance, my Department is currently finalising proposals for a Microfinance Fund for small business start-ups, and a Temporary Partial Credit Guarantee scheme to encourage banks to lend to commercially viable SMEs engaged in new sectors, technologies and markets.

In relation to reducing the administrative burden on business, my Department has identified potential savings of approximately €198 million per annum for businesses in Ireland arising from measures taken to reduce the administrative burden in the areas of Company Law, Employment Law and Health and Safety Law. My Department is also leading a cross-Government programme to further measure and reduce the administrative burden across all areas of regulation affecting business. A project to measure these burdens across seven Departments and the Offices of the Revenue Commissioners is due to be completed by mid-2012.

I am continuing to work on the preparation of legislation to give effect to the proposals to reform the statutory wage setting mechanisms which I announced on 28 July this year. This will help to improve the competitiveness of businesses in certain sectors. Besides addressing issues that may impede competitiveness, my Department and its agencies are pursuing many

other measures to improve the competitiveness of business by supporting enterprise research, development and innovation, improvements in company productivity and standards, and the expansion of exports.

Job Creation

233. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the number of jobs created in each of the past three years and to date in 2011; and if he will make a statement on the matter. [36330/11]

234. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the number of jobs created in each of the past three years and to date in 2011 in the manufacturing sector in small or large-scale business locations; and if he will make a statement on the matter. [36331/11]

235. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the number of jobs created in the service area in each of the past three years to date in 2011; the number that were created in small to medium-sized enterprises or in large corporations; and if he will make a statement on the matter. [36332/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 233 to 235, inclusive, together.

Figures in respect of the number of jobs created or lost in firms assisted by the industrial development agencies, IDA Ireland, Enterprise Ireland and Shannon Development, are compiled annually in the Forfás Annual Employment Survey. As the information is compiled on an annualised basis, the figures in respect of 2011 will not be available until 2012. Details of the number of jobs created in agency-assisted companies on an annual basis over the last three years are set out in Table A accompanying this reply. Details of jobs created in those companies by sector are set out in Table B.

My Department does not collect or retain information on the number of jobs that have been created or lost in County and City Enterprise Board assisted companies. However, statistical information in relation to details of jobs existing in companies assisted by the County and City Enterprise Boards is collated annually and is set out in Table C in respect of the last three years. Figures in respect of 2011 will be available in the early part of 2012.

Table A

Year	2008	2009	2010
Full Time Jobs created in Enterprise Ireland, IDA Ireland and Shannon Development assisted companies	23,508	14,272	17,582

Table B — Jobs Created in Agency-assisted Companies by Sector

Sector	2008	2009	2010
Manufacturing	10,329	7,043	7,408
International Services	8,889	5,196	7,999
Financial Services	2,646	998	1,235
Other	1,644	1,035	940
Total	23,508	14,272	17,582

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Table C

Year	2008	2009	2010
Jobs existing in CEBs. Based on CEB Annual Employment Survey	33,811	30,726.5	32,910

Job Initiative

236. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the number of positions filled arising from the job initiative; the degree to which this can be enhanced; and if he will make a statement on the matter. [36333/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): The Government's Jobs Initiative, which was announced last May, was aimed at building confidence to encourage consumers to spend, providing opportunities for re-skilling for those who have lost their jobs and assisting in getting people back to work. It is a cross-Government initiative and the impacts are being seen across a range of sectors.

It is not possible to indicate the exact number of positions which have been filled as a result of the measures which were taken in the Jobs Initiative, as there are indirect as well as direct impacts arising from the Initiative. However, there are some data available in relation to some of the measures taken. The Jobs Initiative introduced a 9% VAT rate from 1 July on a range of services, including hotels and restaurants. The Government also halved employer's PRSI for those on modest wages. These measures are of considerable benefit to tourism and hospitality businesses, lowering their cost base, and allowing them to offer a more competitive product to overseas tourists and domestic consumers.

These measures were credited by the Restaurant Association of Ireland for the creation of 490 new jobs in that sector within the first two months of the implementation of the Jobs Initiative. These measures have also helped in making Irish hotels rooms the cheapest in Europe at present, which has been a factor in boosting Irish tourism numbers. The Government has also brought in a visa-waiver scheme, which was announced in the Jobs Initiative, to further support tourism.

The Jobs Initiative targeted Capital spending at labour-intensive local projects, focussing on school works, local roads, energy efficiency and smarter travel projects. Work undertaken between May and October on sustainable travel projects has created over 14,000 days of employment for local contractors around the country.

The level of take-up and activity under the domestic retrofitting schemes to date is demonstrably supporting employment, given the labour intensive nature of energy efficiency upgrades. The Sustainable Energy Authority of Ireland (SEAI) advises that over 5,800 full time jobs are being supported in 2011. This represents an increase of some 2,000 jobs this year over the 3,800 jobs already being supported under the Schemes.

The JobBridge National Internship Programme was launched on 1 July last, and has already seen 2,082 interns start with host organisations up to 18 November, as well as a further 630 who transferred to JobBridge from the Work Placement Programme. A further 2,591 internship opportunities were available on the JobBridge website last week.

Applications for the 5,885 Springboard training places opened on 25 May 2011 through the online applications facility on the Bluebrick.ie. web portal. To date, 4,473 applicants have been

accepted and are enrolled on courses and 1,144 applications are currently being processed. The majority of Springboard programmes have commenced within the last 2 months and 70% of all programmes will be completed by June 2012. In relation to other training places, the 3,000 Back to Education Initiative (BTEI) and 1,000 Post-Leaving Cert (PLC) places were allocated in September.

Building on the Jobs Initiative, I am currently preparing a Jobs Strategy for the Government to be launched early in the new year and which will set out a series of clear, actionable measures to support the creation and retention of jobs.

Job Losses

237. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has further examined precise reasons for the relocation of various enterprises from this to other European or further afield jurisdictions in both the manufacturing and service sectors; the extent to which such relocation has been attributed to specific causes; and if he will make a statement on the matter. [36334/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Recent jobs losses which have occurred in the FDI sector in Ireland are largely the result of the continuing restructuring process that is ongoing in Ireland and other developed economies driven by competitive pressures and technological change. This results in jobs at the lower end of the value added scale being either phased out completely or relocated to lower cost locations. Some of the job losses are due to cyclical factors and will recover. An analysis of job losses in companies in the IDA portfolio that closed over the period 2005 -2010 shows that the majority of closures were in areas such as Metals and Engineering, Print and Packaging, Textiles and Plastics & Rubber. The remainder of closures were spread across more vulnerable parts of sub sectors such as ICT, Services, and Chemicals that are growing overall.

Job losses occur for a variety of reasons including changing competitiveness, competition from sister sites, product and technology lifecycles, global location rationalisation as a result of mergers and acquisitions, or an amalgam of these factors. In the majority of the cases involving relocation, the shift is to lower cost emerging economies with a smaller number of cases relocating to other developed country locations, largely in Eastern Europe.

IDA's strategy (Horizon 2020) is focussed on winning as many new jobs as possible each year and giving equal priority to maintaining existing jobs. To address the need to maintain jobs in Ireland, IDA is encouraging its client companies to strongly engage in transformation initiatives, and is assisting them in programmes to:

- Improve company-wide competitiveness.
- Enhance use of new technologies.
- Grow the skills of the business.
- Engage in Research, Development and Innovation.
- Develop new business processes.
- Make company operations more energy efficient.

There is a requirement for IDA to have a constant agenda to support clients to improve and invest to transform their Irish operations to ensure jobs can be maintained and losses minimised.

Research Funding

238. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has had recent discussions with the EU Commissioner with responsibility for research, innovation and science with a view to maximising the benefit to this economy; and if he will make a statement on the matter. [36335/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Both I and the Minister for Research and Innovation, Sean Sherlock, TD, continue to engage with the EU Commissioner for Research and Innovation, Máire Geoghegan-Quinn on a regular basis including at meetings of the EU Competitiveness Council with a view to ensuring that Ireland maximises its return from the EU Framework Programme in terms of funding and increased research and technological knowledge for Irish enterprise, with a view to increasing the opportunities for job creation in the Irish economy.

The current Seventh Framework Programme (FP7) running from 2007 to 2013 offers Ireland's SMEs, multinationals, and research institutions valuable opportunities to participate in high-calibre research collaborations with our European counterparts. Based on the latest data, Ireland is participating in the Framework Programme from a far stronger position than ever before. A critical mass of research activity has developed in both the public and private sectors. A target of €600 million in research funding to Irish researchers and enterprises has been set for the period 2007 to 2013.

Job Creation

239. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he is focused on job creation in the manufacturing and service sectors with particular reference to small and medium-sized enterprises and major corporations; and if he will make a statement on the matter. [36336/11]

241. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he can set precise objectives for job creation in both manufacturing and services over the next five years; if precise targets have been set out and tested for viability; and if he will make a statement on the matter. [36338/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 239 and 241 together.

The manufacturing and internationally-traded services sectors in Ireland have begun to recover in the last two years, based on a relative improvement in Ireland's competitiveness, and their exports have performed strongly. In spite of the weak global economic climate, Ireland has many strengths which gives it a competitive edge and which we can build on to create more jobs. We have established strong clusters in manufacturing and services sectors such as Medical Devices, ICT, Pharmaceuticals and Financial services, which continue to perform well. Ireland is also well placed to exploit opportunities in new sectors such as Cloud Computing and Digital Gaming, Life Sciences and Clean-tech, through the quality and skills of our workforce.

The Government published its Medium Term Framework for Infrastructural and Capital Investment on 10 November, to cover the period 2012 to 2016. The Capital Investment Framework places a focus on economic growth and jobs, as well as addressing social cohesion and environmental sustainability. In total, €2.334 billion is being provided to my Department's Vote from the Capital Investment Framework to support jobs, enterprise and innovation over the period 2012 to 2016. A further €900 million is being invested by my colleagues in programmes

related to tourism, agriculture, food and the marine, all of which deliver major economic and jobs benefits.

Capital funding for my Department's enterprise development agencies will be protected or enhanced over the medium-term. A number of new initiatives will also be funded which will support job creation, including a Partial Loan Guarantee Scheme and Innovation Fund Ireland. There will also be an increased focus on accelerating High Potential Start-Up companies. As a consequence, I expect the enterprise development agencies to deliver on their ambitious jobs targets of over 110,000 gross new jobs over the five years of the programme to 2016. This represents an average of 22,000 new jobs per annum. Every new job is estimated to have a multiplier effect, so the overall impact on job creation of these activities is estimated at 220,000 gross new direct and indirect jobs.

The environment for business and jobs growth is, of course, affected by international economic conditions and our own competitiveness. In recognition of this, I am conducting a review of our policies and I plan to publish a Jobs Strategy early in the New Year to ensure that policies are adopted which maximise job opportunities.

240. **Deputy Bernard J. Durkan** asked the Minister for Jobs, Enterprise and Innovation the extent to which he has had discussion with representatives of small and medium-sized enterprises and major corporations with a view to identifying the most likely job creation opportunities; the extent to which the precise job creation has been determined in the short and medium term; and if he will make a statement on the matter. [36337/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): As Minister for Jobs Enterprise and Innovation, I have had many meetings with business representative organisations, chambers of commerce and individual business leaders from both the SME section and large enterprises. In his role as Minister for Small Business, my colleague, Minister John Perry has also met with a wide range of business people and business representatives to hear at first hand their views and suggestions on what measures could be taken by Government to support business and job creation.

The Small Business Advisory Group was launched in June of this year and is chaired by Minister Perry. The Group includes entrepreneurs and representatives from the main small business representative bodies and membership is focused on business people with direct experience in running a business. The mandate of the Group is to identify what issues need to be addressed as a priority and make recommendations on what measures can be considered to further support small business to sustain and create jobs. The Small Business Advisory Group has recently finalised its report, identifying priority issues to be considered by Government. The output of this group will inform Government actions in relation to helping small businesses create jobs.

The High Level Group on Business Regulation, also chaired by Minister Perry, was set up to provide a fast-track mechanism for business to communicate specific red tape issues to Government and follow through on their implementation. The Group works to identify the administrative burdens placed on businesses, particularly SMEs, arising from regulation and to determine ways to reduce and simplify these or eliminate them where they are unnecessary. The Group has already processed a range of red tape issues and continues to seek practical solutions to further concerns. In addition to this work, the High Level Group was involved in validating the administrative burdens identified with my Department in 2009 and 2010 as part of the target to reduce administrative burdens by 25% by 2012.

[Deputy Richard Bruton.]

As the Deputy is aware, I have begun preparation of a comprehensive Jobs Strategy, at the request of the Taoiseach and Cabinet Committee on Economic Recovery and Jobs, which I hope to publish in the New Year. As part of this process, I have consulted very widely across the public and private sectors and have received several hundred separate recommendations. I am examining proposals together with Government colleagues and officials and they will inform the Jobs Strategy. The strategy will cover both short and medium term actions that will contribute to job creation across the economy over the coming months and years.

Question No. 241 answered with Question No. 239.

Appointments to State Boards

242. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36957/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): No former holders of the office of Attorney General have been appointed to State boards under the Aegis of my Department by the current or former Governments.

Social Welfare Benefits

243. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection if she will clarify if the commitments made by her in relation to older persons through the recent universal periodic review process mean that basic State supports and safeguards against poverty, including the State pension and free travel, will be retained at their current rates in budget 2012; and if she will make a statement on the matter. [35562/11]

Minister for Social Protection (Deputy Joan Burton): I am very conscious of the needs of people on social welfare and fully understand that a wide range of groups depend on the welfare budget for vital support. In the context of a very tough budgetary environment, I will do my utmost to protect the most vulnerable people in Irish society, including retired and older people in receipt of social welfare pensions and the free travel scheme.

The social protection budget grew dramatically during the years of the Celtic tiger. In 2001 spending on social protection stood at €7.84 billion and the 2010 outturn stands at €21.35 billion. This is an increase of 272% which is way above the increase in inflation of around 30% during the same period. Spending on schemes, services and administration in 2011 is estimated at €20.62bn. Pensions and other supports for retired and older people accounts for almost 30% of overall expenditure at just over €6 billion. My Department will spend over €77 million in 2011 on the free travel scheme which will benefit over 700,000 people, some 520,000 of whom are aged over 66.

In relation to poverty, I am overseeing a comprehensive review of the national poverty target. This review will enable the Government to adopt appropriate and achievable national poverty targets to meet Ireland's contribution to the EU poverty target in the Europe 2020 Strategy and the commitments in the Programme for Government. I will present the outcome of the review for the consideration of the Cabinet Committee on Social Policy when it has been finalised.

I recognize that there is a need to safeguard, as far as possible, the key income supports and services operated by the Department. However, sustainable public finances are a prerequisite for maintaining an adequate system of social protection as well as for achieving future economic stability and growth. For these reasons, the State must pursue a determined deficit reduction strategy. Accordingly, there will be an on-going requirement to curtail expenditure and prioritise resources in my Department and in all other Departments, in 2012 and in later years.

In this regard, my Department has completed a Comprehensive Review of Expenditure. The purpose of the Review is to assess the effectiveness and value for money of spending programmes across all Departments and agencies. All spending lines are being examined without exception and possible ways of reducing spending are being considered in every area of expenditure. The intention behind the methodology being followed is to provide the Government with a set of decision options to enable it to meet three objectives. These objectives are firstly to achieve overall fiscal consolidation outcomes, both as regards spending and numbers reduction targets, secondly to re-align spending with the Programme for Government priorities and thirdly, to consider new ways of implementing Government policy in the context of public sector reform.

In my discussions with my colleagues in Government I will have regard to any views expressed by the UN and by welfare representative organisations. In this regard, I held a Pre-Budget Forum on 16 September last. This was attended by 34 organisations and I and my officials had the opportunity to listen carefully to their proposals relating to the next Budget. Decisions in relation to welfare funding will be made in due course after full consideration by the Government and will be announced on Budget day.

Proposed Legislation

244. **Deputy Jonathan O'Brien** asked the Minister for Social Protection the date on which she will introduce gender recognition legislation. [35668/11]

245. **Deputy Jonathan O'Brien** asked the Minister for Social Protection her plans to ensure transgender persons can obtain a birth certificate that reflects their actual gender. [35678/11]

263. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding legislation (details supplied); and if she will make a statement on the matter. [35586/11]

265. **Deputy Stephen Donnelly** asked the Minister for Social Protection when it is proposed to introduce legislation to recognise legally the acquired gender of transgender persons, given that it is four years since the High Court ruled that Irish law in this area is in breach of the European Convention on Human Rights. [35594/11]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 244, 245, 263 and 265 together.

Last July, I published the report of the Gender Recognition Advisory Group which set out detailed recommendations for legislation to give recognition, including birth registration, to the acquired gender of transgender people. Since then my Department has been working on developing draft Heads of a Bill which I intend to bring to Government in quarter 1, 2012.

Social Welfare Benefits

246. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the number of small holders in receipt of farm assistance. [35817/11]

Minister for Social Protection (Deputy Joan Burton): The number of farmers in receipt of Farm Assist from the Department of Social Protection in October 2011 was 11,239. In addition to the personal rate that was paid in all those cases, increases were also paid in respect of 5,180 qualified adults and 10,055 children.

Social Welfare Schemes

247. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the number of places available on the rural social scheme at present. [35818/11]

248. **Deputy Michael Healy-Rae** asked the Minister for Social Protection her plans to increase the number of places available in the rural social scheme. [35819/11]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 247 and 248 together.

The purpose of the rural social scheme (RSS) is to provide income support for farmers and fisherpersons who have an entitlement to specified social welfare payments. Persons are engaged for 19½ hours per week to provide certain services of benefit to rural communities. The scheme currently provides work opportunities for around 2,600 participants and 130 supervisory staff. The funds allocated for 2011 amount to just over €46m. These funds meet the pay costs of participants and supervisors, provision of materials, insurance, health and safety, training and related operational costs. I have no plans to increase the number of places available on this scheme. The funding position for the RSS in 2012 will be determined in the context of the forthcoming Budget.

Pension Provisions

249. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding community employment supervisors and assistant supervisors and their claim for a pension scheme; if her attention has been drawn to the Labour Court recommendation on this matter contained in LCR19293 of the 22 July 2008; and if she will make a statement on the matter. [35906/11]

Minister for Social Protection (Deputy Joan Burton): The Labour Court recommended in July 2008 that an agreed pension scheme should be introduced for community employment (CE) scheme supervisors and assistant supervisors, and that such a scheme should be adequately funded by FÁS. Notwithstanding the positions of the Department in rejecting that liability for these costs falls to be met from public funds, this matter has been the subject of discussions between the Department of Public Expenditure and Reform, my Department, and the unions representing CE supervisors. In the event that funding was required from FÁS, the implementation of the claim is not considered sustainable in light of the current and ongoing fiscal environment and the requirement to contain and reduce public expenditure. The costs of the introduction of any scheme are likely to be of the order of €3m with retrospective costs of the order of at least €30m.

The Deputy should also note that FÁS is not the employer of CE supervisors and such employees are not public servants. Neither was FÁS a party to the Labour Court dispute on this matter. The responsibilities of the sponsoring organisations and the individuals concerned must also be recognised when considering pension provision arrangements.

Social Welfare Benefits

250. **Deputy Patrick O'Donovan** asked the Minister for Social Protection her views on the

proposed transfer of all housing related matters, including the management and payment of rent allowances or supplements from the Health Service Executive to local authorities. [36152/11]

Minister for Social Protection (Deputy Joan Burton): There are two main initiatives currently being pursued by the Department to transfer long term rent supplement recipients into housing solutions supported by local authorities. The two initiatives are the Rental Accommodation Scheme and the new Housing Policy Initiative launched in June of this year.

The Rental Accommodation Scheme (RAS), which was introduced in 2004, gives local authorities specific responsibility for meeting the longer term housing needs of people receiving rent supplement for 18 months or more. Local authorities meet the housing needs of these individuals through a range of approaches including the traditional range of social housing options, the voluntary housing sector and, in particular, the RAS. Since 2004, over 36,500 households have transferred from rent supplement to a local authority provided housing solution.

On 16th June 2011, the Minister for the Environment, Community and Local Government and the Minister for Housing & Planning published a new housing policy framework statement. This framework statement reflects the content of the Programme for Government and sets out the principles to underpin the development of housing policy into the medium term. Specifically, it contains the announcement for the transfer of responsibility in providing housing needs for long term rent supplement recipients to housing authorities on a phased basis. The focus of this approach is to achieve a key Government commitment of removing barriers to employment and at the same time returning rent supplement to its original purpose of a short-term income support.

A multi-agency steering group has been established by the Department of Environment, Community and Local Government to give effect to this initiative and this group are currently developing proposals and operational protocols for the transfer of responsibility from the Department of Social Protection to housing authorities of persons who have long term housing requirements.

Social Welfare Appeals

251. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection when a decision will issue on an appeal in relation to the decision to find a person (details supplied) in County Cavan ineligible for jobseeker's allowance under the habitual residence condition. [35461/11]

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

252. **Deputy Michael Creed** asked the Minister for Social Protection if she will outline the manner in which she discriminates against children born through surrogacy who are legally resident in this country with regard to their entitlement to child benefit and their parents' entitlement to maternity leave or benefit; and if she will make a statement on the matter. [35464/11]

Minister for Social Protection (Deputy Joan Burton): Issues relating to maternity leave are a matter for my colleague, Alan Shatter T.D., Minister for Justice and Law Reform. The legislative provisions relating to maternity benefit and child benefit are contained in the Social Welfare Consolidation Act, 2005 and Statutory Instrument No. 142/2007 (as amended). Entitlement to maternity benefit is subject to the following provisions: It being certified by a registered medical practitioner that it is expected that the woman will be confined in a week specified in the certificate; In the case of an employed person, it is certified by the woman's employer that she is entitled to maternity leave under the provisions contained in the Maternity Protection Acts 1994 and 2004; and that she meets certain PRSI and employment conditions.

With regards to child benefit, payments are made to a single adult with whom a child normally resides and in situations where the qualified child normally resides with both parents, the payment is paid to the child's mother.

In situations other than where the qualified child is normally residing with his/her parents or step-parents or is residing in a household other than where one of his/her parents resides and one of the parents is entitled to the child's custody, child benefit can be paid to the woman who has care and charge of the qualified child in the household in which the child normally resides. If there is no such woman in that household, child benefit can be paid to the head of that household. If the Deputy has a particular case that he wishes to have considered, he should provide details and my officials will be in a position to review the matter.

253. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the basis on which a medical officer could determine that a person (details supplied) in County Kildare was refused invalidity pension; if she accepts this question as a basis of notice of appeal; if she will clarify the reason the community welfare office has indicated that medical evidence which has already been supplied to her Department must also be supplied to the community welfare section; if such duplication is necessary or in accordance with requirements; and if she will make a statement on the matter. [35466/11]

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 a claim for invalidity pension from the person concerned. The department requested medical evidence in support of this application from the person concerned and a medical diagnostic report was submitted. This report was then examined by a medical assessor who found that the person concerned is not eligible for invalidity pension as he does not satisfy the medical criteria. Accordingly, the application for invalidity pension was disallowed by a deciding officer. He was notified of this decision on 10 November 2011 and was advised of his right to request a review of the decision and also of his right to lodge an appeal with the social welfare appeals office.

If the person concerned wishes to request a review of the decision he may provide further medical evidence in support of his 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 his right to appeal this decision if he is still not satisfied.

Unfortunately, this question cannot be accepted as a formal notification of appeal. 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. 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.

The person concerned applied for and was awarded supplementary welfare allowance (SWA) as an interim payment while he awaited a decision on his claim for invalidity pension. His claim for invalidity pension was disallowed. At this point there were a number of options open to him:

- Apply for jobseekers allowance if capable of work
- Apply for disability allowance if he was not capable of work in the longer term
- Appeal against the disallowance of invalidity pension
- Continue to claim SWA while any of the above was being processed.

In the interest of maintaining an income for the person concerned, assisting him to decide which social welfare scheme would be most appropriate to his needs and determining his ongoing eligibility for SWA, the community welfare service staff requested that he supply evidence of his medical circumstances. This is in accordance with normal procedure and there was no interruption to his payment while this evidence was being sought.

Social Welfare Appeals

254. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the basis on which it was decided by a medical officer that a person (details supplied) in County Kildare was not unfit for work despite the existence of conclusive medical evidence and hospitalisation to the contrary; if the medical assessor purports to reject the opinion of their consultant; if she will arrange for expeditious review of this case which is now a subject of an appeal; and if she will make a statement on the matter. [35467/11]

Minister for Social Protection (Deputy Joan Burton): Payment of illness benefit, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that he was capable of work.

An appeal was registered on 3rd November 2011 and the Social Welfare Appeals Office has advised me that, in accordance with statutory requirements, the Department was asked for the documentation in the case and the Deciding Officer's comments on the grounds of the appeal. In that context, an examination by another Medical Assessor will be carried out. The person concerned will be notified when arrangements for the examination have been completed.

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

255. **Deputy Simon Harris** asked the Minister for Social Protection the income guideline criteria she sets for carer's allowance applications; if she takes into account existing fixed outgoings of applicants, that is, mortgage payments, when at the assessment stage; if not, if the deciding officer has any discretion in this regard or if she intends to reform this area; and if she will make a statement on the matter. [35483/11]

Minister for Social Protection (Deputy Joan Burton): Carers allowance is a means-tested payment for people living in Ireland who are looking after someone who needs support because of age, physical or learning disability or illness, including mental illness. It is mainly aimed at carers on low incomes who live with and look after certain people who need full-time care and attention.

By its nature the means test takes account of the income a person or couple has in terms of cash, property (other than the home) and capital; it does not take account of a person's expenditure. The combination of means test and awarding of differentiated rates of payment is premised on ensuring that social welfare payments are paid to those most in need.

The means test for carers allowance has been significantly eased over the years, and is now one of the most generous means tests in the social welfare system, most notably with regard to spouse's earnings. Since April 2008, the income disregard has been €332.50 per week for a single person and €665 per week for a couple. This means that a couple with two children can earn in the region of €35,400 and qualify for the maximum rate of carers allowance as well as the associated free travel and household benefits. A couple with an income in the region of €59,300 can still qualify for a minimum payment, as well as the associated free travel and household benefits package.

The actual income from investments and money in a savings account is not taken as means. Instead, investment items such as money in a savings account, cash-in-hand or money in a current account and the cash value of investments and property are taken into account for the means assessment. If the carer is getting a social welfare payment from another State an amount up to the maximum rate of the Irish State pension (contributory) is exempt from the means test. Any foreign social welfare payment above the maximum State pension (contributory) is treated as income for the means test.

Mortgage payments or other fixed payments are not taken into account for carers allowance when assessing the means. Where a person who is applying for the carers allowance has a second mortgage, any outstanding mortgage against the capital value of the property is taken into account. On payslips, the following items are exempt when calculating the means — union subscriptions, PRSI, pension, PRSAs, AVCs, pension levy, travel expenses (max €15). The deciding officer has no discretion in this matter. I have no plans to change the current procedures.

Social Welfare Benefits

256. **Deputy Bernard J. Durkan** asked the Minister for Social Protection, further to Parliamentary Question No. 114 of 20 October 2011, if she will set out the factual position in respect of entitlement to a payment in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35484/11]

Minister for Social Protection (Deputy Joan Burton): The community welfare service and the community welfare officers providing it, transferred formally to the Department of Social Protection from 1 October 2011. The service and staff are now part of the Department. The factual position is that there is no current claim for supplementary welfare allowance in respect of the person concerned. The person concerned should contact the Department's local representative who is administering the supplementary welfare allowance scheme if he wishes to have his entitlement examined.

Question No. 257 withdrawn.

Information Technology

258. **Deputy Denis Naughten** asked the Minister for Social Protection the number of computer servers that are owned by her Department and each State agency under her aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if she will make a statement on the matter. [35535/11]

Minister for Social Protection (Deputy Joan Burton): For its internal IT operations, the Department utilises 344 servers with total memory of 4,271 gigabytes. The annual maintenance cost for these servers is EUR60,000. The maintenance contract is due for renewal in 2012 and in that context the Department will be seeking to reduce the costs of server maintenance.

Three statutory bodies operate under the aegis of the Department; they are the Pensions Board, the Social Welfare Tribunal and the Citizens Information Board. In addition, the Pensions Ombudsman comes under the remit of the Department.

The Pensions Board

The Pensions Board owns 19 servers with a combined memory capacity of 76 Gigabytes. The cost of maintaining servers falls under the annual maintenance and support charge of €7,995 (ex VAT). The Board intends to review and consider the upgrade of ICT hardware and supporting software infrastructure during 2012.

Citizens Information Board

The Citizens Information Board own 17 computer servers. The capacities of the servers and associated maintenance costs are presently being compiled and will be forwarded to the deputy in due course.

The Social Welfare Tribunal

The Social Welfare Tribunal does not own any computer servers.

Office of the Pensions Ombudsman

There is one server on the premises of the Office of the Pensions Ombudsman and it supports the IT applications of the Office. This server is owned by the Department and is included under the Department's internal IT Operations figures above.

259. **Deputy Brendan Ryan** asked the Minister for Social Protection the make and model of a scanner used in her Department's document, record and information management programme; the number of scanners being used; if she is satisfied that those resources are equipped to meet capacity; and if she will make a statement on the matter. [35547/11]

Minister for Social Protection (Deputy Joan Burton): The Document, Record and Information Management (DRIM) programme is a key part of my Department's ongoing change and modernisation programme. An objective of the DRIM programme is to eliminate, as far as possible, all paper from the administrative process and to store, retrieve and process records in an electronic format. By scanning documentation, certificates and customer application forms, the scanned images are made available online to staff and, where appropriate, data are captured to facilitate automation of business processes.

Since 2007 new automated business processes have been developed under the Department's Service Delivery Modernisation (SDM) programme utilising large-scale scanning and data capture in headquarter offices in Letterkenny, Sligo, Longford and Dublin. It is also planned to deploy scanners to local officers in support of the improved registration process. In addition, some smaller-scale scanning of administrative papers also takes place in other locations. Details

[Deputy Joan Burton.]

of the make and model of the scanner equipment currently in use in these areas are set out in the table.

Scanning and data capture has facilitated automation of business processes with consequent improvements in service delivery for customers. I am satisfied that the current equipment and level of resources is sufficient to meet scanning volumes being processed and is kept under review by business areas to ensure a high level of service.

Table

Office Location	Scheme Area	Scanner Make/Model
Letterkenny, Co. Donegal (Decentralised Office)	Child Benefit	1 x Bell & Howell NGenuity 9125DC 2 x Panasonic KVS 7065C
Sligo (Decentralised Office)	Pensions & Household Benefits	1 x Bell & Howell NGenuity 9125DC 1 x Panasonic KVS 7065C 1 x Fujitsu FI 6770
Longford (Decentralised Office)	Carers Allowance	1 x Fujitsu FI 6230 2 x Fujitsu FI 6770
Dundalk, Co. Louth (Decentralised Office)	Salaries (admin)	1 x Fujitsu FI 6230
Aras Mhic Diarmaida, Dublin 1 (Dublin HQ)	Illness Benefit	3 x Bell & Howell NGenuity 9125DC
Oisin House, Dublin 2 (Dublin HQ)	Medical Referral & Assessment Service	2 x Fujitsu FI 6230
Gandon House, Dublin 1 (Dublin HQ)	Respite Care Grant	1 x Fujitsu FI 6230

Social Welfare Code

260. **Deputy Sandra McLellan** asked the Minister for Social Protection the realistic alternatives available to persons when their illness benefit runs out and who are refused Invalidity pension as the Department deem them suitable for work even though their doctors do not (details supplied); and if she will make a statement on the matter. [35553/11]

Minister for Social Protection (Deputy Joan Burton): Illness Benefit is an income support payment for people of working age who are unable to work due to illness and who satisfy certain social insurance conditions. The scheme is intended to provide income replacement for insured persons during short spells of incapacity or illness, while other payments are available to people who are unable to work long-term because of a disability or a medical condition.

Prior to the introduction of changes provided for in the Social Welfare (Miscellaneous Provisions) Act 2008, there was no limit on the amount of time for which Illness Benefit could be paid to people who had more than 260 social insurance contributions. An OECD review entitled “Sickness, Disability and Work: breaking the Barriers” noted that paying illness or sickness benefit without a time limitation was very unusual across the OECD, and pointed to the risk that people in such circumstances will never return to the labour market. Against that background, the legislation now provides that entitlement to Illness Benefit is limited to two years (or 624 days) duration for claims arising after the 5th January, 2009.

Where a person’s eligibility for Illness Benefit ceases on the expiry of this two year time limit they can apply for entry to one of the long-term illness/disability schemes, namely Inval-

idity Pension (social insurance contribution based) or Disability Allowance (means based) and their claim will be considered by the Department taking advice from its own medical assessors.

The Department's medical assessors are fully qualified and experienced practitioners who provide a second opinion to that of the person's own doctor for the guidance of deciding officers. Their assessments conform to the ethical conduct and behavioural guidelines of the Medical Council. Medical assessors are required to be medical practitioners who are on the general register of medical practitioners while holding an appointment. They must have at least six years' satisfactory experience in the practice of medicine since registration. Many of the medical assessors have specialist post-graduate qualifications. They also have special training in eligibility assessment and disability evaluation.

Every effort is made to ensure that the interests of persons called for assessment are fully safeguarded. Their own certifiers are advised of the scheduled assessments and invited to submit any appropriate medical reports including references to any recent assessments by consultants. In addition it is open to a certifier to attend an assessment if he or she so wishes. A Nurse Attendant is always present during assessments. In carrying out assessments the Medical Assessor considers all medical evidence presented and expresses an opinion based on findings. All assessments are carried out in accordance with the accepted guidelines of the Irish Medical Council.

The Medical Assessor does not dispute the existence of the certified cause of incapacity but rather assesses the degree to which the loss of function in work-related activities, resulting from disease or injury, affects the person's ability to perform either their own job or alternative types of work. Assessments are conducted in a fair, equitable, impartial and independent manner to the highest standards in accordance with accepted medical practice and ethics.

If a decision, based on the opinion of a Medical Advisor, is unfavourable to a customer, the customer has a right of appeal to the independent Social Welfare Appeals Office. Before an appeal is heard by an Appeals Officer, the customer is afforded a second medical assessment by a different Medical Assessor to the one who gave the original unfavourable opinion.

Where a claimant fails to qualify for Invalidity Pension or Disability Allowance, either on first application or appeal, and if they are unable to secure suitable employment, taking account of their medical condition, they can seek recourse to Jobseeker Allowance payments or to the Supplementary Welfare Allowance Scheme.

Social Welfare Benefits

261. **Deputy Noel Coonan** asked the Minister for Social Protection when an application for domiciliary care allowance will be finalised in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [35554/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on 19th October 2011. This application has been forwarded to one of the Department's Medical Assessors for their medical opinion. Upon receipt of this opinion a decision will issue to the customer. The Deputy should note that it currently take up to nine weeks to process an application.

Social Welfare Appeals

262. **Deputy Sean Fleming** asked the Minister for Social Protection when an appeal for a carer's allowance will be granted to a person (details supplied) in County Laois; and if she will make a statement on the matter. [35566/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 26 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 26 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.

Question No. 263 answered with Question No. 244.

Civil Registration

264. **Deputy Stephen Donnelly** asked the Minister for Social Protection the number of applications for new birth certificates that have been received by the General Register Office or local offices from transgender persons since the decision of the High Court in the Lydia Foy case in October 2007 to the effect that the State must make provision for the legal recognition of transgender persons in their acquired gender [35593/11]

Minister for Social Protection (Deputy Joan Burton): The administration of the system of civil registration in the State is the responsibility of an tÁrd Chlaraitheoir (Registrar General). I have made enquiries of the Registrar General and he informs me that six individuals have applied to have new birth certificates issued to them, since the judgment referred to by the Deputy.

Question No. 265 answered with Question No. 244.

Social Welfare Code

266. **Deputy Stephen Donnelly** asked the Minister for Social Protection if she will provide the entitlements and procedures applying to self-employed persons whose business has collapsed and who need social assistance; the difference between these entitlements and those applying to former PAYE workers who are now unemployed; if she will consider bringing these entitlements into parity; if she is considering any other changes in policy in this area; if there are any supports available for a small business that is struggling and on the brink of collapse, in order to help it avoid collapse.; and if she will make a statement on the matter. [35595/11]

Minister for Social Protection (Deputy Joan Burton): Self-employed persons are liable for PRSI at the Class S rate of 4% which entitles them to access long-term benefits such as State pension (contributory) and widow's, widower's or surviving civil partner's pension (contributory). Ordinary employees who have access to the full range of social insurance benefits, including jobseeker's benefit, pay Class A PRSI at the rate of 4%. In addition, their employers make a PRSI contribution of 10.75% in respect of their employees, resulting in the payment of a combined 14.75% rate per employee under full-rate PRSI Class A. (For employees earning less than €356 per week, the rate of employer's PRSI is 4.25%).

In this context it may be noted that self-employed workers generally achieve better value for money by paying social insurance compared to employees. In terms of benefits, the 2005 Actuarial Review of the Social Insurance Fund found that the self-employed contributor can expect to receive over 10 times what he contributes to the social insurance fund compared to

the employee who only gets 3 times what he and his employer contribute — despite the fact that the range of benefits available to employees is greater.

Any changes to the PRSI system in order to provide access to short-term benefits such as jobseeker's benefit would have significant financial implications and would have to be considered in the context of a much more significant rise in the rate of contribution payable. I have established the Advisory Group on Tax and Social Welfare earlier this year to meet the commitment made in the Programme for Government. The Advisory Group will, inter alia, examine and report on issues involved in providing social insurance cover for self-employed persons in order to establish whether or not such cover is technically feasible and financially sustainable.

The Deputy should be aware that self-employed persons may establish eligibility to assistance-based payments including payments such as jobseeker's allowance. In general, in assessment of means account will be taken of the level of earnings in the last twelve months in determining their expected income for the following year. In the current climate account is taken of the downward trend in the economy. The provision of supports to small business is a matter for my colleague the Minister for Jobs, Enterprise and Innovation.

Social Welfare Benefits

267. **Deputy John McGuinness** asked the Minister for Social Protection if an application for back to school assistance will be approved under review in view of the hardship of the case in respect of a person (details supplied) in County Kilkenny. [35629/11]

Minister for Social Protection (Deputy Joan Burton): Following a review of the means of the person concerned, a back to school clothing and footwear allowance has been awarded in this case. Payment will issue to the person concerned shortly.

Social Welfare Appeals

268. **Deputy John McGuinness** asked the Minister for Social Protection if she will confirm the status of an application for domiciliary care allowance in respect of a person (details supplied) in County Kilkenny; and if this claim will be approved in view of the evidence provided and the hardship of the case. [35630/11]

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 13 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 2 August 2011 and the appeal has been assigned to an Appeals Officer who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

269. **Deputy Sean Fleming** asked the Minister for Social Protection when an oral hearing will be held in respect of a person (details supplied) in County Laois; and if she will make a statement on the matter. [35700/11]

270. **Deputy Sean Fleming** asked the Minister for Social Protection when an oral hearing will be held for a person (details supplied) in County Laois; and if she will make a statement on the matter. [35703/11]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 269 and 270 together.

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.

On foot of correspondence submitted in respect of this case, the Deputy Chief Appeals Officer wrote to the accountant of the person concerned on 17th August 2011 seeking clarification on a number of issues. To date, no response has been forthcoming. 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

271. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if she will indicate the progress to date in the determination of entitlement to an increase of illness benefit payment in respect of a person (details supplied) in County Kildare who has provided all the requested supporting documentation; and if she will make a statement on the matter. [35706/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned has been in receipt of illness benefit since 13 October 2006. She is in receipt of the maximum personal weekly rate less a deduction of €20 towards the recovery of an overpayment. She has applied for a qualified adult increase in respect of her spouse and for qualified child increases in respect of two children. In order for it to be decided whether these increases are payable to her it is necessary to establish the income of her spouse who has a history of self-employment. This matter was investigated by a social welfare inspector who reported in September 2011 that the person concerned had failed to provide the necessary documentary evidence.

It is understood that the Deputy's office has indicated that bank statements relating to the person concerned and her spouse were posted to this Department's PO Box no. 1650 on 25 October 2011. However, despite an extensive search, there is no trace of the documents. The Deputy's office have been advised accordingly and given an assurance that, once the documents are available (whether original or duplicates), they will be considered as a matter of urgency.

Public Procurement

272. **Deputy Gerald Nash** asked the Minister for Social Protection if she will provide details in relation to the number and value of State capital construction project contracts awarded by her to companies registered outside the State in the years 2009, 2010 and 2011, respectively; if she will provide details in respect of the number and value of State capital construction project contracts awarded to companies registered in the Republic of Ireland in the years 2009, 2010 and 2011 respectively; and if she will make a statement on the matter. [35724/11]

Minister for Social Protection (Deputy Joan Burton): The Department of Social Protection has not awarded any construction project contracts to companies registered within or outside the State in the period 2009-2011. Responsibility for the acquisition of office accommodation for the Department rests with the Office of Public Works.

Social Welfare Appeals

273. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a domiciliary care allowance claim in respect of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [35729/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order. In the context of dealing with the considerable number of appeals now on hand, the Department made 9 additional appointments to the office earlier this year.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but 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

274. **Deputy Ciara Conway** asked the Minister for Social Protection if there are any plans to reinstate a Christmas bonus for persons in receipt of certain social welfare payments after 2011; and if she will make a statement on the matter. [35744/11]

Minister for Social Protection (Deputy Joan Burton): Payment of a bonus this December would cost in the region of €230 million. The 2011 Estimates for my Department do not include such a provision and, given the need to control Government expenditure generally, it will not be possible to re-introduce a bonus payment this year.

Departmental Expenditure

275. **Deputy Thomas P. Broughan** asked the Minister for Social Protection the reason that, in information literature from her, the net social welfare spend is not emphasised in view of the fact that the social insurance fund disburses accrued benefits; and if she will make a statement on the matter. [35762/11]

Minister for Social Protection (Deputy Joan Burton): The estimates for Department are published in the Revised Estimates for Public Services each year. The section on the Social Insurance Fund (SIF) shows income from contributions, expenditure on SIF schemes and administration and the overall net position (difference between expenditure over income) of the Social Insurance Fund.

The section on total expenditure on Social Protection shows the overall expenditure of the Department, including schemes and services, funded from Vote 38 as well as the Social Insurance Fund. The accounts of the Social Insurance Fund published following audit by the Comptroller and Auditor General shows similar information. I am satisfied that, taken together, this information clearly shows the amount of social welfare spending that is funded from general taxation and the amount that is funded by social insurance contributions.

Employment Support Services

276. **Deputy Dominic Hannigan** asked the Minister for Social Protection if the review of JobBridge will include an examination of measures that would allow single parents to participate in the scheme while allowing for their children to be in child care; and if she will make a statement on the matter. [35766/11]

Minister for Social Protection (Deputy Joan Burton): My Department continues to monitor and review the operation of the JobBridge scheme, including its eligibility, on an ongoing basis. However, there are no plans to amend the following participant eligibility criteria:

- Currently be in receipt of a live claim (Jobseekers Allowance/Jobseekers Benefit/Signing for Social Insurance Contribution Credits) on the Live Register, and
- Have been in receipt of Jobseekers Benefit, Jobseekers Allowance or signing for Social Insurance Contribution Credits for a total of 78 days or more in the last 6 months.

Given the scale of the unemployment crisis, one of the key objectives of labour market policy is to keep those on the Live Register close to the labour market and prevent their drift into long-term unemployment. For these reasons, the eligibility for the JobBridge scheme is confined to those whose primary payment is a Jobseekers payment and who are on the Live Register. In so designing the scheme, the policy objective is to prioritise scarce resources on those on the Live Register so as to increase their chances of leaving it and ensure a reduction in exchequer costs over time.

Individuals in receipt of One Parent Family Payment may access a wide range of activation supports including the FÁS Work Placement Programme, which is designed to provide participants with valuable work experience, thereby improving their prospects of securing employment.

Social Welfare Appeals

277. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection when the appeal will be finalised in relation to the denial of State pension transition in respect of a person (details supplied). [35802/11]

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 13th 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 19th October 2011 and the appeal was assigned to an Appeals Officer on 9th November 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.

Infrastructure Investment Plan

278. **Deputy Charlie McConalogue** asked the Minister for Social Protection if she will outline the specific projects that she plans for County Donegal arising from the Infrastructure and Capital Investment Plan 2012-2016; and if she will make a statement on the matter. [35834/11]

Minister for Social Protection (Deputy Joan Burton): My Department has no specific projects for County Donegal arising from the Government's Infrastructure and Capital Investment Plan 2012-2016.

Social Welfare Appeals

279. **Deputy Patrick Nulty** asked the Minister for Social Protection if she will expedite an appeal against a decision not to award illness benefit to a person (details supplied) in County Dublin; if she will grant an early oral hearing; the reason for the delay; and if she will make a statement on the matter. [35863/11]

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 3rd November 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Redundancy Payments

280. **Deputy John O'Mahony** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive their redundancy payment; and if she will make a statement on the matter. [35873/11]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 23 September 2011. Redundancy lump sum claims received at the beginning of May 2011 are currently being processed.

Social Welfare Appeals

281. **Deputy Brendan Ryan** asked the Minister for Social Protection if she will expedite an appeal against a decision not to award disability allowance to a person (details supplied) in County Dublin; if she will grant an early oral hearing; the reason in the delay; and if she will make a statement on the matter. [35878/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was received in that office on 18 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 15 November 2011 and the appeal will, in due course, be assigned to an Appeals Officer for consideration. As part of this consideration, the Appeals Officer will decide if an oral hearing of the case is warranted.

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

282. **Deputy Billy Kelleher** asked the Minister for Social Protection the protection that will be given to welfare recipients who are forced to refuse FÁS courses following the cessation of funding for child care employment and training support leaving them without child care; if she

[Deputy Billy Kelleher.]

will guarantee that their welfare payments will not be affected; and if she will make a statement on the matter. [35882/11]

Minister for Social Protection (Deputy Joan Burton): The funding for Childcare Employment and Training Support is not a matter for my Department. However, it should be noted that domestic commitments may be a restriction on a person's availability for full-time work and may thus affect their eligibility for a jobseeker's payment. To qualify for a jobseeker's payment, a person must satisfy certain conditions which includes being available for full-time work. They must be in a position to take up any reasonable offer of employment or accept training offers that are deemed suitable in order to improve their employment chances.

Individual circumstances, including childcare arrangements, may affect a customer's ability to satisfy these conditions and could have an impact on the customer's continued entitlement to payment, if they affect availability for work or result in a refusal of a suitable offer of training.

Question No. 283 withdrawn.

Social Welfare Benefits

284. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for domiciliary care allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35891/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on 3rd November 2011. This application has been forwarded to one of the Department's Medical Assessors for their medical opinion. Upon receipt of this opinion a decision will issue to the customer. The Deputy should note that it currently takes up to nine weeks to process an application.

Social Welfare Appeals

285. **Deputy Seán Ó Feargháil** asked the Minister for Social Protection if she will expedite an oral hearing on an appeal against a decision in respect of an application for carer's allowance by a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35902/11]

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.

286. **Deputy Paul J. Connaughton** asked the Minister for Social Protection the reason a person (details supplied) in County Galway was refused back to school allowance; and if she will make a statement on the matter. [35918/11]

Minister for Social Protection (Deputy Joan Burton): The Department will review the entitlement to back to school clothing and footwear allowance in this case and advise the person concerned of its decision in due course.

287. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection if a decision on an appeal has been made in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [35926/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for a back to school clothing and footwear allowance in respect of two children and has received the correct amount payable with respect to his family composition.

Social Welfare Benefits

288. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if her attention has been drawn to the fact that a person (details supplied) will be made homeless due to the delay in dealing with their rent allowance application which was submitted in early September. [35930/11]

Minister for Social Protection (Deputy Joan Burton): An application for rent supplement was received from the person concerned on 7th September 2011. Two separate requests for further information were made on 27th September and 25th October, 2011. The full necessary documentation was received on 4th November 2011. The application has now been processed and rent supplement is in payment.

Social Welfare Appeals

289. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a domiciliary care allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35968/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance (DCA) was received on 28th October 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for DCA. A letter issued on 11th January 2011 refusing the allowance. The person concerned subsequently lodged an appeal against this decision and she was informed by the Social Welfare Appeals Office on 25th June 2011 that the appeal had been disallowed. The decision/appeal process for this application is now complete. If the person concerned has additional information which was not made available to the deciding officer and appeals officer when they made their decision, it is open to her to re-apply.

Social Welfare Benefits

290. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when payment will issue in respect of an application for carer's allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [35985/11]

Minister for Social Protection (Deputy Joan Burton): I confirm that an application for carer's allowance has been received from the person in question. On completion of the necessary investigations relating to all aspects of her claim, a decision will be made and the person concerned will be notified directly of the outcome.

Redundancy Payments

291. **Deputy Dara Calleary** asked the Minister for Social Protection the position regarding a redundancy application in respect of a person (details supplied). [36071/11]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 6 July 2011. Redundancy lump sum claims received in May 2011 are currently being processed.

