

DÁIL ÉIREANN

Dé Céadaoin, 30 Samhain 2011.
Wednesday, 30 November 2011.

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

Paidir.

Prayer.

Leaders' Questions

Deputy Micheál Martin: The crisis in Europe continues and it appears Ireland is standing idly by while Rome burns. Three weeks ago, I wrote to the Taoiseach requesting a meeting to discuss a co-ordinated response from parties in this House to the eurozone crisis and to the question of treaty change. He refused point blank such a meeting.

Deputy Simon Harris: With good reason.

Deputy Micheál Martin: The time for ducking and diving is over in regard to the eurozone crisis. There is no sense of any inclusive discussion or negotiation and there is no sense of Ireland putting forward any ideas, proposals or suggestions. Has the Taoiseach spoken to, or met, any eurozone leader since his meeting with Chancellor Merkel regarding forthcoming proposals? Has he spoken to President van Rompuy? Has he tabled ideas to him about limited treaty change or whatever it takes to come through this? There is more clarity in terms of proposed treaty changes in the international media than there is in this House. There has been no clarity, no frankness of discussion and no engagement on it.

People do not have a difficulty with stronger budgetary surveillance across Europe but anyone who thinks that alone will restore market confidence is choosing to ignore reality. I have been saying for months in the House that the European Central Bank, ECB, has to be allowed to intervene effectively and decisively in this crisis and that is being put off month after month. Only one month ago, the Taoiseach came back from a summit saying all was well and decisive steps had been taken. That unravelled within days.

Deputy Bernard J. Durkan: Eight months ago, Fianna Fáil was responsible.

Deputy Micheál Martin: Given we read this morning that major global companies are engaged in planning scenarios for a euro crash, can the Taoiseach confirm that the Government has contingent plans for the worst case scenario because people are now talking about a crisis turning into a catastrophe?

The ESRI made the important point that GDP will grow next year by 1% while GNP will fall and grow by less than 1% because of the eurozone debt crisis. Given those predictions, will the Taoiseach confirm to the House that the Government is sticking to the 1.6% growth rate

[Deputy Micheál Martin.]

as outlined in the fiscal framework some weeks ago and that this growth target is tenable and credible?

The Taoiseach: I note the Deputy used the phrase “standing idly by”.

Deputy Simon Harris: It will be Fianna Fáil’s epitaph.

Deputy Bernard J. Durkan: Fianna Fáil was doing that for the past four years.

The Taoiseach: One more famous than Deputy Martin or myself used that phrase.

Deputy Micheál Martin: He never used the word “idly”.

The Taoiseach: It is true that the Deputy wrote to me a couple of weeks back but it was not just to request a meeting to discuss this. He wanted it so that I could be given a mandate from leaders of the Opposition to go to Europe. I made the point to him in my response that the two parties opposite are diametrically opposed in respect of their views on Europe. Fine Gael and the Labour Party have a clear view about Europe, which Fianna Fáil shares but which the other party does not share. There is no point having a meeting where clearly diametrically opposed political views are expected to give me a mandate according to the Deputy’s letter. I explained that in my response; I did not turn down the request point blank. I pointed out the complete daftness of looking for a mandate or a recommendation from his party and from Sinn Féin when they are diametrically opposed on this.

I expect to speak to President van Rompuy who was mandated at the last Council meeting to produce a programme and proposals for the road map for the time ahead. That is to be produced on 9 December. I understand leaders in France and Germany are about to make pretty major speeches but we have had all the speculation, endless comment and endless commentary from economists, bankers and those on the sidelines who do not have to make the decision here. The Deputy will understand that this is now a crisis in the eurozone, as I pointed out previously. A decision of the last meeting was that the EFSF should have two vehicles available to it to ratchet up funding to provide this credible backstop and firewall of more than €1 trillion. That lost the confidence of the markets. Has anybody out there the answer to this problem and question which now needs to be addressed? I have set out on many occasions that the ECB is the port of call of infinite firewall capability to prevent all that contagion. Some countries oppose that for strong reasons. In my view, the answer to this problem has to lie with the support of the ECB in whatever form, be it through the EFSF, IMF or some facility in that regard but it has got to be dealt with quickly.

We had the discussion about the position on treaty change. Even if all the countries were to agree, which they would not, of course, one cannot deal with this crisis by that method before Christmas.

Deputies: Hear, hear.

The Taoiseach: It has got to be dealt with politically and quickly. We have been clear about this and I am glad the Deputy shares my view in respect of the requirement of support for the ECB because this is a concern for business in respect of investment into the eurozone and into Ireland and, clearly, for a country that exports so much from our shores, if other countries are having trouble with banks and restructuring and their economies are in decline, this issue has to be addressed forcefully.

I listened carefully to Dr. Durkan of the ESRI this morning. While his predictions were short of where they were last year, I want the Deputy to understand that the Government has set its face in respect of producing our budget for 5 and 6 December and we are not changing the target we have set now. I note that Dr. Durkan said that if Europe and the eurozone sorted out their political problem about this financial crisis, confidence would return very quickly. That is where I am focused. I believe in the best result here, which is political leadership to sort out the problem and let us get on with our business. We have our difficulties here at home that we must deal with ourselves.

Deputies: Hear, hear.

Deputy Micheál Martin: I respectfully suggest to the Taoiseach that it would be never daft for political leaders in this House to meet on a crisis so severe and profound as the one we are now facing within Europe.

Deputy Tom Hayes: Deputy Martin should be constructive.

Deputy Micheál Martin: We had no difficulty, and the Government had no difficulty, proposing a mandate from this Parliament on corporate tax, which was unanimously agreed. There was no difficulty with a parliamentary mandate when the previous Government was involved in summit negotiations.

Deputy Tom Hayes: Deputy Martin obviously did not listen to the debate which took place last night.

Deputy Micheál Martin: Nor has the current Administration had such a difficulty because it has a mandate. This crisis is so severe it is important that frank discussions should take place both in this House and between political parties——

An Ceann Comhairle: A question please.

Deputy Micheál Martin: ——in the context of the options that are being considered. What eventually emerges should not come as a surprise to parliamentarians or to the people who are being kept in the dark with regard to what is being suggested or proposed by European leaders in respect of the eurozone.

Deputy Bernard J. Durkan: This is a speech.

Deputy Micheál Martin: The difficulty is——

An Ceann Comhairle: A question please.

Deputy Micheál Martin: ——that all sorts of predictions regarding outcomes, etc., have been made after each summit which has taken place since February. We have been continually informed that things will get better and that decisive interventions have been made. Within days, however, every set of proposals that has emanated from one of these summits has failed. When he entered Government, the Taoiseach stated that he would embark on a diplomatic initiative.

An Ceann Comhairle: A question please, Deputy.

Deputy Micheál Martin: He has not done so.

An Ceann Comhairle: The Deputy should ask a supplementary question.

Deputy Bernard J. Durkan: This is a speech.

Deputy Micheál Martin: Does the Taoiseach agree with the Minister for Finance, Deputy Noonan, who stated yesterday that the Government has no idea what will be proposed?

The Taoiseach: In the context of seeking unanimity and a mandate on the corporation tax rate, everyone agreed with what we sought to do. There were no dissenting voices in this country or in this Parliament or to the 12.5% rate relating thereto. There was, therefore, no question with regard to unanimity.

Deputy Micheál Martin: There was no dissent when the relevant motion was put to the House. Prior to that, however, people outlined their different positions.

The Taoiseach: If Deputy Martin can square his views on Europe with those of Deputy Adams and if the two can come to me with an agreed position with regard to where we should be——

Deputy Bernard J. Durkan: Hear, hear.

The Taoiseach: ——I will certainly listen to what they have to say.

Deputy Timmy Dooley: There is no Mullingar accord on this side of the House.

(Interruptions).

A Deputy: Deputy Ó Caoláin can build a firewall over there.

The Taoiseach: Never the twain shall meet.

(Interruptions).

Deputy Micheál Martin: The Taoiseach must challenge people. He must make them familiar with the issues.

(Interruptions).

The Taoiseach: Deputy Martin stated that he has been kept in the dark——

Deputy Micheál Martin: I did not say that. The Taoiseach is not telling us anything.

An Ceann Comhairle: A time limit applies in respect of Leaders' Questions.

The Taoiseach: ——and that he is learning more from the international press with regard to what is happening. Unlike what used to be the case in the past, following the Order of Business the Deputy will have the opportunity to say his piece in respect of the forthcoming European Council meeting.

Deputy Micheál Martin: I will say my piece but the Taoiseach is obviously not going to inform me what is proposed.

The Taoiseach: The Deputy can take that opportunity to indicate his position.

Deputy Micheál Martin: He has stated that he does not know what President Van Rompuy will propose. He has not even met the man. The Taoiseach stated that he expects to meet him.

An Ceann Comhairle: Deputy Martin should cool down.

The Taoiseach: Yesterday, the Deputy stated that we should reverse the decision in respect of the A5 road which runs across the Border and which is going to cost €400 million.

Deputy Micheál Martin: Yes, I certainly did.

The Taoiseach: Does he want to build that road instead of constructing the new national children's hospital?

Deputy Micheál Martin: Sorry, I did not say that. We had a four year plan with a capital programme which would have allowed both the national children's hospital and the A5 projects to proceed.

The Taoiseach: That is what the Deputy said yesterday. We are obliged to make choices.

An Ceann Comhairle: The time for answering Deputy Martin's questions has expired.

Deputy Micheál Martin: There are no votes in the North for the Government, that is why it took its decision in respect of the A5.

The Taoiseach: President Van Rompuy was given a specific mandate by the European Council to produce his paper on 9 December. That is what he is doing and the meeting will focus on his paper.

Deputy Micheál Martin: At least he takes soundings and talks to governments. What has the Taoiseach said to President Van Rompuy?

The Taoiseach: Our officials are working with all of our counterparts on a regular basis.

An Ceann Comhairle: We are over time for these questions.

Deputy Micheál Martin: The Taoiseach has not even spoken to him. It is incredible that the Taoiseach has not been in discussions with a man who is proposing limited changes.

An Ceann Comhairle: Deputy Martin should have respect for the Chair.

Deputy Micheál Martin: I have respect for the House.

The Taoiseach: Deputy Martin does not know what President Van Rompuy will propose.

Deputy Micheál Martin: What is happening here is ridiculous.

The Taoiseach: President Van Rompuy is mandated——

(Interruptions).

The Taoiseach: If Deputy Martin is unable to restrain himself, I will sit down and he can make known his views.

An Ceann Comhairle: We are over time for these questions.

The Taoiseach: President Van Rompuy will present his paper to the European Council on 9 December. I reiterate that our view, as a Government, is very clear. This problem must be dealt with politically and it must be dealt with now.

Deputy Micheál Martin: The Taoiseach has been saying that for a year. He came to his position on the matter belatedly.

The Taoiseach: I have an answer to the problem and it is that the European Central Banks must be involved, in one way or another, in providing an effective and credible backstop or firewall in respect of countries where contagion exists.

Deputy Micheál Martin: We have been saying that for months.

The Taoiseach: That is the solution and action in respect of it must be taken now. The implications of the Van Rompuy paper and its contents will be discussed at the European Council meeting. From my point of view, this is a matter of real concern for Ireland, for every other eurozone member and for other countries, such as the United States, which invest in the eurozone. The latter is obviously extremely concerned in respect of this matter. The political leadership within the eurozone will be obliged to deal with this matter on 9 December. I have very clear views on what needs to be done politically and I will not be afraid to express them on behalf of this country when I attend the Council meeting.

Deputies: Hear, hear.

Deputy Gerry Adams: In the North today, public sector workers are taking strike action against the Tory Government in London. Sinn Féin supports this action.

(Interruptions).

Deputy Bernard J. Durkan: Surely the Deputy is mixing up his jurisdictions.

An Ceann Comhairle: Members should allow Deputy Adams to make his point.

A Deputy: Deputy Adams is referring to the North.

(Interruptions).

Deputy Gerry Adams: As already stated, Sinn Féin supports the action being taken by these workers. Low paid workers should not be obliged to pay more in pension contributions. There are also many other people without jobs or pension provisions who are being attacked by the Tories and not just in the North. In this State, our own little Tory Government is also inflicting a similar inequality upon citizens.

(Interruptions).

Deputy Patrick O'Donovan: Did the Deputy stay awake all night thinking up that one?

(Interruptions).

Deputy Gerry Adams: Yesterday, I called on the Taoiseach to cap public pensions and to ban the payment of them to people who are in employment. He indicated that he was going to tackle this issue but all he did was to add insult to injury. After yesterday's much heralded statement, the high flyers have been left with huge pensions that are being paid with the people's money. Former Taoisigh remain on public pensions of €147,000 per year and the coalition of hecklers opposite agrees with this.

Deputy Brendan Howlin: That is not true.

Deputy Gerry Adams: It is a disgrace. There is no sign of the Government's policies working on any front, either at home or in the EU. The Government is merely watching as the crisis develops in the eurozone and its kowtowing to the larger states has achieved nothing.

It appears the Taoiseach has not read the ESRI report. The Government is contemplating cuts to child benefit but there will be no real cuts for the golden circle.

Deputy Brendan Howlin: Not true.

An Ceann Comhairle: A question please.

Deputy Gerry Adams: There is no money for job creation but there is plenty for bondholders. There is also no money for hospitals, carers or students but there is an abundance for the Government's cronies in the political elites. How can the Taoiseach stand over this?

The Taoiseach: In the first instance, I am not sure which thesaurus the Deputy consulted this morning to find a definition of the word "Tory". He has had many dealings with the Tories and was not afraid to take their money when it was needed for good causes in Northern Ireland.

The Government has not been afraid to tackle a situation which has developed over quite a number of years and whereby extraordinary pensions were paid to a small number of specific personnel. The Minister for Public Expenditure and Reform, Deputy Howlin, has at least had the courage to begin a process of reduction. As a result, pensions in excess of €60,000 are being adjusted by 12% and those in excess of €100,000 are being adjusted by 20%. I note that the savings in this regard are of the order of €400,000. From the type of ranting in which the Deputy engages one would get the impression that if payment were stopped in respect of all pensions over €100,000, our national financial crisis would be resolved. We have a Constitution under which people have specific rights. The Government has made a decision, as the first step in a broad process, to adjust pensions of over €100,000 by 20% and those over €60,000 by 12%. This has never been done before.

This is just one of the decisions the Government has taken in respect of higher-paid public servants. The highest level of remuneration for such public servants is now €200,000 per year. In the past two days, the last remaining chief executive of a commercial State body who was earning over that amount took a voluntary pay cut.

Deputy Mattie McGrath: It is about time. That man could not see the wood for the trees.

The Taoiseach: What we are doing in this regard was never meant to be the answer to all our problems. However, it is the beginning of a process on the part of the Government to create a sense of fairness. Those at the lower end have been obliged to pay levies and charges of one form or another and those at the higher end should be also seen to pay their share. As already stated, this is the start of a process and the Minister for Public Expenditure and Reform, Deputy Howlin, had the courage to make a decision and put it into effect.

Deputy Billy Kelleher: Some of those in government have been drawing down pensions while serving in the House.

Deputy Gerry Adams: In response to my questions, the Taoiseach sometimes says things about the North which are entirely self-serving and juvenile. Such comments diminish him and the office he holds.

Deputy Bernard J. Durkan: Not at all.

Deputy Gerry Adams: We are concerned here with fairness and unfairness and equality and inequality. What is fair about someone who is still in employment drawing down a pension of €147,000 which is paid for by the people? Riddle me this. Yesterday the Taoiseach promised

[Deputy Gerry Adams.]

an elephant and the Minister, Deputy Howlin, farted and produced a mouse. It is a disgrace what the Government is doing,——

An Ceann Comhairle: Could I have Deputy Adams's question please?

Deputy Bernard J. Durkan: Start again.

Deputy Gerry Adams: ——the perpetuation of two Irelands. I used the term Tory——

Deputy Jerry Buttimer: Mind the carbon footprint.

Deputy Gerry Adams: ——deliberately and consciously.

The Taoiseach promised a break from the past. He promised an end to cronyism. He promised an end to spin. Yesterday, he promised that the Minister would come in here and make a statement in the Dáil. It was on the 6 o'clock news. That is how I learned about it. The Minister came in sometime later.

An Ceann Comhairle: Could I have a supplementary question?

Deputy Gerry Adams: The Taoiseach also described his election as a democratic revolution. Where is the revolution? *Viva la revolución*, Enda.

A Deputy: We had enough of that.

Deputy Noel Harrington: Friend of Lybia.

An Ceann Comhairle: Could I have Deputy Adams's supplementary question?

Deputy Gerry Adams: The Taoiseach stated this is the beginning of a process. Is he committing that these exorbitant pensions for those who are still working will be stopped and that he will cap all other public pensions?

The Taoiseach: As I stated, this Government has introduced a broad range of reforms across the spectrum here. For instance, there have been reductions in pension, the USC, the top rate of tax thing, the additional reduction here of 20% over €100,000. That means that for somebody who was on a pension of €125,000, when these reductions are in place he or she will be down to €71,000. That is a fairly significant shift from a Government that at least has set out its view of fairness and equality.

If Deputy Adams wants to go off and start language classes, he may do so. He has been speaking German — I do not know whether that was French, Spanish or Italian — and Irish and English.

Deputy Eric Byrne: Colombia.

The Taoiseach: They will do well.

Deputy Caoimhghín Ó Caoláin: It certainly is not gibberish.

The Taoiseach: I hope that they put up a stand for Deputy Adams when he does that.

Deputy Gerry Adams: The Taoiseach is speaking double-Dutch.

Deputy Finian McGrath: As I did not get an opportunity yesterday, on my own behalf and on behalf of the Technical Group, I want to express sincere and deepest sympathy to the

Taoiseach on the death of his mother. Our thoughts were with him over the past few days. I ask him to pass on our sympathy to his extended family.

Over the past few weeks, everybody has been running around worrying about the euro, the banking crisis and the other major issues facing this country, and we all understand this. Today, I want to raise another issue that seems to be running under the radar, that is, violent crime, attacks, murders, shootings and gangland killings.

Over the past two weeks, we have heard of young men being bundled into cars, a taxidriver murdered and a father blown away outside his home at 7 o'clock in the morning. We all have seen the tears and anguish of the D'Arcy family and Mr. Moses Ayanwole's family, and also we have seen the widespread intimidation going on in some communities.

How does the Taoiseach respond, as leader of the Government, to such crime? Is the Government doing enough to prevent these dreadful attacks? Also, has the Garda the necessary manpower to deal with these major issues? Does he accept that the gardaí on the ground and members of the drugs squad have major concerns, if some of these gang wars and shootings escalate? Will the Garda be able to cope and respond adequately to these crimes? Finally, what new measures can the Government put in place to protect and preserve human life as there seems to be no value on it in recent weeks?

The Taoiseach: I thank Deputy Finian McGrath for his expression of condolence.

The operations of the Garda Síochána are a matter for the Garda Commissioner, who reviews the position on a regular basis. I understand that up to the beginning of this month in 2011, there have been four gangland murders. Deputy McGrath will be aware, as many Deputies are, of the savagery that can break out in inter-gangland feuds. It is all about money, greed, power, territory or whatever, and life has been seen to be cheap. I deplore absolutely the sort of activities that we have seen recently and I share Deputy McGrath's view on that.

There have been significant changes in the legislation which allow for a real response to organised crime by the Minister for Justice and Equality, Deputy Shatter, and he has given his commitment in the House to review that question whenever that becomes necessary. He has requested the Department to look at the organised crime provisions contained in the Criminal Justice (Amendment) Act 2009 to see whether they should be updated or strengthened. The Minister is determined to see that Garda resources are prioritised to deal with front line policing. On the Garda inspectorate's report on Garda resource allocation,——

Deputy Billy Kelleher: We should put the Minister, Deputy Shatter, in uniform on the beat.

The Taoiseach: ——the Commissioner is preparing to implement a range of improvements to the resource allocations system. The Criminal Assets Bureau, as Deputy McGrath will be aware, has been very successful.

This is a case of information, vigilance and resources, and communities, as they always do, playing their part in seeing that young people, in particular, do not go down the road of getting involved in gangland warfare with horrendous results in some cases. It is an issue about which the Minister, Deputy Shatter, is in close contact with the Garda Commissioner in respect of prioritising the front line facilities for gardaí, who do an excellent job here in the sense of information and connection about what is happening in what is now quite a vicious underworld in this country.

Deputy Finian McGrath: I thank the Taoiseach for his response. There is major cross-party concern in this House about these gangland killings, but we need to be radical and bring forward alternative strategies to deal with the issues, and particularly the drugs issue. There is

[Deputy Finian McGrath.]

a significant market in middle-class and well-off areas for cocaine and then there is heroin across the more disadvantaged areas, and these are links to violent deaths.

Under the existing gangland legislation — there seems to be loads of legislation on the Statute Book — how many of those directly responsible have been arrested over the past 12 months? Would the Taoiseach accept that a well-off person who uses cocaine cannot shrug his or her shoulders and state that it has nothing to do with him or her when some young lad is blown away in a gangland hit? Is the Taoiseach aware of the significant pressures on communities where young people are being bullied and intimidated by these gangs and that if they do not assist the gangs, they suffer the consequences?

As I speak, I am reminded of the late Deputy Tony Gregory who stood up against these gang leaders and drug pushers, even at risk to his own life. I ask the Taoiseach to honour Tony's commitment to this issue by giving a serious commitment in the Dáil to face down these gangland killers and stand with the poorest communities, in particular, who are taking a considerable hit on this issue. I ask the Government to stand with these communities because they need our support and help.

The Taoiseach: The answer to that question is “Yes”. I admire the courage of those in communities who are not afraid to stand up to those whom they know are involved in criminal activities of any description, but particularly gangland warfare where it involves drugs, abuse and the tragedy of young lives being lost. The Garda confidential line is there for anybody in any community to make an absolutely confidential call about what is happening.

Gardaí, as Deputy McGrath will be aware, are the only defence between the criminal and the citizen. The Deputy can take it from me, in respect of his remarks about the late Deputy Gregory, who was one of the first to stand out with courage and bravery against this kind of carry-on, that the Government, as is its wont, will stand with communities in their defence against those who perpetrate dependence on drugs, abuse of drugs and abuse of life for money, greed and power.

I thank Deputy McGrath for raising an issue that is of such concern and importance in communities all over the country. In fact, since I was honoured with this job, it is astounding the level of underworld activity that is out there. This requires constant vigilance and courage, not only from gardaí.

I admire communities which stand up and say “We have had enough of this, we will not have any more of it”, and use the facilities of the State and the opportunities for the courts to put those behind bars who should be behind bars.

Deputy Mattie McGrath: The Government is closing Garda stations.

Order of Business

The Taoiseach: It is proposed to take No. *a20*, statements on pre-European Council meeting of 8-9 December; No. *a1*, Water Services (Amendment) Bill 2011 [*Seanad*] — Second Stage; No. *11b*, Health Insurance (Miscellaneous Provisions) Bill 2011 — Financial Resolution; and No. *5*, Health Insurance (Miscellaneous Provisions) Bill 2011- Order for Second Stage and Second Stage.

It is proposed, notwithstanding anything in Standing Orders, that the Dáil shall sit later than 9 p.m. tonight and shall adjourn not later than 10.30 p.m.; the proceedings in regard to No. *a20* shall, if not previously concluded, be brought to a conclusion after 65 minutes and the following arrangements shall apply: the statements shall be made by the Taoiseach and by the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon

in that order and who may share their time and shall not exceed 15 minutes in each case, and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed five minutes; the Second Stage of No. *a1* shall be taken today and shall, if not previously concluded, be brought to a conclusion at 7.30 p.m.; No. *11b* shall be decided without debate; and Private Members' business shall be No. 40, motion re social welfare rates (resumed) and shall be taken on the conclusion of No. *a1* or at 7.30 p.m., whichever is the later, and shall, if not previously concluded, be brought to a conclusion after 90 minutes tonight.

An Ceann Comhairle: There are five proposals to be put to the House. Is the proposal that the Dáil shall sit later than 9 p.m. tonight agreed to? Agreed. Is the proposal for dealing with No. *a20* agreed to? Agreed. Is the proposal for dealing with No. *a1* agreed to?

Deputy Micheál Martin: It is not agreed. I want to put on record my total opposition to the guillotine of the very substantial and important Water Services (Amendment) Bill 2011.

Deputy Kevin Humphreys: Why did the Deputy not introduce it himself?

Deputy Micheál Martin: I am opposing the guillotine of the Bill. We had many commitments about transparency and about the facilitation of debate in this regard.

Deputy Michael McCarthy: The Deputy's party had 14 years to deal with this.

A Deputy: It is nothing but filibustering.

An Ceann Comhairle: Excuse me, will Deputy Martin resume his seat for a moment? When a Deputy is making his point, will Members please allow him to do so? We live in a democracy. Deputy Martin may resume his point.

Deputy Micheál Martin: Yesterday, we raised a similar issue in regard to the Financial Emergency Measures in the Public Interest (Amendment) Bill 2011 but only one amendment from Deputy Sean Fleming was taken because of the guillotining of Committee and Report Stages after only half an hour, although 21 amendments were tabled.

Deputy Brendan Howlin: Five amendments were taken in a group.

Deputy Micheál Martin: Some 73 amendments are proposed to the Water Services (Amendment) Bill. Although we are talking about Second Stage, this gives some illustration of the range of issues that need to be articulated on Second Stage. There is a lot of interest across the House in this Bill and a lot of concern across the country, particularly in terms of septic tank charges. All of those issues need to be teased out and adequately debated in this House, which is the function of the House in regard to legislation. The time that has been allocated is not acceptable and not adequate. I ask the Taoiseach to reconsider this guillotine with a view to facilitating more time on Second Stage of the Bill.

Deputy Gerry Adams: This is the use of the guillotine again today. Last evening, Sinn Féin had over a dozen amendments on the judges' pay issue and not one of them was taken. The Taoiseach talks about reforming the Dáil, openness and the role the Opposition can play. We went and did the work. Our Teachtaí Dála brought forward thoughtful amendments and, while the Taoiseach might not have agreed with them, they were not even taken. We asked yesterday that time be given for that debate. The same thing is being done today. This is rushed legislation, which history shows is often bad legislation.

The Water Services (Amendment) Bill is controversial. People throughout rural Ireland are concerned that charges will be slapped on them. Many Deputies have thoughtfully put together

[Deputy Gerry Adams.]

amendments to this legislation but the Government is not going to allow that, which is ridiculous. I ask the Taoiseach to reconsider the guillotine. It may have worked last night in getting the Government's will imposed upon the Dáil but it did not allow our party and other parties to put forward amendments. That affects citizens' rights. The same thing will happen this evening if the Government proceeds with this guillotine.

The Taoiseach: I am anxious that the Deputies would be facilitated in getting down to the detail of what is involved here. The Water Services (Amendment) Bill 2011 was published on 3 November. The Bill is required by the troika memorandum of understanding because it has to address a ruling against this country given by the European Court of Justice to introduce a system for registration and inspection of septic tanks. That is the purpose of the Bill.

Deputy Timmy Dooley: Where does this impact on the bottom line with the troika?

The Taoiseach: The details of this have been outlined already in that a €50 registration charge will apply and, following the initial registration, householders will not be required to re-register for an interval of five years. The Bill is going to committee next week. Deputies from the Fianna Fáil and Sinn Féin parties, as well as other Deputies, will have the opportunity to put down whatever amendments Deputy Adams or Deputy Martin think are appropriate, and have them discussed and debated. The Bill is required by the memorandum of understanding which was signed off on some time ago. It must be implemented before the end of the year. For that reason, we want to end Second Stage and let Members all get into the tank on Committee Stage and put forward whatever views they want.

Deputy Micheál Martin: That is not satisfactory.

An Ceann Comhairle: I am putting the question. The question is that the proposal for dealing with No. a1 be agreed to.

Deputy Micheál Martin: Will the committee meet in this Chamber? Will that debate be in the Chamber?

Deputy Timmy Dooley: Will they get more time than the German Parliament?

Deputy Bernard J. Durkan: They had 11 years and they did nothing. This is about time.

Question put: "That the proposal for dealing with No. a1 be agreed to."

The Dáil divided: Tá, 94; Níl, 41.

Tá

Bannon, James.
Barry, Tom.
Broughan, Thomas P.
Bruton, Richard.
Burton, Joan.
Buttimer, Jerry.
Byrne, Eric.
Cannon, Ciarán.
Carey, Joe.
Coffey, Paudie.
Collins, Áine.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.
Conway, Ciara.

Coonan, Noel.
Corcoran Kennedy, Marcella.
Costello, Joe.
Coveney, Simon.
Creed, Michael.
Creighton, Lucinda.
Daly, Jim.
Deasy, John.
Deering, Pat.
Doherty, Regina.
Dowds, Robert.
Durkan, Bernard J.
English, Damien.
Farrell, Alan.
Feighan, Frank.

Tá—*continued*

Fitzgerald, Frances.
 Fitzpatrick, Peter.
 Flanagan, Terence.
 Gilmore, Eamon.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harrington, Noel.
 Harris, Simon.
 Hayes, Brian.
 Hayes, Tom.
 Heydon, Martin.
 Hogan, Phil.
 Howlin, Brendan.
 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.
 McFadden, Nicky.
 McHugh, Joe.
 McLoughlin, Tony.

McNamara, Michael.
 Mitchell, Olivia.
 Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Dara.
 Murphy, Eoghan.
 Nash, Gerald.
 Naughten, Denis.
 Neville, Dan.
 Nolan, Derek.
 Ó Riordáin, Aodhán.
 O'Donnell, Kieran.
 O'Donovan, Patrick.
 O'Mahony, John.
 O'Reilly, Joe.
 Phelan, Ann.
 Phelan, John Paul.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Ryan, Brendan.
 Sherlock, Sean.
 Shortall, Róisín.
 Spring, Arthur.
 Stagg, Emmet.
 Stanton, David.
 Tuffy, Joanna.
 Twomey, Liam.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Browne, John.
 Calleary, Dara.
 Collins, Joan.
 Collins, Niall.
 Colreavy, Michael.
 Cowen, Barry.
 Daly, Clare.
 Doherty, Pearse.
 Donnelly, Stephen S.
 Dooley, Timmy.
 Ellis, Dessie.
 Ferris, Martin.
 Fleming, Tom.
 Grealish, Noel.
 Halligan, John.
 Healy, Seamus.
 Healy-Rae, Michael.
 Kelleher, Billy.
 Kirk, Seamus.
 Kitt, Michael P.

Mac Lochlainn, Pádraig.
 Martin, Micheál.
 McConalogue, Charlie.
 McDonald, Mary Lou.
 McGrath, Finian.
 McGrath, Mattie.
 McLellan, Sandra.
 Ó Caoláin, Caoimhghín.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Dea, Willie.
 O'Sullivan, Maureen.
 Pringle, Thomas.
 Ross, Shane.
 Stanley, Brian.
 Tóibín, Peadar.
 Troy, Robert.
 Wallace, Mick.

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

Question declared carried.

An Ceann Comhairle: Is the proposal for dealing with No. 11b without debate agreed to? Agreed. Is the proposal for dealing with Private Members' business agreed to? Agreed.

Deputy Micheál Martin: The European directive on agency workers is due to come into law next Monday. This is a directive that has profound consequences——

An Ceann Comhairle: Could we have some order please? A Member is speaking.

Deputy Micheál Martin: Thank you, a Cheann Comhairle. The European directive on agency workers is due to come into law next Monday via domestic legislation that must be passed by this House. It is legislation that has the most profound consequences for multinational investment in this country. The world is watching in terms of the way we intend to transpose this directive into law. I find it incredible, with the focus on jobs, that there are no proposals from the Government. I have no indication from the Government as to when the House will take this legislation. Is it proposed that we will sit Saturday and Sunday to have the law in place by Monday? I have had numerous representations to the effect that this measure will cost thousands of jobs across the economy. I ask the Taoiseach to indicate to the House when the legislation will be brought forward to allow us give effect to this by Monday. Will he clarify the sanctions that will ensue if the directive is not put in place by Monday?

The Taoiseach: I understand that an extension is being sought in respect of this date. The Dáil will sit on Monday, Tuesday, Wednesday and Thursday for other business. There is an awareness of the requirement in respect of the directive that there be agreement on it among the trade unions. There is an issue about the derogation period. I along with the Tánaiste met with representatives of the Irish Congress of Trade Unions and we discussed coming to an agreement that would allow the directive to be transposed. I cannot give the Deputy the up to date position as of this time but I will ask the Minister for Jobs, Enterprise and Employment to do so as of this morning.

Deputy Micheál Martin: The Taoiseach might ask the Minister to talk to the Opposition spokespersons on industry and appraise them of the position, which is critical.

The Taoiseach: Yes, I will do that.

Deputy Gerry Adams: I share those concerns on this issue, not least because these workers are the most vulnerable and the lowest paid. I encourage the Taoiseach to share that information with us and let us know how this will proceed.

On another issue, when will the Industrial Relations (Amendment) Bill to deal with the issue of joint labour committees be published?

The Taoiseach: That will be in this session. It is being worked on.

An Ceann Comhairle: We have six minutes left and five Deputies are offering. I ask them to stick to the point they are making.

Deputy Bernard J. Durkan: Do not forget me, a Cheann Comhairle.

Deputy Michael Healy-Rae: With regard to the Child Care Act 1991 and the Child Care (Amendment) Act 2007, is there any promised or proposed legislation on the protection of children? When a domestic violence case comes before a judge there is no provision in place whereby the children in the family can express their opinions to the judge.

With regard to the Construction Contracts Bill, which is very important to ensuring that sub-contractors get paid, we have situations where contracts——

An Ceann Comhairle: Please, Deputy. Other Deputies are offering.

Deputy Michael Healy-Rae: People are not being paid for work they are doing for contractors. Sub-contractors are going broke because of non-payment and the State is paying the——

An Ceann Comhairle: Sorry, Deputy. There are other Deputies offering.

Deputy Michael Healy-Rae: Sub-contractors are not being paid.

An Ceann Comhairle: Is legislation promised in this area?

The Taoiseach: As the Deputy is aware, the children's Bill went through the House in July. He raises a specific issue about children's rights in respect of giving evidence.

Deputy Michael Healy-Rae: Yes.

The Taoiseach: There is a facility in the legislation that I am sure can accommodate that but I will have the Minister for Children and Youth Affairs respond to the Deputy. The Minister of State, Deputy Hayes, will be taking the Bill in respect of the sub-contractors in the House.

Deputy Caoimhghín Ó Caoláin: Given that both the Minister for Health and the Minister for Public Expenditure and Reform have criticised the decision of the Health Service Executive to withhold valid expenses due to those who are giving home care services, and particularly to older people in rural areas, how is it that the HSE can do that despite the objection of two Ministers?

An Ceann Comhairle: Sorry, that is a matter for the Topical Issue debate. It is out of order.

Deputy Caoimhghín Ó Caoláin: It is in this context. The Minister for Health has said repeatedly that he proposes to abolish the HSE as we have known it and that he will be taking full responsibility for the health services. When will we see the legislation that will give effect to the Minister's stated intent, and will he intervene and ensure that the HSE does not proceed with its proposal to withhold valid expenses due to workers——

An Ceann Comhairle: That is a separate issue, Deputy.

Deputy Caoimhghín Ó Caoláin: ——carrying out essential services for older people and others in rural Ireland?

The Taoiseach: It is appalling that these workers have not been paid. The problem is that it is a cash-based system, which is outdated. It should move to an accrual-based system. The Minister is working on the proposals for that but it will not be this year.

Deputy Stephen S. Donnelly: Last week, the Society of St. Vincent de Paul used the word "crisis" with respect to what it is dealing with. It said it used that word for the first time in its history. In a time when there is very little money available it must be asked what can be done? The calculation is that last year charities paid——

An Ceann Comhairle: A question on promised legislation please, Deputy.

Deputy Stephen S. Donnelly: Last year charities paid €38 million in VAT. Recognising that, the Minister for Finance, Deputy Noonan, said he was setting up a working group.

An Ceann Comhairle: Put the question please, Deputy. There are other Deputies offering. We are running out of time.

Deputy Stephen S. Donnelly: Further to the working group the Minister, Deputy Noonan, said he would set up a group to examine this issue. When will legislation be introduced to address the issue where charities can be exempt from paying VAT?

An Ceann Comhairle: Is there promised legislation?

The Taoiseach: I do not have a date for that. I will have the Minister's office contact the Deputy on the position about work in progress.

Deputy Mattie McGrath: Is there any legislation promised or envisaged on the review of rates throughout the country? I put down a parliamentary question——

An Ceann Comhairle: Is there promised legislation?

Deputy Mattie McGrath: ——and I was told that only three counties have been reviewed in the past six years.

An Ceann Comhairle: There are other Deputies offering.

Deputy Mattie McGrath: Is a review promised or will businesses be closed down from lack of action by this Government?

The Taoiseach: There is no review promised. As the Deputy is aware, under the local government Acts the local authorities are entitled to make a decision to reduce rates, as Dublin City Council and a number of other local authorities throughout the country have done in recent years——

Deputy Mattie McGrath: I am referring to the Valuation Office.

The Taoiseach: ——in making appropriate adjustments.

Deputy James Bannon: Will the Taoiseach expedite the criminal justice (victims rights) Bill to balance the scales of justice in the interest of deciding who are the law breakers and also protecting the rights of victims? I am aware that victims of crime——

An Ceann Comhairle: When is the legislation due?

Deputy James Bannon: ——are being intimidated throughout the country even as we speak.

The Taoiseach: A date has not been fixed yet for the legislation which Deputy Bannon rightly raises.

Deputy Bernard J. Durkan: On promised legislation, what is the progress to date in advancing the criminal justice (money laundering) Bill? Have the heads of the Bill been discussed and, if so, to what extent? Similarly, what is the position on the land and conveyancing law reform (amendment) Bill, which is of a similar nature and urgently required?

The Taoiseach: Approval was given to draft the heads of the money laundering Bill in June of this year. Yesterday, the Cabinet gave the Minister approval to proceed and prepare the heads of the land conveyancing Bill.

Deputy Willie O'Dea: When, realistically, do we expect to see the insolvency Bill as the problem of mortgage arrears is growing on a daily basis?

The Taoiseach: Go mo leithscéal, a Theachta.

Deputy Willie O’Dea: The insolvency Bill.

The Taoiseach: That is what I was referring to. Approval was given by the Government yesterday for the Minister to proceed with drafting the heads of the personal insolvency Bill. This Bill is necessary and has implications that are both technical and complex in respect of bankruptcy and mortgages.

Deputy Willie O’Dea: When is it likely to be published?

The Taoiseach: I hope to have in the first quarter of next year. It is technically very complex but it is an important Bill. It is urgent, but it is important to get it right.

Deputy Dan Neville: I would like to ask the Taoiseach about promised legislation. Extreme concern has been expressed by those involved in the mental health area about untrained and unqualified counsellors and psychotherapists who are operating and causing extreme stress to vulnerable people.

An Ceann Comhairle: What legislation are we talking about?

Deputy Dan Neville: When will the Health and Social Care Professionals (Amendment) Bill 2010, promised by the Government and published by Fine Gael in opposition, be introduced?

The Taoiseach: I think that Bill will be introduced early next year. It is pretty advanced at this stage.

Deputy Ciara Conway: The Criminal Justice (Female Genital Mutilation) Bill 2011 was passed some time ago in the Seanad with cross-party support. When will it reach Committee Stage in the Dáil? It is an important Bill for women’s health and I would like to see it expedited as quickly as possible.

The Taoiseach: It is a question of making time for it to be taken here. A Whip will advise the Deputy as soon as there is time to take it.

Deputy Éamon Ó Cuív: The Taoiseach said earlier that an element of the memorandum of understanding in the EU-IMF deal requires the Water Services (Amendment) Bill 2011 to be passed by 1 January. We have done a quick perusal of the memorandum, but obviously we did not——

An Ceann Comhairle: We are not debating this.

Deputy Éamon Ó Cuív: Could the Taoiseach arrange for his office to send to my office the relevant reference in the memorandum that requires that Bill to be enacted by 1 January 2012?

The Taoiseach: This arises from a European Court of Justice ruling against Ireland for a registration and management system in respect of septic tanks. That issue has to be dealt with immediately.

Deputy Éamon Ó Cuív: I am sorry, but that——

An Ceann Comhairle: We are overtime.

Deputy Éamon Ó Cuív: The Taoiseach said mentioned the troika and 1 January.

An Ceann Comhairle: You got your answer. I call on Deputy Ó Snodaigh.

Deputy Éamon Ó Cuív: My understanding is that the memorandum states it is to be done by 2014.

An Ceann Comhairle: Please resume your seat.

Deputy Éamon Ó Cuív: Therefore, I cannot understand why we are guillotining the debate here——

An Ceann Comhairle: Would you resume your seat?

Deputy Éamon Ó Cuív: ——and not being given a reasonable opportunity to tease out——

An Ceann Comhairle: Deputy Ó Cuív, please resume your seat or you will have to leave the House.

Deputy Éamon Ó Cuív: ——the issues that need to be sorted out.

An Ceann Comhairle: Do you want to leave the House? Deputy Ó Cuív, I am on my feet.

Deputy Éamon Ó Cuív: We need to know where it says——

An Ceann Comhairle: Please ignore him Taoiseach. Deputy Ó Cuív, you will not be called again if you treat the Chair with disrespect.

Deputy Éamon Ó Cuív: I fully respect the Chair.

An Ceann Comhairle: When I stand up, you sit down. Do you understand that? The same applies to whoever is in the Chair.

(Interruptions).

An Ceann Comhairle: It is about time you respected other people. I call on Deputy Ó Snodaigh. Do you want to leave the House?

Deputy Éamon Ó Cuív: When the troika makes demands on a very serious issue, I think we are entitled to an explanation on the record.

An Ceann Comhairle: You will leave the House very quickly if you try that again. I call on Deputy Ó Snodaigh.

Deputy Aengus Ó Snodaigh: Legislation is promised to deal with upward-only rent reviews in the commercial sector. Is it intended to publish it during this session? What is the delay with it?

The Taoiseach: The Minister sought some legal advice on this and he will make a statement when he has come to a view on it. Hopefully that will not be too far away.

An Ceann Comhairle: That completes the Order of Business. We will now move on to statements on the pre-European meeting on 8 and 9 December.

Deputy Micheál Martin: Did the Taoiseach just say that he blamed the troika for everything?

The Taoiseach: I will come back to Deputy Ó Cuív.

An Ceann Comhairle: No, you will not. This is completely out of order.

The Taoiseach: I mentioned 1 January, but I never mentioned the troika.