Social Welfare Code

292. **Deputy Pearse Doherty** asked the Minister for Social Protection if she has decided to cut the half-rate carer's allowance received by more than 21,000 family carers by 40% in budget 2012; if not, if she will make a public commitment not to cut this important support for carers in budget 2012; and if she will make a statement on the matter. [36076/11]

Minister for Social Protection (Deputy Joan Burton): The Estimate for my Department in 2011 provides for expenditure of over €762 million on carer's allowance (including half rate carer's allowance), carer's benefit, domiciliary care allowance and respite care grant schemes. Recipients of carer's allowance may also be entitled to the household benefits package and free travel. There are considerable challenges ahead including the need to protect, as far as possible, the key income supports and services operated by my Department, including those for carers. This process is being informed by the Comprehensive Review of Expenditure which has been completed by my Department, with the key decisions being made in the context of framing the Budget for 2012.

Social Welfare Appeals

293. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when a decision will issue in regard to an application for carer's allowance in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [36080/11]

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 29 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 08 November 2011 and the appeal was assigned to an Appeals Officer on 16 November 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. 294 withdrawn.

295. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the position regarding an appeal for disability allowance in respect of a person (details supplied) in County Donegal; and if she will make a statement on the matter. [36123/11]

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 she was medically unsuitable for the allowance. An appeal was registered on 13 September 2011 and in accordance with

the statutory procedures the relevant department papers and the comments of the Social Welfare services on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and is responsible for determining appeals against decisions on social welfare entitlements.

Redundancy Payments

296. **Deputy Dara Calleary** asked the Minister for Social Protection when redundancy payment will be issued to a person (details supplied) in County Mayo. [36124/11]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 8 November 2011. Redundancy lump sum claims received in May 2011 are currently being processed.

Social Welfare Fraud

297. **Deputy Patrick O'Donovan** asked the Minister for Social Protection if PPS numbers of the seller or purchaser are required as part of the sale, purchase or registration of land, and if they are not, if she will consider introducing same as a measure to combat social welfare fraud; and if she will make a statement on the matter. [36157/11]

Minister for Social Protection (Deputy Joan Burton): The prevention of fraud and abuse of the social welfare system is an integral part of the day-to-day work of the Department. The Department processes in excess of 2 million claims each year and it makes payments to over one million people every week. The vast majority of people are receiving the entitlement due to them.

Fraud detection measures are continuously reviewed by my Department to ensure that resources are prioritised at achieving results, whilst adhering to data protection legislation. I understand that the Property Registration Authority (PRA) does not, at present, have any legal authority to require applicants to provide PPS numbers as part of the registration process. Any proposal to enter the PPS number of the applicant on the face of the register — or to require such information to be provided but not appear on the face of the register — would raise data protections issues for consideration.

The legislation governing the allocation and use of the PPS Number is contained in the Social Welfare (Consolidation) Act 2005. Only specified bodies named in the Social Welfare Acts can use the PPS Number. At present, the PRA is not a “specified body”. The PRA has confirmed that details of property and land ownership is publicly available on a read-only access basis. Staff in my Department who work in specified control areas have access to this information which enables them to check and confirm the ownership of land and other property for social welfare control purposes.

The Deputy should also note that legislation permits data sharing between government departments and agencies for control purposes. Section 261(2) of the Social Welfare (Consolidation) Act, 2005 permits the Minister for Social Protection to share data with another Minister or specified body for control purposes in the administration of the Social Welfare Acts.

In this context, my Department has obtained a data match of property transfers from the Revenue Commissioners which has been matched against our computer databases. Data was received on sales, purchases and transfers of properties for three years. While the data contained almost one million records, just over 40,000 records related to social welfare customers.

[Deputy Joan Burton.]

In the majority of those matched cases, the property in question was transferred to a close family member and comprised of a family holding or a site being part of the family holding. In most cases, the customer had already notified the Department and a copy of the deed of transfer was attached to the customer's file.

In a small number of cases, my Department had not been notified of the property transfers which would have affected their payment rate. In those cases, their means were re-assessed and claims were reduced or terminated, as appropriate. My Department will continue to use data matching as an effective tool to curb abuse of the social welfare system.

Social Welfare Appeals

298. **Deputy Anthony Lawlor** asked the Minister for Social Protection the position regarding an appeal for carer's benefit in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [36176/11]

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 27 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 04 August 2011 and the appeal was assigned to an Appeals Officer on 06 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.

Social Welfare Code

299. **Deputy Catherine Murphy** asked the Minister for Social Protection if her attention has been drawn to any cross-checking between the Health Service Executive and her Department regarding information contained about social welfare claimants on the integrated short term schemes database; if such cross-checking is utilised to verify claims; and if she will make a statement on the matter. [36177/11]

Minister for Social Protection (Deputy Joan Burton): My Department exchanges information with other Government Departments and agencies for the purpose of the control of schemes. This is provided for under both the Social Welfare Acts and the Data Protection Act. For this purpose, and under agreed protocols, specified staff in the HSE carry out cross-checks with my Department's systems in order to verify specific claims.

Cross-checking and controls have always been exercised in my Department, both at initial claim stage and at subsequent stages during the claim life cycle. Claims are reviewed on a regular and targeted basis. Means tested payments are reviewed at certain intervals or when there are indications that changes in circumstances have not been reported to the Department.

Those in receipt of illness payments are called for a medical examination by the Department's medical assessors. Customers in receipt of unemployment payments are checked on an on-going basis to verify continued compliance with such requirements as being available for and genuinely seeking employment.

Following the re-organisation of Departmental responsibilities, my Department now has a much wider role in relation to the provision of activation, employment, community services

and income support. The addition of almost 2,000 Community Welfare Service (CWS) and FÁS employment services staff, together with responsibility for a wide range of activation programmes at local level, will enhance our ability to interact directly with all our customers of working age in more effective ways. The transfer of functions will bring together employment supports and associated income support services in one service — the National Employment and Entitlements Service. Arising from this, a more integrated approach to fraud control will be realised and will result in the creation of a single customer view for control purposes.

Recently, my Department received specific data from the HSE in relation to participants of the Fair Deal Scheme. This data was requested for the prevention and detection of fraud as provided for under the Social Welfare Consolidation Act, 2005 and the Data Protection Act, 1988. Participants of the Scheme were matched against the Department's payment systems and mutual customers who were also in receipt of Living Alone Allowance were identified. Reviews have been initiated into these cases.

Social welfare fraud undermines public confidence in the entire system as well as being unfair to other recipients of social welfare payments and taxpayers. As Minister, I am very conscious of the need to protect public money and I am determined to ensure that abuse of the system is prevented and is dealt with effectively when detected.

Consultancy Contracts

300. **Deputy Richard Boyd Barrett** asked the Minister for Social Protection the names of agencies which provide staff for her Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if she will make a statement on the matter. [36232/11]

Minister for Social Protection (Deputy Joan Burton): Prior to the introduction, in April 2009, of a moratorium on recruitment to the civil and public service, all permanent staff for my Department were recruited, by way of a competitive process, through the Public Appointments Service. There is limited sanction available to the Department for recruitment of temporary clerical officers and medical assessors. Whether in respect of permanent or temporary staff, there is no direct cost to my Department in relation to those recruited through the Public Appointments Service. This delivers efficiency gains to my Department who might otherwise have to be engaged in recruitment.

The Agencies that operate under the aegis of my Department are the Pensions Board and the Citizens Information Board (CIB). Prior to the moratorium mentioned earlier, the agencies recruited their own staff directly by way of advertising on their website and on *www.publicjobs.ie* which is the website for the Public Appointments Service. As an exception to the moratorium, the Pensions Board received sanction to recruit an additional 12 staff. The positions were advertised internally within the Department's intranet site, on the Board's website and on *www.publicjobs.ie*.

Since the moratorium, the CIB occasionally used temporary staff to cover a receptionist post. The temporary receptionists have been recruited from Griffin Personnel/Irish Recruitment Consultants and Top People/HRM. Cover has been provided so far this year for 19 days which amounts to a charge from the recruitment agencies of €2,896.74. The cost for 19 days for the equivalent post in CIB is €2,221.29.

Question No. 301 withdrawn.

Social Welfare Benefits

302. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection her views on the IBEC proposal to use a smart card for the payment of child benefit; if she will detail the pros and cons of same; and if she will make a statement on the matter. [36264/11]

Minister for Social Protection (Deputy Joan Burton): According to a document submitted to my Department, IBEC propose to reform the administration of the child benefit scheme by offering a card payment option to customers and incentivising households to opt for this approach by reducing the value of child benefit payment by 25% if households do not opt to receive their payment in this way.

The ultimate test for any proposal of this nature is whether it makes the social protection system work better and provides tangible benefits to customers and taxpayers in excess of costs. In considering this proposal, therefore, I have to be mindful of the primary objectives of the child benefit payment in assisting parents and others in meeting the cost associated with raising children and in contributing towards alleviating child poverty. While the Government appreciates any proposals to reform the social protection system and has established an advisory group on tax and social welfare in order to advise it in the area of child and family income supports, it would need to be satisfied on two fronts before it could give further consideration to the IBEC proposal.

Firstly, it would have to have the potential to improve how the child benefit system meets its stated objectives and serves best the interest of families with children. Secondly, it would have to ensure that there is no risk to the proposal being undermined for legal reasons, particularly in relation to Ireland's obligations under the EU treaties. On the basis of the case made by IBEC to date far, I am not convinced that either of these conditions have been satisfied.

On the first point, I note that IBEC claim that it is likely that a high proportion of payments are put into savings accounts by middle and upper income families. In addition, IBEC state that child benefit payments for children resident elsewhere in the EU paid to EU nationals working in Ireland are largely repatriated. However, IBEC have not advanced evidence as to why it believes that this represents a serious threat to the objectives of the scheme or that the benefit is being spent or saved other than for the benefit of households with children. In fact, on the basis of the consultations that I and my officials have had to date with representative organisations, the opposite appears to be the case with child benefit playing an important part in the ability of households with children to meet their ongoing needs.

More specifically, the introduction of a payment card could distort parental choice in meeting costs associated with child raising and have the undesirable effect of inflating prices for child related goods and services if they were specifically targeted on particular products or outlets. While many transactions are currently effected by way of electronic/smart card technology, there would be further costs involved in setting up and maintaining such a payment card system without obvious benefits. There may also be security issues relating to the card that would need to be addressed.

Previous evidence, albeit from some time ago, suggests that child benefit is spent for the benefit of children. In the absence of fresh evidence, there is no reason to believe that channelling the support provided through a payment card — thereby pre-empting how and when those caring for children spent it — would improve the position of families with children.

Secondly, there may be legal issues around how such a proposal would comply with Ireland's legal obligations under the EU treaties. The Irish child benefit payment is classified as a family benefit for the purposes of the EU's social security systems' coordination rules and the payment of these benefits are governed by specific rules set out in EU Regulations 883/2004 and

987/2009. EU nationals who come to work in Ireland, and who pay Irish social insurance contributions, are entitled to receive child benefit in respect of their children, even if the children reside in another EU Member State. The equality provisions of the regulations require that these payments are made at the same rate and under the same conditions as apply to a person whose family is resident in Ireland. As in many areas of EU legislation, national legislation must be implemented in a manner that is compatible with EU legislation.

It is most likely that changing the payment method to confine the use of the card to goods and services in Ireland would not be compatible with the current co-ordination rules. Neither would it seem feasible or practical to introduce a smart card that could be used throughout the EU.

In relation to the claim that benefits paid in respect of non-resident children are largely repatriated, some statistics may put this into perspective. Child benefit is at present being paid to an average of around 5,000 customers in respect of around 7,800 children resident abroad. This carries a full year cost at around €13 million compared with the estimated total spending on child benefit of around €2 billion per year. This suggests a relatively small impact on domestic spending of this requirement under EU legislation. For these reasons, I do not propose, therefore, to proceed further with consideration of this proposal at this time.

Social Welfare Appeals

303. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding an invalidity pension in respect of a person (details supplied) in County Kerry. [36265/11]

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.

304. **Deputy John McGuinness** asked the Minister for Social Protection, further to Parliamentary Question No. 304 of 14 September 2011, if she will confirm when the applicant (details supplied) in County Kilkenny will be approved for jobseeker's allowance; and if she will ensure they are fully paid before Christmas as they are suffering hardship. [36272/11]

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 25th 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 31st August 2011 and the appeal was assigned to an Appeals Officer on 5th 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.

Social Welfare Benefits

305. **Deputy Michael Creed** asked the Minister for Social Protection if she has a breakdown available regarding claims for illness benefit between public sector and private sector employees, if she will provide this information in relation to claims by public sector employees

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in each Government Department in tabular form; and if she will make a statement on the matter. [36342/11]

Minister for Social Protection (Deputy Joan Burton): In processing claims for illness benefit the Department does not distinguish between claims made by public sector employees and those made by private sector employees. A person, whether employed in the public or private sector, may qualify for illness benefit if s/he is unable to work due to illness, satisfies the Pay Related Social Insurance (PRSI) conditions, and is under age 66.

Departmental Schemes

306. **Deputy Mick Wallace** asked the Minister for Social Protection if she will outline the cutbacks to the community employment scheme, the community services programme, the rural social scheme, local employment service networks; and if she will make a statement on the matter. [30306/11]

Minister for Social Protection (Deputy Joan Burton): I can confirm that there have been no cutbacks in the number of participants on the various schemes in 2011. The community employment scheme currently provides opportunities for 23,300 people, the community services programme supports the employment of an estimated 2,800 people and 2,730 continue to be engaged on the rural social scheme. The Local Employment Service operates through Local Development Companies on contract from FÁS with the objective of providing services to those most disadvantaged in the labour market. There have been no cutbacks in the funds provided in 2011. Future funding for all schemes and initiatives are matters to be considered in the context of the forthcoming Budget.

Anti-Poverty Strategy

307. **Deputy Micheál Martin** asked the Minister for Social Protection if she will provide an update on the targets in the national action plan for social inclusion; and if she will make a statement on the matter. [32730/11]

Minister for Social Protection (Deputy Joan Burton): The National Action Plan for Social Inclusion 2001-2016 (NAPinclusion) identifies a wide range of targeted actions and interventions to achieve the overall objective of reducing consistent poverty. My Department is currently preparing the third annual report on social inclusion. This report will outline progress in implementing the NAPinclusion over the two-year period from January 2009 to December 2010. It is envisaged that the report will be finalised in early 2012 and it will present a clear picture of progress across all of the various policy areas and the first impact of the current economic downturn during the review period.

One of the key targets in the action plan is the national poverty target to reduce the number of people experiencing poverty to between 2 and 4 per cent by 2012, with the aim of eliminating consistent poverty by 2016, from a baseline rate of 7 per cent in 2005. The latest consistent poverty data from the Central Statistics Office relates to 2009, when the rate of consistent poverty was 5.5 per cent. I expect that the CSO will publish data relating to 2010 shortly and this will provide an opportunity to assess the impact of the current economic and fiscal crisis on the consistent poverty indicator.

As stated in the Programme for Government, the elimination of poverty is an objective of this Government and given the challenging economic and fiscal context, the Government initiated a comprehensive review of the national poverty target in order to ensure that it

remains appropriate and achievable. As the lead Minister responsible for social inclusion policy, I launched a public consultation on the review of the national poverty target in August 2011 and invited all stakeholders to ‘have your say’ on the review through a series of local workshops, an on-line survey, meetings with the social partners, and a technical workshop with poverty experts. In addition, the annual Social Inclusion Forum, which I attended, was held in November. Over 100 representatives of community and voluntary groups and people experiencing poverty participated and this gave an opportunity to present views on the review.

I expect that the review of the national poverty target will also be finalised in early 2012 and I will be considering it, together with my cabinet colleagues, as quickly as possible with a view to making the findings publicly available as early as possible next year.

Appointments to State Boards

308. **Deputy Gerry Adams** asked the Minister for Social Protection if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36959/11]

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, which does not have a board, comes under the remit of the Department. No former holder of the Office of the Attorney General has been appointed to the board of any of the statutory bodies under aegis of this Department.

Information Technology

309. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35507/11]

310. **Deputy Denis Naughten** asked the Minister for Arts, Heritage and the Gaeltacht the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35523/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I propose to take Questions Nos. 309 and 310 together.

I regret it was not possible to collate the information requested by the Deputy in the time-frame permitted for this question. I will ensure the information is sent directly to the Deputy as soon as possible.

Harbours and Piers

311. **Deputy Noel Grealish** asked the Minister for Arts, Heritage and the Gaeltacht the total cost of construction of the new pier on Inis Mór; the financial contribution from Galway County Council towards the overall cost; his Department’s financial contribution towards the cost; and if he will make a statement on the matter. [35613/11]

Minister of State at the Department of Arts, Heritage and the Gaeltacht (Deputy Dinny McGinley): As the Deputy will be aware, Galway County Council is the contracting authority on this project. I understand that the construction work is ongoing and, accordingly, the total cost of the project is not yet known. My Department allocated a total grant of €44,092,411 towards the project and to date €42,574,122 of this grant has been paid. Galway County Council contributed €190,000 to the project. In addition, there was a contribution of €624,250 from the RNLI.

Infrastructure Investment Plan

312. **Deputy Charlie McConalogue** asked the Minister for Arts, Heritage and the Gaeltacht if he will outline the specific projects that he plans for County Donegal arising from the Infrastructure and Capital Investment Plan 2012-2016; and if he will make a statement on the matter. [35824/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): Under the Capital Investment Plan 2012-2016, capital expenditure in my Department will total some €190 million. With regard to the specific details of this expenditure, I am currently prioritising plans within the context of the forthcoming Budget. I can say, however, that this expenditure will focus in particular on supporting jobs in the film and television sector and in the Gaeltacht. It will also seek to target investment in priority areas in the cultural and heritage sectors that can support cultural tourism as one of the most important elements of Ireland's tourism product.

Expenditure will be directed at ensuring compliance with EU directives, including investment in alternative solutions for those affected by the cessation of turf cutting on raised bog Special Areas of Conservation. Other investment will support the built heritage, strategic developments in our National Parks and the development of our waterways in the context of the implementation of the Good Friday and St. Andrews Agreements.

Arts Funding

313. **Deputy Marcella Corcoran Kennedy** asked the Minister for Arts, Heritage and the Gaeltacht if he has received an application for funding in respect of a project (details supplied); when a decision will issue; if this project will be included for funding; and if he will make a statement on the matter. [35964/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): No application for capital funding has been received from this group. Funding for major capital cultural projects in my Department comes primarily from the Cultural Development subhead, which has an allocation of €7.8 million in 2011, which is a reduction by over 50% from the €16 million that was allocated in 2010. This funding is fully committed and there is no scope for any funding being provided to defray the costs of any new projects.

The Deputy will appreciate that, given the current economic situation, it is unlikely that a new capital infrastructure scheme will be announced in the near future. Any application for current funding should be submitted to the Arts Council. Under the Arts Act 2003, the Arts Council is statutorily independent of the Minister in its funding decisions and its processes and the Minister is not the responsible authority to the Dáil on these matters. Section 24(2) of the Arts Act 2003 precludes interference by the Minister in Arts Council funding decisions.

Consultancy Contracts

314. **Deputy Richard Boyd Barrett** asked the Minister for Arts, Heritage and the Gaeltacht the names of agencies which provide staff for his Department and for bodies and agencies

under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36221/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): I regret it was not possible to collate the information requested by the Deputy in the timeframe permitted for this question. I will ensure the information is sent directly to the Deputy as soon as possible.

Irish Film Board

315. **Deputy Terence Flanagan** asked the Minister for Arts, Heritage and the Gaeltacht if he will respond to a matter (details supplied) regarding the Irish Film Board; and if he will make a statement on the matter. [36277/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The Irish Film Board is statutorily independent in the operation of its affairs. I have no role in its day-to-day operations, including matters relating to its website, which is an issue for the board and management of the organisation. Other matters referred to in the “details supplied” by the Deputy do not fall within my statutory responsibilities and but may be issues for other statutory authorities which have functions in relation to the areas in question.

Appointments to State Boards

316. **Deputy Gerry Adams** asked the Minister for Arts, Heritage and the Gaeltacht if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36948/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): As the Deputy will be aware, the Department of Arts, Heritage and Gaeltacht was established on 1 June 2011. I can confirm that, since 1 June 2011, no holders of the Office of Attorney General have been appointed to State boards or agencies under the aegis of my Department and there are no holders of the Office of Attorney General currently serving on State boards or agencies under my Department’s aegis.

Energy Conservation

317. **Deputy Brian Stanley** asked the Minister for Communications, Energy and Natural Resources the number of applications for the warmer homes scheme that have been received from County Mayo; the number of applications that have been fully processed and have had works completed; if all eligible applications submitted to Sustainable Energy Association of Ireland will have works as specified in the scheme carried out; if he will ensure sufficient resources are immediately allocated to Clár ICH, Claremorris and Mayo North East Leader Partnership to complete all outstanding applications without further delays; if he will ensure outstanding works will be allocated to private contractors to clear the backlog; and if the warmer homes scheme is still open for new applications. [35443/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Better Energy: Warmer Homes delivers a range of energy efficiency measures to households which are vulnerable to energy poverty. The scheme is managed by the Sustainable Energy Authority of Ireland and delivered through a range of Community Based Organisations, augmented by a

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panel of private contractors. The measures installed include attic and cavity wall insulation, draught proofing, hot water cylinder lagging jacket and CFLs. Homeowners are also given energy advice.

To date, energy efficiency improvements in over 75,000 homes have been made under Better Energy: Warmer Homes. Some 920 homes in County Mayo benefitted from the scheme in 2010. The 2011 target of 20,000 homes will be reached by the end of the year. A total of 16,400 homes have been improved to the end of October 2011, including 1,000 homes in County Mayo. There has been a significant uptake in applications and interest in the scheme over the last three years. The success of the scheme in 2010 led to increased awareness and demand.

There are currently 9,306 homes nationwide on the Better Energy: Warmer Homes waiting list, of which 816 are in County Mayo. The Sustainable Energy Authority of Ireland is working towards a six-month timeframe for service delivery. This scheme remains open and eligible homeowners can register for the scheme by calling the dedicated hotline number at 1800 250 204. Delivery in 2012 is currently determined in the context of budgetary decisions and the imminent publication of the Affordable Energy Strategy.

318. **Deputy Ciarán Lynch** asked the Minister for Communications, Energy and Natural Resources the verification measures that are undertaken to ensure that the applicant for grant assistance under the better energy homes scheme is the home owner; and if he will make a statement on the matter. [35636/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Better Energy: Warmer Homes is administered by the Sustainable Energy Authority of Ireland on behalf of my Department. The scheme provides grant assistance to homeowners for energy efficiency retrofitting measures, including attic and wall insulation, high-efficiency boilers, heating controls and Building Energy Rating assessments. Over 100,000 homeowners have availed of the scheme since its launch in March 2009.

The Sustainable Energy Authority of Ireland has advised that the terms and conditions of the scheme include a requirement that the householder / applicant is the owner of the home, which is affirmed by way of self-declaration both at the point of application and when requesting payment of the grant on completion of works. In addition, the meter point reference number is requested for all properties, which is then validated against a database of such numbers. The Sustainable Energy Authority of Ireland works continuously to ensure all requisite verifications are undertaken and to ensure the robustness of systems.

Environmental Policy

319. **Deputy Tony McLoughlin** asked the Minister for Communications, Energy and Natural Resources if he will accept that there is a need to set terms of reference for the Environment Protection Agency in investigating the potential impact of hydraulic fracturing for gas. [35893/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I indicated recently that I had requested the Environmental Protection Agency (EPA) to conduct research and advise on the environmental implications of hydraulic fracturing as a means of extracting natural gas from underground reserves. The EPA is currently funding preliminary background research in the form of a study being carried out by Aberdeen University. The EPA had consulted with my Department before finalising the terms of reference for this study and my Department will continue to liaise with the EPA in relation to the commissioning of a

further and more extensive study in 2012. The final scope of this further more detailed study, which will be informed in part by the findings of the Aberdeen University study, will be determined by the EPA, which is an independent statutory body.

Inland Fisheries

320. **Deputy John McGuinness** asked the Minister for Communications, Energy and Natural Resources the basis for his decision to allow 4,800 salmon to be caught and/or killed on the River Nore in 2012; the persons that advised him in this decision; the stakeholders that were consulted in the process; and if he will make a statement on the matter. [36271/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Regulations are made annually following statutory public consultation, for the management of the wild salmon and sea trout fishery, based on the scientific and management advice provided by Inland Fisheries Ireland (IFI). IFI in turn relies on input from its own staff and a variety of academic and scientific institutions and State agencies including the Marine Institute, the Environmental protection Agency and the National Parks and Wildlife Services.

Every year salmon river stocks are reassessed and any new scientific information is included to ensure that the most up-to-date information is utilised in the formulation of the advice. If a river stock is determined to have surplus fish that are over and above the conservation limit for that river, a total allowable catch (TAC) is declared.

As the Deputy may be aware, I recently announced a 30-day public consultation process on the Wild Salmon and Sea Trout Tagging Scheme (No. 2) Regulations 2011 and associated conservation measures, which will inform the management of the wild salmon and sea trout fishery for 2012, based on the scientific and management advice provided by IFI. The draft regulations provide a total allowable catch for the Nore River of 4,816. This represents a considerable and sustained improvement on an annual basis in salmon stocks since 2008 when the river was last under its conservation limit. Full details are available on my Department's website at: (<http://www.dcenr.gov.ie/Natural/Inland+Fisheries/>).

Television Reception

321. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources if the Saorview service will be available to all households in the North. [35457/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): A Memorandum of Understanding (MoU) was signed by the British and Irish Governments on 1 February 2010. The Memorandum deals with broadcast services and related radio spectrum issues in the context of the provision of digital terrestrial services on the island of Ireland. The MoU also provides for cooperation between the authorities in both jurisdictions on this issue.

One of the main aims of the Memorandum is to ensure the continued provision of TG4 in Northern Ireland after the switch-off of the analogue broadcast signals on 24 October 2012. Under the Memorandum, the UK Government has also agreed to facilitate the widespread availability of RTÉ 1 and RTÉ 2 on the Northern Ireland digital terrestrial television network. My Department continues to engage with ComReg, the Broadcasting Authority of Ireland, the Department of Foreign Affairs and Trade, RTÉ and the Authorities in the UK on these issues and much progress has been made to date. I can confirm that the UK authorities have made spectrum available in Northern Ireland to facilitate this aim.

In addition, the Memorandum has facilitated the development of a coordinated approach on both sides of the border in respect of the roll-out of digital terrestrial television (DTT) and

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analogue switch-off. I recently announced Wednesday 24 October 2012 as the official date of completion of the digital TV switchover, when the analogue TV network in Ireland will be switched off. Digital UK also announced that the analogue TV network will also be turned off in Northern Ireland on 24 October 2012, in order to make the transition to digital as straightforward as possible for TV viewers and broadcasters.

In addition to the reception of signals from the Northern Ireland DTT network, certain parts of Northern Ireland will continue to receive the Irish channels from ‘overspill’, which is when broadcast signals are received outside of the intended coverage area. This currently happens to an extent with the existing analogue system and will continue to occur after analogue switch-off with the SAORVIEW DTT system. Detailed information on the SAORVIEW service is available from www.saorview.ie. In addition, my Department has developed an information booklet and a dedicated website on the digital switchover process in Ireland and a copy of the booklet is available on the “publications” section of the website at www.goingdigital.ie.

Telecommunications Services

322. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources the progress of delivery of the rural broadband scheme; the expected time-frame for delivery into people’s homes; and if he will make a statement on the matter. [35458/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Application Phase of the RBS closed on 29 July 2011. Approximately 5,000 applications have been received although not all of those applications will be eligible under the terms of the scheme. The Department has almost completed the processing of applications, which involved clarification of address details. This process will enable the Department to finalise eligible application numbers with a view to establishing services for these applications.

The next phase of the scheme is the Verification Phase. This is intended to provide the market with the opportunity to offer a service to applicants under the scheme and to verify any applicants who cannot be served by the market under prevailing market conditions. A total of 51 internet companies expressed an interest in participating in this Phase of the Scheme. This includes all of the major national companies. A process of engagement with these companies is now underway and I expect that agreements on participation in the process will be agreed and finalised in the coming weeks.

Subject to agreement with the companies concerned, the Verification Phase should be carried out in early 2012. It is expected that some of the applicants under the Scheme will be offered a service by these companies during this phase. My Department expects to carry out a procurement process to select a service provider to offer a service to remaining applicants once the Verification Phase has been completed. Roll-out of the service under the Scheme is expected to be completed by the end of 2012.

Information Technology

323. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35509/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): There are no computer servers leased by my Department. The computer servers leased by the bodies under the aegis of my Department are day to day matters for those bodies.

324. **Deputy Denis Naughten** asked the Minister for Communications, Energy and Natural Resources the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35525/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): My Department currently owns 69 computer servers. Each new server purchased comes with a 3-year warranty and the maintenance period is not extended beyond this time. My Department, earlier this year as part of the Croke Park Agreement, has implemented an ICT Shared Service agreement with the Department of Agriculture, Food and the Marine. Under the agreement that Department will be carrying out a virtualisation assessment exercise in the coming months and would expect to be able to reduce the number of physical servers held by my Department. The capacity of each server is outlined in the table.

	Memory	Cores	Disk space (GB)
INTRANET	2	4	68
SARAAC01	2	4	68
SARAGR01	1	2	68
SARAGR02	4	4	143
SARAGR03	4	4	143
SARAGR04	4	4	143
SARBSLA1	4	4	143
SARBSLD1	4	4	143
SARCMS02	3	4	68
SARCMS03	2	4	68
SARCPAY	2	4	143
SARCPAYWEB	4	4	143
SARCV01	3	4	143
SARCVMA01	3	4	143
SARDC05	2	4	68
SARDC07	2	4	68
SAREX02	2	4	200
SAREX04	4	4	468
SARFS01	4	4	68
SARGIS07	3	4	68
SARIMAGE01	4	4	550
SARINFRA02	1	2	33
SARINPUT01	1	2	33
SARMC01	2	4	68.2
SARNOTES01	2	4	274
SARNTBK01	1	4	33
SAROM01	2	4	68
SARORADB01	32	24	136
SARPM01	2	2	68

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	Memory	Cores	Disk space (GB)
SARVCNT01	8	2	136
SLLFS01	2	4	1200
CITRIX-SRV01	3	4	136
CITRIX-SRV02	4	4	68
CITRIX-SRV03	4	4	400
SARACE01	2	4	68
SARACS01	2	4	68
SARBSTA1	2	2	80
SARBSTD1	2	2	190
SARBSTDS01	2	2	68
SARCNTMGMT02	2	2	68
SARCPAYTST	2	2	160
SARDEVCMS01	4	4	350
SARINFRA01	2	4	33
SBBDC08	1	2	80
SBBFS01	4	4	68
SLLDR01	8	4	136
SCVDC01	2	4	96
SCVEX01	4	4	1024
SCVFS01	4	4	1024
DMS	4	4	260
SGSIDC01	2	4	68
SGSIEX01	3	4	136
SGSIFS01	4	4	68
SGSIHSM01	3	4	33
SGSIIMS01	4	4	136
SGSIMED01	32	4	136
SGSI-MED02	32	4	136
SGSISEAB01	4	8	136
SGSISTOR3	4	4	136
SGSITST01	4	2	557
SGSIZEH01	8	8	278
sarvmesxl01	32	2	272
sarvmesxl02	32	2	272
sarvmesxl05	82	4	272
sarvmesxl06	82	4	272
sarvmesxl07	82	4	272
sarvmesxl08.backup	8	4	272
sarvmesxl09	16	2	272
sgsiesxl01	65	8	272

The computer servers owned by the bodies under the aegis of my Department are day to day matters for those bodies.

Postal Services

325. **Deputy Stephen Donnelly** asked the Minister for Communications, Energy and Natural Resources the progress made on the introduction of a national postcode system, as per the

Communications Regulation (Postal Services) Bill 2010; if he will give any deadlines for when this will be introduced; and if he will make a statement on the matter. [35588/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The procurement process to select an organisation to implement a National Postcode System was launched in January 2011 with the publication of a Pre Qualification Questionnaire on *www.et-enders.gov.ie*. This process is still ongoing. The final decision to proceed with implementation of a national postcode will be one for Government and will be based on appropriate financial, technical and operational considerations.

Television Licence Fee

326. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources if a more affordable system of television licensing would be put in place for operators of multiple self-catering units for the tourism sector; and if he will make a statement on the matter. [35749/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In response to concerns such as those outlined by the Deputy, my Department initiated a review on 30 June this year, which sought to consider the possible introduction of different classes of Television Licence, as provided for under Section 144 of the Broadcasting Act 2009. While this was primarily an internal exercise seeking to evaluate the feasibility and cost benefits of such a step, the Department also sought the views of certain key stakeholder groups as a means of informing our consideration of this issue.

Following this exercise I have decided not to pursue the introduction of different categories of licence at this stage but rather to deal with the issues arising in the context of a wider review currently underway. This wider review, which includes a comprehensive examination of both the effectiveness and efficiency of the current model of television licence fee, is being undertaken on foot of the commitment in the Programme for Government to introduce a household based Public Broadcasting Charge.

The review, which will include a period of consultation, will examine the role and collection of the current TV Licence Fee, in light of existing and projected convergence of broadcasting technologies, and will include an analysis of the most effective models in terms of efficiency, capability to fund our public service broadcasting service and also equity of applicability. The ultimate objective will be to transform the current TV licence into a Public Broadcasting Charge to be applied to all households and applicable businesses, regardless of the device they use to access content. I look forward to all stakeholders and interested parties engaging with the proposed consultation at the appropriate time.

Infrastructure Investment Plan

327. **Deputy Charlie McConalogue** asked the Minister for Communications, Energy and Natural Resources if he will outline the specific projects that he plans for County Donegal arising from the Infrastructure and Capital Investment Plan 2012 to 2016; and if he will make a statement on the matter. [35826/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Under the Infrastructure and Capital Investment Plan 2012-2016, €425m has been assigned to my Department to underpin its key economic and development role in ensuring the priorities in the Programme for Government are implemented. This allocation has not been allocated on a geographical basis.

[Deputy Pat Rabbitte.]

However, County Donegal will benefit from investments made under my Department's programme, particularly in the areas of energy efficiency and rural broadband. For example, as part of the national Better Energy programme, Warmer Homes continues to target low-income households in Donegal for the provision of energy upgrade services through a combination of community-based organisations (Action Inishowen and Smart Energy) and private contractors appointed by the Sustainable Energy Authority of Ireland. In addition to the Exchequer funded programme, essential investment in the electricity transmission and distribution networks, which is not funded by the Exchequer, will continue by EirGrid and ESB, with particular projects taking place in Donegal.

Prospecting Licences

328. **Deputy Tony McLoughlin** asked the Minister for Communications, Energy and Natural Resources his views on the fact that the legal ownership rights to 27,000 square miles of oil and gas were sold in 1958 for €500 by the then Minister for Industry and Commerce and that this legal arrangement still stands resulting in any potential gas or oil extraction being of little impact to the taxpayer. [35892/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Agreement of 13 January, 1959 between the Minister for Industry and Commerce and Ambassador Irish Oil Ltd gave that company an Exploration Licence for 20 years from 29 March 1960. The area licensed to the company was the whole onshore area of the Republic of Ireland and any seas under Irish jurisdiction, subject to the surrender of 25% of the original area every five years. The extensive exploration rights conferred by that agreement have long since expired, with the only areas remaining under licence being the producing fields in the Kinsale area.

As can be seen from the acreage update reports regularly published on my Department's website, while a broad range of companies currently hold exploration authorisations in the Irish offshore and onshore, the majority of the area in fact remains unlicensed to any exploration company. In the event that commercial discoveries are made in the future by the exploration companies that now hold licences, or by companies that are granted licences in the future, then the tax provisions in the Finance Acts relating to petroleum production would apply resulting in a tax take of between 25% and 40%.

Electricity Transmission Network

329. **Deputy Clare Daly** asked the Minister for Communications, Energy and Natural Resources if he will meet with the Rush Community Council, County Dublin, on the EirGrid project in the town; and if he will furnish a copy of the relevant documentation which gave rise to him being assured that the planning process had not been misled. [35904/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I have no role in the planning and construction of transmission infrastructure, which are operational matters for EirGrid. The planning process for strategic energy infrastructure is a matter for An Bord Pleanála under the Strategic Infrastructure Act. I have already responded comprehensively to correspondence from Rush Community Council with regard to the national strategic East West interconnector project and I will respond to their most recent request for a meeting shortly.

I would reiterate my position that I am satisfied that there was no misleading of the planning process by EirGrid. I would also like to make it clear that I have full confidence in EirGrid's

commitment to completing this strategically vital project successfully to the highest standards in the national interest and without risk to the health and safety of local communities.

330. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Communications, Energy and Natural Resources if he will ensure the publication, on receipt, of the independent commission report on the proposed North-South interconnector; if he will commit to the report's address in the relevant Oireachtas joint committee before Cabinet consideration, thereby allowing for the full gamut of views to be aired and noted by Cabinet members in advance of their consideration; when he expects the independent commission to present its report; and if he will make a statement on the matter. [35933/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Government fully endorses the strategic national importance of investing in Ireland's electricity transmission infrastructure. In that context the Meath-Tyrone 400KV Interconnector is a key strategic project for the economies and consumers both North and South. It is also critical to ensuring energy supply adequacy on the island of Ireland.

The Programme for Government committed to the establishment of an independent international expert commission to review within six months the case for, and cost of, undergrounding all or part of the Meath-Tyrone line. I would note that the Commission members met eleven public representatives on 13 October. The Commission was appointed in July and its work is nearing completion. The Commission will submit its review to me in the coming weeks. Following the necessary assessment by Department, I intend to bring the review to Government for its consideration in the first instance.

Emergency Call Answering Service

331. **Deputy Pearse Doherty** asked the Minister for Communications, Energy and Natural Resources the position regarding the emergency call centre at Ballyshannon, County Donegal; his plans to relocate the centre; and if he will make a statement on the matter. [36143/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Emergency Call Answering Service (ECAS) has set up an emergency call answering centre in Ballyshannon. This centre is in operation for nearly two years. The Ballyshannon centre is fully staffed and is fully operational. There are no plans to relocate the Ballyshannon centre.

Consultancy Contracts

332. **Deputy Richard Boyd Barrett** asked the Minister for Communications, Energy and Natural Resources the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36223/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): No employment agency provides staff to my Department. I have no function in relation to staffing matters in bodies and agencies under the aegis of my Department. For the information of the Deputy a small number of contractors work in the Information Technology and Natural Resources areas of the Department. One member of Department staff is on secondment from the ESB.

Energy Resources

333. **Deputy Robert Dowds** asked the Minister for Communications, Energy and Natural

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Resources in view of the projected increases in oil and gas prices expected over coming years due to increasing demand from developing nations and reduced sources of reliable supply, if consideration has been given to delaying the exploitation of Ireland's oil and gas resources until a time of higher gas and oil prices than those currently found in the market in order to maximise the benefit to the State. [36234/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Ireland currently imports approximately 95% of its natural gas needs along with 100% of its oil needs and this has implications for our energy security of supply. With the Kinsale area gas fields nearing end life, the only new indigenous natural gas source in development is the Corrib gas field. Rather than seeking to further delay the commencement of production from the Corrib gas field, it is in Ireland's interest that the development stage would be advanced as production from the field will significantly strengthen Ireland's energy security of supply and will also deliver tax revenue to the Exchequer.

On the wider question of the timing of the exploitation of Ireland's potential oil and gas resources, the reality is that other than the Kinsale area fields and the Corrib gas field, there are no other commercial discoveries of oil or gas in the Irish offshore. It is only through successful exploration that further discoveries will be made and we need an increase in the level of exploration activity if the petroleum potential of the Irish offshore is to be proven.

It is also important to consider that even in the case of successful exploration, there is a very long timeline between the commencement of an exploration programme, the making of a discovery, obtaining development consents and finally the construction phase of a project. In circumstances where no new commercial discovery has been made in the Irish offshore in a decade and a half, the emphasis should be on advancing rather than delaying activity.

Appointments to State Boards

334. **Deputy Gerry Adams** asked the Minister for Communications, Energy and Natural Resources if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36950/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): I can inform the Deputy that, since the establishment of my Department in 2007, neither I nor any former Minister has appointed a former holder of Office of Attorney General to a State Board under the aegis of this Department.

Security of the Elderly

335. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if an updated panic alarm will be provided to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [35468/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department is responsible for the Seniors Alert Scheme but has not received an application 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 her behalf.

Overseas Development Aid

336. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government the status of the second instalment of the commitment to provide €100 million in fast-start finance between 2010 and 2012 for climate action in vulnerable developing countries; the amount of the 2011 instalment that will be new and additional ODA contributions; and if he will be making an announcement on the matter at the upcoming UN climate conference in Durban, South Africa, in December. [35639/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The developed country Parties who associated with the Copenhagen Accord (including the EU and all Member States) agreed to provide a fast-start finance package, over the three years 2010 to 2012, to assist developing countries address climate change. Ireland undertook to contribute up to €100m to the package and, to date, has reported funding amounting to €66m. The question of providing further funding for the package before the end of 2012 remains under consideration having regard to the availability of resources and competing priorities.

Emergency Homeless Accommodation

337. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the average cost for providing emergency homeless accommodation per person; and if he will make a statement on the matter. [35813/11]

338. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the amount of money spent in providing emergency homeless accommodation between 2008 and 2010. [35814/11]

339. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the number of persons that received assistance and support with emergency homeless accommodation between 2008 and 2010. [35815/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 337 to 339, inclusive, together.

My Department's role in relation to homelessness involves the provision of a national framework of policy, legislation and funding to underpin the role of housing authorities in addressing homelessness at local level. Statutory responsibility in relation to the provision of accommodation for homeless persons rests with the housing authorities and the purposes for which housing authorities may incur expenditure in addressing homelessness are prescribed in Section 10 of the Housing Act 1988.

My Department does not fund any service directly but recoups the local authorities 90% of the cost of the service provided with an additional 10% coming from the local authorities own resources. Funding recouped by my Department to local authorities in each of the years from 2007 to 2010 and to date in 2011 for the provision of homeless accommodation and related services is as follows:

2008	2009	2010	To Oct 2011
€000 53,235	€000 56,057	€000 54,703	€000 31,003*

(*recoupment to date out of total 2011 Estimates provision of €53.413 million)

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Up to 50 different organisations provide emergency services throughout the country. The Simon Communities, Focus Ireland, Novas, St. Vincent de Paul, the De Paul Trust, the Salvation Army and Crosscare, who have built up the services over the years, receive the bulk of the funding that goes to the voluntary sector providers. The HSE also provides funding to these organisations in respect of health and social care services for homeless persons.

Funding is used to support emergency, transitional and long term accommodation of homeless persons, as well as prevention, assessment, placement, outreach and day services. The throughput of persons — single instance and also repeat presentations to a variety of agencies — receiving assistance and support with emergency homeless accommodation is not collected nationally. My Department therefore does not have information on the number of persons or the average cost per person of providing emergency homeless accommodation and supports. I also refer to the reply to Question No. 414 of 15 November 2011 which sets out the Government's commitment to adopting a 'housing led' approach to homelessness and to ensuring more effective prevention strategies.

In respect of counting numbers of people in homeless services, the Pathway Accommodation & Support System (PASS) is an accommodation management and inter-agency service user support system which is being developed in accordance with priority actions of the implementation plan set out under the national homeless strategy 2008-2013 *The Way Home*. The system commenced in January 2011 and is currently in use by almost all service providers of homeless accommodation and outreach supports in the Dublin region.

Work to ensure consistency of use and accurate information recording by the service providers, as well as the elimination of duplicate records, validation of data etc., has been completed in the Dublin region. Extension of the service nationally will now commence on a phased basis, and the first phase will consist of the South West and North East Regions comprising the County and City authorities of Cork, Kerry, Louth, Monaghan and Cavan. It is intended that the PASS system will be operational across the entire country by end 2012 providing that no unforeseen issues arise during the initial roll out phase.

The Counted In survey, which was a special purpose count of people using homeless services carried out in Dublin every three years since 1999 through the Homeless Agency, supported by my Department, was generally considered to provide the most robust indicator until the development of PASS. The results of the most recent Counted In survey, in March 2008, reported a total of 1,436 homeless households in Dublin. A further 708 households were recorded as residing in long-term or transitional accommodation. However, it would not be correct to regard all of these as homeless, particularly where, for example, households were resident in suitable accommodation that would be likely to provide their most appropriate home in the long-term, or where they had begun to make a transition out of homelessness.

The Counted In survey method was also used for the first time in Cork, Galway and Limerick in 2008. The results indicated a total of 767 households homeless in these centres. However, that figure includes households in long-term and transitional accommodation some of whom, as indicated in relation to Dublin, should not properly be regarded as homeless.

The PASS system will in future provide good quality, timely, data on homelessness nationally as an evidence base for all homeless services. PASS will determine the numbers in homeless services for the Dublin region in 2011 and pending roll out nationally 'Counted In' in the traditional manner will take place later this month or early December in Cork, Limerick and Galway.

Local Authority Charges

340. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government if there is any scope for exemptions to the tax on the non-principal private residence that offer relief to or exclude persons who have moved out of their home in order to rent it out because they would otherwise not be in a position to make their mortgage repayments; and if not will he bring forward such an amendment. [35934/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009 broadened the revenue base of local authorities by introducing a charge on all non-principal private residences. The charge is payable by the owners of private rented accommodation, holiday homes and any other residential property that is not the owner's sole or main residence. I have no plans at present to amend the 2009 Act to provide exemptions along the lines indicated in the question.

Litter Pollution

341. **Deputy Seán Kenny** asked the Minister for the Environment, Community and Local Government the amount of revenue that would be generated if a 2 cent levy was placed on a packet of chewing gum; and if he will make a statement on the matter. [36192/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The value of the chewing gum market in Ireland is estimated at approximately €40 million per annum. Therefore, a levy of 2 cent per packet, assuming an average price of 50 cent per packet of chewing gum, would raise approximately €1.6 million per annum.

However, such a levy would not directly address the root cause of the associated litter problem, which is the incorrect disposal of chewing gum. There would also be substantial administrative costs involved, apart from any potential legal challenges which might arise. Furthermore the levy would have to be paid by all consumers of chewing gum, not simply those who dispose of their gum incorrectly, thus punishing all for the behaviour of a few.

It is for these reasons that I recently announced the renewal of the negotiated agreement between my Department and the Chewing Gum Industry for a further three years. The new agreement aims to build on the success of public awareness campaigns and education programmes to date and represents a €9.6 million commitment by the industry over the period. The renewed programme contains several important new elements aimed at reinvigorating and enhancing previous campaigns including:

- responsible gum disposal messaging on all television advertising in Ireland,
- responsible gum disposal messaging on chewing gum packaging, and
- new online and educational programmes targeted at younger consumers.

I am confident that the new agreement, coupled with the substantial increase in funding, represents a genuine commitment by industry to finding a solution to improper gum disposal.

Fire Services

342. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which a person (details supplied) in County Kildare has complied with relevant guidelines and qualifications in relation to ongoing upskilling in respect of the fire fighting services; if it is recognised that they have in fact exceeded the necessary number of points but have yet been requested to repeat or appeal the decision which determined their

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failure; if all other applicants are being subjected to the same criteria; and if he will make a statement on the matter. [35439/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The training of fire service personnel is the statutory duty of individual fire authorities under the Section 15.1 of the Fire Services Act 1981. Fire authorities provide initial recruit training, as well as training in the use of breathing apparatus to an agreed national syllabus, for all entrants to the fire service. While my Department's National Directorate for Fire and Emergency Management provides a Central Training Programme for fire officers which complements and supplements local training programmes through a 'Train-the-Trainer' model, it does not have involvement in examining the on-going competence or training of fire fighters.

Building Regulations

343. **Deputy Michelle Mulherin** asked the Minister for the Environment, Community and Local Government if he will give his assurance that the registration fee for architects, building surveyors and quantity surveyors, as outlined in the Building Control Act 2007, sections 17(1), 31(1) and 45(1), will be used solely for the purpose of registering an applicant with the relevant registration body and that no element of the registration fee will be used for membership fees or other administrative costs of the registration bodies. [35444/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The statutory position is set down at subsection 62(4) of the Building Control Act 2007 which provides that a registration fee must not in any case exceed the combined costs of providing the registration service and any reasonable charges incurred in collecting, accounting for and administering the fee.

Information Technology

344. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35512/11]

345. **Deputy Denis Naughten** asked the Minister for the Environment, Community and Local Government the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35528/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 344 and 345 together.

My Department does not lease computer servers. My Department is currently engaged in consolidating servers to a bladed infrastructure which utilises virtual server technologies thus reducing significantly the need for separate physical servers and the power consumption associated with them. This consolidated infrastructure is supported by a total of 21 blade servers split across two physical locations. At present the total remaining number of separate physical computer servers is 51 and the specification varies depending on the number of users, operating systems and applications housed thereon. My Department also currently provides ICT services to the Heritage Division of the Department of Arts, Heritage and the Gaeltacht.

Maintenance costs are normally built into the purchase price and are generally in the region of 10-25% of the initial capital outlay. The number of computer servers owned or leased by agencies under the aegis of my Department is a matter for the agencies themselves.

Planning Issues

346. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government if, in view of the decision to suspend many capital expenditure projects, he has any plans to review the policies that prohibit persons from building family homes on family land that has been provisionally earmarked for road or other capital projects; and if he will make a statement on the matter. [35581/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department's Guidelines for Planning Authorities on Sustainable Rural Housing (2005) are designed to achieve a balance between a good planning framework for rural housing and the local housing needs of those who are part of, or have links to, local rural communities. They elaborate on the physical development policies for rural areas as set out in the Government's National Spatial Strategy (2002) which, inter alia, promotes sustainable rural settlement as a key component of delivering more balanced regional development.

The Guidelines set out how planning authorities should frame their development plan policies for the different types of rural areas which may exist within the development plan area, such as rural areas close to large towns and cities or those suffering from population decline. They also provide guidance to planning authorities on dealing with planning applications for rural housing including consideration of issues such as access to appropriate wastewater treatment facilities, potential impacts of the development on groundwater, landscape, natural and cultural heritage and addressing road safety issues (e.g. frontage onto national roads). I am satisfied that the Guidelines are being implemented effectively and fairly, and I will continue to keep them under review in this regard.

Water and Sewerage Schemes

347. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government the potential overall costs of the monster waste water treatment plant proposed for north County Dublin; if no accurate figures are available, if he will evaluate the potential overall costs before proceeding any further with the project; and if he will make a statement on the matter. [35599/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): There is no firm estimate of cost for the Greater Dublin Regional Drainage Project — North Dublin Wastewater Treatment Plant and Orbital Sewer, being planned by Fingal County Council but my Department understands from the local authority that the entire scheme is not expected to cost more than €500m. A firmer estimate of cost will be available when the Preliminary Report for the scheme is completed and the locations of all three elements of the project are confirmed, along with the technology that will be used at the wastewater treatment works. Fingal County Council, as contracting authority, will be required to demonstrate that the optimum solution is proposed, from both an environmental and economic perspective, and that it has been subjected to cost-effectiveness analysis.

Election Management System

348. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the legislation that sets out the appointment of returning officers and polling

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clerks for Dáil, local, European and Presidential elections; and if he will make a statement on the matter. [35603/11]

349. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the total number of polling clerks employed at Dáil, local, European and Presidential elections, broken down per election, from 2002 to date in 2011. [35605/11]

350. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the number of returning officers employed for Dáil, local, European and Presidential elections, broken down per election, from 2002 to date in 2011. [35606/11]

351. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the total number of polling clerks employed in the Dáil election in February 2011, broken down per constituency. [35607/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 348 to 351, inclusive, together.

The position in relation to the appointment of returning officers is as follows:

- Section 30 of the Electoral Act, 1992 sets out the provisions relating to the appointment of returning officers for Dáil constituencies. Section 30(2) provides that where a constituency is situated wholly within one county or city the returning officer shall be the county registrar or the sheriff. Section 30(2) also provides that where a constituency is not situated wholly within one county or city the Minister may appoint a returning officer for the constituency. The appointed returning officer must be one of the county registrars or sheriffs from the counties concerned,
- Sections 9 and 10 Presidential Elections Act 1993 set out the provisions relating to the appointment of returning officers at a Presidential election. Section 9 provides that the Minister shall appoint a person to be the Presidential returning officer and section 10 provides that the returning officer for a Dáil constituency shall be the local returning officer for that constituency for the purposes of a Presidential election,
- Sections 15A, 16 and 17 of the European Parliament Elections Act 1997 set out the provisions relating to the appointment of returning officers at a European Parliament election. Section 15A provides that the Minister shall appoint a person to be the chief returning officer for the purposes of European Parliament elections. Section 17 provides that the local returning officer in each county or city shall be the county registrar or the sheriff and Section 16 provides that the Minister shall appoint one of the local returning officers from within the European Parliament constituency to be the returning officer for that constituency, and
- Article 4 of the Local Elections Regulations 1995 provides that the clerk or secretary of a local authority shall be the returning officer for the purposes of local elections.

The position in relation to the appointment of polling clerks is as follows:

- Section 95 of the Electoral Act 1992 provides that the returning officer at a Dáil election is responsible for the appointment of presiding officers and poll clerks at a Dáil election,

- Section 39 of the Presidential Elections Act 1993 applies the provisions of section 95 of the Electoral Act 1992 and provides that the local returning officer at a Presidential election is responsible for the appointment of presiding officers and poll clerks at a Presidential election,
- Rule 57 of the Second Schedule of the European Parliament Elections Act 1997 provides that the local returning officer at a European Parliament election is responsible for the appointment of presiding officers and poll clerks at a European Parliament election, and
- Article 58 of the Local Elections Regulations 1995 provides that the returning officer at a local election is responsible for the appointment of presiding officers and poll clerks at a local election.

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. The legislative framework outlined above determines the numbers of returning officers appointed in respect of any election. As electoral law provides that returning officers are responsible for the appointment of polling station staff, my Department does not keep records in relation to those appointments.

Planning Issues

352. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government the position regarding the review of retail floor space caps in the retail planning guidelines, the review of the retail planning guidelines in general; when the reviews are due to be published and completed; and if he will make a statement on the matter. [35609/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In response to the requirement in the EU/IMF Programme of Financial Support for Ireland for an economic analysis of the potential impact on competition and consumer prices of eliminating or relaxing the floorspace cap on retail premises, my Department and the Department of Jobs, Enterprise and Innovation commissioned Forfás to undertake an evidence-based and focused study to analyse the potential economic impacts of eliminating the cap on the size of retail premises. I issued draft Guidelines for Planning Authorities on Retail Planning for public consultation on 21 November 2011 together with publishing the above mentioned Forfás study.

Waste Management

353. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government the proposals, if any, he is considering relative to the waste market here; if any review of this market will include discussions with all stakeholders; and if he will make a statement on the matter. [35626/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government includes a commitment to introduce competitive tendering for household waste collection, whereby service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service. A public consultation designed to inform the policy development process concluded in September 2011. A large number of responses were received from a broad spectrum of interests. I intend to publish all of the responses received on my Department's website shortly. The responses are currently being examined and I intend to conclude examination of the issue before the end of the year. All policy proposals will be carefully considered by Government and will take account of the full range of issues and perspectives.

Motor Taxation

354. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government if he has given consideration to a review of the current motor taxation system which is based on emission measurements in view of the fact that the NCT system now measures emission levels for all cars and that many pre-2008 cars have similar emission levels to those post-2008; his views that the current taxation system penalises those who cannot afford to change their cars owing to the current financial climate; and if he will make a statement on the matter. [35712/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The question of applying the new CO₂ based motor tax system to all cars was subject to detailed discussion during the debate on the Motor Vehicle (Duties and Licences) Act 2008. Any retro-spection would not be possible, as the CO₂ data for the pre-July 2008 car fleet were not authenticated for business purposes. Furthermore, it is my understanding that a test for CO₂ emissions does not form part of the NCT test. The cost of any retrospection could be substantial were it possible, depending on how it applied, and could have direct implications for the revenue base of local government. Notwithstanding the above, the motor taxation system is kept under regular review in my Department.

Community Development

355. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the most up to date situation regarding the outstanding RAPID application submitted by the Ballina Area Implementation Committee County Mayo; and when he intends to make a decision on the matter. [35713/11]

371. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if he will provide details of those towns that were approved funding for RAPID programmes to be initiated within them; the total cost of the projects that were identified; the funding arrangements that were put in place to meet the commitment at the time; the situation at present in relation to the programmes; and if he will make a statement on the matter. [35921/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 355 and 371 together.

I assume the questions refer to the decision to approve disbursements from the Dormant Accounts Fund for a once-off measure up to the value of €1.25m for the five new provincial towns incorporated under RAPID. These are Ballina, Dungarvan, Enniscorthy, Mullingar and Rathkeale.

Under Government Accounting procedures, disbursements on Dormant Accounts measures are paid in the first instance “up front” from a Department’s Vote in the same way as with any other spending programme. The Dormant Accounts capital budget for my Department for 2011 is fully committed to existing projects and our priority in the light of that allocation must be to ensure that there is sufficient funding available to meet existing legal contractual commitments. Accordingly, the matter of progressing projects in the new RAPID towns to contract stage will be kept under active review in the light of availability of funding/ levels of expenditure across my Department’s Vote during 2011 and into 2012.

Local Authority Staff

356. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and

Local Government the action he has taken in his capacity with oversight and responsibility for public expenditure to ensure that local authority county managers are subject to the same new pay and pension terms as Secretaries General. [35186/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I understand that implementation of the new regime for city and county managers will require legislation. As part of the overall reform of local government, it is my intention that the new system will be in place before any future appointments as city or county manager are made. My Department is currently examining the legal and practical aspects of the changes required and I will bring forward legislative proposals as soon as possible.

Fire Services

357. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the reason Arainn Mhór Island, County Donegal, fire service only has two retained crew members when all other fire stations have a minimum of nine; his views that this situation is adequate; if so, when he will remedy the situation; and if he will make a statement on the matter. [35727/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The provision of a fire service in County Donegal, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of premises and the making of such other provisions as it considers necessary or desirable is a statutory function of Donegal County Council under the provisions of the Fire Services Acts 1981 and 2003. Accordingly, the issue of the fire service on Arainn Mhór is a matter for the Donegal fire authority.

I understand from Donegal County Council that a volunteer fire unit operates on Arainn Mhór. The unit is served by islanders operating on a voluntary basis, similar to other services such as the RNLI and the ambulance service which also operate on a voluntary basis on the island. I understand that Donegal County Council funds the training of the volunteer fire fighters and also pays two people on the island to manage the service. The volunteer service receives the same standard of training as retained fire fighters on the mainland and has access to modern equipment of a similar standard to that used on the mainland. I understand from the Council that a voluntary unit also operates on Oileán Thoraí. Although the level of callouts for these volunteer brigades is thankfully extremely low, I understand Donegal County Council is satisfied with the current arrangements.

Local Authority Services

358. **Deputy Derek Keating** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the plans of Dublin local authorities to undertake a systematic programme of roadside drain cleaning and removal of the mounds of autumn leaves that are clogging up the water drains and also posing a risk to older persons; if he will appeal to householders to display some civic duty by cleaning up the autumn leaves from outside their homes; if he will make contact with the Dublin local authorities to draw to their attention the urgency of this matter; and if he will make a statement on the matter. [35735/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I have no function in relation to roadside drain cleaning and the removal of autumn leaves by the Dublin Local Authorities, which is a matter for those local authorities.

Regulatory Bodies

359. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Community and

[Deputy Maureen O’Sullivan.]

Local Government if he recognises the conflict of interests inherent in the Royal Institute of Architects of Ireland while it represents and promotes registered architects, advises the Government on building issues and protects the consumers; and if he will make a statement on the matter. [35752/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Royal Institute of Architects of Ireland (RIAI) has been designated as the registration body for persons wishing to use the title of architect in accordance with the provisions of the Building Control Act 2007. The function of a registration body under the Act is limited to such administrative actions as are necessary to establish and maintain the relevant registers. The Act does not confer any further representational or regulatory function on a designated registration body such as the RIAI.

The Building Regulations Advisory Body (BRAB) was established under the Building Control Act 1990 to provide advice in relation to changes to the Building Regulations. The membership of BRAB is comprised of persons nominated by key public sector and private industry stakeholders. BRAB has no executive or decision making powers and fulfils its function by way of making recommendations for changes to the Building Regulations. All recommendations for changes to the Building Regulations are subject to full public consultation and rigorous regulatory impact analysis before they can be signed into law. I am satisfied that the statutory processes for the registration of architects and for the revision of the Building Regulations are conducted in an open and transparent manner.

Local Authority Charges

360. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government the legal basis for imposing the monthly penalty charge of €20 for arrears of the non-principal private residence charge in view of a claim by a property owner that was unaware of the existence of this charge and that at no stage were they informed of the charge by either him or the local authority; in cases in which late registration fees can run into several thousand euro, if there is a cap on the liabilities that can be applied; and, in such cases, if there is a mechanism by which a payment plan can be implemented. [35765/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local Government (Charges) Act 2009 provides the legislative basis for the €200 charge on non-principal private residences (NPPR), including the application of late payment fees. The Act places the onus on an owner of a residential property which is situated in the State to assess his or her liability for the charge in the first instance and there is no obligation on local authorities, who levy and collect the charge, to issue notifications or invoices.

Nationwide advertising took place in each year since the introduction of the charge in 2009 to ensure general awareness of the charge and the liability dates. In tandem, local authorities have undertaken their own advertising campaigns locally. Communications have also been issued to persons who paid the charge in respect of previous years reminding them of their possible liability for the charge.

Significant efforts are being made to ensure that property owners are aware of the charge and the liability dates. However, the charge is based on self assessment principles and it is a matter for persons with a liability to pay the charge by the due date to avoid late payment fees. The Act places the charge under the care and management of local authorities.

Departmental Programmes

361. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will provide a breakdown of the spend to date in 2011 on the Leader programme. [35821/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): A breakdown of expenditure for 2011 under the Axis 3 and Axis 4(LEADER) elements of the Rural Development Programme is set out in the table.

Rural Development Programme Measure	Expenditure 01/01/2011 to 17/11/2011
311	Diversification into Non-Agricultural Activity €1,146,150.45
312	Business Creation and Development €2,682,882.60
313	Encouragement of Tourism Activities €3,860,070.74
321	Basic Services for the Economy and Rural Population €6,941,390.79
322	Village Renewal and Development €3,481,596.38
323	Conservation and Upgrading of the Rural Heritage €1,623,411.40
331	Training and Information €2,386,531.59
341	Skill Acquisition, animation and implementation of local development strategies €271,608.53
421	Implementing Cooperation Projects€525,284.36
431	Running the LAG€11,326,488.00
Total	€34,245,414.84

362. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government if he will give assurances that the money agreed for the Leader programme between 2007 and 2013 will be maintained. [35822/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Funding of €427m is available under Axes 3 and 4 (LEADER) of the Rural Development Programme (RDP) 2007-2013 for allocation to qualifying projects up to the end of 2013. In line with European policy the programme is permitted a further two years, to the end of 2015, to realise approved commitments as expenditure. In this context it remains the aim of my Department to provide adequate allocations on an annual basis to achieve full commitment by the end of 2013 and spend by end of 2015. However, all funding decisions related to programmes delivered by my Department will be made in the context of the overall national budgetary situation and will be dealt in the estimates process each year of the programme.

Infrastructure Investment Plan

363. **Deputy Charlie McConologue** asked the Minister for the Environment, Community and Local Government if he will outline the specific projects that he plans for County Donegal arising from the infrastructure and capital investment plan 2012-2016; and if he will make a statement on the matter. [35829/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Infrastructure and Capital Investment 2012-16: Medium Term Exchequer Framework, published by the Minister for Public Expenditure and Reform on 10 November 2011, sets out the scale and sectoral allocation of Exchequer capital funding over the coming years. The capital investment allocated to my Department in the framework is as follows:

[Deputy Phil Hogan.]

2012	2013	2014	2015	2016	Total
€million 861	€million 726	€million 575	€million 574	€million 574	€million 3,310

This investment will allow progress to continue to be made across the capital programmes for which my Department is responsible, including housing, water services, rural development, fire, libraries and other services. Details of individual projects to be funded will be made available as part of programme management in the period to 2016, following completion of appraisal and planning procedures and the allocation of necessary funding.

Community Development

364. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to particular towns or villages throughout the country that appear to have suffered particularly from the current economic situation; if any consideration has been given to the introduction of a specific response such as upgrading of physical infrastructure or services in such a way as to attract possible investment; if any thought has been given to the possibility of initiating a competition in respect of architectural layout and/or the production of a strategic plan to address the issues needing attention with specific targets; and if he will make a statement on the matter. [35846/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): A wide range of property-based tax relief schemes was introduced up to the mid 2000s including town renewal and living over the shop schemes. While many important developments were encouraged by these schemes, independent reviews concluded that the tax costs of the initiatives were high relative to the outputs achieved and the Department of Finance is in the process of winding down existing schemes in light of the current economic climate and the ongoing legacy costs of such schemes to the Exchequer as investors use their reliefs and capital allowances.

Similarly, the Urban and Village Renewal Programme 2000-2006, through which grant assistance was provided by my Department to local authorities for a range of interventions to upgrade the fabric of the built environment in cities, towns and villages, ended in early 2008. That scheme involved total EU and Exchequer co-financed expenditure of over €158m. The 2007-2013 Urban and Village Regeneration Programme, administered by my Department, was deferred due to budgetary constraints.

Nonetheless, my Department remains committed to working with local government and other community development and enterprise stakeholders to ensure that a recovering economy will result in an even distribution of opportunity. In this regard there is a particular need to target, in an integrated way, urban areas which face particular problems resulting from both the economic downturn and investments in the past which did not facilitate the development of sustainable communities capable of benefiting from the period of high prosperity or coping with the subsequent downturn. Major regeneration programmes in Ballymun and Limerick together with a range of other remedial works schemes across the country are being prioritised to assist in addressing this deficit.

Local Authority Funding

365. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if it has been brought to his attention that the Sligo county manager told a meeting

of Sligo County Council on 7 November 2011, that officials from the county council had meetings with senior civil servants from his Department to discuss the council's financial difficulties, further that the county manager said that the county council had also been in written communication with his Department in regard to the council's financial situation; the dates that meetings between his Department's civil servants and council officials took place; the dates he received written communications from the county council regarding the council's finances; the dates written communications issued from his Department to the county council; and if he will make a statement on the matter. [35864/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the reply to Question No. 395 of 15 November 2011 in which I confirmed that my Department met with the County Manager of Sligo County Council on 18 October 2011 to discuss the financial position of the Council. My Department is in ongoing consultation with the Council in relation to its finances and a meeting with the Council's Head of Finance is scheduled for 24 November 2011. My Department received written communications from Sligo County Council regarding the Council's financial position on 16 September, 29 October, 1 November and 9 November 2011. My Department issued written communications regarding the Council's financial position on 26 October, 4 November and 17 November 2011.

Local Authority Charges

366. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will provide a rating authority by rating authority and national average breakdown of the commercial rates charged by each local authority at five year intervals since 1979 and to date in 2011. [35894/11]

367. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will provide a rating authority by rating authority and overall national breakdown of the total revenue collected through commercial rates in 2000, 2005 and 2010. [35895/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 366 and 367 together.

The information requested is being compiled and will be forwarded to the Deputy as soon as possible.

Local Authority Funding

368. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will provide a local authority by local authority and overall national breakdown of local authority revenue sources in 2010. [35896/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Audited local authority financial data for 2010 are not yet available. The audit of the 2010 local authority Annual Financial Statements is scheduled for completion by end March 2012. The information requested in respect of 2009 is set out in the table.

Authority Name	Commercial Rates	General Purpose Grant	Grant Income & Subsidies	Income from Goods & Services
Carlow	5,374,918	12,088,786	16,770,706	9,324,663
Cavan	9,803,683	18,787,538	26,858,264	11,745,791

[Deputy Phil Hogan.]

Authority Name	Commercial Rates	General Purpose Grant	Grant Income & Subsidies	Income from Goods & Services
Clare	35,610,968	15,643,482	34,668,383	24,973,765
Cork	100,501,571	51,707,370	88,671,712	84,204,021
Donegal	20,911,384	40,140,418	47,244,838	43,185,105
Fingal	128,955,984	30,404,698	23,995,906	77,589,916
Dún Laoghaire Rathdown	88,212,296	37,893,406	22,511,354	54,783,311
Galway	22,494,723	36,888,227	55,591,820	23,152,422
Kerry	18,066,275	26,467,914	44,603,940	34,101,964
Kildare	38,904,433	25,754,427	31,138,065	42,558,235
Kilkenny	11,415,160	20,020,063	24,072,013	18,658,553
Laois	8,917,227	17,580,306	18,643,563	21,713,193
Leitrim	4,600,260	14,820,652	16,934,560	7,230,103
Limerick	26,570,796	24,864,456	32,017,016	32,926,006
Longford	3,957,801	14,118,481	15,530,779	8,804,841
Louth	7,879,049	12,725,376	23,728,898	14,156,909
Mayo	13,756,717	36,485,182	52,276,262	32,319,638
Meath	21,524,342	27,601,149	23,569,265	24,700,142
Monaghan	6,207,910	15,103,838	25,052,161	12,574,431
North Tipperary	7,037,876	18,630,156	23,920,518	12,733,810
Offaly	7,640,652	16,242,587	20,475,709	15,725,509
Roscommon	10,330,451	21,346,851	25,450,253	15,228,412
Sligo	4,747,159	16,997,791	23,811,083	12,721,688
South Dublin	121,180,161	24,676,357	34,233,358	58,382,301
South Tipperary	7,714,681	22,788,742	23,829,927	14,893,012
Waterford	6,946,607	22,059,029	19,671,540	12,859,511
Westmeath	7,807,175	20,625,403	26,117,517	21,467,384
Wexford	16,563,297	21,219,345	30,621,871	33,142,165
Wicklow	16,574,472	19,927,896	23,731,559	28,156,187
Cork City	62,217,674	26,676,025	37,431,716	62,288,827
Dublin City	316,107,522	94,748,613	136,641,272	266,950,653
Galway City	33,168,472	8,830,378	21,132,948	28,102,684
Limerick City	30,298,778	11,066,322	19,216,279	19,341,476
Waterford City	18,128,622	8,057,442	15,596,632	21,946,720
Clonmel	4,651,034	3,295,919	1,548,034	7,390,792
Drogheda	11,888,285	4,792,618	1,867,943	10,795,775
Kilkenny	6,009,034	1,893,103	364,453	5,103,710
Sligo	7,369,547	3,142,285	5,711,465	5,564,022
Wexford	7,088,670	2,414,309	1,128,333	5,142,412
Arklow	3,184,059	1,634,046	580,542	3,888,269
Athlone	4,561,714	1,921,650	691,958	3,379,426
Athy	1,311,115	767,623	392,844	1,742,348
Ballina	3,605,209	1,661,367	188,502	1,669,030
Ballinasloe	1,616,989	922,868	235,528	1,545,710
Birr	1,244,333	848,636	199,199	835,289
Bray	6,773,847	4,806,455	1,420,333	7,231,001
Buncrana	1,361,814	981,474	179,896	934,031
Bundoran	1,051,283	600,818	126,304	814,174

Authority Name	Commercial Rates	General Purpose Grant	Grant Income & Subsidies	Income from Goods & Services
Carlow	5,579,976	1,830,585	461,691	3,875,519
Carrick on Suir	778,445	1,164,428	521,044	2,115,359
Carrickmacross	1,333,080	619,836	191,969	399,227
Cashel	607,955	684,703	447,085	1,331,957
Castlebar	3,764,682	1,073,298	278,825	2,118,171
Castleblayney	807,785	506,845	125,577	396,902
Cavan	1,996,081	913,825	250,341	2,005,173
Clonakilty	1,322,273	626,151	117,124	607,839
Clones	447,869	583,249	125,888	280,597
Cobh	893,276	1,254,730	132,706	976,324
Dundalk	14,095,551	5,297,358	1,813,608	11,632,570
Dungarvan	3,092,323	1,037,498	579,990	2,518,392
Ennis	5,187,102	2,461,593	738,024	3,846,092
Enniscorthy	1,633,836	1,261,252	161,154	2,185,339
Fermoy	1,087,537	874,010	154,442	1,282,512
Kells	627,255	502,483	95,293	992,692
Killarney	7,135,609	1,852,243	228,007	5,018,368
Kilrush	702,981	641,914	203,050	684,591
Kinsale	1,083,929	419,623	177,000	704,161
Letterkenny	5,693,021	1,176,732	367,353	1,907,942
Listowel	1,601,635	797,947	177,000	1,176,421
Longford	3,075,264	1,260,049	390,396	3,088,173
Macroom	898,580	629,484	126,000	555,713
Mallow	2,374,515	1,132,311	177,000	1,878,629
Midleton	1,846,256	572,788	113,668	953,172
Monaghan	3,264,821	1,185,952	179,483	1,982,438
Naas	6,351,336	1,484,499	514,425	3,614,735
Navan	2,347,852	582,061	326,579	2,765,239
Nenagh	3,343,844	1,140,363	177,137	1,652,078
New Ross	1,144,256	1,016,390	177,000	2,224,781
Skibbereen	1,075,348	450,895	137,472	360,400
Templemore	444,672	673,814	137,250	446,771
Thurles	2,255,258	1,015,429	409,986	2,080,657
Tipperary	1,285,139	871,488	617,252	1,803,778
Tralee	6,711,316	3,285,695	3,375,596	8,469,131
Trim	747,751	595,171	179,814	629,695
Tullamore	4,326,334	1,367,942	250,701	2,195,936
Westport	2,844,498	882,506	198,755	1,547,736
Wicklow	1,672,388	1,739,933	177,000	2,227,061
Youghal	1,393,276	1,163,499	643,534	1,475,538
	1,408,720,936	909,302,445	1,136,053,238	1,344,687,140

369. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government if he will provide a figure for total local government debt; the percentage it represents of overall national debt and the details and implementation of the EU-IMF programme of financial support on local government debt. [35897/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In 2009, the latest year for which audited information is available, loans payable by local authorities amounted to some €5.7bn. My colleague, the Minister for Finance, has responsibility for the national finances, including the national debt. In accordance with the EU/IMF Programme of Financial Support for Ireland, my Department is required to provide quarterly data on short, medium and long term local authority debt falling due over the following 36 months.

Local Authority Housing

370. **Deputy Michael McGrath** asked the Minister for the Environment, Community and Local Government if he intends to reform the shared ownership scheme for those who bought affordable housing units under the scheme in the past; specifically, if any intended reform will address the inequity of the scheme whereby the rental equity value of the properties retained by local authorities have not been adjusted to reflect the reduced current market values; and if he will to resolve the position whereby purchasers of affordable units under the scheme cannot remortgage their properties in view of the fact that the local authority retains a first charge on the property. [35919/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Government's housing policy statement announced the standing down of all affordable housing schemes, including the shared ownership scheme, in the context of a full review of Part V of the Planning and Development Act 2000. I expect that this review will include detailed analysis of the rental portion of the shared ownership scheme. Should legislative change be recommended as a result of the review, I will give consideration to appropriate measures in the context of the proposed Residential Tenancies Amendment Bill, drafting of which was approved by Government on 26 July 2011.

Question No. 371 answered with Question No. 355.

Proposed Legislation

372. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government in view of the number of reports of metal being stolen from unoccupied houses, including central heating infrastructure, cables being removed from sites under construction for wind turbines, removal of road art at locations across the country, if he will consider introducing legislation to control the scrap metal industry here; and if he will make a statement on the matter. [35922/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Metal theft is a crime and is therefore a matter for An Garda Síochána in the first instance. On that basis, my Department does not collect data in relation to numbers of reported thefts. A stakeholder forum on metal theft has been set up by the Gardai and is working to produce a Metal Theft Crime Prevention and Reduction Plan. My Department is one of many stakeholders participating in the work of the Forum and will continue to play its part in supporting the work in this area led by the Gardai.

Regulation of the Scrap Metal industry is not a matter within my Department's remit. The regulation of waste activities is, of course, relevant to the industry. Such activities require authorisation in accordance with the Waste Management Act 1996; the terms of such authorisations are primarily derived from requirements of EU Directives on waste and specific waste streams such as end of life vehicles or electronic waste. Depending on the authorisation required, these activities are controlled either by the Environmental Protection Agency (EPA) or by local authorities as competent authorities nominated by the State to implement such

legislation. The purpose of these controls is to regulate the collection, recovery or disposal of waste in order to protect the environment.

Enforcement of waste legislation is a matter either for the EPA's Office of Environmental Enforcement (OEE) in relation to waste licences or for local authorities in relation to waste permits. The OEE operates an Enforcement Network to foster co-operation between the various public service bodies involved in the enforcement of environmental legislation, so that a higher and more consistent standard of enforcement is achieved throughout the country. Local authority enforcement staff are cooperating with Gardaí in relation to metal theft, and the enhancement of that cooperation is an issue that is being examined at the Metal Theft Forum.

I have asked my Department to examine waste licensing and permitting legislation to ensure all necessary provisions, particularly those relating to traceability, are in place to avoid situations that might be exploited by criminal elements. This examination is ongoing.

Community Development

373. **Deputy Billy Kelleher** asked the Minister for the Environment, Community and Local Government if he has received an application from Cork City Council for funding for the regeneration programme in Knocknaheeny, County Cork; the amount applied for; if funding will be put in place for this project; and if he will make a statement on the matter. [36163/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department is providing an allocation of €14 million to Cork City Council in 2011 for the delivery of two major regeneration projects at Knocknaheeny and the Glen. A major focus of the 2011 regeneration programme for the City Council has been to complete the review of the Knocknaheeny regeneration masterplan. This revised plan recently received support from both the City Council and the community and represents a significant step forward for the regeneration of the area.

The revised masterplan presents a much broader view, beyond a simple upgrading of the housing stock, to address the underlying issues of social exclusion and socio-economic disadvantage. This document, which encompasses the wider Hollyhill area, sets out an ambitious plan for the social, economic and physical regeneration of the area that will begin in earnest in 2012. This plan builds on the foundations of previous initiatives, including the redevelopment of Knocknaheeny Block D which delivered 78 refurbished dwellings, 42 new units and the well-known "drum" community centre.

I intend to make sufficient funding available under the 2012 allocations to ensure that real progress is made in implementing the revised plan. My Department will liaise closely with Cork City Council in the context of determining the work programme for 2012 and the associated necessary capital allocations, within the wider National Regeneration Programme.

Water and Sewerage Schemes

374. **Deputy Charlie McConalogue** asked the Minister for the Environment, Community and Local Government the amount of money that was funded to a group water scheme (details supplied) in County Donegal under the CLÁR programme; if the funding allocated was based on per house or per connection; and if he will make a statement on the matter. [36181/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The funding paid to the group water scheme concerned under the CLÁR programme totalled €384,725. This amount was based on the number of houses in the CLÁR area that connected to the scheme.

Consultancy Contracts

375. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36226/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information requested is set out in the table. My Department does not engage employment agencies to provide staff.

Name of State Agency	Name of Agency which provides staff	Services Provided	Number of Staff Provided	Cost per WTE €	Equivalent cost of permanent WTE employed €
Radiological Protection Institute of Ireland	Julia Ross	Cover to allow receptionist attend once-off in house training for all staff	1.00	65.74	68.46
	Julia Ross	Cover to allow receptionist attend once-off in house training for all staff	1.00	98.61	102.70
	LaCreme (Premier)	Assistance with establishment of Radon Road Shows and radon query management	1.00	2,407.99	1,970.04
	LaCreme (Premier)	Assistance with changeover to new Financial Management System and debt collection	1.00	11,653.51	13,300.04
	LaCreme (Premier)	Technician to assist with unprecedented demand for radon measurements following Waterford Radon Road Show	1.00	3,315.40	3,660.86
Local Government Management Agency	IT Alliance	ICT Expertise	1.00	133,100.00	75,701.00
	IT Alliance	ICT Expertise	1.00	133,100.00	75,701.00
	IT Alliance	ICT Expertise	1.00	125,114.00	75,701.00
	Vantage Resources	ICT Expertise	1.00	106,480.00	75,701.00
	Version 1 Software	Application Developer	1.00	122,452.00	75,701.00
PRTB	Adecco Recruitment	Data Entry	2.00	808.14 pw	444.17pw*
	La Creme Recruitment	Data Entry	17.00	751.95pw	444.17pw*

*Does not include Employers PRSI Contribution

Motor Taxation

376. **Deputy Robert Dowds** asked the Minister for the Environment, Community and Local Government the position regarding the motor tax issue discussed as a matter on the Adjourn-

ment on 1 June 2011, namely the current practice of declaring vehicles as off the road for tax purposes. [36240/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I am concerned at the high level of off-the-road (“gapping”) declarations being made and I am aware that current procedures governing the making of such declarations may be open to potential abuse. I intend to bring forward legislation to address the issue of off-the-road declarations.

Fire Services

377. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government his views that fire service response time of one hour 45 minutes in part of south Connemara is contravening fire and safety best practice, in terms of national policy. [36286/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981 and 2003. Accordingly, the issue of fire services mobilisation and response in South Connemara is a matter for the Galway fire authority.

Fire services for Galway city and county are delivered by Galway County Council on the basis of an agreement between the two local authorities. The Galway city brigade is staffed by 36 full-time firefighters with backup from rostered and retained city firefighters. The brigade covers the city and areas west of it, including south Connemara. Fire cover in all the other brigade areas is provided by the retained staffing system.

A review of fire services in Galway is being undertaken by Galway County Council. This review, which is being conducted throughout the city and county, including the south Connemara region, is being informed by an integrated risk management analysis. The output from the analysis is intended to inform local decision-making on the effective deployment and use of resources, with a view to ensuring an appropriate balance between prevention, protection and response measures.

My Department supports fire authorities through the setting of general policy, the provision of training support, the issue of guidance on operational and other related matters and through the provision of capital funding. National guidance on a wide variety of community fire safety issues is being developed by the Department’s national directorate for fire and emergency management in collaboration with fire services. It is expected that this Guidance will be of assistance to Galway County Council in the work that is under way.

The key approach to ensuring the safety of communities from fire, including those who live in the more remote areas of the country, is the provision of smoke alarms in all dwellings, and ensuring that these are working to give early warning of fire to those who may be in a building where there is a fire.

378. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government if he will meet the Galway county manager to discuss the provision of fire services, in view of the seriousness of the issue and in view of the budget preparations currently under way at county council level and at departmental level. [36287/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981 and 2003.

I have not received a request to meet with the County Manager from Galway on the provision of fire services or related budgetary matters. My Department supports fire authorities through the setting of general policy, the provision of training support, the issue of guidance on operational and other related matters and through the provision of capital funding.

A primary concern of my Department's National Directorate for Fire and Emergency Management is the development of consistent and effective fire services to keep communities safe from fire and other emergencies. Value for money is also a key concern and future developments, including investment in infrastructure, will need to be brought to fruition within tighter resource constraints.

Further support from the Department's fire services capital programme for Galway County Council in the period ahead will have regard to the council's priorities, the extent of previous investment, the value for money offered by proposals, the spread of existing facilities and the totality of demands from fire authorities countrywide.

Library Projects

379. **Deputy Brendan Smith** asked the Minister for the Environment, Community and Local Government if funding will be provided for a project (details supplied) in County Monaghan; and if he will make a statement on the matter. [36350/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): In 2008, local authorities were asked to provide details of their priority projects for library development within their areas. In its response, Monaghan County Council identified Carrickmacross branch library as its main priority. In July 2011, following detailed consideration of the high number of applications on the priority lists submitted by all local authorities, a new capital programme for public libraries amounting to €6.3 million in 2011, was announced. Unfortunately, in view of the overriding need to ensure deliverability of selected projects and in order to make optimum use of the limited capital funds available, it was not possible to allocate funds to Monaghan County Council for the Carrickmacross branch library project.

Local Authority Housing

380. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government if his Department has issued guidelines to local authorities instructing that houses that were originally purchased by tenants from local authorities under the tenant purchase scheme are not eligible for the rental accommodation scheme; and if he will make a statement on the matter. [36351/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Under the terms of the tenant purchase schemes provided for in the Housing Act 1966 and related Regulations, dwellings are sold to tenants at significant discounts. A special condition is attached that the dwelling must be occupied as a normal place of residence by the purchaser or a family member for 20 years from date of purchase, unless the housing authority otherwise allows. If a tenant purchaser, within 20 years of purchase, wishes to rent out the house either on the private market or through the Rental Accommodation Scheme, consent of the local

authority is therefore necessary. My Department has not issued any guidelines to local authorities instructing them to exclude tenant purchase houses generally from RAS.

Water Services

381. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government the position regarding the Oughterard waste water treatment plant; his views of the importance of this treatment plant in view of the status attached to Lough Corrib as a special area of conservation and its use as the source of drinking water for Galway city. [36356/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Galway. The Oughterard Sewerage Scheme is included in the Programme amongst the list of contracts in the county to start in the period 2010-2012. The inclusion of the scheme in the current Water Services Investment Programme reflects the importance attached to this scheme by my Department.

My Department received Galway County Council's revised Design Review Report for the Oughterard Sewerage Scheme in late October 2011. This report is currently being considered in my Department and a reply will issue to Galway County Council as soon as possible. Once approved by my Department, the Council can then proceed with the preparation of contract documents for the scheme.

Planning Issues

382. **Deputy Seán Kyne** asked the Minister for the Environment, Community and Local Government his views of An Taisce's use of State money to lodge objections (details supplied) to planning applications in the Connemara region. [36357/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department does not provide funding to An Taisce to fund the making of submissions or observations on, or the lodging of objections, to planning applications. My Department provides funding to An Taisce specifically to support their involvement in the County Development Plan process and to help educate the public about planning matters generally. The level of funding has declined from €72,000 in 2010 to €20,000 in 2011 reflecting an increasing awareness amongst the public of their rights and opportunities for participation in the planning process as provided for under the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (the Aarhus Convention). My Department also provides funding to An Taisce for a number of successful environmental education and awareness raising initiatives such as National Spring Clean; Green Schools initiative; and the Blue Flag Awards.

Appointments to State Boards

383. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if former holders of the Office of Attorney General have been appointed to State boards by the current or previous Governments; the details of such appointments to include position taken, name of organisation, salary or income derived or expenses claimed per annum, any 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. [36953/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

There are no former Attorneys General serving on the boards of Agencies under the aegis of my Department.

Residency Permits

384. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality if he was consulted regarding correspondence from his Department to the Health Service Executive, HSE, and directed to all HSE managers regarding a new stamp O to be introduced from 1 December for non-EEA nationals who have leave to remain in Ireland requiring them to hold private medical insurance and prohibiting them from receiving State benefits including public health care; if he has considered the implications for the health and welfare of those concerned and for public health generally; if he has considered the implications for HSE staff tasked with implementing same; if he approved this development; and if he will make a statement on the matter. [36060/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Naturalisation and Immigration Service recently notified other relevant government departments and the HSE of the proposed introduction of an additional immigration stamp, namely Stamp 0. The introduction of Stamp 0 is simply an administrative change to the immigration stamps and there is no change in policy nor any change in legislation regarding immigration permissions. I am informed that this has since been confirmed to the HSE.

Stamp 0 indicates a temporary and limited permission. It is intended to cater for some of the exceptions thrown up by the immigration system and to provide some additional flexibility. While its use is not expected to be widespread, it does provide in some cases, an alternative to refusal of immigration permission. It could include, for example, such persons as:

- a service provider sent to Ireland by an overseas company to carry out a particular task.
- Special humanitarian cases — e.g. where a visitor becomes ill and a family member stays on in Ireland to assist with their recuperation.

The introduction of this additional category is designed to facilitate visitors who wish to remain in the State beyond the normal 90 days entry permission. Moreover it does not impose any additional burden on either the migrants or visitors to which it applies nor to staff in the HSE or other service providers.

The reason for writing to service providers, including the HSE, is twofold. Firstly it is to let the relevant officials know that a Stamp 0 is a legitimate immigration category, in case a foreign national presents with it, and secondly to provide some background as to the circumstances in which it might be obtained. This Department does not determine eligibility for public services on the basis of immigration category. Such matters are for the relevant bodies to decide. However, if a person is granted a temporary and limited permission to be in Ireland and it was granted on the basis that they would be self sufficient it should be of assistance to service providers in deciding any issues of eligibility. The requirement to hold private medical insurance is consistent with the self sufficiency requirement.

385. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the correct procedure to be followed to facilitate a change of their name in respect of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [35434/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person referred to by the Deputy has sought to have her personal details changed on my Department's records and this request is under consideration at present. The person concerned will be notified in writing once this consideration has been completed.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

386. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when stamp 4 will issue in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [35435/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy is a dependant of non-EEA national parents of a child born in Ireland before 1 January, 2005 who were granted permission to remain in the State under the provisions of the IBC/05 Scheme. I am further advised that she was registered by the Garda National Immigration Bureau on stamp 2A conditions on 22 June, 2011 for a 6 month period. I should add that it is open to dependants at age 16 to seek permission to remain in the State on Stamp 4 conditions in line with that granted to their parents. In the circumstances, I would advise that the person concerned write to the IBC Unit of the INIS at PO Box 10003 to seek such permission.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek this information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

387. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the procedure to be followed to facilitate an application in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [35436/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Immigration and Naturalisation Service (INIS) that the person concerned was granted a 'Without Condition As To Time' stamp on the 14 April 2010 which was endorsed on her national passport. The person concerned was advised at the time to attend her local Registration Office to complete the necessary registration requirements as required under the Immigration Act, 2004 and to facilitate the issue to her of a new Certificate of Registration. The person concerned has not attended her local immigration office to receive a new Certificate of registration and should do so at her earliest convenience. It is essential that these requirements are fulfilled to ensure that the presence of the person in the State is in compliance with the permission granted by the Minister.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may

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consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

388. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if stamp 4 has been processed in respect of a person (details supplied) in County Kildare; the current and/or expected residency status of the family; and if he will make a statement on the matter. [35437/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy is the sibling of an Irish born child of non-EEA parents born in the State prior to 1 January, 2005. Under the direction of the INIS the person concerned was granted permission to remain in the State on the basis of family dependency by the local Immigration Officer on 20 April, 2011, and this permission is currently valid until 18 January, 2014. I should add that a written request has been received by the INIS in connection with a variation of the name of the person concerned and I understand that he will be written to shortly for additional information regarding same.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Departmental Reports

389. **Deputy Mattie McGrath** asked the Minister for Justice and Equality if he has finalised his report on the criminal justice aspects of the cash for gold trade; when this report will be published and made available to Dáil Éireann; and if he will make a statement on the matter. [35442/11]

Minister for Justice and Equality (Deputy Alan Shatter): My Department is finalising a report on criminal justice aspects of the "Cash for Gold" trade and this report will be submitted to me shortly for consideration. Following consideration of the report I will make an assessment as to what, if any, action, legislative or otherwise, may be required. I will, in due course, make known the report's findings and any proposals which may arise.

Residency Permits

390. **Deputy Sandra McLellan** asked the Minister for Justice and Equality if he will consider extending the visas of US citizens residing here from one year to five years; and if he will make a statement on the matter. [35446/11]

Minister for Justice and Equality (Deputy Alan Shatter): Under national immigration arrangements, permission to reside in the State is normally granted to a non-EEA national for 12 months at a time and on a renewable basis. Longer periods may also be allowed to migrants who have been granted long term residence. While Ireland enjoys a particularly close relationship with the United States of America, there would be no valid basis for departing from the normal arrangements for one particular nationality. Such an approach could also be open to legal challenge. I should also point out that I am not aware of any country which extends a concession of this nature to Irish citizens.

391. **Deputy Catherine Murphy** asked the Minister for Justice and Equality when a decision will issue on an application for leave to remain in the State in respect of a person (details supplied); and if he will make a statement on the matter. [35471/11]

Minister for Justice and Equality (Deputy Alan Shatter): The person concerned was granted permission to remain in the State on 27 September, 2005 for a 2 year period, under the Revised Arrangements applicable to the non-EEA national parents of Irish born children born in the State before 1 January, 2005, more commonly known as the IBC/05 Scheme. This permission to remain was renewed in 2007 and again in 2010. A decision by INIS to grant the person concerned permission to remain in the State for a further 3 years was recently conveyed in writing to him on 14 November, 2011. He should now register with his local Garda Immigration Officer.

Queries in relation to the status of individual immigration cases may be made directly to the INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up-to-date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from the INIS is, in the Deputy's view, inadequate or too long awaited.

Information Technology

392. **Deputy Denis Naughten** asked the Minister for Justice and Equality the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35517/11]

Minister for Justice and Equality (Deputy Alan Shatter): Neither my Department, the Irish Prison Service nor Financial Shared Services lease any servers. The management of servers within agencies of my Department currently not availing of the IT Shared Service is an operational matter for the agencies concerned and is not a function for which I have responsibility.

393. **Deputy Denis Naughten** asked the Minister for Justice and Equality the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35533/11]

Minister for Justice and Equality (Deputy Alan Shatter): My Department's IT Division provides a centralised IT Shared Service to approximately 2,000 direct customers in the Department across 27 national and international locations using 234 servers (both physical and virtual). The capacity of individual servers varies widely depending on the role and function of that server. In general the servers behind the Shared Service would have a cumulative capacity of between 30 and 60 terabytes depending on configuration and deployment.

Capacity can be supplemented by Storage Area Networks. Hardware maintenance costs for these servers currently amount to approx €30,000 per annum. The steps being taken to reduce these costs include an ongoing process of virtualisation of physical servers with resultant savings in energy costs. This work will continue with additional virtual servers being deployed as physical servers require replacement. An Enterprise Architectural Review will be undertaken to seek further consolidation of services across the Department and the wider Justice Sector.

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In addition to the IT Shared Service, two areas of my Department maintain a separate IT infrastructure. Financial Shared Services in Killarney, which obtains its own desktop services from the Shared Service, operates a payroll and payments system using 34 servers with a capacity of 17 terabytes. Hardware maintenance costs for these servers currently amount to approx €24,000 per annum.

The Irish Prison Service has 169 servers. Given the timescale it has not been possible to get the individual capacity of each machine however the total aggregated storage capacity across all IPS servers is 21 TB. Irish Prison Service has no maintenance costs as all servers are covered under warranty. The management of servers within agencies of my Department currently not availing of the IT Shared Service is an operational matter for the agencies concerned and is not a function for which I have responsibility.

Departmental Reports

394. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to implement the recommendations of the An Garda Síochána training and development review group report, without delay. [35569/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Síochána Training and Development Review Group Report forms part of the Croke Park agreement which sets out that An Garda Síochána “will constructively engage in the enhancement of Garda training, in line with the Report of the Training and Development Review.” Implementation of the recommendations of the Report is ongoing.

Garda Operations

395. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to request the Garda Síochána Ombudsman Commission to examine the practices, policies and procedures of the Garda when policing public order situations, including the manner in which training is translated into practice in the management of incidents of crowd protest or civil disobedience by groups or persons. [35570/11]

Minister for Justice and Equality (Deputy Alan Shatter): The preservation of peace and public order is one of the core functions of the Garda Síochána and the management of this function in situations of crowd protest or civil disobedience requires, among other factors, skilled personnel to ensure the safety of all concerned. I am informed by the Garda authorities that public order training forms part of the Garda student/probationer training programme with additional specialist training provided for members selected for duty with Divisional and regional public order units.

Further training is provided for officers in the management of incidents requiring the deployment of public order units. In recognition of the sophisticated response which is required in handling situations relating to crowd protest or civil disobedience, the comprehensive training provided by An Garda Síochána includes nine separate elements from Garda induction to the supervision and tactical command of such incidents.

I understand that Gardaí training generally, which includes training to handle public order situations, was reviewed by the Garda Síochána Training and Development Group in 2008. Implementation of the recommendations of the Report is ongoing and forms part of the Garda Síochána commitments contained in the Croke Park agreement.

In view of the process which is already underway under the Croke Park agreement in relation to this matter, I do not propose, at this point in time, to request the Garda Síochána Ombudsman Commission (GSOC) to examine Gardaí Síochána practices, policies and procedures concerning the policing of public order situations and training under section 106 of the Garda Síochána Act 2005. I will, of course, keep the matter under review, and I will consider carefully the views of GSOC. I would also point out that there is no impediment to GSOC independently investigating any individual complaints concerning Garda misconduct in public order situations.

Proposed Legislation

396. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will amend the law to include appropriate safeguards in which inferences are drawn from silence. [35571/11]

Minister for Justice and Equality (Deputy Alan Shatter): As the Deputy will be aware, there are already a number of safeguards covering the exercise by the accused of his or her right to silence, in the limited number of circumstances where an inference may be drawn from such silence. In particular, a person must be cautioned in ordinary language as to the possible consequences of his or her failure to answer questions from which inferences can be drawn and a person may not be convicted solely or mainly on the basis of such inferences.

My Department is currently finalising regulations to give effect to sections 9 to 12 of the Criminal Justice Act 2011, which was signed into law on 2 August 2011. The existing safeguards will be further enhanced by providing that an inference may not be drawn unless the accused was informed of his or her right to consult a solicitor and, except where he or she waived that right, was afforded an opportunity to so do, before the failure to answer a question occurred. Previously the statutory requirement was that the accused had been afforded a “reasonable opportunity” to consult a solicitor. I am satisfied that with these amendments which reflect Garda practice, all the necessary safeguards are in place to ensure our compliance with the relevant provisions of the European Convention on Human Rights.

Court Procedures

397. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to repeal sections 21 to 24 of the Criminal Justice (Amendment) Act 2009, concerning secret detention hearings; and if he will make a statement on the matter. [35572/11]

Minister for Justice and Equality (Deputy Alan Shatter): I understand that the Deputy is referring to the procedures introduced by the Criminal Justice (Amendment) Act 2009 whereby judges dealing with applications to extend the detention of suspects may hear particular information from members of the Garda Síochána in the absence of the suspect and legal representatives. The 2009 amendments are intended to protect sensitive information relating to criminal investigations that may be required to be disclosed at ‘extension of detention’ hearings.