Deputy Micheál Martin: He did.

An Ceann Comhairle: I call on the Taoiseach to make a statement under Standing Order 43.

Pre-European Council Meeting on 8-9 December: Statements

The Taoiseach: I am pleased to have this opportunity to brief the House ahead of the next meeting of the European Council in Brussels on 8 and 9 December. The meeting will begin next Thursday evening with a working dinner and will reconvene on Friday morning. The key issue before us will be the economic and financial crisis facing the European Union, and particularly the rapidly evolving situation within the eurozone. We will also address growth-enhancing measures and we will take stock of the implementation of commitments made by the 23 participating member states in the Euro Plus Pact. We will also return to the issue of energy, including energy efficiency, the internal energy market, energy infrastructure and external energy policy, following up on progress since we set key policy orientations last February. The question of nuclear stress tests will also arise in this context.

We will also hold our annual stock take on progress with enlargement. On Friday morning we will participate in a short ceremony during which the Croatian accession treaty will be signed. I very much look forward to this and congratulate again the Croatian Government and people on their work and dedication to bring us to this point. The meeting is also expected to consider the question of Romanian and Bulgarian accession to the Schengen area. We will also address the evolving situation in Iran.

The Polish Presidency will also brief us on progress in discussions on the Union's next multi-annual financial framework — the EU's multi-year budget covering the period 2014-20 — and will pass the baton forward to the Danish Presidency that will take office in January.

The economic situation in the eurozone is evolving rapidly. Markets remain highly volatile and it is increasingly evident that calm will only be restored if leaders are prepared to take the clear and decisive action the situation demands. This is a matter of the highest concern and urgency. There is a real and present sense of danger, with many openly suggesting that the very future of the currency as we know it is at stake.

The House will appreciate how damaging this continuing situation is for Ireland. We are engaged in the very difficult task of restoring our economy and returning to growth, and we have been making headway. The current climate of uncertainty puts what we have achieved at risk at a time when we are preparing to make even greater efforts to get back to economic independence, including through the measures in the upcoming budget. Everything we do, when working with partners at the European Council next week, will be driven by that clear objective. A stable eurozone is a vital national interest for Ireland and its future.

However, the question is not just a concern for Ireland. We have seen growth prospects for Europe generally receding and there is concern in the international community that the crisis in Europe will spread beyond our borders and will contribute to a further slowdown in an already difficult global economic situation. The truth is we cannot go on like this.

We need to make decisions, to demonstrate conviction and solidarity and to find a credible basis on which to move beyond the crisis. We agreed a deal in October on banks, on the EFSF, and on restoring debt sustainability to Greece, but it is clear that it has not been sufficient to restore confidence or to achieve the type of international "buy-in" for which we had hoped. We now must examine what kind of deal would enable us to make the breakthrough we need.

[The Taoiseach.]

There are, effectively, two sides to the equation. We need to reach agreement on immediate steps to overcome the current crisis. Without this, the crisis will continue and risks spiralling beyond our control. In saying this, I fully appreciate the difficulties this presents for some. It is essential that European leaders make and implement clear decisions quickly to prove our shared determination to protect our currency, to support member states that are working towards economic recovery, and to introduce strong rules to ensure fiscal discipline. We also need to take the further steps necessary to ensure that economic co-ordination in the eurozone is improved and that the rules underpinning the currency are strengthened and made more enforceable.

Let me be clear: Ireland supports the creation of stronger economic governance throughout Europe and especially throughout the eurozone. The people are paying the price now for the absence of such rules in the past. I am determined that we will never go back to the practices that drove our economy off a cliff, including reckless spending, poor oversight of banks and an over-reliance on property-related tax revenues. Ireland should not fear this process, we should welcome and embrace it. We are a small, open country and our prospects for recovery are heavily dependent on our ability to export our goods and services, especially to our European partners. For this we need economic stability and growth in our neighbourhood and beyond.

As the Dáil is aware, President Van Rompuy is preparing an interim report to present to next week's European Council. This report will identify possible steps to strengthen economic union, focusing on further strengthening economic convergence within the euro area, improving fiscal discipline and deepening economic union, including exploring the possibility of limited treaty changes. As well as consulting with the Presidents of the Commission and the euro group, President Van Rompuy's office is conducting an intensive round of bilateral consultations at official level with member states this week. Senior Irish officials are actively participating in this process. President Van Rompuy will also meet with Ministers at next Monday's General Affairs Council, at which Ireland will be represented by the Minister of State, Deputy Creighton, before finalising the report he will bring to the European Council.

I have been impressed by the manner in which President Van Rompuy has approached his task. He has been determined to identify what needs to be done first and only then to identify what we must do to achieve it. It is likely that some of the measures he will recommend will require treaty change to effect. We will listen carefully to what he has to say and we will engage positively in the process ahead. While we must ensure that we have the legislative framework we need for the future, we must also acknowledge that treaty change is not something that can be achieved overnight.

Quite properly, the treaties set out a process involving all the relevant institutions and national parliaments which ensures that all proposals for change are given the level of detailed scrutiny they deserve. It cannot realistically be expected to offer a full solution to the immediate and critical problems we face. The first priority to tackle the immediate crisis should be to use the existing instruments and decisions to their full potential so that the markets can be convinced that European leaders are fully committed to defending and protecting their currency. This demands immediate action and a demonstration to the markets that we have the financial firepower necessary to stabilise the situation.

I have stated that this could come from allowing the European Central Bank to play a stronger role. We could envisage other possibilities, including some form of eurobonds. It is the ends and not the means which are critical. We should also agree to take steps towards strengthened co-ordination and discipline which are possible within the existing treaties. The

Commission has recently published some important proposals in this regard which merit serious consideration.

Next week's meeting is critical. What we agree at the European Council should be credible and convincing in the eyes of the financial markets and credible in the eyes of the public. In my approach to the meeting I will remind colleagues again that, economically, Ireland remains vulnerable. Recent times have shown that the risk of spill-over from one member state to another is real. While we have returned to modest growth this year after three years in decline, Ireland's recovery is fragile. We will continue to need the support and solidarity of our EU and international partners for some time to come.

For its part, the Government has stressed that delivering on our EU-IMF programme in full and on time while continuing to invest in job creation remain its top priorities. This is what we have done so far and it is what we will continue to do. It is the only path to rebuilding confidence in this country. A stable currency is indispensable to our success.

The meeting will also consider the broader question of the growth enhancing measures we considered at our meeting in October. I expect that we will agree to fast-track a range of measures intended to boost sustainable growth and job creation and that we will invite the council and the European Parliament to facilitate and progress these efforts. In this regard, the proposals identified in the Commission's recently published annual growth survey are highlighted as offering significant potential. This is important work. While we need to address the crisis it is vital we do not become so consumed by it that we neglect what needs to be done to restore growth and generate jobs. I will emphasise the importance of this to my colleagues.

The publication of the growth survey heralds the launch of the next European semester, the second we have undertaken and the first to take place under the strengthened rules provided for in the recently adopted legislative six-pack. The European Council will also track progress on the implementation of commitments under the Euro-Plus Pact by the 23 participating countries, including Ireland. Discussion of employment policies, including those needed to mobilise labour force growth will be informed by the deliberations of the Employment, Social Policy, Health and Consumer Affairs, EPSCO, Council at the end of this week.

In February, the European Council offered orientations on energy policy. Next week we will return to the matter to determine what progress has been made. We will focus on completing the internal energy market, energy efficiency, developing energy infrastructure and external energy policy. We will also consider the initial findings of nuclear stress tests based on a Commission report and the progress report on the security of nuclear power plants.

The European Council will also address the issue of enlargement of the European Union, arguably its most successful policy to date. We will endorse a set of conclusions to be finalised at next Monday's General Affairs Council meeting. These draft conclusions are expected to reflect the progress made by several countries as part of an enlargement package. I look forward to signing the Croatian accession treaty on behalf of Ireland and to welcoming Croatia as an acceding State, entitled to interim privileges until accession makes it a full member state. Ireland has long supported Croatia in its efforts to join the Union and we look forward to welcoming it as the newest member state in July 2013. I look forward to hearing the contributions of Members as we prepare for this critical EU Council meeting next week.

Deputy Micheál Martin: One month ago the leaders of Europe emerged from another emergency summit and announced that they had taken steps that would finally contain the sovereign debt crisis. In only a matter of days this was shown to be a nonsense and the crisis has escalated dramatically since then. There is no longer any room for doubt: a failure by the leaders of Europe and the European Central Bank to change their policies will lead to the end of the

[Deputy Micheál Martin.]

euro, probably within weeks. This was believed to be impossible at the start of this year but it is now the subject of urgent contingency planning in every country and every major international company.

The economic and social implications of the disintegration of the euro are almost too great to imagine and could turn a crisis into a catastrophe. The mistakes of the past year and a half have been considerable. Adherence to irrelevant fiscal and monetary orthodoxies has escalated the contagion every time they have been reasserted. In summit after summit we have heard about lines being drawn under the problem and about confidence being restored. Each agreement has failed because the fundamental policies underlying them have failed. This was debatable for a while but it is now almost six months since the need for a radical departure became crystal-clear and six months since we outlined as much in the House.

However, it is not too late to pull back from the brink. There is one final chance to save the euro and to prevent a failure of truly historic proportions. It is still entirely avoidable. Also, it is not too late for the Government to set out a policy and launch the diplomatic initiative that it has been discussing for nine months but which it has failed to actually implement. The Taoiseach's speech today is full of the rhetoric and language so beloved of mandarins throughout Europe but which reveals nothing.

The Taoiseach: It is focused on the problem.

Deputy Micheál Martin: While reading it I found myself wondering whether we were for or against limited change.

The Taoiseach: It is focused on what we need to do now.

Deputy Micheál Martin: Should we tell people what limited change is proposed? We are keeping the people in the dark and then, subsequently, when something is eventually agreed, people are surprised and questioning and so on. If the European leaders continue to go about it this way, it is doomed to fail. The Taoiseach has not engaged in any diplomatic initiative of any consequence.

The Taoiseach: It is focused on the issue before us now.

Deputy Micheál Martin: The most incredible thing about next week's summit is that there is still no indication of any specific proposals which will be on the agenda.

The Taoiseach: I refer Deputy Martin to Leaders' Questions this morning.

Deputy Micheál Martin: I have read the Taoiseach's speech. The officials are impressed with President Van Rompuy because he is listening. I know and the Taoiseach knows that President Van Rompuy has a plan and a framework. He is talking to Chancellor Merkel and President Sarkozy. The Taoiseach knows this but why not inform the House? That is the point. Let us not pretend there is some sort of deliberate listening exercise going on. The telephones are buzzing. People are in conclave and are talking energetically and urgently about this crisis. That is why Monti held discussions with Sarkozy and Merkel last week. We are having no specific discussions in this House or country. People are almost immune from any serious debate about the specifics.

Deputy Lucinda Creighton: The Joint Committee on European Affairs sat for two hours yesterday. No member of Fianna Fáil attended.

Deputy Micheál Martin: The Minister, Deputy Noonan, as he went into the ECOFIN meeting yesterday, said our Government has no idea what will be proposed. If it does, it is going to great lengths to feign ignorance about specific proposals and it is once again refusing to tell the Dáil about them.

The Taoiseach: Where were the members of Fianna Fáil yesterday? There was a no show.

Deputy Micheál Martin: Through a combination of half-rumours and speculation it is agreed everyone knows how serious things are, but that is as far as it goes. There are no papers in general circulation I know of and I have not been alerted to any. There is no inclusive discussion or negotiation. Most of all there, is no attempt to abide by the principle of solidarity which created and built the most successful multinational organisation in world history.

What is deeply worrying is that nearly all public statements from participants have focused on a fiscal reform agenda which is utterly marginal to the crisis in hand. Countries with a much worse fiscal situation than the eurozone are in a much stronger position and no one is talking about them facing default or being pushed out of the market. There must be stronger fiscal rules, but anyone who thinks they alone will restore market confidence is choosing to ignore reality.

In his speech the Taoiseach used terms like “economic union” and “economic convergence”. He should define them for the people and Members. What are we actually talking about?

The Taoiseach: Make a proposal.

Deputy Micheál Martin: He should get down to the bread and butter specifics and concrete realities.

The Taoiseach: Make a proposal.

Deputy Micheál Martin: I have. I have made proposals for the past six months and I will make more before I am finished.

The Taoiseach: He did not turn up at the meeting yesterday.

Deputy Micheál Martin: As things stand there is one core problem——

The Taoiseach: He was a no show. Absent friends.

Deputy Micheál Martin: The Taoiseach should not be talking nonsense and allow me the opportunity to make my contribution.

As things stand there is one core problem which has brought Europe to the brink and which must be addressed if the euro is to be saved. The ECB’s policies have destroyed market confidence in eurozone sovereign debt. This is not a matter of coming late to this issue. I have raised it constantly over many months and Fianna Fáil tabled a motion specifically about reform of the ECB back in July.

Over the last two years it has steadily become clearer that the ECB, or at least the group which wields the most power within the ECB, wants to tackle this unprecedented crisis within rigid policies which were developed for a type of economy which no longer exists. With an arrogance which is out of all proportion to the record of the bank, the ECB has been absolutely steadfast in refusing to see how its policies are destroying the ability of countries to fund their public services.

[Deputy Micheál Martin.]

If the ECB was functioning properly, it would have long ago shown the markets that it was ready to buy sovereign debt at issuance, in other words to be the lender of last resort. Its potential resources would be unlimited and would cause bond yields to fall significantly. The evidence of the United States and Britain confirms this. The actions of the ECB in the secondary market have actually made matters much worse.

The repeated statements of how the funds available are limited have shown a half-hearted commitment. This bond buying has actually encouraged private sources to leave the market. They have been entirely rational in seeing an opportunity to secure their funds and avoid the escalating risk which is being driven by the refusal to enter the primary market.

It is the risk that countries may not be able to raise new debt to repay maturing debt which is driving rates up, and current policy is making this worse. It is highly likely that this avoidable dynamic helped push Ireland and Portugal out of the market in the last 12 months. It is not by accident that countries have faced higher bond costs every time the ECB has reaffirmed its limited commitment to secondary bond purchases and outright opposition to purchasing them at issuance.

This morning's reports from ECOFIN suggest that the ECB is now in the ridiculous position of supporting a major fund to support countries but only if it does not have to give the money. With Italy, Spain and Belgium on the brink of being priced out of the market and the rating of all countries under threat, the ECB is on the verge of being a central bank which killed the currency it was established to run.

The bank is quite right in saying that the legal basis upon which it is founded is restrictive. There is no doubt that it was set up to be vigilant against inflation and it was banned from buying debt directly from member states. Where the ECB and the handful of national leaders who are clinging to a no change policy are entirely wrong is their claim there is nothing more the ECB can do. Within their separate powers under the current treaties the European Council and ECB could take action tomorrow which would restore confidence in the euro.

First, there is the issue of the ECB's inflation mandate. The fundamentalists argue that it can do nothing other than target inflation in the manner in which it is currently doing. This is just not true. Under Article 3 of the treaty on the European Union the ECB is also obliged to be concerned about the general economic objectives of the EU. These include the objective of high levels of employment and growth.

If it wants it can be flexible. It can be equally concerned about deflation. It can change its short and medium-term targets. Funding sovereign debt is inflationary, but how this fits into a short, medium and long-term set of targets is flexible within the current treaties. The euro's gravestone should not record "Committed suicide in the name of an inflation target of below but close to 2%".

The treaties give the ECB independence and require the Council to refrain from undermining this independence. However, those who have been actively attacking the idea of the ECB changing its policies have freedom to speak which others should adopt. Next week the leaders should assert the need for the ECB to recognise the wider economic part of its mandate.

Some fundamentalists have questioned the legality of the current bond-purchasing programme. This needs to be addressed resolutely. Under Article 125(2) of the treaty on the functioning of the European Union, the Council has the right to clarify certain matters in regard to actions of the ECB in cases such as this. This right should be used immediately to state that existing bond-buying programmes are fully legal within the current treaties. The same power

should be used to facilitate a mechanism to show that whatever amount is required to back up the issuance of sovereign debt will be made available.

The ECB cannot buy the bonds directly but it can enable an unlimited fund to do so. Whether it is through the IMF or another entity is now largely irrelevant. The October solution of touring the capitals of the world in a whip-around has failed, therefore the ECB will provide the funds or they will not be in place. The ECB can leverage whatever amount it wants and the legal basis is there if it chooses to use it. Any summit agreement next week which fails to include an immediate measure allowing effectively unlimited intervention in the sovereign bond market will mark the end of the euro.

The only thing which has been clear in the Government's approach to Europe in the last three months is what it is against. It is against treaty changes which have to go to a referendum. What it has missed is the more important point, namely that the agenda of significantly increasing central control over fiscal policy is, at best, a longer-term issue which has nothing to do with addressing the crisis at hand. That most of the proposals would require treaty changes which would not be ratified is also true.

At the start of the year a new programme of fiscal co-ordination was agreed and has not yet been through even one cycle. More fundamentally, the fiscal union agenda is another example of a flawed proposal which does not deliver what it promises. A fiscal union cannot be solely about setting overall limits for everyone. A genuine fiscal union would involve a dramatic increase in the central budget and transfers from wealthy countries to poorer ones.

The budget currently under discussion for the European Union for the next few years amounts to 1% of Europe's annual income. No country proposing a so-called fiscal union is proposing to increase the resources they give to the Union. Their proposal would effectively place a barrier to development on all poorer states, obliging them to accept limits but be given no opportunities to grow.

A measure which would genuinely promote confidence in the willingness of the eurozone to coordinate fiscal policy would be a much larger, eurozone-specific budget to fund cohesion and promote growth. It would also provide a serious incentive to comply with fiscal limits.

Since we last discussed a European summit the Taoiseach has ended his policy of not holding bilateral summits with eurozone leaders. His visit to Berlin, as with most things to do with his Government, showed a dedication to putting media spin ahead of hard substance. He disagreed with his hosts on a number of unavoidable matters and sent his staff out to talk up these disagreements, just as he did in March after a far from unusual discussion with President Sarkozy.

What the Taoiseach failed to do in Berlin was to set out a definite agenda or to make a clear appeal to his hosts. He spent more time claiming credit for a budget he voted against than he did providing specifics about urgent policies. In contrast, Mr. Radek Sikorski, Poland's Foreign Minister, used his visit to Berlin on Monday to speak with a directness and urgency we should all applaud. Even though his country is not in the euro, he spoke passionately about its future and appealed to Germany to show leadership. The history of relations between Poland and Germany is a very dark one, so it is impossible not to be struck by his statement, "I fear German power less than I am beginning to fear German inactivity".

I have no doubt the motives of Germany's leaders are sincere. They have a profound attachment to a very specific view of the role of a central bank and of fiscal rules. However, no matter how sincere they are, they are wrong. The country which has done more than any to build up Europe and which has shown a deep solidarity within the Union now stands as its greatest threat. Before next week's summit the Taoiseach owes it to the people of this country

12 o'clock

[Deputy Micheál Martin.]

to put aside generalities and to be open about what he will demand. Being against anything which requires a referendum is not a policy; it is political rhetoric.

The President of the European Council, Mr. Van Rompuy, is due to propose reforms to the Union at the summit, but Ireland has tabled no measures for inclusion. We must be resolute in opposing an agenda of fiscal union which is purely about control. Much more than that, we must demand that the crisis at hand be tackled before any other issues are addressed. There will be agreement next week on effectively unlimited funding to buy eurozone bonds, or there will soon be no euro. The crisis will continue to spiral as long as the main policy is about the provision of bailout funds. What we need is funding which prevents bailouts from becoming necessary, funding which confirms that there will be a market for European sovereign debt. The leaders of Europe have thus far shown none of the required urgency, imagination or generosity required to tackle this crisis. For the sake of Europe and its citizens we must all hope this will immediately change.

Deputy Gerry Adams: Beidh an Teachta Mac Lochlainn ag labhairt fosta.

An Leas-Cheann Comhairle: Cúig nóiméad don Teachta Mac Lochlainn?

Deputy Gerry Adams: Déanfaidh mé mo dhícheall bheith críochnaithe i ndeich nóiméad.

The ESRI has predicted that much weaker economic growth than previously anticipated in Europe will seriously affect the Irish economy's performance this year. Yesterday Italian bonds rose to almost 8%, well in excess of the bond rates applying to this State when it was manoeuvred into a bailout last year. Arís agus arís agus arís, i rith na huaire criticiúla seo, tá ceannairí an AE ag dithering agus ag easaontú faoin ghéarchéim le cúpla mí anuas agus cúrsaí ag éirí níos measa.

At the same time, the crisis has brought into sharp focus the State's relationship with the EU. Do we interact with other member states as equals? If so, why all the talk of core states and periphery states? Is it because, in reality, a small number of large member states is deciding what is to happen and the rest of us can like it or lump it? This Government, like its predecessor, has acquiesced in this. That is particularly evident in the response to recent calls for changes to the EU treaties from the German Government in particular. Last week the French and German Governments indicated that they had reached agreement on the need for treaty changes. While these may be presented to the EU summit by Mr. Van Rompuy, there is little doubt who will be the driving force behind them. It will be a Franco-German initiative.

What is the Government's position on these issues? The Taoiseach said in his opening statement, as he has said before, that Ireland supports the creation of stronger economic governance. He also said that Mr. Van Rompuy is preparing a report which will seek to improve fiscal discipline and economic stability, including the possibility of limited treaty change. The Taoiseach referred to strengthening economic convergence within the euro area. He said this process of engagement includes the Government and that senior Irish officials are actively participating in it. What political direction have these officials been given? Do people here not deserve to know the Government's position on these matters?

The Minister of State, Deputy Lucinda Creighton, has indicated that if changes are agreed which require a referendum, that referendum should take place. However, the Taoiseach has given no such assurance. Whatever treaty changes take place, and the Government appears to have agreed that such changes should be made, it seems the Taoiseach and his colleagues are hoping a referendum will not be required. Perhaps the fundamental question in all of this is not about the advice the Comptroller and Auditor General gives the Government or what Mr.

Van Rompuy proposes to the summit. Rather, it is the question of whether the Government believes EU fiscal unity is a good idea. Does the Taoiseach support this concept? We are entitled to know the answer, as are our partners in Europe.

We are moving from crisis to crisis, with every new development heralded as a great breakthrough. There has been one false dawn after another. I notice that the copy of the Taoiseach's script which was circulated to Members states, "We agreed a great deal in October", but the Taoiseach omitted the word "great" in delivering his speech. This suggests a degree of honesty. Perhaps the Taoiseach has engaged in some mature reflection. Earlier this morning he defended the imposition of a guillotine which will deny Members the opportunity to debate and propose amendments to legislation. He blamed the troika for that. An even greater illustration of the cold reality of increased surveillance is that elements of the State's budget were discussed by German parliamentarians before being presented to this House. The Taoiseach keeps saying that the budget has not been decided and that everything is up for grabs, but the Germans were informed of a VAT rate increase of 2%, which was later confirmed. That was a huge embarrassment.

The Taoiseach: To clarify, I referred to an increase in the standard rate of VAT. It is on page 8 of the script circulated to Members.

Deputy Gerry Adams: We will have to wait until next Monday and Tuesday to hear what is proposed, when we have the double act of the two Ministers representing the Tory parties of this Government.

As Head of State, as an Irish person, as a citizen, as a human being, the Taoiseach surely does not believe this is a good scenario. It has been demeaning for our parliamentary system and for citizens. Throughout this crisis the German and French Governments have taken upon themselves the role of European leaders and the Taoiseach has acquiesced in this de facto European government. They told the Greek Government not to hold a referendum. They seem to have played a role in the removal of the Italian Government led by Silvio Berlusconi. They are apparently in the process of pushing through agreement on increased centralisation of economic decision making.

I am seeking to make sense of all of this. Does the Taoiseach believe that allowing the leaders of France and Germany to dictate the budgetary process of this State is progress?

The Taoiseach: No, I do not.

Deputy Gerry Adams: He usually responds to such questions by saying his Government did not create this mess and that we must do whatever is necessary to get out of it. We are past all of that. This Government has taken decisions which influence these matters. The ECB is to lend billions of euro to the IMF which it will, in turn, lend to Italy and Spain. We are all agreed that borrowing is part of the cause of the crisis here so it seems to me to be bizarre that even more borrowing is being proposed as a solution.

I will conclude with the point I have made a number of times. This crisis needs to be resolved but Sinn Féin does not believe that further centralisation of fiscal powers in Brussels is the solution. I would like the Taoiseach to agree with us and, if he does, to say so clearly and if he does not agree, to say so.

Deputy Pádraig Mac Lochlainn: I read an article by David McWilliams in the *Sunday Business Post* last weekend. As is his wont, he summarises in clear and cogent terms the failure of government and of regulation at European level——

Deputy Micheál Martin: He will be touched by Sinn Féin's admiration.

Deputy Pádraig Mac Lochlainn: He is a very good analyst on economic affairs and it is a pity he was not listened to more often. He wrote about the role of government. When an economy over-heats, one expects to see interest rates rising, to see regulation, a calming down and some moderation and some intervention. In a recession one expects to see a government intervening to stimulate the economy to see interest rates falling and banks being encouraged to get the economy moving again. Everything that has been done at European level in recent years has been pro-cyclical, which is crazy. How can an economy grow if the banks are not able to lend and when heavily indebted areas face rising interest rates? How can an economy grow by taking away resources from those whose spending is essential to the economy? It is absolutely bonkers. Economists on both the left and the right of the equation agree on this. There has been a complete failure of economic intervention at European level.

In Ireland, regulation failed. Our Central Bank and the Financial Regulator and the Department of Finance and our Government, failed. It was a failure not just by Ireland but also at European level but I ask where has been the collective sharing of responsibility. The leaders of Europe say there has to be burden-sharing in Greece but, incredibly, we have to pay the unsecured bondholders. These are not the people who bought in the primary bond markets rather these are the people who bought in the secondary markets. We have to pay them over €1.2 billion in January and further hundreds of millions of euro later next year.

The Taoiseach and his Ministers know this is bonkers. If the Taoiseach was having a private pint with his friends he would say it was wrong and it is bonkers yet we sit here and read out these speeches. As my party leader pointed out, the speechwriters have written that this is a great deal but it is madness. We say that Herman Van Rompuy is doing a great job but his strings are being pulled by the Franco-German axis with regard to his response to his crisis. Our people are having to endure sustained periods of austerity, they have to watch the return of the blight of emigration to our island and also deal with unemployment. Now, they must watch the news about the eurozone crisis and the continued failure to deal with it by the European Union.

The European banking authority stress-tested 24 banks last July and it was all supposed to have been sorted out but now, Dexia is collapsing. We do not have full, open accountability within the European banking system. For example, we do not have the unleashing of the significant potential of the European Investment Bank which has twice the capacity of the World Bank to get the Irish economy moving. At what point do we in Ireland speak out and say that what is happening is fundamentally wrong?

I ask the Taoiseach if he is going to stand at the podium on the centenary of the 1916 Rising and be mindful of all that is in the Proclamation and of the vision of the men and women of that period, knowing that he has ceded more fiscal powers to that failed process and entity. He inherited the loss of economic sovereignty but he did not fight like a lion to get it back again and he actually ceded more. He allowed people to use this crisis to further their objectives of increased integration. There is no point in the Irish people voting in the general election that may well be held in 2016. In a functioning democracy, political parties argue about whether public services are to be strengthened or weakened, whether privatisation of public services is to be continued. These are the usual debates. However, the people will have a choice which will be pointless because those decisions will have been made already. The capacity to stimulate the economy, the capacity to be brave, to be imaginative, to be creative, will all have been strangled. This House will become a super-council. This is not the legacy we want on the 100th anniversary of the 1916 Easter Rising.

I appeal to the Taoiseach. He knows we are right and that at some point, somebody has to make a stand against this madness. Somebody has to say there is a five hundred pound gorilla in this room and I am no longer going to ignore it; I will say it out loud and I will call it. I urge the Taoiseach to find his roots. When he was elected to this House back in the mid-1970s as a bright young man and with all his hopes and ambitions I am sure he never dreamed that he might be the Taoiseach who gave away our economic sovereignty and betrayed the legacy of 1916. That is the Taoiseach's choice and his legacy. The next two years will tell their own story.

The Taoiseach: I am going to be the one to take it back, to retrieve it.

Deputy Catherine Murphy: I wish to share my time with Deputies Finian McGrath, Donnelly and Ross.

Europe is holding its breath today. There are times in history when the fate of millions depends on the actions of a very few people. The Taoiseach will be representing us next week and we depend on him to put our case as strongly as possible on this very serious occasion. It is extremely worrying that the old fault lines of rancour and discord are re-emerging. The inactivity and the paralysis has left a vacuum which is being filled with caustic and destructive cynicism. If evidence were needed, one should look at the statements of both Jürgen Habermas, Germany's foremost philosopher and of Radek Sikorski, the Polish Foreign Minister to whom Deputy Martin referred in his contribution. Separately and in the strongest terms, they have urged solidarity to prevail against the narrow national interests. This is the approach which the Taoiseach must adopt at the European Council meeting.

Radek Sikorski said:

I demand of Germany that, for your sake and for ours, you help the eurozone survive and prosper. You know full well that nobody else can do it. I will probably be the first Polish Foreign Minister in history to say so, but here it is: I fear German power less than I am beginning to fear German inactivity.

He listed what he termed six harsh realities which Germany needed to deal with. He said that Germany has been and is the biggest beneficiary of the Common Market and the obligation to sustain the Union has fallen to it and it must respond. Germany is not the victim of the periphery's irresponsible economic management.

Its powerhouse banks bought bonds from so-called irresponsible countries' financial institutions in astonishing quantities. Moreover, Germany's borrowing costs have reduced as a result of the crisis and the country will be seriously hurt by a collapse, default or devaluation in a peripheral country's economy. Further, the danger of collapse is much greater than the risk of inflation. Finally, Germany's size and history gives it a special responsibility to preserve peace and democracy.

The foremost German philosopher, Professor Jürgen Habermas, noted in a recent article in *Der Spiegel* magazine that citizens rather than states have rights. His central point is that solidarity is required. I do not have time to dwell on the article but it is well worth reading. It shows that some in Germany are showing a great deal of thoughtfulness and that the larger issues are being raised.

In an article published in yesterday's edition of *The Irish Times*, Fintan O'Toole calculated that the combined transfers from all sources from the European Community to Ireland since we joined in 1973 amount to €43 billion. Irish taxpayers transferred €47 billion to Anglo Irish Bank alone despite not having any liability to do so. German banks were exposed to Irish bank loans to the tune of €103 billion under the blanket guarantee. Is it surprising that Germany wanted Irish taxpayers to repay its banks? Not only are we doing so but they are being repaid

[Deputy Catherine Murphy.]

with interest. The equivalent of all the moneys Ireland received from the European Community in the past 20 years has been transferred to Anglo Irish Bank alone. We need to get angry, not because it is a good negotiating tactic but because we are entitled to be angry. Next week, the Government must act as an equal partner rather than as a subservient spectator. The message it is giving is that it will play the latter role.

Deputy Shane Ross: Hear, hear.

Deputy Catherine Murphy: Listening to the Taoiseach's speech, it was if it were business as usual. This is a unique moment and we need the Taoiseach, who will take to the pitch on our behalf, to remember that the values at stake are those of democracy, solidarity and peace. Addressing the issue will require much more than tinkering at the margins or introducing some technical adjustments.

Deputy Mattie McGrath: I wish the Taoiseach and his Cabinet colleagues well. It is time they put on the green jersey and stood up for Ireland's rightful place in Europe. This country has been plundered. The European Central Bank and other institutions have failed us both in Ireland and in the European context and Irish people are paying the price with their blood. We are in a third world war in which no bullets are being fired. We must not allow our nation to be sabotaged for one hour longer. I encourage the Taoiseach to stand up and represent our country and people as an equal. He must demand rightful recognition of our position.

As other speakers noted, we are repaying with interest money that was given out willy-nilly. I accept the Government secured a reduction in the interest rate on our loans but we continue to be crucified. The German Parliament learned before the Oireachtas about Irish budgetary proposals. Notwithstanding that Members will learn next week whether the VAT rate will increase by 2% and so forth, to have budgetary matters discussed in the Bundestag before the Oireachtas has sight of them constitutes shameful interference in the affairs of a sovereign country. While one could argue that Ireland has lost its sovereignty, we still have our dignity. Ireland has vision and a passion to recover but will be unable to do while we remain under the cosh of bullies in Europe.

President Van Rompuy is trying to grasp the nettle but he will be like Humpty Dumpty sitting on the wall if the entire edifice collapses, which is the prospect we face. The European project is being talked down, undermined and damaged daily. Perhaps it was flawed from the outset. It served us well for a time and needs to be pulled together by a visionary leader. If Ireland's leaders do not show vision in the forthcoming talks, they will be throwing in the towel. We must speak up, ensure others listen and demand our rightful place.

Deputy Stephen S. Donnelly: I had not planned to speak in this debate but when I heard the Taoiseach's statement I asked my colleagues for some speaking time. The Taoiseach states Ireland supports the creation of stronger economic governance throughout Europe. What does this mean? He states Irish people are paying the price for the absence of such rules in the past and he is determined we will never return to the practices that drove our economy off a cliff. As a representative of some of the people of this country, I am not in favour of the view he expresses. He states Ireland should not fear this process. I fear it because it is a process that was partly responsible for leading us into our current position.

The logic the Taoiseach is laying out is that we are not capable of governing ourselves. In other words, having made grave mistakes in the past and fearing what Governments may do in future, we will tie our hands and lock ourselves into rules controlled by a central authority or set of powers in Europe to ensure we do not repeat our mistakes. We Irish people are

capable of governing ourselves. While the previous Government made some horrendous mistakes, the electorate threw it out of office and installed the Taoiseach.

Since my election to the Dáil I have become increasingly concerned about a growing view that we are not capable of governing ourselves. According to those who share this mindset, we should be grateful that the International Monetary Fund is here and should allow the Europeans make the rules. We already have rules under the Maastricht treaty which were never enforced. The Taoiseach uses the language of “enforceability”. The whole logic he lays out is that he, his Cabinet and the Oireachtas are not capable and should not be trusted. We — the Taoiseach, his Cabinet, the Oireachtas and Irish citizens — know better than the ECB and the Germans how to run our country. I accept the process is an imperfect one in which Governments make mistakes and are tempted into making foolhardy promises before elections.

Ireland is in an IMF bailout because of the rules imposed on us by central European authorities. I ask the Taoiseach to go to Europe and represent the view that we, rather than Europeans, should govern this country.

Deputy Shane Ross: I share the views expressed by Deputies on this side, particularly those expressed in reaction to the Taoiseach’s speech. His statement could have been written by someone in the European Commission, President Sarkozy, Chancellor Merkel or someone else in Europe.

The Taoiseach: I am interested in the Deputy’s position on the problem we have now. As a respected economist, I would like to hear his view on what decision should be taken next Wednesday and Thursday.

Deputy Micheál Martin: The Taoiseach should allow Deputy Ross to speak.

Deputy Shane Ross: The Taoiseach’s speech reads as if it were written by a eurocrat rather than someone from Ireland. It reads as an apologia for a Government that will go into next week’s meeting and hoist the white flag. It reads as if it were written by someone who will not wear the green jersey, as I urge him to do, when he attends the European Council meeting on 9 December. It is important that we stop apologising for what happened in the past. We must declare that we are an independent nation which will not lie down and accept the premise that fiscal union is coming. As I stated during Leaders’ Questions yesterday, we must not become embroiled in a fiscal union debate and surrender. If we do so, the independence that was temporarily sacrificed by the last Government — the Taoiseach said in his speech that he wants to “get back to economic independence” — will be permanently surrendered rather than temporarily sacrificed. Fiscal union would mean that the taxation and economic independence of this country would go somewhere else.

Deputy Stephen S. Donnelly: That is right.

Deputy Shane Ross: It would go to an external European body. We do not know what that body is, or where it is. It also means the possibility of a European finance minister.

Deputy Lucinda Creighton: How does the Deputy know that is what it means?

Deputy Shane Ross: This idea has been floated. We should have heard the Taoiseach’s ideas on this in his speech.

Deputy Lucinda Creighton: The Deputy is plucking assumptions from thin air.

Deputy Shane Ross: What is Ireland's view on that? The Taoiseach's speech lacked any commitment to any policies or detail of any sort.

Deputy Micheál Martin: That is the point.

Deputy Shane Ross: It is full of aspirations. It is full of rhubarb. I can read some of it to the Taoiseach. It is full of talk about "solidarity" with our European partners. I do not want the Taoiseach to go out there to show solidarity with our European partners.

Deputy Lucinda Creighton: That is depressing.

Deputy Shane Ross: I want the Taoiseach to go out there to represent Ireland, in the interests of the Irish people.

Deputy Mattie McGrath: Hear, hear.

Deputy Shane Ross: I want President Sarkozy and Chancellor Merkel to say "this is a man we respect and we listen to".

Deputy Mattie McGrath: Hear, hear.

The Taoiseach: Deputy Ross should give me his view on the political decisions that have to be made to deal with the eurozone crisis.

Deputy Shane Ross: I want the Taoiseach to go out there and say, "If you do not play ball with us, we will not agree to fiscal union".

The Taoiseach: I ask the Deputy to give me his view.

Deputy Shane Ross: That is what is important.

The Taoiseach: What is the Deputy's view on the problem as it stands now?

Deputy Shane Ross: I expect the Taoiseach to surrender to European diktats from Chancellor Merkel and President Sarkozy on 9 December next.

The Taoiseach: I have asked the Deputy for his own view.

Deputy Shane Ross: The Taoiseach can explain in his reply why that will happen.

The Taoiseach: The Deputy can waffle on if he wants, but I would prefer to hear his view.

Deputy Shane Ross: The Taoiseach will have an opportunity to reply.

The Taoiseach: The Deputy has not made a single proposal.

Deputy Shane Ross: In his reply, he can tell us why President Sarkozy and Chancellor Merkel are constantly dictating to us what is good for Ireland.

Deputy Mattie McGrath: The Taoiseach should stand up for us.

The Taoiseach: Is it the ECB, the IMF or the EFSF? Which is it?

Deputy Micheál Martin: The Taoiseach has not made any proposals himself.

Deputy Shane Ross: It is time for the Taoiseach to go out there——

The Taoiseach: Does the Deputy have a view?

Deputy Mattie McGrath: Of course he has a view.

The Taoiseach: What is his view on the ECB, the IMF and the EFSF?

Deputy Mattie McGrath: The Taoiseach needs to stand up and represent this country.

Deputy Shane Ross: It is time for the Taoiseach to tell us where he stands on the treaty changes which are now in the air and being proposed.

The Taoiseach: That is for the future.

Deputy Shane Ross: Where does Ireland stand on them?

The Taoiseach: We need to deal with the problem now.

Deputy Shane Ross: Where does Ireland stand on the referendums that are about to be dictated to us from Europe?

Deputy Mattie McGrath: We will not be allowed to have a say.

Deputy Shane Ross: Are we in favour of treaty changes that involve us plunging into fiscal union?

The Taoiseach: The Deputy should deal with the problem we will face next week.

Deputy Shane Ross: In such circumstances, we would have to give up our sovereignty forever.

The Taoiseach: What about next week?

Deputy Shane Ross: That is what faces us next week.

The Taoiseach: The crisis is now.

Deputy Shane Ross: Having read this speech, I have no confidence that it was written in Dublin.

The Taoiseach: The crisis is now.

Deputy Shane Ross: It reads like it was written in Europe.

The Taoiseach: The Deputy had an opportunity to make a proposal about the crisis as it stands now.

Deputy Mattie McGrath: The Taoiseach had his chance to do likewise.

The Taoiseach: He did not do so.

Deputy Stephen S. Donnelly: What about quantitative easing?

The Taoiseach: I am disappointed in him.

Minister of State at the Department of Foreign Affairs and Trade (Deputy Lucinda Creighton): At least the Chamber has been enlightened. We now understand that Deputy Ross does not believe in European solidarity or in any of the positive solutions that may be put on the table next week.

Deputy Shane Ross: None of them were mentioned in the Taoiseach's speech.

Deputy Mattie McGrath: It was baloney.

Deputy Lucinda Creighton: If I understand him correctly, he wants the Taoiseach to oppose everything when he represents the Government in Brussels next week and to return home with nothing.

Deputy Mattie McGrath: He wants the Taoiseach to stand up for the country.

Deputy Lucinda Creighton: That is Deputy Ross's solution. I am sorry to disappoint him by saying that the Government intends to engage far more constructively and find a common solution to this European crisis. We are determined to solve the problems that are having direct impacts on our citizens.

I thank all the Deputies who have tried to engage constructively during this crucial debate. There is no doubt that the meetings which will take place next week will be of huge significance for our country, our citizens and, particularly, our currency. When I listen to Deputies on the other side of the House, I am sometimes led to believe that the eurozone is a foreign country that somehow does not have anything to do with this State or its citizens. Nobody seems to be interested in discussing the impact of the potential collapse of the currency.

Deputy Mattie McGrath: Of course we are.

Deputy Lucinda Creighton: They do not seem interested in the disastrous consequences that its collapse would have for this State and its citizens.

Deputy Mattie McGrath: That is not true.

Deputy Lucinda Creighton: We are determined to find a clear path forward. As the Taoiseach has said, some proposals will be brought to the table next week for an initial discussion among heads of state and government. From that point on, there will be a long period during which states can outline their positions, make suggestions and express their views on how we should proceed. The first thing we intend to do is identify where exactly the challenges lie and what exactly we want to achieve. We will then embark on the process of trying to agree a way forward in the broad areas of economic governance and fiscal co-ordination.

The more important and immediate challenge is to identify a way of calming the turbulence in the markets that has affected our currency over recent months and has reached a worrying and alarming stage. Deputy Martin and others have suggested that the Government has not set out a path or communicated its views. I know the Deputy's initial period in opposition was difficult—

Deputy Micheál Martin: No, it was not.

Deputy Lucinda Creighton: —because he was trying to play the statesman and work constructively with the Government.

Deputy Micheál Martin: I was not playing anything.

Deputy Lucinda Creighton: It is clear that he has abandoned that approach and has resorted to opposition for opposition's sake.

Deputy Micheál Martin: This is a serious crisis.

Deputy Lucinda Creighton: It is interesting that there has been more engagement from Sinn Féin——

Deputy Micheál Martin: Can the Deputy do better than that?

Deputy Lucinda Creighton: ——which seems to be providing the only real opposition in this House.

Deputy Micheál Martin: We are in a eurozone crisis.

Deputy Lucinda Creighton: The only engagement on all aspects of European affairs, particularly in relation to the euro crisis, has come from Sinn Féin.

Deputy Micheál Martin: That is not true.

Deputy Lucinda Creighton: A very good meeting of the Joint Committee on European Affairs took place yesterday. Less than 20 minutes ago, Deputy Martin referred to the committee as “nonsense”.

Deputy Micheál Martin: I did not.

Deputy Lucinda Creighton: I would like to make an important point.

Deputy Micheál Martin: I certainly did not.

Deputy Lucinda Creighton: You did.

Deputy Micheál Martin: The Minister of State is playing politics.

Deputy Lucinda Creighton: He said it was “nonsense”.

Deputy Micheál Martin: I said the Government’s articulation of what happened was “nonsense”.

Deputy Lucinda Creighton: That is precisely what the Deputy said on the record of this House.

Deputy Micheál Martin: This is pathetic.

Deputy Lucinda Creighton: Perhaps the Deputy should keep an eye on his colleagues.

Deputy Micheál Martin: The Minister of State should read the speeches I have made over the last six months.

Deputy Lucinda Creighton: Yesterday’s meeting of the Joint Committee on European Affairs lasted two hours. One Fianna Fáil Deputy showed up for about ten minutes. He made a fleeting contribution, which did not contain any constructive suggestions, before he left.

Deputy Mattie McGrath: Where are all the Fine Gael Deputies today?

Deputy Lucinda Creighton: He did not stay for the rest of the debate.

Deputy Micheál Martin: This is silly stuff.

Deputy Lucinda Creighton: Other Opposition Members, particularly Deputy Mac Lochlainn and Senator Reilly of Sinn Féin——

Deputy Micheál Martin: This is childish.

Deputy Lucinda Creighton: —engaged constructively in a meaningful discussion about the implications of the euro crisis and the need to find solutions.

Deputy Mattie McGrath: Where are the Minister of State's colleagues?

Deputy Lucinda Creighton: We discussed potential solutions in detail. Deputy Martin's party was not even represented at the meeting. He would want to take a look inside—

Deputy Micheál Martin: With the greatest of respect, that is a pathetic response.

Deputy Lucinda Creighton: It is not pathetic.

Deputy Micheál Martin: The Government has not made any proposals with regard to the deep and profound crisis in the eurozone.

Deputy Lucinda Creighton: If Deputy Martin respects the parliamentary procedures in this House—

Deputy Micheál Martin: I have been here for the last hour and a half to contribute as I do every time we discuss a summit or meeting.

Deputy Lucinda Creighton: —and the committee system in the Oireachtas—

Deputy Micheál Martin: This is pathetic nonsense.

Deputy Lucinda Creighton: —he might take a look at the structures in his own party.

Deputy Micheál Martin: The Minister of State knows that Members have a lot going on in these Houses.

Deputy Lucinda Creighton: The Deputy should start thinking—

Deputy Micheál Martin: There is a lot of activity in these Houses.

Deputy Lucinda Creighton: —about how he can contribute constructively and positively to this debate.

Deputy Micheál Martin: The Minister of State is playing silly and petty politics with a serious crisis.

Deputy Lucinda Creighton: This is far too important to play petty politics with it.

Deputy Micheál Martin: That is what the Minister of State is doing.

Deputy Lucinda Creighton: Deputy Martin likes to fling accusations across the floor of the House when he thinks somebody from the media might be present. He prefers to play to the gallery, rather than getting down to the nitty-gritty of working on constructive engagement—

Deputy Micheál Martin: We are trying to engage.

Deputy Lucinda Creighton: —as we did at the Joint Committee on European Affairs yesterday.

Deputy Micheál Martin: I asked the Taoiseach to meet us, but he refused to do so on two occasions.

Deputy Lucinda Creighton: The Deputy's party did not even bother to participate.

Deputy Micheál Martin: I am trying to be as constructive as I can. The Government will not meet us or tell us what is on the agenda. It will not tell us what is being proposed? How dare the Minister of State come in here and say no proposals are coming from this side of the House?

Deputy Lucinda Creighton: No proposals have been made.

Deputy Micheál Martin: I am fed up of being inside here and hearing nothing from the Government about anything to do with European affairs.

Deputy Lucinda Creighton: Why does the Deputy not ask his spokespersons to attend committee meetings——

Deputy Micheál Martin: How dare the Minister of State come in here with that kind of nonsense?

Deputy Lucinda Creighton: ——and participate in the detailed debates that happen?

Deputy Mattie McGrath: Do not mind committee meetings.

Deputy Micheál Martin: The Government has told us nothing about what is going on. It told us nothing last month. It told us nothing the month before. It is pathetic nonsense.

Deputy Mattie McGrath: This is the House.

Deputy Lucinda Creighton: Why do you not bother to talk to your Deputies and make sure they attend?

Deputy Micheál Martin: I am waiting for proposals.

An Leas-Cheann Comhairle: I ask the Minister of State to address her remarks through the Chair.

Deputy Micheál Martin: This is not a Fine Gael meeting in Dublin 4.

An Leas-Cheann Comhairle: Deputy Martin, please.

Deputy Micheál Martin: This is a serious Dáil session on the most important summit, potentially, in the history of the euro.

An Leas-Cheann Comhairle: I ask the Minister of State to conclude her reply.

Deputy Micheál Martin: The Minister of State is giving us this kind of pathetic nonsense.

Deputy Lucinda Creighton: Here we go again with “pathetic nonsense”.

Deputy Micheál Martin: That is what it is.

Deputy Phil Hogan: Deputy Martin never read his brief.

Deputy Micheál Martin: Come on now, Phil.

Deputy Lucinda Creighton: Fianna Fáil cannot even be bothered to send Deputies to meetings of the Joint Committee on European Affairs

Deputy Phil Hogan: Deputy Martin cost us a fortune when he failed to read his brief.

Deputy Dara Murphy: Fianna Fáil Ministers did not attend meetings they were supposed to attend when they were in government. Deputy Martin should not forget that.

Deputy Micheál Martin: The Deputy is wrong.

Deputy Dara Murphy: No.

Deputy Lucinda Creighton: He is not wrong.

Deputy Micheál Martin: According to an Austrian study, we had the fifth highest rate among the 27 member states over the last ten years.

Deputy Dara Murphy: Our reputation is being restored by the Taoiseach and his Ministers.

Deputy Mattie McGrath: We should not talk about the past.

Deputy Dara Murphy: It was damaged when Deputy Martin was in government.

Deputy Mattie McGrath: We are where we are.

Deputy Phil Hogan: Fair play.

Deputy Mattie McGrath: The future is what is important.

Deputy Lucinda Creighton: The bottom line is that this Government has a clear agenda. Our priority is to find a solution to the immediate crisis.

Deputy Micheál Martin: Thanks be to God.

Deputy Lucinda Creighton: The Taoiseach brought our suggestions to the Chancellor in Berlin two weeks ago. He did likewise during his engagements with President van Rompuy.

Deputy Micheál Martin: He has had no such engagements.

Deputy Lucinda Creighton: I will do the same at next week's meeting of the General Affairs Council. Our number one focus and priority is to ensure there is a structured ECB intervention in order to provide a proper, meaningful and credible backstop to the major crisis that is swirling around us.

Deputy Micheál Martin: We have been telling you that in here for six months. I welcome the Government's belated conversion to our thinking.

Deputy Lucinda Creighton: It is not a belated conversion.

Deputy Micheál Martin: It is.

Deputy Stephen S. Donnelly: Yes, it is.

Deputy Lucinda Creighton: We have been working on this agenda——

Deputy Micheál Martin: The Minister of State should go back over her speeches.

Deputy Lucinda Creighton: —since the Government took office.

An Leas-Cheann Comhairle: Order, please.

Deputy Mattie McGrath: It is a last-minute job.

Deputy Phil Hogan: It is not.

Deputy Micheál Martin: The Minister of State should go back over her speeches for the past nine months and tell me how it is not a belated conversion.

Deputy Lucinda Creighton: If Fianna Fáil Party Deputies engaged more in European affairs committee meetings, Deputy Martin would know exactly what the Government has done.

An Leas-Cheann Comhairle: That concludes statements on the European Council meeting on 8 and 9 December 2011.

Deputy Micheál Martin: I have been saying this for the past six months in this Chamber and the Minister of State ridiculed me. Only a month ago, the Minister of State claimed we had make a great breakthrough.

Deputy Lucinda Creighton: We seem to have touched a raw nerve on the other side of the House.

Deputy Micheál Martin: I want a debate but the Minister of State will not even take questions now.

An Leas-Cheann Comhairle: Order, please.

Water Services (Amendment) Bill 2011 [Seanad]: Second Stage

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I move: “That the Bill be now read a Second Time.”

I am pleased to bring the Water Services (Amendment) Bill 2011 before the Dáil today. It is important to explain the background and the rationale for this legislation. There are two main reasons for the introduction of this Bill, the first of which relates to non-compliance with EU legislation.

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

The European Court of Justice found that Irish legislation does not adequately provide for domestic wastewater from septic tanks to be recovered or disposed of without endangering human health and without using processes which could harm the environment. It found Irish legislation also fails to provide for the prohibition of the uncontrolled disposal of such wastewater which is a requirement of the waste directive. Irish legislation, the court ruled, does not adequately provide that the holder of such wastewater either has it handled by a public or private waste collector or recovers or disposes of it himself in accordance with the provisions of the directive.

The second reason is a more fundamental reason, one which no right-thinking person could disagree. The key objective of the new legislation is to enhance and protect public health and

[Deputy Phil Hogan.]

the environment which will, in turn, benefit rural dwellers in terms of a better quality of life and better quality water.

In its 2009 water quality report, the Environmental Protection Agency, EPA, noted the presence of microbial contamination arising from the entry of faecal matter to Ireland's waters. The report stated one of the main sources of microbial pathogens was on-site wastewater treatment systems including septic tanks. The EPA's report states a high proportion of monitoring points with faecal coliform detections not only reflects the impact of human activities, but also the vulnerable nature of groundwater in some parts of the country.

Groundwater is a source of drinking water for many people. Approximately 26% of the public and private drinking water supply is provided from groundwater sources. The EPA has identified effluent from on-site wastewater treatment systems as one of the main sources of contamination of groundwater. The 2006 census reported more than 450,000 households were served by septic tanks and other forms of on-site wastewater treatment systems.

Aside from the obvious need to protect human health and the environment, there is another reason why it is critical this legislation is enacted as soon as possible. In July 2011 the European Commission applied to the European Court of Justice to have fines imposed on Ireland for failing to comply with the original court ruling in this case. If we do not comply with the ruling quickly, Ireland will be the subject of significant fines by the court. The level of the fines could be a lump-sum penalty of €2.7 million and daily fines for continued non-compliance of more than €26,000 per day, equivalent to more than €9.5 million per annum. The Government has not delayed or prevaricated in addressing this matter. It has acted promptly in bringing this Bill forward and is determined to have it enacted as soon as possible, thereby meeting the requirements of the European Court of Justice ruling.

The court's ruling excluded County Cavan. The European Commission acknowledged the by-laws adopted in that county in 2004 did constitute legislation for the purposes of the waste directive. The introduction of provisions mirroring the provisions of those by-laws was therefore considered when drafting this Bill. However, the Cavan by-laws do not contain any requirement for householders to register their on-site systems with the local authority. The formation of a register is an essential part of the EU guidelines for environmental inspections and will be a critical element of the development of the EPA's risk-based inspection plan. The Cavan by-laws require all owners of septic tanks and similar on-site treatment systems to have their systems assessed by a competent person with re-inspections being necessary every seven years. Householders must pay for the assessments, which are carried out by the private sector and cost, on average, €200 per assessment. Inspections carried out under the new national system being introduced under this legislation will be free.

The Bill has been drafted to minimise the impact on householders. The registration fee payable will cover all administration and inspection costs. There will be no additional charges such as a re-registration charge levied on householders. Responsibility for the prevention of pollution from septic tanks and other on-site wastewater treatment systems already rests with the owners of premises served by such systems. Section 70 of the Water Services Act 2007 places a duty of care on owners to ensure their treatment systems do not cause a risk to human health or the environment or a nuisance through odours. Householders who are already meeting their responsibilities in this regard have nothing to fear from the risk-based inspection system which will be introduced under this legislation. The Bill specifies the basic criteria against which on-site wastewater treatment systems will be inspected. These criteria, specified in Article 4 of the waste directive, are that the system does not endanger human health or the environment including water, air and soil, the countryside and places of special interest. If a septic tank or similar system is operated and maintained properly and not causing pollution, it

will pass inspection and will not require upgrading. There is no question of applying new standards, for example, those of the EPA's 2009 code of practice, to older on-site systems.

Section 4 provides for the amendment of section 70 of the 2007 Act by the inclusion of a new Part 4A, containing 11 sections, after Part 4 of the 2007 Act. The new Part 4A will build on the existing legal obligations in the Water Services Act and ensure Irish legislation on the treatment of wastewater from septic tanks and other on-site wastewater treatment systems fully complies with the waste directive. Part 4A will introduce a register of all such treatment systems, establish an inspection system for treatment systems and provide for the necessary protection of human health and the environment.

Section 70A provides for definition of the terms used in the new Part 4A. Section 70B provides that each water services authority will be responsible for maintaining a register of treatment systems. This will comprise a single national register with individual parts for each local authority. Work is under way to develop the database which will support the register. Section 70B also establishes a requirement for householders to have details of their systems entered on the register. In accordance with the section, I will make regulations prescribing the date for householders to have their systems registered. I have in mind a timeframe of 12 months from the date of enactment of the legislation for this requirement. A facility to allow registration online is being developed and it is also intended to put in place a written registration facility via the local authorities. Details of when the registration facilities are available will be announced in the national and local media.

Section 70B also provides that householders will be required to pay a modest registration fee which will not exceed €50. The exact fee will be prescribed in regulations. The revenue generated will be used to fund the delivery of a national inspection plan which will be developed by the EPA in consultation with the local authorities. The roll-out of the national inspection plan will be managed by the local authorities. Householders will not be charged for inspections. Following the initial registration, householders will not be required to re-register their systems for five years and there will be no charge for second and subsequent registrations.

Section 70C sets out the duties of owners of premises connected to domestic wastewater treatment systems and places responsibility on the owner of a system to ensure it is maintained and operated in a manner that does not cause a risk to human health or the environment.

Section 70D provides that after the date for registration, to be prescribed under Section 70B, when a house served by a domestic wastewater treatment system is sold, the vendor must provide evidence to the purchaser that the system is registered. The purchaser is required to notify the relevant local authority of the change of ownership.

Section 70E deals with the appointment of inspectors. The EPA will be responsible for the appointment of persons to act as inspectors of treatment systems. The section includes a provision for the making of regulations concerning the appointment of inspectors, criteria to be met by those seeking appointment, the circumstances leading to the revocation of an appointment and procedural matters in relation to appeals.

Section 70F contains provisions concerning the EPA's responsibility to establish and maintain a register of persons appointed as inspectors for the purposes of Part 4A. Section 70G sets out the powers granted to inspectors appointed under section 70E. These powers include the examination of a treatment system, taking samples, taking photographs of any element of the treatment system, examination of the subsoil and obtaining information and inspecting records pertaining to the maintenance, servicing or operation of the treatment system. This section also provides that an inspector cannot enter a private dwelling without the permission of the occupier. Once notification of an inspection has been provided by a water services authority, it will be an offence for a person to prevent an inspector from entering a premises, to obstruct or

[Deputy Phil Hogan.]

impede an inspector when carrying out their duties, or to provide false or misleading information regarding a treatment system to an inspector, the EPA or a water services authority. The EPA or a water services authority will have the power to have authorised and appropriate persons accompany inspectors in the course of their duties.

Section 70H provides that inspectors will carry out inspections of treatment systems as requested by the EPA or by a water services authority. Inspections will be based on the national inspection plan, which is provided for under section 70K. It is important again to note that, irrespective of the age or type of waste water treatment system in place, if it is working properly and not polluting, there is no question of the owner having to upgrade to a more modern system. Under section 70H, inspectors are required to inform the owner of a treatment system and the relevant water services authority of the results of the inspection.

Where a water services authority receives notification that a treatment system is causing or is likely to cause a risk to human health or the environment, the water services authority must issue an advisory notice to the owner within 21 days. An advisory notice will state that the water services authority considers that the particular treatment system is, or has potential to be, for stated reasons, a threat to human health or the environment. The notice will direct the owner to take the necessary remediation measures and will specify a timeframe for completion of those measures. Where remediation measures are required, all options available will be considered. These will take into account issues such as the exact nature of the problem, the size of the site and the extent of the risk to human health or the environment. Failure to comply with the provisions of an advisory notice within the specified timeframe will be an offence.

This section also provides for an appeals mechanism for persons who do not agree with the provisions of an advisory notice. On payment of a fee to be prescribed, an appeal of an advisory notice can be requested. There is a legal requirement to set a maximum limit on fees in primary legislation. During the debate in the Seanad, I indicated my intention to amend this section to reduce the maximum fee for appeals to €20 and I will table this amendment on Committee Stage. The section provides that where an advisory notice is cancelled following an appeal, the fee will be refunded.

On receipt of an application under this section, the water services authority will arrange for the re-inspection to be carried out by an authorised person appointed by the water services authority. The re-inspection process will either confirm the provisions of the advisory notice, revise those provisions or set aside the advisory notice. If necessary, a revised advisory notice will be issued. Section 70H also provides for an appeal to the District Court in certain limited circumstances by a person aggrieved by an advisory notice issued after a re-inspection has been carried out. The section also sets out actions to be taken by a person on whom the advisory notice has been served and by the water services authority once remediation works are carried out.

Section 70I provides for the EPA's supervision of water services authority functions for the purposes of this Part. The EPA can issue directions to the water services authorities to ensure that they are carrying out functions assigned to them under the Bill in an effective manner. The section also provides that the agency can direct the water services authorities to maintain records regarding registrations, inspections carried out, advisory notices issued and prosecutions initiated and to submit those records to it. The EPA is required to keep records regarding its supervisory role and of directions issued to water services authorities. Water services authorities must comply with directions issued under this section; failure to do so will be an offence.

Section 70J provides for the issue of directions by the EPA to inspectors and that inspectors must comply with those directions.

Section 70K deals with the preparation, by the EPA, of a national inspection plan regarding the inspection of domestic waste water treatment systems. It sets out the issues to be considered by the agency when drawing up the plan. The section also makes provision for the revision of the plan. Water services authorities will be required to give effect to the plan and failure to do so will be an offence. The section outlines the criteria the EPA should take into account to when preparing the inspection plan and, in particular, risk or potential risk to human health or the environment. The risk-based approach to inspections and monitoring is consistent with the agency's overall policy and approach to environmental enforcement and is consistent with international best practice. The first inspection plan will be developed by the EPA in 2012 and inspections of systems will commence in 2013.

Section 70L provides for the making of regulations for the purposes of Part 4A and sets out some of the issues that may be dealt with in those regulations, including the performance standards for treatment systems. Performance standards will vary according to the age and type of on-site system in place and I emphasise again that there is no question of imposing the standards set out in the EPA's 2009 code of practice on older septic tanks. The EPA's code is primarily concerned with new developments. Regulations will also deal with the standards and procedures to apply where domestic waste water treatment systems are emptied and the contents disposed of. This is an important aspect of the waste directive.

Section 70M provides for the penalties for offences under the various sections of the Bill. These are proportionate and reflect the seriousness of the risk to public health and the environment posed by inadequately maintained or malfunctioning on-site systems.

This legislation is necessary to ensure Ireland complies with a ruling of the ECJ and the timing is critical, as we are facing the imposition of fines and penalties for non-compliance. The legislation is equally important, as it will establish additional protections for public health and for the environment. There has been much speculation and scaremongering about the Bill and what it will mean for households in rural Ireland. People living in the countryside need have nothing to fear from it because, on the contrary, it will benefit rural dwellers, improve water quality and serve to improve the quality of the countryside and the quality of life in the countryside.

I look forward to engaging with Members on the provisions of the Bill and I commend it to the House.

Deputy Niall Collins: I wish to share time with Deputies McGuinness, Browne and McConalogue.

This Bill is an attack on rural Ireland. It inflicts profoundly unfair, discriminate charges against rural home owners, underpinned by the threat of criminality. It provides no financial assistance for necessary upgrades and it has no detail on the applicable standards. It puts forward a vague unsustainable financial model for an unknown number of inspectors undertaking an unknown number of inspections for an unknown amount of money. We fear that the Bill is the thin end of the wedge, pricing people out of rural life, confining it to those who can afford it, not those who are born and raised in the area. We will fight to defend those affected by this legislation through a series of comprehensive amendments.

There are 475,000 septic tanks in Ireland with approximately 1.5 million people serviced by them. These families are struggling in the midst of a global recession. They undertook to build a home in their communities and they paid development levies to their local authorities to fund services. They are not simply part of rural life; they are rural life. The Bill will further burden them with additional charges, the cost of upgrading their septic tanks and the threat of higher charges in the future.

[Deputy Niall Collins.]

The Government has defended the Bill on two grounds. The first is the ECJ ruling of October 2009 and the second is the need to protect ground water quality. The ECJ ruling found Ireland wanting in implementing the 1975 waste directive. It exempted County Cavan on the basis of the inspection system it introduced in 2004. The issue at stake is the specific process being introduced by the Government, not the need for a system to ensure water sources are kept clean and free from pollution. It is disingenuous to suggest or imply that the system put forward in the legislation was detailed in the ECJ ruling. This is not the only way forward to address the judgment.

Maintaining high quality water, free of pollution, is an essential goal of our amendments to the Bill. The Minister's commitment to the environmental cause appears to be a marriage of convenience to which he comes home whenever it suits him. He has taken the climate change Bill promised in the programme for Government and parked it indefinitely. He is getting ready to hit motorists with low emission cars with a 50% motor tax increase just for being fuel efficient. The Minister strikes me as an unlikely champion of the environment he claims his Bill is designed to protect.

The 2000 water directive has set a series of standards for Ireland to reach by 2015 but the greatest threat to our obligations in this area is not the ordinary householder living in the countryside that the Bill threatens to criminalise. The biggest factor undermining water quality is local authorities failing to live up to the necessary standards. The Minister's occasional bout of interest in the environment would be better served by concentrating on them and not the ordinary hard working families in the countryside that this legislation will affect.

Let us examine the Bill in detail. It introduces a series of fees to be paid as part of the registration and appeals process. The initial €50 fee may seem innocuous but it sets a precedent for placing additional, discriminate charges at the foot of rural home owners. The principle at stake is that home owners are being laden with charges on the basis that they live in the countryside for services that urban dwellers expect as a normal part of the State's services. Our fear is that once this precedent of a highly discriminatory charge is set, it will be the thin end of the wedge. Further fees may follow and increases justified by the same thinking that has led to this Bill may lead to many more. If rural home owners are to be singled out for a charge relating to the basic necessities of life, what is to prevent more being applied down the line? This Bill paves the way for further encroachments on the right of people to live in rural Ireland.

The Bill presents a new set of regulations, which will be supported by the threat of the commission of an offence and which will be implemented by an unknown number of private inspectors. Underpinning the additional charges and fresh obligations to be imposed is the threat of criminality. The Minister evaded this aspect by seeking refuge in semantics regarding definitions of criminality. I draw his attention to section 70C, which states that a person who contravenes the regulations outlined will commit an offence. According to this section, domestic waster water treatments "adversely affect the countryside or places of special interest". The vague nature of such demands, coupled with the wide area to which they relate, will empower inspectors with a very broad and potentially threatening remit. Despite all his evasiveness on this issue, the Minister is well aware that the people who will be affected by the legislation will be treated like criminals. To ordinary homeowners, elderly farmers or young families starting out in life, being hauled before the District Court in order to pay a fine because their septic tank adversely affected the countryside will be tantamount to being treated like common criminals. No amount of verbal gymnastics on the part of the Minister can change that.

If we consider the financial impact of upgrading septic tanks under the new system, we begin to see what will be the real costs to rural homeowners throughout the country. The Minister

has not detailed the standards that will apply when inspectors arrive on people's premises. He indicated that he has received agreement from the Commission in respect of standards. However, the detail of the regulations remains unknown. The most up-to-date regulations are contained in the EPA's code of practice for 2009. The latter set out percolation areas, minimum distances between septic tanks and homes, the standard of the tanks, etc. If they were to be applied, this would give rise to a need for more wide-scale upgrades throughout the country. The standards relating to a home which was built in 1982 and which has a septic tank will diverge significantly from those set down in the 2009 guidelines. There may be severe space constraints in respect of such a house, the specified minimum distance may not be achievable and difficulties might arise in the context of the criteria relating to soil type. What are the owners of such houses expected to do?

The lack of clarity in respect of this matter reflects the fact that the Bill is entirely silent in respect of the cost to homeowners. The regulatory impact analysis relating to the Bill indicates that it is difficult to estimate the costs involved, particularly those relating to householders. The Bill, the regulatory impact analysis and the Minister are all silent with regard to how much all of what is proposed will cost.

Let us consider the Cavan model in order to obtain a sense of what will be the impact of the Bill. There has been a 25% failure rate in Cavan in respect of septic tanks, with remedial works costing an average of €2,500. However, regulatory impact analysis indicates — I draw the Minister's attention to this figure, which he queried in the Seanad, and its source — that in certain instances the costs relating to a complete upgrade may reach €17,000. This information is listed on page 9 of the analysis if the Minister wishes to see it. Depending on the standards applied, the failure rate and the level of works to be undertaken will represent a significant increase on what has occurred in Cavan since 2004. Taking the basic failure rate of 25% and the average cost of €2,500 for an upgrade in Cavan, we can at least obtain some limited sense of the overall cost to rural homeowners to which the Bill will give rise. If there is a 25% failure in respect of the 475,000 septic tanks throughout the country, then 120,000 tanks will need to be upgraded. As a result, 120,000 family homes and approximately 460,000 people will be affected.

The homeowners to whom I refer are already struggling. Imposing an additional charge of €2,500 will do little to assist the much-vaunted job creation programme which the Government likes to discuss but in respect of which it fails to act. Under this Bill — and based on the limited information provided by the Minister — some 120,000 rural homeowners will be obliged to spend an average of €2,500 on upgrades. This means that a total of €300 million will be paid out on such upgrades. A further €23.75 million will be raised by means of the registration fee. In addition, those who are of the view that they have been unfairly forced to pay thousands of euro on upgrades will be obliged to pay an appeal fee of €20. This is the real cost for ordinary homeowners with regard to what is contained in the Bill. This money will be sucked out of the rural economy and the cost will be felt in homes throughout the country. What is envisaged represents a €300 million tax on rural living.

The system of inspectors outlined in the Bill is also shrouded in secrecy. This is another reason we believe that what is proposed represents the thin end of the wedge. The Minister has stated that the inspection process will be self-financing as a result of the registration fees collected and that there will be no impact on the Exchequer. However, there is a lack of real and credible detail with regard to the funding system outlined in the Bill. If this system proves to be insufficient, will charges be increased in order to plug the gap caused by poor planning in respect of the legislation?

The Bill contains a series of costly measures which inspectors will be obliged to pursue. Comprehensive testing of sites — ranging from site visits to the taking of soil samples — may

[Deputy Niall Collins.]

be necessary as part of a thorough examination. At a minimum, there will be a need to carry out on-site visits. The latter may often take place in rural settings where housing density is low. Inspectors will be obliged to be fully qualified and will have to pay a fee of €1,000 in order to become registered. On that basis, it is safe to assume that inspectors will expect a sufficient level of remuneration in respect of their efforts. The Minister has given no indication of the number of inspectors to be employed, nor has he outlined how many inspections they will be contracted to undertake or what will be the cost of such inspections.

The Bill makes provision for the imposition of a €50 registration charge which will cover inspectors' fees. In the context of the 475,000 septic tanks throughout the country, this will yield a once-off payment of €23.75 million, or €4.75 million per annum over five years. Will €4.75 million per annum be sufficient in the context of fully funding the wages of inspectors? Certain inspections will be less time consuming than others. A visual inspection verifying registration details will be far less arduous than undertaking soil samples and monitoring septic tanks. How will the fees relating to inspections be decided? Will the level of revenue be adequate to allow the system to be self-sustaining? Is it the case that there will be no impact on the already embattled Exchequer or on local authorities, which, from a financial point of view, are struggling?

In the Seanad the Minister indicated that he expects 90% of the work relating to this matter to be done by local authority employees rather than by the privately-contracted inspectors in respect of which the Bill makes provision. Will that not place an additional financial burden on local authorities? The initial remit of the Bill to cover tanks located near water supplies has been significantly broadened to encompass the entire countryside. Thus, inspections will be carried out across the entire State. This will heighten the demand for inspectors and lead to an increase in the costs involved. I am of the view that such costs may prove to be unmanageable and that additional charges will be levied in order to fund the system of inspections. As already stated, what is proposed represents the thin end of the wedge.

The amendments my party will be tabling will be discussed in detail on Committee Stage. However, I can outline to the House that we are seeking the abolition of the registration charge; clarity in respect of the funding relating to inspections; elimination of the appeal fee; clarity in respect of the regulation of household waste water systems; clarification regarding the standard to be applied by inspectors and whether EU approval for this has been forthcoming; grant aid for maintenance costs and upgrades of at least 85%; that mandatory upgrades must be exempt from planning permissions, environmental impact assessments and environmental screenings; there should be no requirement for extra land in order to comply with provisions of the Bill; and free annual de-sludging. The Minister has made some movement on these critical issues I hope he will continue his efforts in this regard.

The Bill is an attack on rural Ireland. It imposes a tax on living in rural areas and this is backed up by the threat of criminality. It does not contain any detail in respect of how the inspection system will be funded or on the standards that will apply. In addition, it does not provide financial assistance for those who will be obliged to upgrade. The lack of clarity in respect of the Bill and the disingenuous arguments put forward to justify its introduction have led us to fear the worst. We see this legislation for what it is, namely, a further attack on rural Ireland. It also paves the way for the introduction of additional charges in the future. We will not stand by while people are being priced out of living in the communities in which they were born and raised. Fianna Fáil will be opposing the Bill.

Deputy John McGuinness: I join Deputy Niall Collins in opposing the Bill. None of us disagrees with the introduction of standards, particularly in this area and in the context of

protecting the environment and our water sources. However, this legislation is gold-plated in nature and it works against the interests of citizens. There are other simpler ways, which were introduced in other jurisdictions, that could be applied here and that could have the same benefit and achieve the same goals that the Minister seeks to achieve. I believe that this legislation should not be taken now. We should look at other possibilities and other ways of doing this business.

I compare this Bill to another piece of legislation introduced by the previous Government, the climate change Bill. That, too, was gold-plated. It was set out to suit Europe, not to deal with the issues at home and achieve the same goals. It is also similar to the legislation governing NERA. The consequences of that legislation were inspectors terrorising businesses up and down the country. At one stage, that had to be stopped and they had to be redirected in terms of their ambitions.

What I see lacking in this legislation is the criteria set out for each householder who has a septic tank, what he or she needs to comply with, what the standards are and what will happen to him or her during the course of these inspections. The householder is a partner in our attempt to protect water sources, etc.

Another important point which is not developed in the Bill relates to the powers of the inspectors so that the citizen would know exactly what to expect. The Minister said that when an inspector visits, he or she must have permission to come on-site, but the inspector also has the power to enter the site and it is that power that will be introduced to the householder on the day. It is that power that must be challenged. When a citizen of the State decides to object to or question the power of any inspector in the State, we know the consequences. Indeed, the Minister and I are aware of what happened in our constituency to Mr. Donal Norris with the NRA and other examples can be called upon to prove that point as the NRA set about its business in the State.

If we look at what else happened in terms of looking after the quality of water, we need go no further than Kilkenny and the Purcellsinch plant. For years, that plant polluted the River Nore and in spite of some investment in the plant, it remained a source of problems in the area in which it was located. It was the residents of that area who paid a serious penalty because the EPA, as an arm of the State, would not take the appropriate action against Kilkenny County Council. The opposite is the case when the State is dealing with citizens or individuals, where it is well able to flex its muscle. That is the reason I have concerns about how individuals will cope with this serious problem. It may work out the way the Minister has described. It may be that there will be a small number of people affected by this, but let us take the ones who are affected and examine what will happen.

They could be those who are marginalised with very little income. They could be the elderly in a rural community who could have a visit from an inspector, which causes its own level of concern for them, and they may then need to carry out certain works on-site to ensure that they comply with whatever unknown standard the inspector lays down. Then there is the cost involved in that, but the State does not reach out to help them with it. It does not try to assist them in any way. Assistance should be the approach in the context of this Bill. They are partners in what the Minister is trying to achieve. They have not been consulted, by and large, and the Minister is imposing this legislation on them. If we were to consult them, they might say that they would comply and that they would work with the inspectors, given time, given an understanding of what is required of them and given some sort of financial assistance to reach the point where they can put in place what is required. I doubt if many of them are deliberately not complying with regulation of the treatment of effluent from their own sites.

[Deputy John McGuinness.]

Another matter that concerns me — the Minister, Deputy Hogan, has been a practical practising politician at local level for a long time — is when the State suggests that it envisages it will not cost more than €50 or that such and such might happen. The reality with this type of legislation is that, should it be passed and should the Minister, Deputy Hogan, move to a different Department, it is then left to the officials to interpret what the Minister said. What the Minister is saying may be good and positive, and I would agree with some of it.

Deputy Phil Hogan: The Bill states definitely that it is €50.

Deputy John McGuinness: It states that, but the officials are left to interpret all of the rest.

Deputy Phil Hogan: There will be no misinterpretation.

Deputy John McGuinness: There is nothing to stop them, as was the case with the NERA legislation——

Deputy Phil Hogan: It cannot be stopped without changing the law.

Deputy John McGuinness: ——from applying their own standards and their own method of ensuring that a citizen complies with the State. Given my experience at local authority level over 25 years, I have no doubt that the rights of the citizen will be ignored and the State will ensure that the officials apply the letter of the law to every one of them. In the references in the Bill, the Minister speaks of criminal proceedings and what the officials can do.

Deputy Phil Hogan: No.

Deputy John McGuinness: Unfortunately, that is the case. That is the weakness in legislation, not merely the Minister's but others.

Deputy Phil Hogan: No. That is the one Deputy McGuinness's party brought in 2007. That is the one Deputy McGuinness voted for in 2007.

Deputy John McGuinness: I did not interrupt the Minister.

Deputy Phil Hogan: No, but Deputy McGuinness voted for it.

Deputy John McGuinness: The Minister, Deputy Hogan, should have the manners to listen to the Opposition because that is part of the democratic process in this House. The Minister should take his seat unless it is a point of order.

I would like to see much more in this legislation.

Deputy Phil Hogan: On a point of order——

An Leas-Cheann Comhairle: Is Deputy McGuinness accepting a point of order?

Deputy John McGuinness: I will accept a point of order from the Minister, Deputy Hogan.

An Leas-Cheann Comhairle: Deputy McGuinness's time is now up anyway.

Deputy Phil Hogan: Could Deputy McGuinness tell me where I used the word “criminal”?

An Leas-Cheann Comhairle: I call Deputy Browne.

Deputy Phil Hogan: Would Deputy McGuinness show me where I used the word “criminal”?

Deputy John McGuinness: In the legislation——

An Leas-Cheann Comhairle: We have not much time.

Deputy John McGuinness: ——the Minister leaves it open to the inspectors, who will interpret differently what the Minister has said in this House.

Deputy Phil Hogan: Deputy McGuinness should answer the question.

Deputy John McGuinness: I am giving the Minister my opinion.

Deputy Phil Hogan: It is Deputy McGuinness's opinion.

Deputy John McGuinness: As was the case with NERA and other legislation, if the Minister does not define what is necessary in this Bill to protect the rights of citizens and to reduce the costs imposed by the State on them, then the citizen will fall foul of this legislation.

Deputy Phil Hogan: Deputy McGuinness should tell the truth.

An Leas-Cheann Comhairle: I must call Deputy Browne. These matters can be gone into on Committee Stage when there will be plenty of time. I call Deputy Browne.

Deputy John Browne: First, I want to put on record my opposition to the Bill. I believe it is an attack on rural communities up and down the country.

The principle at stake in the Bill is that rural dwellers will have to pay more for the same services as other taxpayers merely in order to live in the countryside. This sets a precedent that rural dwellers will be discriminated against by the Government on the basis of where they live and the requirements that it demands.

People are rightly concerned about the charge of which the Minister speaks. For example, the €50 registration fee may be increased in future registrations as the cost of the system unfolds. There is a telling lack of detail in the Bill on the overall costs involved in the operation. In my experience in this House, when a fee is imposed, usually at a low level, as the years go by it increases dramatically. That is what people are concerned about. The Minister might explain in his reply whether he intends to ring-fence this €50 registration fee, or whether it can be increased on an annual basis or whenever subsequent registrations are carried out.

Rural dwellers will now have to pay the septic tank charge in addition to the proposed €100 household charge. It is something that urban dwellers will not have to face. Also, the implementation of water charges will mean that rural dwellers will have to pay separate charges for water disposal through their septic tank charges and also face new fees for water through the new metering system. It is certainly double taxation.

At a time when households are under severe financial constraints, the charge penalises people for living in rural communities with no direct access to public sewerage schemes. As we all will be aware, public sewerage schemes are heavily subsidised by the taxpayer whereas, to date, no assistance has been given to those in rural areas for their effluent systems. The biggest threat to Ireland not meeting its 2015 obligations under the EU directive comes from local authorities, not rural householders. What does the Minister intend to do about local authorities responsible for so much pollution up and down the country? He should concentrate his efforts on tackling this problem and not introduce a highly discriminatory charge against rural Ireland.

There are 30,000 septic tanks in County Wexford, where I come from. They all have different sized sites, with some of the houses using septic tanks on 1.5 acres to 2 acres, depending on who has the land, in particular farmers' sons or daughters, while some are on half or quarter

[Deputy John Browne.]

of an acre, with some on less. If, following registration, it is found that some septic tanks are not working properly and they are on only a quarter or a fifth of an acre, and have no chance of getting extra land to rectify the problem, how does the Minister intend that these people will be able to solve the problem? Will there be severe penalties against them? I know some of the environmental inspectors who work with local authorities, including some in my area, and while some are very reasonable, others adopt a very tough approach. If they say the problem cannot be resolved on the smaller amount of land, who will make the final decision?

I wish to raise the issue of grant aid and support for people who may have to upgrade. Figures are being bandied about that it will perhaps cost up to €17,000 to upgrade a problem septic tank. I was a Minister of State at the Department of Agriculture, Fisheries and Food when farmers were jumped on by the EU and asked to upgrade their farmyards, and close to €500 million was allocated to farmers to upgrade their systems under the farm waste management scheme. I had no problem with that as I believe farmers were entitled to get grant aid to upgrade their systems and bring them up to modern, EU standards. This will be very difficult for families and people, particularly with systems going back to the 1960s and 1970s when we did not have the high standards that now apply for septic tanks, percolation areas and all of that. Will the Minister help by introducing a grant aid system for people who will have to, under his legislation, upgrade their systems? If he does not introduce a grant system to support such people, including old age pensioners and those on low incomes as well as those who are working, they will not be in a position to implement the scheme as the Minister wants them to, and they will certainly not be in a position to pay €16,000 or €17,000 for an upgrade.

The Minister referred to the local authorities and the EPA. When the EPA carries out decisions under its jurisdiction, it is usually very strict and demanding and there is no flexibility or grey area — it is black and white with the EPA. I am very concerned that once the legislation is on the Statute Book, the EPA, in conjunction with the local authorities, will implement it to the letter of the law. If I go into the planning section of Wexford County Council at present to argue for a planning decision or some flexibility for a person who may be constrained in regard to land or other areas related to planning, the officials usually tell me it is due to an EPA regulation. This is where the difficulty will be.

The measure is very badly thought out. Did the Minister look at the systems in Scotland, for example? All septic tanks there must be registered but the households affected do not have to pay. In Northern Ireland, there is no mandatory inspection and the inspection costs are borne by the Northern Ireland Environment Agency. Households do not pay for the original discharge consent but receive free de-sludging every 12 months.

The Minister must consider all the different options that could be available before placing an unfair burden on a large part of the population. It seems the Minister is intent on introducing the legislation. Obviously, he has the majority in the House to do that and there is little we on this side of the House can do if he decides to push it through. However, I ask him when replying to give some idea whether he intends to seek funding from the Minister for Finance and perhaps from the EU to grant aid people who, under the Bill, will have to upgrade their septic tanks to a reasonable standard at a cost of approximately €16,000 to €17,000.

Deputy Brian Stanley: I wish to share time with Deputies Pádraig Mac Lochlainn and Pearse Doherty.

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

Deputy Brian Stanley: I have seen few issues in my years as a political activist that stimulated such debate and passion as this ill-thought out Bill. Meetings with hundreds of people in attend-

ance have been organised to discuss what has become known as the septic tank Bill. People's responses have varied from outright rejection of the Government's proposals to genuine confusion and frustration. The response of the Minister has done little to clarify the situation. Having attended some of those meetings and dealt with constituents' concerns in rural areas, and having read the Bill and all the information available, I am more convinced than ever that the approach of the Government is wrong on this matter.

We in Sinn Féin are fully aware we need to protect the environment and ground water. We fully support the registration of septic tanks and the need to carry out remedial works and upgrades. However, we are proposing a common sense approach on septic tanks. Rural dwellers should not be faced with another stealth tax. Rural Ireland is already trying to cope with huge increases in costs, including two in recent months, namely, increases in public transport costs and the massive increase in fuel costs, some 29% in the case of oil.

Consecutive Governments, including the Government led by Deputy Ó Cuív's party, were fully aware of the situation facing rural Ireland. The facts are that this issue dates back to the 1975 European Council directive on waste which the European Court of Justice ruled in 2009 that Ireland had breached. Not a year has passed since 1975 in which either Fianna Fáil or Fine Gael and Labour were not in power yet nothing was done about it. Fianna Fáil had almost two years since the court judgment in 2009 to deal with this issue but, in true fashion, it abdicated that responsibility. It is grossly hypocritical of Fianna Fáil Deputies and their entourages to be flapping around the countryside, organising meetings and complaining about this Bill when they themselves are partly to blame for the current crisis in which we find ourselves.

Once again, it is ordinary householders in rural Ireland who are being asked to pay the price for this irresponsibility. Pay the price they will if the Minister has his way, first with a registration fee of €50, then with re-inspection fees of €200 and next, of course, with the massive cost to be borne by ordinary families if they need upgrades or remediation works carried out. Why has a householder to re-register after five years? Given current technology, if something is registered, it remains registered and should not need to be re-registered after five years. We should not see this measure as simply a way of gathering revenue from rural dwellers.