The procedure is subject to judicial supervision and is circumscribed by clear statutory guidelines according to which the judge may only exercise his or her discretion to exclude certain persons where it is in the public interest; the particular evidence must concern steps taken, or to be taken, in the investigation of the detained person’s or another person’s involvement in the offence concerned, or any other offence; and the nature of the evidence must be such that the giving of it could prejudice in a material way the conduct of the investigation. Having heard the information, the judge may direct that it be re-given in open court if satisfied that to re-give it in this way would not, in fact, prejudice the investigation. I am satisfied, having consulted

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with the Garda Commissioner, that these amendments continue to have a role to play in the fight against organised crime. Consequently, I have no plans to repeal these provisions.

Garda Complaints Procedures

398. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to eradicate delays in the handling of complaints by the Garda Síochána Ombudsman Commission and, if necessary, allocate additional resources. [35573/11]

434. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to address the staffing issues within the Garda Síochána Ombudsman Commission; his further plans to lift the recruitment embargo that applies to the GSOC; and if he will make a statement on the matter. [35674/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 398 and 434 together.

As the Deputy is aware, the moratorium on Public Service Recruitment continues to apply to the Garda Síochána Ombudsman Commission. The nature and complexity of the GSOC's remit, coupled with operational protocols and procedures and its legislative obligations, can at times result in lengthy investigations. However, it is necessary that GSOC complies with such protocols, procedures and obligations so as to ensure proportionate investigations which are fair and equitable to all parties.

GSOC monitors its operational procedures and work processes with a view to constant improvement and adherence to best practice. GSOC's 2010 Annual Report records that it had approximately 150 less cases on hands at the conclusion of that year than in January 2010. GSOC has suggested some legislative proposals in the interest of enhancing the efficiency and effectiveness of the organisation. I have asked my officials to examine these and to revert to me with an assessment of the proposals following consultation with relevant stakeholders.

Deaths in Prison Custody

399. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to put in place an independent system for the investigation of deaths in prison. [35574/11]

Minister for Justice and Equality (Deputy Alan Shatter): All deaths in prison custody are the subject of a Garda investigation and an inquest held in a Coroner's Court. The cause of death is determined by a jury on the basis of the information presented to the Court. There are also procedures in place within the Irish Prison Service for the investigation of deaths in custody. New procedures have been drawn up which will be supported by changes to the Prison Rules. Investigations will be conducted by independent persons who will undertake an investigation into all deaths in prison. The Irish Prison Service has, on an administrative basis, put in place an independent process for the investigation of deaths in prison in advance of the matter being placed on a statutory footing. This independent investigative system has been in place since March 2011.

Proposed Legislation

400. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to introduce human rights-compliant amendments to inquest procedures in the form of a new Coroners Bill. [35575/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Coroners Bill 2007 is before the Seanad having been restored to the Order Paper on my initiative. The Bill is in the course of being reviewed in my Department with a view, among other matters, to making it as cost-effective as possible. The Bill, as published, provides for the comprehensive reform of the existing legislation and structures relating to coroners and provides for the establishment of a new Coroner Service.

The Bill incorporates many of the recommendations made by the Coroners Review Group in 2000 and the Coroners Rules Committee in 2003. It also has regard to developments since in terms of jurisprudence and to ongoing reform of coroner services in other common law jurisdictions. The Civil Law (Miscellaneous Provisions) Act 2011 provides for some early reforms in coronial matters, including an amalgamation of the Dublin County and City coronial districts.

Human Trafficking

401. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will give consideration to extending beyond 60 days the period during which a victim of trafficking may recover and reflect on the desirability of co-operating with the appropriate authorities. [35576/11]

Minister for Justice and Equality (Deputy Alan Shatter): The provision of a recovery and reflection period for victims of human trafficking is required by Article 13 of the Council of Europe Convention on Action against Trafficking in Human Beings. While Article 13 specifies a recovery and reflection period of at least 30 days, my Department's Administrative Immigration arrangements for the Protection of Victims of Human Trafficking provides for a recovery and reflection period of 60 days. Furthermore, where the victim is under 18 years of age, a recovery and reflection period greater than 60 days may be granted with regard to the arrangements that are in place for the care and welfare of the child. I am advised that these arrangements are appropriate and as such I have no plans for further modifications at this point.

Rehabilitation of Torture Survivors

402. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will establish a comprehensive framework for the rehabilitation of torture survivors. [35577/11]

Minister for Justice and Equality (Deputy Alan Shatter): I have no plans to establish a comprehensive framework for the rehabilitation of torture survivors.

Domestic Violence

403. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will amend the Domestic Violence Act 1996 to include clear criteria to grant safety and barring orders and extend eligibility to all parties who are or have been in an intimate relationship regardless of cohabitation, in line with internationally recognised best practice. [35578/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that significant reforms to the Domestic Violence Act 1996 have been introduced over the last two years. The Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 allows civil partners to apply for a safety order or a barring order subject to the same rules as a spouse. Further reforms were introduced by me in the Civil Law (Miscellaneous Provisions) Act 2011.

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That Act removed the minimum required period of cohabitation before one of a cohabiting couple may apply for a safety order (previously, the applicant was required to have resided with the respondent for at least six of the previous twelve months) and gave equal access to the protections of the Domestic Violence Act to opposite-sex and same-sex couples (the relevant provision previously referred only to couples “living together as husband and wife”). The 2011 Act also widened the scope of section 2 of the 1996 Act, which specifies who may apply for a safety order, to enable a person to obtain a safety order against a person with whom they have a child in common. This is the only exception to the general rule that the protections available under the Domestic Violence Acts are for the benefit of persons who have lived together in the same household.

Where persons have been in an intimate relationship but have not cohabited, and where one of them is threatened, harassed, intimidated or otherwise put in fear by the other person, the criminal code applies. In particular, a court may make an order under section 10 of the Non-fatal Offences Against the Person Act 1997 directing that other person to cease the behaviour complained of.

The Programme for Government includes a commitment to introduce consolidated and reformed domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation, in a way that provides protection to victims. The commitment will be progressed as soon as possible having regard to the need for consultations and the need to dispose of urgent legislative matters in my Department under the EU/IMF Programme of Financial Support for the State.

404. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality if he will allow migrant women with dependant immigration status who are experiencing domestic violence to be afforded independent status under legislation and be facilitated to access the labour market and-or the social welfare system. [35579/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service that at present the situation with regard to Non-EEA women in the situation outlined by the Deputy is that each applicant is dealt with on a case by case basis and independent status is granted where the known circumstances of the case warrant it. In considering the circumstances of each such application every effort is made to ensure that the most appropriate permission stamp is granted consistent with overall public policy and the requirement to ensure that the integrity of the immigration system is upheld.

Departmental Bodies

405. **Deputy Jack Wall** asked the Minister for Justice and Equality his views on a matter (details supplied) regarding a security licence; and if he will make a statement on the matter. [35601/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Private Security Authority is the regulatory body with responsibility for the regulation and licensing of the security industry in Ireland. The Authority is an independent body under the aegis of my Department and so I have no involvement in the processing of private security licences. However, I understand that the Authority will be in touch with the individual concerned in an effort to resolve this matter.

406. **Deputy Jonathan O’Brien** asked the Minister for Justice and Equality his plans to close any agencies or bodies connected to his Department; the reasons for these proposals; and if he will make a statement on the matter. [35643/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to the Public Service Reform Plan published by the Government on 17 November 2011 — this may be accessed via *www.per.gov.ie*. This deals, inter alia, with the rationalisation of State Agencies. In so far as my Department is concerned, it is proposed to merge the Equality Authority and the Human Rights Commission to form a new Human Rights and Equality Commission. The purpose of this change is to promote human rights and equality issues in a more effective, efficient and cohesive way.

It is also proposed to merge the Equality Tribunal into a single agency under the Minister for Jobs, Enterprise and Innovation along with the Labour Court, Labour Relations Commission, Employment Appeals Tribunal and National Employment Rights Authority. The rationale for this is that the overwhelming majority of cases that come before the Equality Tribunal relate to employment matters.

Prison Accommodation

407. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to end overcrowding at Cork Prison; and if he will make a statement on the matter. [35644/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that on 18 November, 2011, there were a total of 290 prisoners in custody in Cork prison compared to a bed capacity of 272. As I said last week in my replies to Parliamentary Questions Nos. 196 and 197 on 16 November, 2011, the Government remains very much committed to addressing the twin problems of overcrowding and poor physical conditions particularly in Mountjoy and Cork prisons. The Deputy can be assured that the need to improve conditions in Cork Prison will form a significant element of the Prison Service's strategy.

408. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to end the imprisonment of children at St. Patrick's Institution, Dublin; the timeframe he will use to meet this commitment as set out in the programme for Government; and if he will make a statement on the matter. [35645/11]

409. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to proceed with the national children's detention facility, Oberstown, Lusk, County Dublin; and if he will make a statement on the matter. [35646/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 408 and 409 together.

As the Deputy may be aware, responsibility for the children detention schools under Part 10 of the Children Act, 2001 will shortly transfer to my colleague, the Minister for Children and Youth Affairs. The Children Act, 2001 allows for 16 and 17 year old males to be detained in St. Patrick's Institution until such time as sufficient places are provided under the children detention school model. There is a commitment in the Programme for Government to end the practice of sending children to St. Patrick's Institution. It is the Government's intention that this practice will end when accommodation is available in the children detention schools in Oberstown, County Dublin through the development of new national children detention facilities at that site. Design work for the project to develop the additional capacity required in Oberstown is at an advanced stage and planning approval is in place.

The Government remains committed to ending the use of St. Patrick's Institution for the detention of 16 and 17 year old males. To this end, the Irish Youth Justice Service has been tasked with progressing the design work and tender documentation for the project during 2012.

[Deputy Alan Shatter.]

The Minister for Children and Youth Affairs and I are in consultations with the Minister for Public Expenditure and Reform on the funding of the subsequent construction stage of the project with a view to allowing the project to proceed to tender when the necessary preparations have been completed.

Prison Accommodation

410. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to set safe custody limits for each prison in line with the recommendations of the inspector of prisons. [35647/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Inspector of Prisons recognised that in certain areas prisons will not be able to comply with all of his recommendations in the short term. As long as there is overcrowding and limitations on resources there will be difficulties in achieving full implementation.

As the Deputy will appreciate the Irish Prison Service must accept all prisoners committed by the Courts into its custody and does not have the option of refusing committals. There has been a consistent increase in the total prisoner population in Ireland over recent years, with dramatic increases in the number of sentenced prisoners, those being committed on remand and a trend towards longer sentences. The problem of prison overcrowding therefore remains a challenging issue which unfortunately cannot be resolved overnight.

I share the view of the Thornton Hall Review Group that decisive action is required on a number of fronts in order to address the problem of overcrowding and poor physical conditions particularly in Mountjoy and Cork Prisons. Whilst the reduced capital envelope this year will not allow the Prison Service to proceed with the construction of the Thornton Hall or Kilworth prisons, this does not signal a reversal of the Government's decision earlier this year to approve in principle the recommendations contained in the Thornton Hall Review Group Report. It has been necessary to defer the commencement of these projects but the Deputy can be assured that it is my strong intention to revisit the timeframe for their delivery in 12 months time.

Temporary Release of Prisoners

411. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to reform parole and temporary release processes; and if he will make a statement on the matter. [35648/11]

416. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will implement a policy of structured release of non-violent, low risk offenders; and if he will make a statement on the matter. [35653/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 411 and 416 together.

The Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 provides that sentenced prisoners may be approved temporary release. This discretionary instrument assists in gradually preparing suitable offenders for release and in administering short sentences, and is an incentive to well-behaved prisoners.

Temporary release arrangements operate similarly to a system of parole, which is a feature of prison systems worldwide. They are an important vehicle for re-integrating an offender into the community in a planned way. The generally accepted view is that the risk to the community is reduced by planned re-integration of offenders compared with their return to the community

on the completion of their full sentence. The Irish Prison Service has also judiciously used temporary release as a means of reducing numbers in times of serious overcrowding. Each case is examined on its own merits and the safety of the public is paramount when decisions are made. In addition, all releases are subject to conditions, which in the vast majority of cases include a requirement to report on a regular basis to the offender's Garda Station. Of course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí.

A number of key recommendations contained in the Thornton Hall Review Group Report are receiving priority attention in my Department and many are in the process of being implemented most notably the introduction of an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. In this regard, a six month pilot project commenced in October 2011 in which it is envisaged that a total of 130 prisoners will participate. To date, 31 prisoners have been released under the scheme.

Prison Accommodation

412. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to increase use of open prisons; and if he will make a statement on the matter. [35649/11]

Minister for Justice and Equality (Deputy Alan Shatter): The objectives of open centres are to provide a place of detention aimed at the rehabilitation of offenders. Open Centres have a regime that includes education, training and work which encourages a sense of personal responsibility and self respect in order to assist prisoners leading law-abiding lives on their return to the community. The profile of open centres generally include either low risk offenders, who are serving short sentences for minor offences, or offenders nearing the end of longer sentences whose transfers have been approved as part of a sentence management programme.

There are currently two such centres in the prison estate. The bed capacity and population as at 21 November 2011 are outlined in the following table.

Open Centre	Bed Capacity	Current Population
Loughan House	160	110
Shelton Abbey	110	97

The Deputy will be aware that the Thornton Hall Review Group's recommendations envisaged the incorporation of secure step-down facilities which will provide an open centre regime within the perimeter walls of both institutions. Whilst the reduced capital envelope this year will not allow the Prison Service to proceed with the construction of Thornton Hall or Kilworth prisons, this does not signal a reversal of the Government's decision earlier this year to approve in principle the recommendations contained in the Thornton Hall Review Group Report.

It has been necessary to defer the commencement of these projects but the Deputy can be assured that it is my strong intention to revisit the timeframe for their delivery in 12 months time. In the meantime, the development of further open centre spaces will be considered by the Irish Prison Service under the 5-year Capital Strategy which is currently being developed.

Prison Medical Service

413. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to increase levels of investment in prison health and drug treatment over the lifetime of the

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Government; if he will commit to maintaining current levels of investment in prison health and drug treatment; if he will increase investment in reintegration support and resettlement; and if he will make a statement on the matter. [35650/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Prison Service provides prisoners with the same standard of health care as members of the public who hold a medical card. Prisoners receive care through the primary care system (involving doctors, nurses and other in-reach health care professionals) which is delivered in each prison setting.

The Irish Prison Service continues to seek to enhance and expand health care services across the prison system. One such example is the opening of a High Support Unit in Mountjoy Prison in December 2010 with plans in train to establish similar units in other prisons. In parallel with that development, additional Drug Free Units will be coming on stream.

A critical component of prison health care is community links to services. The Irish Prison Service strives to improve these linkages as it is acknowledged that they are essential in providing effective throughcare and discharge planning bearing in mind that prisoners will at some stage return to the communities from which they came. Effective links in community settings ensure safe handover of care and help to reduce risk to both the prisoner and the community at large.

Violence in Prisons

414. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if his attention has been drawn to the increase in violence in prisons here; his plans to reduce these occurrences; and if he will make a statement on the matter. [35651/11]

Minister for Justice and Equality (Deputy Alan Shatter): No level of inter prisoner violence is acceptable. Every effort is made by prison staff and management to limit the scope of acts of violence. However, no regime can completely eliminate the possibility of violent incidents happening in a prison setting where a large number of dangerous and violent offenders are being held.

When you consider that in 2010 the Irish Prison Service provided over 1.5 million (4,290 x 365) bed nights to predominantly young males, the number of assaults on prisoners, particularly those using a weapon, was comparatively low. There were a total of 1014 incidents of violence among prisoners during the year and this includes very minor incidents. This amounts to an average of 2.5 incidents a day among a population of more than 4,300. Moreover, attacks by prisoners on prisoners are not usually random acts of violence — they are related to matters on the outside such as drug debts, gang rivalry, etc.

The Irish Prison Service have also successfully introduced a number of measures across the prison estate such as handheld metal detectors, netting over prison yards, BOSS chairs and security screening machines to detect and prevent weapons from entering the prison to further limit the scope of acts of violence.

Fines Act

415. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which he envisages the full commencement of the Fines Act 2010; and if he will make a statement on the matter. [35652/11]

Minister for Justice and Equality (Deputy Alan Shatter): The majority of the Fines Act 2010 has been commenced and I recently announced in the context of the capital estimates that

funding will be made available during 2012 for the full implementation of the remaining sections. It is important to note that Section 14 of the Act which was commenced earlier this year, for the first time places an obligation on the court to take account of a person's financial circumstances before deciding on the amount of a fine, if any, to be imposed.

Implementation work is continuing on two key sections of the Act. Section 15 provides for the payment of fines by instalment. There are a number of practical and technical issues to be addressed to commence this provision. The current system of payment allows only for a single payment in respect of each fine to be made within a specified period and this payment is recorded on the Courts Service IT system, the Criminal Case Tracking System (CCTS). In order to allow for a fine to be paid by instalments over a year or in certain circumstances longer, as the Act provides, it is necessary for the system to be substantially modified to allow for the payment of instalments and to ensure that such instalments are accurately recorded and tracked.

Earlier this year I met with the Courts Service management and informed them of this Government's commitment to ensuring that payment by instalments is introduced as speedily as possible. The Courts Service has now reported to me that work has commenced on the development of the specifications of the necessary changes required to the CCTS to facilitate implementation. The Service has also established a Project Board to oversee the development of the CCTS enhancements. It will take approximately 12 months to complete the administrative and technical modifications required.

Section 16 of the 2010 Act will require a judge, consequent on determining that a fine is to be imposed, to make an order appointing an 'approved person', commonly referred to as a receiver, to recover the fine in the event of default.

The Courts Service is engaged in discussions with the Revenue Sheriffs, who have relevant experience through their work in the recovery of outstanding tax liabilities on behalf of the State, with a view to Sheriffs being nominated as approved persons. Again, some IT enhancements will be necessary in order to allow for the electronic transfer of recovery orders and data exchange with the receivers. This work will take approximately six months to complete and will be done concurrently with the other enhancement works already mentioned.

Question No. 416 answered with Question No. 411.

Community Service Orders

417. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to monitor implementation of the Criminal Justice (Community Service) (Amendment) (No.2) Act 2011; the number of times that this has been used across the courts; the number of community service orders used in which the individual would otherwise have received a custodial sentence; and if he will make a statement on the matter. [35654/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Probation Service of my Department has responsibility for the supervision and management of Community Service Orders in accordance with the Criminal Justice (Community Service) Act, 1983 as amended by the Criminal Justice (Community Service) (Amendment) (No. 2) Act 2011. This work, inter alia, involves providing assessment reports to the Courts and managing the completion of the Orders by offenders. The use of community service orders generally is monitored but the Courts are independent in exercising their functions.

I can provide for comparison purposes the following detail on the numbers of Community Service Orders supervised in 2010 and 2011:

[Deputy Alan Shatter.]

Period Orders Made	2010	2011
Up to end September	1,439	2,212
1 to 31 October	197	269
1 October to 10 November	227	345

As the Criminal Justice (Community Service) (Amendment) (No.2) Act 2011 came into effect on 1 October last, it is not possible to make any real comparison at this stage. The Probation Service is however confident, if current usage trends continue, of a significant increase in the use of community service over and above previous years. The alternative to a Community Service Order is a custodial sentence.

Human Rights Issues

418. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if his attention has been drawn to the fact that immigration detention contravenes international human rights standards; and his plans to end this practice. [35655/11]

Minister for Justice and Equality (Deputy Alan Shatter): It is not clear if the Deputy is referring to a specific area of immigration law. There are a wide range of offences within the overall legislative framework dealing with immigration and asylum, some of which may result in detention. Also, there is no general prohibition on immigration related detention in international human rights law that I am aware of.

This State, like every other sovereign state, has immigration laws to ensure that it can exercise control over who enters our country and for what purposes. Our courts have reviewed various aspects of immigration laws over the years, including the power to detain persons for breaches of those laws, and it is beyond doubt that this State is entitled to and is obliged to take responsibility for the control of immigration. In certain circumstances that will involve detaining a person. However, the Deputy can be assured that such provisions are only used as a measure of last resort.

The European Convention on Human Rights Act 2003 requires every organ of the State to perform its functions in a manner compatible with the State's obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms. That Convention protects the liberty of every person but does acknowledge that there may be a lawful arrest and detention of a person in accordance with a procedure prescribed by law to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

It should also be pointed out that persons in detention, for whatever reason, have remedies open to them to challenge their detention including, in particular, an application for an inquiry by the High Court in accordance with Article 40.4.2 of the Constitution.

Prison Committals

419. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of committals on remand during each of the last five years; the number of these persons remanded in custody who went on to receive a custodial sentence; his views of the necessity of using this measure to the extent it is currently used; his further views on the level of risk that remand prisoners pose to public safety; and if he will make a statement on the matter. [35656/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that the number of committals on remand who were either released by Court or did not receive a sentence by year end are outlined in the table.

Year	Total
2006	5,311
2007	4,967
2008	5,052
2009	4,519
2010	4,836

Source: Irish Prison Service Annual Reports

The more specific figures requested by the Deputy are not available at present. However, the Irish Prison Service hopes that with the ongoing improvement and development of the prisoner recording system, these figures will be available in future Annual Reports.

On average about 15% of those in custody in prison on any one day are on remand. The indications are that the numbers on remand in this jurisdiction are, relatively speaking, lower than in neighbouring jurisdictions.

My Department has been engaged in work to consolidate and update the law on bail with a view to presenting a clear, accessible and modern statement of the law. In the context of that modernisation of the law, I will be seeking to restructure the law so that it has a focus on the protection of the individual and the protection of the public. My intention is that the new proposals will provide better guidance to the courts on how such protection might be provided. I am also taking the opportunity to introduce some general improvements to bail law to improve the overall working of the bail system.

Sentencing Policy

420. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to introduce imprisonment as a last resort in legislation that would place a legal requirement on judges to first consider and rule out all other options before imposing a prison sentence, as well as a requirement for judges to provide the reasoning behind their imposition of a prison sentence in their judgments. [35657/11]

429. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will commission a review of sentencing practices, which currently sees high numbers of women receive custodial sentences for less serious and non-violent crimes; and if he will make a statement on the matter. [35666/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 420 and 429 together.

I have already introduced a number of measures to encourage the use of non-custodial sanctions. Furthermore one of the recommendations of the Thornton Hall Review Group was the establishment of an all encompassing strategic review of penal policy which would incorporate an examination and analysis of all aspects of penal policy including prevention, sentencing policies, alternatives to custody, accommodation and regimes, support for reintegration and rehabilitation, the issue of female prisoners and 16 and 17 year olds within the system. I intend to establish a group to give effect to that recommendation. Details of the group will be announced shortly.

Prisoner Protection

421. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number and percentage figure of the juvenile population at St. Patrick's Institution, Dublin, who have requested to be held on protection during each of the last five years. [35658/11]

422. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of children in St. Patrick's Institution, Dublin, who have been held in single separation for reasons of protection during each of the last five years. [35659/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 421 and 422 together.

The number of requests made by prisoners for protection during the past five years is not centrally recorded by the Irish Prison Service. However, the total number of prisoners held on protection in St. Patrick's Institution, including prisoners who were over 18 years of age, for the last five years is outlined in the table.

*Year	Juvenile Population	Number of Juveniles on protection	% of Juvenile population on protection
2007	214	39	18.2%
2008	234	50	21.3%
2009	238	52	21.8%
2010	236	56	23.7%
2011	187	63	33.6%

*year as at 30/31 October in each case

As of 31 October 2011, out of the total figure of 63 on protection in St Patrick's, 8 of these were juveniles (16 and 17 year olds) who were held on a restricted regime for safety and security reasons. The gathering of the exact information requested for a similar breakdown of protection figures for the years 2007- 2010 would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources.

Finally, the Deputy may wish to note that it is at the committal stage that the majority of prisoners seek protection. On committal, all prisoners are interviewed by the Governor and based on the information available, a decision is made as to where a particular prisoner will be accommodated.

Prisoner Complaints Procedures

423. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to allow children held in St. Patrick's Institution, Dublin, access to an independent complaints mechanism; and if he will make a statement on the matter. [35660/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Prisons (Visiting Committees) Act 1925 provides for a visiting committee to be constituted for every prison in the State and one of the statutory duties of such committees is to hear any complaints which may be made to them by a prisoner. Under new legislation to be prepared, I intend to make Visiting Committees more effective while they continue their role. The arrangements for membership of the Committees will be changed and a link will be established between the Visiting Committees and the Inspector of Prisons.

I should add that the Inspector of Prisons makes announced and unannounced visits to all prisons including St. Patrick's Institution throughout the year. He has shown a particular interest in juvenile prisons systems and has published inspection standards for juvenile offenders in St. Patrick's as a supplement to his general inspection standards.

There are also procedures within the Irish Prison Service (IPS) for the investigation of complaints by prisoners. I am not satisfied that the existing IPS procedures are sufficiently robust and independent of the local staff to meet best practice for the investigation of serious complaints. It is my intention to bring forward amendments to the Prison Rules 2007 which will introduce an independent element to the investigation. I have recently asked the Inspector of Prisons to give consideration to this matter and to advise me as to the most appropriate approach to be taken in an Irish context so as to ensure compliance with best practice. The Inspector's views will then be taken into account in relation to the framing of the amended Rules in this regard.

Juvenile Offenders

424. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ensure that child care legislation and standards that apply to the detention of children in other settings also apply to children in St. Patrick's Institution, Dublin, including those regarding health, education, child protection and qualifications and training of staff. [35661/11]

Minister for Justice and Equality (Deputy Alan Shatter): St. Patrick's Institution is a closed medium security place of detention for males aged 16 to 21 years of age and accommodates both remand and sentenced prisoners. As far as practicable, 16 and 17 year olds are kept in a separate wing with single cell accommodation. In the longer term, the Irish Youth Justice Service, an office of the Department of Children and Youth Affairs, will take responsibility for managing the detention facilities for all boys under 18 years of age.

In the meantime, the Irish Prison Service has developed guidelines for child protection and welfare procedures for St. Patrick's Institution which are being amended to reflect Children First — National Guidance, 2011. The Prison Service is aware of the need for an age-appropriate regime and the importance of keeping 16 and 17 year olds separate from over 18s. It endeavours to ensure continuity of services with systems of care reviewed in partnership with key agencies such as the HSE, Gardaí, Probation Service and the Irish Youth Justice Service.

There is ongoing contact with the Irish Youth Justice Service on the exchange of best practices for addressing the needs of the 16 and 17 year olds currently detained in St Patrick's. A separate school was opened in 2007 and various initiatives have been taken to improve facilities and services and to reduce the potential for contact with those aged 18 and over. Education is provided in partnership with the City of Dublin VEC and there is currently an allocation of 20 whole-time equivalent teachers.

An extensive health programme is also available with all committals seen by surgery staff in the first instance. Part of their initial assessment includes a mental health component and all committals are referred to the GP within 24 hours. A scheduled request is made to the next available mental health clinic if there are any indications that mental health review or treatment is necessary and the Community Psychiatric Nurse reviews all committals on a weekly basis.

Senior managers from St Patrick's have also visited the Oberstown complex on a number of occasions and further visits aimed at the exchange of best practice are planned. Discussions have taken place on areas of cooperation between the Irish Prison Service and the Irish Youth Justice Service with a view to developing a new Child Policy for St Patrick's Institution aimed

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at enhanced delivery of age appropriate services, linking with external services during and after detention, and ensuring best practice while in detention.

In addition, the Irish Prison Service Training and Development Centre recently developed a programme for staff in St Patrick's working with children. They looked at practice in other jurisdictions and discussed requirements with staff and management in St Patrick's and with external experts. This course is currently being rolled out and delivered through modules which include Adolescent Development, Family Unit, and Restorative Justice/Victim Empathy.

The Office of the Ombudsman for Children has also engaged with the management and inmates of St Patrick's on a number of issues. Recently, the Ombudsman's Office facilitated the production of committal information booklets for new committals which are designed and written in a user friendly format.

Prison Accommodation

425. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to address overcrowding in both the Dóchas Centre and Limerick female prison; and if he will make a statement on the matter. [35662/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that the primary role of the Irish Prison Service is the provision of safe and secure custody for prisoners. The Deputy will also be aware that the Prison Service must accept all persons committed by the courts into custody and does not have the option of refusing committals. I am informed that there was 34 women in custody on 18 November, 2011 in Limerick Female Prison where the bed capacity is 34. There was 127 women in custody in the Dóchas Centre on the same date representing 121% of the bed capacity.

As I have said before, this Government is committed to addressing the twin problems of overcrowding and poor physical conditions in our prisons. An administrative building on the Dóchas Centre site has been converted into a new accommodation block which will provide an additional 70 spaces. It is expected that this block will be ready for occupation in early 2012. The opening of the new spaces at the Dóchas Centre will assist in alleviating the overcrowding issue.

Prison Medical Service

426. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if his attention has been drawn to the prevalence of mental health issues among women prisoners; the need for an adequate mental health care service to be provided within the centre; and his plans to ensure greater health and social care provision within the community. [35663/11]

430. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to increase support services in the community that would address the complex issues and multiple needs of women offenders, including mental health and substance addictions. [35667/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 426 and 430 together.

In April 2011, I established the Thornton Hall Review Group. They reported to me in July 2011 and one of their recommendations included the establishment of an all encompassing strategic review of penal policy which would incorporate an examination and analysis of all aspects of penal policy including the issue of female prisoners. On foot of another of its recommendations, a group has also been designated to examine the issue of people with mental

illness coming into the criminal justice system. Announcements in relation to both groups will be made shortly.

Aside from the work that will be undertaken by these groups, the Irish Prison Service makes every effort to appropriately address the complex physical and mental health needs which are prevalent among women prisoners. The Prison Service seeks to establish a robust system providing enhanced integration and further development of services with statutory and voluntary partners. The Prison Service is also engaged with the Health Service Executive (HSE) in advancing the objective of securing access for all appropriate prisoners to the general community psychiatric services with discussions ongoing to improve access to Community Mental Health Teams.

In terms of support services, the Probation Service of my Department is the lead agency in the assessment and management of offenders in our communities. The Service works in partnership with other statutory and voluntary agencies including the HSE mental health and addiction services to ensure appropriate supports and treatment services are provided to Probation Service clients.

In 2011, my Department through the Probation Service allocated funding to 48 Community Based Organisations working primarily with adult offenders. A number of these organisations provide services, such as accommodation, family support and drug programmes specifically to address the challenges women offenders face integrating back into their communities. The Probation Service also works closely with emergency housing and homeless agencies in relation to the accommodation needs of homeless women. In addition, the Service is reviewing effective programmes and methodologies for engagement and work with female offenders.

Prison Service

427. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to encourage and facilitate meaningful family contact between women prisoners and their children. [35664/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Prison Service that every effort is made to allow women prisoners to fulfil their role as mothers having due regard to the best interests of the child. Contact therefore between women prisoners and their children is fostered, encouraged and facilitated where possible by the Prison Service.

Prison visits involving children, subject to the maintenance of good order and safe and secure custody, allow for physical contact between the mother and her children. I am assured that every effort is made to allow mothers as much flexibility as is possible on visits with their children, women prisoners, are also facilitated, where appropriate, with temporary release to attend significant milestones in their children's lives eg first communion.

Prison Accommodation

428. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to provide mother and baby units in the Dóchas Centre and in Limerick female prison; and if he will make a statement on the matter. [35665/11]

Minister for Justice and Equality (Deputy Alan Shatter): There are no babies at present in the care of mothers in custody. However, there is a considerable level of support available for mothers and babies in the Dóchas Centre when the need arises. Provisions are made to facilitate new mothers keeping their infants with them in custody where appropriate, so as not to disrupt early bonding. In such cases the mother and child are provided with their own single

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room with en-suite facilities on their return to the Dóchas Centre after giving birth. Required items such as a cot, baby food, nappies etc. are also provided. While there is no mother and baby unit in Limerick Female Prison, any woman who needs to be accommodated in such a unit is facilitated with a transfer to the Dóchas Centre.

Question No. 429 answered with Question No. 420.

Question No. 430 answered with Question No. 426.

Anti-Racism Measures

431. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will introduce a new national action plan to combat racism; and if he will make a statement on the matter. [35669/11]

Minister for Justice and Equality (Deputy Alan Shatter): I would firstly like to state that this Government is firmly committed to combating and challenging any and all manifestations of racism. Ireland was one of the first states in the EU and, indeed, in the world in developing a National Action Plan Against Racism. When the National Action Plan Against Racism was launched in 2005, it was conceived as a four-year programme to run until the end of 2008. It was designed to provide strategic direction towards developing a more intercultural and inclusive society in Ireland and was largely integration driven. Under the Plan, support was provided towards the development of a number of national and local strategies promoting greater integration in our workplaces, in An Garda Síochána, the health service, in our education system, in the arts and sports sectors and within our local authorities.

The Office for the Promotion of Migrant Integration in my Department maintains this Government's commitment and focus on anti-racism as a key aspect of integration, diversity management and broader national social policy. The Office continues to work with all the relevant sectors to further progress the integration and diversity management agenda. Many of the initiatives which were instigated through the National Action Plan against Racism 2005-2008 continue to be developed and progressed through the support and work of the Office. For example, an Arts and Culture Strategy and an Intercultural Education Strategy were launched in September 2010 and a Workplace Diversity Strategy is ongoing.

The National Action Plan against Racism 2005-2008 was very ambitious and wide ranging in its scope. Since 2005, there has been a substantial penetration of anti —racist policies, programmes and activities and awareness raising initiatives. The focus is now on the continued implementation of the sectoral strategies which flowed from the Plan. In light of these measures, I do not intend to focus on developing a second National Action Plan against Racism.

Equality Issues

432. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to give ethnicity status to members of the travelling community; and if he will make a statement on the matter. [35670/11]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): During the course of the examination by a working group of the UN Human Rights Council of Ireland's report to that Council, prepared under the Universal Periodic Review procedures of the Council, my colleague, Minister Shatter, was asked, among many other matters, about the position of Travellers in Irish society.

One delegation specifically recommended that Ireland should recognise Travellers as an ethnic minority while other interventions were of a more general nature. Minister Shatter replied that serious consideration is being given to granting such recognition. I am aware of the long standing wish of some Travellers that such status be granted but equally that there is no unanimity among Travellers about this issue.

The previous Government was of the view that Travellers are not an ethnic minority. I am aware that dialogue between staff of my Department and representatives of Traveller organisations has taken place on the issue, most recently on 11 November, 2010, during the course of a seminar on the third State report under the Council of Europe Convention on National Minorities. Consideration is ongoing and it is intended that the question will be before the Government for decision as soon as possible.

International Agreements

433. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ratify the UN Convention on the Rights of Persons with Disabilities; and if he will make a statement on the matter. [35671/11]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): It is the Government's intention to ratify the UN Convention on the Rights of Persons with Disabilities as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy may be aware, Ireland does not become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of our National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable ratification. At the Committee's request, the National Disability Authority, the lead statutory agency for the sector, has independently assessed the remaining requirements for ratification so as to ensure conclusively that all such issues will be addressed.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government's Legislation Programme as announced on 14 September 2011, indicates that the Mental Capacity Bill is expected to be published in early 2012. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

Question No. 434 answered with Question No. 398.

435. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to proceed with the ratification of the optional protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, OP-CAT; and if he will make a statement on the matter. [35675/11]

Minister for Justice and Equality (Deputy Alan Shatter): Ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires legislation. On 17 May last, the Government approved my proposals for preparation of the General Scheme of a Bill to enable ratification of the optional

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protocol. Arrangements will be made to ratify the instrument as soon as possible after the necessary legislation has been enacted.

Anti-Racism Measures

436. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to step up efforts and improve data collection on racist and xenophobic incidents as well as to broaden the basis for in-depth research on underlying motives; and if he will make a statement on the matter. [35676/11]

465. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he plans to fund and mandate an organisation to co-ordinate the monitoring and reporting of racism; and if he will make a statement on the matter. [35850/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 436 and 465 together.

There are currently a number of official mechanisms in place to record complaints about both racist crime and racial discrimination. All crime statistics, including statistics on reports of racially motivated crime are collated by the Central Statistics Office, using the data elicited from the Pulse system of An Garda Síochána. Information on reported criminal racist incidents from 2006 onwards are broken down into 10 different categories of crimes. I am informed by the Central Statistics Office that further breakdown of the data in relation to, for example, gender and geographic location is not made publicly available, as this could lead to the identification of individual cases.

The trends in these statistics are monitored by the Office for the Promotion of Migrant Integration and are updated regularly and published on the website of that Office at *www.integration.ie*. In addition, the 2010 EU Fundamental Rights Agency Assessment of the Status of official criminal justice data collection mechanisms on racist crime in the 27 EU Member States categorised Ireland as having in place “a good system” to register racist crimes.

Statistics on the number of complaints to the Garda Síochána Ombudsman Commission alleging discrimination on the grounds of race and/or religion are also available on the website of the Office for the Promotion of Migrant Integration, as well as statistics on the total numbers of cases taken before the Equality Tribunal under the race ground. In view of the above, I do not consider it necessary to have an additional complaints mechanism when there are already official mechanisms in place by organisations who have the capacity and authority to deal with complaints of racist incidents.

International Agreements

437. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ratify Protocol No. 12 to the European Court of Human Rights on the general prohibition of discrimination; and if he will make a statement on the matter. [35677/11]

Minister for Justice and Equality (Deputy Alan Shatter): As a signatory to Protocol 12 to the European Convention on Human Rights, Ireland keeps the question of ratifying the Protocol under review. The major issue is the lack of clarity as to the precise extent of the obligations imposed on States Parties by the very broad general prohibition on discrimination in Article 1 of the Protocol. It is notable also that no definition of discrimination is provided in Protocol 12.

My Department will watch closely how the European Court of Human Rights interprets the scope of this Article when it comes to rule on individual cases. The open, non-exhaustive list

of discrimination grounds in the Protocol would seem to be at variance with the prescriptive list of discrimination grounds enshrined in Ireland's Employment Equality and Equal Status Acts and on the face of it militates against legal certainty. There are no proposals to ratify the Protocol in the short term.

Probation and Welfare Service

438. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to resource the probation service to implement community sanctions as an effective sentencing option. [35680/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can assure the Deputy that Probation Service management prioritises its workload and allocates its resources in such a way as to maximise its efficiency and effectiveness. This prioritisation includes particular focus on the delivery of front-line services and the supervision of Community Service Orders. My Department obtained Department of Finance sanction to recruit 8 Probation Officers and 3 Community Service Supervisors in 2011 having made a case for these front-line posts to be treated as exceptions to the current moratorium on recruitment in the civil and public service. Their recruitment is evidence of the priority attention being given to the important work of the Probation Service generally and the implementation of alternatives to custody such as community service. The allocation of resources will continue to be kept under review.

439. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to increase collaboration and partnership between the probation service and the community and voluntary sector in offender assessment and management; and if he will make a statement on the matter. [35681/11]

Minister for Justice and Equality (Deputy Alan Shatter): In 2011, my Department, through the Probation Service allocated funding to 48 Community Based Organisations working primarily with adult offenders engaged with the Probation Service. A further 16 Community Based Organisations who provide services with young persons are in receipt of funding from the Irish Youth Justice Service through the Probation Service.

The provision of Probation Service funding to each organisation is subject to a funding agreement that prioritises and details the services to be provided and which are linked to measurable outputs. In consultation with those community based organisations from the Community and Voluntary Sector, I can advise the Deputy that the Probation Service continues to revise and restructure agreements to provide additional services from within available resources.

Council of State

440. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he proposed names for President Michael D. Higgins's Council of State; and if he will provide the names [35682/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can inform the Deputy that I did not propose any names to President Higgins in relation to the Council of State.

Prison Medical Service

441. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to prevent future outbreaks of tuberculosis, TB, and other illnesses in prisons; and if he will make a statement on the matter. [35683/11]

Minister for Justice and Equality (Deputy Alan Shatter): All prisoners are medically assessed on committal to prison. The initial health screen is used as an opportunity to develop care plans, make appropriate referrals as necessary and offer advice on various aspects of health care. Health promotion among prisoners is a key priority for the Irish Prison Service.

The Irish Prison Service has adopted a protocol for the management of Tuberculosis in prison. A high level of awareness is applied by health care staff to all committals. A similar level of awareness is applied to those who are known to be immuno-compromised or originate from regions where Tuberculosis has high prevalence rates. On committal, prisoners are asked specific questions that may be indicative of pulmonary Tuberculosis infection.

The Department of Public Health in the Health Service Executive manage any incidents of Tuberculosis in prisons and engage in contact tracing if deemed necessary. The contact tracing involves individual risk assessments, which include the time spent with an infectious case and the vulnerability of individuals being risk assessed. Any identified infectious Tuberculosis case will be immediately transferred to hospital and will not return to prison until it is confirmed that the patient is no longer infectious.

The Irish Prison Service and the Health Service Executive have worked collaboratively in raising awareness of Tuberculosis among staff and prisoners in all prisons. Prison specific Tuberculosis guidance (prepared by Public Health, Health Service Executive and the Health Protection Surveillance Centre) has been circulated to all staff across the prison estate.

Court Procedures

442. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to allow claimants with a human rights or public interest element to their case to apply for and receive protective cost orders. [35684/11]

Minister for Justice and Equality (Deputy Alan Shatter): It is a matter for the court to determine liability for costs and generally costs follow the event although the court may in some circumstances direct otherwise.

An exception to that general rule is provided for in section 50B of the Planning and Development Act 2000 as amended. Under that Act, my colleague the Minister for Environment, Community and Local Government has provided that regardless of the outcome of proceedings, all parties to relevant judicial review proceedings must pay their own costs, including notice parties, save where the applicant is successful in proceedings because a public authority either failed to comply with or properly implement the relevant legislation or acted beyond its jurisdiction.

While the Legal Services Regulation Bill 2011 — which provides for regulation of the legal professions and of legal costs — does not provide expressly for the matter raised by the Deputy I am considering this matter in the context of further development of the Bill.

Special Criminal Court

443. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to abolish the Special Criminal Court. [35685/11]

Minister for Justice and Equality (Deputy Alan Shatter): I have no plans to abolish the Special Criminal Court.

International Agreements

444. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to fully incorporate the European Convention on Human Rights into law. [35686/11]

Minister for Justice and Equality (Deputy Alan Shatter): Ireland has a dualist system under which international agreements to which Ireland becomes a party do not become part of domestic law unless so determined by the Oireachtas through legislation. The European Convention on Human Rights has been indirectly incorporated into domestic law by the European Convention on Human Rights Act 2003. That Act provides that every organ of the State shall perform its functions in a manner compatible with the State's obligations under the Convention provisions. It also provides that judicial notice shall be taken of the Convention provisions and that a person who has suffered injury, loss or damage as a result of a contravention by an organ of the State obligation may, if no other remedy in damages is available, institute proceedings to recover damages in respect of the contravention.

445. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to establish an institutional oversight mechanism assigned with responsibility to monitor the implementation of treaty monitoring body recommendations; and if he will make a statement on the matter. [35687/11]

Minister for Justice and Equality (Deputy Alan Shatter): The range of issues covered by international instruments and international treaty monitoring bodies is extremely broad. There is a need for the responsible Department to have expertise in the specific policy areas involved when reporting on implementation and following up on recommendations made by treaty monitoring bodies. Therefore, the creation of a single, centralised, institutional oversight mechanism for all treaty body recommendations would not appear to be an effective or appropriate means of managing the process of reporting on Ireland's international human rights obligations.

Immigration Appeals Mechanism

446. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to allow for independent oversight of decisions to refuse leave to land at ports of entry into the State; and if he will make a statement on the matter. [35688/11]

447. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to allow for an independent appeals mechanism for immigration related decisions, including deportation decisions; and if he will make a statement on the matter. [35689/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 446 and 447 together.

The Government's plans for the immigration system are outlined in the Programme for Government which commits to the introduction of comprehensive reforms to the immigration, residence and asylum systems including a statutory immigration appeals mechanism, which will articulate rights and obligations in a transparent manner and which will provide for review of immigration decisions.

I have asked my officials to develop proposals for a statutory immigration appeals mechanism. Work is at an advanced stage and, as I have previously informed the House, I intend to implement the finished proposals by way of amendment to the Immigration, Residence and Protection Bill 2010. The question of those refused leave to land at the port of entry is being examined as part of this process, having regard to the operational practicality of maintaining sensible border controls.

Prison Service

448. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to eradi-

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cate slopping out of human waste in prisons here as a priority issue and set targets to meet this obligation; and his plans to minimise this in the interim. [35690/11]

Minister for Justice and Equality (Deputy Alan Shatter): I can assure the Deputy that the Government is committed to the elimination of slopping out in all prisons and places of detention. The Programme for Government includes the objective to provide in-cell sanitation to all prisons, and in so far as resources permit, to upgrade prison facilities where possible. 72% of prisoner accommodation has in-cell sanitation at present. This will rise to approximately 80% when the extension currently under construction in the Midlands Prison is opened in 2012.

A refurbishment project in the C-wing at Mountjoy Prison is nearing completion and will result in all cells on that wing having in-cell sanitation. Depending on the findings of a post project appraisal, the Irish Prison Service will consider installing in-cell sanitation facilities in the remaining cells in Mountjoy and indeed to other facilities that do not have in-cell sanitation. I am committed to ending the practice of slopping out within the prison system, however, any project to provide in-cell sanitation to the remaining wings in Mountjoy or indeed in any other facility will, of course, be subject to the availability of financial resources.

449. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans for the Irish Prison Service to introduce standard risk assessment procedures for all new prisoners upon admission; and if he will make a statement on the matter. [35691/11]

Minister for Justice and Equality (Deputy Alan Shatter): At present, all prisoners in this jurisdiction undergo a form of assessment on committal which includes an interview by a Governor and Nursing Officer along with a Doctor's assessment within 24 hours of committal. I have asked my officials to examine the possibility of introducing formal risk assessment procedures and to report their findings in the near future.

450. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans for the use of safety observation cells and close supervision cells in prisons; his further plans to introduce guidelines setting out clear limits on the length of time prisoners can be held and the provision of services that must be available, and adequate record keeping detailing the usage of safety observation; and if he will make a statement on the matter. [35692/11]

Minister for Justice and Equality (Deputy Alan Shatter): At present the use of special observation cells is governed by rule 64 of the Prison Rules 2007 (S.I. no. 252). The original direction from the Governor for a person to be accommodated in such a cell must be for a period not exceeding 24 hours. Following consultation with the prison doctor, the Governor may direct that the period be extended for four further periods none of which may exceed 24 hours. Any extension beyond these periods requires a written report to be submitted to the Director General explaining the need for such an extension and written authorisation from him.

It is my intention to bring forward amendments to the Prison Rules 2007 which will draw a clear distinction between special safety observation cells to be used for medical reasons only and close supervision cells which are used based on operational management decisions. The proposed amendments will also contain time limits for the use of these cells and the maintaining of appropriate records for such use in all prisons.

451. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to establish an independent prison complaints system and prisoner ombudsman. [35693/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Prisons (Visiting Committees) Act 1925 provides for a visiting committee to be constituted for every prison in the State and one of the statutory duties of such committees is to hear any complaints which may be made to them by a prisoner. Under new legislation to be prepared, I intend to make Visiting Committees more effective while they continue their role. The arrangements for membership of the Committees will be changed and a link will be established between the Visiting Committees and the Inspector of Prisons.

There are also procedures within the Irish Prison Service for the investigation of complaints by prisoners. I am not satisfied that the existing IPS procedures are sufficiently robust and independent of the local staff to meet best practice for the investigation of serious complaints. It is my intention to bring forward amendments to the Prison Rules 2007 which will introduce an independent element to the investigation. I have recently asked the Inspector of Prisons to give consideration to this matter and to advise me as to the most appropriate approach to be taken in an Irish context so as to ensure compliance with best practice. The Inspector's views will then be taken into account in relation to the framing of the amended Rules in this regard.

Prison Medical Services

452. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the doctor to prisoner ratio within each prison in the State; his plans to increase the attendance time of general practitioners in prisons; and if he will make a statement on the matter. [35694/11]

Minister for Justice and Equality (Deputy Alan Shatter): Primary care is the model of care through which healthcare is delivered in the prison system. The service is currently delivered by a mix of part-time and full time doctors, who attend the various prisons for varying periods of time commensurate with the numbers and needs of the prison population. The service is provided using a multi-disciplinary model and intra-disciplinary working processes. This service is supported by Nursing staff in all prisons.

The table illustrates the current level of service provided by doctors in all prisons from Monday to Friday inclusive. Doctors also are available on call outside of surgery hours. There is also provision for locum doctors attendance at prisons at weekends.

Prison	Doctor Numbers	Doctor Hours (Monday-Friday)	Average Daily Population 2010
Arbour Hill	0.3 WTE	12hrs	153
Castlerea	0.4 WTE	15hrs	378
Cloverhill	1.5 WTE	59hrs	465
Cork	0.4 WTE	15hrs	303
Dóchas	0.6 WTE	22.5hrs	131
Limerick	0.4 WTE	15hrs	333
Loughan House	0.25 WTE	10hrs	134
Midlands	2.0 WTE	78hrs	542
Mountjoy	1.4 WTE	55hrs	667
Portlaoise	1.0 WTE	39hrs	263
Shelton Abbey	0.25 WTE	10hrs	99
St. Patrick's Institution	0.4 WTE	15hrs	214
Training Unit	0.3 WTE	11.5rs	113
Wheatfield	1.5 WTE	59hrs	495

WTE* whole time equivalents

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The Irish Prison Service Healthcare Directorate continually monitor the level of service provided by Prison Doctors.

453. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will report on the medical service in the Irish Prison Service. [35695/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Prison Service seeks to ensure that prisoners receive the same standard of healthcare as members of the public who hold a medical card. Prisoners receive care through the primary care system (involving doctors, nurses and other in-reach healthcare professionals) delivered in each prison. Where a doctor or other healthcare professional operating in a prison determines that a prisoner requires treatment in an external setting (emergency department, out patients department, surgical procedure etc), following a comprehensive clinical assessment, a referral is made to the public health system. Where prisoners attend for hospital appointments, decisions regarding their clinical care are determined on the same basis as persons in the community accessing public health services.

Research and practice has identified three main care domains in the prison context:

Primary Care

Primary care is the model of care through which healthcare is delivered. The primary care service is provided using a multi-disciplinary model and intra-disciplinary working processes and strives to provide proactive healthcare with a focus on health awareness and preventative medicine. Each prison has a complement of Nurses, Medical Orderlies and attendance by a prison doctor commensurate with the healthcare needs and prison population of the institution.

Addiction

Given the large number of prisoners requiring drug treatment services, the Irish Prison Service endeavours to provide a comprehensive range of such services in closed prisons. Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided both by the Irish Prison Service and visiting statutory and non-statutory organisations.

Mental Health

The prevalence of severe mental illness is significantly worse among prisoners compared to the general population. The Central Mental Hospital, National Forensic Mental Health Service provides consultant led in-reach sessions weekly by arrangement at all Dublin prisons and also at Portlaoise and the Midlands Prisons. Specialist in-reach services are in place for consultant led mental health sessions in the remaining closed prisons.

In addition, professional in-reach healthcare services are provided as required in relation to, inter alia, pharmacy, dental services, chiropody, physiotherapy and optical.

Drugs in Prisons

454. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of drug-free units within the Irish Prison Service; if he will ensure that non-drug using prisoners are not accommodated with known drug users; and if he will develop a structured approach to reducing and eventually stopping prisoners' dependency on drugs. [35696/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Prison Service continues to implement its Drugs Policy & Strategy, entitled "Keeping Drugs Out of Prison", which was launched in May 2006. This has involved the implementation of stringent measures to prevent

drugs from getting into prisons while, at the same time, continuing to invest in services to reduce the demand for illicit drugs in the prisoner population as well as meeting prisoners' treatment and rehabilitative needs.

Given the large number of prisoners requiring drug treatment services, the Irish Prison Service endeavours to provide a comprehensive range of interventions, where demand is high. Drug rehabilitation programmes for prisoners involve a significant multidimensional input by a diverse range of general and specialist services provided by the Prison Service and visiting statutory and non-statutory organisations.

There are currently drug free units in Wheatfield Prison and St. Patrick's Institution. Allied to this, the Training Unit, Arbour Hill, Loughan House and Shelton Abbey are regarded as drug-free institutions. Plans are well advanced for the development of a drug free unit in Mountjoy Prison to coincide with the reopening of the refurbished C Wing. The dedication of additional drug free areas in other institutions is being pursued.

Merchants Quay Ireland provide an addiction counselling service delivering approximately 1,500 prisoner contacts per month in prisons and places of detention, where prisoners require such a service. The HSE provide consultant led in-reach addiction services to Cloverhill, Wheatfield and the Mountjoy Complex. A GP with a special interest in substance misuse operates in Mountjoy Prison and a similar service is in place in the Midlands/Portlaoise complex. Drug Treatment Pharmacist Services are available in Mountjoy, Dóchas, Midlands and Portlaoise Prisons.

Methadone Substitution treatment is available in 9 of the 14 prisons and places of detention (accommodating over 80% of the prison population). Clinical studies have found specific positive outcomes as a result of methadone maintenance in prison, including inter alia, reduced drug and heroin use, better links to treatment agencies in the community and improved mental and physical health through accessing treatment.

Prison Committals

455. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to end the practice of placing mentally ill individuals in prison; his further plans to extend the court mental health liaison programme to operate across the State; and if he will make a statement on the matter. [35697/11]

Minister for Justice and Equality (Deputy Alan Shatter): There is no basis for placing mentally ill individuals in prison because of their mental illness. However it is not sustainable to say that any person with a mental illness, no matter how mild, should be immune from imprisonment. There is a strong argument that persons with severe mental illnesses who are involved in minor offences should be diverted away from the criminal justice system and measures have been taken to promote such an approach.

However if a serious crime such as a homicide is involved, the issue has to be addressed by the criminal justice system and the Criminal Law (Insanity) Act 2006 provides that persons found not guilty by reason of insanity cannot be imprisoned but may be committed for the purpose of in-patient care or treatment. Furthermore we also have prisoners properly convicted and imprisoned for serious offences who may develop mental illness after their imprisonment. Depending on the nature and severity of that illness the question has to be determined, as with any illness, whether it can be appropriately treated in a prison environment or whether a transfer to a designated centre is required.

An interdepartmental group is being designated to examine the issue of people with mental illness coming into the criminal justice system and this is in line with the recommendations of

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the Thornton Hall Review Group which were approved by Government last July. My officials are consulting with the Department of Health on the arrangements involved including the terms of reference and an announcement will be made shortly.

As to the present measures, the diversion system ensures as far as possible that those people presenting before the courts, or indeed at an earlier stage of the criminal justice system, where the infraction is a reflection of an underlying mental illness, are referred and treated appropriately. The Health Service Executive have advised the Irish Prison Service that the Prison In-Reach and Court Liaison Service (PICLS) in Cloverhill will guide appropriate individuals on remand in other prisons towards their local Community Mental Health Team.

The existing Prison In-reach and Court Liaison Service (PICLS) in Cloverhill successfully diverts circa 110 prisoners annually to appropriate psychiatric facilities in the community. Statistically 80% of prisoners diverted are already known to Community Mental Health Teams.

Prohibition of Torture

456. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ensure that law enforcement, judicial, medical and other personnel who are involved in custody, interrogation or treatment or who otherwise come into contact with prisoners are provided with the necessary training with regard to the prohibition of torture; and if he will make a statement on the matter. [35698/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Judiciary is independent in the exercise of its functions under the law and the Constitution. Responsibility for Judicial training is a matter for the Committee for Judicial Studies, which was established to provide for the training and ongoing education of the judiciary. As the Deputy will appreciate, training is judge-led and the content and topics are designed by the judiciary itself.

An Garda Síochána has a comprehensive education, training and information system for the professional development of all members. This development programme incorporates training in human rights issues. The Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 and 2006 govern all detentions by An Garda Síochána. These regulations make comprehensive provision for the treatment and care of detained persons. Compliance with the regulations ensures that members of An Garda Síochána at all times respect the personal rights and dignity of each detained person and do not subject them to ill treatment of any kind.

Training in the Irish Prison Service begins with induction training at recruitment stage during which Human Rights and Prison law is explored extensively in the Higher Certificate in Custodial Care programme. The Higher Certificate in Custodial Care aims to introduce custodial care professionals to Human Rights Law, specifically, the impact/influence of relevant international legal instruments/conventions on the custodian and prisoner. The provision of training and information is continued on an ongoing basis throughout an Officer's career.

The Irish Prison Service Training and Development Centre, in consultation with the Irish Human Rights Commission, is currently developing a Human Rights Module designed to upgrade the module currently being delivered and have met with the Inspector of Prisons and the Irish Penal Reform Trust in this regard.

Residency Permits

457. **Deputy Michael Creed** asked the Minister for Justice and Equality the residency and other such entitlements in this country that a niece of an Irish citizen has if coming from a non-

EU country; the way they should apply for their entitlement; and if he will make a statement on the matter. [35733/11]

Minister for Justice and Equality (Deputy Alan Shatter): In the absence of any further details on the person's situation it is difficult to address the question in any specific manner. The Deputy will be aware that, in general, a non-EEA visa-required national wishing to visit Ireland must first apply for a visa. A non-visa required national can apply at the port of entry for permission to enter the State. If the non-EEA national wishes to remain in Ireland beyond 90 days, he or she is required to register their presence with the Garda National Immigration Bureau. Non-EEA nationals who wish to change their status should write to the Irish Naturalisation and Immigration Service, outlining the reasons to support their case.

Queries in relation to the status of individual immigration cases may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Proposed Legislation

458. **Deputy Tom Hayes** asked the Minister for Justice and Equality when he expects the new Explosives Bill to be published; and if he will make a statement on the matter. [35757/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Explosives Bill proposes to repeal the Explosives Act 1875 in its entirety and replace it with a modern statutory framework for the control of the manufacture, importation, storage, transport, possession, acquisition and supply of explosives for legitimate civil uses. I can inform the Deputy that the Bill is currently on the "B list" of the Government's legislative programme. However, as drafting is at an advanced stage, it is envisaged that the Bill may be ready for publication in the coming legislative session.

Judicial Appointments

459. **Deputy Michael McCarthy** asked the Minister for Justice and Equality the number of judicial appointments made between June 1997 and February 2011 to the District, Circuit and Supreme Courts separately; and if he will make a statement on the matter. [35760/11]

Minister for Justice and Equality (Deputy Alan Shatter): The persons appointed to the District Court, Circuit Court, High Court and Supreme Court from June 1997 to February 2011 are as follows:

1997 (June — Dec)

No Appointments

1998

Supreme Court

No appointments

High Court

Frederick Morris (Appointed President of the High Court)

[Deputy Alan Shatter.]

Matthew Smith

Fidelma Macken

Nicholas Kearns

Circuit Court

Diarmuid Sheridan (Appointed President of the Circuit Court)

Esmond Smyth (Appointed President of the Circuit Court)

Yvonne Murphy

John O'Hagan

John Clifford

District Court

James Scally

Mary Devins

Thomas O'Donnell

James O'Connor

David Anderson

1999

Supreme Court

John Murray

High Court

Iarfhlaithe O'Neill

Joseph Finnegan

Aindrias O'Caoimh

Circuit Court

Bryan McMahon

District Court

Sean MacBride

Patrick Brady

Leo Malone

Timothy Lucey

2000

Supreme Court

Ronan Keane (Appointed Chief Justice)

Adrian Hardiman

Hugh Geoghegan

Niall Fennelly

Catherine McGuinness

High Court

Roderick Murphy

Daniel Herbert

Paul Butler

Liam McKechnie

Circuit Court

Desmond Hogan

District Court

David Maughan

Gerard Furlong

2001

Supreme Court

No appointments

High Court

Joseph Finnegan (Appointed President of the High Court)

Circuit Court

Michael O'Shea

Sean O'Donovan

Brian Curtin

Katherine Delahunty

District Court

James McNulty

Conal Gibbons

[Deputy Alan Shatter.]

Bridget Reilly

2002

Supreme Court

Brian McCracken

High Court

Henry Abbot

Eamon de Valera

Mary Finlay Geoghegan

Michael Peart

Barry White

Circuit Court

Mary Faherty

Alan Mahon

Gerald Keys

Patricia Ryan

Miriam Reynolds Buckley

James O'Donohoe

District Court

Geoffrey Browne

Bryan Smyth

Anne Watkin

Cormac Dunne

John Coughlan

2003

Supreme Court

No appointments

High Court

Paul Gilligan

Sean Ryan

Sean O’Leary

Circuit Court

No appointments

District Court

Angela Condon

2004

Supreme Court

John Murray (Appointed Chief Justice)

Nicholas Kearns

High Court

Fidelma Macken

Michael Hanna

John MacMenamin

Elizabeth Dunne

Circuit Court

Alice Doyle

Doirbhile Flanagan

Donagh McDonagh

Cornelius Murphy

Terence O’Sullivan

District Court

Hugh O’Donnell

Ann Ryan

2005

Supreme Court

Fidelma Macken

High Court

Kevin Haugh

Circuit Court

Matthew Deery (Appointed President of the Circuit Court)

[Deputy Alan Shatter.]

District Court

Miriam Malone (Appointed President of the District Court)

Patrick Clyne

Derek McVeigh

Brian Sheridan

Aeneas McCarthy

2006

Supreme Court

Joseph Finnegan

High Court

Richard Johnson (Appointed President of the High Court)

Kevin Feeney

Brian McGovern

Peter Charleton

Maureen Harding Clark

Circuit Court

Tom Teehan

District Court

Dympna Cusack

Patrick McMahan

Desmond Zaidan

2007

Supreme Court

No appointments

High Court

John Hedigan

Bryan McMahan

George Birmingham

John Edwards

Mary Irvine

Patrick McCarthy

Garrett Sheehan

Circuit Court

Tony Hunt

Rory McCabe

Martin Nolan

Gerard Griffin

Petria McDonnell

Raymond Fullam

District Court

Anthony Halpin

John Lindsay

Eamon O'Brien

David McHugh

Elizabeth MacGrath

Denis McLoughlin

2008

Supreme Court

No appointments

High Court

Dan O'Keeffe

John Cooke

Circuit Court

No appointments

District Court

Dermot Dempsey

Kevin Kilrane

Victor Blake

David Kennedy

[Deputy Alan Shatter.]

2009

Supreme Court

No appointments

High Court

Nicholas Kearns (Appointed President of the High Court)

Circuit Court

No appointments

District Court

Heather Perrin

Seamus Hughes

2010

Supreme Court

Donal O'Donnell

Liam McKechnie

High Court

Gerard Hogan

Circuit Court

Leonie Reynolds

Margaret Heneghan

District Court

Olann Kelleher

Patricia McNamara

Catherine Staines

Paul Kelly

2011 (Jan — Feb)

No appointments

Prisoner Releases

460. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the number of prisoners who have benefitted from early release from Cork Prison in each of the past five years; and the categories of offences for which they served their sentences. [35805/11]

Minister for Justice and Equality (Deputy Alan Shatter): It is not possible to provide the Deputy with the specific information requested as this would require the manual examination of records. Such an examination would require a disproportionate and inordinate amount of staff time and effort and could not be justified in current circumstances where there are other significant demands on resources.

However, I can inform the Deputy that, on 21 November 2011, there were 141 prisoners on temporary release from Cork Prison. Taking 21 November as a comparable or near equivalent date, the table below outlines the number of prisoners on temporary release from Cork Prison for the past 5 years:

Year	Number on Temporary Release (21 November)
2006	37
2007	37
2008	71
2009	59
2010	149

Infrastructure Investment Plan

461. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality if he will outline the specific projects that he plans for County Donegal arising from the Infrastructure and Capital Investment Plan 2012 — 2016; and if he will make a statement on the matter. [35832/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that detailed planning is currently underway in my Department in line with the priorities detailed in the Infrastructure and Capital Investment Plan 2012 — 2016. While this planning is not yet complete, at this point it is not envisaged that there will be any significant Justice capital investment required in Donegal during the period 2012 — 2016.

Prisoner Releases

462. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current procedures and guidelines in place to facilitate the temporary release of prisoners; and if he will make a statement on the matter. [35844/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Criminal Justice Act 1960, as amended by the Criminal Justice (Temporary Release of Prisoners) Act 2003 provides that sentenced prisoners may be approved temporary release. The Act sets out the circumstances when temporary release may be provided and what matters must be taken into account. Temporary release assists in gradually preparing suitable offenders for release and in administering short sentences, and is an incentive to prisoners. It is an important vehicle for re-integrating an offender into the community in a planned way.

The generally accepted view is that the risk to the community is reduced by planned re-integration of offenders compared with their return to the community on the completion of their full sentence. The Irish Prison Service has also judiciously used temporary release as a means of reducing numbers in times of serious overcrowding. Each case is examined on its own merits and the safety of the public is paramount when decisions are made. In addition, all releases are subject to conditions, which in the vast majority of cases include a requirement to

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report on a regular basis to the offender's Garda Station. Of course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Gardaí.

I might mention that a number of key recommendations contained in the Thornton Hall Review Group Report are receiving priority attention in my Department and many are in the process of being implemented, most notably the introduction of an incentivised scheme for earned temporary release under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service. In this regard, a six month pilot project commenced in October 2011 in which it is envisaged that a total of 130 prisoners will participate. To date, 31 prisoners have been released under the scheme with a further 7 due for release this week.

Prison Service

463. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current rehabilitative and educational facilities available to prisoners serving sentences in prisons here; his future plans regarding same; if the provision of such facilities is in line with the current economic circumstances; and if he will make a statement on the matter. [35845/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Irish Prison Service provides a range of rehabilitative programmes which have the dual purpose of providing prisoners with purposeful activity while serving their sentences and encouraging and equipping them to lead productive lives on release. The Irish Prison Service places a strong emphasis on the provision of education, work and training for prisoners with a wide range of education classes and training workshops available across the prison estate. The Irish Prison Service will continue to improve services available to prisoners insofar as resources allow.

In this regard, a number of projects are currently under way which will improve the facilities available. A significant programme of works is nearing completion in the Dóchas Centre where, in addition to improving the overall standard of the Centre, will provide for additional training workshops and a new training kitchen. At the Midlands prison, as part of the new accommodation block to be fully commissioned in 2012, additional work training and educational facilities are being provided. It will also include a new fully fitted kitchen which will provide enhanced training opportunities for prisoners.

The Irish Prison Service continues to develop its IT facilities in the prison schools which will enhance prisoner educational opportunities. An in-cell education pilot project to allow prisoners continue their classroom learning is also being introduced in St Patrick's Institution and Wheatfield prison.

I am further informed by the Irish Prison Service that, as the prison estate is developed by new building projects or by refurbishment of the existing estate, education and training facilities will be enhanced to the greatest extent that resources will allow.

Proposed Legislation

464. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to legislate for and define racist crime and introduce racism as an aggravating factor in sentencing. [35849/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Prohibition of Incitement to Hatred Act 1989 defines "hatred" as "hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation". Under the 1989 Act it is an offence,

inter alia, to use words, publish or distribute written material, or broadcast any visual images or sounds which are threatening, abusive or insulting and are intended, or, having regard to all the circumstances, are likely to stir up hatred.

In addition to the foregoing legislation, where criminal offences such as assault, criminal damage, or public order offences, are committed with a racist motive they are prosecuted as generic offences through the wider criminal law. The trial judge can take aggravating factors, including racial motivation, into account at sentencing.

In this jurisdiction, the legislature enacts criminal laws which usually provide for maximum penalties in the form of a fine or imprisonment, or both. In general, there are no statutory sentencing guidelines. Within our legislative framework, the determination of penalty in any individual case is largely a matter for the trial judge, taking case law, including appealed cases, into account. This allows the courts to take all the circumstances of the offence and all the relevant aggravating and mitigating factors into account. The gravity of the offence, the facts surrounding the commission of the offence, the criminal record of the accused and the impact on the victim are among the critical factors taken into account before a sentence is imposed. The judge must take into account the circumstances of the offence and the offender. Also, the Director of Public Prosecutions can appeal against the sentence imposed if he believes it to be unduly lenient.

Moreover, it would be very difficult to justify legislative provision for racially aggravated sentencing without introducing similar provisions to deal with crimes (possibly numerically greater and just as reprehensible) against other vulnerable groups, for example, children and the elderly. In all the circumstances, I have no plans, at present, for statutory guidelines for the purpose of racially aggravated sentencing.

Question No. 465 answered with Question No. 436.

Garda Deployment

466. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he plans to increase resources to the Garda racial and intercultural office; the funding allocated to it for each year since its establishment; the number of persons employed in that office; and if he will make a statement on the matter. [35851/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda Authorities that the Garda Racial, Intercultural and Diversity Office (G.R.I.D.O.) forms part of the Community Relations Division. The personnel strength, at the latest date for which figures are available, of the Community Relations Division is 29 and currently 1 Sergeant, 1 Garda and 1 Clerical Officer are allocated to the G.R.I.D.O.

There is no specific budget allocated to the Garda Racial and Intercultural Office from the Garda Vote. The annual expenditure, inclusive of salaries, incurred by the Garda Community Relations Division is approximately €2.8m. Garda Management closely monitors the allocation of resources, including transfers and retirements, in the context of crime trends, policing needs and other operational strategies in place on a District, Divisional and Regional level, to ensure optimum use is made of Garda resources, and the best possible Garda service is provided to the public. Senior Garda Management is satisfied that a full and comprehensive policing service continues to be delivered and that current structures in place meet the requirement to deliver an effective and efficient policing service to the community. This situation will be kept under review.

Joint Policing Committees

467. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ensure migrant representation on the joint policing committees to establish a better relationship with new communities. [35852/11]

Minister for Justice and Equality (Deputy Alan Shatter): The functions and powers of Joint Policing Committees (JPCs) are set out in the Garda Síochána Act 2005, which provides for a Committee in each local authority area. JPCs provide the framework for a partnership process involving An Garda Síochána and elected members and officials of the local authority, which are the two organisations which make the most significant contribution to preventing crime in an area, with the participation of members of the Oireachtas and of the community and voluntary sector.

The Act provides that JPCs operate under guidelines issued by the Minister for Justice and Equality after consultation with the Minister for the Environment, Community and Local Government. The current guidelines were issued in September, 2008 and provide inter alia for the selection of members of the JPCs by the relevant local authority and Oireachtas members and An Garda Síochána, as appropriate.

Members of the public and community representatives and groups, including groups representing migrants, can interact with their JPC by communicating with the Committee directly or by communicating with any member of the Committee, including the appointed Garda representatives. All JPC meetings are as a rule open to the public, and documents are generally available. Any person may submit questions in writing in advance of each JPC meeting. Each Committee is also required to hold regular public meetings, at which those attending have the right to make their views known and ask questions in accordance with the guidelines.

The Code of Practice which forms part of the guidelines underlines the need for engagement with local communities. The guidelines give flexibility to Committees to operate in a way that addresses local needs and circumstances. In this context there is scope for JPCs to ensure that the concerns of migrant communities are properly considered. The guidelines emphasise the need for informal procedures and include provision for the invitation of non-members to speak on particular agenda items.

It is my intention to communicate in the near future with local authorities to get an overview of how the JPCs are operating and the extent to which their activities are constructive and beneficial to the community and the Gardaí. My Department, the Department of the Environment, Community and Local Government and An Garda Síochána have commenced work on reviewing the operation of the Committees. It is intended that a document will be prepared, on the basis of which consultations will take place with the local authorities on how the operation of the Committees might be improved, with a view to updating the guidelines. It is envisaged that this process will be substantially complete in the early part of next year.

Garda Training

468. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will provide details of the intercultural training provided to gardaí; and his plans to introduce a new training programme that involves all Garda personnel. [35853/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda Authorities that the ethos of training within An Garda Síochána is based upon the Irish Constitution, Legislation (including Human Rights and Equality Legislation) and An Garda Síochána's

Policy and Procedures. This ethos informs and underpins the content of all training interventions facilitated by An Garda Síochána.

Details of the Intercultural and Diversity Training provided in the period 2006 to date are as follows:—

- A “Diversity Works” one day Training Programme in ‘Diversity Awareness was developed for delivery by Continuous Professional Trainers. A total of 69 trainers undertook a Train the Trainers Programme in March 2007. Diversity training was included on the Continuous Professional Development (C.P.D.) core programme for 2007/2008.
- A ‘Human Rights, Cultural Diversity and Refugee Law’ training programme, developed with U.N.H.C.R., was delivered to 380 Garda Immigration Staff during 2006, 2007, and 2008.
- 37 members of Inspector and Superintendent Rank received training in ‘Human Rights & Constitutional Law’ during 2007. This was delivered jointly by Senior Management Development and Barristers at the Kings Inns.
- A ‘Diversity Works’ training workshop was delivered to Garda Employee Assistance (Welfare) Officers.
- 450 Ethnic Liaison Officers were trained for liaison with ethnic communities nationwide.
- A ‘Cultural Diversity Awareness Training’ programme was completed by 275 staff (Garda & non Garda) at the Garda College in 2008.

Human Rights training was delivered to participants on Sergeants & Inspectors Promotion Courses in 2007 and 2008.

- 80 members of Inspector and Superintendent Rank received ‘Managing Diversity Works’ Training during 2007 and 2008.
- A suite of C.P.D. Programmes for Superintendents and Chief Superintendents on incorporating Human Rights in Executive Decision making was delivered in 2009, 2010 and 2011 with 95 personnel trained.
- In 2011 the Leadership and Management Development Faculty have provided Diversity Master Classes to Senior Management in the Garda Organisation, resulting in 29 personnel trained.
- The new Student / Probationer programme (B.A. in Applied Policing) addresses the area of ‘intercultural training’ both directly as part of the curriculum and indirectly within the Student/Probationer competency framework.
- Basic equality and diversity awareness is introduced in the Foundations of Policing Module which is the first study module for new recruits. This introduction is further developed in the Policing with Communities module which has a 21 hour Unit of learning entitled ‘Diversity’. This unit covers:
 - Dynamics of Difference
 - Stereotyping and Prejudice

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- Each of the nine grounds of discrimination
- Legislation

The unit is delivered using blended learning methodologies including; problem-based learning scenarios, workshops, seminars, a debate and role-plays. As part of the implementation of An Garda Síochána's Diversity Strategy 2009-2012 a number of information seminars, with representation from every division in the country, were held to raise Diversity awareness among Ethnic Liaison Officers (ELOs) and Lesbian, Gay, Bi-Sexual and Transgender Liaison Gardaí (LGBT) in preparation for their future role in the areas of each of the nine strands of Diversity; Age, Gender, Membership of the Travelling Community, Race/Ethnic Origin, Religious Belief, Sexual Orientation, Family Status, Disability and Marital Status.

Garda Recruitment

469. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to target and reserve places in the Garda for migrants when the recruitment embargo is lifted. [35854/11]

Minister for Justice and Equality (Deputy Alan Shatter): Recruitment in An Garda Síochána is governed under Statutory Regulation namely, the Garda Síochána (Admission & Appointments) Regulations 1988 — 2005. While there is no recruitment taking place at the moment, any person who meets the criteria set out in the Regulations, including citizens of an EEA member state or persons legally resident in Ireland may apply to join An Garda Síochána when recruitment next commences.

Judicial Appointments Board

470. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to review the judicial appointments board with a view to ensuring greater diversity; and if he will make a statement on the matter. [35855/11]

Minister for Justice and Equality (Deputy Alan Shatter): Following my appointment as Minister for Justice and Equality, I requested my officials to conduct an examination of the current appointment procedure with particular reference to the practice in other jurisdictions. This review is wide-ranging and includes consideration of the following issues:

- the need to ensure and protect the principle of judicial independence;
- eligibility for appointment;
- composition of the Judicial Appointments Advisory Board;
- the appointments process;
- accountability in respect of its functioning; and
- promoting equality and diversity.

The review is ongoing and I will consider the matter further on completion. Any proposal to revise the current system of judicial appointments would, of course, be a matter for consideration by Government.

Immigrant Welfare

471. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to address the level of communication between his Department and the Department of Social Protection which often results in immigrants who are often refused in the first instance but then succeed on appeal; and his plans to ensure better information co-ordination between Departments. [35856/11]

Minister for Justice and Equality (Deputy Alan Shatter): On the assumption that the Deputy is referring to applications for social welfare assistance made by non-nationals to the Department of Social Protection, decisions on such applications are solely a matter for that Department and my Department has no role or function in relation to that process. In that context it is unclear as to what the Deputy means by poor communication between my Department and the Department of Social Protection. I can assure him that there is ongoing cooperation between our respective Departments at both an operational and policy level on all issues where such cooperation is required.

Asylum Support Services

472. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to reform direct provision centres; his plans to introduce an independent complaints mechanism for direct provision centres; and if he will make a statement on the matter. [35857/11]

Minister for Justice and Equality (Deputy Alan Shatter): The accommodation of asylum seekers through the direct provision system is the responsibility of the Reception and Integration Agency (RIA) of my Department. As of today, RIA has 39 asylum seeker accommodation centres throughout the country. The system is a constantly evolving one, taking account of the declining number of residents and of the financial resources available to RIA. At the beginning of 2009, RIA was accommodating an overall number of 7,002 asylum seekers. Today, it is accommodating just over 5,400 persons, a reduction of over 22 % during this period.

I would refer the Deputy to my response to previous Dáil Questions on this subject where I pointed out that the Direct Provision system was subjected recently to a rigorous Value for Money (VFM) examination. This Report was published in 2010 and is on the RIA website — www.ria.gov.ie. The Report found that there are no cheaper alternatives to the Direct Provision system. In fact, if we were operating a system which facilitated asylum seekers in living independent lives in individual housing with social welfare support and payments, the cost to the exchequer would be double what is currently paid under the direct provision system.

In relation to the issue of the introduction of an independent complaints mechanism for Direct Provision centres I would refer the Deputy to my detailed response to the Dáil Question of 3 November, 2011 (ref. PQ 32452/11) on this issue in which I stated, inter alia, that the system of direct provision is sui generis and that I am informed that the complaints resolution procedure currently in place is considered to be the only one appropriate to the circumstances which obtain in that system.

473. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to introduce a condition into contracts with direct provision accommodation providers which allows full access to centres for mental health personnel; and if he will make a statement on the matter. [35858/11]

Minister for Justice and Equality (Deputy Alan Shatter): The accommodation of asylum seekers through the direct provision system is the responsibility of the Reception and Inte-

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gration Agency (RIA) of my Department. In addition to full board accommodation, RIA coordinates, through other Government bodies, a number of ancillary services to asylum seekers in direct provision accommodation. All asylum seekers are allowed access to health services on the same basis as for Irish citizens. The provision of all health services, including those related to mental health, is the responsibility of the Health Service Executive (HSE) and it is a matter for the HSE to determine how it wishes to deliver that service to residents in Direct Provision centres. RIA will, of course, facilitate the HSE in any way it can in the delivery of such services.

Equality Issues

474. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to amend the Equal Status Act to disallow schools differential treatment of applicants based on religion; and if he will make a statement on the matter. [35859/11]

Minister for Justice and Equality (Deputy Alan Shatter): Equal status legislation aims to strike a necessary and appropriate balance between the right to the free profession and practice of religion, recognised by the Constitution and the principle of equality and has done so by providing a qualified exception, of limited scope, in Section 7(3) of the Equal Status Act 2000. A denominational primary or post-primary school may, under this provision, admit pupils of one religious denomination in preference to others and may refuse to take someone who is not of that denomination if this is essential to protect its religious ethos. Application of this provision is, moreover, subject to review by a court or tribunal, such review being on an objective basis and having regard to the need to reconcile the various constitutional rights involved. I have no plans at present to amend these provisions of the Equal Status Act.

Prison Medical Service

475. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will ensure that a person (details supplied) will receive adequate dental treatment including the provision of false teeth; and the timeframe that this will occur. [35869/11]

Minister for Justice and Equality (Deputy Alan Shatter): The range of dental services available to prisoners reflects similar provision which is available to medical card holders in line with arrangements under the GMS Dental Treatment Service Scheme (DTSS) which operates in the community. This is entirely consistent with the objective of the Irish Prison Service to provide equivalence of care in relation to the provision of medical/dental services comparable to that available to medical card holders in the community. However, as I am sure you are aware, medical confidentiality is a time honoured principle of professional healthcare ethics and accordingly I am not at liberty to divulge information relating to this person's dental treatment.

Visa Applications

476. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality the position regarding a visa application in respect of a person (details supplied); and if he will make a statement on the matter. [35899/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am pleased to inform the Deputy that the visa application referred to has been approved. Queries in relation to general immigration matters may be made directly to INIS by e-mail using the Oireachtas Mail facility which has been specifically established for this purpose. This service enables up to date information on such cases to be obtained without the need to seek information by way of the Parliamentary

Questions process. The Deputy may consider using the e-mail service except in cases where the response from INIS is, in the Deputy's view, inadequate or too long awaited.

Immigration Policy

477. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to amend the criteria for non-EU nationals without a residency permit to start up a business here; his plans to replace the business permission scheme with more flexible rules; and if he will make a statement on the matter. [35931/11]

Minister for Justice and Equality (Deputy Alan Shatter): My Department has been working on new immigration schemes in the area of entrepreneurship and investment. I believe there is scope for a proactive approach from my Department in this sphere so as to contribute to our national recovery. I anticipate being in a position to publish the details of these schemes shortly.

Legal Aid Service

478. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality the amount spent on criminal legal aid to date in 2011; and the number of legal aid certificates granted over that period. [36095/11]

479. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality in the matter of criminal legal aid, if he will confirm the number of accused persons in the past ten years who have been awarded more than one legal aid certificate; and the cost to the State in respect of such class persons. [36096/11]

480. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality the number of accused persons in the past six years who have been convicted of an offence and who had been awarded a legal aid certificate in respect of their case distinguishing the number of such convictions arising by way of plea and specifying the number of prison sentences imposed in such cases. [36098/11]

481. **Deputy Michelle Mulherin** asked the Minister for Justice and Equality the numbers of re-offenders and the rates of re-offending in the past ten years distinguishing between summary and indictable offences and setting out the number of re-offenders who have received legal aid certificates. [36102/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 478 to 481, inclusive, together.

Unfortunately, I am not in a position to advise the Deputy in relation to the number of accused persons in the past 10 years who have been awarded more than one legal aid certificate and the cost to the State in respect of such class of persons as this information is not currently collated in the system. This is also the position in relation to the information sought by the Deputy on the number of accused persons in the past six years who have been convicted of an offence and who have been awarded a legal aid certificate in respect of their case distinguishing the number of such convictions arising by way of plea and specifying the number of prison sentences imposed in such cases.

I can advise the Deputy in relation to re-offending that the Irish Prison Service facilitated a major study of prisoner re-offending by the UCD Institute of Criminology, the findings of which were published in the May edition of the academic journal *Criminology & Criminal Justice*. The recidivism rate was found by this study to be under 50% after 4 years which is in the mid to lower range of recidivism rates when compared to similar countries internationally.

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The Irish Prison Service keeps records of periods in custody for every prisoner which allows calculation of re-imprisonment rates by type of offence, including sex offences. However, these do not allow calculation of a comprehensive rate of re-offending that includes non-custodial sentences. I am pleased to say however that the Probation Service is in the process of conducting initial research into re-convictions and much work is being done to collate the relevant data which will add to our knowledge in this area.

Information on the number of re-offenders who have received legal aid certificates is not collated as, at the time of assignment of the legal aid certificate, this information is not made known to the court for legal reasons. As the Deputy will be aware, the interests of justice require that a person accused of a crime before the court is innocent until proven guilty and as such is entitled to apply for legal aid regardless of whether he or she has previous convictions.

Court Sittings

482. **Deputy Michael McGrath** asked the Minister for Justice and Equality if a statutory instrument is in place which would allow the sitting of a court (details supplied) in County Cork; and his plans to resume court sittings in the area. [36144/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that, under the provisions of the Courts Service Act 1998, the Courts Service is independent in the performance of its functions which includes management of court venues and designation of court areas and I have no role in the matter. However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that, due to the lack of suitable premises in Castletownbere, the District court sittings were moved to Bantry with effect from 1 October 2010. I am informed the Court sat six times in 2010 dealing with only 232 matters. Unfortunately, due to current economic conditions, the Courts Service is not in a position to provide a premises or facilities of an appropriate standard in Castletownbere and a proposal about its future is due for consideration at the next meeting of the Courts Service Board. In the meantime, the sittings will continue to be held in Bantry.

Legal Aid Service

483. **Deputy Billy Kelleher** asked the Minister for Justice and Equality when an appeals board will be appointed for the legal aid board; his plans to deal with the back log of appeals that have built up since September 2011; and if he will make a statement on the matter. [36150/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to advise the Deputy that I am currently in the process of appointing members to the Legal Aid Board. I expect that the new Board will be in place in the coming weeks and that the appeals on hand will be addressed promptly.

Criminal Prosecutions

484. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality if he will provide details of the number of prosecutions resulting in fines being handed down following court proceedings during the year 2010; the proportion of the fines that remain unpaid; his plans to introduce a deduction at source scheme for those persons who refuse to pay fines; and if he will make a statement on the matter. [36153/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Deputy will be aware that, under the provisions of the Courts Service Act 1998, the Courts Service is independent in the

performance of its functions which includes the provision of information on the operation of the courts and I have no role in the matter.

However, in order to be of assistance to the Deputy, I have had enquiries made and the Courts Service has informed me that in 2010 there were 92,624 fines imposed with 68,032 paid. This left 24,592 or approximately 27% fines unpaid at the end of the year. In the same year a total of 63,620 defendants had fines imposed. It should be noted that some defendants may have received two or more fines. The Programme for Government 2011-2016 includes a commitment to recover unpaid fines by use of attachment orders and legislative proposals along those lines are being developed.

Proceeds of Crime

485. **Deputy Patrick O'Donovan** asked the Minister for Justice and Equality if the proceeds of crime legislation makes provisions for the inclusion of PPS numbers in the sale and purchase of assets; and if he will make a statement on the matter. [36154/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Proceeds of Crime Acts 1996 and 2005 target property which has been received as a result of, or in connection with, criminal conduct. The legislation does not make any particular provision in relation to PPS numbers in connection with the sale and purchase of assets.

Proposed Legislation

486. **Deputy Jerry Buttimer** asked the Minister for Justice and Equality the progress being made on legislative proposals to abolish upward only rent review clauses; if he has considered other alternative options for facilitating commercial tenants to obtain reduced rents which reflect the current economic realities faced by businesses; and if he will make a statement on the matter. [36171/11]

487. **Deputy Jerry Buttimer** asked the Minister for Justice and Equality in an effort to alleviate the pressure that commercial rents are placing on businesses if he will consider legislating to provide an incentive for landlords to reduce commercial rents to a verifiable sustainable level provided that any such incentive would be proportionate to the effect of a rent reduction on the landlord's income; and if he will make a statement on the matter. [36173/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 486 and 487 together.

As I indicated in my reply to Questions Nos. 166 and 173 on 17 November, consideration of this matter is ongoing in the context of recent advices received from the Attorney General in relation to proposals which had been forwarded to her earlier this year. I hope that I will shortly be in a position to provide some additional clarity as to my legislative intent.

Garda Transport

488. **Deputy Seán Kenny** asked the Minister for Justice and Equality the amount spent on purchasing Garda vehicles for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [36185/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Garda authorities that expenditure on the purchase of vehicles for the years 2007, 2008, 2009, 2010 and to date in 2011 is outlined in the table.

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Year	Cost
2007	€11,403,105
2008	€8,117,641
2009	Nil
2010	€3,074,236
2011	€238,535

Garda Civilian Staff

489. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of civilians by grade currently in the Garda dog unit; the number of civilians by grade currently in the Garda mounted unit; and if he will make a statement on the matter. [36186/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that there are no civilians attached to either the Garda Dog Unit or the Garda Mounted Unit.

Garda Stations

490. **Deputy Seán Kenny** asked the Minister for Justice and Equality the annual cost to An Garda Síochána of operating five Garda stations (details supplied) in Dublin excluding staffing costs; and if he will make a statement on the matter. [36200/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Garda Commissioner is the Accounting Officer for the Garda Vote. In that context I have been informed by the Garda authorities that financial operating cost statements are maintained at District Headquarters level rather than at Garda station level. Additionally it is the case that certain expenditure in respect of a Garda station premises is funded separately by the Office of Public Works and this can contribute significantly to the costs involved. In the circumstances the Deputy will appreciate that the information he has sought is not readily available and I understand that the provision of such information would require a disproportionate amount of Garda time and resources.

Consultancy Contracts

491. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36230/11]

Minister for Justice and Equality (Deputy Alan Shatter): I wish to inform the Deputy that the details requested in respect of my Department and agencies/bodies within its aegis are as follows:

ICT

My Department has recently put in place a framework of 17 companies to supply a range of specified ICT skills. No contracts have yet been placed.

Auditing

A range of auditing services are provided to my Department by Capita (formerly Tribal Consulting Ltd). The services in question cover both technical/specialist audits and more general audit services and these are drawn down as and when required. The services are drawn down where appropriate skills sets are not available in the Department. The cost of this service in 2011 was €75,755. This is in line with internal staff costs when pension and PRSI costs are included.

Reception and Telephonist Staff

A total of five staff have been employed at three of my Department's main buildings in Dublin at a cost of €258,554. Three staff have been employed by the Probation Service at a cost of €143,704. Two part-time staff have been employed at my Department's Financial Shared Services office in Killarney at a cost of €52,256. Two full-time persons have been employed at the Irish Naturalisation and Immigration Service (INIS) at a cost of €85,200. The above amounts were incurred in the year ending 31 October, 2011 and were payable to Eircom.

Courts Service — Accountancy Services

Contract accountancy services were provided by two separate companies 1) Reed and 2) Hays to the Courts Service. There were three staff provided in total, two through the company Reed and one through the company Hays. Two of the staff were employed in the Office of the Official Assignee in Bankruptcy and one in the Office of the General Solicitor for Minors and Wards of Court. The cost of the services to date in 2011 is €195,260. The equivalent grade for these contract staff is Assistant Principal Officer level.

Courts Service — ICT Services

ICT Services were provided by Brightwater. Two staff were provided in total, a technical architect and a senior developer. The cost of the services to date in 2011 is €80,000. No equivalent staff are employed in the Courts Service.

Irish Prison Service (IPS)

CPL Healthcare Limited provide agency nurses to fill critical vacancies, both planned and unplanned, in any or all locations where the Irish Prison Service provide healthcare services. Agency nurses provide services similar to that provided by nurses employed directly by the Irish Prison Service. There are currently eight agency nurses engaged from CPL by the Irish Prison Service and are deployed to prisons across the prison estate.

In the first half of 2011, the cost of agency nurse services to the Irish Prison Service was €262,275. The cost of engaging an agency nurse is approximately 5% less than the cost of employing a nurse directly by the Irish Prison Service. However, when pension entitlements for civil servants (which are payable in the future) are factored in, the differential in employing nurses directly increases from approximately 5% to circa. 20% less than the cost of employing a nurse directly.

The Irish Prison Service holds contracts with two agencies, Locumlink and Locumotion, for the provision of GP services. The primary purpose of the contracts is to provide locum GPs to cover annual leave, sick leave and other absences of Irish Prison Service doctors.

National Disability Authority

The National Disability Authority (NDA), a small organisation with 33.4 whole time equivalent staff, uses recruitment agencies on an ad hoc basis to provide reception cover in exceptional circumstances, most notably when the full-time receptionist is out for a period of more than one week. Other than that the NDA covers leave taken by the full-time receptionist from internal resources. In this regard, the amount paid by the NDA to Premier Recruitment for

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the period from January 2011 to October 2011 was €1,113.78. This works out at an hourly rate €21.17 per hour plus VAT. This compares with approximately €13 per hour at the minimum point of the Receptionist pay scale and approximately €21 per hour at the maximum of the scale.

Finally, in the time available, it was not possible to finalise information in respect of An Garda Síochána. The relevant information, if any, will be forwarded to the Deputy as soon as it is to hand.

Judicial Appointments

492. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality the date on which a second judge will be appointed to Limerick District Court; the number of cases the court has dealt with over the past 12 months; the number of staff currently employed in this court; his plans to increase staffing levels to cope with demand for services in this court; and if he will make a statement on the matter. [36236/11]

Minister for Justice and Equality (Deputy Alan Shatter): I understand that the President of the District Court had hoped to provide an additional District Court judge to Limerick city to facilitate the sitting of a second court with effect from 1 November 2011. However, this was not possible due to a number of District Judge vacancies. A second District Court judge will be available from 28 November to 22 December 2011 subject to the availability of judicial resources. The position which will apply in 2012 is under review by the President of the District Court and the Courts Service.

The Courts Service has informed me that, at present, there are 17 staff in the District Court Office in Limerick. The Service is committed to maintaining the level of support required to ensure that courts sit as scheduled. The issue of staff and other resources is kept under constant review. The Public Service Agreement Action Plan for the Courts Service includes the introduction of unified multi-jurisdictional offices in each county which will introduce efficiencies and help alleviate the difficulties which will arise through staff retirements etc.

The case load managed by the Limerick District Court in 2010, the latest year for which figures are available, is set out in the table.

Case Count

Court Area	Crime	Section 29 apps	Family Law	Civil	Licensing	Total
Limerick City	24,603	73	1,816	2,441	3,874	32,807
Abbeyfeale	753	5	23	203	139	1,123
Kilmallock	2,156	30	189	752	560	3,687
Newcastlewest	1,343	22	117	434	208	2,124
Rathkeale	1,861	14	176	492	257	2,800
Totals	30,716	144	2,321	4,322	5,038	4,2541

Human Trafficking

493. **Deputy Robert Dowds** asked the Minister for Justice and Equality if he will provide up-to-date figures on the extent of forced labour that he is aware of nationally; and if he will make a statement on the matter. [36242/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Criminal Law (Human Trafficking) Act 2008 (which came into effect on 7 June, 2008) criminalises the trafficking of persons for the purposes of labour exploitation (including forced labour), sexual exploitation and exploitation consisting of the removal of a person's organs. For the purposes of the Act, the term "trafficks" is broadly defined. For example, the commission of an offence does not require cross-border movement or illegal entry into the State. It includes recruitment, taking a person into one's custody, care or charge, and providing the person with accommodation or employment. However, the legislation is primarily an anti-trafficking measure and was never intended to address any of the exploitative phenomena outside the context of human trafficking.

Since 7 June 2008, the number of cases of alleged human trafficking for labour exploitation that have been investigated by An Garda Síochána are as follows: 2009 — 19 cases; 2010 — 19 cases; 2011 — 9 cases (up to September 2011). To date no proceedings for the offence of human trafficking for labour exploitation have been commenced. Three investigation files having been submitted to the Law Officers. Directions for no prosecution have been received in two of these cases. Additional information has been sought and provided in respect of the third investigation File.

The Human Trafficking Investigation and Coordination Unit works closely with labour inspectors attached to the National Employment Rights Authority with regard to cases of alleged labour exploitation. An Garda Síochána also works closely with other police forces. In December 2009, three Romanian men were sentenced in Romania for the human trafficking of Romanian nationals into Ireland for labour exploitation. In this case Romanian males and females were recruited in Romania and trafficked into Ireland where they were exploited for labour purposes on farms in Wexford. An intensive investigation was conducted in Ireland and evidence was transferred to Romania where the men had been arrested on their return to Romania from Ireland. Sentences of 7 years, 5 years and 5 years respectively were handed down.

In some cases that have been referred to An Garda Síochána as human trafficking for labour exploitation, prospective evidence of other offences including immigration offences, employment permits offences, false imprisonment and assault has been uncovered. These matters remain under investigation.

Garda Vetting of Personnel

494. **Deputy John McGuinness** asked the Minister for Justice and Equality if his attention has been drawn to the delay being experienced by applicants to the Garda vetting unit and that the delays in clearing applicants is affecting employment; if he will introduce efficiencies in the system; if he will fast-track applicants who are trainees and operating within a tight timeframe; the number of staff in the unit; the average number of clearances being processed each month; and if he will make a statement on the matter. [36274/11]

Minister for Justice and Equality (Deputy Alan Shatter): Garda vetting disclosures are provided to organisations registered with the Garda Central Vetting Unit (GCVU) in respect of a particular post or employment in response to a written request and with the permission of the person who is the subject of that request. Decisions on the suitability for the recruitment/engagement of the person concerned rest at all times with the recruiting organisation.

I am informed by the Garda Authorities that the average number of applications processed each month for 2011 is 25,384. The average processing time for Garda vetting applications at

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the GCVU at present is 5 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 timeframes 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 the present average of 5 weeks.

At present there are a total of 100 personnel assigned to the Garda Central Vetting Unit comprising of 5 gardaí, 75 full-time Garda civilian personnel and 20 temporary civilian personnel. This represents a very significant increase in the level of personnel assigned to the unit, which stood at only 13 before the current process of development in Garda vetting began in 2005.

I am very conscious of the need to keep the time required to obtain a vetting to the minimum possible. Since becoming Minister I have taken a number of measures which have significantly reduced the time taken for the processing of vetting applications. The sanction of the Department of Public Expenditure and Reform 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 are now working 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.

I am further informed by the Garda Authorities that in order to observe equity and fairness in respect of applicants for Garda vetting, the general processing procedures are such that applications are processed in chronological order, from the date of receipt at the Vetting Unit.

Garda Stations

495. **Deputy Brendan Smith** asked the Minister for Justice and Equality if appropriate resources will be allocated to a Garda station (details supplied); and if he will make a statement on the matter. [36344/11]

Minister for Justice and Equality (Deputy Alan Shatter): The provision and allocation of Garda resources, including transport, is a matter for the Garda Commissioner in the context of his identified policing priorities and available finance. I am advised by the Garda authorities that the policing requirements of the Monaghan Garda District, which includes the station referred to by the Deputy, are continually monitored and reviewed to ensure that Garda resources are deployed in the most appropriate manner. I am further informed that the current arrangements in place for the station in question are providing an effective policing service for the area.

Garda Investigations

496. **Deputy Timmy Dooley** asked the Minister for Justice and Equality the position regarding the criminal investigation currently under way in respect of practices at particular national car test centres, as highlighted earlier this year in a television programme (details supplied); if he will inform Dáil Éireann when the Garda is expected to conclude its investigation; when a decision on whether to pursue criminal charges will be determined; and if he will make a statement on the matter. [36354/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the Garda investigation into the matters referred to by the Deputy is ongoing.