Fine Gael promised the following in its pre-election manifesto:

Fine Gael will tackle leaking septic tanks that pollute our groundwater. We will introduce new regulations and standards to address the serious problems associated with septic tanks. As part of our Home Improvement Scheme we will provide short term finance for septic tank remediation assistance for home owners.

Debate adjourned.

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

Message from Select Committee

An Ceann Comhairle: The Select Sub-Committee on Jobs, Enterprise and Innovation has completed its consideration of the following Supplementary Estimates for Public Services for the service of the year ending 31 December 2011 — Vote 34.

Ceisteanna — Questions

Priority Questions

An Ceann Comhairle: I remind Deputies that there are six minutes for each priority question — two minutes for the Minister's initial reply and four minutes overall for supplementary questions.

Planning Issues

1. **Deputy Niall Collins** asked the Minister for the Environment; Community and Local Government his contribution to the reviewed EU-IMF agreement in regard to the proposed change of the floor space cap set out in the draft retail planning guidelines; if they argued for a retention of the current floor space cap; and if he will make a statement on the matter. [37874/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I issued draft Guidelines for Planning Authorities on Retail Planning for public consultation on 21 November 2011 aimed at ensuring that the planning system plays a key role in supporting competitiveness in the retail sector; advancing choice for the consumer while promoting and supporting the vitality and viability of city and town centres; and contributing to a high standard of urban design and encouraging a greater use of sustainable transport.

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 floor space cap on retail premises, my Department and the Department of Jobs, Enterprise and Innovation commissioned Forfás to undertake an evidence-based and focused study to analyse the potential economic impacts of eliminating the cap on the size of retail premises. The draft guidelines take into account the recommendations of the Forfás Study Review of the Economic Impact of the Retail Cap, which I also published last week. The draft guidelines are open for public consultation until 20 December 2011, and I look forward to good engagement through submissions and observations which will be considered in finalising the guidelines in early 2012.

Deputy Niall Collins: I thank the Minister for his response. I am sure he will agree that small business is facing great pressure and stress at present in terms of falling consumer demand as a result of the pressures on the wider economy. The Government has signalled that an increase of 2% in the higher VAT rate will be part of next week's budget and the retailers have reacted quite angrily to that. They also reacted angrily to the kite that was flown by the Minister for Social Protection regarding sick leave pay. Furthermore, they are concerned about the proposed reduction in the amount of the redundancy rebate. All these pressures are feeding into business. There is also the existing pressure of commercial rates, which we debated in the House last week. During that debate we highlighted the actions that must be taken in terms of recognising the changed economic circumstances and people's ability to pay.

Small business, retailers and family businesses throughout the country have an issue with increasing the cap on retail space for the bigger multiples. The EU-IMF deal did not specifically provide for an increase in that cap, and the Minister must acknowledge that. It provided for a study. Increasing the cap would allow for more space, which would squeeze the smaller retailers in town centres. It is a core function of proper and good planning that we develop from the core of towns and villages outward, rather than enhancing the already developed out-of-town shopping outlets. My native city of Limerick is an example of that, where the doughnut effect

around the city is prevalent and has essentially torn the heart out of the inner city. All sorts of drastic measures will be required to rebalance that.

Our position is that we oppose increasing the cap. What is the Minister's position on it? The Irish Small and Medium Enterprises Association Limited, ISME, the Irish Business and Employers Confederation, IBEC, Chambers Ireland, Retail Excellence Ireland and the Retail, Grocery, Dairy & Allied Trades' Association, RGDATA, as well as the rest of the organisations all wish to know the Minister's thinking on the matter.

Deputy Phil Hogan: All those organisations have different views. The draft guidelines play a critical role in refocusing on plan-led development rather than a developer-led approach, which has bedevilled cities such as Limerick and other places throughout the country. I recognise that the retail sector plays a key role in generating employment and attracting people to cities, towns and villages. I am also conscious of the fact that in provincial towns, in particular, retail businesses are under pressure, so we do not wish to do anything that will massively distort the marketplace even further for those businesses. For that reason I have no proposals to increase the cap in the context of provincial towns.

Deputy Niall Collins: Will the Minister clarify where he will be proposing to increase the cap? Second, will he acknowledge that it is not a requirement of the EU-IMF agreement to increase it and that the requirement was to undertake a study? Where is the Minister intending to increase the cap? Is it just the Dublin area? Will the Minister accept that it is a requirement of the EU-IMF agreement just to carry out the study, and no more?

Deputy Phil Hogan: When the EU and IMF ask one to carry out a study, they do so with a particular purpose in mind. There has been contact with the troika about the Forfás report and over the summer months we have been negotiating with the troika. The Government made the decision to release for public consultation the proposed changes in that submission to modify the grocery retail floor space cap in Dublin and the major cities but not to change the existing floor space levels for petrol station outlets, retail business parks or neighbourhood and district centres in provincial towns.

Building Regulations

2. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government with whom the responsibility lies for the enforcement of building control standards in the situation in which the developer, having completed the development, has clearly not been in compliance; and if he will outline the way this process should operate. [37872/11]

Deputy Phil Hogan: Under the Building Control Act 1990, responsibility for compliance with the building regulations is a matter for the owner-builder of a building and enforcement of the building regulations is the responsibility of the 37 building control authorities. The resolution of problems arising between building owners and builders is a matter for the parties concerned, namely, the building owner, the relevant developer and the builder's insurers. Where the construction of a building is the subject of a contract between the client and the builder, enforcement is a civil matter.

Building control authorities are empowered to carry out inspections and initiate enforcement proceedings to ensure compliance. In addition to prosecution on indictment in the Circuit Court, building control authorities can bring summary prosecutions for all building code offences in the District Court and have wide powers to make application to the High Court to secure orders where buildings do not comply with the requirements of the building regulations.

Deputy Brian Stanley: This is a huge emerging problem across the State, with buildings and developments clearly not in compliance with building control standards. With regard to compliance, it is accepted that developers, their agents and architects are responsible for compliance. They must sign off on, and stand over, compliance with building control standards. The problem arises where it is clear that the building control standards have not been met. Where the developers are still in business, I find they are washing their hands of the problem. Receivers are also washing their hands of the problem. People are living in apartments that will probably have to be knocked down. I have seen some of these apartments. It is clear that self-regulation has not worked. Most people are agreed on that. Local authorities were inspecting between 10% and 15% of developments as they were being built during the years of madness.

An Ceann Comhairle: Will the Deputy put his question?

Deputy Brian Stanley: Can I take it from the Minister that where the inspection regime and compliance have failed, the function of enforcement rests with the local authority? The evacuees from Priory Hall have repeatedly sought a meeting with the Minister. I believe it is a reasonable request, without prejudice to any outcome. Will the Minister finally agree to meet them in the context of the review of the building regulations?

Deputy Phil Hogan: First, I cannot meet the people from Priory Hall or any other development that is subject to court proceedings. When the court proceedings are concluded I might be in a position to meet people but I cannot do it before then.

I agree with Deputy Stanley that this is a looming problem, not just in Priory Hall but in other areas. There is general agreement now that a more rigorous enforcement regime is required. That is why in July of this year, before any matters relating to Priory Hall arose, I initiated a review of the building regulations and I will introduce mandatory certification of compliance by builders, and designers of buildings, confirming that the statutory requirements of the building regulations have been met. We put trust in professional people to do this job for the State in a devolved way, and it has not happened. More efficient pooling of building control staff and resources across the local authority sector is also required where we can target the areas in which we need more enforcement. A standardised approach with common protocols nationwide must be taken to ensure that people across the local authority sector, and across the professional organisations, will be in no doubt about their responsibilities.

Deputy Brian Stanley: I am disappointed in regard to Priory Hall but I hope the Minister's Department is doing everything possible to try to bring about a resolution to that problem.

In terms of where the inspections have fallen down, in most cases local authorities had a part-time person employed to carry out a building control function. Most of them had other jobs as well. It is basically a 19 and a half hours a week job but regarding local authorities, there are two local authorities side by side. In the case of Laois County Council, it is forcing builders who have not complied with building control regulations to do so, and it is taking measures to enforce that. Offaly County Council, on the other hand, seems to be questioning whether it is its role to do that. It appears to be dealing with this problem at arm's length and is questioning the legal basis for it. Will the Minister indicate if the same applies in that case because an estate in Portarlinton, Riverside, is clearly not in compliance with the building control regulations? The residents are trying to get some resolution, as is the case in Priory Hall. That case is under the jurisdiction of Offaly County Council. Does Offaly County Council have to step in and enforce those regulations where there has been failure to comply?

Deputy Phil Hogan: I assure Deputy Stanley that the implementation of the Building Control Act is the same for every local authority. On the basis of the Deputy's response to my reply I will send out a further reminder to local authorities that they must uniformly apply the standards and the legal impact of the Building Control Act in regard to all of these developments. The issues relating to the review of the Building Control Act are out in public consultation and I will be bringing in new measures of enforcement and new responsibilities on a mandatory basis in 2012.

3. **Deputy Clare Daly** asked the Minister for the Environment; Community and Local Government in view of the epidemic of problems facing tens of thousands of home owners following the housing boom including pyrite related structural damage, inadequate foundations, inadequate fire protection, water ingress through faulty construction, sound transfer through party walls, drainage problems, unfinished estates and many other failures to comply with the building regulations and in view of the fact that developers, contractors, management companies and insurers are refusing responsibility for the cost of remedial works, if he will establish a task force of unemployed engineers, architects and skilled construction workers to complete the necessary remedial works and invoke the constitutional public interest provision to pay for these works by seizing the assets of parties refusing to honour their contractual responsibilities. [37878/11]

Deputy Phil Hogan: The statutory position on the construction of buildings, including dwellings, is set out in the Building Control Act 1990.

As Minister I have a responsibility to ensure that appropriate building regulations are in place setting out the legal requirements for the design and construction of new buildings, including houses, extensions and material alterations, and certain changes of use of existing buildings. The Act also provides for the publication of technical guidance documents outlining how the requirements of the building regulations may be achieved in practice. These responsibilities have been fulfilled and are not in dispute.

Compliance with the regulations is the responsibility of the owner or builder of a building. Enforcement of the regulations is the responsibility of the local building control authorities who are empowered to carry out inspections and initiate enforcement proceedings, where considered necessary. The resolution of problems arising between building owners and builders is a matter for the parties concerned, namely, the building owner, the relevant developer and the builder's insurers but where the construction of a building is the subject of a contract between the client and the builder, enforcement is a civil matter.

I have no plans or powers to mobilise a task force to intervene along the lines suggested in regard to structural matters or possible remedial works. I doubt whether such a solution would be practicable given the complexities that would arise in relation to the private property rights of homeowners and the potential uncertainties that would arise regarding legal liability for the original works and the possible remedial works. I have no powers regarding the seizing of assets which is a judicial function that can only be exercised by the courts.

Deputy Clare Daly: The Minister seems to be suggesting that the current crisis has nothing to do with him. I suggest that if he continues to adopt that attitude he is facilitating what is a human and social disaster. Priory Hall residents were outside the gates of Leinster House today. They thought the works on their homes would be completed by Monday but as of today, nothing has been done to deal with the fundamental structural problems in their homes. There are the cases we have mentioned already here about pyrite. Tens of thousands of timber frame houses have been built without adequate ventilation which has resulted in humidity that is rotting the timber. All of that is going on. Residents expected they would get a remedy, be

[Deputy Clare Daly.]

protected by the building regulations or that insurance companies would deal with those crises but nobody is dealing with them. Every agency is kicking the issue to the other and the Minister seems to be adding himself to that pot, so to speak. That is not good enough. This is an emergency.

An Ceann Comhairle: Does the Deputy have a question?

Deputy Clare Daly: Yes, I have. The Minister has not intervened enough. He said it is his responsibility to deal with the regulations. The regulations have contributed to the situation we are in now. The Minister has a role in that and I would like to hear more about what he intends to do about it.

Deputy Phil Hogan: It is a matter for Dublin City Council to enforce the regulations, and that is what it is doing. The issue is before the courts, and I cannot intervene in law. I will not break the law for anybody. I am keeping a close watch on developments in the courts but I cannot intervene at this stage.

A robust system of building control exists, and that is demonstrated by the Priory Hall case where the local authority is successfully using its powers, although I accept not fast enough. I would like to see the regulations implemented much more quickly and appropriately but when we are in a court situation to ensure that ultimately people get their rights, it is very difficult. It is unfortunate that the defective work carried out by the builder is responsible for the fact that we have residents in the traumatic situation in which they find themselves, through no fault of theirs. I assure the Deputy that when the court proceedings are concluded I will be taking a more active role to see what we can do to assist Dublin City Council, and the residents in particular who are the people of whom we are most mindful, and that we will be in a position to move but I hope that the court proceedings would end quickly.

Regarding the pyrite problem, the Deputy is aware of the panel I established and I understand she met the panel. I appreciate that she did that and gave them the benefit of her expertise and experience, and outlined some of the cases with which she is dealing. I expect to get a report from the panel chaired by Mr. Tuohy in January.

Deputy Clare Daly: It is clear we do not have a robust system in place. The reality is that the houses of tens of thousands of people are literally falling down. To say it is a legal issue is not good enough. We have regulations but the Minister does not have the staff on the ground to implement those regulations. At the height of the boom there were two building enforcement officers in north Kildare, one of the fastest growing areas, and a similarly small number in Fingal. Since then we have had fewer staff, and we have lost many staff in local authorities. How will these regulations be enforced? There is no answer to that question. The victims are the people whose houses are falling down and the cost to society will be far greater unless we intervene now.

Deputy Phil Hogan: I share the Deputy's concern about the people who are affected by this, and I am doing something about it. Long before any Priory Hall problem erupted, in July this year, after three months in office, I authorised a review of the building regulations. They are out in public consultation, and we will be implementing them early in 2012. That process will introduce mandatory certification of compliance by builders, not the haphazard approach we had previously. Those professional bodies should have been much more engaged in ensuring that the membership of those professional bodies, in a devolved way, exercised the trust this Parliament and Dublin City Council gave them. We must have more efficient pooling of staff and resources to target the areas about which the Deputy spoke to ensure there is proper

enforcement and implementation of the building regulations and a standardised approach and common protocols across the local authority sector, as already stated by Deputy Stanley.

Housing Services

4. **Deputy Michael P. Kitt** asked the Minister for the Environment; Community and Local Government if he will be responding to the submission from Threshold on the overhaul of the way that he deals with homelessness; his views on a deposit protection scheme; and if he will make a statement on the matter. [37875/11]

Deputy Phil Hogan: I agree with the views espoused by Threshold. Despite the very considerable public funding that has been utilised in the emergency homeless sector over the last number of years, insufficient progress on delivering people out of emergency accommodation into independent living has been achieved. The Government is determined to tackle homelessness in a more planned and strategic way, by adopting a housing led approach and providing long-term solutions, rather than just managing homelessness.

The programme for Government commits to the introduction of a deposit protection scheme and it is important that action is taken in the context of a strong evidence base. I have asked the Private Residential Tenancies Board, the independent statutory body charged with the administration of the Act, to commission a cost-benefit analysis on such a scheme and to report back to me with recommendations. I expect that the board will revert to me with detailed research and recommendations in the first half of 2012.

In July 2011, the Government approved the drafting of the Residential Tenancies (Amendment) Bill 2011. The general scheme of the Bill proposes the introduction of fines where a landlord is found incorrectly to have retained a tenant's deposit as a first step to eliminating the problem of deposit retention. My Department is currently liaising with the Office of the Parliamentary Counsel about the drafting of the Bill.

Deputy Michael P. Kitt: I would first like to pay tribute to the former Minister of State, Deputy Penrose. I worked with him for seven months and I found him very easy to work with. When will he be replaced? Many people are contacting us to know when there will be a voice at the Cabinet table for the most marginalised. Is the Minister aware that there are approximately 5,000 people homeless, one in seven of whom is a child? There are almost 10,000 people on social housing waiting lists and there are tens of thousands in fear of losing their homes because of rent and mortgage arrears. I would like to know what the Minister is going to do about that.

Deputy Phil Hogan: There is a considerable number of people in emergency accommodation. They have a roof over their heads and they have an integrated care plan to one extent or another. Not all of this accommodation is of a standard I would like, and that is why the Government has decided to adopt a housing-led approach, rather than an approach which puts people into bed and breakfast accommodation or hostels and leaves them there. They can be cared for individually with the help of HSE staff and other staff. I would like to see a situation where a significant number of properties are made available by local authority housing units and by the National Asset Management Agency, especially in our major cities.

There are currently 1,000 children in aftercare, and the Minister for Children and Youth Affairs is dealing with this issue proactively to ensure that no child is left uncared for in the context of homelessness.

Deputy Michael P. Kitt: I am happy that the deposit protection scheme is making progress. I have met representatives from many agencies, and Threshold has been particularly strong on

[Deputy Michael P. Kitt.]

the idea of a scheme like this. Disputes are currently taking 12 months to resolve, and I believe that Threshold dealt with 3,600 cases last year. The agency has prevented disputes in its work. I would like to see a more proactive role by the Government and by the next Minister of State with responsibility to ensure that these disputes will not take place. We can prevent disputes by having a scheme like this, as advocated by Threshold.

Deputy Phil Hogan: I agree with the Deputy that the level of proactivity on the part of the authorities in dealing with disputes is quite slow. Only 43% are resolved within one year, and that is not acceptable. That is why the legislation will be brought forward in the middle of 2012. We have to do a little bit of research in the first half of 2012 to make sure we get it right.

Water Services

5. **Deputy Seamus Healy** asked the Minister for the Environment; Community and Local Government if he will provide funds to local authorities to update water infrastructure to deal with persistent flooding; and if he will make a statement on the matter. [37694/11]

Deputy Phil Hogan: Measures to alleviate flooding are generally the responsibility of the Office of Public Works, which is the lead agency for flood risk management and funds a capital and maintenance programme for major and minor flood relief schemes in known areas at risk.

The Department's multi-annual water services investment programme funds the provision of water services infrastructure to address specific environmental, public health and economic needs. While the programme includes the upgrade and expansion of sewerage networks, storm water drainage is only funded where it is the most economic means of providing increased foul drainage capacity in combined sewer systems, enabling storm water to be diverted from the combined system. It is to this limited extent only that sewerage schemes provide flood relief measures. No funding is available from the water services investment programme for specific separate storm water drainage, flood prevention or relief works. It is possible in some instances to combine the procurement and delivery of works being funded for such purposes by the OPW with schemes being advanced by local authorities under the water services investment programme. I am sure the Deputy is aware of some of these cases.

The Department, in partnership with the OPW, published guidelines for planning authorities on the planning system and flood risk management in November 2009, with the aim of ensuring a more consistent, rigorous and systematic approach to flood risk identification, assessment and management within the planning system. These statutory guidelines provide the basis for planning authorities to identify, assess and take appropriate steps to manage flood risk in a sustainable manner.

Deputy Richard Boyd Barrett: That sounds a bit like gobbledegook to me.

Deputy Phil Hogan: I am surprised someone as intelligent as the Deputy cannot understand it.

Deputy Richard Boyd Barrett: The Minister speaks about this body and the other body being responsible, this report and so on. On 24 October, there was serious flooding in 89 different locations in my area alone. Hundreds of families saw their houses flooded. For many of those families, it was a repeat episode of flooding. It happened again, again and again. The thrust of my question and the appeal of the residents in Blackrock, Monkstown, Stradbroom, Sallynoggin, Dalkey, Ballybrack and Dún Laoghaire — I am sure this is repeated all over the city — is that the State takes responsibility.

How the Minister brings different Departments and the OPW together to sort this out is really up to the Government. That is what the Government is there for, but it is clear that this is not just a natural disaster problem, but essentially the consequence of developers being allowed to run amok over the years, putting up developments willy nilly all over the place and not putting adequate water and drainage infrastructure in place.

3 o'clock

Local authorities previously identified flood works that they knew had to be put in place, but they failed to do so over years and failed to require developers to put in proper water and drainage infrastructure. This meant a disaster for people on 24 October, which was not the first time for many of them. They cannot get insurance any longer and they quake in their boots every time the rain comes down.

Money should be made available to carry out the water and drainage infrastructure work in flood black spots as a matter of urgency. An insurance scheme should be put in place by the Government, so that people who cannot get insurance because they are repeat flood victims will be able to do so, and local authorities should be given the resources to do simple things like regularly clean out gullies, especially in flood black spots.

Deputy Phil Hogan: I know that Deputy Boyd Barrett expects the State to do everything and to provide resources to everybody and anybody, including the local authorities that are responsible in the first instance for making sure that the gullies are clean. He should direct his question to the local authorities and ask what they are doing with their maintenance budgets to introduce preventative measures so we do not experience the level of flooding to which he refers.

The Office of Public Works is in charge of providing the necessary remedial action for flooding. It has a rolling fund of €45 million for 2012. If the Deputy's local authority wishes to have matters prioritised, I am sure it is in a position to contact the OPW and request that certain areas be prioritised.

I sympathise with those people who suffered from the floods in October. Unfortunately, there was a huge amount of rainfall in just three hours. It was definitely unexpected at that stage that so much water would fall in such a short space of time. However, we have allocated €10 million to help people in these stressful situations to deal with their properties and their belongings and to mitigate the hardship in some way. Various voluntary organisations, local authorities and the Red Cross are dealing with those issues. Community welfare officers from the Department of Social Protection and the local authorities are helping people to mitigate the damage. However, we should never expect the State to do everything for everybody.

Deputy Richard Boyd Barrett: Of course the State has responsibility to put in place proper water and drainage infrastructure. I do not understand the Minister batting this off to the local authorities, as if he was disconnected from local authorities.

Deputy Hogan is the Minister with overall responsibility for this.

An Ceann Comhairle: We are over time so, if you do not mind, please put the question.

Deputy Richard Boyd Barrett: Will the Minister make funds available to the local authorities to take urgent action to improve the infrastructure in flood black spots? I realise this is not directly the responsibility of the Minister's Department but perhaps he could raise this issue. For example, many people in Avondale Lawn in Blackrock are repeat flood victims. The backs of their homes look like disaster areas or like a Hollywood disaster movie. They have been informed that because of means testing they do not qualify for assistance under the €10 million scheme. What help will be provided for them?

Deputy Phil Hogan: Those people have insurance.

Deputy Richard Boyd Barrett: They do not because they are repeat flood victims.

Deputy Phil Hogan: If they do not have insurance then they are entitled to apply for the scheme and if Deputy Boyd Barrett has details of these matters and where they have been refused I will have them investigated.

The local authorities are devolved from the Department of the Environment, Community and Local Government and are responsible within their budgets for the works which Deputy Boyd Barrett has outlined. The Deputy should make representations to his local authority and he should prioritise the areas that should be cleaned up. No Department should be responsible for an agency or local authority that has devolved function with regard to these matters or should hand-hold such agencies in respect of anything and everything. These people must exercise responsibility while they have budgets to do so.

Deputy Richard Boyd Barrett: It is a matter of resources.

Deputy Phil Hogan: Naturally, it is about resources; let us remember we are in an EU-IMF programme.

Other Questions

Water Services

6. **Deputy Richard Boyd Barrett** asked the Minister for the Environment; Community and Local Government if he will provide funds to local authorities to update water infrastructure to deal with persistent flooding; and if he will make a statement on the matter. [37693/11]

15. **Deputy Joan Collins** asked the Minister for the Environment; Community and Local Government if he will provide funds to local authorities to update water infrastructure to deal with persistent flooding; and if he will make a statement on the matter. [37727/11]

Deputy Phil Hogan: I propose to take questions Nos. 6 and 15 together.

An Ceann Comhairle: These are similar to the questions we have just dealt with. Do they take the same reply?

Deputy Phil Hogan: Should we move to another one?

Deputy Richard Boyd Barrett: No. They are on the Order Paper.

An Ceann Comhairle: They take the same reply.

Deputy Phil Hogan: I will briefly summarise what I just stated.

Deputy Richard Boyd Barrett: The Minister could elaborate on it.

Deputy Phil Hogan: I have elaborated a good deal already. As I stated in reply to Question No. 5 on today's Order Paper, measures to alleviate flooding are the responsibility of the Office of Public Works. I must repeat the answer. The OPW is the lead agency for flood risk management and it funds a capital and maintenance programme for major and minor flood works. The Deputy should ensure that his local authority has made representations and a submission to the Office of Public Works, which has the money to deal with the issues to which he has

referred. I realise it will never be enough nationally but €45 million in the current climate is a substantial amount of money to be allocated for 2012.

My Department in partnership with the OPW published guidelines for the planning authorities to ensure some of the mistakes to which Deputy Boyd Barrett correctly adverted will not take place again in respect of flood risk management. These guidelines are being implemented as part of the planning applications process by An Bord Pleanála and in development plans.

Deputy Richard Boyd Barrett: I welcome the fact the Minister stated he will examine the cases of people without insurance who have been refused assistance under the €10 million scheme. I would appreciate if the Minister follows through on this and I will send on to him the details. I appeal for some joined-up thinking rather than having the Office of Public Works here, a section of the Department of the Environment, Community and Local Government there and the local authorities elsewhere. This has been a recurring crisis. If it were a once-off matter I could understand the Minister's response. Every time the rain comes down heavily people in these flood black spots begin to quake in their boots with fear because of the possible consequences. There have been cases of flood waters mixed with sewage swilling through people's houses resulting in appalling damage but everyone is passing the buck.

If we could move heaven and earth to provide bank guarantee schemes to cover the banks, could we not have some interdepartmental co-operation, pooling of resources and joined-up thinking to resolve the various issues arising for those affected by flooding? For example, the local authorities claim that their responsibility is limited to clearing out blocked streams if they are in public ownership but that they have no responsibility if they are in private ownership. That is a nonsense. They have a responsibility to ensure there is no flooding. I put it to the Minister that local authorities have responsibilities to their tenants but they are not discharging them and where people's houses are damaged they are refusing to carry out repairs.

An Ceann Comhairle: Deputy, this is Question Time. Will you please put the questions to the Minister?

Deputy Richard Boyd Barrett: Will the Minister put heads together with the Office of Public Works, local authorities and his political allies? At a meeting on this issue on Monday his Fine Gael and Labour Party colleagues in Dún Laoghaire Rathdown County Council refused to support a motion calling for action.

An Ceann Comhairle: Deputy, this is Question Time. Will you please put some questions? Other Deputies are waiting for answers to questions.

Deputy Richard Boyd Barrett: Will the Minister put heads together from the various agencies and bodies to provide a comprehensive solution and the resources necessary to deal with the victims of repeat flooding? The State has a responsibility for it.

Deputy Phil Hogan: There is a Government task force on emergency planning under which all Departments come together to deal with emergency responses. It performed this work in October after the recent flooding. There is already joined-up thinking in place. Deputy Boyd Barrett should acknowledge that those with responsibility must take responsibility and must perform the roles they have been given. I am referring to the local authorities and the Office of Public Works. There is no difficulty with this and it does not require an ability to understand Einstein's theory to realise that a local authority with a democratic mandate should identify the areas that have a particular problem and that are subject to flooding on a regular basis. It is for them to make a submission, perhaps they have done so but I am unsure. They should prioritise their submissions to the OPW if they want capital works to be carried out. In the

[Deputy Phil Hogan.]

meantime, people undergoing hardship have access to the €10 million that the Government has provided in difficult times.

Deputy Richard Boyd Barrett: Some do not have access to it.

Deputy Phil Hogan: I have already dealt with that. The Deputy should try to be a little generous.

Deputy Richard Boyd Barrett: Fair enough. What about the insurance?

An Ceann Comhairle: Deputy Ellis has a question.

Deputy Phil Hogan: I cannot do anything about it but I will deal with the issues raised by Deputy Boyd Barrett in regard to those with no insurance.

Deputy Dessie Ellis: With regard to what the Minister——

An Ceann Comhairle: There is a one minute limit on each supplementary question according to Standing Orders.

Deputy Dessie Ellis: I realise that and it is my second time on this question.

An Ceann Comhairle: I am saying there is a one minute limit.

Deputy Dessie Ellis: I understand that and I wish to ask——

An Ceann Comhairle: Put your questions within one minute. These are not statements.

Deputy Dessie Ellis: I will do my best. The Minister has outlined that the Office of Public Works has the responsibility in this case and that there is a €45 million rolling fund in place. There has been a significant amount of flooding in my area and throughout the country. Dublin City Council is putting together a list of all the affected areas. Many areas are those where repeated flooding has taken place and this is the main problem that must be addressed. Not only must we address the problem——

An Ceann Comhairle: A question please, Deputy.

Deputy Dessie Ellis: Many people will be unable to get insurance in future. Some were not insured during the previous flooding some years ago. If there is a request for funding to the Office of Public Works which will end up, in turn, on the Minister's desk, will he be favourably disposed to consider helping if extra funding is needed to address the infrastructural problems in various areas, especially in Dublin City Council?

Deputy Phil Hogan: I would very much like to be able to inform Deputy Ellis that I have a magic wand to provide all of the resources needed to deal with all the problems of the country as they relate to my Department, but I do not. We are in a difficult financial situation and there is only a limited amount of money. It is up to the local authorities to prioritise their projects and to submit them to the OPW.

Building Regulations

7. **Deputy Martin Ferris** asked the Minister for the Environment; Community and Local Government the progress that has been made in the commitment to introduce a single national building inspectorate service; if this inspectorate will include fire safety; and if it will be answerable to local authorities. [37555/11]

19. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment; Community and Local Government the steps he is taking to ensure that records of snag inspections are correct and that they are carried out on properties which require them and results filed in an appropriate timescale. [37751/11]

22. **Deputy Catherine Murphy** asked the Minister for the Environment; Community and Local Government if he will consider a licence system for home builders together with a national register; and if he will make a statement on the matter. [37431/11]

31. **Deputy Gerry Adams** asked the Minister for the Environment; Community and Local Government his views that it is of the utmost urgency to introduce legislation that establishes a new fire safety inspectorate and certification regime and which makes it mandatory for builders and architects to provide evidence of compliance with building regulations including fire standards. [37556/11]

Deputy Phil Hogan: I propose to take Questions Nos. 7, 19, 22 and 31 together. In July 2011, I announced several measures to be advanced by my Department and local authorities with a view to improving compliance with and oversight of the requirements of the building regulations. In broad terms the measures, which include the streamlining of inspection arrangements on a regional basis, will involve the introduction of mandatory certificates of compliance by builders and designers of buildings confirming that the statutory requirements of the building regulations have been met; more efficient pooling of building control staff and resources throughout the local authority sector to ensure an effective and meaningful oversight of building activity; standardised approaches and common protocols to ensure nationwide consistency in the administration of building control functions; and better support and further development of the building control function nationally. The mandatory certification and improved inspection arrangements outlined above are key reforms which, I believe, will have the capacity to improve the quality of buildings and will lead to further strengthening of the regulatory regime as soon as possible in 2012.

The local government efficiency review group recommended in its report in July 2010 that a single building inspectorate service could be established on a regional basis to streamline the approach to the inspection of property. The matter is being kept under review in the context of the ongoing actions taken at Department and at local authority levels to further the development of the building control function.

The Building Control Act 2007 provided for the registration of persons entitled to the use of the titles of architects, quantity surveyor and building surveyor. Any similar registration scheme for home builders would necessarily involve detailed consultation with industry and stakeholders. While the new approach now being developed to the enforcement of building standards may obviate the need for such a scheme, I have an open mind in regard to potential future consideration of such a scheme in light of our recent experience with the operation of the new and more stringent certification scheme now being developed. Snag inspections relate to the contractual relationship between the vendor of a property and the purchaser and are not part of the statutory processes addressed under the Building Control Act 1990.

Deputy Brian Stanley: I welcome the reply from the Minister and the information that moves are being made. Improvements in the inspection regime are long overdue, particularly given the amount of apartment blocks that have been built in recent years. There is no single building inspectorate service. It is vital that the service includes fire safety, which is important for people living in apartments, particularly high rise blocks. For many years developers were encouraged to build and we can see the results of that now. Some of the developments are very poor. Many homes, in particular apartments, were built with minimal fire safety measures.

[Deputy Brian Stanley.]

In one part of Dublin city 65 apartment blocks were built within the jurisdiction of the city council but it could give no commitment on an independent fire safety inspection being carried out, let alone make one public. It is time to reverse that and ensure buildings, regardless of where they are constructed, are built to a national standard with a national inspectorate and enforcement of the same standards in partnership with each local authority. Will the inspectorate be integrated into the local authority system and will it be answerable to each local authority?

Deputy Phil Hogan: I have not come to any conclusions about how the system will work. There are a few principles. The builder and owner of the property, who are professional people, are responsible in the first instance for making sure everything is in order under the Building Control Act 1990. With mandatory certification local authority staff will be in a better position to have more power and resources in order to implement the standards. At a time of finite resources I do not want to mislead the Deputy. I will revert to him on whether we have the adequate resources to ensure we have full compliance with all the new developments.

I am concerned that there may be other developments, apart from Priory Hall, we need to tackle. We will tackle them and court proceedings will take place if necessary to bring all of the people who have been so irresponsible in dealing with these buildings, the construction of which has left unfortunate homeowners and tenants high and dry, to justice.

Deputy Clare Daly: I do not understand how we can have improved inspection rates or performance against a backdrop of a public sector recruitment embargo and how the Minister can talk about pooling resources when those which exist are insufficient to do the tasks already on the shoulders of local authorities, never mind giving them more.

Where there is a conflict between what a competent professional is saying about works and what the council's architects and engineers are saying is adequate, how will it be reconciled under the new system of certification? Can the Minister give a guarantee that the standards which have been accepted of "substantial compliance", an incredibly vague phrase, will be terminology which will not be accepted? There needs to be total compliance. Where there are contradictory views how will the Minister reconcile them?

Deputy Phil Hogan: I can assure Deputy Daly I am very concerned about the level of enforcement and activity on the building control side for many years, which is why I prioritised this area when I became a Minister and retained the function of dealing with the Building Control Act. The Deputy raised an interesting question about who will adjudicate a dispute which arises at the end of the process. I will communicate with her on that. I can assure the Deputy that the measures which are necessary to ensure the interests of the consumer are of paramount importance will be put in place to ensure that in the event of a dispute responsibility will ultimately rest with the Department to ensure the Building Control Act is implemented.

Deputy Niall Collins: On regulation, through the good offices of the Ceann Comhairle we had a special notice question on Priory Hall a number of weeks ago when the issue first came to public prominence. A number of Deputies took part in the debate. At the time I requested that the Minister of State, Deputy O'Dowd, who took the debate because the Minister was not available, undertake to have the Department let us know how many other instances similar to Priory Hall have been brought to its notice. I ask the Minister to note the request, follow it up with the Department and issue a reply.

Deputy Phil Hogan: I am conscious of what the Deputy has asked. That work is underway. We are engaged with local authorities to establish the extent of the problem.

Legislative Programme

8. **Deputy Michael Moynihan** asked the Minister for the Environment; Community and Local Government the new timeframe for the development of a new climate change policy; when he intends to introduce the Climate Change Bill as promised in the Programme for Government; and if he will make a statement on the matter. [37686/11]

Deputy Phil Hogan: I published the national climate policy review on 3 November 2011. The review is an important stock-take and is intended to provide the basis for a national debate on future policy development. Building on that foundation, I intend to progress the policy agenda in three interconnected ways.

First, the Government has decided to ask the secretariat to the National Economic and Social Council to carry out an independent analysis to inform advancement of the national mitigation agenda in line with our EU commitments and with a view to developing a longer-term plan for a low-carbon future. I expect this work to be finalised by the end of 2012.

Second, I will initiate a consultation early in 2012 to ensure the widest possible range of views and ideas inform future policy. Getting climate policy right is vital to the future success of the economy as well as ensuring that Ireland plays its part in contributing to EU and global efforts to avoid dangerous climate change. It is my view that all citizens and stakeholder groups should engage in this process so we have a truly national policy position as we move into the post-2012 period.

Finally, and concurrently, I will continue working with my ministerial colleagues to identify actions that can be taken to make real mitigation progress in the short and medium term.

It is my objective, in line with the programme for Government, to introduce climate legislation within the lifetime of this Government. As indicated in the Government legislative programme, I expect it will be 2012 at the earliest before any legislation can be published, taking account of the need also to progress the broader climate policy agenda under the aegis of the Cabinet committee on climate change and the green economy.

Deputy Niall Collins: We will all agree that we have to be responsible and get any proposed climate change policy right on this occasion. Some outside commentators have said there is a lack of leadership from the Government in terms of developing and implementing a climate change policy. We all know it is a real issue. The Minister said in reply to other questions that we have had flooding and cold snaps. They are not one in 100 or 50 year events, they are becoming yearly events and we have to address them. As the Minister rightly said, the programme for Government has a commitment to publish a climate change Bill but it seems to have been long fingered which is regrettable.

I ask the Minister to reconsider the proposed increase in motor taxation. Some budget kites have been flown on the matter. We appreciate there might be some increases but there is a policy that fuel-efficient cars pay a lower rate of tax. Increases should not be of the order advanced.

I refer to the UN climate change conference in Durban which commenced earlier this week. Governments, international organisations and civil society are all taking part. I presume the Minister is attending. How long does he intend to stay and what will be his level of participation in the conference? What does he hope to achieve? When he returns will we have an opportunity to discuss his participation and the outcomes?

Deputy Phil Hogan: I can confirm that he will be attending from 4 to 11 December. I have a large number of engagements and will be glad to report back to the Deputy at the Oireachtas committee on the various meetings I will attend on behalf of Ireland and as part of the EU

[Deputy Phil Hogan.]

delegation. There are two major objectives. The first is to get a commitment internationally that there will be a post-Kyoto commitment period which will be signed up to by everybody internationally. Before detailed work can be put in place we need to have a commitment from everybody that they want to see a post-2012 commitment to reducing greenhouse gas emissions. The EU is the leader in this, in that all member states wish to see a 20% reduction in greenhouse gas emissions by 2020. We will make every effort to participate in that.

I am particularly concerned about the high level of agricultural related emissions across the EU and the difficulties these calculations are creating for EU and world policy in the context of food security. There is a conflict between climate change and food security. That is one of the reasons I postponed any legislation. I am surprised that a Fianna Fáil Deputy would not support our efforts to get away from the targets that were in the legislation.

Deputy Niall Collins: We support a sensible policy.

Deputy Phil Hogan: I am sure the Deputy is not suggesting that the Bill brought before the House by the last Government was not sensible. In other words, I take it the Deputy agrees with me on this. We are bringing forward our own proposals, after taking stock of the nonsense that went on last January. People were bruised by that experience. All stakeholders must be on board, not just extremists.

Housing Regeneration Projects

9. **Deputy Dessie Ellis** asked the Minister for the Environment; Community and Local Government the way the regeneration projects in Dublin, for example St Theresa's Gardens, Tom Kelly Road, St Michael's Estate, O'Devaney Gardens and Dominick Street, Dublin, will be completed with a diminishing capital budget, [37553/11]

12. **Deputy Mary Lou McDonald** asked the Minister for the Environment; Community and Local Government the amount of money he intends to supply in 2012 and onwards for the continuation and completion of regeneration projects which are already underway in Ballymun, Dublin, and in Limerick. [37745/11]

Deputy Phil Hogan: I propose to take Questions Nos. 9 and 12 together.

My Department supports an ambitious programme of regeneration projects to deliver integrated physical, social and economic regeneration, ranging from large-scale urban regeneration projects such as those in Ballymun and Limerick city to smaller estate-wide projects in Dublin city and in a number of regional towns around the country. Ensuring this programme is adequately resourced remains a key element of the Government's housing policy for next year and beyond.

Our commitment is reflected in the priority given to funding for regeneration despite the adverse economic conditions and Exchequer constraints. Funding of up to €124.6 million has been made available this year for the programme, a substantial sum which accounts for 25% of the overall capital investment under the housing programme for 2012. Of this, some €101 million is being directed towards the regeneration programmes in Ballymun, Limerick and Dublin city.

In terms of funding for next year, my colleague, the Minister for Public Expenditure and Reform, announced details last week of the public capital programme for 2012. It is my intention to ensure that a sufficient amount of funding for my Department's social housing investment programme is made available in 2012 to deliver real progress in the case of each of these projects, having regard to their particular stage of development and in the context of the wider

programme. My Department is currently liaising closely with relevant local authorities and agencies in determining the regeneration work programme for 2012. I intend to announce details of the capital allocations under the housing programme, including the allocations for regeneration, as soon as possible after the Estimates process has been concluded.

For next year, I am particularly anxious to ensure that significant progress is made in accelerating the regeneration programme in Limerick, meeting the remaining housing need in Ballymun and addressing the most pressing housing deficits of the former public private partnership, PPP, regeneration projects in Dublin.

Deputy Dessie Ellis: I take this opportunity to thank Deputy Willie Penrose for his assistance with all of our requests for information. He did a good job in his role of Minister of State with responsibility for housing and I wish him well for the future.

The capital allocation for the regeneration programme should not be subject to any further cuts. There is an urgent necessity to progress these projects, which are crucial in righting the wrongs of many decades of underfunding in those neglected areas throughout the State which have been ravaged by unemployment, drug abuse and serious crime. They benefit not only the residents concerned but also encourage growth in local areas by encouraging new businesses and creating jobs.

The regeneration projects in Dublin are vital and have been flagged for many years. Some work has been undertaken but progress has effectively stalled. Most of these projects were to be done as public private partnerships. What is the Minister's current position in regard to PPP projects? Is he still actively pursuing private sector investment in conjunction with Exchequer capital funding?

Deputy Phil Hogan: I will take this opportunity to go through the various regeneration projects and the stages they are at. Next year will see the completion of the Shangan 5 and Sillogue 4 projects in Ballymun, which between them will deliver 215 housing units. The commencement of a new housing project at Coultry 6 will deliver 25 units. In Limerick the coming year will see the focus of the regeneration project continue to shift from the preparatory, relocation and demolition work within estates to construction and refurbishment. New housing projects are expected to commence in Ballinacurra Weston, South Hill and King's Island, and the first new housing at Cliona Park will be completed.

At St. Michael's estate, Inchicore, construction of phase one, consisting of 75 new units of accommodation, will be completed in 2012, with tenants expected to move in shortly afterwards. Consideration is being given to the development of a social and economic plan for the new estate, which will inform future decisions in this area. A statutory planning application was lodged at the end of 2010 for Dominick Street and a decision is expected at the end of December. Planning permission was granted over the summer months for the redevelopment O'Devaney Gardens and my officials have met with Dublin City Council to discuss the next steps.

There is one remaining PPP project under consideration by Dublin City Council, at Charlemont Street, in respect of which planning permission for a mixed-use development was granted on 5 May 2011. The formal PPP procurement process is being undertaken by the council in conjunction with the National Development Finance Agency. We are in favour of any mechanism that can be employed to mobilise private and public investment in order to deal with the issues outlined by the Deputy.

Deputy Dessie Ellis: I am aware of most of these developments, particularly the projects in Ballymun. I am concerned at what is happening in Limerick, where there has been little progress in terms of housing units delivered. A great deal of preparatory work has been done, but

[Deputy Dessie Ellis.]

the delivery has not been substantial. Knocknaheeny in Cork is another area which has been considered for regeneration. These are very deprived areas which are in great need of investment and redevelopment.

The Minister indicated that only one PPP project is under way. Is the Government still pursuing a partnership approach or is it instead proceeding on the basis that capital investment in this area will not be made in conjunction with private input? I did not receive a direct answer from the Minister to that question. A multidisciplinary task force on housing was set up some time ago to examine all of this. Has that group produced a full report in terms of what is likely to be delivered, the timeframes involved and the benefits to the communities in question?

Deputy Phil Hogan: The Deputy has inadvertently forgotten to congratulate us on the recent purchase of the Opera shopping centre in Limerick city out of the regeneration programme, to which €12.5 million has been allocated.

Deputy Dessie Ellis: My belated congratulations.

Deputy Phil Hogan: There is a tendency to forget about the positive developments that are taking place.

I agree with the Deputy in regard to the housing and community development aspect of the Limerick regeneration programme. It has been slow.

Deputy Dessie Ellis: It has been going on for years.

Deputy Phil Hogan: It has been going on for far too long without very much to show for it.

Deputy Dessie Ellis: Exactly.

Deputy Phil Hogan: I am totally in agreement with the Deputy on that point. I will be visiting Limerick in mid-January to review what is happening there. We are moving towards a position where the regeneration programme for Limerick city will be under the remit of a new entity — not the city council but a unified authority — in order to drive the programme forward and secure more progress in return for the significant investment that continues to be made.

We are interested in pursuing PPP projects. Anywhere we can secure private funding, in conjunction with public moneys, in order to fast-track a project, we will be delighted to do so. However, I understand private investors are finding it difficult to secure funding from financial institutions for that purpose.

Local Authority Housing

10. **Deputy Joan Collins** asked the Minister for the Environment; Community and Local Government the average rental revenue received by local authorities per council house and the amount that would be received by local authorities if all those currently in receipt of rent allowance, or in the rental accommodation scheme or long term leasing arrangements with private landlords were in council houses; and if he will make a statement on the matter. [37696/11]

16. **Deputy Richard Boyd Barrett** asked the Minister for the Environment; Community and Local Government the average rental revenue received by local authorities per council house and the amount that would be received by local authorities if all those currently in receipt of rent allowance, or in the rental accommodation scheme or long term leasing arrangements with private landlords were in council houses and the rent they were paying was going to local authorities; and if he will make a statement on the matter. [37692/11]

43. **Deputy Seamus Healy** asked the Minister for the Environment; Community and Local Government the average rental revenue received by local authorities per council house and the amount that would be received by local authorities if all those currently in receipt of rent allowance, or in the rental accommodation scheme or long term leasing arrangements with private landlords were in council houses; and if he will make a statement on the matter. [37695/11]

Deputy Phil Hogan: I propose to take Questions Nos. 10, 16 and 43 together.

Each housing authority determines the rents for its own area having regard to a range of considerations which reflect tenants' ability to pay. While there are no up-to-date figures on the national average rent, it is estimated, based on past figures, that the average differential rent per local authority tenant is of the order of €55 per week.

There are almost 16,000 tenants of private landlords in receipt of social housing support. Allowing for transitional arrangements in some authorities, the rental contributions charged under the rental accommodation scheme, RAS, and the social housing leasing initiative are based on the differential rents for the area. On the basis that the distribution of households for RAS and leasing is the same as that for social housing generally, the annual contribution of tenants towards the rent would be around €45 million. With regard to tenants under the rent supplement scheme, without a full breakdown of the location, household composition and income status of households, it is not possible to determine how much rental income would accrue to housing authorities were such households to transfer to social housing.

An analysis of the levels of contribution across the different rental assistance schemes is part of the work being undertaken by the Housing Finance Agency in advancing Government policy in regard to the transfer of responsibility for assisting recipients of rent supplement from the Department of Social Protection to housing authorities.

Deputy Richard Boyd Barrett: I think the Minister understands the logic of my question. At a rough calculation, based on questions I asked in Dún Laoghaire-Rathdown, the average rent is estimated at approximately €600 a month, approximately €7,000 a year per tenant, and this is in differential rent schemes. Every year, we are spending approximately €500 million or more of public money in the form of rent allowance and it is going into the pockets of private landlords and developers, many of them are the very same developers who helped bankrupt this country. If those tenants, who are all housing applicants, were to be housed by local authorities, we would save approximately €0.5 billion a year directly and we would accrue, I estimate, about another €0.5 billion in revenue to the State. This is a no-brainer. Why do we not do it? We could move immediately in this direction by directly taking into local authority control empty housing and developments in the hands of the NAMA developers. In addition, I do not understand the logic of ending the direct construction of social housing when it pays the State a return to have its own local authority housing and the revenue would return directly to the State. Rent allowances or leasing arrangements would not then be required which subsidise private landlords and developers. We could make €1 billion in savings a year if we did this so why is it not done?

An Ceann Comhairle: I will allow the Deputy to speak again.

Deputy Phil Hogan: I share some of the principle espoused by Deputy Boyd Barrett and this is the reason I have been engaging with the National Asset Management Agency over the past two months to see what can be done to marry the supply and demand situation in the major cities. Approximately 10,000 units of accommodation are currently being assessed by NAMA, the Housing and Sustainable Communities Agency and my Department to establish how progress can be made to house people on the social housing list in those properties. I do not

[Deputy Phil Hogan.]

subscribe to the notion that the State must pay a lease or a rent supplement for ever and a day. There should always be an option to buy at the end of the process; otherwise the property reverts to the local authority or to the tenant in some way. We agree on the principle of trying to mobilise the high level of availability of housing units. For example, if NAMA could upgrade the properties and ensure they are in good building condition, because we do not want more problems of the kind we spoke about earlier, they could then be offered to people on the social housing lists around the country. This would be a way of dealing with a significant social problem.

Deputy Richard Boyd Barrett: That sounds good. However, I may stand to be corrected but that does not seem to be the situation. As I understand it, it is proposed to lease the NAMA properties from the developers. These are developers who are bankrupt and whom we are bankrolling. Why not just transfer the houses, once it has been ascertained that these are up to standard, directly into the hands of the local authorities and cut out the developers so that the rental revenue accrues directly to the State? The cost of leasing from these private developers would be saved. I do not understand why this appears to be the policy as enunciated in June of this year by the Government. It says it is abandoning direct build, probably on the grounds that it does not have the money. This, however, is an investment which guarantees a return in the form of the rental revenue. It will pay for itself over the long term, both in terms of the money saved from not having to fork out rent allowance payments to private landlords and the rental revenue that will accrue. Even the troika could see the logic of that. I do not understand why the Government will not move in that direction, not to mention the jobs which would be created.

Deputy Phil Hogan: I can assure the Deputy I am not dealing directly with developers on this matter. I am dealing with the National Asset Management Agency which has acquired these properties at a particular price. On the basis of the existing legislation establishing NAMA, it is expected to have a commercial return. Perhaps that legislation should be amended but this is the situation as it exists. I am pleased to inform the Deputy that I have arranged a meeting for 14 December 2011 with the chairman and the chief executive of the National Asset Management Agency and I will be glad to report to the Deputy.

Deputy Dessie Ellis: Approximately 100,000 people are on RAS, rental accommodation and rental subsidies schemes. This approximates to an expenditure of €500 million in rent allowances. Much of this expenditure goes to private landlords and, in many cases, the landlords also avail of mortgage interest relief.

The Minister referred to bringing 10,000 units of accommodation up to an acceptable standard. By our calculations, a total of €51.6 million would be saved on rent supplement and differential rates would raise €15 million a year. This policy has the potential to raise and save €66.6 million for the Exchequer in a full year with a saving of €20 million in 2012.

An Ceann Comhairle: Sorry, Deputy, this is Question Time.

Deputy Dessie Ellis: I am coming to the question.

An Ceann Comhairle: There is a maximum of one minute per supplementary question. I will allow the Deputy back again but I ask him to ask the question and I will get him an answer from the Minister.

Deputy Dessie Ellis: I would much prefer the Minister to look at delivering social housing for the communities and to target these places where significant resources are being expended

through rental subsidies to private landlords. We need to target the people who are in these places and allow the local authorities the opportunity to buy these premises or to have them available from NAMA or otherwise. For example, a local authority could put a deposit on a number of houses and repay over a period of time. At least, these properties could be bought and put back into the system——

An Ceann Comhairle: I ask for a reply from the Minister.

Deputy Dessie Ellis: Money would come back into the system and also the housing stocks would be brought up to modern standards. The local authorities would benefit from the extra money and it would help revive the building industry and create more jobs.

Deputy Phil Hogan: I welcome the information from Deputy Ellis about the savings I could make with regard to many of the housing schemes. I think he should be in the Department of Finance. He is correct that there is considerable waste of resources, and Deputy Boyd Barrett has also pointed out how we could achieve better value for the State. I thank Deputies for their words regarding the excellent work in this area of the former Minister of State, Deputy Willie Penrose. He and I have been putting pressure on the National Asset Management Agency to realise the social dividend required in this case. I can assure the House that I will not be found wanting when it comes to putting all the pressure possible on NAMA to give us the details of whatever properties are appropriate and in a suitable condition to be fit for purpose under the law to deal with the social demands on the social housing list. I assure the House I will report on a regular basis as to the progress or otherwise.

Deputy Clare Daly: I need the Minister to explain the contradiction between the impression he gives about his dealings with NAMA and some possible outcome that he might acquire the properties permanently and the reality of government social housing policy which is, as Deputy Boyd Barrett said, one of long-term leasing where local authorities are required to enter into an arrangement to lease a property for ten or 20 years and, at the end of the period, to restore that property back to its own private owner. This is at the council's expense and the person living in that property is then homeless after ten or 20 years and has no right to buy it. The Minister stated he would like that to be the case. Is the Minister actively reviewing the existing arrangement for long-term leasing?

Deputy Phil Hogan: I am not in favour of the present model of leasing.

Deputy Clare Daly: That is excellent.

Deputy Phil Hogan: I am pleased the Deputy and I agree. This is the first time she has said something positive.

Deputy Richard Boyd Barrett: We are all on the same side now.

Deputy Phil Hogan: I welcome the Deputies to capitalism.

Deputy Richard Boyd Barrett: The Minister is speaking of socialism.

Deputy Phil Hogan: I am speaking of looking after people and home ownership which may initially involve people renting properties. Today, one of our national newspapers is advising people to rent rather than buy because the price of properties is set to fall further. Unlike the newspaper in question, I do not have a crystal ball. The leasing and rental accommodation model currently in place is not working. I want tenants to be given an opportunity to own the home they rent within the shortest possible timeframe, subject to their means.

Private Rented Accommodation

11. **Deputy Sandra McLellan** asked the Minister for the Environment; Community and Local Government his plans to improve private rental tenants awareness of their rights. [37754/11]

Deputy Phil Hogan: The Residential Tenancies Act 2004 sets out the rights and obligations of landlords and tenants in the private rented residential sector. The Act applies to every dwelling that is the subject of a tenancy, subject to a limited number of exceptions which are set out in section 3(2) of the Act. The Private Residential Tenancies Board, PRTB, was established under the Act to operate a national tenancy registration system and resolve disputes between landlords and tenants in the private rented residential sector.

My Department conducted a review of the Act in 2009 with a specific emphasis on whether it best supports the PRTB's key functions and whether legislative amendments would support either the achievement of additional operational efficiencies by the PRTB in the delivery of those functions or the broader good working of the private rented sector. The outcomes of the review were announced in April 2010 and the Government has approved the preparation of legislation to deliver on the review's recommendations. Lack of awareness among tenants of their rights did not arise as an issue in the course of the review. The PRTB and other stakeholder organisations play an important role in informing parties to tenancies of their rights. The PRTB's website, www.prtb.ie, is an important resource in this regard.

Deputy Dessie Ellis: The private rental sector is a significant part of the housing market and is growing as a result of a lack of demand for home purchasing. Tenants need to be informed of their rights and what agencies are available to assist them in resolving problems should disputes arise with landlords. Threshold and other voluntary groups are inundated with queries on basic tenants' rights. Problems such as the return of deposits, which should be easily resolved, are taking up a great deal of time.

The Minister suggested previously that compulsory registration of landlords would be introduced. There is a serious discrepancy in this regard because many landlords are not registered. Where they are registered, voluntary organisations and others are able to contact them to forward complaints and have issues addressed. This is not the case, however, where landlords are not registered. Will the Minister outline how he proposes to deal with unregistered landlords?

Deputy Phil Hogan: As I indicated, the heads of a Bill have been approved by the Government and I hope to have legislation in place to address some of the issues raised by 2012. Tenants' rights are outlined in the Residential Tenancies Act 2004. The legislation provides that rented accommodation must be in good condition and sets out what the term "good condition" means. Tenants must also have privacy. The various rights provided in the Bill are available on the website of the Private Residential Tenancies Board.

I concur with the Deputy that Threshold and other voluntary groups are playing an important role in supporting the information flow required by students and others who may be vulnerable to the actions of unscrupulous landlords in some of these matters. I assure him that the issue of compulsory registration is being actively considered in the context of forthcoming legislation.

Written Answers follow Adjournment.

Topical Issue Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 27A and the name of the Member in each case: (1) Deputies Colm Keaveney and Gerald Nash — the non-payment of subsistence and travel

allowances by the Health Service Executive to its employees in December and January; (2) Deputy Patrick O'Donovan — insulation in local authority houses and the physical accessibility to local authority houses for people with a disability; (3) Deputy Martin Heydon — the implementation in law of the EU temporary agency workers directive; (4) Deputy Dan Neville — contagion, the issue of copycat suicide; (5) Deputy Michael Healy-Rae — the need to reconsider the recruitment embargo in the public service; (6) Deputy Catherine Murphy — the impact of the removal of the cap on retail space; (7) Deputy Mary Mitchell O'Connor — the need to give a voice in court to children who witness domestic violence when protection, safety and barring order applications are being heard; (8) Deputy Thomas P. Broughan — the need to ensure the inclusion, under the health insurance Acts, of services for citizens with an eating disorder in public and private hospitals and clinics; (9) Deputy Paul J. Connaughton — the need to ensure charities that are VAT exempt are not charged VAT on donations made over the telephone; (10) Deputy Terence Flanagan — the need to ensure funding is not cut for St. Michael's House and those with intellectual disabilities in budget 2012; (11) Deputies Tom Hayes, Seamus Healy and Mattie McGrath — the proposed closure of Kickham Barracks, Clonmel, County Tipperary; (12) Deputy Michael McCarthy — the delays in the processing of medical card applications under the primary care reimbursement scheme; (13) Deputy Niall Collins — the need to fund the RAPID programme in Rathkeale, County Limerick; (14) Deputy Caoimhghín Ó Caoláin — the need to amend the eligibility criteria for the JobBridge scheme to cater for lone parents; (15) Deputy Charlie McConalogue — the reports published by the Catholic Church's national board for the safeguarding of children; (16) Deputy Dara Calleary — the potential closure of beds at St. Joseph's District Hospital, Ballina, County Mayo; (17) Deputy Aengus Ó Snodaigh — the need to ensure services continue to be provided at the Base, Ballyfermot, Dublin; (18) Deputy Simon Harris — the need for a guaranteed supply of drinking water to north County Wicklow; (19) Deputy Clare Daly — cuts to public sector pensions; (20) Deputy Joe Costello — the need to combat digital piracy; (21) Deputy Billy Kelleher — price rises by Quinn Healthcare; (22) Deputy Robert Troy — the vacant IDA park in Mullingar, County Westmeath; and (23) Deputy Mick Wallace — the possible payment of jobseeker's benefit to persons who were formerly self-employed.

The matters raised by Deputies Martin Heydon; Colm Keaveney and Gerald Nash; Dara Calleary; and Michael Healy-Rae have been selected for discussion.

Topical Issue Debate

EU Directives

Deputy Martin Heydon: I thank the Ceann Comhairle for the opportunity to speak on this extremely important matter. I welcome the presence of the Minister for Jobs, Enterprise and Innovation, Deputy Richard Bruton.

I am troubled and deeply concerned that the EU agency workers directive is due to enter into Irish law on Monday, 5 December. I am disappointed by the lack of debate in the House and media on the potential impact of the directive. As the Minister will be aware, the directive gives all agency workers the same benefits as direct employees from the first day of employment. Businesses do not have much information on what implementation will mean for them. How will the term "benefits" be defined? Do benefits include sick pay and holiday pay? The lack of clarity on such matters will have a considerable impact on businesses.

Before the directive was implemented in Britain and Northern Ireland on 1 October a 12 week qualifying period or derogation was agreed between employers and trade unions. A

[Deputy Martin Heydon.]

consultation period of six months also preceded implementation in the UK and the legislation was amended during this period. An extension to the 5 December deadline is required to provide sufficient time of the detail of the legislation to be worked out. We also need a derogation, which the European Union will provide if it is agreed by the social partners. I understand that while some discussions have taken place among the social partners, the trade unions are reluctant to agree a derogation. It is crucial that we obtain a derogation if we are to secure employment and investment.

Agency staff form a key part of multinationals' employment model. It is estimated that approximately 35,000 agency workers are employed in this country. Their use provides a degree of flexibility for struggling businesses which cannot commit to recruiting full-time employees or provide seasonal work. In County Kildare, for instance, we have a successful indigenous food company whose work is extremely seasonal. Although it has little work available in April, May and June, in recent years it has secured large contracts in July and August and hired 180 temporary agency staff to fulfil them. The company provides good employment while the agency looks after staff well and pays a rate that is above the minimum wage. This degree of employment flexibility suits many staff. The head of the company in question informed me the directive will cost him money and result in the company losing export contracts. The potential impact of the directive is extremely serious. The State is one of the largest employers of agency staff. The potential impact of the directive on the Health Service Executive is staggering, with the estimated cost to the HSE, if the directive is implemented in its current form, in excess of €30 million.

What progress has been made in discussions between the social partners on achieving a derogation? I urge the Minister to do everything in his power to ensure agreement is reached on a derogation before the legislation is implemented. We must seek an extension of the 5 December deadline to give us more time.

While no one in the House is in favour of the exploitation of workers, the simple question is whether the directive will enhance or disimprove Irish employment figures. On a day when we learned the unemployment rate has increased, I note that no one, including trade union representatives, has argued that the directive will improve job numbers or competitiveness. I look forward to the Minister's response and urge him to engage with the trade unions and apply the greatest possible pressure to agree a derogation.

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I thank Deputy Heydon for raising this issue. As he will be aware, the EU directive on temporary agency work 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 key stakeholders and other interested parties. These views were complemented by follow-up consultations and bilateral meetings to elaborate further on the position of the interested parties, which help fully inform the preparation and development of the draft legislation. Government approval for the draft scheme of the Bill to give effect to the EU directive in Irish law was obtained in October. The Office of the Parliamentary Counsel is proceeding with urgency with the drafting of the Bill. It is my intention that the Bill will be published as soon as possible in December 2011. Certain discretions and derogations are available to member states under the directive. A key feature of the directive is that it provides for the possibility of the social partners at national level concluding an agreement that would allow for some variation in the application of the equal treatment principle, while respecting the

necessary protections to be afforded to agency workers under the terms of the directive. This is intended to highlight the role of the social partners so that rules can be tailored as closely as possible to the interests and needs of the parties concerned.

In tandem with the preparation of the necessary legislation to give effect to the directive, my Department has been engaged in discussions with 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. It would place us in a similar position to the UK and Northern Ireland, which have 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 the first day of the assignment of the agency worker to the hirer undertaking. I have facilitated discussions with the national social partners with the objective of concluding a framework agreement that would allow for a qualifying period. Officials in my Department have been engaged in a process of teasing out the prospects for securing agreement. No agreement on this issue has been reached to date.

In light of the imminence of the date on which the directive is due to be transposed, there are considerable time pressures to conclude these discussions. The Government, as a significant employer, has a substantial interest in ensuring that a qualifying period is put in place before equal treatment comes into play for temporary agency workers. Agency workers represent a significant and important part of the workforce in the health sector, for instance. In the context of the current moratorium on direct recruitment, the HSE is able to use agency workers in a flexible manner to respond to staff shortages. In the current challenging economic circumstances, every effort must be made by all parties to boost the means by which economic recovery can be achieved and employment can be maintained and grown. A derogation allowing for a waiting period would allow for the necessary leeway in terms of labour market flexibility. It would ensure the labour market conditions in this jurisdiction are in line with those in Northern Ireland and the UK.

Deputy Martin Heydon: I thank the Minister for his response. I feel extremely passionately about this issue. I have been pursuing it for a number of months. I wrote to the unions but the responses I received were quite alarming. When David Begg of ICTU responded to me, he said he had been told by representatives of the TUC in the UK that this measure has had no employment implications there. It should be mentioned that there have been no employment implications there to date because the UK is still within its derogation period. This will come to a head when the 12-week period, which began on 1 October, has expired. The president of SIPTU, Jack O'Connor, said in response to my correspondence that agency contracts facilitate exploitation and misery. I do not know what world Jack O'Connor is living in. I think he is living in a different country from me.

Deputy Colm Keaveney: He is lives in the Deputy's own county of Kildare.

Deputy Martin Heydon: His reference to exploitation and misery is a bit extreme for me. The unions have claimed that my concerns are misplaced. I do not think their statements can be backed up. The simple fact is they are playing Russian roulette with the agency workers directive in order to push their own agenda. They are raising issues like collective bargaining and joint labour committees to argue a point as part of another fight. The directive is too important to be messing with. The unions are being absolutely reckless on this matter. They need to face up to the implications of this directive if a derogation is not agreed. One of those implications is that it will be more expensive to do business in this country. It will increase the expense incurred by the State and it will have a direct impact on jobs. There is a responsibility

[Deputy Martin Heydon.]

on the unions. I call on them to be responsible and to agree a derogation that is at least in line with what has been done in the UK. That is needed for the good of the country.

Deputy Richard Bruton: What is unique about this directive is that responsibility for concluding an agreement rests with the social partners, rather than with the Government. The two sides need to come together and reach an agreement. It would be better for us to have a waiting period like that in the UK and Northern Ireland. It would allow us to protect employment at a difficult time. I urge the social partners to consider carefully the adverse implications of any failure for each agreement. It would be appropriate if we could conclude an agreement like that in the UK and Northern Ireland. I will have further discussions with the social partners after this debate concludes, in the hope that some agreement can be reached.

Health Service Allowances

Deputy Colm Keaveney: As the Minister of State is aware, thousands of HSE staff are facing delays in the payment of travel and subsistence expenses that were due to be paid before Christmas. Staff across the HSE were advised last night that as part of the HSE's efforts to save €15 million before the end of the year, they will not receive their travel and subsistence payments for October and November until the new year. The Minister of State will appreciate that workers are angry about this plan and have criticised the HSE strongly. In effect, workers are being forced to bankroll or subsidise the HSE for the delivery of public services. I welcome the public statement made by the Minister, Deputy Reilly, on "Prime Time" last night. He categorically stated that the budget should not be used an opportunity to take money from people's pockets. He said the HSE should honour its contractual arrangements to pay suppliers and its own staff.

I am concerned about the tone of the letter that was sent to HSE staff and the language that was used in it. The HSE said in the letter that it intends to defer some of its costs by delaying these payments until 2012 "at the earliest". It is important for the Minister of State to be aware of the anxiety that exists among people. Many rural Deputies, in particular, have been advised that there is great concern about the delivery of primary, community and continuing care services in rural Ireland. Those providing home help services and public health nurses are among those who are banking on the payment of these allowances to ensure they can make their mortgage payments for December or put food on the table for their children this Christmas. I ask the Minister of State to intervene immediately so we can advise these concerned people of the response of the HSE.

Deputy Gerald Nash: The Minister of State is aware that public servants have been bashed in this House in recent years. When a major public sector entity like the HSE picks the pockets of its own staff, in effect, it is clear that a new low has been reached. If the HSE has its way, those providing home help services, public health nurses, social workers and others who assist the most vulnerable sectors of the community will have to subsidise their employer, in effect. That is not an effective way to run an organisation. It is no way to operate the health service. The HSE, which has been referred to in this House and elsewhere as a dysfunctional organisation, made a bizarre intervention yesterday. I do not think the health service has been well served by the HSE's actions with regard to expenses that were legitimately incurred by people as they served the public interest. Like Deputy Keaveney, I have heard the public comments that were made by the Minister for Health last night and by the Minister for Public Expenditure and Reform today. As a result of the Minister's remarks, it can safely be said that the Government does not support the HSE's approach. What can the Government do to address this matter and to provide a resolution? What steps are being taken by the Minister, Deputy Reilly,

and the Department of Health to resolve this matter in the interests of workers who have legitimately claimed expenses in respect of services provided in October and November? It could be argued that their contracts have been breached.

Minister of State at the Department of Health (Deputy Róisín Shortall): I thank Deputies Nash and Keaveney for raising this issue. It provides me with an opportunity to update the House on this matter.

The Health Service Executive informed staff and their representative bodies yesterday that it had decided to defer the payment of further staff travel and subsistence claims until January 2012. A sum of approximately €15 million is involved. The €15 million of potential savings relates largely to the expenses incurred during the last quarter of 2011. The executive has undertaken to meet with the relevant unions to discuss the issue, including how any hardship cases that might arise may best be addressed. The HSE intends to pay outstanding travel expenses in January 2012. This action by the HSE must be seen in the context of a possible full-year deficit of approximately €300 million.

4 o'clock
However, notwithstanding the gravity of the HSE's financial situation, the Minister for Health and I do not agree with the approach taken by the executive. While several proposals, including this one regarding travel and subsistence payments were submitted for consideration, the executive's board has not approved this approach.

The Department of Health has been in contact at the highest level with the HSE on this matter and has already been in close discussions with the executive over recent months on how the deficit can be addressed. The Minister for Health has repeatedly said the HSE must live within its budget. However, he cannot accept measures to effect budgetary savings which involve a simple refusal to pay staff what they are owed. Such a move is unacceptable. The HSE must comply with the requirements of the public financial procedures. This means it should meet its matured liabilities, which include travel expenses when they are due for payment.

There are several measures being taken that should greatly assist the HSE in achieving a balanced Vote at the end of this year. These include putting forward a Supplementary Estimate for the executive. The details of this are being finalised and it will include provision for a €58 million shortfall in respect of the early retirement and voluntary redundancy schemes implemented at the end of last year. The Government is also considering allocating savings from the health and children Vote, Vote 39, to the HSE.

It should be noted the HSE statement included a commitment that it would keep the matter under review in the light of its cash position at the end of the year. I am, therefore, confident that with the actions taken by the Government and the measures undertaken by the HSE this matter can be resolved. In the meantime, it is essential staff continue to carry out their duties as normal to provide essential services in the community.

Deputy Colm Keaveney: I thank the Minister of State for her positive response. I am concerned, however, by the degree of subterfuge adopted by the HSE and the games it is playing with the Government with regard to the imminent changes to the executive.

Would the Minister of State mind if I pointed her in the direction of where the HSE could find some of the moneys? An information note on HSE West, sought by a Labour councillor, stated its overall deficit by 30 June 2011 stood at €47.3 million. However, on the same date the total amount owed to HSE West by private health insurers, such as VHI and BUPA, was €61.1 million, of which €13.5 million was over 12 months old. After 12 months, an accounting procedure will write off 50% of all arrears. Public services are being delivered and subsidised by ordinary working people in the executive. The HSE has much to answer in this regard.

[Deputy Colm Keaveney.]

In her investigation into this matter, will the Minister of State establish why are the bad debts of private health insurers provided for when ordinary working people in the HSE have to bankroll the organisation, particularly coming into a difficult time for many families?

Deputy Gerald Nash: This case illustrates the dysfunctional nature of the HSE. We have heard commitments from the Minister regarding transformational reforms of the organisation. Dare I say it, we must be careful with what we replace it.

It is worrying that the Accounting Officers and the executive's board were not aware of this treatment of its own staff in HSE West when dealing with a budgetary shortfall. This is more of evidence that the HSE needs to be abolished, sooner rather than later.

Deputy Róisín Shortall: The HSE must live within its budget. It undertakes to provide a quantum of service based on the allocation made. It has been made very clear to the HSE that it must bring these services in on budget by the end of the year.

I agree with Deputy Keaveney's point on the HSE's potential to deal with its current difficulties in another manner. There are several examples of where the HSE could ensure more timely payment of moneys owed to it. The question of delayed payments by private health insurers has been raised on several occasions. It is hard to understand, however, the tardiness of the HSE in pursuing those moneys owed.

There are other options for balancing the books at the end of the year. It is unacceptable the HSE should seek to penalise staff due to be paid for travel-for-work purposes by paying them later. The approach taken by the HSE is neither acceptable to me nor the Minister for Health, Deputy Reilly. I am confident this matter can be resolved satisfactorily, however.

Hospital Services

Deputy Dara Calleary: St. Joseph's District Hospital, Ballina, County Mayo, a 62-bed hospital, provides step-down facilities for patients discharged from Mayo General Hospital and those identified as requiring a long-stay bed in a community nursing unit. It also provides outpatient clinics such as surgical, medical, paediatric and orthopaedic services.

Staff have been informally informed that there may be substantial bed closures in the hospital in the new year. If these go ahead, the ability of the hospital to perform will be seriously undermined. Mayo General Hospital performs well on the basis of a good relationship with district hospitals in Ballina, Swinford and Belmullet and their capacity to deal with step-down facilities. Its performance is in direct contrast to that of the regional hospital, University College Hospital, Galway, where bed management issues are serious.

Up to 60 beds have been closed in Dalton community nursing unit, Claremorris, Áras Deirbhile, Belmullet, McBride community unit, Westport, and at St. Augustine's, the other community nursing unit in Ballina. There is a concern in the county that services for the elderly are being downgraded and people will be forced into the private nursing home market.

Due to a large number of retirements that will occur in the health services, management has proposed a temporary closure of the facilities in St. Joseph's District Hospital. We all know what a temporary closure is in HSE language. Deputy Keaveney referred to €61 million being owed to HSE West. We have raised the matter of this deficit at local fora meetings. One of the reasons given by management for the deficit is that forms consultants should fill out are not being filled out and forwarded to private health insurers. I do not have a difficulty with what they are paid for the job they do but if they are responsible for a €61million debt due to

the HSE, which, in turn, may be responsible for the downgrading of services for older people across Mayo, then there is something wrong with the system.

I would like the Minister of State to visit the hospital. Her predecessor with day-to-day with responsibility for the primary care strategy had opened a state-of-the-art primary care centre and she will find no better alcohol addiction centre in the country than Hope House in Foxford. The staff and management are angels for the work they do. However, if our hospital is undermined, this will not be the first time I raise the issue in the House. It has served my town for generations and I would like that to continue.

Deputy Róisín Shortall: I thank the Deputy for raising this matter.

Intrinsic to the Government policy of keeping older people at home and in their communities is that we enable them to access quality short-term care. This option also alleviates pressure on acute hospitals by providing an alternative to admissions or lengthy stays. It makes sense from the patient's point of view and from an economic point of view. The programme for Government includes specific provision under capital developments in health for step-down facilities. Our intention is that people are cared for in the most appropriate and cost effective setting, including short-term care.

The HSE has sole operational responsibility for the delivery of health and social services, including those at facilities such as St. Joseph's District Hospital, Ballina. The Department is reviewing the provision of public residential care in light of the need to meet national standards and regulations, local demographic pressures and public and private provision. The review will serve as a platform for discussion and will inform the development of an overall strategy on how the HSE should continue to provide this service in future in view of current budgetary and other pressures. The review must also be seen in the light of the wider health reform programme to which the Government is committed, and the position of social care services in a future health service.

St. Joseph's District Hospital currently has 62 beds, of which 25 are designated for female patients and 37 for male patients. The facility mainly provides semi-acute step-down care and also accepts admissions directly from general practitioners in its catchment area. During 2010, there were 741 admissions, of which 500 were transfers from Mayo General Hospital and other acute hospitals. The stay at the hospital is 24 days. The total staff complement is 60 whole-time equivalents, of which 30 are nurses and 22 are support staff. Between January 2011 and February 2012, it is expected that eight vacancies will arise due to retirement.

Detailed discussions have taken place between management and the director of nursing to determine the number of patients that can be safely cared for with reduced staffing levels on the roster. It is anticipated that, in the circumstances, the HSE proposes at this stage to reduce the number of beds at the hospital by 12, from 62 to 50. I understand that staff have been informed of this proposal and that further meetings between management and staff representatives will be arranged, as necessary. The expected position regarding bed provision will apply from a current date, yet to be decided, to the end of January 2012, at which time the matter will be reviewed, as appropriate.

The main objective of the HSE is to maintain the maximum number of beds in line with staff resources available. The Deputy will appreciate that all developments have to be addressed in the light of current economic and budgetary pressures overall. Decisions taken by the executive must have regard to this, including the current moratorium on the recruitment of nursing and non-nursing staff. The executive has been asked, in this context, to make a rigorous examination of how existing funding might be reallocated to ensure maximum service provision. In

[Deputy Róisín Shortall.]

particular, we need to ensure the highest standard of care will continue to be provided to all patients in a safe and secure environment, including to those at St. Joseph's.

Deputy Dara Calleary: With the closure of an additional 12 beds in Ballina together with the closure of 60 beds that has previously been announced, a total of 72 beds will be closed in homes and community care facilities in County Mayo. I do not know whether the Minister of State fully understands the geography of the county, which is the third largest in the State. The facilities are arranged in a way to provide services. Unfortunately, many people cannot be cared for in their homes and they need the services delivered by staff who go beyond the call of duty every day.

Will there be further reductions in Ballina? At the end of January, what are the chances of these beds being restored or will there be further closures? With regard to the information provided by Deputy Keaveney earlier, how much is due from health insurance companies? In fairness to the HSE, much of the debt is outstanding for less than a year and, therefore, staff seem to be getting their act together. It would be outrageous if beds for older people, no matter where they are in this country, were being closed because the HSE did not have the ability to get consultants to fill out forms properly. A total of €61 million is outstanding in HSE West, which is one of the smaller districts. Surely heads can be knocked together among HSE staff, insurance companies and consultants to return the money that is owing rather than closing beds in St. Joseph's or elsewhere in the community and nursing home sector in County Mayo.

Deputy Róisín Shortall: A considerable number of patients in acute hospitals need more appropriate care and it makes sense to provide care and step-down facilities as locally as possible to ensure older people, in particular, who spend short spells in acute hospital have access to the rehabilitation required for them to make a full recovery and live independently in their own homes, which is what the vast majority of them want.

A number of issues have to be taken into consideration. The model of care provision needs to be reconsidered while the cost of care in private settings and, last but not least, the quality standards required by HIQA must be taken into account. These will all be factors in the review of the services provided in step-down facilities over the coming months.

A substantial amount is owed to the HSE by acute hospitals because consultants who are exceptionally well paid have not filled out the necessary forms. It is unacceptable that they are required to fill out those forms in order that hospitals can access the payment from the insurance companies. These two requirements need to be decoupled and consideration is being given to that. It is also not acceptable that consultants have failed to do their duty and comply with the requirement to fill out the forms. This means substantial debts are owing and the HSE is faced with difficult decisions. The executive needs to be much more proactive in this regard, as I stated in reply to Deputy Keaveney. It is not acceptable that the HSE should leave an outstanding debt while imposing cuts on the most vulnerable. It needs to tackle this issue as a matter of urgency. I agree with the issues raised by the Deputy.

Public Service Staff

Deputy Michael Healy-Rae: I sincerely thank the Ceann Comhairle for the opportunity to raise this issue and I would like to acknowledge the presence of the two Ministers of State.

One of the biggest ever brain drains from Ireland will take place within the next few months when dozens of teachers, gardaí and other public servants are expected to opt for early retirement, as they fear that their pension entitlements will be slashed in the budget. Up to 1,000 gardaí can take early retirement while almost as many teachers are in the same position.

The reason for the rush to the door is that any public service worker who retires before the end of next February will do so on full pension. However, for those retiring after the February cut-off point, recent public sector pay cuts will be reflected in their pensions.

The exodus to which I refer will rob schools and the Garda of their most experienced members of staff. Government Deputies have urged caution and stated that those contemplating early retirement should have their futures well planned before taking drastic action. There are concerns that if there is a mass departure of teachers, this will have a negative impact on our schools both in terms of these individuals' experience and the voluntary work they do, particularly in the context of sport. Many public servants who work for county and city councils are considering bailing out amid fears of their pension entitlements being dramatically reduced. It has been claimed that if a significant number of gardaí retire early, this will leave rural communities vulnerable to attack because there is no recruitment taking place at present and these officers will not, therefore, be replaced.

I am aware of large numbers of gardaí, teachers, nurses and other health workers who have opted to take early retirement. The departure of these vastly experienced and highly-qualified personnel will cause difficulties in the context of the delivery of services. What must be borne in mind in respect of this matter is the amount of money it cost to train each of these individuals. Many thousands of euro were spent on programmes designed to allow the people to whom I refer to operate to very high standards and to ensure that — regardless of whether they are gardaí, nurses, senior or junior civil servants — they are at the top of their game. All of these individuals are all highly experienced. During the past four years, thousands of primary school teachers have retired. Many of those who retired during the past 12 months could have remained in employment for much longer and probably would have done so were it not for the dramatic changes introduced in respect of pension entitlements.

The Garda is facing a brain drain at senior management level. Of the 44 chief superintendents across the force, some 33 are in a position to take early retirement at any stage. If these senior officers were all to leave the force, it would leave an alarming imbalance in the context of experience. The position in this regard could be replicated across all other areas of the public service. It must be remembered that individual officers build up a wealth of experience during their time on the force.

With the embargo in place and with those at the top departing, it does not take a genius to identify the fact that it is front line services which will suffer. The Government and all State agencies must learn the difference between maintaining budgets and maintaining the basic services that are required. There is nothing more basic than caring for the weakest and most vulnerable citizens. On my first day as a Member of this House, I reminded the Taoiseach of the late Declan Costello's paper, *Towards a Just Society*. Now, more than any other time in the history of the State, we must develop a just and fair society for all our citizens.

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I thank Deputy Healy-Rae for raising this matter. I note his concern with regard to the loss of skills and expertise in the public service and how this might impact on service delivery.

The first point I would make is that Ireland is committed, under the EU-IMF programme, to reducing the overall size of the public service. That is also a key element of the programme for Government. This means that when public servants choose to retire, they will not be replaced in the majority of cases. Delivering this reduction will require continued implementation of the moratorium on recruitment — with exceptions being limited to essential posts only — and the utilisation of redeployment as the primary mechanism to fill posts which have been approved. In order to protect front-line services, the Government is committed to making fundamental changes to the way the public service operates. This will inevitably mean altering

[Deputy Brian Hayes.]

in the way in which services to the public are delivered. The retirement of long-serving staff in any organisation can represent a loss of skills and experience but it can also represent an opportunity for an organisation to consider re-fashioning its business delivery model in order to take account of changing circumstances. There is also an opportunity for more junior staff to take on leadership roles and this can have a very positive impact on service delivery.

The Government must deliver better value in the public sector in order to reduce the deficit and protect front line services. In the first instance, it is part of the day-to-day function of the boards of management of many public bodies to assess and budget and plan for current and ongoing staffing requirements, including the identifying of key posts and services, particularly those relating to front line services. Given the acute fiscal restraints under which the country is currently operating, however, the reality is that all public service employers must operate within necessarily reduced and reducing resources. In recent years, enhanced numbers monitoring systems and multi-annual employment frameworks have been put in place. These arrangements will be strengthened to ensure that effect will be given to Government decisions on public service numbers and they will aid public bodies in adjusting to future staffing levels while minimising impacts on services.

The Government is not operating a blanket embargo on recruitment to the public service. In order to protect crucial services, exceptions to the moratorium may be granted in respect of: statutory posts which, for legal reasons, must be filled; circumstances where failure to fill posts would result in a breach of EU-international regulations and impact upon exports etc.; safety-related posts, which must be filled for security reasons or failure to fill which could leave the State open to potential legal liabilities; specialist-technical posts to ensure continuity of operations — for example, legal officers; laboratory staff, maritime safety personnel, etc.; and ensuring the continuity of front line services. The list of exceptions granted is regularly reported to the House in replies to parliamentary questions. This was most recently done on 16 November last.

As the Deputy is aware, in the case of certain front line services in the education and health sectors, a number of grades are exempted from the moratorium. This is to ensure that the services to which I refer will be maintained. In any large organisation there will inevitably be a turnover in staff numbers. However, the reason for any particular vacancy arising — whether as a result of early retirement, maternity leave, career break, resignation, etc. — is not a factor in decisions relating to exceptions to the moratorium. These decisions are based purely on the business case made in respect of particular vacancies.

It is critical that public service management should ensure that the public service continues to operate services properly and prudently, notwithstanding the departure of large numbers of experienced staff in a relatively short timeframe. This will require careful planning at local level. The recent introduction of the requirement to give three months' notice of intention to retire will be of assistance in this regard. The Department of Public Expenditure and Reform is supporting the establishment of strategic manpower planning groups in each sector. Sectoral employers that are best placed to assess emerging sectoral challenges will be expected to develop plans to deal with the operational and strategic consequences arising from the outflow of staff in 2012 and future years. The sectoral groups will feed into a central strategic manpower planning forum under the aegis of the Department of Public Expenditure and Reform.

Deputy Michael Healy-Rae: I thank the Minister of State for his reply. I am glad he is present because he is an extremely sensible individual and will appreciate what I am going to say. This country cannot manage without the requisite number of people — regardless of whether it is a street cleaner who works for the local authority, a nurse who works in a hospital or a garda

who pounds his or her beat — required to deliver front line services. We need the people to whom I refer in order to keep the country going.

I appreciate the constraints that apply and I am not criticising the Minister of State because I understand the adverse position in which we currently find ourselves. However, large numbers of people cannot continue to retire from the public service and draw down their pensions because there will be no one left to provide services. People must go to work every day and fulfil the different roles to which I referred earlier. I appreciate that the Government is not applying a blanket embargo on recruitment. It must be recognised, however, that fewer services are available than was the case in the past. People are continually being lost from the public service. If a council employee who works in a small village either dies or retires, he will not be replaced. This is having an affect throughout the country.