When the investigation is completed, an investigation file will be submitted to the Law Officers for a decision regarding what criminal charges, if any, are to be preferred. The Deputy will appreciate that it would therefore be inappropriate for me to comment further at this time.

Severe Weather Events

497. **Deputy Denis Naughten** asked the Minister for Defence further to the publication of the be winter ready strategy, if he will clarify that the clearing of snow from roads by the farming community is covered by this strategy; and if he will make a statement on the matter. [35610/11]

Minister for Defence (Deputy Alan Shatter): Following a number of severe weather events, advice was sought of the Attorney General in relation to certain legal matters that arose during the response, including questions relating to whether there is any liability arising for individuals and community groups who clear snow from footpaths during a period of severe weather. The Attorney General subsequently provided that advice, which indicated that the issue of liability does not arise for snow that is cleared in a safe manner. On the question of people, such as the farming community, clearing roads by spreading grit supplied by local authorities, the legal advice is that the issue of liability does not arise where the material is delivered, stored and used in a safe manner. Any equipment used for road gritting and snow clearance should be suitable and safe for that purpose and people should be competent to use it.

Information Technology

498. **Deputy Denis Naughten** asked the Minister for Defence the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35510/11]

Minister for Defence (Deputy Alan Shatter): In total there are three (3) computer servers leased by the Department of Defence and the Defence Forces as follows: Two (2) servers are leased by the Department, both of which have a capacity of 50GB. No maintenance costs are associated with these servers. One (1) server is leased by the Defence Forces with a capacity of 4GB. No maintenance costs are associated with this server. No computer servers are leased by agencies under the aegis of the Department of Defence.

499. **Deputy Denis Naughten** asked the Minister for Defence the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35526/11]

Minister for Defence (Deputy Alan Shatter): The use of computer servers in my Department, the Defence Forces and the Office of the Ombudsman for the Defence Forces is spread over a number of mainstream applications, including Local and Wide Area Networks, business, administrative and financial systems, web hosting, mission-critical support systems and a wide range of local and specialist applications. The capacity varies according to need. The following is a summary of the position:

Department of Defence, including integrated civil/military modules

The Department owns a total of 90 servers. The storage capacity varies from 20GB(gigabyte) to 3.6TB (terabyte; 1 TB=1000GB) per server. The average cost of maintaining these servers

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is approximately €282 per server per annum. This comprises the hardware warranty and support costs for the servers.

Defence Forces — military only applications

The Defence Forces own a total of 126 servers. The storage capacity varies from 33.8GB to 750GB per server. Since 2006 maintenance costs for 5 years are included in the initial purchase price for all new servers.

Ombudsman for the Defence Forces (ODF)

The ODF owns 2 servers each of which has a capacity of 150GB. The average cost of maintaining these servers is approximately €2,850 per server per annum. The maintenance of these servers includes the provision of the following services; domain and security administration, backup support, log file monitoring, performance monitoring, account management, patch management and network administration. The ODF, in order to move to a more robust and economic server environment, intends to complete the process of procuring, installing and migrating to a single new server before the end of 2011.

The Department and the Defence Forces are examining ways, including server virtualisation, to minimise the number of servers required in order to achieve savings in server procurement and to reduce energy usage. In addition, the number of servers required will be reduced as a result of an upgrading of financial management and HR systems currently under way.

Army Barracks

500. **Deputy Robert Troy** asked the Minister for Defence in view of the departmental report confirming that the closure of Columb Barracks, Mullingar, County Westmeath, will actually cost money, if he will confirm that this barracks will not close in any further consolidation process. [35608/11]

Minister for Defence (Deputy Alan Shatter): The Deputy is mistaken in his belief that the closure of Columb Barracks will cost money. As I have said previously annual savings in respect of utilities, security duty allowances and maintenance amount to approximately €1.3 million per annum in respect of the four closures. In addition to the cost of utilities each barracks requires a security detail and additional further personnel are tied up on purely administrative duties connected to the management of the particular barracks. Because maintaining barrack security can require around the clock cover, a much larger pool of personnel is required. Therefore, several hundred additional man years will become available for operational duties. At a minimum, the value of this efficiency gain across the four locations will exceed €5 million per year.

Defence Forces Recruitment

501. **Deputy Denis Naughten** asked the Minister for Defence his plans to commence a recruitment campaign for the Defence Forces; and if he will make a statement on the matter. [35611/11]

Minister for Defence (Deputy Alan Shatter): I have on a number of occasions placed on the record in Dáil Éireann my view that the personnel strength of the Permanent Defence Force should be maintained at 9,500 to ensure that the Permanent Defence Force have the capabilities to meet both their international (UN/EU) and domestic obligations. I am advised by the Military Authorities that the strength of the Permanent Defence Force at the 31 October, 2011, the latest date for which details are available, was 9,393 which is the lowest number since the

early 1970s. Given the particular circumstances of the Defence Forces it is my intention that targeted recruitment will continue within the resource envelope allocated to Defence.

Infrastructure Investment Plan

502. **Deputy Charlie McConalogue** asked the Minister for Defence if he will outline the specific projects that he plans for County Donegal arising from the infrastructure and capital investment plan 2012 to 2016; and if he will make a statement on the matter. [35827/11]

Minister for Defence (Deputy Alan Shatter): There are currently no projects listed for County Donegal on the Department's Capital Plan 2012. However, in future years, needs will be considered as they arise in the context of the planned approach to capital projects for the Defence Forces.

Defence Forces Property

503. **Deputy Seán Kenny** asked the Minister for Defence the type of refurbishments works carried out at the Air Corps base in Casement Aerodrome Baldonnel, County Dublin, for the years 2007, 2008, 2009, 2010 and to date in 2011; the type of refurbishment works carried out at the Naval Service headquarters, Haulbowline, County Cork for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [36194/11]

Minister for Defence (Deputy Alan Shatter): The Department is engaged in ongoing capital building and maintenance programmes designed to modernise and enhance the living, training, operational and accommodation facilities available to members of the Defence Forces. The capital building programme focuses mainly on infrastructural projects comprising the construction of new buildings and the refurbishment of existing buildings. Under this programme there has been considerable capital investment at both Casement Aerodrome, Baldonnel and the Naval Service, Haulbowline. Please see the tables for a list of works carried out for the years from 2007 to date in 2011.

Casement Aerodrome Baldonnel

Year	Project
2007	Sewage System Upgrade (Phase 1)
	Q Blk, NCO Mess & Apprentice Hangar — fire alarm
	Road barrier (ILS area)
	Catering complex Air handling unit
	NCO's Mess fire alarm
	Illuminated signage
	Apprentice Hostel — repair roof & replace windows
	Boiler & BMS maintenance
	Main Gate — replace gates
	Hangars 2 & 3 — painting internal walls
	O/Mess Public Rooms & Auditorium — painting
	Church — internal painting
	2008
Transformer upgrade	
Flight Safety building — heating	
Apprentice Hostel — heating upgrade	
Guardroom upgrade	
	Living-in accommodation — toilet refurb

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Year	Project
2009	Nr 2 Hangar — heating upgrade
	Officers Mess — upgrade front elevation
	Painting generally — inc HQ block, apprentice accom and downpipes
	Apron Drain — replace
	Boiler maintenance
	Demolition of Avionics demountable bldg — Ph 1
	Antenna Farm power supply — replace
	Fire alarms & emergency lighting maintenance
	Officers Mess — replace fire alarm
	Flight simulator — refurb building to house equipment
2010	Catering Centre — replace fire alarm
	Nr 3 Old Stores — demolish
	Main Square — road reinstate / repair; access to fire ground
	Sewage System Upgrade (Phase II)
	BFW Offices & Stores — fire alarm
	Canteen — fire alarm
	Tech Stores — power supply
	BFTS power supply / isolate Hangar 1
	Recycling centre
	Catering Centre — roof repair
2011 to 21/11/2011	Hangar 1 demolition
	Painting 3 Support Wing HQ — external

Naval Base, Haulbowline

Year	Project
2007	Refurbishment of Ground Floor, Block No. 4
	Conversion to Naval Service Reserve HQ of Old Married Quarters
	Reroofing & Ancillary Works, Block 8
	Telecom ducting to 6 Block
	Ambulance garage
	Naval HQ — refurb entrance & internal offices
	Concrete slab and bund
	Oil storage tanks — remove 2 old tanks
	Derelict houses demolition
	Theatre Building roof repairs
2008	New 25m Rifle Range
	Block 4, Structural Stabilisation
	Re-roofing & Ancillary Works at the Seamanship Bay
	Resurfacing
	Parade viewing area — pave
	Quay Wall — fendering
2009	House 52 & Diver's HQ — reroof
	Dockyard — storage building
	Dockyard — electrical upgrade
	Dockyard — safety railing

Year	Project
2010	Auditorium Building — reroof Disaster recovery site — upgrade old facility Upgrade PMS building Gunnery Bay — upgrade to house gunnery simulators Old Naval College HQ — change to Gym Masthouse FSG upgrade — insulated doors to workshops, enclose lean-to Naval Base power supply — upgrade
2011 — to Nov 21st	Petrol storage tank and dispensing pump Dredging of NS basin

Naval Service Recruitment

504. **Deputy Seán Kenny** asked the Minister for Defence if there are any plans for a recruitment drive in the Naval Service dive recovery team; and if he will make a statement on the matter. [36195/11]

Minister for Defence (Deputy Alan Shatter): I am advised by the military authorities that vacancies within the Naval Service Dive Team are filled as they arise from those personnel who have satisfactorily completed the requisite course and have the required specialisation. The Naval Service conducts one (1) Diving Course each year (SCUBA to 36 meters). The course is open to serving Naval Service personnel only. Applicants undergo a rigorous medical examination and Diving Aptitude testing before being selected for the course. The course is of 11 weeks duration with students required to pass a physical fitness phase before progressing to the Diving phase. The Naval Service advertised the Diving Course in Naval Service Routine Orders on 1 June 2011. Applicants who were recommended by their Unit Commanders are currently undergoing Diving Aptitude Testing for the next course which will commence on 9 January 2012. Those who successfully complete the course will, subject to their specialisation, be assigned to the Dive Team as vacancies arise.

Defence Forces Personnel

505. **Deputy Seán Kenny** asked the Minister for Defence the number of promotions in the Naval Service, Air Corps and Army at each rank for the years 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [36196/11]

Minister for Defence (Deputy Alan Shatter): In relation to the number of promotions in the Naval Service, Air Corps and Army at each rank for the years 2008, 2009, 2010 and to date in 2011, the Military Authorities have advised that it is not possible within the time available to source the necessary information in order to fully answer this question. I will revert with a complete answer at the earliest possible opportunity.

Consultancy Contracts

506. **Deputy Richard Boyd Barrett** asked the Minister for Defence the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36224/11]

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. The Department and its agencies source its staff through the Public Appointments Service. There is no cost to the Department for using this service.

Appointments to State Boards

507. **Deputy Gerry Adams** asked the Minister for Defence if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36951/11]

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. No former holders of the Office of Attorney General have been appointed to these boards by the current or former Governments.

EU Agreements

508. **Deputy Stephen Donnelly** asked the Minister for Agriculture, Food and the Marine his policy on the Fisheries Partnership Agreement between the EU and Morocco, which is currently under a one-year extension and may be renewed or extended; and if he has made any representations on this issue at the EU; and if he will make a statement on the matter. [35590/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): When the EU-Morocco Fisheries Partnership Agreement (FPA) was adopted by the Agriculture and Fisheries Council on 22 May 2006, Ireland voted for the proposal but made the following statement, setting out its position on the issue:

Ireland supports the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco on the basis that it does not prejudice the longstanding position of the EU on the status of the Western Sahara. The EU continues to support the efforts of the UN Secretary General to encourage a negotiated solution which will allow the people of the Western Sahara to exercise their right to self-determination.

Ireland emphasises the importance of the future dialogue within the EU-Morocco Joint Committee foreseen under this agreement. It is essential that the Joint Committee make use of all instruments under the Agreement to ensure that the Agreement is implemented to the benefit of all the people concerned and in accordance with the principles of international law.

This statement contains the essence of Ireland's policy. Ireland has been, and continues to be a firm supporter of the right to self-determination of the people of the Western Sahara, and the Government remains firmly committed to this principle. In the past, the advice of the Council's Legal Service has been that the FPA with Morocco does not entail a *de jure* recognition of Morocco's legal rights in respect of the area. Therefore there is not a conflict between Ireland's position on Western Sahara and its support for the agreement.

The previous protocol remained in force for four years but expired on 27 February 2011. The Commission had sought information regarding the regional socio-economic impacts of the EU's annual financial contribution, through the annual Joint Commissions at the behest of

Ireland and other Member States, but was unsuccessful. The Commission accordingly did not seek a mandate from the Council to open negotiations until it received some information in December 2010 and after internal consideration proposed in February 2011 to negotiate a one year extension of the protocol while consideration could be given to the overall approach to the agreement. The Council agreed to this recommendation and on 25 February 2011 the Commission (on behalf of the EU) and Moroccan authorities initialled a 12-month extension of the current protocol, thus preventing a very substantial dislocation of fishing activity by the many EU vessels active in the area. Furthermore, a new condition is included in the extension which obliges Morocco to report before the end of the 12 months on the socio-economic impacts of the EU's financial payment and the geographical distribution of these impacts.

Given the urgency and seriousness of the situation, Ireland supported the Commission's proposal to extend the protocol for a maximum of 12 months in order to allow time for negotiations to take place between the EU and Morocco on a new protocol. Ireland voted in favour of adopting the protocol extension when it came to Council in July, but we joined Germany and Slovenia in an additional joint declaration on the issue. This joint declaration calls on the Commission to inform the Council regularly and comprehensively about the benefits the people of the Western Sahara receive from the FPA as it continues to operate under the new Protocol.

The one year extension of the Protocol was formally signed by representatives of the EU and Morocco in Brussels on 13 July 2011. However, as the European Parliament is still considering whether it will give its consent to the one year protocol extension, the formal process of concluding the extension is not yet complete. Its decision is expected in January.

The European Commission has the authority to propose the opening of negotiations for a new protocol with Morocco but it has yet to make any proposals in the matter. Any decisions on the future of this fisheries agreement will be informed by geographic distribution of the funds and the Commission's analysis of this data.

Grant Payments

509. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive their single farm payment, headage payment and agri-environment options scheme payment; and if he will make a statement on the matter. [36116/11]

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 12 April 2011, processing of which has been recently finalised, thereby allowing the 50% advance of the Single Payment and payment under the Disadvantaged Areas Scheme to issue in the coming days.

The person named was also 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 and the application is now being processed further.

510. **Deputy Charlie McConalogue** asked the Minister for Agriculture, Food and the Marine when payment will issue under the single farm payment scheme in respect of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [35441/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme was received from the person named on 14 April 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment to issue to the applicant on 17 November.

511. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine the position regarding a suckler cow welfare scheme application in respect of a person (details supplied) in County Mayo. [35451/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named registered twenty three animals under the 2010 Suckler Welfare Scheme. Payment issued on four of these animals but discrepancies were established during the payment validation programme in respect of the remaining nineteen animals. These errors have now been amended and payment will issue shortly to the applicant provided the requirements of the Terms and Conditions have been respected.

Sugar Beet Industry

512. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine if he will outline the progress made regarding re-establishment of a sugar beet industry here; if this will be established for the purposes of sugar production or energy production; the negotiations that are necessary in this context with the EU Commission; and if he will make a statement on the matter. [35463/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In 2006, a temporary scheme for the restructuring of the sugar industry, was introduced by the EU Commission with the aim of reducing EU sugar production in order to comply with WTO and other international obligations. The scheme provided an incentive for sugar processors to renounce sugar quota and dismantle the associated sugar processing plant and it provided compensation for affected stakeholders. Greencore, the sole Irish sugar processor and holder of the Irish sugar quota, decided to avail of this scheme and accordingly the company renounced the quota and dismantled the last remaining sugar factory at Mallow in compliance with the conditions of the scheme.

There is no mechanism under the present EU Regulations which are in force until 30 September 2015 which would allow for the re-instatement of the sugar quota for the growing of sugar beet in Ireland for the production of sugar. I have strongly supported the abolition of sugar quotas from September 2015 as part of the CAP reform discussions in the Council of Ministers. In this regard, I have also met with two separate groups who have conducted feasibility studies, over the past several months, into the possibility of establishing a sugar/bioethanol facility. At both meetings I stated that any venture to develop a combined sugar/bioethanol production facility would have to be a commercial proposition, financed in total by investors and interested parties and make sound economic sense in order to be viable.

Farm Retirement Scheme

513. **Deputy Pat Breen** asked the Minister for Agriculture, Food and the Marine 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. [35474/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was admitted to the Early Retirement Scheme with effect from 20 May 2002. Following an on farm inspection carried out on 24 August 2011, my Department notified the person named of

a recoupment of pension that was being sought in relation to an over declaration of lands. I understand that previous correspondence which issued to the person named related to an area aid issue and is not relevant to the Early Retirement Scheme application. The person named has the right to appeal this decision to the Agriculture Appeals Office.

Aquaculture Licences

514. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine the progress of an application for an aquaculture licence (details supplied); when this application will be processed; when a decision will issue; and if he will make a statement on the matter. [35502/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department is currently examining an application for an aquaculture licence from the company referred to by the Deputy. The assessment process is ongoing and every effort is being made to expedite a determination in this case.

Information Technology

515. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35506/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department does not lease computer servers. The information regarding the leasing of computer servers by each State agency under the aegis of my Department is an operational matter for the agencies themselves and the information is not readily available to my Department.

516. **Deputy Denis Naughten** asked the Minister for Agriculture, Food and the Marine the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35522/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The number of servers that are owned by my Department is 303 — providing production, test and development environments for both internal and external services. The average windows based server memory capacity of each is 8.8 Gigabytes. The average windows based server hard disk capacity is 355.1 Gigabytes. The total SAN based storage allocated to these servers is 50.7 Terabytes.

My Department maintains critical systems on which the agri-food sector is dependent and must be available 24x7. The cost of providing maintenance support for these servers and associated storage is €115,854 per annum. The number of physical computer servers and its associated maintenance is being reduced over time through a policy of amalgamation and increased use of virtualisation technologies. The number of computer servers that are owned by each State agency under the aegis of my Department is an operational matter for the agencies themselves and the information is not readily available to my Department.

Grant Payments

517. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine when payments will issue from his Department in respect of a person (details supplied) in County Mayo. [35704/11]

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/Cross Compliance Inspection. This inspection was completed and the results are now being processed.

In the vast majority of inspected cases, including this case, 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. This work is ongoing and every effort is being made to complete the processing of those who were the subject of a Ground Eligibility Inspection.

518. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [35722/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment/Disadvantaged Areas Scheme was received from the person named on 13 May 2011. The application included a part of Coumduff commonage. This commonage has been over-claimed in the 2011 scheme year and payment cannot issue until this matter is satisfactorily resolved and my Department is attempting to do so with a view to making payment on the earliest possible date.

519. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive financial approval for a forestry grant; and if he will make a statement on the matter. [35736/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was given preliminary technical approval to plant on 16 November 2011. To proceed with planting under the grant and premium scheme the person in question requires financial approval from the Department. Financial approval for planting a total of 1,500 hectares was recently issued in respect of certain applicants with valid technical approvals. However, the number of applications received exceeded the available funding and further financial approvals will not issue until the funding situation for the Afforestation Programme for 2012 is known.

520. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Donegal has not received a single farm payment; and if he will make a statement on the matter. [35739/11]

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 2 April 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment to issue to the applicant on 15 November.

521. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the reason a file is still in the mapping section of his Department waiting to be digitised in respect of a person (details supplied) in County Donegal; the reason the person not received a single farm payment; and if he will make a statement on the matter. [35740/11]

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 27th 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, including this case, 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. This work is ongoing and every effort is being made to complete the processing of those who were the subject of a Ground Eligibility Inspection.

522. **Deputy Thomas Pringle** asked the Minister for Agriculture, Food and the Marine the reason a file is still in the mapping section of his Department waiting to be digitised in respect of a person (details supplied) in County Donegal; the reason the person has not received a single farm payment; and if he will make a statement on the matter. [35741/11]

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 15th 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, including this case, 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. This work is ongoing and every effort is being made to complete the processing of those who were the subject of a Ground Eligibility Inspection.

523. **Deputy Seán Conlan** asked the Minister for Agriculture, Food and the Marine when the disadvantaged area payment will be paid to a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [35746/11]

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 finalised, thereby allowing the 50% advance of the Single Payment and full payment of the Disadvantaged Areas Scheme payment to issue to the applicant in the coming days.

524. **Deputy Seán Conlan** asked the Minister for Agriculture, Food and the Marine when the 2010 REP scheme payment will be made to a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [35747/11]

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, had to be completed before any payment could issue. These checks have been successfully completed and 100% payment in respect of 2010 totalling €1558.38 have been made to person named.

Grant Payments

525. **Deputy John O'Mahony** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo will receive a payment under the agri-environment options scheme; and if he will make a statement on the matter. [35758/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st September 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in respect of a land parcel that required digitisation for AEOS purposes. This particular problem is now being addressed by my Department with a view to progressing the application to payment stage as quickly as possible.

Proposed Legislation

526. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Food and the Marine his plans to end fur farming; and if he will make a statement on the matter. [35763/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): It is my intention to publish an Animal Health and Welfare Bill shortly. However, as the Deputy will be aware the Bill is a complex one and will require extensive work in conjunction with the Office of the Parliamentary Counsel to complete the required legal drafting. Once a complete draft is available I intend to publish the Bill. I have established a group within my Department to review all aspects of fur farming and have invited interested parties to make submissions. I anticipate that their review will be completed in the near future.

Infrastructure Investment Plan

527. **Deputy Charlie McConologue** asked the Minister for Agriculture, Food and the Marine if he will outline specific projects that he plans for County Donegal arising from the infrastructure and capital investment plan 2012-2016; and if he will make a statement on the matter. [35778/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under the Infrastructure and Capital Investment Plan 2012-2016 the Government have committed €168m over each of the 5 years of the programme acknowledging the important contribution that the Agriculture, Food, Forestry and Marine sectors make to the economic and social development and the further potential to contribute to economic recovery.

As of now, no decisions have been made on the breakdown of the capital allocation for 2012 or beyond between programmes or measures. The Government is continuing its deliberations on the 2012 Budget and Estimates for Departments and when this process is concluded I will decide on the distribution of the funding for 2012 among the various capital programmes and schemes being implemented by the Department.

Grant Payments

528. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Kerry has not received headage payment for 2010; and if he will make a statement on the matter. [35812/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2010 Disadvantaged Areas Scheme was received from the person named on 12 May 2010. This case was paid in full on 26 November 2010, directly to the bank account of the person named. An application under the 2011 Disadvantaged Areas Scheme was received from the person named on 26 April 2011, with payment issuing on 21 September 2011, again directly to the nominated bank account of the person named.

Beef Sector

529. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine his plans to make the Irish beef industry more sustainable and viable and not, like the Teagasc report stated, dependent on subsidies. [35823/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The results of the 2010 National Farm Survey published by Teagasc in July 2011 highlight the dependence of farm families, especially beef farmers, on income supports and reinforce the need to ensure that efficient producers are making viable profit levels from the marketplace. Reducing producer dependence on direct payment receipts will mean increasing their output efficiency and securing better returns from the marketplace for farmers and other industry stakeholders. This in turn entails meeting the exacting specifications of EU markets which account for some 98% of our beef exports. My beef policy strategy is geared towards maintaining and expanding the position of Irish beef products in the high-value segments of those markets.

In this context, the *Food Harvest 2020* report published by my Department in July 2010 provides a blueprint for the future development of the entire agri-food sector, including the beef industry. The report acknowledges that there are significant challenges in relation to farm-level profitability in the beef sector and urges the adoption of new smart approaches throughout the supply chain to improve product quality and thereby grow output value.

Maximising beef output potential from the national herd is contingent on a number of factors, not least the price of beef on EU and international markets. In light of current and future market developments, it is essential that a co-ordinated approach is taken by stakeholders to improve efficiency at farm and processing level, to breed better animals, to maintain high standards of food quality and safety and to realise the market potential of Ireland's unique natural advantages. Central to this approach will be the role played by an increasing number of efficient, market-oriented beef producers.

Inside the farmgate, there is enormous scope to increase profitability through increased stocking rates, animal performance, better breeding and better grass utilisation. Teagasc initiatives such as the BETTER Farm Beef Programme are designed to target these performance indicators and to demonstrate that significant profit and productivity gains can result from the adoption of best practice at farm level. Moreover, increased product differentiation, based on the carbon efficiency of our predominantly grass-fed beef production system, can build on the success of current Bord Bia marketing strategies.

Even at this early stage of the implementation of the 2020 strategy, I can cite tangible progress in the areas of innovation and collaboration. Bord Bia, for example, has secured accreditation for its beef carbon footprint model. This is now part of the Beef and Lamb Quality Assurance Scheme making it the first such scheme to include environmental criteria. Plans are in train to extend this model to other products and to include additional environmental benchmarks on water and biodiversity. I see this as an important practical step towards the goal of creating an umbrella Brand Ireland identity as recommended in the 2020 strategy.

On the production side, Teagasc is working with the processing industry on research projects investigating dairy beef production and optimal bull beef production systems. Equally important is the substantial financial contribution provided by my Department to the Irish Cattle Breeding Federation in support of its efforts to improve breed quality.

While all these initiatives serve to improve the competitive position of Irish agriculture, I appreciate that direct supports under the Common Agricultural Policy (CAP) will still remain important to the future development of the livestock sector and I have repeatedly stated my commitment to protecting the level of supports available to farmers under the CAP post-2013

[Deputy Simon Coveney.]

regime. In this regard, I shall resolutely defend the funding supports available to Irish agriculture, including livestock production, in the forthcoming negotiations on the CAP reform package.

Grant Payments

530. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the reason for the delay of payment issuing to persons (details supplied) in County Mayo; and if payment will be expedited. [35870/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme was received from the persons named on the 11 May 2011. It has been fully processed with payment of the 50% first instalment having issued on 17 November 2011.

Animal Welfare Bodies

531. **Deputy Michelle Mulherin** asked the Minister for Agriculture, Food and the Marine the position regarding the application of North West Society of Prevention of Cruelty to Animals of Ballina, County Mayo, for funding for animal welfare; when they will receive a grant; and if he will make a statement on the matter. [35871/11]

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.

Control of Horses

532. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if he intends to introduce additional measures to control horses on public roads and on open spaces; if he intends to issue instructions to local authorities regarding the control of horses on lands owned by local authorities, including those lands designated exclusively for housing purposes; if he is satisfied that local authorities are dealing adequately with the issue of the control of horses; if he will consider introducing additional measures to identify the owners of horses; and if he will make a statement on the matter. [35923/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department's statutory responsibility extends to the welfare of farmed animals only i.e. animals bred or kept for farming purposes. This legislation is enforced under the European Communities (Welfare of Farmed Animals) Regulations 2010.

Issues related to controlling stray and wandering horses is legislated for under the Control of Horses Act 1996 which provides extensive powers to Local Authorities. For purposes of the Act, stray horses are defined as horses in a public place or on any premises without the owner's consent. The Act specifically provides for a Local Authority to make bye-laws for the control of horses in its functional area including exclusion of horses from certain areas by bye-laws. Such bye-laws may specify the manner in which a horse is to be kept under control by a person having charge of it in a public place, including on the open road or other place. The Act enables Local Authorities to require the licensing of horses within such areas and provides powers of seizure, detention and disposal of horses.

My Department funds Local Authorities in their work in implementing the Control of Horses Act and in this context, officials of my Department are in discussions with Local Authority representatives with a view to finalising a protocol to improve implementation of Control of Horses activities throughout the different areas. Discussions are focusing on those areas where the Act has been working well with a view to incorporating best practices in other areas with the aim of implementing practical and sustainable operating procedures across all the Local Authority areas.

On the issue of strengthening measures on horse owner identity, my Department is currently in the process of drafting legislation which will require that keepers of horses register their premises with the Department. Cattle, sheep, pigs and poultry premises are already registered on the Animal Health Computer System (AHCS) and while some horse premises are already registered as part of other holdings on the AHCS, a dedicated equine premises registration is now being drawn up. The purpose of the legislation is to enable the Department to have a complete picture on the location of horses for disease control purposes.

In addition my Department is now enforcing the enhanced rules governing equine identification which is required to comply with EU legislation, namely European Commission Regulation No. 504/2008. The legislation requires horse owners to ensure that all horses have a passport and that foals be identified before 31st December of the year of birth or within six months of birth whatever date is the later. The enhanced system for identifying horses has three elements, an equine passport, a microchip and the assignment of a unique equine life number to the equine in the database of the approved passport issuing organisation.

Grant Payments

533. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine when the 25% of REPS 4 will be paid in respect of a person (details supplied); the reason for the delay; and if he will make a statement on the matter. [35983/11]

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 31st December 2010 for the amount of €6,754.31 and the remaining 25% balancing payment of €2251.43 issued on 16th November 2011 for the amount of €1568.99 less a penalty deduction of €682.44 for an over-claim which was discovered following the cross check between the application for the Single Payment Scheme for 2010 and REPS 4 agri-environmental plan.

Area-based schemes under Rural Development Programme, 2007-13, in particular are subject to EU Regulation which require rigorous detailed administrative checks on all applications. I have given the highest priority to the processing and payment of all scheme payments and to the elimination of all unnecessary delays.

534. **Deputy Noel Harrington** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Cork has not received any payment for 2011; and if he will make a statement on the matter. [36065/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment/Disadvantaged Areas Scheme was received from the person named on 7 April 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment and the Disadvantaged Areas payment to issue to the applicant in the coming days.

535. **Deputy Tom Hayes** asked the Minister for Agriculture, Food and the Marine when single farm payment will issue to a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [36070/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme was received from the person named on 9 May 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment Scheme to issue to the applicant in the coming days.

536. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine the reason a person (details supplied) in County Kerry has not received an agri-environment options scheme payment; when payment will issue; and if he will make a statement on the matter. [36078/11]

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 1st November 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks it was established that the claimed area on the AEOS application of the person named does not match the area declared in the Single Payment Scheme in respect of one of the land parcels. This parcel also has a status of “Rented in” under the Single payment Scheme. My Department has been in direct contact with the person named and the problems are being addressed with a view to issuing payment as quickly as possible.

An application under the 2011 Single Payment/Disadvantage Areas Schemes was received from the person named on 11 May 2011. Processing of the claims has recently been finalised which will allow the 50% advance of the Single Payment Scheme and full payment under the Disadvantaged Areas Scheme to issue in the coming days.

537. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive a single farm payment and REP scheme payment; and if he will make a statement on the matter. [36113/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment/Disadvantaged Areas Scheme was received from the person named on 10 May 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment Scheme issue to the applicant on 15 November 2011. The Terms and Conditions governing the Disadvantaged Areas Scheme require applicants to maintain a minimum stocking density on their holding of 0.15 livestock units per forage hectare declared, for a period of at least three consecutive months during the year of application.

My Department wrote to the person named on 1 September 2011 requesting him to submit appropriate evidence of the numbers of livestock maintained on the holding, as Department records did not show the person named as having yet achieved the minimum stocking density. As no reply was received, the person named was written to again on 10 November 2011. On receipt of a satisfactory response, the application will be further processed with a view to making a final decision on the case.

The person named participation in REPS 3 commenced in April 2005 and he received full payment for the first four years of their contract. In addition, the payment in respect of year five was issued on 25 May 2009 for the amount of €7,775.80. The applicant’s contract under REPS 3 ended on 31 March 2010.

Scéim um Roghanna Comhshaoil Talmhaíochta

538. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Bia agus Mara an mbeidh an scéim um roghanna comhshaoil talmhaíochta oscailte d'fheirmeoirí nua i 2012 a d'fhág an scéim cosanta comhshaoil tuaithe i 2011 agus a bhfuil a gcuid talún i Limistéar Oidhreacht Nádúrtha/Limistéar Caomhantais Speisialta; agus an ndéanfaidh sé ráiteas ina thaobh. [36138/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Beidh tuilleadh rannpháirtíocht sa Scéim um Roghanna Comhshaoil Talmhaíochta a chinnfidh an leibhéal maoinithe atá ar fáil do mo Roinn tar éis toradh an phróisis na 2012 Meastacháin agus beidh mé ag déanamh fógra ar an staid ag an bpointe sin.

Grant Payments

539. **Deputy Tom Hayes** asked the Minister for Agriculture, Food and the Marine when a single farm payment will issue to a person (details supplied) in County Tipperary. [36139/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme was received from the person named on 7 May 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment to issue to the applicant in the coming days.

Grant Payments

540. **Deputy Michael Creed** 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; and if he will make a statement on the matter. [36145/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named was approved for participation in the Agri-Environment Options Scheme with effect from 1st September 2010. Under the EU Regulations governing the Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. During these checks a query arose in respect of a land parcel that required digitisation for AEOS purposes. This particular problem is now being addressed by my Department with a view to progressing the application to payment stage as quickly as possible.

541. **Deputy Michael Creed** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Cork will receive their single farm payment and disadvantaged area payment; and if he will make a statement on the matter. [36155/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment/Disadvantaged Areas Scheme was received from the person named on 12 May 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment and the Disadvantaged Areas payment to issue to the applicant in the coming days.

Job Creation

542. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine the progress that has been made since he unveiled a pilot jobs initiative for the Killybegs region, County Donegal, aimed at creating an additional 250 jobs in the area by 2014; the number of

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jobs created; the location of the jobs; the steps that were taken in reaching the 250 jobs target; and if he will make a statement on the matter. [36179/11]

543. **Deputy Pearse Doherty** asked the Minister for Agriculture, Food and the Marine the number of the 58 new jobs in the seafood processing sector that he announced for Killybegs, County Donegal, on 3 June 2011 that have materialised; if he will provide the details; and if he will make a statement on the matter. [36180/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): I propose to take Questions Nos. 542 and 543 together.

On 3 June 2011, I announced the award to 18 seafood processing companies of €1.7 million in grants under the Seafood Processing Business Investment Scheme. Leveraging total investment of €7.4 million, this initiative is projected to create 158 new jobs in the sector by 2014. Since that announcement, an Taoiseach announced on 6 October the award of further grants under the Scheme of close to €1 million. Leveraging total investment of €3.5 million, this is projected to create a further 62 jobs by 2014. As little time has passed since those announcements, the seafood processing companies concerned would only now be completing their capital investment works. The anticipated new jobs are expected to arise as these companies win new business using the new or upgraded facilities supported under the Scheme.

On 3 June, I also announced a pilot jobs initiative for Killybegs, following the launch of an economic report for the European Commission, which assessed the status, development and potential diversification of Killybegs as a fisheries dependent community. The aim of this initiative was to create 250 jobs in the Killybegs area by 2014, including those arising from investments in the Killybegs area supported under the Seafood Processing Business Investment Scheme.

To drive forward the initiative, I established a High Level Group on Job Creation in the Killybegs Region and requested that the Group identify the potential actions required to deliver job creation in the following five key areas, that is; promoting seafood value added activity; enhancing ancillary services; developing offshore supports; promoting tourism and marine leisure; and promoting the green economy and renewable energy.

I understand that the High Level Group has now completed its work and I have arranged to meet the Group later this week to hear the outcome of their deliberations and receive the formal report of their work. I will make the Report available generally to the public and will ensure that a copy is sent to the Deputy.

Consultancy Contracts

544. **Deputy Richard Boyd Barrett** asked the Minister for Agriculture, Food and the Marine the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36220/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): My Department, from time to time, employs staff from agencies to provide certain services when such proves to be more cost effective and Department staff are not available. Details are provided in the table. As to the Bodies and Agencies that fall under my Department's remit, the sourcing of services and engagement of agency staff is an operational matter for the State Bodies and Agencies themselves.

Name of Agency	Service	Cost of Service in 2010	Number of Staff (FTEs)
Farm Relief Service	Ancillary services to support Bovine Tuberculosis Eradication Programme	€2.28m	84 operatives
Farm Relief Services	Cow Monitoring Scheme as part of the Brucellosis Eradication Scheme. This involves the blood sampling of culled cows in Meat Plants and assists in the detection of brucellosis reactors in a herd	€0.524m	24 operatives
Techskills Resources, 2 Merrion Place, Dublin 2	Provision of security service to Cavan office	€76,284	2
Techskills Resources, 2 Merrion Place, Dublin 2	General operative DVO Clonakilty	€17,323	1
Backweston Laboratories Facilities management contract drawn up with OPW. Costs are apportioned between State Labs and DAFM labs in the ration 1:2	Facilities Management	€593,824	25.33

Disposal of Contaminated Material

545. **Deputy John McGuinness** asked the Minister for Agriculture, Food and the Marine the action he has taken regarding the disposal of waste from a site (details supplied) in County Carlow, relevant to the dioxin crisis of 2008; if he will fund the disposal; if he is in consultation with other parties regarding the method and cost of disposal; if the EU funds will cover the cost; if the correspondence (details supplied) has been considered; if so, if he will respond to each issue raised; and if he will make a statement on the matter. [36275/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The material referred to by the Deputy is the feed material that was impounded in the premises and also the feed that was recalled from farms by officials of my Department at the time of the detection of the dioxin contamination. In accordance with S.I. No. 432 of 2009 on Food and Feed Hygiene governing, *inter alia*, the disposal of the contaminated material, the obligation is on the Feed Business Operator to submit proposals for consideration by my Department. A number of proposals which were submitted were examined and my Department indicated that it had no objections, subject to compliance with Regulations regarding the disposal of such material. The Feed Business Operator concerned is now in the final stages of having the material exported to the UK for incineration.

In accordance with the above Regulation, responsibility for disposal of contaminated material and all associated costs, must be borne by the Feed Business Operator concerned. The issues raised in the letter referred to have been considered by my Department and I am satisfied that matters raised therein have been addressed in various correspondence between both parties.

Sugar Beet Industry

546. **Deputy Billy Timmins** asked the Minister for Agriculture, Food and the Marine the plans, if any, he has to re-establish the sugar industry; and if he will make a statement on the matter. [36360/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): In 2006, a temporary scheme for the restructuring of the sugar industry, was introduced by the EU Commission with the aim of reducing EU sugar production in order to comply with WTO and other international obligations. The scheme provided an incentive for sugar processors to renounce sugar quota and dismantle the associated sugar processing plant and it provided compensation for affected stakeholders. Greencore, the sole Irish sugar processor and holder of the Irish sugar quota, decided to avail of this scheme and accordingly the company renounced the quota and dismantled the last remaining sugar factory at Mallow in compliance with the conditions of the scheme.

There is no mechanism under the present EU Regulations which are in force until 30 September 2015 which would allow for the re-instatement of the sugar quota for the growing of sugar beet in Ireland for the production of sugar. I have strongly supported the abolition of sugar quotas from September 2015 as part of the CAP reform discussions in the Council of Ministers.

In this regard, I have also met with two separate groups who have conducted feasibility studies, over the past several months, into the possibility of establishing a sugar/bioethanol facility. At both meetings I stated that any venture to develop a combined sugar/bioethanol production facility would have to be a commercial proposition, financed in total by investors and interested parties and make sound economic sense in order to be viable.

Land Drainage Works

547. **Deputy Billy Timmins** asked the Minister for Agriculture, Food and the Marine the position regarding landowners who wish to carry out drainage works or reclamation works to land; and if he will make a statement on the matter. [36361/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): On 8 September 2011 I introduced the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 to address a European Court of Justice judgement against Ireland in relation to the implementation of the Environmental Impact Assessment Directive. The Regulations will be underpinned by a comprehensive guidance document. The consultation period for the draft guidance document has now closed. The submissions received will be taken into consideration by my Department, along with the views of the European Commission, before the guidance document is finalised.

Under these Regulations, landowners who intend to undertake land drainage works that will involve more than 15 hectares must apply to my Department for screening. Similarly if the proposed activities do not exceed the above size threshold, but the works may have a significant effect on the environment, then a screening application must also be made to my Department. Drainage and reclamation of wetlands is included in separate regulations introduced simultaneously by the Minister for Environment, Community and Local Government and remain part of the planning process.

The new Regulations should not be seen as an impediment to development. There is no cost involved to the farmer in the screening application process and I envisage a turn-around time for applications of between four and six weeks. If proposed works do not have a significant adverse effect on the environment, then there is no reason why they cannot proceed. I am satisfied that we have a workable solution that will minimise the administrative burden on farmers. Furthermore, with the exception of drainage and reclamation of wetlands, farmers will be able to carry out drainage works without recourse to the local authority planning system.

Appointments to State Boards

548. **Deputy Gerry Adams** asked the Minister for Agriculture, Food and the Marine if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36947/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): No former holders of the Office of Attorney General have been appointed to the boards of State Agencies under the aegis of my Department.

Child Care Services

549. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs if she has plans to further regulate the child minding, child-care sector; and if she will make a statement on the matter. [35564/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Pre-school services are currently regulated under the Child Care (Pre-School Services) (No. 2) Regulations 2006, as provided for under Part VII of the Child Care Act 1991. Under the Regulations, pre-school services, including childminding services, are required to notify the Health Service Executive (HSE) of their services. It should be noted, however, that under Section 58 of the Child Care Act 1991, childminders taking care of not more than 3 pre-school children of different families in the childminder's home are exempt from the requirement to notify the HSE.

The scope of the existing Child Care Regulations is limited to pre-school children and does not include after-school services. The position in regard to after-school care services needs to be examined so that consideration can be given to introducing appropriate regulatory controls. I believe the introduction of the free Pre-School Year in Early Childhood Care and Education (ECCE) programme, which is implemented by my Department, is a very significant development for pre-school services which should be taken into account when a review of the Child Care Regulations is undertaken.

Arrangements are already in train between officials in my Department and the Department of Education and Science and the HSE, for an evaluation of ECCE services to be carried out. The evaluation would involve the Education Inspectorate, possibly in conjunction with the HSE Inspectorate. This will assist the general review of the regulatory environment and inspection process for pre-school and after-school services which I expect will be undertaken in the near future.

Corporal Punishment

550. **Deputy Jonathan O'Brien** asked the Minister for Children and Youth Affairs her plans to introduce a ban on corporal punishment. [35672/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): As the Deputy will be aware, the issue of the introduction of a ban on corporal punishment in all settings including the home/family setting must be considered in the context of the prohibition by the State of physical punishment of children in all other settings in recent years such as schools, crèches, detention, public care settings etc introduced under the Children Act 2001.

While a full prohibition of physical chastisement (Corporal Punishment) within the family/home setting has not been brought forward to date, the matter is being kept under

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continuous review and an introduction of a full prohibition at some future date has not been ruled out. I am aware that the Ombudsman for Children has recently indicated strong support for the introduction of a ban as have a range of international agencies.

Until now, the approach taken has been that there is a balance to be found in trying to dissuade parents from using physical chastisement and supporting them in effective parenting versus criminalizing parents who smack. Recent Research carried out by my Department entitled “Parenting Styles and Disciplines” (2010) indicates that the practice of the direct use of physical punishment of children by parents has declined to very low levels in Ireland. The findings suggest that the vast majority of parents (88%) disciplined their children mainly by discussing why their behaviour was wrong and using sanctions other than physical punishment for so called bad behaviour.

In terms of frequency of use of physical punishment the evidence is extremely encouraging with less than 1% (0.5%) recorded smacking their child “regularly or always” and just 11% of parents saying they smacked their child “now and again”. The remaining 88% “never or rarely” smacked their child. While this leaves no room for any sense of complacency it does indicate clearly that the practice of physical punishment of children in the home setting is declining rapidly in Ireland.

The issue of the possibility of introducing a ban on Corporal Punishment within the home setting, mirroring its prohibition in all other settings in recent years, is as I have said under continuous review. It is anticipated that in due course there will be an appropriate time for the introduction of an outright ban on corporal punishment in the family setting, which will be widely accepted and endorsed by society.

Child Protection

551. **Deputy Jonathan O’Brien** asked the Minister for Children and Youth Affairs her plans to expand the guardian *ad litem* system. [35673/11]

552. **Deputy Jonathan O’Brien** asked the Minister for Children and Youth Affairs her plans to assign a guardian *ad litem* to each separated asylum-seeking child as an additional safeguard to combat trafficking; and if she will make a statement on the matter. [35679/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 551 and 552 together.

Appointment of a guardian *ad litem* (GAL) is provided for under Section 26 of the Child Care Act 1991. Under this provision the court may, if it is satisfied that it is necessary in the interests of the child and in the interests of justice to do so, appoint a guardian *ad litem*. As Minister for Children and Youth Affairs, I do not have any role in their appointment. Under existing arrangements, the Health Service Executive (HSE) has responsibility for the funding of the GAL service.

However, I am of the view that there is considerable scope to improve the organisation of the current service which has evolved in an ad hoc manner over a number of years. My Department is currently reviewing the provision of GAL services having regard to previous reports and current data on demand. Officials are working closely with the HSE in this regard with a view to establishing the most appropriate arrangements for the future organisation and delivery of this service. Preliminary discussions have also taken place with the Department of Justice, Equality and Defence in relation to this matter.

Separated children seeking asylum are deemed to be in need of care and protection under the Child Care Act, 1991 and are entitled to the same treatment and rights as indigenous young people. The immediate and ongoing needs of separated children seeking asylum as well as their application for refugee status are the responsibility of the HSE in accordance with the Refugee Act 1996 (as amended) and the Child Care Act 1991. Where children are identified by An Garda Síochána, at the point of entry, the circumstances are investigated and if there are any concerns about the welfare of the child, they are placed into the care of the HSE.

The HSE has developed a national policy on the standards and services to be provided to separated children seeking asylum. The policy seeks to achieve equity and equality of services to separated children seeking asylum vis a vis indigenous or resident children and to ensure that there is no differentiation of care provision, care practices, care priorities, standards or protocols.

Child Care Services

553. **Deputy Timmy Dooley** asked the Minister for Children and Youth Affairs when the decision was made by the Health Service Executive to abolish the position of county child care manager; if she sanctioned this decision; and if she is satisfied with the decision. [35737/11]

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.

554. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs if she will confirm that funding for the child care employment and training support scheme has stopped; and if she will make a statement on the matter. [35881/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Childcare Education and Training Support (CETS) programme was introduced in September last year and is implemented by my Department. The CETS programme provides free childcare places to qualifying FÁS and Vocational Educational Committees (VECs) trainees and students.

Under the CETS programme, funding is provided by my Department to participating childcare services in return for the provision of free childcare places to qualifying students and trainees. The maximum weekly capitation fee payable under the programme is €170 for a full-time childcare place with reduced amounts for parents availing of part-time or after-school care. The eligibility criteria under which students and trainees qualify under the programme is determined by FÁS and the VECs.

It is not the case, as the Deputy has suggested, that funding under this programme has stopped. Some 2,800 full-time equivalent childcare places are currently provided for under the programme and demand has increased very significantly from earlier this year, with the number of places funded exceeding 3,000 at one stage. The number of places allocated at present is at the limit provided for under the programme, as agreed with the Department of Finance in 2010, and it is not proposed to increase the number of places in the programme at this time.

It is not anticipated that the total number of students on courses will increase over the year, and so it is hoped that where a given number of parents commence short-term courses and require CETS places, they will, in the main, be replacing other parents completing similar courses, and be in a position to avail of CETS places that become available. According to the figures available to my Department, some 15% of CETS places will become available for re-allocation between now and the end of next month, and the local City and County Childcare Committees will assist my Department in matching these places with parents seeking them.

Adoption Services

555. **Deputy Willie O’Dea** asked the Minister for Children and Youth Affairs if she will confirm when she expects adoptions from Vietnam to resume; and if she will make a statement on the matter. [35504/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Vietnamese authorities deposited the instrument of ratification of the Hague Convention earlier this month. Therefore, the Hague Convention on Intercountry Adoption will enter into force for Vietnam on 1 February 2012. As provided for in Section 72 of the Adoption Act 2010, the Adoption Authority may establish administrative arrangements concerning the processing of applications with other Hague countries in relation to intercountry adoptions. Preliminary discussions have taken place regarding official visits and exchange of information between Ireland and Vietnam with a view to putting in place administrative arrangements under Section 72 of the 2010 Act.

While the Hague Convention will take effect in Vietnam in February next, it is not yet clear how soon after that arrangements will be in place, in both jurisdictions, to allow inter country adoption recommence. It might also be anticipated that for any sending country, commencing implementation of the Hague framework, will begin slowly and may prioritise children with higher levels of need. While every effort is being made by Irish authorities to develop the necessary administrative agreement and other requirements, certain operational elements of the process are purely a matter for the sending country.

Information Technology

556. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs the number of computer servers that are leased by her Department and each State agency under the aegis of her Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if she will make a statement on the matter. [35508/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The IT services for my Department, the Adoption Authority of Ireland and the Office of the Ombudsman for Children are provided by the Department of Health on a shared service basis. I understand my colleague, Dr. James Reilly T.D., Minister for Health, will take account of these offices in his overall reply to the Deputy. There are no leased computer servers in the remaining two agencies under the remit of my Department: namely the Family Support Agency and the National Educational Welfare Board.