I am aware that the Minister of State was obliged to deliver a standard reply in respect of this matter. He knows what I am saying is sensible and factual. We will still need staff to run this country and to provide the necessary services. We cannot remain in the present mode where staff are either retiring or, unfortunately, dying and nobody is replacing them. A country cannot function that way. The Minister of State knows I am right.

Deputy Brian Hayes: Staff will be always replaced. If there is a staffing schedule of teachers and there are X number of pupils, according to the computation there are Y number of teachers. Even if there are retirements in the teaching professions, new teachers will be recruited because we have a staffing schedule which protects front-line services. The same applies to nurses.

Where redeployment will happen — it is happening — is in the general public service. For example, more than 500 public servants moved from a variety of Departments last year to the Department of Social Protection to deal with the exceptional demands on its services, of which Deputy Healy-Rae will be aware. That happened because of the Croke Park agreement. That is the new public service. In the next few years, staff will move all over the place in the new public service. This will involve staff working together to deal with existing demands.

The only other option in response to what Deputy Healy-Rae is saying is that public service staff take another cut in pay. If he is suggesting that in order to keep staff in place we will have to take another 20%, 25% or 30% — call it what one will — off the public sector pay bill, that is not in anyone's interest.

I assure Deputy Healy-Rae that, with flexibility and a rearrangement of resources, front-line delivery of services will be protected. There also will be new opportunities for younger people who know that, if and when the economy is turned around, they will be the new managers of a public service that will be radically different from the public service of the past.

Water Services (Amendment) Bill 2011 [Seanad]: Second Stage (Resumed)

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

Deputy Brian Stanley: From my party's point of view, there are a number of issues to be clarified. Before lunch, we were discussing the issue of the fee. The Minister stated that the fee for reinspection would not be €200, but the Bill, at section 70H(7), states that the prescribed fee will not exceed €200. In my experience, that normally means it will be €200.

In its election manifesto, Fine Gael stated it would tackle leaking septic tanks that pollute groundwater. It went on to state:

[Deputy Brian Stanley.]

We will introduce new regulations and standards to address the serious problems associated with septic tanks. As part of our Home Improvement Scheme we will provide short term finance for septic tank remediation assistance for home owners.

Fine Gael went on to promise that it would also temporarily expand the home improvement scheme to include septic tank assistance.

Deputy Hogan, prior to him becoming Minister for the Environment, Community and Local Government and while he was still Fine Gael spokesperson, in “Village” magazine on 3 March, stated that the party would propose a local stimulus package that would meet our climate change objectives as well as our water quality objectives — a home improvement scheme that would use our existing resources in Sustainable Energy Authority of Ireland and, with the local authorities, have a more co-ordinated package in insulation, heating, and septic-tank remediation. Sinn Féin would support such an approach. These election promises seem far from reality. There is no climate change Bill — I asked again last week and a date has not been allocated for it — no stimulus package and no package relating to septic tank remediation.

Due to the inaction of previous Governments — I accept other parties have been culpable while they were in government — on the EU directive, we are in a situation where the State could face a €40 million fine in 2015, a lump-sum €2.7 million fine and daily fines thereafter unless action is taken. This is another fine mess into which the Twiddle Dum and Twiddle Dee type politics has got us.

My party understands the problem and the need to comply with the EU directive, but the difference is we would not punish the ordinary householders. We have fully engaged in the debates on these issues both in the Dáil and in the Seanad. We tabled 47 amendments, the focus of which has been to include local authorities in any reference to waste water services so that the focus of the Bill is not solely on domestic household use. We attempted to remove the cost to the householder by ensuring that any works that had to be done on septic tanks would be funded, through an income related grant scheme, by the Department of the Environment, Community and Local Government. This scheme must cover both social welfare recipients and low-income households where people are involved in agriculture or other activities. The inspection of septic tanks would be done by local authority employees. We also attempted to amend the legislation to ensure that those who failed to pay the fine would have the optimum opportunity to comply without facing the threat of a criminal sanction, to avoid unnecessarily criminalising those in rural areas.

While I am pleased to say the Minster has agreed to take on board some of these matters, the response must be put down in words in the Bill. We look forward to seeing a re-draft of the Bill before it goes to Committee Stage. Commitments must be made in the Bill to ensure rural householders are not penalised financially for upgrading or repairing septic tanks. A more reasonable approach, other than what is outlined in the current draft, is what is needed. Other important issues that need to be dealt with in more detail include an inability to pay waivers for low-income households.

The biggest omission is the lack of detail on what exactly is being inspected. Is it the septic tank, the effluent, soil samples or all three? Section 70G mentions only “subsoil”. What are the standards? The Minister has yet to respond to these reasonable concerns. If a septic tank was installed in the 1960s or the 1970s, against what standard is it measured? If a septic tank was installed in 2011, does a different standard apply because, obviously, tanks are now more high-spec? Is it, as the Minster said, that once septic tanks, which were installed in the 1960s or the 1970s are working, they are okay? There are important questions in that regard.

Obviously, the quality of water coming out of a treatment system that was installed in the 1960s will be much different from water coming out of a high-tech system that was installed in the past year or two. Has the Minister got agreement from the EU on this? We need an outline of standards by which domestic waste water treatment systems will be measured. This detail must be in the Bill, otherwise we are issuing the Government with a blank cheque. It is not good enough for the Minister to simply dismiss our concerns in this regard. We demand detailed answers in that regard before we can be expected to vote on any Bill. That is only fair and proper.

What is proposed by the Bill is an army of inspectors. I outlined our concerns about this on many occasions. There are technical staff, technicians and engineers in local authorities who are not exactly run off their feet because there is little in the way of new capital works going on, but the Bill proposes an army of inspectors, having paid their €1,000 registration fee, trooping around the country inspecting septic tanks while local authorities reduce staff levels or make staff redundant. If inspections need to be done, local authority staff should carry them out. Local authorities have a considerable bank of information on septic tanks already built up in their areas. If it is found that work needs to be carried out to improve or upgrade septic tanks, let us ensure that income-related grant schemes are available from central government and the EU to enable households to comply with the EU directive.

Sinn Féin believes the Government should explore all funding options currently used for structural development, including INTERREG and the ERDF. An income-related grants scheme must be put in place to assist in any upgrading. As Fine Gael stated before the election, this in turn would act as a stimulus to the current ailing economy and assist in job creation in many rural areas.

The Bill, in its present form, will be a significant imposition on rural communities, particularly on low-income households. It is heavy on sanctions. It sets out provision for up to €5,000 in fines for households. It explains how people will, in effect, be criminalised and how it will penalise rural householders but it does not offer enough by way of assistance and explanation. The Bill needs to be redrafted to focus on how we can work with rural Ireland in the spirit of partnership to protect our environment and, in turn, comply with EU directives.

Deputy Pearse Doherty: I am disappointed the Minister, Deputy Hogan, is not present. He was here for the earlier part of my colleague's contribution but I am disappointed he is not here to listen to the rest of it.

Deputy Brian Hayes: He is coming back.

Deputy Pearse Doherty: I hope he will be able to take on board my comments and those of my colleague.

It is very rare I agree with the Fianna Fáil Party but the previous speaker, Deputy Niall Collins, called this an attack on rural Ireland and I think he is right. When the Fianna Fáil Party starts saying this is an attack on rural Ireland, the Government has a duty to sit up and listen because those in the Fianna Fáil Party have been the masters of attacking rural Ireland over the past 15 years. If anybody knows what an attack looks like, it is them, given they have shaped and led those attacks for many years. Indeed, if anybody had the opportunity to read its pre-budget submission, they would see the Fianna Fáil Party has not finished attacking rural Ireland because it plans a plethora of charges, from household charges to increased carbon taxes, motor taxes and excise duties, all of which will be deployed in attacking people right across society but, in particular, in rural Ireland.

[Deputy Pearse Doherty.]

I say genuinely that people feel this legislation is an attack on them. They feel it is discriminatory because it imposes charges and sanctions, and offences and fines if there is non-compliance, on a section of the population of this State, namely, the 441,000 people who have a septic tank in their back yard. People are genuinely concerned and really afraid. The Minister in his speech repeated the comment he made in the Seanad that people in rural Ireland have nothing to fear from this legislation. If the Minister is adamant about making that statement a reality, he needs to ensure he amends the legislation in order that we have the type of inspection and compliance with the EU directive that should have applied as far back as 1975, although previous Governments have not done so. He needs to amend it and take out the sections of which people are afraid.

People are afraid of several sections of the Bill. First, there are people out there who simply cannot afford to pay an additional €50 charge. That might be a dramatic statement or perhaps Ministers simply do not believe the fact that there are people who are that broke. However, the reality is there are such people. The Government makes no determination as to whether the person who has to pay that €50 charge is the most affluent person in society or whether it is the family that has gone to the Society of St. Vincent de Paul the week before to ask for clothes for their children or a voucher to put fuel in their tank so they can keep their house warm this Christmas. That is the problem. There is a lack of respect for what is happening out there, within the private confines of many households to which this charge will be applied.

The second point is that there is a great fear in rural Ireland as to what standard will be expected when the EPA sends out its army of inspectors to inspect the septic tanks. Very simply, the Minister can resolve this issue because he has stated time and again that the EPA will not be applying the 2009-10 guidelines but will just be ensuring that the septic tanks are functional and not causing pollution. This means that if the septic tank was granted planning permission in 1960, the inspection will be based on the standards that applied at that time. We in Sinn Féin challenge the Minister to publish the regulations he said will accompany this Bill before he asks any Deputy to take a leap of faith and put the hands of 441,000 rural dwellers into the hands of the inspectors appointed by the EPA. We on this side of the House are not going to give the EPA a blank cheque to go digging up back gardens and issuing guidance to rural dwellers that they have to apply septic standards that did not exist when they legally got planning permission.

The Minister has stated time and again this will not be the case. He should publish the regulation and the guidance so we can have a proper, informed discussion. We have asked the Minister privately in this regard and I am glad he is considering such a move because it will quell the fear in areas across the State.

The big problem with the Bill is that there will be a requirement for remedial works, no matter what standards are applied. There are septic tanks which are not functioning and which, for different reasons, have become damaged. A burden will now be placed on families to bring those septic tanks up to a proper and adequate standard. The failure of this Bill is that it does not in any way, shape or form provide State support to help people meet the compliance with the 1975 directive. Therefore, in Dublin, Lucan, Killarney or anywhere there is a public sewerage scheme, if the State is being fined or faces potential fines from Europe, the State steps in and develops a sewerage system in the town, as has happened in many towns. In Donegal, for example, where there was a potential for fines in regard to Letterkenny, the State stepped in and through direct taxation paid for the sewerage scheme in that town. In rural Ireland, however, for rural dwellers to comply with the regulation, the State is saying rural dwellers will have to bear the cost entirely themselves. That is where the Bill is utterly discriminatory.

Again, the Minister has said both privately and publicly to Sinn Féin that he is considering bringing in an income-linked grant system. This would be welcome because it is not fair to ask people in rural Ireland, if for whatever reason their septic tank is not working and given they do not have the luxury of having a public system that is paid for by the State, to pay for this out of their own pocket. This is where I disagree with Fianna Fáil Members. The Fianna Fáil Party amendments to the Bill proposed in the Seanad would mean the rural dwellers would still carry some of that burden themselves and 85% of the cost would be borne by the lowest income families in rural Ireland. That is wrong.

The other issue in regard to the Bill is what happens in regard to the by-laws in Cavan. We know the European Court of Justice has stated that Cavan is the only county that is complying with the regulations at this time. This is where the concern arises in terms of what type of regulations will be applied. The Cavan by-laws stated that the septic tanks must comply with the EPA's Treatment Systems for Single Houses 2000 document, or any future replacements of that document. As we know, that document has been replaced and the code of practice is now the 2009 EPA code. Therefore, in Cavan, if a person built a house prior to 2009 and may have complied with the 2000 regulations, the by-law states that any new and additional EPA guidelines must be complied with. If I am to accept what the Minister is saying but what he is not writing into the legislation, this will not be the case for other dwellers outside Cavan, and it will not be the case that a person will have to comply with updated EPA guidelines.

On another issue, I genuinely do not believe this will stop here. It is bad enough where it is. It is €50 for registration and €20 for an appeal, and if a person does not have a certificate of registration within ten days, an offence has been committed and the maximum fine is €5,000. When the Government introduces the new fines Bill, which it has promised to introduce in 2012, this means a fine can be deducted at source from people's income or their social welfare benefit. People who genuinely cannot afford to pay will have no option but to have these large fines deducted.

The Minister says this legislation will be self-financing. I cannot see how it will be. Let us consider the mathematics. There is a €50 registration fee and approximately 441,000 houses. That amounts to approximately €25 million. The Minister says that will cover all administration and inspection costs. However, the inspection costs do not simply occur once. There is registration every five years and there is compliance with the directive for the lifetime of the system, so there will be ongoing inspection costs. Where will the money come from for these? This is where the fear is engendered by this legislation, the fear that charges will be increased.

There is also an issue with the definitions in the Bill. The definition under section 2 of a waste water treatment system, septic tanks and other systems states that premises with no tank or a treatment system will also be covered by this legislation. Let us take, for example, the closest house to the Dáil. It has no tank or treatment system, but it is a premises so it is to be covered by the legislation. That is the definition that guides who is and is not required to register. There appears to be confusion in that.

In summary, this legislation is discriminatory and is an attack on rural Ireland. There should be no registration fee and there should be grant aid to remedy septic tanks that are not compliant with the regulation. This should be funded through the Exchequer. There is a need for the Minister to engage positively with the Opposition on the amendments we intend to table, to put his verbal statements into the legislation and, in particular, to provide that the EPA guidelines that will apply to the inspections will be the guidelines that applied at the time of construction of the tank or system. Grant aid must be provided for those on low incomes and the Minister must state that the registration fee will be waived.

Deputy Pádraig Mac Lochlainn: Both Deputy Pearse Doherty and I are from Donegal. What sticks in the craw of Donegal people is the fact that, historically, hundreds of millions of euro have been invested every year in the capital wastewater budget which is spent in the cities and towns throughout the State to comply with EU directives. At the same time, people who wished to build single homes in Donegal and other rural areas paid their own costs. They paid for planning permission, installation, the site assessments and all the other costs involved, without any subsidy or support. It often cost thousands of euro to do so. They paid their own way.

We now have a Bill that essentially asks them to pay the costs of potential replacement also. They complied with planning permission and departmental guidelines, went through that process and paid in full for it. There was no subsidy, as urban dwellers have received. Now, they must pay again. They are beginning to think, ironically in the context of this subject, that a tax might be imposed on fresh air or there might be a tax on living in rural areas. These communities are also watching the threatened closure of Garda stations, small community hospitals and nursing units come under threat while the post office infrastructure and rural transport networks are also under threat.

A picture is developing of the dismantling of the community, physical and public infrastructure of rural Ireland. This Bill is the final straw. That is the reason petitions with thousands of names are being sent from counties such as Donegal to the Minister. That is the reason there are packed public meetings being held throughout the county. There is profound concern about this Bill.

We still do not have specific information from the Minister. What is the specification for what is required under the legislation? That would clarify matters. We do not have such specification. There are references to the Cavan model and the fact that Ireland has been taken to the European Court of Justice. If we have been taken to that court and if Cavan has been found to have an acceptable model, there must be a specification for that model. However, it has not been presented to us, so we cannot reassure people in places such as Donegal who are profoundly concerned.

Hundreds of millions of euro have historically been invested each year in the capital wastewater programme. This money is distributed through the various councils across the State. Why can some of that budget not be reallocated to grant aid people who have to replace their system? We have been given assurances from the Minister that he will examine this but that is not acceptable. I am anxious to convey to the Minister, if I can get his attention, that the key issue of concern to people in rural areas is the cost of replacement. They are terrified. A man called to me a few days ago and he outlined the reality for his family and the family home they have had for years. They fear they will not reach the specification, which we do not have at this point. They are terrified at the prospect of a cost amounting to thousands at this time.

Before the Minister can seek the support of the House, he must reassure those families and deal with the double standard of urban dwellers having all these facilities free of charge while rural dwellers are being asked to pay, yet again, to comply with an EU directive. That is an injustice. It leaves people in Donegal and other rural areas with the sense that there is one law for rural communities. This must be addressed before the Minister can seek or expect the support of the House.

Deputy John Halligan: I acknowledge the need to protect our water services but I disagree with this unfair legislation, which will add further debt and suffering for those in negative equity who are in arrears with their mortgage payments and are struggling to feed their families and make ends meet. The tax discriminates in that it penalises people for living in rural communities with no direct access to public sewerage schemes. That is not their fault.

The introduction of the septic tank charges is massively discriminatory and possibly unconstitutional. It is an attack on the more than 1 million people who will be penalised by this extra charge. There is a fine of up to €5,000 for non-compliance. What adviser or civil servant hiding behind the Minister's cloak came up with the idea of frightening people with a fine of €5,000? These are people, including elderly people, who might not be able to pay. It is offensive and obnoxious, and simply proves how out of touch the Minister is with reality. Ordinary people living in rural communities cannot afford to pay for any extras. To frighten them with the €5,000 fine is appalling and deeply offensive.

When these people built their houses they complied with all the regulations. Now, they are being retrospectively penalised with this extra charge. They are being criminalised for this. They do not have access to taxpayer subsidised sewerage schemes in urban areas, where they would not have to worry about registration, inspection fees and the massive cost of septic tanks. To add insult to injury, the legislation fails to provide for any assistance to rural dwellers who might have to upgrade their systems. At the very least a retrofit scheme which provides, for example, tax relief and grant support where new or upgraded systems are required should have been considered by the Government. It is not too late to do so.

It is unfair of the Government to expect rural households to pay 100% of the costs of construction, maintenance, upgrading and inspection of wastewater treatment systems, in addition to the new household charge that will be introduced here next week or in January.

I draw the Minister's attention to the manner in which other jurisdictions have avoided inflicting the cost of this process directly on the householder. For instance, in Northern Ireland, any inspection costs are borne by the local environmental agency. Has that been given consideration here? In Scotland, all septic tanks must be registered by the households affected. They do not have to pay themselves, and there are no mandatory inspections. It appears that little thought has gone into the implementation of this scheme.

Has a costing been done on the proposed maximum registration fee of €50? How many county councils plan on charging a fee lower than €50? The Bill does not indicate what will be the maximum or minimum fee. If this Bill is passed there is no reason any council should be allowed charge any more than is absolutely necessary. The Minister might indicate the information that will be given to county councils in terms of when they charge, the way they charge and how much they can charge.

Deputy Clare Daly: Everybody would support the idea of improving water quality and upgrading septic tanks but the issue before us is the way it will be done and who will pay for it. The Government can dress it up any way it likes but rural dwellers know that what is going on here is the use of an environmental cover or the threat of the European Union to bring in a new stealth tax. The proof of that is that there are different methods of dealing with this issue in other EU jurisdictions.

The Bill proposes legislation to enable the inspection of septic tanks and a registration process. The first question I ask the Minister is why we need a registration process. Local authorities have all the information and know all the houses not connected to the public sewer. They know the houses that dispose of their effluent by way of cesspit, septic tank or package treatment plant. If the Minister does not need a registration process to give him that information, why does it exist? The only explanation is to get the principle of a charge established so it can be increased in future. I do not believe any of the rural dwellers will fall for that or the idea that it is only €50 or that the registration will only take place every five years because experience tells them that once a charge such as this is imposed, it will be bedded down and will rise again relentlessly.

[Deputy Clare Daly.]

Local authority water services staff are already capable of compiling all of the information required regarding the type of systems in use and the associated percolation areas but this Bill proposes to cut them out of the process and set up a new inspection service at a cost of €1,000 per inspector under the Environmental Protection Agency, EPA. The only logic for that has to be that it is part and parcel of a plan to privatise water services, which will inevitably lead to higher charges on householders already stretched to the limit.

It is a bit rich to hear Fianna Fáil Members banging the drum on this issue when they, along with their colleagues in Fine Gael, were responsible for many of the planning decisions taken, often against planning advice, which contributed to a situation where the systems in many houses will not be compliant. The figures used from areas such as Cavan and so on show 25% non-compliance but the figures are likely to be higher than that. The remediation and replacement costs of approximately €4,000 are a little low, particularly when we consider that percolation tests alone to determine suitable soil and water tables could cost up to €1,000.

This is an enormous burden to put on people who installed systems at their own expense, paid levies to county councils to avail of services and so on. Taxpayers in rural areas can feel justifiably hard done by that billions of euro have been spent on upgrading the public sewers in past decades yet they are expected to shoulder the cost of this remediation.

It is ironic that in my area the Minister proposes to spend €2.5 billion on upgrading the public sewer, including installing a major new wastewater treatment plant on rural dwellers' doorsteps to take effluent from seven local authorities, yet the people living beside it are expected to pay again for their own septic tanks.

An Leas-Cheann Comhairle: I must call Deputy McGrath.

Deputy Clare Daly: I am sorry, but I thought you would give me a minute's notice. Why does the Government not set up a task force and employ thousands of unemployed engineers, technicians, construction workers and so on to remediate these septic tanks as a public service and, where possible, connect those to the public sewer?

An Leas-Cheann Comhairle: I did not want to give any notice because speakers have only three and a half minutes, but I will do so if Deputy McGrath wishes.

Deputy Mattie McGrath: Do please. I too am as concerned about the rural environment, and all the environment, as the Minister, his officials and anybody else. I refer to the Minister affectionately as Big Phil——

An Leas-Cheann Comhairle: Minister.

Deputy Mattie McGrath: ——and I was delighted when he was appointed Minister because I felt he was a rural man who would look after rural Ireland. Knowing his record, and knowing his neighbours from Newcastle who used to live beside him many years ago, I was sure that would be the case. I will not say what I would like to say about the previous Minister, John Gormley, but I had many battles with him. This proposal is off the wall. The Minister is attacking rural Ireland instead of defending it. I was sure he would defend rural Ireland but this legislation is off the wall. I do not know where it came from or why he allowed his officials to dream it up but he should back off it because it will not be accepted in rural Ireland. We have taken everything including the situation with the turf cutters, and I am delighted Deputy Flanagan is present, and the drink driving legislation. We have had a great deal of regressive legislation affecting rural Ireland but I can tell the Minister that this legislation will not work. No septic tank owner will pay to register. Why should they, when they all got planning per-

mission? The lazy council officials should do a trawl. They have little to do now because not many planning applications are being submitted. They should be able to point out where these septic tanks are located. They know where they are. It is a trick-o-the-loop job, and we are not buying. I have never encouraged civil disorder in my life but I will on this issue. Nobody will register because this measure is unfair and unjust. The legislation is biased and it would not stand up in any court, never mind the European Court.

The Minister is a practical man but he should back off on this issue. He should put it on the back burner or do what he likes with it because it will not pass. All the rural people affected have been victimised. They had the courage, initiative and energy to get loans to buy sites, get planning permission, pay planning fees and build their own homes. They did not come knocking on the Minister's door or my door asking us to get them a house. They did it themselves, and now they are being penalised for that. What is next?

This measure will frighten the life out of rural people and kill any initiative they have. We will turn them into nasty people and when they come to Dublin I know what they will have behind the tractors and the tanks, and I know where they will put it. I have set up a Facebook page called — excuse the language — Stop the Shite, but loads of shite will be coming to Dublin.

An Leas-Cheann Comhairle: Deputy, you should not use unparliamentary language.

Deputy Mattie McGrath: That is what the Bill is about. It is about holes in the ground that everything goes into but we are making S-H-1-T of it.

An Leas-Cheann Comhairle: The Deputy has one minute remaining.

Deputy Mattie McGrath: I have enough said. I am sending a clear message to the Minister to back off, put this issue away and leave the rural people alone because they will not take any more. If he keeps at them, he will have some trouble on his hands. They are quiet, law-abiding and respectful people but not on this issue. This legislation has not come about by way of an EU directive. The Minister can blame the EU for everything but not this measure. The Minister, Big Phil, will have some trouble on this issue. It is like a hornet's nest or a beehive. When they are disturbed they come out and sting. There will be some sting or stench out of this issue, and the Minister should put it away.

Deputy Tom Fleming: I have serious concerns about the implementation of the proposals in the Water Services (Amendment) Bill. Since the introduction of percolation testing for domestic septic tanks in the planning application process there has been significant upgrading of the rules and regulations governing these tanks and treatment plants. There is a grey area with regard to the criteria the inspectors and local authorities use, and the subsequent policing measures. For instance, when percolation testing was initially introduced over 20 years ago it was under the regulations of the National Standards Authority of Ireland. Eolas was involved in it also. This was a subsidiary of the Department of Education and Science at the time.

The regulations were basic but they were effective and were commonly known as Standard Recommendation 6, or SR6. These regulations were replaced in 2000 by the Environmental Protection Agency guidelines. We are all well aware of the significance of the EPA regulations, especially any Member of the Houses who has served on local councils. The EPA regulations were a significant step up from the original SR6 and I believe they are far too stringent. They prohibited many people from acquiring planning in rural areas over the past ten years, including people who wanted to live in their own locality. Many people were even refused permission on their own land. They were forced to move into estates in larger towns and villages, which

[Deputy Tom Fleming.]

was against their aspirations to live where they were reared. This was a consequence of the EPA guidelines.

My fear from the proposals in this Bill is that these EPA guidelines will be the required standards for householders who are deemed to need any remedial works done, no matter how minor. I foresee major implications for many septic tank owners. In these times of austerity, it will be beyond the financial means of these householders, especially where costly remedial measures are identified. I believe that most septic tanks are efficient. In some cases they may require regular de-sludging or ordinary maintenance works to be carried out.

The Bill contains many elements that are above and beyond the regulations that exist in the UK. We should carefully consider all the elements contained in it. We will have to amend it to ensure that the draconian measures contained in it will be avoided and practical measures adopted. The subsequent policy should be carried out in a common sense fashion and should be sensitive to the needs of the public and to the financial means of householders.

An Leas-Cheann Comhairle: I have to ask you to conclude.

Deputy Tom Fleming: There is a reference in the Bill to the courts. The appeals mechanism set out provides that appeals must be made to the District Court. Many people take great pride in the fact that they never had to attend a court in their lives. This would be disturbing for elderly people if they have to go to court.

If the financial means are available I would ask the Minister to consider some form of grant aid if major works are to be carried out.

Deputy Luke ‘Ming’ Flanagan: As usual, the Government is pushing through a Bill and claiming that it must do so due to European law. It is the first reason given in the Minister’s speech. In the Bill’s digest, it is pretty much the only reason we should do it, whatever about poisoning ourselves with cryptosporidium. Why do successive Governments try to pass the buck when it comes to making decisions, and then wonder why people have a problem with the EU?

The people of rural Ireland do not wish to pollute their water supply in the same way the people of urban Ireland did not wish to do so. The difference is that the people of urban Ireland were rightly given massive grants to upgrade their town systems. Sewerage systems were rolled out during the boom, which meant that dwellers of urban Ireland were able to become compliant when it came to water pollution. However, now that we are finally getting our act together on septic tanks, the Government has decided that people who live in the countryside must cover the cost of potential upgrades to their treatment systems. Not only that, but the Government will criminalise people if they do not do what inevitably will become financially impossible for tens of thousands of rural dwellers.

If the figures in Cavan are anything to go by, then we are looking at a situation where 25% of all septic tanks — 115,000 — could be in need of remediation, at an average cost of €2,500. In other words, rural Ireland will have to fork out €287 million, whereas those living in towns will already have had that done for them. If this Bill is passed, then we will have the crazy situation whereby people in the countryside will have paid for the upgrade of urban schemes through their taxes, even though they will have to pay for their own schemes by themselves.

To make matters worse, the Government also intends to impose a stealth tax on these people. We are told that this payment of €50 is only for every five years or so but as we know, such a charge will only be the thin end of the wedge and will, if successfully implemented, be increased in monetary terms as well as frequency. This stealth tax is framed as a registration fee. The

idea of registering is that the local authority will know where the septic tanks are located. This begs the question as to what have the councils done with their current records? Did each and every one of these houses not require planning permission in which treatment systems would already be clearly detailed?

There is no doubt that something must be done in order to protect our vital water sources. The people of my constituency are more vulnerable than most, with over 80% of our drinking water in County Roscommon coming from ground water and a similar percentage in south Leitrim. The way to deal with this successfully is to treat all people equally. To do that, the required moneys for the upgrade of treatment systems in need for remediation must be found from the national Exchequer. I can hear a chorus from the Government that we do not have the money for this. We have the money to perpetually dig up footpaths, to pay far too many county councillors, and for unnecessary layers of bureaucracy in county councils. If we have the money for all this largesse, then we have the money to upgrade these septic tanks. This would guarantee that the job would be done properly and water supply could be secured.

The route the Government has decided to take will result in non-compliance. It will result in the further erosion of people's respect for the law. It will criminalise people for an inability to pay a bill which they should never receive in the first place. Sadly, it will mean that our water supply will continue to be polluted, which I do not think is the aim.

Deputy Thomas Pringle: I welcome the opportunity to speak on this Bill. I have very little time to speak due to the guillotine that has been imposed on it. As there are so many Members of the Technical Group willing to speak on it, adequate time should have been provided in the House to ensure that everybody could make a contribution to what is a very important Bill. It will have a major impact on those living in rural Ireland.

There is major concern in communities around the country on the potential effects of the Bill. In Donegal, thousands of people have attended public meetings over the last few weeks and have clearly stated that they will not register for this tax. They see this as another stealth tax being imposed by the Government in combination with the household tax and water taxes coming down the line over the next two years. Those people have publicly stated that they will not sign up for this and will not volunteer to be placed on a register and pay these taxes. The register is very dubious as everybody knows that there is already a register in the planning files. Ordinance Survey Ireland has mapped all properties in the country, so we already know where all the septic tanks are located. If somebody has a house in rural Ireland that is not on a public sewer, then he or she has to have a septic tank. It is as simple as that.

People have clearly stated that they are not going to participate in this, which will highlight the fatal flaw in the Bill, as people will not register. They are saying they will not register because they are afraid of what will happen if they have to upgrade their systems as the Bill provides no measure of grant aid to ensure that people can get assistance. The State is pumping hundreds of millions of euro into the upgrade of public sewerage systems across the country every year but is not providing a penny of support to people in rural Ireland who may have to upgrade their systems under the provisions of this Bill.

I would like the Minister to clarify his earlier statement that there is no question of applying new standards to old or on-site systems. Does this apply only to systems that pass on inspection? Will failed systems be obliged to comply with the 2009 Environmental Protection Agency guidelines or the guidelines that prevailed at the time of the construction of the house? This would mean a house built in the 1980s would have 1980s standards applied to it. There appears to be a conflict in terms of the orders that local authorities will give to those with deficient systems because the legislation does not specify the compliance requirements. This represents a fatal flaw. It is a sop thrown out to cloud the issue. People will be stuck and will be obliged

[Deputy Thomas Pringle.]

to comply with 2009 guidelines when, in many cases, they will not have a site large enough to comply or to provide the percolation area required. How will people who have built on 0.5 acres in years past manage when the regulations require an area of 0.6 acres for a site to comply with the new guidelines?

The Minister stated in the House in September that local authorities had the resources, made up of staff sitting around doing nothing, as he put it, to carry out inspections. However, the Bill provides for the setting up of a panel of private inspectors who will probably be paid exorbitant funds from the public purse to inspect these systems. What is the real motivation behind this? Is it to gear up for the privatisation of water services across the board?

Deputy Seamus Healy: I am grateful for the opportunity to offer a few words on the Water Services (Amendment) Bill. I agree with the previous speakers who have opposed the Bill. The Bill represents another stealth tax on top of the refuse charges and the proposed water charge and house tax. It is a method of fleecing the ordinary man and woman in the street. In this case ordinary rural dwellers will be targeted by the Bill. It is discriminatory and represents an attack on rural Ireland generally, which has already lost Garda stations, post offices and local shops. Local creameries have been gone for some time. This is another nail in the coffin of rural Ireland. It is absolutely discriminatory.

Public systems in towns and villages have been funded completely by the Exchequer and many of these systems have been brought into compliance. However, this legislation discriminates against people living in rural communities by effectively forcing them to remediate systems that do not comply with the standards. The suggestion that the earlier standard might be acceptable is nothing more than a suggestion and, in practice, we will see the newer 2009 EPA standards implemented.

There should be no need to register. I am opposed to registering and I will recommend that people refuse to register. Registration is not required in any other European country.

I propose one measure that might be helpful if it is done in the right way. There are 450,000 people unemployed at present. This is an ideal scenario for a public works programme that could put people back to work. Engineers, tradesmen of all kinds and people who have worked in construction are available. This is an ideal opportunity to fund an initiative through a public works programme to put these people back to work, to put more money into circulation in local communities and to put more people into employment downstream. I will oppose the Bill and recommend to people that they do not register. I hope the Minister will use this as a public works programme funded through the Exchequer to put people back to work.

Deputy Mick Wallace: The amount of time we have been given to address this issue is crazy. The Government has referred to a €50 registration fee that is to suffice for five years. It is right to address the water contamination problem in the country and we should take the recommendations from Europe seriously but who will pay for the problems that exist?

Reference has been made to 440,000 septic tanks. I reckon from my experience that at least 200,000 of these will not meet European standards. Whose fault is this? There is no way the people living in these houses can be blamed for the fact that their septic tank is not as it should be. Do they meet the original planning guidelines? Were ground conditions suitable and were they even tested? Were the residents instructed to test the ground conditions by local authorities? Was the soil tested? Was the clay too heavy? Was it marled? Did anyone stop the residents from putting it there? Are there bottoms to the tanks? No bottom was put in many of these tanks because it meant they would not have to be emptied so often and consequently stuff leaked out of them more quickly. Is there enough soil over the shale in shaly areas? There

should be up to 1.2 m. Is there a raised bed? Raised beds were not even considered up to seven or eight years ago. Is there enough soil for the buffer to give the bacteria a chance to disappear before the water goes into the main water table? If one is making a raised bed one is supposed to import good soil so the bacteria disappears as it works its way through and so there is nothing for it to feed on or stay alive. Has any of this happened? I suggest that in nine out of ten cases good soil was not imported for raised beds because it was considered too expensive. Is there room for an appropriate percolation area if it is necessary for work to be re-done now? What volume of chemicals are going into the tanks? What affects are they having on the bacteria in existing tanks? Chemicals are being advertised every hour on the television such that a tax should be put on them. Far too many chemicals are being used and they are interfering with the working of the tanks. Did owners get a discharge for nearby streams? Were such streams tested in advance? Will discharge to rivers be allowed from now on or will people be instructed that they cannot go to the rivers anymore because the rules have changed? Anyway, many of these systems are going to the rivers that are polluted in the first place. We were using sump pits, which have been a disaster and do not work. Anyone who has a sump pit will be instructed to take it out but no one was instructed at the time of installation.

In the case of half of the 200,000 tanks that will not comply, one will not get away with a new percolation area. There will not be sufficient room for the required percolation area in many cases and a treatment unit will be required. The bio-clean system costs €4,000 and a further €3,000 to put in place. The new BioBarrier system, which has a membrane filter, is brilliant. It allows one to harvest the water and reuse it in the house but it costs €8,000 to buy and €2,000 to fit. These are crazy amounts of money. The most vulnerable people, especially older people, will be unable to handle the man with the digger who will sell better soil to make the percolation area better and certainly these people will not be able to handle the engineer. The costs will be dramatic and I do not believe the Government has researched this area properly. Incredible costs will be involved and there will be significant problems. People will be unable to afford to pay.

Deputy John O'Mahony: I am pleased to contribute to this debate on water services legislation, the purpose of which is to deal with the problem that has existed for several years but about which nothing has been done. It was interesting to listen to those on the opposite side of the House suggest there has not been enough time to debate this. They certainly had enough time to do something about it since the order was made in 2009. Since the summer public meetings have been held by members of Fianna Fáil and by Marian Harkin, MEP, who suggested that those living in rural areas would pay €300 per annum and €200 per inspection.

I am keen to hear answers from those in the outgoing Government. Where did they get their figures from? The Bill has proved those figures wrong. Why did they not do something about it when the order was made in 2009? A promise was made to the effect that the matter would be addressed but it was not addressed when those who were in government at the time had the chance to do something about it.

The Technical Group could not have done anything about it because they were not in power or involved in Government at the time. Some sensible suggestions have been made by them. I have listened to the spokespeople from Fianna Fáil, which was in charge before.

They criticised what was happening but did not do anything themselves and have not suggested anything now. I acknowledge there was fear and loathing in rural Ireland but the Minister has dealt with the situation well.

There is a once-off registration fee and an appeal will cost €20. It is also welcome that the requirements of a working septic tank refer to those laid out at the time the house was built,

which is very much in the interests of house owners. I welcome the fact that a reasonable deadline is being given. Registration will take place in 2012 and inspections will be carried out in 2013. I agree with the timescale because it gives people a chance to go through the process.

The Minister has left himself open to suggestion that there would be some type of grant aid for people who cannot and will not be able to afford the necessary upgrade because of the current economic circumstances, which I support. A problem needed to be dealt with and it was not addressed by the outgoing Government. This is the best possible way to deal with it and I support the Minister.

Deputy Dara Murphy: I also welcome the opportunity to speak on the Bill. As my colleague said, it was extraordinary to see the Fianna Fáil Party scaremongering through the summer, as it has been doing.

Deputy Timmy Dooley: That side of the House wrote the script.

Deputy Dara Murphy: It specifically stated a figure of €300 and is continuing to do so. In the last programme for Government, which we all now acknowledge was one of the greatest acts of fiction ever written, it committed to addressing the issue. All it delivered during its time in government was the loss of our sovereignty and the destruction of our economy.

That said, I compliment the Minister, Deputy Hogan, on introducing the Bill and bringing clarity to the many thousands of people in our country who have septic tanks. He has done so in a manner which is very cost-effective. In my constituency, Cork North-Central, approximately 5,500 households have septic tanks. It is important that we examine some of the figures. I support my colleagues' call for a scheme to assist people who require extra work on their tanks.

The cost to the taxpayer of the €26,000 fine per day and the €2.7 million fine would be €290,000 in my constituency. The revenue that will accrue from the €50 payment amounts to €219,000. In one year alone the taxpayers in one constituency will be saving money by virtue of the fact that we will not have to pay fines. We have to accept that every fine and payment that comes from the Government comes from the people of our country.

This measure is being imposed not because Europe wishes to subject us to some form of torture, but because we, like every other nation, are responsible for our water, in particular our ground water. As a country with a thriving agricultural industry which, with some justification, prides itself on the fact that we have the cleanest, greenest product in the world, we should be leading the charge to ensure our reputation is maintained.

The Bill will enhance our reputation. If the court proceedings continue — let there be no doubt they will if the Bill is not enacted — there would be damage to our reputation. I am delighted there will be a positive spin off from the Bill. I am not detracting from the difficulties people will have in paying a €50 charge or for subsequent work that may need to take place.

Some of the language that has come from the Members opposite has been alarmist, exaggerated the degree of difficulty and failed completely to point out that there are significant advantages to us as a people, our reputation and the health and wealth of the 26% of the total water supply that comes from ground water, either private or public. The citizens of this country, predominantly people who live in rural areas, are drinking the water we seek to protect. I commend the Minister on once again doing what his predecessors in government failed to do.

Deputy Paudie Coffey: The Government has inherited many legacies from the previous Government and we have seen the damage that has been done to our economy as a result of the economic and employment crises in which we find ourselves. This is an environmental

legacy the previous Government knew about since 2009. The European Court of Justice made a ruling which found Ireland to be negligent.

Despite the fact that the previous Fianna Fáil and Green Party Government, in its programme for Government in October 2009, clearly stated it would introduce a scheme for the licensing and inspection of septic tanks, it has the gall to come in here and criticise the same measure. It is a responsible measure and one which is probably unpopular for Deputies like me who represent vast parts of rural Waterford. It is a legacy that needs to be addressed.

In fairness to Deputy Wallace, he outlined many problems and I agree with him. Historical legacy issues with regard to septic tanks will have to be faced and we cannot turn a blind eye and continue to ignore them for many reasons. Deputies have already spoken about the €2.7 million lump sum fine and the €26,000 fine per day we will incur if we do not do anything about the issue. The country cannot afford to do nothing.

I agree with the Deputies who called for some grant assistance where septic tanks are found to be faulty. I agree with Deputies who pointed to local authorities who are discharging into water courses, something which should not be ignored. The EPA and the Department of the Environment, Community and Local Government have a role in monitoring and regulating local authorities.

I come from a small town which suffered a number of years ago from a cryptosporidium crisis. There is no point in telling people, such as vulnerable elderly people and parents who cannot bath young children, when they cannot drink their water two months that there is a problem up the road, a septic tank issue or effluent leaking from a farm or business. They do not want to hear that.

Any responsible Government or local authority will take proactive measures ahead of the problem. If we do not do that, there will be further outbreaks. It is galling to hear Deputy Ó Cuív, who comes from Galway, speak about this issue. There was a serious impact on businesses in Galway when there was an outbreak of cryptosporidium. It is too late to cry when the damage is done. I urge the Minister, his officials and local authorities to work in a tangible and practical way within the regulations. It may be a good thing that there are not too many specifics in the Bill because it will give some flexibility to local authorities if the Minister implement regulations which are realistic.

Deputy Wallace is correct when he said a lot of oldsites where people had a cottage with a septic tank might not have the space required to comply with the new regulations. Practical solutions will have to be found and I expect to see flexibility in that regard. I call for a grant scheme, where possible, to assist people with substandard septic tanks. I also ask the Minister and his officials to ensure that site specific solutions are adhered to in the guidelines and regulations.

Food Harvest 2020 provides huge potential for the country to recover through the agricultural production sector. If we want to have the green clean spectacle of good food being sold from Ireland and across the globe, we need to do something about it. It will not be popular among many members of the public, which I appreciate, but a lot of the scaremongering is very unfair.

The charge is only €50 over five years, but some people proposed charges of €300 per annum. That is not going to happen. I hope we can find tangible solutions which will help people to upgrade their wastewater treatment systems because we are ultimately responsible for handing on an environmental legacy to our children and their children.

Deputy Joe McHugh: I welcome the opportunity to contribute to this important debate. I will begin by acknowledging some of the contributions from the other side of the House. It is

[Deputy Joe McHugh.]

important that we have ongoing engagement and proactive discussions. This issue is creating a great deal of fear among the public. In my own constituency, that fear was facilitated by obvious scaremongering during the summer, with inaccurate talk of a €300 yearly charge. People's fears must be acknowledged, but we must also consider why they are generally fearful of a scheme such as this.

What it comes down to is that people are concerned about the type of inspection regime that will be imposed. That concern is justified if past performance is a good indicator of future performance in regard to inspection generally, in light of the many directives introduced over many years by the previous Administration. That Government's track record in terms of implementing directives and facilitating inspections, be it in regard to health and safety in hotels and restaurants or various other issues, was in gold star territory. It was top of the class in implementing directives and sending out inspectors to ensure they were enforced. That is why people are afraid. There is a history of champions league-type inspection regimes in this State which earned us a reputation in Europe as top of the class when it came to implementing directives.

We must challenge that type of culture of over-zealous inspection within our public bodies and public governance system. While we can engage on a to and fro basis in this Parliament, we also have a responsibility to change the way governance is conducted in this State, not only from a parliamentary point of view but in terms of the culture. Our over-zealous track record in regard to inspections is the underlying cause of the fear associated with the measure we are discussing today. It is vital that we continue to engage constructively on this issue.

However, we must also acknowledge that we have, in the Minister, Deputy Phil Hogan, a person in possession of a vital ingredient, which is sometimes alien to many within the body politic, namely, common sense. The Minister is open to suggestion. He wishes to encourage debate. He does not want an over-zealous regime where people are afraid they will have to replace septic tanks which were built in the 1960s or 1970s. If those tank work, they should be okay. That is the type of governance that is required. We must take account of the fear caused by the excessively zealous enforcement of schemes of inspection in the past. A degree of common sense is required. Fortunately, we have a Minister with the necessary qualities to carry this through.

Deputy Áine Collins: I am grateful for the opportunity to contribute to this debate. The Water Services (Amendment) Bill proposes an inspection scheme for septic tanks and other domestic wastewater treatment systems. While there will be a €50 charge per household, it will save the State from paying fines of up to €20,000 per day, a cost that would otherwise have to be borne by the general taxpayer. It should also be recognised that households which were connected to the public waste water facility had to pay huge development charges of between €5,000 and €12,000 per house over the past five years. Many of these households are now in serious negative equity. That is why the cost of implementing this new regulation must be borne by the individual households which have septic tanks.

Having said that, any additional charge to a household is a burden in these difficult times. For that reason, the system introduced must be operated effectively and efficiently. Where necessary, some financial assistance must be granted to households to allow them to upgrade or replace their tanks. Many will have to switch to bio-cycle units, the cost of which should be taken into consideration. The initial registration fee is €50, with a re-registration required every five years. This seems reasonable and, if managed properly, will generate finance for households which have to upgrade their systems. The scheme should be operated initially along the lines of the second home charge, with a €10 late payment fine. This has been a very cost effective way of implementing the tax on second homes.

The Minister has been clear that this is not a witch hunt and that inspections will be targeted towards environmentally sensitive areas in the first instance. The implementation of the law should not be regarded as punitive even though there will be some cost for up to half a million households. The objective of the legislation is to achieve a significant improvement in the protection of human health and the environment. It is important to note that faulty septic tanks and treatment plants result in contamination of ground and surface water. This affects the quality of drinking water, creating health risks from the overflow or ponding of domestic waste water.

Some farming organisations have been particularly vocal in their opposition to the proposed registration fee and possible knock-on costs. This is understandable as most of their members live in rural areas without public treatment plants. Farmers have no choice but to use private treatment plants and have spent substantial sums in recent years installing anti-pollution measures on their farms. They did so for two reasons — first, they were obliged to comply with the law and, second, they wanted to meet the highest environmental standards, thereby increasing and enhancing our image as a country that produces the best quality food in the world. The reality is that this legislation, by solving the septic tank problem, will lead to an improvement in water quality. The implementation of pro-environment EU directives will enhance our reputation as a food producing country, benefiting farmers and the economy as a whole.

The bottom line is that in our current economic difficulties, free schemes are not an option. The charge should cover the cost of registration prices and the inspection regime and provide some grant aid towards effected households. While I accept the necessity of huge cutbacks in public capital spending, the Minister should prioritise funding for local authorities to install and, where necessary, upgrade their own out-of-date and inefficient systems, which are causing far greater harm than individual septic tanks. These projects should have been completed during the boom years but, as with so many other issues, the previous Government ignored the problem. By prioritising funding for improving local authority treatment plants, the Minister will demonstrate his intent in this regard. Only multilateral action by the Department, farmers and rural dwellers will solve the problem.

The accusation is often made that we are over-zealous in implementing EU directives. However, the European Court of Justice has found that our lack of a registration and inspection regime is in breach of standard obligations under two EU directives. Irrespective of any court ruling, environmental concerns are, and should be, hugely important in a country dependent on food production and tourism. These regulations have long since been implemented in England and Wales and will also shortly apply in Scotland and Northern Ireland.

This directive is very important from an environmental, food production and tourism point of view. The process to be introduced must be effective and cost neutral for the Exchequer. The burden can be eased for those who have to upgrade their systems by providing grant assistance through the registration fund. I commend the Bill to the House.

Deputy Dara Calleary: I propose to share time with Deputies Timmy Dooley and Charlie McConalogue.

An Leas-Cheann Comhairle: That is agreed.

Deputy Dara Calleary: I welcome the debate on this legislation. There is very little disagreement on this side of the House with what many of the Members opposite are saying. We all accept that the system must be changed. That is why, in Government, we introduced the farm waste management scheme and made a record capital investment in agriculture and in water treatment facilities throughout the State.

[Deputy Dara Calleary.]

However, we are being asked, in this legislation, to buy a very large pig in a poke. We are being asked to accept guarantees from a Government which has already sold us one pig this year. We will see the colour of that next week. Having said that, I have no reason to doubt the Minister's intentions in this regard. He tells us that the standards the EPA currently has in place, the 2009 guidelines, will not apply to all septic tanks. We have that in writing, he said it in this House and in the Seanad. In that regard, I commend my party colleagues in the Upper House who exposed this legislation for what it is. The Minister also gave this undertaking on "The Week in Politics" programme.

I ask the Government to place the confirmation note from the EPA in the Oireachtas Library before this Bill is voted on. The Minister tells us he has done a deal with the European Commission that it will not impose any other standards to those currently in existence and that it will not force people with septic tanks installed 30 or 40 years ago to upgrade them. We all know there are bodies outside this House who take a very different view of rural life from those of us who live in rural Ireland. They have a zealous attitude to rural life and they will challenge that legislation and that interpretation and they will go to every court in this land and on the continent to try to ensure the most rigorous standards are employed. This is where the problem starts. Nobody is concerned about registration fees but people are concerned about the cost of upgrading the tanks. The regulatory impact assessment provision in this legislation is so vague as to be like a car sales brochure, all fluffy language, with no information about the standard.

The Minister said in his contribution that all that is required is that the septic tank is working, but who defines what is meant by a working septic tank? Will it be the Minister or the EPA or the European Commission? We do not know what the regulatory impact assessment will regard as a working septic tank. This is what concerns people. They are concerned that in order to ensure the septic tank is working it may cost thousands of euro for an upgrade. They are not concerned about the registration fee. Given that the regulatory impact assessment is so woolly, we cannot judge what the cost will be.

We have previous experience of the Commission, the EPA and other government bodies, challenging the spirit of legislation. I cannot stand over this Bill which was rammed through the Seanad last week and an attempt is being made to ram it through this House today. If the Minister is so sure about his Bill and so sure about the guarantees he has from the various organisations, he should lay those documents in the Oireachtas Library tonight. He should publish them so that we can all see those guarantees. Perhaps if we see the strength of the guarantees we might be able to stand over the legislation and decide there will not be massive investment costs for rural dwellers.

Next week the Government will ask people to pay a household charge of €100. Will they be asked to pay a septic tank registration under this legislation and a range of other charges? The Government has the opportunity to stop this charge. We want clarification on the standard required and what is meant by a working septic tank. It is a pity the backbenchers on the other side would not take that chance. We all agree with what the Minister wants to do and we all agree we need to have the best possible environment. Some Deputies mentioned the Galway situation but that was not caused by a septic tank; it was the fault of the local authority. Many other issues and sectors are a far bigger part of this problem than rural dwellers and their septic tanks and these are not being challenged. I ask for a level playing pitch so that we know exactly on what we are being asked to vote this evening. We might then view it differently but we will not buy a pig in a poke a second time this year from this Government.

An Leas-Cheann Comhairle: Deputies Dooley and McConalogue are sharing five minutes.

Deputy Timmy Dooley: I welcome the opportunity to contribute to this important Bill. Like my colleagues, I am disappointed at some of the submissions from the other side because there has been an effort to create, to some extent, a mock battle between us. Certainly, nobody is concerned about the registration fee as it is pegged at a relatively modest level of €50, nor is the inspection fee at €20 for re-inspections, or whatever it might be, a concern. Even if it were at a higher cost, this is not what is creating the concern in the minds of the people I seek to represent. As others have said, the real concern is the potential cost associated with the upgrade works. The Minister glosses over the issue by suggesting there will be some kind of a national plan for inspections and those people whose septic tanks are working have nothing about which to worry.

We all know there are many septic tanks throughout the country which are not working to the modern standard because they were built in a different time and constructed in a way which does not meet the standards now acceptable. The key to where the Minister is coming from is stated in his contribution. He stated:

The second reason is a more fundamental reason and it is one which no right-thinking person could disagree with. The key objective of the new legislation is to enhance and protect public health and the environment which will, in turn, benefit rural dwellers.

This sets up a clause which the EPA will use against the Minister for putting forward this legislation if, as he has suggested and some of his backbenchers are attempting to peddle here tonight, there is some kind of a lax regime and it is all right on the night. That is rubbish and it is inherent in all the commentary on this Bill.

I believe in the principles of this Bill and in the necessity to protect ground water and the necessity to protect the environment. I also believe in the necessity to do things right and to put in place an appropriate standard for the protection of the environment and the protection of public health. However, let us be up-front about it and let us not penalise the rural dweller as against the urban dweller.

Deputy Áine Collins was the only speaker to speak with any level of sincerity when she referred to the necessity to ensure an appropriate level of support from the State so that a rural dweller is not penalised in an unfair and unbalanced way. I have spoken to a number of experts and it is very clear that the cost will range from between €7,000 to €17,000. No household I know of in rural Ireland will countenance paying this cost from savings. The State has to bring through an appropriate support scheme in cases where people are unable to pay for the upgrade works.

Deputy Charlie McConalogue: Like my colleagues, I oppose the Minister's provisions in this Bill and I oppose the unfair nature of the substance of his provisions. The Bill was brought through the other House and guillotined with only a handful of the 72 amendments being discussed. This is not acceptable nor is it acceptable that it is being guillotined tonight even though there are many speakers offering to contribute. I ask the Minister to give a commitment that appropriate time will be allowed on further Stages of the Bill.

No one can argue with the objective of ensuring that our countryside is not polluted and that septic tanks are not in danger of polluting the surrounding water tables and water courses. However, we cannot tolerate a situation where people in the countryside are asked to buy a pig in a poke. They are being told, on one hand, that they do not need to be concerned so long as the septic tank measures up to the criteria in place at the time the tank was installed. If this is the case, this should be included in the text of the Bill. The public are concerned that this will be used as a revenue-raising measure at the outset. The key concern is the standard required for

[Deputy Charlie McConalogue.]

the upgrading of septic tanks. This has to be made absolutely clear. Rural dwellers who are already paying bills, such as development charges when a house is built, need to be given the same treatment as urban dwellers who benefit from significant investment in sewerage systems.

Will the Minister specify the required standards and ensure those who need to carry out remedial works to their septic tanks are assisted with the cost?

Is trua liom nach bhfuil an t-Aire sinsearach anseo anocht, mar ní dóigh liom go mbeidh aon Bhille níos tábhachtaí ná an Bille seo i rith a thréimhse mar Aire.

Cuireann sé déistin orm daoine a rá go bhfuil an dream atá amhrasach faoin mBille seo i bhfábhair uisce shalach agus nach bhfuilimid i bhfábhair uisce ghlan. Níl dream ar bith níos mó a thuigeann an tábhacht a bhaineann le huisce ghlan ná pobal na tuaithe. Tá mise i mo chónaí sa cheantar idir Loch Measc agus Loch Coirib. Is é an rud deiridh a theastaíonn uainne ná go mbéadh aon truailliú déanta ar na locha sin. Mar sin, ba mhaith liom go gcuirfeadh an Rialtas sin amach as a chloigeann agus go stopfadh Airí ag rá go bhfuil éinne againn ag cosaint truailliú a dhéanamh ar uisce.

Tá áthas orm go bhfuil an t-Aire ar ais sa Teach.

Glacaimid uilig, de bharr bhreith na Cúirte Eorpaigh, go bhfuil cigireacht riachtanach anois. Bíodh an breithiúnas sin ciallmhar nó ná bíodh, sin an breithiúnas agus caithfidh sé sin a theacht isteach. Níl éinne ag cur ina aghaidh sin.

Ní thuigim an deifir atá ar bhrú thríd an Bhille. Dúirt an Taoiseach ar maidin gur bhain sé leis an EU/IMF. Má bhaineann, taispeán dom é. Níl mise in ann aon rud a fheiceáil in aon aontas leis an EU/IMF a bhaineann le seo. Más é sin an plé atá leis an gCúirt Eorpach agus leis an gCoimisiún, tá mé cinnte go bhfanfadh an Coimisiún go deireadh Mí Eanáir ar mhaithe le daonlathas agus deis a thabhairt dúinne an Bille seo a chur tríd. Más sprioc Eorpach an fhadhb, cén fáth nach gcuirtear Bille tríd díreach faoin gclárú. Gabh mo leithscéal, dúirt mé ar ball go raibh an chigireacht riachtanach. Is é an clárú atá riachtanach. D'fhéadfaí Bille a chur tríd maidir leis an gclárú agus an chigireacht a fhágáil leataobh go mbeidh deis againn í a phlé má tá cás éigin Eorpach ann atá ag cur an-deifir leis an rud a bhí mór ábhar sa chás cúirte, is é sin go gcaithfear an clárú a dhéanamh.

Níl a fhios agam an dtuigeann an t-Aire céard a chiallaíonn muc i mála a cheannach. Tá a fhios aige an chontúirt a bhaineann le muc i mála a cheannach mar ní fios céard a bhfaighfear nuair a osclófar an mála. Tár éis cuid mhaith díospóireachta sa tSeanad tá an t-Aire fós ag iarraidh orainn muc i mála a cheannach.

Caithfidh a admháil agus a thuiscint gur cheart go mbéadh cothrom agus réasún idir na seirbhísí atá ar fáil ag gach saoránach sa Stát, idir tuath agus cathair. Níl sé cothrom go gcaithfidh muintir na tuaithe i gcónaí a íoc ar chaoi nach n-iarrfaí go brách ar bhunadh na cathrach. Mar dhuine a rugadh agus a tógadh sa gcathair seo, tuigim an méid éilimh gur minic a cuirtear ar an bpobal tuaithe i ndál le seirbhísí a chur ar fáil iad féin. Mar sin, ní chreidim go mba cheart go mbéadh aon táillí faoin mBille seo, ó tharla nach bhfuil a mhacasamhail de tháillí á ghearradh ar phobal na cathrach.

Ach ní shin an áit a bhfuil an chontúirt is mó san mBille seo. Is í an áit a bhfuil an chontúirt san mBille ná nach bhfuil an t-Aire ag rá linn céard a bhéas na rialachán seo maidir le cothabháil na dabhcha séarachais. Cé chomh minic is a chaithfear iad a ghlanadh? Céard iad na dualgais eile a bhéas ar dhaoine? An dara rud nach bhfuil sé sásta a rá linn ná cén caighdeán de dhabhach séarachais nó de chóras eisilte a bhéas i gceist. An mbeidh air sin a bheith ar chomhchéim agus ar chomhchaighdeán leis na córais atá ag na daoine a thóg tithe le bliain nó dhó anuas.

Bhí an t-Aire agus mé féin ar chlár teilifíse an oíche faoi dheireadh. Cuireadh an cheist orm, má tá an t-uisce glan ón tsean-chóras cén fáth a chuirfear faoi ndear dhuine ceann des na córais nua seo a chosnaíonn €20,000 a chur ina áit. Is é an freagra atá agamsa air sin, má tá an t-uisce fíor-ghlan ó na sean-chórais agus gan aon truailliú i gceist cén fáth a bhfuilimid ag cur faoi ndear do dhaoine óga na córais fíor-chostasach a chur ina n-áit. Cén bunús atá leis. Má bhí an t-uisce glan faoi shean-chóras níl aon loighic ag baint leis sin agus níl an t-Aire sásta aon fhreagra a thabhairt air.

As I stated in Irish, despite all the efforts to damage our reputation, not one Deputy in any of the Opposition parties wants to cause pollution. In any case, most of the pollution in this area is caused by municipal systems. People living in the country are entitled, within reason, to equality of treatment with their urban counterparts in respect of capital expenditure and maintenance. Why is the Bill being rushed through? If the hurry is because the Commission has become so dictatorial that it will not wait for democracy to take its course — I would be shocked if it could not wait until the end of January — and has a big sword hanging over the Minister's head waiting to take it off——

Deputy Phil Hogan: We are back in the courts.

Deputy Éamon Ó Cuív: The Minister should tell the Commission he cannot proceed until the end of January.

Deputy Phil Hogan: We have been back in the courts since July.

Deputy Éamon Ó Cuív: There are two solutions to the problem. Upholding democracy and teasing out the Bill in a proper manner would be worth a fine of €2 million. I doubt, however, that a fine will be imposed. When I was a Minister in the Department, the Commission tried to push all these types of bluffs on me. It informed me, for example, that large fines would be imposed if turf cutting was not stopped in a certain year. Fair play to the Minister for managing to keep turf cutting going.

Deputy Phil Hogan: The Deputy did nothing.

Deputy Éamon Ó Cuív: This issue will not be dealt with quickly in Europe and fines will not be imposed. There is no need to rush the debate. The Minister is not willing to debate the issues in detail because he does not have answers to simple questions we repeatedly ask him.

Acting Chairman (Deputy Jack Wall): The Deputy has one minute remaining.

Deputy Phil Hogan: That is long enough.

Deputy Éamon Ó Cuív: That remark is a disgrace.

The Minister is right to guillotine the Bill. In light of all the promises he gave when he entered Government, he owes it to the House to answer a number of questions before the Bill is passed. How can he justify charges for people living in rural areas that do not apply to people in urban areas? What are the standards that will apply to septic tanks or disposal systems when inspectors make visits? We need European law to back this up. Will inspectors be covered by their professional indemnity insurance? Will this be challengeable in the European Court of Justice? We need absolute guarantees on these issues.

We also need to see the draft regulations on the maintenance of the systems in question. We need to be given an undertaking that neither planning, environmental screening nor environmental impact analysis will be required for any upgrading of a system. Provision must also be made to give grants of a minimum of 85% to those who have to upgrade their systems. We

[Deputy Éamon Ó Cuív.]

also need an assurance from the Minister, in law, that, irrespective of the size of a site, no one who has valid planning permission or built a house prior to the enactment of planning legislation will be required to buy additional land to accommodate a system under the upgrade regime the Minister is introducing.

Acting Chairman (Deputy Jack Wall): The Deputy should conclude.

Deputy Éamon Ó Cuív: They are some of the questions we need answered. When the Government gets——

Deputy Phil Hogan: The Deputy has changed his tack since the summer.

Deputy Éamon Ó Cuív: No. My tack has been——

Acting Chairman (Deputy Jack Wall): I must call the next speaker.

Deputy Éamon Ó Cuív: Beidh an Teachta Ó Cadhain in ann a rá leis an Aire cad a dúirt mé sa samhradh. Níl aon athrú ann.

Deputy Phil Hogan: The Deputy is trying to shift now.

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

Deputy Éamon Ó Cuív: Thug daoine áirithe droch-thuairisc don Aire ar an gcruinniú. Dá mbeadh tuairisc cruinn aige, thuigfeadh sé nach bhfuil aon athrú tagtha ar an méid a dúirt mé.

Deputy Anthony Lawlor: I would like to share time with Deputies Connaughton, Kyne, Walsh and McLoughlin.

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

Deputy Anthony Lawlor: It is nice to see the former Minister walking out just as I rise to speak. He had a little rant for a few minutes. It has been suggested that we are thumping the EU by blaming it for this measure. A little research will reveal that the waste directive was introduced in 1975. Septic tanks in Northern Ireland have to be registered under legislation that was introduced in Northern Ireland and the UK in 1973. We have done nothing since the 1975 directive was amended in 1991.

Deputy Luke ‘Ming’ Flanagan: The Deputy’s party was in government in the mid-1990s.

Deputy Anthony Lawlor: The party opposite — I will call it the Laurel and Hardy party — has left us in another environmental mess. We have to act on a ruling of the European Court of Justice that was issued in 2009. The Green Party was in government for a number of years, but its members must have had their heads in the compost heap when they allowed this environmental crisis to continue year after year. A total of 31 environmental issues relating to Ireland are before the European Court of Justice at present. Each of them is a legacy of the Laurel and Hardy party.

I am surprised that Deputy Ó Cuív is taking such an intransigent stance. When his party was returned to office in 2007, the programme for Government contained a commitment to improve water services by addressing the problems associated with septic tanks. When that programme was reviewed in 2009, the then Government said “we will introduce a scheme for the licensing and inspection of septic tanks and wastewater treatment systems”. It did nothing to follow up on that. Last August, Deputy Ó Cuív said he was willing to go to prison rather than pay the

registration fee. I assure him that if he goes to prison, no one on this side of the House will help him to escape as one of my predecessors did when his grandfather was in prison many years ago. Perhaps some of the Deputy's party colleagues will visit him when he is in prison. Alternatively, they might support Senator Ó Domhnaill's view that County Cavan should be treated as an independent entity and not like the rest of the country. I am sure Deputy Ó Caoláin of Sinn Féin would approve of that. That party's two Deputies from County Donegal might be slightly jealous, however.

I am sure all Members are aware of the concerted e-mail campaign that is being conducted by people who are worried about the inspection of tanks. They are concerned that as a result of this Bill, rural dwellers will be treated unfairly by comparison to their urban neighbours who can access subsidised sewerage systems. Anyone who purchases a new house in an urban area of County Kildare has to pay a levy of up to €3,600 to cover the cost of sewage treatment. Organisations like the IFA have claimed that people might not be in a position to pay the registration fee. When the Department of the Environment, Community and Local Government sought submissions on the proposed Bill on 19 October 2010, the IFA failed to respond. Responses were received from many of the key stakeholders that were invited to make submissions, including county councils. I was disappointed to learn that Kildare County Council failed to make a submission. I will conclude by emphasising that the whole House supports environmental issues and reiterating that each individual householder will be responsible for ensuring his or her septic tank is suitably provided for in the future.

Deputy Paul J. Connaughton: I am pleased to have a chance to speak on this important Bill. I sometimes regret that Deputy Ó Cuív never got an opportunity to serve in government. If he had, all of these problems would be solved. The registration of septic tanks and the spectre of high ongoing charges for inspections have been the subject of much speculation in recent months. I welcome the clarification from the Minister that thousands of householders in Ireland will not face an ongoing cost in the shape of septic tank inspection fees. I am pleased that the minimal one-off charge will be no more than €50. There has been a great deal of scare-mongering about this legislation in recent months. It has been suggested that an army of inspectors will descend on the countryside and force rural dwellers out of their homes. That is not what is being proposed. This Bill has been framed to minimise the impact on householders. If a householder complies with this legislation, he or she will have nothing to worry about.

The registration process is being introduced on foot of the ruling by the European Court of Justice against Ireland in October 2009. It is unfortunate that the previous Government did not take the steps that are absolutely necessary to ensure we do not face a lump sum penalty of €2.7 million and daily fines of over €26,000. This necessary Bill is about much more than averting fines or penalties. Essentially, it is about following best practice in terms of protecting groundwater, which is a source of drinking water for 26% of the population. The EPA has identified effluent from on-site waste water treatment systems as one of the main sources of contamination of groundwater in Ireland. More than 30% of the annual average flow of most Irish rivers derives from groundwater. This figure can rise to more than 90% during periods of low flow. The situation in Ireland must be seen in an international context. All septic tanks and other domestic waste water treatment units in England and Wales will have to be registered by 1 January 2012. Home owners in Scotland are required to register all of their septic tank or small sewage treatment works at a cost of £104 by post or £77 for online application. Like the regime that will pertain in Ireland, this is a one-off cost with no ongoing fees.

I welcome the efforts of the Minister, Deputy Hogan, to ensure this Bill minimises the impact on householders. While the one-off registration charge of less than €50 will be difficult for thousands of householders to pay, it is preferable to an ongoing yearly charge. The Minister

[Deputy Paul J. Connaughton.]

must consider what can be done when septic tanks are found to be non-compliant. The maximum penalty that can be imposed on an individual under this Bill is €5,000. It is important to note that there are no offences in this Bill for which a person can be imprisoned. I urge the Minister to introduce a grant scheme for remediation works that are identified as necessary following inspections. If that is not done, poorer rural householders will find themselves in an impossible position. Such a scheme would result in a steady reduction in the dangers posed by septic tanks. If the inspection regime is front-loaded in areas of high environmental risk, the benefits will be immediate and significant. The completion of a cost-benefit analysis of such a scheme is the first step that needs to be taken. Such an analysis would reveal that the environmental benefits would greatly outweigh the costs involved. The burden of the registration charge is focused solely on rural dwellers and those dwelling on the outskirts of towns and villages. Every possible step should be taken to ensure no further financial burden is placed on such people. Households should be incentivised to take advantage of remedial works, where necessary, in as timely a fashion as possible.

The over-use of phosphate-based cleaning products is a worrying factor in relation to groundwater supplies not just in rural areas, but throughout the country. I ask the Minister to consider the use of phosphate-free or low-phosphate cleaning products in all State buildings. Many county councils have already addressed this issue. Greater education in this area could result in the growth of non-phosphate or low-phosphate cleaning products, which would greatly enhance the groundwater of Ireland and provide a valuable education to people on the viable alternatives to phosphate cleaning products. Perhaps this could be given greater consideration in the context of the green schools programme. I welcome the Minister's efforts to try to keep the charge on householders for the registration of septic tanks as low as possible. I am pleased that an ongoing charge will not be imposed on householders. I urge the Minister to introduce a scheme to deal with the infrastructural work that is identified by the inspectors as necessary. If he fails to do so, he will unfairly penalise poorer rural householders.

Deputy Seán Kyne: I welcome the Minister, Deputy Hogan, to the House for this debate. When Deputy Calleary was making his comments a few moments ago, he said nobody had an issue with the €50 registration fee. Unfortunately, the deputy leader of his party, Deputy Ó Cuív, has a problem with it. He threatened to go to jail when it was originally proposed. For the deputy leader of a political party to encourage people to break the law is a very bad starting point for any sort of reasonable debate. The Deputy hoped to be his party's candidate in the presidential election, but he had a bad start during the summer when he encouraged law-breaking and civil disobedience. In addition, Marian Harkin, MEP, promoted herself and got her name out there by suggesting that a €300 charge might be introduced. Such hype, inaccuracy and misinformation were features of the debate in the summer. We are dealing with a legacy issue arising from a European Court of Justice ruling on implementing an EU waste directive. The 2009 programme for Government from Fianna Fáil and the Green Party pledged to implement a licensing and inspection system for septic tanks which they never did.

County Galway has the lake asset of Lough Corrib, much to the envy of the Twenty-six Counties, which provides the water supply for Galway city and Moycullen. From February 2007 until after the Galway Races in early August 2007, Galway's water supply suffered from a cryptosporidium outbreak. This had a huge impact on business and tourism with many people staying away from the city. Even areas such as west Connemara in which the water supply was not affected saw losses of business because of misinformation about the threat posed by the contamination. To be fair to the last Government, it made some progress in opening improved water and sewerage schemes at Lough Corrib, Headford and Clonbur. The Minister for the Environment, Community and Local Government, Deputy Hogan, has continued this by pro-

viding funding for the Claregalway scheme with the possibility of a new scheme for Oughterard next year.

Deputy Calleary claimed septic tanks played no role in this cryptosporidium outbreak but that is not easy to prove. While I accept the main source may have been the Oughterard water and sewerage scheme, pollution from septic tanks cannot be ruled out either. A small minority of householders have poor septic tanks. I know of a five-year old house bordering a lake which has no septic tank just an outflow pipe.

A grant system will be important to this scheme. I accept it will not be possible to know the level of the problem until after the inspections have been carried out. It is important some reassurance is given that some grant system will be provided for the improvement or upgrade of individual septic tanks, however.

The main issue is the standards and regulations that will apply to septic tank and wastewater systems. If these had been at the starting point of the debate, we might not have seen some of the inaccuracies and hype I referred to earlier. Addressing the standards and regulations would also allay some of the concerns people have about the amount of works they will have to do to their septic tanks.

Earlier Deputy Ó Cuív asked if people would have to buy land to build replacement septic tanks. Planning permission applications for small sites should allow a liberal approach to the regulations to allow a septic tank system to be installed under the site's limitations.

Deputy Brian Walsh: I commend the Minister for the Environment, Community and Local Government, Deputy Hogan, for addressing this issue in a fair and timely fashion. I welcome the departure from the tactics of the previous Administration of persistently burying its head in the sand when it came to complying with its legal obligations under EU law.

I do not expect this will be popular legislation but the days of making populist decisions to the detriment of the common good have been thankfully consigned to the past by this Government. Listening to the Fianna Fáil Members this afternoon, it is clear they learned nothing from their mistakes in the past which brought us to near ruin. It is clear they would prefer if we followed in their footsteps by ignoring the problem and adopting a light-touch regulatory approach, the same approach that caused so much damage to other sectors of the economy.

I welcome the introduction of the Bill because it will bring to an end the harmful and self-serving campaign of scaremongering orchestrated by the Opposition, particularly Fianna Fáil, in recent months. This scaremongering has caused considerable distress for many people, particularly the elderly and those on low incomes, across the country. The Opposition claims the annual inspection fee would be €300. That is false as it will be no more than €50. It claims the appeal charge will be €200. Again, this is false; it will be €20. It suggests this is the thin end of the wedge with the Minister increasing the fees at every budget, another false claim as this is a once-off charge of €50.

The Opposition claims the majority of tanks will be inspected. The information from the Department, however, suggests it will be considerably less than that with only one in five tanks inspected. The Opposition alleges the cost of replacing a septic tank and the associated remedial works will cost €17,000. If that is the price Fianna Fáil can negotiate for this type of work, I am not surprised it made a hash of the interest rate negotiations on the EU-IMF deal. Thankfully, the Taoiseach was able to renegotiate a €10 billion reduction in the rate.

One of the main proponents of this misinformation campaign that began in early summer is my constituency colleague, Deputy Ó Cuív. In most cases I respect his opinion but, unfortunately, not in this instance. It appears the trauma of Fianna Fáil's general election result is having a detrimental effect on Deputy Ó Cuív's memory. As a Cabinet member, he helped

[Deputy Brian Walsh.]

renegotiate the programme for Government between Fianna Fáil and the Green Party in 2009 which pledged to introduce legislation which he is now opposing. The programme stated, “We will introduce a scheme for the licensing and inspection of septic tanks and wastewater treatment systems”. The main difference between the previous Government and this one is that this Government has the courage to deal with this issue.

What is particularly disappointing about Deputy Ó Cuív’s attitude to this Bill is that he should know better coming from west Galway which has had three serious water crises with cryptosporidium and E.coli contamination along with lead poisoning. He should be acutely aware of the damage poor water quality has done to families, tourism, local economies and in attracting investment, particularly from medical device and health care companies. Good water quality is an important resource in any economy.

Deputy Kyne referred to Deputy Ó Cuív’s statements at public meetings that he would go to prison rather than pay the registration fee. That is an outrageous suggestion from someone who has held senior office. It is clear he is anxious to follow in the footsteps of his grandfather. He even embarked on an abortive campaign to occupy Áras an Uachtaráin but the door was firmly shut in his face by his party leader. The legislation will not see people going to prison for not paying the registration fee. Again, this is more misinformation from the Opposition.

I welcome the Water Services (Amendment) Bill and compliment the Minister on introducing it. While it may not be popular legislation, the Minister has indicated a grant scheme will be introduced after the inspections have been carried out. It is prudent to quantify the extent of the problem first and introduce the scheme thereafter.

Deputy Tony McLoughlin: I welcome the opportunity to speak on this important legislation which raises many issues for rural communities. As a Deputy representing both Sligo and north Leitrim, a large part of my constituency contains people who will be affected by this legislation.

Ireland is now facing the imposition of substantial penalties and fines from the European Court of Justice. The European Commission lodged an application to the court for this purpose in July. We are in this situation due to the lack of prioritisation given to the matter by the previous Government. I compliment the Minister for the Environment, Community and Local Government, Deputy Hogan, who has taken the bull by the horns by acting decisively and without delay.

Despite having had a Green Party Government from 2007 to early this year, no proposals were put before the House, even with the EU breathing down our necks. In the renewed programme for Government in 2009, there was a clear commitment to bring forward proposals. However, the previous Minister was too busy to do anything because he was trying to watch his partners in Government who were effectively clinging on to power at all costs.

There is considerable concern regarding the registration fee of €50. During the summer, I had to listen on my local radio station in Sligo to Independent MEP, Marian Harkin who, for her own political expediency, organised community meetings across the Ireland West constituency to tell people that this registration fee would be €300. It is a far cry from €300. People had every reason to be frightened and concerned and she was helped in disseminating this misinformation by the Opposition. As a public representative, why could this MEP not contact the Minister directly on this matter? I suspect the truth might not have offered much of a story for the road show. It is fundamentally wrong that politicians would seek to make capital out of this issue when they know in their hearts that this Bill is necessary in order that we fulfil our EU obligations and avoid paying massive fines.

I ask the Minister to consider ways and means to provide aid for people who must upgrade their septic tanks and who do not have the financial capacity after the registration process is complete in 2014. Infrastructure funds for upgrading our town and village sewerage facilities should be considered. A percentage could be siphoned off into a fund for such people living in the rural communities. This option along with aid that provided through the Leader programme should be examined by the Minister. Local partnership and development companies are rolling out the warmer homes initiative, which grant aids the provision of insulation for homes and targets citizens who qualify on the basis of their income. I would like this model to be examined.

Development companies involved in the roll-out of the Leader programme are ideally positioned to provide support after 2014 and, as the Minister is responsible for these agencies, he should consider this proposal. I acknowledge that this will not arise until the completion of the registration process and I further recognise that only a small percentage of these units will not do what they are supposed to do. However, I ask the Minister to consider these ideas. Perhaps departmental officials could examine them.

I wish to highlight the current issues pertaining in County Leitrim. In January 2010, the then Minister, John Gormley, issued circular PSSP 1/10 to all planning authorities regarding the implementation of the 2009 code of practice on wastewater treatment systems serving single houses. This circular basically insisted that each local authority must be governed by the code of practice. It means that counties such as Leitrim with soil that has poor percolation could not allow planning for one-off houses served by a septic tank or similar system. This means the sons and daughters of farmers are prevented from building on their own land because of this famous dictat from the previous Government and this has, rightly, caused outrage across this rural county.

The Minister visited and met the members of Leitrim County Council last June to hear their concerns and those of the rural communities they represent which are extremely frustrated with this situation. I appreciate his time and his Department's efforts to date with the council to try to seek a resolution to this impasse. The council has put forward a Danish system it believes can meet the required conditions unique to Leitrim and that can be adopted to the consistent rainfall unique to our north-west region. The STRIVE programme, based in Wexford will take four years, which is too long. I urge the Minister to consider allowing the council to run with this system on a pilot basis. These systems can be monitored regularly, inspected and amended accordingly. If the Minister, the Department and the EPA can facilitate this proposal, then we will be able to see light at the end of the tunnel.

I believe this Bill to be the fairest way of complying with our obligations under the wastewater directive.

Deputy Sandra McLellan: I welcome the opportunity to contribute to the debate. This issue, understandably has been i mbéal an phobal over the past number of months. Many people, particularly in rural and one off houses, were startled when they heard of this charge earlier in the summer. At that stage, there was significant panic about the notion of fees of €200 or €400 per annum for registration and inspection. In many respects the community and parish halls around the State continue to be filled with people exercised on this issue because considerable speculation, misinformation and lack of information remains.

Clarity on a number of issues is important. In the first instance, we have an issue with the registration and inspection fee. While on some levels it might not appear unreasonable, it is important to understand that many people are just keeping their heads above water in terms of household budgets. While €50 does not seem a huge amount, it must be considered in the context of the myriad cuts in supports and hikes in expenses that ordinary families have experi-

[Deputy Sandra McLellan.]

enced over the last period. We are guaranteed that this is set to continue. In addition, cuts to rural transport systems, bans on turf cutting, closures of rural post offices and Garda stations, as well as cuts in welfare rates and increases in VAT, fuel and car tax are changing the nature of rural life and making every euro that little bit more important.

This added septic tank charge will be employed in many instances where homeowners have no other option. They cannot get connected to a local authority scheme. In essence, for those people, this amounts to double taxation. They contribute to a fund that they get no benefit from and now they will have to pay again. Many rural dwellers still feel vulnerable and worried about this issue. That is evident from the level of engagement across the State. A frenzy has been whipped up in certain areas which makes it difficult for people. A handful of cowboys have stepped into the vacuum of misinformation and disinformation looking to exploit people as they go from house to house offering so-called inspections and installations at a premium. It is important if we go down this road that the Government does not employ a similar tactic of over applying the agreed specifications, when they are agreed, in an attempt to raise revenue or create a viable business plan for private sector contractors. The scheme should be wholly delivered within the public sector.

It is important to address, by way of adequate and comprehensive clarification, what the scenario will be for those who are registered and have their system ruled inadequate. That unknown has people agitated and expecting the worst. Figures being thrown about are in the region of thousands of euro. One constituent came to my office in Youghal to say he cannot afford the new €15,000 septic tank charge. With everything else that is going on, it is understandable that people are up in arms. Clarification, as soon as possible, on the funding mechanisms and levels of support available from Government — hopefully somewhere in the region of 100% — for people who do need re-installations or upgrades, is essential. In addition, if the Minister seriously thinks that rural dwellers are in any position to fork out thousands of euro for this scheme in the current climate, he is greatly mistaken. Every euro counts and every €1,000 counts a lot more.

The Minister rejected the Sinn Féin amendment in the Seanad, but it is only reasonable that an inability to pay waiver be included and applied. If the figures announced this morning are to be believed, we do not know what is around the corner with respect to the economy. We do not know how significant these costs will be to ordinary people going forward. The most vulnerable in society need to be protected.

Deputy Caoimhghín Ó Caoláin: The Minister needs to go back to the drawing board with this legislation. I do not believe it is good enough. It provides for what would be an undue and unjust imposition on householders in rural Ireland and this case has been put to him time after time not only by Opposition Deputies but also by Deputies in his own party.

I am sure the Minister does not need to be told the extent of the concern this legislation has raised across the country, as he must be aware of it. I am also conscious of the double standards of members of the last Government who had years to address the need to protect our water and our land from pollution to comply with the relevant EU directives and to put in place a fair and equitable response. They failed to do so and now some of them are parading the country trying to drum up support for themselves on the back of this issue. It is perhaps appropriate that some members of Fianna Fáil believe septic tanks can be a basis for their revival, given the toxicity of their party and the depths to which it has descended. Notwithstanding those double standards, many in rural Ireland have genuine and justified concerns regarding the legislation. Those concerns must be listened to and acted upon. I appeal to the Minister to take action in respect of them.

There is an absolute need to address the pollution of our environment by effluent from septic tanks. Water quality is a major issue which must be addressed in an effective manner. We would be obliged to do so, regardless of whether there were EU directives relating to this matter and whether there were hefty fines for failing to implement such directives. The problem lies in the manner in which implementation is proposed. This Bill, once again, targets additional fees at householders. We are concerned, in the main, with rural householders who have provided themselves with septic tanks at their own expense. Unlike most urban dwellers, they do not have access to the facilities provided by local authorities. In the immediate aftermath of the general election, but before he became Minister, Deputy Hogan promised a local stimulus package that would include septic tank remediation. There has been no discussion in respect of this package since the Minister took office. That is part of the problem.

The proposed system of inspection and fees gives rise to questions as to whether what is being done here relates to the Government being seen to implement the directive or whether it is about achieving real results and protecting our land and water from pollution. Rather than waste resources on establishing a new regime of inspection, Sinn Féin proposes that inspections be carried out by local authorities. In line with the Minister's thinking on this matter immediately after the general election, we have put forward a scheme of income-related grants in respect of septic tank remediation. Our clear aim must be to clean up our environment not to raise revenue but rather to fund a system of inspection. For these reasons, the Bill in its present form is, regrettably, unacceptable. There is time to get it right.

Deputy Phil Hogan: What was done in Cavan?

Deputy Caoimhghín Ó Caoláin: The Minister should ignore those who would press him to take urgent action. There are alternatives and I urge the Minister to pursue them. Once upon a time, he had the right answer.

Deputy Phil Hogan: The Deputy should tell me about Cavan.

Deputy Caoimhghín Ó Caoláin: Cavan is where it started. I know well the history of this matter.

Deputy Phil Hogan: The Deputy should tell me what is the solution.

Deputy Martin Ferris: Deputy Lawlor's comment to the effect that this matter dates back to 1975 is an indictment of every party in this House with the exception of one. If memory serves, the Minister's party was in government in 1975 and did not leave office until 1977. It was also in and out of government in the early 1980s.

Deputy Phil Hogan: Where was Deputy Martin Ferris during this period?

Deputy Martin Ferris: Fine Gael was also in government in the 1990s. The Labour Party was also in government at various points during the period in question. Some of those who are now members of that party were formerly members of Sinn Féin the Workers Party, the Workers Party and Democratic Left. There were also the now defunct Progressive Democrats and the Green Party, which is no longer represented in the Houses.

Deputy Phil Hogan: Where was Deputy Martin Ferris?

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

Deputy Martin Ferris: The parties to which I refer all abdicated their responsibilities in the past.

[Deputy Martin Ferris.]

The Government does not realise the anger to which the issue of septic tanks has given rise among those living in rural areas. In my constituency and in others throughout the Twenty-six Counties, public meetings have taken place. People have come together and organised themselves and the e-mails Members have received in recent weeks provide an indication of the extent of their concerns. More than 200 people gathered in the small village of Scartaglen the week before last to voice their concerns in respect of what is coming down the tracks. The anger was palatable at that meeting and people stated that if fines are imposed by the local county council, they will not pay them. Others stated they would go to prison rather than pay fines.