557. **Deputy Denis Naughten** asked the Minister for Children and Youth Affairs the number of computer servers that are owned by her Department and each State agency under her aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if she will make a statement on the matter. [35524/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The IT services for my Department, the Adoption Authority of Ireland and the Office of the Ombudsman for Children are provided by the Department of Health on a shared service basis. I understand my colleague, Dr. James Reilly T.D., Minister for Health, will take account of these offices in his overall reply to the Deputy. IT services for the Family Support Agency are currently provided by the Department of Social Protection.

The National Educational Welfare Board (NEWB) has 6 physical servers with a combined disk capacity of 7.00 TB. These are new servers and as a result are more efficient in terms of

enhanced security, lower energy consumption and reduced maintenance costs. The NEWB will be hosting them with the Revenue Commissioners on a shared service basis which again reduces costs.

Infrastructure Investment Plan

558. **Deputy Charlie McConalogue** asked the Minister for Children and Youth Affairs if she will outline the specific projects that she plans for County Donegal arising from the Infrastructure and Capital Investment Plan 2012-2016; and if she will make a statement on the matter. [35825/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Under the Infrastructure and Capital Investment Programme, 2012-2016, €8 million has been allocated to my Department for each year from 2012 to 2016. €6.5 million of this funding will be allocated to the Childcare area of my Department. €0.25 million will be used to continue to provide small amounts of grant funding to assist Parent and Toddler groups, particularly in areas of disadvantage. The remaining amount, of €6.25 million will be used to assist community based childcare facilities faced with urgent and essential maintenance work. Funding will be prioritised but not confined to services which have received large-scale capital funding under either the Equal Opportunities Childcare Investment Programme 2000-2006 (EOCP) or the National Childcare Investment Programme 2006-2010 (NCIP).

€1.5 million of the funding will be allocated to the Youth Affairs area of my Department to support projects targeted at young people including Youth Cafes. Arrangements for the new funding programmes, including the application process and criteria that will apply, will be announced in the coming months.

Adoption Services

559. **Deputy Simon Harris** asked the Minister for Children and Youth Affairs the position regarding inter-country adoptions between Ireland and Ethiopia; and if she will make a statement on the matter. [35925/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): 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.” Ethiopia, as it is not a signatory of Hague, is 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 first priority is to reach agreements on arrangements with other Hague countries.

National Lottery Funding

560. **Deputy Eric Byrne** asked the Minister for Children and Youth Affairs the amount of money her Department receives in national lottery funding. [35984/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Details of the resource allocations made available to my Department in 2011 under Vote 43 which are supported by National Lottery funding are set out in the table.

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Subhead	Title	Allocation
D	Grant-in-Aid Fund for General Expenses of Youth Organisations and other Expenditure in relation to Youth Activities (Part Funded by the National Lottery) The funding under this Subhead supports certain youth activities and other projects under the Young People's Facilities and Services Fund and the administration of 21 Local Drugs Task Forces. It also provides support for national and major regional youth organisations involved in youth-work related activity and support for projects, schemes and organisations involved in the provision of out-of-school educational and other opportunities for young people.	€23.795m
G	Grants to Community Organisations (Part funded by the National Lottery) The funding under this Subhead supports applications for grant funding from individuals, groups and organisations with an involvement in the provision of services to children and young people.	€500,000

Departmental Funding

561. **Deputy Eric Byrne** asked the Minister for Children and Youth Affairs the current value of all applications for funding from her Department on a county basis and by type of organisation. [36061/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The application based funding scheme administered by the Department of Children and Youth Affairs under Subhead G of Vote 43 provides grant funding to individuals, groups and organisations involved in the provision of services to children and young people. The current value of applications received by my Department since its establishment in June last amounts to just over €2.4 million and particulars relating to individual applications on a county basis are set out in the accompanying table.

Applications for National Lottery grants far exceed resources so it may not be possible, unfortunately, to assist all applications. All applicants for National Lottery funding will be informed of the outcome of their application as soon as the final decision has been made. It will also be open to projects to apply for funding in 2012 under the National Lottery allocation available to this Department. Details of this will be available on my Department's website www.dcy.gov.ie.

Department of Children and Youth Affairs

National Lottery Applications

Name of Organization	County	Subject	Grant Sought
Kilnaleck Foróige Club	Cavan	Youth Work	€60,000
Cootehill Youth Café	Cavan	Youth Work	€40,000
			€100,000
Ballymore Community Association Ltd	Cork	Childcare Services	€10,917
Cloyne Diocesan Youth Services Ltd	Cork	Youth Work	€50,000
Briery Gap Cultural Ventre Ltd	Cork	Youth Work	€15,000

Name of Organization	County	Subject	Grant Sought
SVP Family Resource Centre	Cork	Family Support	€50,000
			€125,917
Milford Community Youth Project	Donegal	Youth Work	€6,500
Three Rivers Badminton	Donegal	Youth Work	€4,000
Letterkenny Youth & Family Service (LYFS)	Donegal	Youth Work	€6,950
Foróige Carrigart	Donegal	Youth Affairs	€2,000
Club Óige Chill Chartha	Donegal	Youth Work	€2,000
Oige na Gaeltachta	Donegal	Youth Work	22,920
			44,370
Ballymun Regional Youth Resource	Dublin	Youth Work/Health	€20,000
Irish Girl Guides	Dublin	Youth Work/Health	€1,331
Rathmichael Girl Guides	Dublin	Youth Work	€1,300
Ringsend Crèche Ltd	Dublin	Childcare Services	€85,000
Irish Red Cross Youth	Dublin	Youth Work	€39,000
Foróige Balbriggan Youth Services (FRED)	Dublin	Youth Work	€90,124
Foróige (Rush-Martins Shop Management Committee)	Dublin	Youth Work	€100,000
Foróige Balbriggan Youth Services (The Base Programme)	Dublin	Youth Work	€4,110
Foróige Balbriggan Youth Service (Friday Night Band Night)	Dublin	Youth Work	€3,287
Foróige Balbriggan Youth Service (Youth Leadership Conference)	Dublin	Youth Work	€8,000
Foróige Balbriggan Youth Service (Link Youth Project)	Dublin	Youth Work	€4,500
Foróige Balbriggan Youth Service (Halloween Community Carnival)	Dublin	Youth Work	€6,567
Foróige Balbriggan Youth Service (Youth Musical Festival)	Dublin	Youth Work	€8,000
Spere 17 Regional Youth Facility	Dublin	Youth Work	€10,000
North Fingal School Completion Programme	Dublin	Youth Work	€2,400
CUMAS	Dublin	Youth Work	€22,000
Dublin Co-operative Housing Society/Island Key child & Family Service	Dublin	Childcare Services	€5,000
Castleknock Celtic	Dublin	Youth Work	€10,000
Lucan Festival	Dublin	Youth Work	€1,000
DePaul Ireland	Dublin	Family Support	€66,990
iScoil	Dublin		€63,000
Canal Communities Partnership	Dublin	Family Support	€7,000
CARI	Dublin	Family Support	€55,000
North Fingal School Completion Programme (Maps)	Dublin	Youth Work/Education	€1,300
North Fingal School Completion Programme (After Schools Girl's Group)	Dublin	Youth Work	€500.00
Beacon of Light Counselling Centre	Dublin	Family Support	€33,000
CDVEV, Catholic Youth Care, Foroige	Dublin	Youth Work	€140,000

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Name of Organization	County	Subject	Grant Sought
and Carline			
CDVEC/Foroige	Dublin	Youth Work	€35,000
The Cottage Home	Dublin	Family Support	10,000
Barnados Rialto family Centre	Dublin	Family Support	52,526
Little Gymstars Academy	Dublin	Childcare Directorate	30,000
Cúnamh Childcare Agency	Dublin	Adoption	50,000
			965,935
Caislean Oir Creche and Montessori	Galway	Childcare Services	€15,000
Sign-out Youth project	Galway	Youth Work	€7,500
Ionad Tacaíochta Teghlaigh Teoranta	Galway	Youth Work	€15,000
Youth Work Ireland Galway	Galway	Youth Work	€1,500
Renmore Gymnastics Club	Galway	Youth Work	40,000
			79,000
Castlemaine Childcare Services	Kerry	Childcare Services	€2,500
Kerry Diocesan youth Service	Kerry	Youth Work	€91,978
Kerry Life Education	Kerry	Youth Work/Education	€50,000
Ballybunion Youth Café	Kerry	Youth Work/Health	€21,000
Kilgarvan Community Childcare Centre	Kerry	Childcare Services	€65,000
			€230,478
Foroige Regional office	Kilkenny	Youth Work	€12,000
			€12,000
Timahoe Foroige Club	Laois	Youth Affairs	€2,000
			€2,000
Limerick Youth Service	Limerick	Youth Work	€15,000
Northside Learning Hub (Learning Hub of Limerick)	Limerick	Youth Work	€87,395
St Joseph's Scout Group	Limerick	Youth Work	€30,000
			€132,395
The Foróige Attic Youth Café	Longford	Youth Café	€250,000
			€250,000
Lifestyle Development Group Ltd	Louth	Childcare Services	€7,335
			€7,335
Stepping Stones, St. Coleman's Community Playgroup	Mayo	Childcare Services	€14,975
			€14,975
Cork Life Centre	Meath	Youth Work	6,300
			6,300
Edenbeag Childcare Centre	Monaghan	Childcare Services	€40,000
Youthwork Ireland Monaghan	Monaghan	Youth Work	€100,000

Name of Organization	County	Subject	Grant Sought
Mullaghmat/Cortolvin Community Development Ltd	Monaghan	Family Support	€5,000
			€145,000
Little Acorns Afterschool	Offaly	Childcare Services	€8,000
Parents First (Laois, Offaly) Ltd.	Offaly	Family Support	€15,000
			€23,000
Elphin Childcare Ltd/Elphin Resource Centre	Roscommon	Childcare Services	€120,000
			€120,000
Lifestart National Office	Sligo	Family Support	€99,500
			€99,500
Foroige Nenagh Youth Development Project	Tipperary	Youth Work	€35,390
Nenagh Childcare Centre	Tipperary	Childcare Services	€23,600
Templemore Youth Project	Tipperary	Youth Work	€21,500
			€80,490
Upholding Youth Club	Westmeath	Youth Work	€3,000
Helium	Westmeath	Youth Work	€16,560
			€19,560
Wexford Centre Project	Wexford	Family Support	€8,001
			€8,001
County Wicklow Playbus Project	Wicklow	Childcare Services	€4,000
			€4,000
			€2,470,256

Child Care Services

562. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs the conclusions of her review into the community employment training scheme child care provision; the total budget available for the 2011/12 training year; the number of child care placements available for existing trainees for 2011/12; the number of child care placements for new students for 2011/12; the number of students who have applied for and secured training places for 2011/12 but who will not be awarded child care placements; and if she will make a statement on the matter. [36103/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Childcare Education and Training Support (CETS) programme was introduced in September last year and is implemented by my Department. The CETS programme provides free childcare places to qualifying FÁS and Vocational Educational Committees (VECs) trainees and students. Under the CETS programme funding is provided by my Department to participating childcare services in return for the provision of free childcare places to qualifying students and trainees. The eligi-

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bility criteria under which students and trainees qualify under the programme is determined by FÁS and the VECs.

The CETS programme is funded on an annual basis and in the region of €23 million is allocated for 2011. This funding currently provides for some 2,800 full-time equivalent childcare places. This is the total provision under the programme and the places are allocated, when available, to students or trainees who are deemed to qualify by FÁS and the VECs. The number of places allocated at present is at the limit provided for under the programme, as agreed with the Department of Finance in 2010, and it is not proposed to increase the number of places in the programme at this time.

It is not anticipated that the total number of students on courses will increase over the year, and so it is hoped that where a given number of parents commence short-term courses and require CETS places, they will, in the main, be replacing other parents completing similar courses, and be in a position to avail of CETS places that become available. According to the figures available to my Department, some 15% of CETS places will become available for re-allocation between now and the end of next month, and the local City and County Childcare Committees will assist my Department in matching these places with parents seeking them.

563. **Deputy Pearse Doherty** asked the Minister for Children and Youth Affairs if a person (details supplied) in Dublin 10 will be awarded child care provision under the community employment training scheme for 2011/12. [36104/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Childcare Education and Training Support (CETS) programme was introduced in September last year and is implemented by my Department. The CETS programme provides free childcare places to qualifying FÁS and Vocational Educational Committees (VECs) trainees and students. Under the CETS programme funding is provided by my Department to participating childcare services in return for the provision of free childcare places to qualifying students and trainees. The eligibility criteria under which students and trainees qualify under the programme is determined by FÁS and the VECs.

In relation to the person referred to by the Deputy, I understand that funding has been provided by my Department, under the CETS programme, to enable her to avail of free childcare for the duration of the FÁS course in which she is currently participating, and that the local County Childcare Committee has been informed of this outcome.

Consultancy Contracts

564. **Deputy Richard Boyd Barrett** asked the Minister for Children and Youth Affairs the names of agencies which provide staff for her Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if she will make a statement on the matter. [36222/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The *schoolreturn.ie* system requires schools to submit absence reports to the National Education and Welfare Board (NEWB) on a quarterly basis. Some schools submit this information manually and in order to capture this data in a timely manner and to assist schools with their queries, the NEWB employs data entry staff from Arcline and Gillian Black. Staff are used only as required and are available at short notice to the NEWB. The total cost to date is approximately €51,800. A comparison is not possible as there are no direct employees with these equivalent roles.

The Ombudsman for Children’s Office is an independent statutory body established under the Ombudsman for Children Act 2002 and I have referred the Deputy’s question to that Office for direct reply.

Child Abuse

565. **Deputy Robert Dowds** asked the Minister for Children and Youth Affairs the position regarding the implementation of recommendations contained in the Ferns Report, 2005, and the report of the Commission to Inquire into Child Abuse, 2009 [36241/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Ferns Inquiry Report was published in October 2005 and contained 20 separate recommendations. The then Government accepted all of the recommendations. Many of the recommendations related to the provision of services and accordingly, from a child welfare and protection perspective, were taken forward by the HSE given its statutory responsibilities in this area.

In this context the HSE established five working groups to address the various recommendations made by the Inquiry team, as follows:

- *Audit of Catholic Church Dioceses and Religious Orders:* The HSE is finalising a national audit of child protection practices in each Catholic Church diocese. The completed report is due to be submitted to me shortly. A separate audit of Religious Orders is also being undertaken by the HSE, and this is currently at an early stage.
- *Nationwide publicity campaign in relation to child sexual abuse:* The HSE ran a campaign — “Parents who listen, Protect” — which was a public information campaign on parenting and the importance of listening to children.
- *Review of Children First:* The HSE contributed to the national review of compliance with the *Children First* guidelines by State bodies and NGOs. This review was conducted by my Department’s predecessor and the process involved extensive consultations with stake-holders. In July of this year my Department published revised *Children First* Guidance, and the HSE has also recently published an accompanying Child Welfare and Protection Practice Handbook for staff.
- *Counselling Services for Children and Adults:* Two separate working groups were established to consider the counselling needs of adult victims and child and adolescent victims. The National Counselling Service (NCS), which has been in operation since 2000, continues to provide services to adults who have experienced trauma and abuse in childhood, with priority given to adult survivors of institutional abuse. The provision of additional counselling services for victims of child abuse was given priority emphasis in the HSE’s 2011 Service Plan. The HSE’s Employment Control Framework exempts the Counsellor grade from the current public service moratorium on recruitment and filling of vacancies.
- *Treatment services for persons who have exhibited sexually harmful behaviour:* In 2007, the HSE completed its *Report on Treatment Services for Persons who Have Exhibited Sexually Harmful Behaviour*. The HSE committed to the implementation of the recommendations of the report in its 2011 National Service Plan. The necessary funding has been provided to progress implementation.

The Ferns Report also recommended the establishment of Inter Agency Review Committees which would provide a forum for the sharing of a range of information in relation to child

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abuse. Particular concerns, however, arose in this context around the sharing of soft information, a matter which was subsequently considered by the Joint Committee on the Constitutional Amendment on Children. The Committee recommended that appropriate legislation be drafted. Accordingly, draft Heads of a Bill for a National Vetting Bureau were developed by my Department and following consultation with my colleague the Minister for Justice and Equality we agreed that this legislation will be brought forward by Minister Shatter. A working group to progress this legislation has been established on which my Department is represented. In addition there continues to be regular and ongoing contact at official and Ministerial level in relation to this very important piece of legislation.

The Ferns Report also commented on the powers of the HSE to intervene in relation to child sexual abuse perpetrated by a non-family member. The established policy position of my Department, informed by legal advice, is that Section 3 of the Child Care Act, 1991 places no limitation upon the HSE in relation to its ability to assess and respond to third party child sexual abuse. HSE practice reflects this policy position, and the HSE responds to all allegations of child sex abuse regardless of the circumstances of the allegation. The HSE has provided additional guidance for staff on this issue as part of the recently issued Child Protection and Welfare Practice Handbook.

The Report of the Commission to Inquire into Child Abuse (the Ryan Report) was published in May 2009. The Report served to highlight the need to strengthen the organisation and delivery of child welfare and protection services nationally. Following the publication of the Report a detailed Implementation Plan was prepared and published in July 2009. The Plan sets out a series of 99 actions designed to address the effects of past abuse, reform and strengthen service provision and ensure that children and young people have a stronger voice.

Implementation of the Plan is being overseen by a high level group which I personally chair. The group includes representatives from my Department, the HSE, HIQA, the Irish Youth Justice Service (IYJS), the Department of Education and Skills and An Garda Síochána, and the Children's Rights Alliance. I laid the second annual progress report before the Oireachtas in July 2011, and the report can be accessed by the Deputy at www.dcy.gov.ie/documents/publications/Ryan—Final.pdf.

Appointments to State Boards

566. **Deputy Gerry Adams** asked the Minister for Children and Youth Affairs if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36949/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): There are no former holders of the Office of Attorney General currently on the boards of any State Agency under the aegis of my Department.

Medical Cards

567. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding a medical card application in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [35453/11]

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.

568. **Deputy Michael McCarthy** asked the Minister for Health if his attention has been drawn to the ongoing difficulties with the centralised system for medical card applications, which directs persons who ring its 1890 number to call their local health office, which in turn informs the caller that the files have been sent to Finglas, Dublin, meaning that no answer is forthcoming; his views whether this service is satisfactory; if he intends to review this situation; and if he will make a statement on the matter. [35480/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): I have asked the Health Service Executive for a report on the issue raised by the Deputy. I will revert to the Deputy on the matter as soon as possible.

569. **Deputy Nicky McFadden** asked the Minister for Health when a decision on a medical card application will issue in respect of a person (details supplied) in County Westmeath.; and if he will make a statement on the matter. [35563/11]

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.

Consent for Medical Treatment

570. **Deputy Clare Daly** asked the Minister for Health his views that it is acceptable that the Office of the Ombudsman will allow the Health Service Executive to prolong a response to a complaint (details supplied); the amount that has been spent on legal advice on this matter so far; and if he will enquire as to the difficulties that the HSE has in resolving the issue of parental consent. [35584/11]

Minister for Health (Deputy James Reilly): The Office of the Ombudsman is an independent office and it would not be appropriate for me to comment in relation to its handling of any particular case. In relation to the cost to the Health Service Executive (HSE) of legal advice obtained in relation to the case mentioned by the Deputy I have asked the HSE to provide that information to my Department and it will be communicated to the Deputy when it becomes available.

The issue of consent to examination and treatment in health and social care is highly complex. Currently there are a number of local and regional policies and guidelines in place pertaining to seeking consent for medical treatment. However, there is no single national HSE consent policy. The HSE has established a National Consent Advisory Group (NCAG) in order to draw up a national policy on consent for health and social care. A public consultation on the national policy is planned for early next year.

Health Services

571. **Deputy Nicky McFadden** asked the Minister for Health if the home care package will be transferred and awarded to a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [35732/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

572. **Deputy Seán Ó Fearghail** asked the Minister for Health if he will approve an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [35803/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Accommodation

573. **Deputy Bernard J. Durkan** asked the Minister for Health the basis on which it is proposed to close Crooksling Hospital, County Dublin; if patients and staff are to be accommodated elsewhere; if alternative accommodation has been provided; the extent of any saving accruing in view of the fact that alternative accommodation is likely to be provided; if there are extra costs arising from the proposed closure; and if he will make a statement on the matter. [35440/11]

628. **Deputy Clare Daly** asked the Minister for Health the projected savings from the closure of a nursing home (details supplied) in view of the fact that more than 70% of the cost is staff wages and salaries and all the staff are apparently being redeployed. [35979/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 573 and 628 together.

The nursing home in question was established in 1959. It was originally a Tuberculosis clinic opened in 1935. There are 80 residents currently at the facility. There is also a day centre at the front of the main building providing a service to older persons from the local community. The HSE completed a survey of the physical infrastructure, mechanical services installations and water and drainage services at the Unit and found substantial issues and deficits in these areas. It is estimated that it would cost almost €3m to carry out the essential works to address these issues. However these works would not ensure compliance with National Quality Standards.

The HSE decided to close St. Brigid's and transfer the majority of services to the new modern purpose built unit at Hollybrook Community Nursing Unit at Inchicore. The new CNU at Inchicore has a total capacity of 50 beds. It has not been opened to date due to the current constraints on staffing.

As capacity of the new CNU is less than that at St. Brigid's the proposal also envisages that some staff and residents will transfer to other public units. This will provide the HSE with an opportunity to reopen beds that are closed at these facilities. Selection of an alternative placement for residents will be informed by the medical and care needs of each resident as evaluated by clinical staff. It is important to emphasise that no resident will be placed in a more costly financial position because of the move.

The day-care services at St. Brigid's are used by approximately 18 people daily from Monday to Friday. Part of the relocation plan will include the placement of these clients in alternative day centres suitable for their needs in their local areas.

Ongoing consultation will continue to take place with residents, their families, staff, representative organisations and public representatives. The Deputy will be aware that the Health Service Executive has sole operational responsibility for the delivery of health and social services, including those at this facility. Accordingly, the aspect of the Deputies queries con-

cerning the extent of any saving accruing or extra costs arising from the proposed closure has been referred to the Executive for direct reply.

Nursing Homes Support Scheme

574. **Deputy Michelle Mulherin** asked the Minister for Health the position regarding the fair deal scheme in respect of a person (details supplied) in County Mayo; if this application will be expedited [35447/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

575. **Deputy Michael McCarthy** asked the Minister for Health the position regarding a medical card application (details supplied); and if he will make a statement on the matter. [35452/11]

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

576. **Deputy Michael Creed** asked the Minister for Health the manner in which he discriminates against children legally resident here who have been born through surrogacy as regards their access to health services including infant screening; and if he will make a statement on the matter. [35469/11]

Minister for Health (Deputy James Reilly): I wish to reassure the Deputy that all children legally resident in Ireland are entitled to access our health services, including infant screening, regardless of the circumstances of their birth. In the case of children born abroad and subsequently legally resident in Ireland, their parents should contact their local HSE health office to access these services.

Medical Cards

577. **Deputy John McGuinness** asked the Minister for Health if a full medical card will be approved in respect of a person (details supplied) in County Kilkenny; and if he will expedite this matter. [35501/11]

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 Strategy Statements

578. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health, further to Parliamentary Question No. 69 of 8 November 2011, if he will confirm that the national Alzheimer's strategy and other dementia strategies will address the development of these conditions in persons under the age of 65 years. [35505/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As I have indicated previously, my Department has begun the process of developing a policy on Alzheimer's and other dementia in line with the commitment given in the Programme for Government. While age is the single strongest risk factor for dementia, a growing number of people under 65 is being diagnosed with dementia.

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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, including data on the under 65 cohort. I expect this will be received shortly, at which stage work on the policy will commence formally.

Information Technology

579. **Deputy Denis Naughten** asked the Minister for Health the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; and the amount of capacity on each server; the cost of maintaining these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35515/11]

580. **Deputy Denis Naughten** asked the Minister for Health the number of computer servers that are owned by his Department and each State agency under his aegis; the amount of capacity on each server; the cost of maintaining these servers; the steps being taken to reduce this cost; and if he will make a statement on the matter. [35531/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 579 and 580 together.

Department currently provides shared ICT services to the Department of Health, the Department of Children and Youth Affairs, the Adoption Authority of Ireland, the Office of the Ombudsman for Children and the Office of the Disability Appeals Officer. In total there are 60 operational servers providing a range of ICT services with a total disk capacity of approximately 68 TB (terabytes) making the average server capacity approximately 1.13 TB. None of these servers are leased.

At point of purchase, the price includes a 3 year warranty as standard. Department's policy is to extend warranties and operate servers for a minimum of 5 years where feasible, to achieve better value for money. Due to the variety of server hardware and the fact that they are covered under a global ICT equipment support contract, it is not possible to accurately calculate specific costs per server. Department is also investigating the possibilities of implementing virtualised server environments as a further cost reduction measure. All its server hardware is purchased by way of public procurement exercises.

The requested details in relation to the agencies under my Department's aegis are not readily available as it is an operational matter for the agencies themselves and my Department does not routinely compile or hold this information. I am referring the Deputy's questions to the relevant agencies including the Health Service Executive for their attention and direct reply to the Deputy.

Departmental Expenditure

581. **Deputy Frank Feighan** asked the Minister for Health if he will quantify the Health Service Executive west's current budget deficit; if he will quantify the portion of that budget deficit that relates to each of University College Hospital Galway, Merlin Park Hospital, Galway, Roscommon County Hospital, and Portiuncula Hospital, Ballinasloe, Galway. [35538/11]

582. **Deputy Frank Feighan** asked the Minister for Health if he will identify the operation and service areas within the Health Service Executive west in which there have been overspends in the context of the HSE west's total budget deficit. [35539/11]

583. **Deputy Frank Feighan** asked the Minister for Health if he will identify the amount of money that has been overspent in the operation and service areas outlined in the context of the Health Service Executive west's total budget deficit. [35540/11]

584. **Deputy Frank Feighan** asked the Minister for Health if he will identify the amount of money overspent in the operational and service areas outlined which relate to University College Hospital Galway and Merlin Park Hospital, Galway, in the context of the Health Service Executive west's total budget deficit. [35541/11]

585. **Deputy Frank Feighan** asked the Minister for Health if he will identify the amount of money overspent in the operation and services areas outlined which relate to Roscommon County Hospital in the context of the Health Service Executive west's total budget deficit. [35542/11]

586. **Deputy Frank Feighan** asked the Minister for Health if he will identify the amount of money overspent in the operational and service areas outlined which relate to Portiuncula Hospital, Galway, in the context of the Health Service Executive west's total budget deficit. [35543/11]

587. **Deputy Frank Feighan** asked the Minister for Health if he will specify the Health Service Executive west's cost saving proposals in the context of the Health Service Executive west's total budget deficit. [35544/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 581 to 587, inclusive, together.

The budget position at 30th September for the hospitals specified by the Deputy is set out in the table:

Full Year Budget	Hospitals		Year to Date	
		Budget	Expenditure	variance
€'000		€'000	€'000	€'000
248,730	GUH	187,430	199,528	12,098
41,075	Portiuncula	30,787	35,403	4,616
18,915	Roscommon County	14,151	16,548	2,397
1,986,899	HSE West Total	1,486,952	1,533,970	47,017

All hospitals are required to operate within their allocated budgets and to meet the service level activity targets that the hospital has agreed for 2011. I recognise that the management of funding allocations by public hospitals poses a serious budgetary challenge. It is clear that if existing spending trends remain unchecked there will be a significant overrun at the end of this year. I have made it clear that such an overrun is not acceptable given the state of the public finances and this country's obligations under the Memorandum of Understanding with the IMF and EU.

I am on record as saying that every individual agency must take responsibility and do everything possible to stay within budget while delivering their planned level of service. 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 over time they will help to ensure that more people get access to services within a given

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quantum of funding. In this regard it is important that the management capacity in our public hospitals is sufficiently robust to meet these challenges.

The HSE has implemented a wide range of cost containment measures across all hospitals and Local Health Offices nationally. The HSE has advised me that these measures in the West have delivered cost savings to date in the following areas:

(a) pay savings amounting to €22.2m comprising:

- a reduction of 780 WTEs due to the moratorium and exit Schemes,
- reductions in overtime across all grades including the elimination of unrostered overtime,
- a reduction in on-call across all grades including the implementation of the Laboratory Agreement,
- a reduction in weekend and night duty across all grades, and
- a reduction of all agency staff except in critical circumstances in accordance with the National Contract, and

(b) non-pay savings of some €30.9m through procurement contract savings across a wide range of non-pay spend items such as drugs and medicines and medical/surgical supplies.

HSE is also reporting that the hospitals in HSE West have also achieved additional income of €16.1m through a range of income maximisation measures, including maximising the use of private beds, reducing the debtor days and ensuring an efficient process for consultant medical staff sign-off of private health insurance claim forms. These measures have already reduced expenditure within the Western Region by €69m to the end of September, and will be intensified between now and the end of the year.

Health Services

588. **Deputy Joanna Tuffy** asked the Minister for Health the position regarding the provision of respite services in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [35546/11]

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 Staff

589. **Deputy Gerald Nash** asked the Minister for Health the reason the clinical nurse specialist and therapist posts which were approved for the establishment of a stroke unit in Drogheda at the start of 2011 have not yet been filled. [35548/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services

590. **Deputy Brian Walsh** asked the Minister for Health if he will provide funding for the provision of crisis pregnancy support accommodation in Galway city, which was discontinued

last year, in view of the fact that similar important services are provided in Dublin, Cork, Limerick and Waterford [35549/11]

Minister for Health (Deputy James Reilly): The HSE Crisis Pregnancy Programme has advised me that funding for the Galway crisis pregnancy support accommodation service ceased at the request of its Board in 2011. Moreover, the Programme has confirmed that additional funding is not required for services operating in this area at this juncture. The Programme has undertaken a national review of supported accommodation services for women during and after crisis pregnancy, and the findings from this review indicate that services have capacity to take on additional clients if required. Uptake figures show that demand for supported accommodation of this nature has fallen off substantially since the research was commissioned in 2010. The Programme intends to publish the final report on the review of services, entitled “Review of Supported Accommodation Services for Women During and After Pregnancy”, in the near future.

Care of the Elderly

591. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health his plans to address the shortcomings in the area of right to information and accessing vital support and services, specifically as it applies to older persons and their entitlements, including access to home helps; and if he will make a statement on the matter. [35559/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): There are several mechanisms in place within the Health Service Executive to address the right to information and accessing support and services by older people. The first point of contact for any older person seeking information or assistance is through their Public Health Nurse, or General Practitioner, who can be contacted through the local Primary Care Unit or Health Centre.

The HSE provides details on a wide range of entitlements, including for example Medical Cards and other schemes, Home Support Services, Residential care, and concerns regarding abuse on its website (HSE.ie). An Information Helpline is also available (1850 24 1850). In addition, the HSE supported website *www.myhomefromhome.ie* provides information to people concerning access to residential services for older people, or potential residents of nursing homes. This includes links to other information sources for alternatives to residential care. Also, all older people have a right to access personal information under routine administrative access, such as the Data Protection Acts (1988 and 2003). Other related information can also be accessed under the Freedom of Information Act (1997 and 2003).

In relation to the specific area of Home based supports for older people, the HSE is at present pressing various initiatives aimed at clarifying and standardising issues such as Information, Access, Planning, and Delivery of such services. This includes rolling out across all Local Health Offices new guidelines pertaining to these services, and the procurement of such services in partnership with the Not-for-Profit and Private Providers sector.

The issues raised by the Deputy will also be addressed, as appropriate, in the forthcoming National Positive Ageing Strategy, which will set the strategic direction for important issues such as Information and Access across a range of statutory or other services.

592. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health his plans to address the lack of standards, regulation and inspection of providers of home care services to older persons, particularly, though not exclusively, focusing on the providers of commercial home care services; and if he will make a statement on the matter. [35560/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Government policy is to support older people to live at home and in their communities for as long as possible and, where this is not an option for whatever reason, to support access to high quality long term residential care. Significant development of community based services for older people has taken place in recent years. In some cases, where services are approved and funded by the HSE, this may be undertaken by the Executive through partnership arrangements with non-statutory providers to maximise service delivery.

The *Government for National Recovery, 2011-2016* commits to developing and implementing national standards for home support services, which will be subject to inspection by the Health and Information Quality Authority (HIQA).

All relevant factors will have to be taken into account in relation to the regulation of home care services. These include, for example, the July 2008 *Report of the Commission on Patient Safety and Quality Assurance* which recommended, amongst other things, the extension of any licensing systems to the primary health care area. In July 2009 the Law Reform Commission published a consultation paper entitled *Legal Aspects of Carers*, which considered various legal issues surrounding home care, and made a number of provisional recommendations concerning standards and regulations generally.

The Department of Health accepts the need for a more standardised approach to the regulation of Home Care, whether by statutory or non-statutory providers. The HSE is implementing guidelines on Home Care Packages, and is finalizing additional guidelines in relation to the Home Help service, and Quality for Home Care Support Services. In addition, the HSE will shortly conclude a new Public Procurement Framework for Home Care services. These measures have been designed to enhance service provision overall, including Quality and Safety, for HSE home care recipients.

The question of possible changes to legislation, including regulation and inspection, for Home Care services for older people is under consideration. The Department is, at present, examining this matter in the overall context of the licensing of Health Care providers. Legislation is currently being prepared in this regard, taking into account the recommendations of the Commission on Patient Safety, and the Law Reform Commission. In addition, work is being undertaken to ensure that access to community services is provided on a nationally consistent and equitable basis having regard to each person's care needs and means. Various options are being considered at present, including the complex legal issues involved.

The Government will continue to do everything possible to protect vulnerable older people. This includes progressing the various initiatives I have outlined above, while examining the options of introducing the statutory regulation of all home care providers. Such options would have to take account, for example, of any resource or implementation implications, and the need to prioritize new legislation in the context of the wider Social Care area.

Positive Aging Strategy

593. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the current status of the national positive aging strategy; the extent of engagement to date with representatives of older persons; when same will be published; and if he will make a statement on the matter.
[35561/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Programme for Government published in March 2011 has committed to completing and implementing the National Positive Ageing Strategy so that older people are recognised, supported and enabled to live independent full lives. It is 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 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. 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.

In 2009, an NGO Liaison Group comprising representatives of twelve national level non-governmental organisations working with and for older people was established under an independent Chair. The role of this Group is to facilitate the exchange of information and views between the organisations, their members and the Cross Departmental Group during the development of the National Positive Ageing Strategy. To date, this Group has met with Government officials on six occasions.

In addition, given that the National Positive Ageing Strategy will have a wider focus than any previous strategy relating to older people, it was important to hear the views and opinions of older people themselves in addition to the views of representative organisations, non-Governmental organisations, services providers and other interested parties.

To this end, a wide ranging public consultation process between Government and older people in Ireland was concluded in November 2010. This process comprised a public call for written submissions, of which 190 were received; a series of public regional consultation meetings, which were attended by over 1,100 older people, representative organisations and service providers; and face to face meetings between Government officials and groups representing vulnerable and marginalised older people. 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.

Mental Health Services

594. **Deputy Gerald Nash** asked the Minister for Health the reasons the after care service operated at the St. Brigid's mental health day centre in County Louth has been reduced to four days per week; his views that in view of his commitment to a community-based model of mental health care, that a full five-day day service should be reinstated in 2012; and if he will make a statement on the matter. [35567/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter the question has been referred to the HSE for direct reply.

Medicinal Products

595. **Deputy Brendan Griffin** asked the Minister for Health his views on a matter (details supplied) regarding the licensing of drugs; the timeframe for same; and if he will make a statement on the matter. [35580/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): Fingolimod (Gilenya®) is licensed for the Irish market. The manufacturer has submitted an application to the HSE for the product to be reimbursed under the High-Tech Drug Scheme. The list of

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medicinal products provided under the High-Tech Drug Scheme is reviewed on a regular basis. The application in respect of the product in question is currently under consideration.

Health Service Staff

596. **Deputy Sean Fleming** asked the Minister for Health the position regarding the recruitment of professional qualified social workers in the Health Service Executive area and especially those who understood that they would be offered a job but their employment was not proceeded with over the summer months; and if he will make a statement on the matter. [35585/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Community Care

597. **Deputy Ann Phelan** asked the Minister for Health if his attention has been drawn to work being done by the previous Government and the Opposition spokespersons on health to amend the Nursing Homes Bill to accommodate the Health Information and Quality Authority demands on community care homes; if his further attention has been drawn to the way these demands are affecting the continuation of a number of community care homes; and if he will make a statement on the matter. [35596/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): My Department has initiated a review of the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009, as amended. These Regulations set out detailed requirements regarding, among other things, staffing and environmental conditions for all designated centres, including welfare homes.

As part of the review process submissions were invited and received from interested parties, including the support care homes referred to by the Deputy. The Department also met with a representative from the care homes. Due consideration is being given to the issues raised including the nature and status of the care homes. It is expected that the review will be completed shortly and that amending regulations will be introduced in 2012.

Domestic Violence

598. **Deputy Catherine Murphy** asked the Minister for Health in view of the fact that no funding will be made available for any crisis accommodation for domestic abuse victims in Kildare this year, the alternative Health Service Executive funded provisions in place for women in County Kildare who are seeking refuge from domestic abuse; and if he will make a statement on the matter. [35602/11]

Minister for Health (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Waiting Lists

599. **Deputy Aengus Ó Snodaigh** asked the Minister for Health the reason for the delay in an operation in respect of a person (details supplied) in Dublin 8; and when the operation will be performed. [35612/11]

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.

Substance Misuse

600. **Deputy Sandra McLellan** asked the Minister for Health the efforts he is making to tackle the alcohol and substance abuse problem here; and if he will make a statement on the matter. [35614/11]

601. **Deputy Sandra McLellan** asked the Minister for Health the efforts he has made to ban below cost selling of alcohol; and if he will make a statement on the matter. [35615/11]

603. **Deputy Sandra McLellan** asked the Minister for Health when the national substance misuse strategy will be published; if the steering group developing proposals for inclusion in the strategy are giving due consideration to the alcohol abuse and misuse problem here; and if he will make a statement on the matter. [35620/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 600, 601 and 603 together.

I assume that the Deputy is referring in her question to a minimum price for alcohol. Minimum pricing is a mechanism of imposing a statutory floor in price levels for alcohol products that must be legally observed by retailers; its primary function would be to discourage at risk levels of alcohol consumption. A National Substance Misuse Strategy was established in 2009. It is examining the development of policy to deal with a wide range of key issues relating to the supply, pricing, availability and marketing of alcohol — including the question of a minimum price for alcohol — along with measures for the policy areas of prevention strategies, treatment, rehabilitation and substance dependency, research and information. The report of the Steering Group is close to completion. I expect to receive proposals in the coming months and I will then brief my colleagues in Government on these.

In the meantime, the health promotion services of the Health Service Executive (HSE) are undertaking key activities nationally to address the issue of alcohol misuse. In the Education setting, current activities include support for the Social, Personal and Health Education (SPHE) programme; alcohol and drug awareness training for teachers/staff and parents; the development of a substance use policy; and the current development of materials for young people on alcohol by — among others — HSE staff and representatives from a variety of organisations.

In the community setting, the health promotion services are engaged in a number of programmes and projects. These include the *Putting the Pieces Together* programme that targets youth between the ages of 10 to 18 years, parents and communities of mixed abilities in literacy skills for the purpose of tackling substance use in the community; the *Strengthening Families* programme that is an evidence based parenting skills, children's life skills and family life skills training programme aimed at preventing and reducing alcohol and drug misuse; a community

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training programme that provides scheduled and on-demand training to community groups on alcohol awareness; a social marketing programme made up of national media campaigns using information websites such as *www.drugs.ie*, *www.yourdrinking.ie* and *www.healthpromotion.ie* — along with regional awareness raising events such as Drug Awareness week; club projects that are developed on a partnership basis for the purpose of working with the owners and staff of licensed premises to identify and address issues arising from alcohol and drug misuse in their venues and local areas.

In the health setting, the HSE is developing a Brief Interventions/Skills health training programme for HSE staff to include a module for addressing alcohol related risk behaviours. A report on the work of “Towards a Framework for Implementing Evidence Based Alcohol Interventions” and the results of a feasibility test for screening and brief interventions in four hospital emergency departments was completed in July 2011. The results show that there was good cooperation from the public with only 6% declining to be screened. The screening tool detected 36% requiring brief advice and 9% required referral to specialist services. In total 49% required no further intervention.

Following from the report’s recommendations, the project has finalised A Guiding Framework for Education and Training in Screening and Brief Intervention for Problem Alcohol Use for Nurses and Midwives in Acute, Primary and Community Care Settings. This framework has been developed in partnership with the Office of Nursing and Midwifery Services Director. It aims to provide a standardised approach for the education and training of Nurses, Midwives and Allied Health Professionals who undertake screening and brief intervention. The framework supports safe, quality and effective care for service users who access healthcare across the HSE and promotes the effective management of problem alcohol use in acute, primary and community care settings.

In partnership with *drugs.ie*, the project is at an advanced stage in the development of an online alcohol self-assessment tool and video-based brief interventions. This will initially be rolled out on *drugs.ie* and on the *drugs.ie* FaceBook page. HSE staff will have access to an online alcohol self assessment tool both as a patient resource and for personal use. The aim of the online intervention is to identify “at risk” individuals among the general population. Those whose alcohol use is likely to be harming their health or increasing their risk of future harm are the main target group intended to benefit from this initiative.

Finally, the HSE has provided funding to a number of organisations in 2011 — such as Alcohol Action Ireland, the Coombe Hospital, Crosscare, GAA, Northwest Alcohol Forum, Trinity College, and No Name clubs for various initiatives, activities and research in the area of alcohol and drugs misuse.

Health Promotion

602. **Deputy Sandra McLellan** asked the Minister for Health the efforts he has made to ensure the appropriate selling and marketing of alcohol in pubs, off-licences, supermarkets and in public places; and if he will make a statement on the matter. [35616/11]

Minister for Health (Deputy James Reilly): Section 9 of the Intoxicating Liquor Act 2008 provides for the structural separation of alcohol from other products in mixed trading premises such as supermarkets, convenience stores and garage forecourts. The then Minister for Justice, Equality and Law Reform deferred commencement of these provisions subject to achieving sector-wide compliance to the agreed Code of Practice on the Sale and Display of Alcohol in Mixed Trading Premises. This Code, which was agreed with trade representatives and the Departments of Health and Justice and Equality in 2008, sets out voluntary commitments on

structural separation, advertising and training. It is subject to independent monitoring and submission of an annual implementation report to the Minister for Justice and Equality. Implementation of the code is overseen by the independently chaired Responsible Retailing of Alcohol in Ireland — a group which is comprised of representatives of the mixed traders.

The Chairperson of Responsible Retailing of Alcohol in Ireland (RRAI) submitted the 3rd Compliance Report on the Implementation of the Code of Practice on the Display and Sale of Alcohol in Mixed Trading Premises to the Minister for Justice and Equality on the 30th of September last. It has been published on the Department of Justice and Equality’s website and the Minister for Justice and Equality is currently seeking the views of interested bodies on the report’s conclusions and, more generally, on the effectiveness of the voluntary approach to implementing structural separation objectives in mixed trading premises preparatory to a decision on whether to commence the statutory provisions on structural separation in section 9 of the Intoxicating Liquor Act 2008.

In addition, Codes of Practice on the placement of alcohol advertising were agreed between the alcohol industry, the advertising industry and the Department of Health. The purpose of these Codes was to reduce the exposure of children and young people to alcohol marketing. The Codes aim to limit the overall level of alcohol advertising and sponsorship across all media and adherence and compliance with the Codes is monitored by the Alcohol Marketing Communications Monitoring Body (AMCMB). The Codes of Practice were strengthened in July 2008.

Finally, a National Substance Misuse Strategy Steering Group was established in 2009. It is examining the development of policy to deal with a wide range of key issues relating to the supply, pricing, availability and marketing of alcohol, along with measures for the policy areas of prevention strategies, treatment, rehabilitation and substance dependency, research and information. The report of the Steering Group is close to completion; I expect to receive proposals in the coming months and I will then brief my colleagues in Government on these.

Question No. 603 answered with Question No. 600.

Departmental Expenditure

604. **Deputy Derek Keating** asked the Minister for Health the amount of public moneys awarded by him or the Health Service Executive to an agency (details supplied) in the past ten years in tabular form; the criteria for such amounts being awarded; if he is satisfied with the bona fides of this organisation; if this organisation publishes accounts; if he has had audited statements from this organisation regarding public finances, if any, supplied; and if he will make a statement on the matter. [35619/11]

Minister for Health (Deputy James Reilly): The table sets out the funding that was allocated to the organisation referred to by the Deputy between 2001 and 2011 through the National Lottery Scheme. I have asked the Health Service Executive to reply directly to you in respect of any funding it may have made to the organisation.

Year	€
2011	50,000
2010	0
2009	100,000
2008	100,000
2007	25,000

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Year	€
2006	50,000
2005	100,000
2004	0
2003	0
2002	0
2001	0

Medical Cards

605. **Deputy John McGuinness** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Carlow; and if he will expedite the approval. [35617/11]

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

606. **Deputy John McGuinness** asked the Minister for Health the occupational therapist services now available in the Carlow — Kilkenny area; if he will confirm the level of OT services provided by the Health Service Executive for students (details supplied); if these services will be continued; and if he will make a statement on the matter. [35622/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

607. **Deputy John McGuinness** asked the Minister for Health the reason a cancer operation in respect of a person (details supplied) in County Kilkenny was cancelled three times in view of the urgency of the matter; and if he will make a statement on the matter. [35623/11]

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

608. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued as a matter of urgency in respect of a person (details supplied) in County Kilkenny. [35625/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Waiting Lists

609. **Deputy John McGuinness** asked the Minister for Health, further to Parliamentary Questions Nos. 146 of 21 April 2011 and 148 of 28 September 2011 and a separate reply from the Health Service Executive, if he will confirm the details or status of the special delivery unit; if the case of a person (details supplied) in County Kilkenny will be dealt with through the unit as the case is urgent and the HSE has not responded; and if he will make a statement on the matter. [35632/11]

659. **Deputy John McGuinness** asked the Minister for Health if he will insist that the Health Service Executive arrange an early date for an operation in respect of a person (details supplied) in County Kilkenny; if the operation will be dealt with by the SDU; and if he will make a statement on the matter. [36273/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 609 and 659 together.

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. Regarding the Deputy's patient query I have been advised that the person involved has been allocated a date for his surgery in mid December later this year.

National Lottery Funding

610. **Deputy Dara Calleary** asked the Minister for Health if his Department have received a grant application from an organisation (details supplied); and if he will approve the grant for this project. [35635/11]

Minister for Health (Deputy James Reilly): My Department has received an application for funding from the 2011 National Lottery allocation from the organisation in question. This is one of a large number currently being assessed by my Department. The Deputy will be informed of the outcome of the application as soon as a decision has been made.

Medical Cards

611. **Deputy Michael McCarthy** asked the Minister for Health if he will clarify the situation relating to the issuing of a medical card in respect of a person (details supplied); if the matter has been rectified; and if he will make a statement on the matter. [35641/11]

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.

612. **Deputy Patrick O'Donovan** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [35726/11]

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.

Grant Payments

613. **Deputy Denis Naughten** asked the Minister for Health when payment will commence to a person (details supplied) in County Galway in relation to an application that has already been approved; if the payment will be back dated; if so, the date it will be back dated to; and if he will make a statement on the matter. [35730/11]

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.

Prescription Charges

614. **Deputy Ciara Conway** asked the Minister for Health if there are plans to abolish the 50 cent prescription charge for medical card holders; and if he will make a statement on the matter. [35742/11]

644. **Deputy Catherine Byrne** asked the Minister for Health when the 50 cent prescription charge will cease to be charged by pharmacists; and if he will make a statement on the matter. [36148/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 614 and 644 together.

Prescription charges are provided for under Section 59 of the Health Act 1970 as amended by the Health (Amendment) (No. 2) Act 2010. Revoking these provisions requires primary legislation. It is my intention, subject to Government approval, to introduce legislation to abolish prescription charges for medical card holders.

National Lottery Funding

615. **Deputy John O'Mahony** asked the Minister for Health when a group (details supplied) in County Mayo will receive a decision on a grant application; and if he will make a statement on the matter. [35743/11]

Minister for Health (Deputy James Reilly): My Department has received an application for funding from the 2011 National Lottery allocation from the organisation in question. This is one of a large number currently being assessed by my Department. The Deputy will be informed of the outcome of the application as soon as a decision has been made.

Services for People with Disabilities

616. **Deputy Derek Keating** asked the Minister for Health the number of persons in Counties Clare, Galway and Limerick included on the intellectual disability database in tabular form; the disability strategy for this region; the services offered to those persons on the database; the body that provides disability services in the region; and if he will make a statement on the matter. [35759/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I have asked the Health Service Executive to respond to the Deputy directly in relation to the questions raised on the HSE's disability strategy for Counties Clare, Galway and Limerick and the bodies that provide disability services on behalf of the HSE in those Counties.

With regard to the Deputy's question on the number of persons in Counties Clare, Galway and Limerick on the Intellectual Disability Database and the services offered to those persons, I wish to advise the Deputy that the National Intellectual Disability Database (NIDD) is maintained by the Health Research Board (HRB). The HRB have advised me that the number of individuals registered on the NIDD in 2010 for Counties Clare, Galway and Limerick are as follows:

Clare		Galway		Limerick	
Male	268	Male	928	Male	638
Female	225	Female	604	Female	423
Total	493	Total	1,532	Total	1,061

According to the HRB, the Services being provided are as follows:

Clare	Number
Home support	1
Mainstream pre-school	1
Mainstream school	33
Special class — primary	9
Special class — secondary	3
Special school	94
Rehabilitative training	49
Activation centre	52
Programme for the older person	11
Special high support day service	13
Special intensive day service	13
Sheltered work centre	41
Sheltered employment centre	1
Multidisciplinary support services	14
Outreach programme	76
Other day service	16
Supported employment	14
Open employment	4
Vocational training	4
Generic day services	40
Not receiving service	4
Total	493

Galway	Count
Home support	13
Home help	2
Early services	38
Mainstream pre-school	8
Special pre-school	37
Child education and development centre	49
Mainstream school	117

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Galway	Count
Resource teacher	68
Special class — primary	17
Special class — secondary	19
Special school	143
Rehabilitative training	90
Activation centre	423
Programme for the older person	63
Special high support day service	35
Special intensive day service	19
Sheltered work centre	172
Sheltered employment centre	5
Multidisciplinary support services	70
Centre-based day respite service	1
Outreach programme	3
Other day service	28
Supported employment	38
Open employment	10
Vocational training	18
Generic day services	13
Not receiving service	33
Total	1,532

Limerick	Count
Home support	12
Early services	8
Mainstream pre-school	8
Special pre-school	6
Mainstream school	52
Special class — primary	2
Special class — secondary	3
Special school	197
Third level education	3
Rehabilitative training	81
Activation centre	196
Programme for the older person	42
Special high support day service	19
Special intensive day service	15
Sheltered work centre	250
Sheltered employment centre	1
Multidisciplinary support services	71
Day respite in the home	1
Outreach programme	1
Other day service	20
Supported employment	15
Open employment	2

Limerick	Count
Vocational training	13
Generic day services	1
Not receiving service	42
Total	1,061

Pension Provisions

617. **Deputy Jack Wall** asked the Minister for Health if a person (details supplied) in County Kildare will be furnished with a statement of the pension they receive from the Health Service Executive in respect of their late spouse; and if he will make a statement on the matter. [35761/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Care of the Elderly

618. **Deputy Tom Fleming** asked the Minister for Health if he will secure the future of a hospital (details supplied) in County Kerry as a provider of long-stay care by reclassifying the hospital similar to public providers thus ensuring an increased level of State funding per bed which will make the service sustainable into the future. [35770/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): Valentia Community Hospital is run by a voluntary organisation, Valentia Community Health and Welfare Association Ltd, and has a service level agreement with the HSE under Section 39 of the Health Act 2004. All organisations with Service Level Agreements under this section of the Health Act 2004 are required to negotiate with the National Treatment Purchase Fund as they provide services in addition to, not on behalf of, the HSE, and are therefore not legally regarded as public services.

In the past, Valentia Community Hospital would have been allocated a lump sum annually by the HSE. However, the introduction of the Nursing Homes Support Scheme in October 2009 brought about a fundamental statutory change in the way in which long-term nursing home care is funded and, consequently, the way in which nursing homes and community hospitals are funded. The principle is that funding follows the patients. The new scheme supports the individuals in need of long-term nursing home care, not the facilities providing the care, and it is designed to ensure that nursing homes are not being funded for empty beds.

In order to qualify for the scheme, all private nursing homes and voluntary nursing homes which previously received funding for long-term residential care under section 39 of the Health Act 2004, including Valentia Community Hospital, must negotiate and agree a price for the cost of care with the National Treatment Purchase Fund. 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 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.

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As stated above, the Nursing Homes Support Scheme only applies to long-term nursing home care. Valentia Community Hospital can continue to have separate agreements with the HSE for the provision of other services, e.g. day care, respite and convalescence.

In conclusion, it is not possible to re-classify Valentia Community Hospital as a public provider. There have been ongoing discussions between the Board of Management of Valentia Community Health and Welfare Association Ltd. and the HSE with regards to future service provision. In addition, the Minister for Health met with a delegation from Valentia Hospital in June. I understand that, following the meeting, the HSE is continuing to engage with the Board of Management with regard to the future of services.

Health Service Allowances

619. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a mobility allowance in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [35816/11]

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.

Infrastructure Investment Plan

620. **Deputy Charlie McConalogue** asked the Minister for Health if he will outline the specific projects that he plans for County Donegal arising from the Infrastructure and Capital Investment 2012-16: Medium Term Exchequer Framework; and if he will make a statement on the matter. [35830/11]

Minister for Health (Deputy James Reilly): Following the publication last week of the 'Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework', the Health Service Executive will commence drawing up its capital programme for the multi-annual period 2012-2016. The Executive is required to prioritise the capital infrastructure projects within its overall capital funding allocation taking into account the existing capital commitments and costs to completion over the period. The proposed plan requires my approval with the consent of the Minister for Public Expenditure and Reform.

Medicinal Products

621. **Deputy Seamus Kirk** asked the Minister for Health if the drug Pradaxa is available on prescription to medical card holders; and if he will make a statement on the matter. [35885/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): Pradaxa 110mg and 75mg are available on prescription to patients availing of the GMS Scheme and other community drugs schemes for the prevention of venous thromboembolism in adult patients who have undergone elective hip replacement surgery or elective knee replacement surgery.

Following a recent economic evaluation the HSE is assessing the availability of resources in 2012 to consider long term treatment with Pradaxa 150mg for the prevention of stroke in patients with Atrial Fibrillation. This is a complicated process with long term implications. The HSE has written to all GMS doctors and community pharmacy contractors to outline the current situation. The HSE will continue to update health-care professionals in relation to these matters.

Medical Cards

622. **Deputy Finian McGrath** asked the Minister for Health the position regarding medical cards in respect of a person (details supplied) in Dublin 3. [35887/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Staff

623. **Deputy Stephen Donnelly** asked the Minister for Health the number and hospital location of consultants currently employed by the Health Service Executive and in voluntary hospitals who were initially employed on temporary contracts and who have been since awarded a contract of indefinite duration; the number and hospital location of consultants employed by the HSE and in voluntary hospitals who were not appointed through public competition; the number and hospital location of consultants employed by the HSE and in voluntary hospitals who have not done higher specialist training; and if he will make a statement on the matter. [35920/11]

Minister for Health (Deputy James Reilly): I have asked the Health Service Executive to compile the information requested by the Deputy and to reply to him directly.

Health Service Staff

624. **Deputy Simon Harris** asked the Minister for Health if payment can be expected in respect of an unfair dismissal successfully taken by a person (details supplied) in County Wicklow against an agency under his remit; and if he will make a statement on the matter. [35928/11]

Minister for Health (Deputy James Reilly): I am advised that the case referred to by the Deputy concerns a complaint to the Employment Appeals Tribunal under the Unfair Dismissals Acts against an organisation which was allocated funding by the East Coast Regional Drugs Task Force to deliver addiction services in Wicklow until the end of December 2010. The implementation of the findings of the Tribunal are a matter for the organisation concerned which is an independent company limited by guarantee and not an agency of my Department.

Medical Cards

625. **Deputy Seán Ó Fearghail** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [35975/11]

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 Budgets

626. **Deputy Clare Daly** asked the Minister for Health if he will provide figures for the hospital budget deficit coming into this year and the projected deficit going into next year for St. James's, the Mater, Beaumont, St. Vincent's and Tallaght Hospital. [35977/11]

Minister for Health (Deputy James Reilly): All hospitals are required to operate within their allocated budgets and to meet the service level activity targets that the hospital has agreed for 2011. I recognise that the management of funding allocations by public hospitals poses a serious budgetary challenge.

[Deputy James Reilly.]

The Health Service Executive has advised me that St. James's Hospital will break even in the current year which will allow it to commence in 2012 in a healthy financial position. St. James Hospital had no opening deficit at the start of 2011. Tallaght Hospital carried an accumulated deficit of approximately €22m into the current year and is projecting a deficit of €11m for 2011. The hospital has implemented cost containment measures that has seen it break even in each of the last three months, and is projecting a break-even run rate each month to year end. In that context, the hospital will commence 2012 in an improved financial environment. The hospital will, however, have to deal with its accumulated deficit in the future within its overall financial resources.

St. Vincent's University Hospital carried a €1m accumulated deficit into the current year and is projecting an overspend of €7m or 3.5% for 2011. Cost containment plans are being considered in order to deal with this carrying deficit. The Mater Hospital carried an accumulated deficit of €1.86m into the current year and is projecting a deficit of €2m for the current year. It will also carry this deficit into 2012 and will have to deal with it within its overall resources. Beaumont Hospital carried an accumulated deficit of €0.340m into the current year and is projecting a €3m deficit in 2011. As with all other hospitals with deficits, Beaumont will carry this deficit into 2012 and will have to deal with it within the overall financial resources available to it.

I am on record as saying that every individual agency must take responsibility and do everything possible to stay within budget while delivering their planned level of service. 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 over time they will help to ensure that more people get access to services within a given quantum of funding. In this regard it is important that the management capacity in our public hospitals is sufficiently robust to meet these challenges.

The Deputy will also be aware that it is the role of the Special Delivery Unit, which I recently established, to address issues around the better and more efficient delivery of health services. The work of the SDU will contribute significantly to improving outcomes for patients and to greater efficiencies in the system to avoid any budgetary overruns, while at the same time endeavouring to ensure the maintenance of services in line with the commitments given by the HSE and public hospitals.

627. **Deputy Clare Daly** asked the Minister for Health if hospital budget deficits are counted as part of the overall Exchequer budget deficit in the national accounts. [35978/11]

Minister for Health (Deputy James Reilly): The Health Act 2004 provided for the establishment of the Health Service Executive with its own Vote and Accounting Officer with effect from 1 January 2005, and requires the Executive to operate within the limits of its Vote as approved by the Dail. All hospitals, both statutory and voluntary, are required to operate within their allocated budgets and to meet the service level activity targets that the hospital has agreed for 2011. The HSE is, therefore, obliged to comply with the principles set out in Public Financial Procedures and has, as one of its central objectives, the requirement to keep overall expenditure within the approved voted limits.

Any deficit which arises within a statutory hospital owned and operated directly by the Health Service Executive, must therefore be funded by a surplus elsewhere. Voluntary hospitals are funded on a net basis by the Executive, and a service level agreement is signed between the hospital and the Executive that the hospital will operate within its approved funding and

any deficit is a matter for the hospital and not the State. On this basis, hospital deficits do not form part of the overall Government deficit in the national accounts.

Question No. 628 answered with Question No. 573.

Hospital Services

629. **Deputy Jerry Buttimer** asked the Minister for Health the steps that have been taken towards establishing a stroke unit at Cork University Hospital; when the unit will be open and staff assigned to same; and if he will make a statement on the matter. [35980/11]

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 Staff

630. **Deputy Catherine Murphy** asked the Minister for Health if he will provide the full contact details of the Health Service Executive legal services division including its address, phone number, fax number and email address; and if he will make a statement on the matter. [36063/11]

631. **Deputy Catherine Murphy** asked the Minister for Health if he will provide the full list of personnel employed in the Health Service Executive legal services division, including their respective grades; and if he will make a statement on the matter. [36064/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 630 and 631 together.

As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Services for People with Disabilities

632. **Deputy Brendan Smith** asked the Minister for Health if he will ensure that adequate funding is provided to voluntary organisations providing services to persons with an intellectual disability (details supplied); and if he will make a statement on the matter. [36077/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Health Service Executive has advised me that expenditure on health services for people with a disability in 2011 will be approximately €1.5 billion. Special consideration was given to disability and mental health in Budget 2011 through a maximum reduction of just 1.8% in the allocation for the two sectors. The relatively lower reduction of 1.8%, compared to other areas of the health budget that saw reductions of up to 5%, recognises that these services are provided to vulnerable groups and should help to ensure that existing services are maintained and that priority is given to the delivery of front-line services.

The level of funding available for the health budget is being considered as part of the Comprehensive Review of Expenditure and Estimates process for 2012 which is currently underway. Deliberations by the Government on the expenditure allocations for next year are likely to continue up until Budget time and it would not be appropriate for me to comment further at this stage pending the outcome of those deliberations. The very difficult financial position facing the Exchequer will obviously require very careful management across all areas of expenditure.

[Deputy Kathleen Lynch.]

A major priority for the Government in the coming months will be to finalise the current Value for Money and Policy Review of Disability Services to ensure that existing funding for people with disabilities is spent to best effect. It is now more important than ever that large scale spending programmes of this nature are subject to detailed periodic review. The VFM Efficiency and Effectiveness Review will make recommendations that will ensure that the very substantial funding, €1.5 billion, provided to the specialist disability health sector is used to maximum benefit for persons with disability, having regard to overall resource constraints which affect all sectors at this time.

As Minister for Equality, Disability, Mental Health and Older People I am committed to ensuring that the needs of our citizens who have a disability are addressed across the whole of Government.

Hospital Services

633. **Deputy Ciarán Lynch** asked the Minister for Health the number of patients under the age of 65 years, by county, treated for foot ulcerations, which do not require a full or partial limb amputation in 2009; the number of those patients who had diabetes; and if he will make a statement on the matter. [36107/11]

634. **Deputy Ciarán Lynch** asked the Minister for Health the number of patients, by county, treated for foot ulcerations, which do not require a full or partial limb amputation in 2009; the number of those patients who had diabetes; and if he will make a statement on the matter. [36108/11]

635. **Deputy Ciarán Lynch** asked the Minister for Health the number of full and partial lower limb amputations that were carried out on persons under 65 years of age in 2009, by county of residence; the number of these patients who had diabetes; and if he will make a statement on the matter. [36109/11]

636. **Deputy Ciarán Lynch** asked the Minister for Health the number of full and partial lower limb amputations that were carried out on persons in 2009, by county of residence; the number of these patients who had diabetes; and if he will make a statement on the matter. [36110/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 633 to 636, inclusive, together.

Due to the volume of information, the details requested by the Deputy will be supplied in a table.

	Ulcers without amputation, 2009 by county	Number of these with diabetes	Ulcers without amputation, 2009 by county, under 65 years	Ulcers without amputation, 2009 by county, under 65 years, with diabetes	Total Number of Lower Limb Amputations 2009	Total Number of Lower Limb Amputations 2009, with diabetes	Total Number of Lower Limb Amputations 2009, under 65 Years	Total Number of Lower Limb Amputations 2009, with diabetes under 65 Years
Carlow	66	35	24	10	8	7	5	5
Cavan	88	26	10	—	12	7	7	5
Clare	126	55	26	18	30	15	13	8
Cork	330	122	83	38	60	33	22	12
Donegal	105	69	25	14	20	12	—	—
Dublin	956	258	286	91	156	96	68	41
Galway	143	64	37	16	32	10	16	5
Kerry	89	35	18	6	26	9	13	6
Kildare	119	51	36	18	29	15	9	—
Kilkenny	116	68	25	14	19	12	8	7
Laois	44	27	13	10	10	8	—	—
Leitrim	35	13	12	8	8	6	—	—
Limerick	139	59	46	32	51	27	16	9
Longford	13	—	8	—	—	7	—	—
Louth	90	29	30	10	14	7	9	5
Mayo	96	30	27	11	17	11	—	—
Meath	108	30	30	9	16	7	—	—
Monaghan	66	19	11	—	14	7	7	—
Non-Resident/No Fixed Abode	8	6	—	—	—	—	—	—
Offaly	31	17	8	7	8	6	—	—
Roscommon	75	27	12	5	8	—	—	—
Sligo	48	14	11	5	—	—	—	—
Tipp North	81	29	23	10	13	8	—	—
Tipp South	136	56	24	16	13	5	—	—
Waterford	131	60	33	15	18	11	5	—

	Ulcers without amputation, 2009 by county	Number of these with diabetes	Ulcers without amputation, 2009 by county, under 65 years	Ulcers without amputation, 2009 by county, under 65 years, with diabetes	Total Number of Lower Limb Amputations 2009	Total Number of Lower Limb Amputations 2009, with diabetes	Total Number of Lower Limb Amputations 2009, under 65 Years	Total Number of Lower Limb Amputations 2009, with diabetes under 65 Years
Westmeath	43	14	10	5	12	8	6	—
Wexford	164	66	34	17	28	18	11	10
Wicklow	92	21	29	11	17	6	10	—
National	3,538	1,303	935	408	646	354	258	149

Source: Hospital Inpatient Enquiry

Note: Data refer to discharges from publicly funded acute hospitals. Private hospitals are not included.

Note: For reasons of patient confidentiality it is standard policy not to report cells of less than 5 cases. These cells have been marked with '—'.

This table has been produced by the Information Unit and is based on Hospital Inpatient Enquiry (HIPE).

Hospital Waiting Lists

637. **Deputy Ciarán Lynch** asked the Minister for Health when a person (details supplied) in County Cork can expect an orthopaedic appointment at Cork University Hospital; and if he will make a statement on the matter. [36120/11]

Minister for Health (Deputy James Reilly): The management of outpatient waiting lists is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply.

Departmental Funding

638. **Deputy Gerry Adams** asked the Minister for Health the level of funding that has been provided to the issue of tackling osteoporosis in each of the past five years; if he will provide a breakdown of same; the level of funding that has gone to the Irish Osteoporosis Society in those years; the amount of funding the Irish Osteoporosis Society has sought in each of those years; if he has carried out an assessment of the practical impact of cuts to the funding of the Irish Osteoporosis Society; and if he will make a statement on the matter. [36122/11]

Minister for Health (Deputy James Reilly): The Health Service Executive does not gather figures on the level of funding specifically provided for tackling Osteoporosis as there is no specific allocation for Osteoporosis treatment or prevention; however, the Health Service Executive have an extensive programme of work aimed at reducing the burden of this disease among the Irish population. This programme includes work across hospital, primary care and community settings involving geriatricians, services for older people, primary care and health promotion specialists. All of the above have implied responsibility for prevention, treatment and care. Services provided range from bone density scanning to falls prevention programmes and the issue has been identified as a key priority by all regions in the last 4 years and again for 2012.

From a disease prevention and management perspective, the Health Promotion Services incorporate this specific topic across all its programmes. Specifically these are Dietetic treatment and education programmes (72 Community Dietitians are employed), smoking cessation (as smokers are at greater risk of developing this disease), physical activity programmes (as exercise strengthens bone and muscle thus preventing development of osteoporosis), women's health programmes as this population group are most at risk and many other community programmes across the spectrum of risk factors for Osteoporosis.

With regard to the funding provided to the Irish Osteoporosis Society, below are the details provided to me by the HSE:

Allocated	Sought
€128,000 in 2006	
€250,000 in 2007	
€250,000 in 2008	
€225,000 in 2009	
€205,000 in 2010	€225,000
€150,000 in 2011	€205,000

Finally, I have requested my officials and the HSE to meet with the Irish Osteoporosis Society in the coming weeks.

Health Services

639. **Deputy John McGuinness** asked the Minister for Health if a bone density test will be arranged as a matter of urgency in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [36132/11]

Minister for Health (Deputy James Reilly): The management of outpatient waiting lists is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply.

Medical Cards

640. **Deputy Tom Fleming** asked the Minister for Health the position regarding a medical card application in respect of persons (details supplied) in County Kerry. [36135/11]

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.

641. **Deputy Tom Fleming** asked the Minister for Health the position regarding a medical card application in respect of persons (details supplied) in County Kerry [36136/11]

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.

642. **Deputy Tom Fleming** asked the Minister for Health the position regarding a medical card application in respect of persons (details supplied) in County Kerry. [36137/11]

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.

Mental Health Services

643. **Deputy Jim Daly** asked the Minister for Health his plans to address the shortfall of staff for patients in the mental health services; and if he will make a statement on the matter. [36146/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): This Government is committed to implementing *A Vision for Change*, the Report of the Expert Group on Mental Health Policy and reforming our model of healthcare delivery so that more and better quality care is delivered in the community. The Programme for Government includes a commitment to ring-fence €35 million annually from within the health budget to develop community mental health teams and services and this is currently being considered as part of the Estimates process for 2012 and future years.

In this regard, I have asked the HSE to prepare an implementation plan, which will identify specific recommendations of *A Vision for Change* that can be progressed over the next three years, with timelines, detailed costs, structures and identifiable person(s) responsible for driving the change including delivery on the commitments in our Programme for Government. Issues related to staffing levels particularly in community mental health teams will be examined in this context.

Question No. 644 answered with Question No. 614.

Health Services

645. **Deputy Aengus Ó Snodaigh** asked the Minister for Health his views that the decision

to move the Rialto early morning methadone clinic from 7 a.m. to 9 a.m. to 9 a.m. to 12 noon will have a detrimental impact on the service users because the later time does not facilitate participation in education, training and work; and if he will intervene to ensure that the earlier slot remains open to service clients. [36151/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): I am advised by the HSE that the change in the morning opening hours of the Rialto Methadone Clinic will result in an additional hour's treatment time and will enable the service to cater for more clients. It is the view of the HSE that clients who are in a position to engage in full time work, training or education should receive their treatment from GPs rather than clinics as this will assist them in normalising their lifestyles.

Hospital Services

646. **Deputy David Stanton** asked the Minister for Health if he will provide details of the average occupancy in 2010 for each of the Cork University Hospital, the Mercy University Hospital and the South Infirmiry Victoria University Hospital respectively; and if he will make a statement on the matter. [36166/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Health Service Staff

647. **Deputy Jerry Buttimer** asked the Minister for Health the amount spent by him and the Health Service Executive on agency staff in each of the past three years; and if he will make a statement on the matter. [36167/11]

648. **Deputy Jerry Buttimer** asked the Minister for Health if there has been any instruction given to local Health Service Executive service providers to cease using agency staff; and if he will make a statement on the matter. [36168/11]

649. **Deputy Jerry Buttimer** asked the Minister for Health if he will consider mandating the Health Service Executive to assign the budget used for agency staff to recruit additional front-line HSE staff; and if he will make a statement on the matter. [36169/11]

655. **Deputy Richard Boyd Barrett** asked the Minister for Health the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36228/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 647 to 649, inclusive, and 655 together.

The Health Service Executive spent €117 million on agency staff in 2008, €108.3 million in 2009 and €153.4 million in 2010. The use of agency staff, including doctors, nurses, and healthcare assistants, has always been a feature of the health system and will be an ongoing requirement. Agency staff are used to fill vacancies that arise for a variety of reasons including sick leave, annual leave and maternity leave, and to ensure continuity of service provision.

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

[Deputy James Reilly.]

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.

The ECF provides that while agency staff is not specifically included in the employment ceiling in the employment control framework such staff can only be made use of in exceptional circumstances to provide emergency relief for medical/professional staff providing essential frontline health, welfare and protection services. They may not be used to: substitute for management/administrative staff, substitute or replace temporary positions which have been terminated or posts which have been suppressed under this framework, or to effectively increase the numbers of staff employed in a body.

The decision to use agency staff is made at local service level. 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, though service requirements in certain areas have resulted in a higher level of usage than anticipated.

The HSE has engaged the following agencies since it introduced a new contract for the provision of agency staff in March 2011:

- Nurse on Call — Agency Nurses to HSE South, HSE Dublin Mid Leinster & HSE,
- CPL Health Care — Agency Nurses to HSE West, Agency Health Care Assistants to HSE South, HSE Dublin/Mid Leinster; Allied Health, Professionals and Social Care Workers to HSE South, HSE Dublin /NorthEast, and HSE Dublin Mid Leinster,
- TTM Healthcare — Agency Allied Health Professionals & Social Care Workers to HSE West; Agency Health Care Assistants to HSE West,
- Locum Express — Agency Doctors to HSE Dublin Mid Leinster and HSE West,
- Global Medics — Agency Doctors to HSE South,

Agency staff costs can be broken down as follows:

- a) Pay to agency worker,
- b) Agency Commission as follows : Nurse on call 5.5%, CPL Healthcare 5.9%, TTM Healthcare 8%, Locum Express 8.75%, Global Medics 11.75%,
- c) Employers PRSI at 10.75%,
- d) Holiday and public holiday pay at 12%, and
- e) Vat at 21% on all of the above.

The rates paid to agency staff are aligned to the consolidated salary scales approved by my Department. Agency Nurses are currently paid at either the 1st point of the salary scale or the 5th point of the 2010 salary scale and receive the statutory minimum in terms of annual leave. Agency Health Care Assistants are currently paid at 30% less than the 1st point of the approved salary scale and receive the statutory minimum in terms of annual leave. Agency Allied Health Professionals and Social Care Workers are currently paid at 15% less than the 1st point of the salary scale and receive the statutory minimum in terms of annual leave. Agency Hospital Consultants are paid at the approved salary scale for the job. Agency Non-Consultant Hospital Doctors (NCHDs) are paid approximately 20% more than the current approved salary scale. This is due to the shortage of NCHDs in the Irish market.

The information in relation to the Non-Commercial State Agencies is currently being collated by my Department and will be forwarded to the Deputy as soon as it is available. Agency staff are not utilised within the Department of Health at any stage.

Medical Aids and Appliances

650. **Deputy Ciarán Lynch** asked the Minister for Health when a decision will issue on an application for an orthopaedic bed in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [36170/11]

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 Service Staff

651. **Deputy Seán Kenny** asked the Minister for Health the number of doctors, nurses, health care assistants and other medical staff currently working in a health centre (details supplied) in Dublin 5; and if he will make a statement on the matter. [36190/11]

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

652. **Deputy Bernard J. Durkan** asked the Minister for Health, further to Parliamentary Question No. 945 of 14 September 2011, the progress made to date in determination of the extent of support services available to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [36216/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I have made enquiries with the Health Service Executive and I have been informed that the local area health office is compiling a response for the Deputy. I have asked the HSE to expedite their response to you.

Medical Cards

653. **Deputy Tom Fleming** asked the Minister for Health the position regarding the over 70 medical card application in respect of a person (details supplied) in County Kerry. [36217/11]

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.

Grant Payments

654. **Deputy Simon Harris** asked the Minister for Health his plans to alter the criteria of the motorised transport grant to enable parents of children under the age of 17 years to apply for a grant in view of the severe hardships that many such parents have transporting their severely ill children; and if he will make a statement on the matter. [36219/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): There are no plans to extend the eligibility criteria for the Motorised Transport Grant. All public expenditure programmes and schemes are being considered as part of the Comprehensive Review of Expenditure and Estimates process for 2012 which is currently underway.

Question No. 655 answered with Question No. 647.

Hospital Services

656. **Deputy Brian Stanley** asked the Minister for Health his plans to bring into full use the 59 beds in the psychiatric unit in Portlaoise Hospital, County Laois; of particular concern are the six beds for the over 65 year olds, which have been shut for over two years. [36237/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter the question has been referred to the HSE for direct reply.

National Lottery Funding

657. **Deputy Catherine Byrne** asked the Minister for Health if an organisation (details supplied) has been successful in its application for national lottery funding from his Department; and if he will make a statement on the matter. [36243/11]

Minister for Health (Deputy James Reilly): My Department has received an application for funding from the 2011 National Lottery allocation from the organisation in question. This is one of a large number currently being assessed by my Department. The Deputy will be informed of the outcome of the application as soon as a decision has been made.

Medical Cards

658. **Deputy Michael Healy-Rae** asked the Minister for Health the position regarding a medical card appeal in respect of a person (details supplied) in County Kerry. [36269/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Question No. 659 answered with Question No. 609.

660. **Deputy John McGuinness** asked the Minister for Health if he will investigate the long delays in processing medical card applications; if he will take immediate action to clear the backlog; if he will explain the reason medical card renewals are taking so long to approve; if he will also investigate the delay in the appeals system and confirm the action he is taking to clear the backlog; if he will clarify the options available to members to make representations on behalf of applicants listed (details supplied) and expedite a response in each case; if he will explain the reason the local Health Service Executive staff will not give information regarding applications; and if he will make a statement on the matter. [36276/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): I have asked the Health Service Executive for a report on the general issues raised by the Deputy and I will revert to the Deputy on these matters as soon as possible. I have referred the individual queries to the HSE for investigation and direct response to the Deputy.

Infectious Diseases

661. **Deputy Ann Phelan** asked the Minister for Health if he will address the disproportionate distress imposed on the relatively few persons in this country who contract Lyme disease, if he will now consider adding Lyme disease to the national categories list of notifiable diseases. [36289/11]

Minister for Health (Deputy James Reilly): This disease can present as a mild illness or, in a small percentage of cases, can lead to more serious illness. A fact sheet on the disease, developed by the Health Protection Surveillance Centre (HPSC), is available on their website (www.hpsc.ie) to provide members of the general public and media with advice on minimising

the risk of Lyme disease. The HPSC site also provides international guidelines on treatment. The HPSC has also produced a leaflet “*Protecting Yourself Against Tick Bites and Lyme Disease*” which may be downloaded from their website.

Hospital Services

662. **Deputy Brendan Smith** asked the Minister for Health if urgent consideration will be given to a request by Monaghan County Council (details supplied); and if he will make a statement on the matter. [36345/11]

663. **Deputy Brendan Smith** asked the Minister for Health the up-to-date position regarding a proposal to establish a medical assessment unit at Monaghan General Hospital; and if he will make a statement on the matter. [36346/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 662 and 663 together.

I am committed to ensuring that acute hospital services at national, regional and local level are provided in a clinically appropriate and efficient manner. In particular, I want to ensure that as many services as possible can be provided safely in smaller 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 about the role of smaller hospitals and will 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, currently being developed and implemented by the HSE. These inter-related programmes aim to improve service quality, effectiveness and patient access and to ensure that patient care is provided in the service setting most appropriate to individuals’ needs. The change in the opening times of the Monaghan MIU 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 has concluded that they would not generate sufficient savings in the short term. Following a detailed analysis of this issue, the HSE has estimated that total annual savings of almost €400,000 would be generated with this alteration of opening hours.

I am favourably disposed towards the development of Medical Assessment Units, as 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 established an independent feasibility study which will examine if there is a clinical need for a Medical Assessment Unit in Monaghan Hospital for the population of Monaghan. It will also establish the pay and non-pay costs and internal/external support services associated with the establishment and running of an MAU in Monaghan. The group commenced its work on 17 October 2011 and the time frame for completion of the project is 6-8 weeks.

Health Services

664. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health the position regarding the proposed primary care centres for Corduff and Mulhuddart, County Dublin, including timelines for start date and completion. [36352/11]

Minister for Health (Deputy James Reilly): The Health Service Executive has responsibility for the management and delivery of the health capital programme. I have, accordingly, referred your question to the Executive for attention and direct reply.

665. **Deputy Billy Timmins** asked the Minister for Health the position regarding proposals to develop a primary care centre in Carnew, County Wicklow; and if he will make a statement on the matter. [36358/11]

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.

666. **Deputy Billy Timmins** asked the Minister for Health the position regarding proposals to develop primary care centres in County Wicklow; and if he will make a statement on the matter. [36359/11]

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.

Appointments to State Boards

667. **Deputy Gerry Adams** asked the Minister for Health if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36956/11]

Minister for Health (Deputy James Reilly): No former holders of the Office of Attorney General have been appointed to boards under the aegis of my Department.

Road Safety

668. **Deputy Michael Creed** asked the Minister for Transport, Tourism and Sport if he will consider extending the speed limit on the national motorways to 140 km/h; and if he will make a statement on the matter. [35462/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Different default speed limits apply to particular categories of roads. Default speed limits are termed as “ordinary speed limits” by the Road Traffic Act 2004. There are also speed restrictions for certain classes of vehicles. As of 2007, the ordinary speed limits are as follows:

- 120 km/h for motorways
- 100 km/h for National Routes (Primary and Secondary) that are not motorway status.
- 80 km/h for local and regional roads.
- 50 km/h in built up areas.

Within these ordinary speed limits, it is a matter for the National Roads Authority and the local authorities to determine the appropriate speed limits for individual roads or sections of road in their areas of responsibility. In general, motorways in Ireland are designed for 120 kilometre per hour speeds. Given issues pertaining to road safety and climate change, I have no proposals, at present, to increase this default speed limit on national motorways.

Information Technology

669. **Deputy Denis Naughten** asked the Minister for Transport, Tourism and Sport the number of computer servers that are leased by his Department and each State agency under the aegis of his Department; the amount of capacity on each server; the cost of maintaining

these servers and the steps being taken to reduce this cost; and if he will make a statement on the matter. [35521/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): My Department does not lease any computer servers. The expenditure of agencies is an operational matter for the agencies concerned. I have referred the Deputy's question to them for direct reply. Please advise my private office if you do not receive a reply within ten working days.

Public Transport

670. **Deputy John Lyons** asked the Minister for Transport, Tourism and Sport the number of buses in the Dublin Bus fleet that are wheelchair accessible; and if he will make a statement on the matter. [35767/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The issue raised is a matter for Dublin Bus. I have referred the Deputy's question to the company for direct reply. Please inform my private office if you do not receive a reply within ten working days.

EU Funding

671. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the amount of funding supplied from the European Union to the State to fund the development of the A5 road; the amount that has been spent; and his plans for any remaining funds. [35772/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Irish Exchequer is not in receipt of any EU funding in respect of the development of the A5 project.

672. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the funding supplied by the European Union to the State to fund the development of the DART underground; the amount that has been spent; and his plans for any remaining funds. [35773/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The Dart Underground was allocated €10 million from the EU Ten-T Budget to cover the design and development process, geotechnical investigations and various surveys and studies that include topographical surveys, condition surveys, archaeological surveys and utility surveys. Most of the work for which funding was granted has already been completed and €5.5m has been claimed to date.

My Department and the National Transport Authority (NTA) are in discussions with the Ten-T Executive Agency regarding the phasing of the remaining payments now that the project has been postponed. Some further payments are likely to be received in the next 18 months. The amount spent to date on the project is €36.1m and any remaining expenditure will relate to orderly wind up activities and the bulk of this is likely to be drawn down by year-end.

673. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the funding supplied from the European Union to the State to fund the development of metro north; the amount that has been spent; and his plans for any remaining funds. [35774/11]

674. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the funding supplied from the European Union to the State to fund the development of metro west; the amount that has been spent; and his plans for any remaining funds. [35775/11]

675. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport the amount of money that has been spent to date on the BXD, metro north, metro west, DART underground and the A5 road respectively. [35776/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 673 to 675, inclusive, together.

I am advised by the National Transport Authority (NTA) that the following amounts have been spent to date on the relevant public transport projects:

- LUAS BXD — €10.8m
- Metro North — €153.2m (including accruals of €5m)
- Metro West — €18.3m
- DART Underground — €36.1m

I would point out that there will be further costs associated with the orderly deferral of these projects. In the case of Metro North, the main item will be the works at the Mater Hospital which are required to be undertaken in order to preserve, ahead of the completion of the new Adult Hospital, the necessary clearance envelope for the subsequent construction of the underground Metro stop whenever it is decided to proceed with this project in the future. I believe it is important to carry out these works so that the Metro can be built at some point in the future without the requirement to close the Adult Hospital.

With regard to Metro West, any remaining expenditure will also relate to orderly wind up activities by year-end and there are no plans for additional expenditure beyond 2011. I expect to have full details of all outstanding costs for these projects by year-end. No funding has been sought or received from the European Union in respect of Metro North or Metro West. DART Underground has been allocated €10 million from the EU TEN T budget for technical and preparatory studies and reports of which €5.5m has been claimed to date.

As regards the A5 project to date funding of £19 million (Sterling) has been paid by the Irish Government towards its planning. A further £3 million (sterling) is due to be paid in 2012 in conjunction with the achievement of the fourth project milestone — the completion of the Public Inquiry. As the A5 project is being implemented by the Roads Service of Northern Ireland, overall expenditure to date is a matter for them.

Infrastructure Investment Plan

676. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport if he will outline the specific projects that he plans for County Donegal arising from the Capital Investment Framework 2012-16; and if he will make a statement on the matter. [35835/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As indicated in the Capital Investment Framework 2012-2016 investment in transport infrastructure is being scaled back significantly over the next five years. In the roads sector the bulk of available funds will be focused on maintaining the existing road network. Within the capital allocations now set, the implementation of individual national road projects is a matter for the National Roads Authority (NRA) under the Roads Acts 1993-2007, in conjunction with the local authorities concerned.

Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days. Regarding the funding of individual regional and local road projects in 2012 the Grant Allocations for that year will be announced early in 2012.

Road Network

677. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the

total amount of money invested over the past 15 years in order to complete the dual carriage motorway (details supplied); and if he will make a statement on the matter. [35860/11]

678. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the total amount of money invested in the past 15 years in order to complete the dual carriage motorway between Dublin and Galway; and if he will make a statement on the matter. [35861/11]

679. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the total amount of money invested over the past 15 years in order to complete the dual carriage motorway between Dublin and Limerick; and if he will make a statement on the matter. [35862/11]

680. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the total amount of money spent over the past 15 years in order to complete the dual carriage motorway between Dublin and Wexford; and if he will make a statement on the matter. [35865/11]

681. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the total amount of money spent over the past 15 years in order to complete the dual carriage motorway between Dublin and Waterford; and if he will make a statement on the matter. [35866/11]

682. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the total amount of money spent over the past 15 years in order to complete the dual carriage motorway between Dublin and Dundalk; and if he will make a statement on the matter. [35867/11]

683. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport the total amount of money spent over the past 15 years in order to complete the dual carriage motorway between Dublin and Sligo; and if he will make a statement on the matter. [35868/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): I propose to take Questions Nos. 677 to 683, inclusive, 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. Noting the above position, I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you do not receive a reply within 10 working days.

Cycle Facilities

684. **Deputy Catherine Byrne** asked the Minister for Transport, Tourism and Sport the way the €10 million which was allocated in 2009 to develop cycle paths in Dublin along the Grand Canal to Fairview has been put to use; if there is any residual funding for additional stretches of the canal walkway which need to be upgraded; and if he will make a statement on the matter. [35886/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): Since 2009 my Department has recouped €3.4m spent by Dublin City Council and it is expected that a further €1.2m will be recouped this year on the construction and development of the premium cycle route between Portobello and Guild Street. Completion of the proposed route

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between Sheriff Street and Ossory Road has encountered local difficulties in terms of route selection. Further consideration is being given to the most appropriate route in conjunction with Dublin City Council and the National Transport Authority with a view to co-ordination with planned National Transport Authority investment in cycling infrastructure in the area and securing value for money while maximising strategic cycle route delivery.

Public Transport

685. **Deputy Robert Dowds** asked the Minister for Transport, Tourism and Sport if he will ensure that there is no cut to the subsidy for Dublin Bus next year, and could he make economies elsewhere. [35916/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The funding of public service obligation (PSO) services is governed by Public Transport Contracts between the National Transport Authority (NTA) and the three CIÉ subsidiaries. In 2011 Dublin Bus will receive, through the NTA, an estimated €72.4 million in Exchequer subvention.

Decisions on the overall level of subvention available for PSO services in 2012 will be made following the comprehensive review of expenditure currently being undertaken by Government. Given that in excess 75% of my Department's expenditure on Transport in 2011 will relate to Road Improvement/Maintenance Work and Public Service Provision Payments, any reduction to my Department's allocation will inevitably impact on expenditure in those areas. Therefore it is inevitable that, in the current fiscal environment, there will be a significant reduction in the level of subvention in 2012 and following years. I support a continuation of the efforts by the company to improve its efficiency and reduce the costs of providing Public Service Obligation services.

Taxi Regulations

686. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport his views on a matter (details supplied) regarding a hackney business; and if he will make a statement on the matter. [35917/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): The NTA has direct responsibility for the regulation of taxi services and many of the issues mentioned are appropriate to the NTA. I have therefore arranged for your question to be forwarded to the NTA. If you do not receive a response within ten working days, please notify my private office.

Insofar as the matters mentioned refer to the wide-ranging terms of the taxi regulation review group, that I am chairing, I expect the review to complete its work shortly. As I have said repeatedly, the aim of the review is to enable necessary further reforms of the sector to allow consumers to have confidence in the taxi system while also ensuring that legitimate and competent operators and drivers can be rewarded fairly by operating under a regulatory framework that is adequately enforced.

Driving Licences

687. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport the reason persons who have held a US driver's licence for years on return to Ireland have to sit a test; the reason this does not apply to persons returning from countries where they drive on the same side of the road as here; if there will be a change of legislation on same; and if he will make a statement on the matter. [35976/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Irish driver licensing rules operate within the framework of an EU-wide licensing system. The criteria essential for recognition of licences from other countries are testing and licensing regimes which meet the requirement of the EU directive on driver licences. On this basis Ireland recognises licences from, and has mutual recognition and exchange of licence arrangements with, other EU Member States and a number of other jurisdictions where research and discussion has shown that standards in those jurisdictions match those here. The question of whether those countries drive on the left or the right side of the road is not an issue.

Driver licensing regimes in the United States of America vary between the different States, and not all of the States meet the EU requirement. As a result, the USA is not one of those countries with which Ireland has mutual recognition of licences.

In the absence of an exchange agreement, persons taking up residence in Ireland, who hold a US driving licence and who wish to obtain an Irish licence, must go through the normal procedures for obtaining a driving licence by passing the theory test, obtaining a learner permit and sitting the driving test. As of last April, it is a requirement that learner drivers take lessons before sitting the test. While this may seem demanding in cases where people have a safe driving record in another jurisdiction, the overriding policy concern behind these regulations is that the Irish system must be satisfied that people are properly qualified to drive on our roads. Where the driver licensing system in another jurisdiction is not compatible with EU standards, we cannot engage in a licence exchange relationship and must insist on testing drivers from such jurisdictions. However, the six months waiting rule before sitting a driving test does not apply to applicants who come to Ireland with a full in date licence from their own country.

Driver Testing Service

688. **Deputy Martin Ferris** asked the Minister for Transport, Tourism and Sport if plans are in place to close the driving test centre in Tralee, County Kerry; and if he will make a statement on the matter. [36062/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The subject matter of this particular question, i.e. the operation of the driver testing service, is a matter for the Road Safety Authority, and I have referred the question to them for direct reply. I would ask the Deputy to contact my office if a reply has not been received within ten days.

Sports Capital Programme

689. **Deputy Billy Kelleher** asked the Minister for Transport, Tourism and Sport if sports capital grants are to be made available in 2012; if so, when will organisations be invited to apply; the amount that will be allocated to County Cork; and if he will make a statement on the matter. [36097/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): I will be announcing two new rounds of the Sports Capital Programme between 2012 and 2016. The first of these will be advertised in the New Year. The amount allocated to any county under the Sports Capital Programme is dependent on the quality and quantity of the applications received from that county and the overall level of funding available.

Taxi Regulations

690. **Deputy Michael Creed** asked the Minister for Transport, Tourism and Sport, further to Parliamentary Question No. 43 of 29 September 2011 and Parliamentary Question No. 546 of 11 October, 2011, if he will clarify the reason the National Transport Authority revoked the

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nine-year rule only for those who had applied for their first vehicle licence prior to 1 January 2009; the reason those holding their first licence after this date are treated differently with regard to vehicles of nine years of age; and if he will make a statement on the matter. [36121/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):

I understand that on 21 November the NTA has written to the Deputy clarifying the position as regards PQ No. 545 of 11 October 2011, which was referred to the NTA for reply direct to the Deputy. The NTA has completed a public consultation on vehicle standards with a view to advancing new regulations to come into force in 2012. As part of the review of the taxi sector announced by me on 8th June last, the NTA examination of appropriate vehicle standards including the nine year rule is being taken into account in the course of the the review due to be completed shortly.

Rail Network

691. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport the action Iarnród Éireann proposes to resolve an issue of an unmanned and not automated level crossing (details supplied) in County Kerry; and if he will make a statement on the matter. [36161/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The issue raised is an operational matter for Iarnród Éireann. I have referred the Deputy's question to the company for direct reply. Please inform my private office if you do not receive a reply within ten working days.

Railway Stations

692. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport the position regarding a ticketing machine at a railway station (details supplied) in County Kerry; and if he will make a statement on the matter. [36165/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The issues raised are operational matters for Iarnród Éireann. I have referred the Deputy's question to the company for direct reply. Please inform my private office if you do not receive a reply within ten working days.

Tourism Promotion

693. **Deputy Eric Byrne** asked the Minister for Transport, Tourism and Sport if it is envisaged that Irish family associations through membership of Clans of Ireland will be involved in the Gathering 2013 and the role, if any, of these organisations. [36174/11]

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.

London Olympics

694. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport if he or his officials met either the chairman or chief executive of London 2012 Olympics to ensure Ireland's full potential with regard to training facilities in the build up towards the 2012 Olympics; and if he will make a statement on the matter. [36197/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring):
No such meetings have taken place.

Consultancy Contracts

695. **Deputy Richard Boyd Barrett** asked the Minister for Transport, Tourism and Sport the names of agencies which provide staff for his Department and for bodies and agencies under its aegis; the services they provide; the numbers of staff they provide; the cost of those services; the way this compares with direct employment of staff in equivalent roles; and if he will make a statement on the matter. [36233/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): My Department has used a number of options for obtaining specialist expertise which is not available in-house. This includes the engagement of a small number of information communications technology contractors and some specialist financial expertise. A short-term pilot arrangement with Irish Rail is also in place. A member of my Department is seconded to Irish Rail and an engineer from Irish Rail is working in my Department. In addition, an accountant has been seconded in from the National Roads Authority. Two external receptionists and a relief telephonist have also been engaged.

The question as to whether requisite expertise can be provided from internal rather than external resources is reviewed on a regular basis. The details of the current arrangements are contained in the table.

Agency Name	Number of staff	Service Provided	Cost (1/1/11 to date)
Vero Solutions	1	ICT — Database Administrator	€71,801
IT Force	3	ICT — Network Support Administrators	€182,592
Version 1	1	ICT — Java Development	€140,053
Spanish Point	1	ICT — Sharepoint Development	€118,892
Hays	1	Accountancy	€141,108
Aramark	2	Receptionist	€58,750
NCBI (National Council for the Blind)	1	Relief Telephonist	€882.60
National Roads Authority	1	Accountant (on secondment)	Recoupment of salary costs is yet to be agreed and will be effective from 1st January 2012
Iarnród Éireann	1	Pilot Exchange	No cost

The total cost of the ICT contractors above to date in 2011 is €513,338. If it is assumed that specially trained Higher Executive Officers could provide these services, direct employment of staff in equivalent roles would have cost €475,540. The total cost for external receptionists to date in 2011 is €58,750. The figure for two Services Officers to fulfil the same role for the same period is estimated at €42,281. The cost of external accountancy services to date in 2011 is €141,053. The cost of direct employment of a Professional Accountant, Grade 1 for a ten month period is estimated at €86,816.

The information requested by the Deputy in relation to the agencies is a matter for the agencies themselves. I have forwarded the Deputy's question to the agencies concerned for their direct response. If the Deputy does not receive a reply within ten working days, please advise my private office.

National Car Test

696. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the position regarding the criminal investigation under way in relation to alleged criminal practices at a number of national car test centres as uncovered on a television programme (details supplied) earlier this year; if he is satisfied that the issues which were uncovered in this programme have now been fully addressed; if so, if he is confident that such practices will not recur; and if he will make a statement on the matter. [36355/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the delivery of the National Car Test. The RSA has overall responsibility for the operation, oversight, development, quality assurance and delivery of vehicle testing arrangements. The testing function is carried out by Applus+, since January 2010, under a contractual arrangement with the RSA.

The RSA exercises a supervisory role to ensure the service is provided in line with the conditions of the contract. In order to assist the RSA in carrying out this supervisory role, the Authority has appointed a contractor to carry out certain supervisory services on its behalf. These relate to monitoring the achievement of the performance and acceptable standards by Applus+, and reporting regularly to the RSA. This service is currently provided by a consortium made up of PricewaterhouseCoopers and the Automobile Association. The RSA continuously monitors Applus+ performance and has regular meetings with them to ensure compliance with contract requirements.

Following the “Prime Time Investigates” programme, earlier this year, Applus+ undertook an internal investigation and the seven vehicle inspectors who were identified as a result of the programme and internal analysis were suspended. Three were dismissed soon afterwards. Since then, investigations have resulted in the dismissal of three additional members of staff. Whilst any process that results in loss of employment is regrettable, it demonstrates that, given evidence of wrongdoing, NCTS will act quickly and decisively. Applus+ has submitted a number of requests to RTE for the information under the Freedom of Information Act. “Prime Time” has refused to provide the information on the grounds that it is outside Freedom of Information.

I am advised that a Garda investigation is currently underway and Applus+ is providing all information and assistance required. Applus+ is implementing a number of measures to address the issues raised. While details of many of these must necessarily be kept confidential, they include preventative measures and fraud detection measures based on following up on specific risk areas identified. Notwithstanding the issues highlighted by the “Prime Time” programme, the RSA has acted swiftly and proactively to address the issues raised. I am assured that it will continue to take every possible action to tackle these issues head on.

Appointments to State Boards

697. **Deputy Gerry Adams** asked the Minister for Transport, Tourism and Sport if former holders of the Office of Attorney General have been appointed to State boards by the 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 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. [36960/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): There are no former holders of the Office of Attorney General serving on any State boards under the aegis of my Department.