The Government claims that it was necessary to introduce this Bill in order to comply with an EU directive. That is true. However, as other speakers and I have pointed out, successive Governments of which all the main parties were members were content to ignore this matter. As a result, it was placed on the long finger for decades. Ordinary householders, many of whom are already struggling, will be asked to foot the Bill for those years of neglect.

The Bill is another attack on rural dwellers and, as previous speakers indicated, it is one in a series of moves to undermine rural communities. Anyone who knows rural Ireland will be familiar with the sight of closed post offices, shops and creameries. They will be also aware that rural bus services have either been reduced or have disappeared entirely. Many villages have lost that which was once the centre of people's lives. The countryside is dotted with closed pubs and shops, which reflects the depressing economic impact of the austerity programme. Common sense indicates that the effects of closing down businesses, reducing people's incomes and denying public investment and support will lead to a vicious circle of depression.

The Bill is not formally a part of that process but there are financial implications for those on whom it will impact. The latter regard it as just another part of the attack on their living standards and on their overall standard and quality of life. In addition, and as already stated, people are angry because they perceive the Bill as part of a move towards undermining rural communities and penalising those who thought they had already complied with the regulations that were in force and who have already paid for the installation of their septic tanks. In that context, I refer to the percolation test introduced in 2009. How will the latter fit in with the new regime being introduced under this Bill?

I wish to provide one example in respect of this matter. It relates to a small village with which I am familiar and located in which are a number of small cottages. The cottages to which I refer were built before the public sewer in the village was put in place and, as a result, there are septic tanks in their back gardens, etc. The people who own these properties want to connect them to the public sewer. This would merely involve cutting into the existing sewer pipe and connecting new pipes to it from these cottages. The owners are prepared to do the remainder themselves. However, Kerry County Council wants to charge these people €10,210 to have their homes connected to the public sewer. I contacted the council as recently as 4.30 p.m. to double check that this is the position. The people who live in this small village and on its outskirts are being quoted that amount of money to achieve the connection to which I refer.

Deputy Phil Hogan: Perhaps the Deputy would forward me a note in respect of that matter.

Deputy Martin Ferris: I will do so. These people will be obliged to pay further charges if their septic tanks do not meet the requirements laid down in the Bill before the House. What are they to do and how are they expected to pay such charges? It is for the reasons I have outlined that people are concerned. They expect Members of this House to do more to allay their concerns.

Deputy Michael Colreavy: The Government parties appear to be trying to intimate that in some way those who are opposed to the legislation do not care about water quality. They know that is nonsense. Those of us who live in rural areas are conscious of the need to have pure water.

We are concerned about the Bill because it represents a further attack on those who live in rural communities. In Sligo, Leitrim and elsewhere, the legislation is seen as but another way to undermine those communities. As Deputy Martin Ferris stated, we have witnessed the reduction of bus services in rural areas. In Sligo, airport services have been reduced. In addition, many post offices and shops have closed and public long-stay nursing homes in rural areas are under threat of closure. I could go on and on in this regard.

There has been a great deal of discussion with regard to the previous Administration and much of it is extremely accurate. Those in government may not have stopped to consider a particular fact. It is that following its drubbing in the recent general election, Fianna Fáil resembled the dead parrot in the famous Monty Python sketch. However, this issue has clearly given that party a new lease of life. That Fianna Fáil would have done exactly what the current Government is doing is neither here nor there. It is, however, a tribute to those in Government that they have managed to breathe a vestige of renewed vigour into the parrot that is Fianna Fáil.

Deputy Martin Ferris referred the numerous public meetings that have taken place in respect of this matter. I have attended many such meetings. It might be salutary for some members of the Government, in particular, the Labour Party, to attend — I would caution that they need to go in disguise — some of these meetings to witness the anger. I single out the Labour Party, in particular, because if it is not careful, it will find itself tainted with the same anti-rural aura that was once proudly borne by the Green Party in a previous Administration, as the Minister of State, Deputy O'Dowd, will recall, when it was planning to stop people building and engaging in rural sports. One matter for which we should be thankful is that it was consigned to the septic tank of history before it got around to banning hurling and the national ploughing championship.

If any of the Government backbenchers or Ministers happen to attend some of these meetings they will experience the deep anger that exists on this issue. It is not that people do not want clean water but all of this is related to the overall assault on our society in the interests of Anglo Irish Bank bondholders and the IMF. There are choices being made on how money will be spent. It will not be spent on infrastructure to help people to have pure water. It is being spent on Anglo Irish Bank bondholders and the IMF, but this time it represents a targeting of people who happen to live in rural areas and it is unfair.

What is particularly annoying is that people have already paid to install their septic tanks. They installed them in accordance with the specifications laid down and they got planning permission for them. Those who went by the book are now being told they must pay to register, pay for an inspection or inspections, and pay to replace or to repair. At the same time the Government cannot go back to somebody who was awarded a pension two years ago and renegotiate it because it says to do would be unconstitutional. Yet, it can screw the person who did everything by the book ten, five or two years ago.

I have seen no scientific data to show where, whether or to what extent septic tanks were or are damaging water supplies in Ireland. I am not saying that data does not exist. I am merely saying that I have not seen it. I presume the Minister of State has seen it. I presume it exists and I would like to see a copy of it, if that could be arranged.

Deputy Fergus O'Dowd: The EPA annual report contains all of the data on water quality and if one queries the boil notices and the reasons for them, one gets all the data on fecal contamination.

Deputy Michael Colreavy: I want to see the scientific data——

Deputy Fergus O'Dowd: It all is there.

Deputy Michael Colreavy: ——that was considered in the EU court hearing.

Acting Chairman (Deputy Jack Wall): Deputy Colreavy has one minute remaining.

Deputy Michael Colreavy: I want to get a copy of the scientific data that was considered during the course of the EU court hearings. If it is not available and if it was not considered by the EU court, it is time to change the lawyers. I suspect that the EU court threatened that because a system was not in place, we are in breach of our obligations but there was little, if any, regard paid to the level of water pollution. I want to see what scientific evidence was put forward to the EU court.

My party is not opposing the Bill for the sake of opposition. We have put forward amendments which should have been considered. It is not too late. It is better to spend a little longer on this and get it right than to rush something that people will hold against Fine Gael and the Labour Party for many years to come. I hope that the Minister of State and his colleagues on the backbenches will accept that my party has put forward its proposals in good faith.

Acting Chairman (Deputy Jack Wall): I understand Deputy Ann Phelan is sharing her time with Deputies Hannigan, Seán Kenny and Costello. Is that agreed? Agreed.

Deputy Ann Phelan: I thank the Acting Chairman. I have no choice.

It is only when we visit other countries that we realise that we have treated our most precious resource in a cavalier fashion. If one pollutes or wastes water in Australia, one will suffer severe penalties. We are now on a clear purpose to enhance and protect public health and the environment for the benefit of rural dwellers and a better quality water supply for everybody.

I am pleased to note from the Water Services (Amendment) Bill 2011 that we have reached the stage in this country when a real attempt is being made, albeit forcibly assisted by EU concerns, to install legal measures designed to prevent human waste from entering the food chain. Such waste or contamination is the main source of water borne pathogens, including cryptosporidium, which we all know is so expensive for all local authorities to treat.

I am also pleased to note that in the Seanad last week colleagues of every party made it clear that they agreed with the overall objective of the Bill, which is to protect groundwater sources. Some had difficulty with the wording of the Bill as drafted but nobody had difficulty in supporting a proper regime of regulation, including registration, inspection and remediation. No doubt this consensus was greatly influenced by the fact that the Renewed Programme for Government, agreed between Fianna Fáil and the Green Party on 10 October 2009, committed to introducing a scheme for the licensing and inspection of septic tanks and waste water treatment systems.

As with much progressive new legislation going through this Dáil, realism has now taken over. Some concerns were rightly raised about the lack of State action through local government to clean up its act. This is a legacy issue because of the scandalous under funding of public sewerage treatment plants during the housing boom.

Failure to prioritise provision of water and sewerage treatment ahead of development has been the frequent cause of pollution and risk to public health. This failure became clear on 29 October 2009 when the European Court of Justice ruled against Ireland on the treatment of waste waters from septic tanks and other on-site waste water treatment systems. The court found that by failing to adopt the necessary legislation to comply with the EU Waste Directive, Ireland had failed to fulfil its obligations under that directive. Ireland is now facing the imposition of substantial penalties and fines from the European Court of Justice. The European Commission lodged an application in the court for this purpose in July. We are in this situation due to the lack of priority given to the matter by the previous Government. This Government has acted decisively and without delay to address this issue and to protect the country from having to pay substantial fines to Europe.

The failure to dispose of domestic waste waters in the Irish countryside through septic tanks and other individual waste water treatment systems is why we are in this mess today. Septic tanks and other on-site waste water treatment plants, along with organic farm waste, were identified by the EPA as the most likely causes of E. coli contamination in groundwater. It is expected that only a minority of systems inspected will require major upgrading. The costs of this are difficult to quantify.

Acting Chairman (Deputy Jack Wall): Deputy Ann Phelan has one minute remaining.

Deputy Ann Phelan: I thank the Acting Chairman.

To allay the fears of those on low incomes who must upgrade, I welcome the Minister, Deputy Hogan's, assurances in the Seanad last week. He stated, "Grants are something that can be considered when we know the extent of the problem ... in 2013". These assurances are important to my constituents, as is the Minister's commitment that he will not be found wanting in looking at a grant system in 2014. For all those reasons, I am pleased to support the Bill because I believe that it is in the best interests of communities throughout the country.

The scaremongering that went on about the Bill in trying to ratchet up a kind of revolution against it was totally irresponsible. It was unbelievable the way some Members of this House carried on.

Deputy Dominic Hannigan: I welcome the opportunity to speak on the Bill. Like the previous speaker, I completely reject the assertions of Deputy Niall Collins and Eamon Ó Cuív that this is an attack on rural dwellers. This is a scheme that will help to keep rural Ireland a safe and beautiful place to live. The fact is that their party, Fianna Fáil, ignored this problem for years upon years, much as it ignored the start of the financial crisis. We do not want to find rural Ireland in the same place we have reached in regard to the financial crisis, and we do not want an environmental crisis.

We are busying clearing up their mess. What they are doing is scaremongering. I know from public meetings being organised by Fianna Fáil across County Meath that some people are scared that we are about lump huge costs on them, which is not the case. Under no circumstances is this Government targeting those people who live in rural areas for excessive costs. We want to protect rural dwellers.

I listened to Deputy Colreavy earlier. While I accept his bona fides, I do not accept this issue is similar to that of the Anglo Irish Bank bondholders. We are trying to clear up this mess and we are acting very quickly on a subject that Fianna Fáil refused to act on for decades. We are trying to make sure the concept of a green island of Ireland is still true in 20 years time.

Fianna Fáil has thrown around a figure of €300 for the registration of septic tanks. I know from public meetings and from notices that have been put around shops in County Meath that

[Deputy Dominic Hannigan.]

it is putting out this message. Let us be clear. The cost we are talking about for registration is approximately €50, not €300. This is the only charge people with a working tank will have to worry about, and it is not an excessive amount for the positive benefit that it will bring to local communities.

The problem of non-functioning tanks will be tackled in a phased and intelligent way. The risk-based approach by the EPA will target areas that are likely to have high incidence of environmental damage from out-of-date septic tanks. This is international best practice. The plan is being developed by the EPA and will be announced in the middle of next year.

I will not apologise for the fact we need to protect the quality of our water supplies. We have seen the pressure that is put on families when schemes in rural and urban areas are contaminated, which can mean months of buying bottled water or constantly boiling water, which is not fair on families. The purpose of the Bill is to address the issue of septic tanks that are polluting the local area. No one in local communities benefits from this pollution. All it does is to bring down the quality of life in these rural areas.

We are behind the rest of Europe when it comes to legislation. Similar legislation has been in place in Northern Ireland since 1973 and previous speakers noted it has been happening in Cavan since 2004. Neither of those places has seen a huge exodus of rural population because of septic tanks — that just does not happen and it has not happened. This scaremongering is creating an unease in rural populations that is not needed. It is cynical politics by Fianna Fáil and we can all see through it.

Deputy Seán Kenny: This Bill is required by a European Court of Justice ruling against Ireland in respect of treatment of waste water from septic tanks. As a result of this case, Ireland faces a potential lump-sum fine of €2.6 million as well as daily fines of €26,000 as the non-compliance continues. As an economy we cannot afford that.

It is worth recalling that the previous Government made commitments on this issue. The renewed programme for Government between Fianna Fáil and the Green Party had a commitment that they would introduce a scheme for the licensing and inspection of septic tanks and waste water treatments. Ireland is now facing the imposition of substantial penalties and fines from the European Court of Justice and the European Commission has lodged an application to the court last July in this respect. We are in this situation due to the lack of priority given to the matter by the previous Government whereas this Government has acted decisively in the matter.

Poorly managed septic tanks can pollute the environment with harmful substances such as *E. coli*. The new legislation seeks to enhance and protect public health and the environment, which will in turn benefit rural dwellers in terms of a better quality of life and better water quality. In 2010, a HSE survey of private well quality in counties Sligo and Leitrim revealed a rate of 76% non-compliance with standards required under the drinking water regulations of 2007. Faecal contamination, particularly of groundwater, has previously been highlighted in a number of reports by the EPA. Septic tanks and other onsite waste water treatment plants, along with organic farm waste, have been identified as the most likely causes of *E. coli* contamination.

The bill sets out certain duties applying to householders with septic tanks, who would be obliged to register and ensure their septic tanks do not pose a risk to the environment. Water service authorities are to maintain a register of the septic tank holders and, on the sale of premises, the Bill envisages that a certification of registration must be produced and that the new owners must then notify the appropriate water services authority of the change of ownership. Inspectors appointed by the EPA are to carry out a regime of inspections and notify the

relevant water services authority if there are breaches of any regulations issued under the Water Services Act 2007 or if the septic tank poses any risk to the environment.

Inspections may give rise to householders being advised to improve the maintenance of their systems or, indeed, upgrade or remediate the treatment system. The registration fee is likely to be approximately €50, to be paid every five years. The revenue from this registration fee will fund the inspection regime.

With regard to water services generally, I wish to make a number of additional points which I believe are critical. There is an ongoing water supply problem, with outages, in the Portmarnock of my Dublin North-East constituency. The issue relates to the delay in construction of a new reservoir at Seamount, Malahide, which will serve Malahide, Portmarnock and Kinsealy. It should have been in place by now but there is a long-drawn-out dispute over way leave. I request the Minister to ask whether that dispute can be resolved with a timescale for completion of this badly needed reservoir be provided.

It is reported in today's press that Dublin City Council has stated 150,000 homes in the Dublin and Wicklow area could be left without drinking water if an unstable 19th century water tunnel collapses. The council is quoted as stating that the Vartry water tunnel "could suffer a partial or total collapse at any point in time", which could have a further knock-on effect in the greater Dublin and Leinster area. Dublin City Council stated it would not be in a position to build a replacement tunnel until 2013. This situation, therefore, needs to be urgently addressed by Government.

Deputy Joe Costello: I am pleased to have the opportunity to speak on this important issue of water services. It is incredible that, more than 35 years after the promulgation of the directive, we are in a situation where there is no regulatory or inspection mechanism to deal with septic tanks and other rural treatment services, and that there are some 450,000 septic tanks throughout the country. It is amazing that such a period of time should have gone by, when all directives from the European Union are supposed to be transposed into legislation within three years. It is also incredible that it has taken until now for the Commission to take us to the European Court of Justice on this issue.

I was a member of the Committee on European Affairs for a number of years and this issue came up every year. It came to our attention that Cavan was the only county in Ireland that got its act together in 2004 and put regulations in place that provided for proper inspections, if not registration, of septic tanks. The local authority charged for those inspections at a rate of approximately €200 per inspection whereas, under this Bill, there will be no charge for inspections.

There is a huge issue of scaremongering around this legislation. It is one of the most important Bills that could come before the House. It has everything to do with public health, preventing contamination of ground-water in the system and getting rid of all of this terrible negative publicity we have every year, with major fish kills in our rivers and lakes. There is also the E.coli pollution that occurs, with the result that the people of towns and villages must buy bottled water.

It is amazing that any Government over the last period of time should have allowed this to continue, particularly the last Government. I am not referring to the successive Fianna Fáil Governments that have been in place for the last 14 years but the last Government in which there was a Green Party input. The coalition partner in the Government was the Green Party and the Minister with responsibility for the environment was the leader of the Green Party, but it did not deal with this matter. It had been given ample warning in 2009 when the decision was made by the European Court of Justice. However, it was only in 2011 that the European

[Deputy Joe Costello.]

Commission decided to implement the penalties. The reason this legislation must be passed urgently by the House is to ensure Ireland is not subject to penalties of approximately €9.5 million per annum. It is a colossal amount.

This is a country that prides itself on being the green island of Ireland, with the best quality agricultural produce in the world, untainted by the many negative or toxic substances that might be found in other countries. The IFA argues that we must have a policy of food security in the European Union and that we should not be importing food from great distances because we can guarantee the quality of our food. However, consider what is going into our water. It can contaminate the drinking water for humans as well as animals and the agricultural produce that ends up in the food chain.

It is essential that we get our act together as quickly as possible. We must pass this legislation and forget all the scaremongering. The question of cost is a red herring. The cost of registration is €50, not €300 as the IFA and Fianna Fáil are claiming. It is outrageous scaremongering. The agricultural community has never had things as good as they are now. It is not a financial issue at present, and this is the time to do it.

I am pleased the Minister has brought this Bill forward and I commend it to the House. It is probably one of the most important Bills to be passed by the House this year.

Deputy Catherine Murphy: It is essential that we protect our water supplies, both groundwater and surface water. It is in the interests of public health and the environment. There are consequences if that does not happen, as we saw in Galway when people could not use the water supply for weeks on end. Those who visit an area will never forget such an occurrence. I recall planning to go to a place in Spain on holidays about 30 years ago. I still remember the name of the place because the water there was poisoned. There are consequences and we all accept that.

I accept the importance of quantifying the number of septic tanks, although the estimated figure of 441,000 given in the Bills Digest appears to be very precise. I also see the value in organising inspections. However, there is a deficiency in the Bill. It is silent on how the really serious problems will be dealt with. In particular, non-compliant older septic tanks are more likely to be located in properties where there are elderly people, but there is no concern about their ability to put them right. I see a big difficulty in that regard.

There are other difficulties. According to the Bills Digest, the capacity in the treatment plants for accepting sludge has not been quantified. It is a question, therefore, of almost going on tour to find a treatment plant that will have the required capacity. Many local authorities are trying to retain capacity in their sewerage treatment plants for industry or potential industry. Furthermore, there appears to be a type of chicken and egg situation with regard to the promised public awareness campaign. One would have thought there would have been a public awareness campaign before embarking on this course. That would have avoided much of the scaremongering that has been mentioned here.

People feel there is something to be fearful of because they are not sure whether their septic tank will be compliant. They are not worried about the registration charge but about what it will cost to fix the septic tank. I do not expect the tanks that were installed in recent years to present a problem but some of the older ones will present a problem, and the Minister cannot be silent on how he will remediate those, particularly if people do not have the means to do it.

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I thank the Deputies on all sides of the House for contributing to this debate. It has generated a great deal of interest.

One of the issues that consistently arose was the possibility of financial support for upgrading and remediation of plants. Based on the experience with inspections in Cavan, the majority of the systems that were inspected were working well. It is expected, therefore, that only a minority of systems that are inspected would require major upgrading or replacement. I signalled in the Seanad my intention to keep the issue of financial support under review. It will not arise until the end of 2013 or early in 2014, when we will know the extent of the problem from the inspections that are carried out in 2013. As I said earlier, it is confined to the high risk areas. I will also be in a better position then to see how the finances of the local authorities and the country are positioned to deal with those issues.

A number of Fianna Fáil Deputies spoke about criminalising households. The maximum penalty to be imposed on an individual under this legislation is up to €5,000. There is no indictment, so nobody is criminalised with regard to the non-registration aspect of the Bill. In 2007, Fianna Fáil introduced the Water Services Act, which does criminalise people. It provides for penalties of up to €15 million in fines and five years in prison. It is interesting the Fianna Fáil Deputies did not mention that in the course of the debate.

It is true, and the EPA water quality report bears this out, that local authority waste treatment plants and facilities have been the cause of serious pollution incidents. Under the wastewater discharge regulations of 2007 all discharges to the aquatic environment from sewerage systems owned, managed and operated by local authorities require a wastewater discharge licence or a certificate of authorisation from the EPA. The authorities are required to apply to the agency for a licence or certificate of authorisation by set dates, depending on the population of the area served by the sewer network. The authorisation process provides for the agency to place very stringent conditions on the operation of such discharges to ensure that potential effects on the receiving water bodies are strictly limited and controlled. In overall terms, the aim is to achieve good surface water and groundwater status. Irrespective of the position with local authorities, the European Court of Justice ruling dealt with septic tanks and the ruling must be addressed on that basis.

I do not accept that the proposals are an unfair imposition on rural dwellers. The environmental and health issues must be dealt with as circumstances dictate and where the risks exist, for example, the banning of smoky fuels in Dublin and other areas in the 1980s. In the case of the proposed legislation regarding septic tanks, the protection of both ground and surface water quality, particularly drinking water sources, is paramount. In 2010, a HSE survey of private well quality in Counties Sligo and Leitrim revealed a rate of 76% non-compliance with standards required under the drinking water regulations. We must be mindful of the potential contamination of groundwater. This was highlighted explicitly in places such as Galway city in 2005 and 2006. Even if there had been no adverse ruling by the European Court of Justice, the pollution by on-site wastewater treatment systems would have to be dealt with to protect public health.

A huge amount of money has been spent in rural areas. Deputy Mattie McGrath must not realise that we are currently subsidising group water schemes in his constituency. A total of €0.5 billion has been spent on upgrading rural water supplies. A person can get a grant of €1,000 to replace a well. All these resources are targeted at rural people.

Last year, a total of €85 million was invested in the rural water programme, and I will be investing more money in 2012. In addition to that these amounts include payments from the Exchequer and the Local Government Fund under the group water schemes. To say money is not being invested in rural areas to upgrade the quality and quantity of our water supply—

Deputy Mattie McGrath: I did not say that.

Deputy Phil Hogan: You did.

Deputy Mattie McGrath: I never said that.

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

Deputy Phil Hogan: Development fees charged to the developer by planning authorities include charges for connecting to both the drinking water supply and public sewers. Those fees were part of the purchase price paid by the purchaser and where a connection to a public water supply or a public sewer is not possible, the deductions are made by the authorities on the development levies. They take account of that.

I do not accept the suggestion that the proposed fee of up to €50 is some form of stealth tax. This is to cover the administrative charge and the costs of compliance. We do not expect all taxpayers in the country to do everything out of general taxation. I can confirm——

Deputy Mattie McGrath: They did it for the towns.

Deputy Phil Hogan: ——that the €50 fee for registration is a once-off fee. There is no inspection charge of €300 a year that Deputy McGrath and others were peddling during the summer months.

Deputy Mattie McGrath: No.

Deputy Phil Hogan: I heard him refer to €300 per annum.

Deputy Mattie McGrath: Me?

Deputy Phil Hogan: Yes——

Deputy Mattie McGrath: I am glad the Minister was listening to me.

Deputy Phil Hogan: ——and it proved to be wrong. I am happy to correct the Deputy.

Deputy Mattie McGrath: It is €50——

Acting Chairman (Deputy Jack Wall): Deputy McGrath, please. Allow the Minister to continue.

Deputy Phil Hogan: It is a €50 once-off charge. There will be no charge for re-registration. There will be no inspection charge. The €50 covers everything.

Deputy Mattie McGrath: For ever.

Deputy Phil Hogan: Yes, and it is in the Bill, which is very unusual. That never happened in Fianna Fáil's time. The €50 is in the legislation to make sure that people understand it. The revenue raised will be used by the local authorities to meet the cost of having inspections carried out in accordance with an inspection plan to be developed by the local authority and the Environmental Protection Agency, and the local authority will be responsible for the management of it.

Some people questioned the need for re-registration or registration. It is a fair question. Currently, there is no comprehensive register of septic tanks in Ireland.

Deputy Mattie McGrath: What about the planning files?

Deputy Phil Hogan: I am coming to that. The Local Government (Planning and Development) Act 1963 came into force in October 1964 and records of developments carried out since then are held by the planning authorities. However, properties constructed since 1964 have been sold, sometimes more than once, and the planning records do not contain details of changes of ownership because under this legislation the owner is responsible for the condition of the septic tank. Ownership details regarding properties constructed before 1964 are not held. Also, under the Planning and Development Regulations 2006, applicants for planning permission are required to provide certain information in respect of septic tanks or other on-site wastewater treatment systems. However, this requirement only relates to developments commenced after 31 March 2007. Registration under the new legislation is necessary to allow us have up to date details of all owners of unsewered properties, whatever their date of construction, that can be recorded, along with the type of domestic wastewater systems in place. Also, we do not know what was happening before 1963.

The reason this legislation is urgent is that the European Commission went back to the courts last July and it will impose a fine of €26,000 a day, or lump sum fines of up to €2.7 million, if we do not file a defence early in 2012. This legislation is the defence to show that we are introducing an inspection and monitoring system to comply with the European Court of Justice ruling.

Deputy Mattie McGrath: It discriminates against rural dwellers.

Deputy Phil Hogan: The Deputy can continue saying that if he wishes but I am explaining to him the reason that is not the case. The court will reconvene in early 2012 and Ireland must have a defence. We can put our heads in the sand and say we do not need to bother with the court case and pay the fines. Is that what the Deputy is asking taxpayers to do?

Deputy Mattie McGrath: No.

Deputy Phil Hogan: That is fine. We have to have the legislation.

Deputy John Halligan: The Minister could amend the Bill.

Deputy Phil Hogan: It never ceases to amaze me how the members of the previous Government and their party colleagues, even the newly elected Deputies, can conveniently forget the commitments they made. It is only eight months since they were in Government. Page 24 of A Renewed Programme for Government agreed between Fianna Fáil and the Green Party — I believe Deputy McGrath was in Fianna Fáil at that time — states: “We will introduce a scheme for the licensing and inspection of septic tanks and wastewater treatment systems”.

Deputy Tom Hayes: The Deputy voted for it.

Deputy Phil Hogan: What has gone wrong since? The Deputy voted for that at that time.

(Interruptions).

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

Deputy Phil Hogan: I would also remind the House that we are now facing the imposition of substantial fines. That is due to the lack of prioritisation——

Deputy Tom Hayes: We will have a public meeting about that next .

Deputy Mattie McGrath: We will.

Deputy Phil Hogan: This is south Tipperary politics. Deputy Healy will have to referee this debate.

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

Deputy Mattie McGrath: You are welcome, Tom.

Deputy Phil Hogan: I heard the Deputy had an expert in Tipperary the other night.

Deputy Mattie McGrath: I had.

Deputy Phil Hogan: This is due to the lack of prioritisation given to the matter by the previous Government. This Government is acting decisively to make sure we will not land the taxpayer again with another——

Deputy Mattie McGrath: Crucify the rural people.

Deputy Phil Hogan: My Department is examining in detail the regulatory systems in place in other jurisdictions. I understand Deputy Halligan mentioned Northern Ireland and Scotland, and he said we should replicate it here. In Northern Ireland, regardless of——

Deputy John Halligan: I did not say that. I said we should not charge the householder.

Deputy Phil Hogan: ——when a septic tank was constructed and installed, there is a discharge consent under the water order of 1999. The Deputy's Sinn Féin colleagues could have educated him about that. With effect from 1 April 2011 the application fee in Northern Ireland increased from £110 to £115 for a discharge licence.

Deputy Mattie McGrath: That was fool's day.

Deputy John Halligan: The Minister has his facts wrong.

Deputy Mattie McGrath: That was fools day.

Deputy Phil Hogan: So I am wrong and the Deputies are right. Deputy Halligan should listen to this. In Scotland, from 1 April 2006——

Deputy John Halligan: I am listening to the Minister.

Deputy Phil Hogan: ——and this is not an April fool's job, the registration of the septic tanks with the Scottish Environment Protection Agency is required. The registration fees are £77 for on-line applications and £104 for using a hard copy application form. The Deputy ought to get his facts right in terms of the charges.

Deputy Mattie McGrath: Do you have any figures on how many have signed up?

Deputy Phil Hogan: No, but you will have an expert on Monday night. You will know everything after Monday night.

Acting Chairman (Deputy Jack Wall): Please do not talk among yourselves.

Deputy Phil Hogan: Deputies Doherty and MacLochlainn of Sinn Féin mentioned the Cavan model. The Cavan model was an excellent idea by Cavan County Council in 2004. It asked people to register. There were 100% inspections to be carried out. It cost an average of €200 to assess the septic tanks under the Cavan model. That is too onerous. Fianna Fáil Senators in

the upper House forced a vote on an amendment to the effect that the Cavan model was the one we should introduce. They want people to have inspection charges, an average assessment charge of €200 to be paid every year——

Deputy Mattie McGrath: They want to know where they stand.

Deputy Phil Hogan: They want 100% inspections.

Deputy Mattie McGrath: They want something definite.

Deputy Phil Hogan: They want inspections every seven years, and they want the private sector, not the public sector, to do it.

Deputy John Halligan: The argument is that people cannot afford to pay.

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

Deputy Phil Hogan: I mentioned that before the Deputy came into the House.

Deputy John Halligan: It does not matter what it costs. People cannot afford to pay.

Deputy Phil Hogan: That is what Fianna Fáil——

(Interruptions).

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

Deputy Phil Hogan: I am not in favour of the Cavan model because it is too onerous on people.

Deputy Mattie McGrath: It is much easier than this one.

Deputy Phil Hogan: No.

Deputy Ó Cuív, as a former Minister, has gone around this country in a disgraceful fashion. He has deliberately misrepresented people. He has told lies, and he is being hypocritical.

Deputy Mattie McGrath: The Minister cannot say that.

Acting Chairman (Deputy Jack Wall): Minister, I ask you to withdraw that.

Deputy Phil Hogan: What would the Cathaoirleach call it? Can he give me another word for it?

Acting Chairman (Deputy Jack Wall): No. The Minister mentioned it.

Deputy Phil Hogan: It is untrue. He was a Minister——

Deputy John Halligan: What about the original manifesto?

Deputy Phil Hogan: I will deliver on my manifesto.

(Interruptions).

Deputy Phil Hogan: Deputy Ó Cuív was a Minister in 2009 when Ireland lost the judgment by the European Court of Justice. The Attorney General was representing the Government of which Deputy Ó Cuív was a Minister. He was a Minister that approved the revised programme

[Deputy Phil Hogan.]

for Government which stated that it would introduce a monitoring and licensing system for septic tanks. He spent the summer months misleading the public by telling them that there would be a charge of €300 per annum, that planning permission would be required to upgrade their systems, and that the EPA code of practice in the 2009 guidelines would be needed.

Deputy Mattie McGrath: They will be needed too.

Deputy Phil Hogan: No. Deputy McGrath is wrong again. I believe Deputy Ó Cuív owes the people of Ireland an apology. He has unnecessarily frightened elderly people and people living alone in rural areas. He has been totally irresponsible and if that is the style of politics——

Deputy John Halligan: The Minister has frightened people with a €5,000 fine.

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

Deputy Phil Hogan: The legislation states that it is up to €5,000, and a person does not have to go to jail. I know that disappoints the Deputy.

Acting Chairman (Deputy Jack Wall): It is now 7.30 p.m. Please conclude.

Deputy Phil Hogan: In conclusion, this Government will step up to the mark in protecting water quality and protecting the people of rural Ireland.

Deputy Mattie McGrath: I hope so.

Deputy Phil Hogan: We will protect taxpayers. We will protect ground water quality in the interests of householders, jobs, tourism and inward investment.

Deputy Mattie McGrath: This is late November, not 1 April.

Deputy Phil Hogan: I am disappointed that the Fianna Fáil, Sinn Féin and independent Deputies do not accept this policy, and that they do not subscribe to protecting our rural quality of life.

Deputy John Halligan: We accept the quality, but not the payment.

Deputy Sandra McLellan: What about the inability to pay?

Question put:

The Dáil divided: Tá, 95; Níl, 43.

Tá

Bannon, James.
Barry, Tom.
Broughan, Thomas P.
Bruton, Richard.
Butler, Ray.
Buttimer, Jerry.
Byrne, Catherine.
Byrne, Eric.
Carey, Joe.
Coffey, Paudie.
Collins, Áine.
Conaghan, Michael.
Conlan, Seán.
Connaughton, Paul J.

Conway, Ciara.
Coonan, Noel.
Corcoran Kennedy, Marcella.
Costello, Joe.
Creed, Michael.
Daly, Jim.
Deasy, John.
Deering, Pat.
Doherty, Regina.
Donohoe, Paschal.
Dowds, Robert.
Doyle, Andrew.
Durkan, Bernard J.
English, Damien.

Tá—continued

Farrell, Alan.
 Feighan, Frank.
 Ferris, Anne.
 Fitzpatrick, Peter.
 Flanagan, Charles.
 Flanagan, Terence.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harrington, Noel.
 Harris, Simon.
 Hayes, Brian.
 Hayes, Tom.
 Heydon, Martin.
 Hogan, Phil.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Keaveney, Colm.
 Kehoe, Paul.
 Kelly, Alan.
 Kenny, Seán.
 Kyne, Seán.
 Lawlor, Anthony.
 Lynch, Ciarán.
 Lyons, John.
 Maloney, Eamonn.
 Mathews, Peter.
 McCarthy, Michael.
 McFadden, Nicky.
 McHugh, Joe.
 McLoughlin, Tony.
 McNamara, Michael.
 Mitchell, Olivia.

Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Dara.
 Murphy, Eoghan.
 Nash, Gerald.
 Neville, Dan.
 Nolan, Derek.
 Noonan, Michael.
 Nulty, Patrick.
 Ó Ríordáin, Aodhán.
 O'Donnell, Kieran.
 O'Donovan, Patrick.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Reilly, Joe.
 Phelan, Ann.
 Phelan, John Paul.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Ryan, Brendan.
 Sherlock, Sean.
 Shortall, Róisín.
 Spring, Arthur.
 Stagg, Emmet.
 Stanton, David.
 Timmins, Billy.
 Tuffy, Joanna.
 Twomey, Liam.
 Varadkar, Leo.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Browne, John.
 Calleary, Dara.
 Colreavy, Michael.
 Cowen, Barry.
 Crowe, Seán.
 Daly, Clare.
 Doherty, Pearse.
 Donnelly, Stephen.
 Dooley, Timmy.
 Ellis, Dessie.
 Ferris, Martin.
 Flanagan, Luke 'Ming'.
 Fleming, Sean.
 Fleming, Tom.
 Grealish, Noel.
 Halligan, John.
 Healy, Seamus.
 Healy-Rae, Michael.
 Higgins, Joe.
 Kelleher, Billy.

Kirk, Seamus.
 Kitt, Michael P.
 Mac Lochlainn, Pádraig.
 McConalogue, Charlie.
 McDonald, Mary Lou.
 McGrath, Finian.
 McGrath, Mattie.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Sullivan, Maureen.
 Pringle, Thomas.
 Ross, Shane.
 Stanley, Brian.
 Tóibín, Peadar.
 Troy, Robert.
 Wallace, Mick.

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

Question declared carried.

Water Services (Amendment) Bill 2001 [Seanad]: Referral to Select sub-Committee**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

I move:

That the Bill be referred to the Select sub-Committee on Environment, Community and Local Government pursuant to Standing Order 82A(3)(a) (6)(a).

Question put and agreed to.

Message from Seanad

An Leas-Cheann Comhairle: Seanad Éireann has passed the Road Transport Bill 2011, without amendment.

Private Members' Business**Social Welfare Benefits: Motion (Resumed)**

The following motion was moved by Deputy Aengus Ó Snodaigh on Tuesday, 29 November 2011:

“That Dáil Éireann:

- notes recent research commissioned by the Society of St. Vincent de Paul and Barnardos which found that at least 96,000 children are going without the essentials needed for an acceptable standard of living such as three meals a day, their own books for reading and taking part in clubs and activities;
- notes the Programme for Government promise to maintain social welfare rates;
- calls on the Government to exempt children from shouldering the burden of recovery; and
- directs the Government to maintain current levels of Child Benefit and other social welfare payments, in particular those impacting on children including adult social welfare payments and eligibility criteria, the Qualified Child Increase and Family Income Supplement.”

Debate resumed on amendment No. 1:

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

- “ — recognises the severe impact on families, individuals and communities as a result of the closure of businesses and loss of employment arising from the exceptional and difficult economic circumstances;
- recognises the vital role played by spending on social welfare in enabling people to live life with dignity and the importance of Child Benefit as a universal payment as a source of income for all families;

- acknowledges the contribution that spending on social welfare also makes to sustaining economic activity in communities throughout the State and in particular notes the contribution that spending on child income support payments makes to parents raising children and the important role that these payments play in contributing towards alleviating child poverty;
- notes that overall expenditure on the Child Benefit payment grew from just under €965 million in 2001 to approximately €2.2 billion in 2010 and that total spending on child income supports amounted to €3.1 billion in 2010;
- affirms that sustainable public finances are a prerequisite for maintaining an adequate system of social protection and that with the scale of the current economic crisis, it is necessary to address all aspects of the public finances so as to ensure that they are sustainable and to ensure that fairness exists in the allocation of resources;
- encourages the Government to press ahead with the structural reform of the social welfare system to help better target social welfare support to those on lower incomes and ensure that work pays; and
- notes that the Government has established an Advisory Group on Tax and Social Welfare to examine and make recommendations on a number of issues around the operation and interaction of the tax and social protection systems to address how employment disincentives can be improved and better poverty outcomes achieved, particularly child poverty outcomes, and that the Group is currently examining the area of child and family income supports.”

— (Minister for Social Protection).

Deputy Mick Wallace: I commend the motion from Sinn Féin calling on the Government to exempt children from shouldering the burden of recovery. It is a no-brainer and, I believe, the Minister of State opposite will not disagree with it. Most people agree that we have a responsibility to protect those who need our protection most. One thing that has come out of the current crisis is that most people accept that there are many people angry with developments in recent years. They are angry for several reasons, one of which is that the recession has been deepening and this has affected many people. The austerity measures affect the less well off more than those who have a little more.

Unemployment is a significant factor and it is making people angry. Many young people are unemployed and this is a significant problem for the State. No doubt people have not forgotten the excesses of bankers which precipitated the crisis in the first place. The growing level of inequality and the growing gap between those who have and those who have not is probably one of the most annoying things of all for people.

I have no intention of second guessing what will be in the budget but I hope the Government will work towards achieving a level of fairness in whatever it does. It should be seen to be fair even if the measures are tough. If there is a sense of fairness and a sense of working towards dealing with the ingrained inequality in our society then people will respect us, but not otherwise. This applies not only in Ireland. I admit that the problems exist throughout Europe but there is no doubt that the least well off are being asked to pay for the crisis. Children and old people are among the most vulnerable groups of victims.

Deputy Clare Daly: Social Justice Ireland, hardly the most militant or revolutionary group in the country, made the point this morning at the Joint Committee on Jobs, Social Protection and Education that any cut in child benefit would be a red line issue for it and that if the Government thought that it could get away with replacing the idea of a €10 cut in child benefit with one of €5, then it would not happen. The removal of 1 cent from child benefit will not be tolerated.

I was sickened to listen to representatives from the Government and other quarters saying child benefit is paid to rich people, therefore we need to examine it. It is nonsense. No rich person will feel the pinch from a cut in child benefit. People on lower incomes and social welfare families will pay the price.

We were all circulated with a report from the European Anti Poverty Network. It revealed figures from the CSO which show that those at risk of poverty had increased to almost 16% of the population and the policies being implemented by the Government are contributing to the growth of that group in society. Increasing VAT, introducing a household tax and butchering social welfare will affect the most vulnerable.

The purpose of the motion is to say “Stop” before it is too late. The Labour Party should listen. It has some neck to talk about rich people receiving child benefit when the Government has tolerated a situation where the gap between rich and poor has become greater. If a 1% tax on the top 5% of the population was introduced revenue of €2 billion could be generated, almost three times the amount to be cut in social welfare, which will cause enormous hardship to ordinary families and children. There is no excuse for it. There is a choice. The Government cannot blame Fianna Fáil and should abandon the policy before it is too late.

Deputy Luke ‘Ming’ Flanagan: I commend the Sinn Féin Party motion. It is excellent and I will support it.

If the Government wants to save money in social welfare it should examine rent allowance. The system must change in order that the tenant is incentivised to get the best possible value. Under the current system a tenant in my home town who is paying €90 per week receives a subvention of €59.60. However, if the person discovers he or she could rent an equivalent property for €70 he or she would receive no benefit. All that will happen is that the subvention will be cut by €20.

In order to incentivise people to get the lowest possible rent they should be allowed to keep a percentage of the difference, thus benefiting the welfare recipient and the State while at the same time bringing rents back to their real level. Given that the bill for rent allowance is over €500 million it would result in massive savings for the Exchequer. It would not please landlords but what the hell. At the same time it would spare the most vulnerable in our society.

Instead the talk is about cutting children’s allowance by €10 per month. When I was growing up children’s allowance was used to pay the electricity bill. I remember when my oldest brother left home we had serious trouble paying the ESB bill. It is not a nice feeling when one is a young child. This is what will be imposed on people.

The credit union survey states clearly that 25% of people have less than €70 after all their bills are paid. The Government now proposes to take another €10, €20 or €30 from such people. It cannot be done and the Government should not do it.

Deputy Thomas Pringle: I welcome the opportunity to speak on this Private Members’ motion. Children simply want to do the things they do, that is play, have friends and grow up safe. Parents want to provide for children as best they can. Child benefit is one of the most

important payments for low-income families to ensure they can do that. Yet, 96,000 children go without the essentials needed for an acceptable standard of living in this country.

The CSO survey of income and living conditions in 2010 shows the percentage of those at risk of poverty has grown to almost 16%. Any reduction in child benefit will send these figures rocketing. According to the Constitution, families are the primary and fundamental unit of society and are indispensable to the welfare of the nation and the State. There is a constitutional obligation to protect children. Vulnerable children cannot be scapegoated in this budget. Across-the-board cuts in child benefit will hit every one of the 96,000 children who are currently in danger directly. I urge the Government to make sure in budget 2012 children are not punished further.

Deputy Seamus Healy: I support the motion. I thank the Society of St. Vincent de Paul which does tremendous work to support families and children, in particular. Its pre-budget submission shows that in 2010 there was a 36% increase in its workload in Dublin, 23% in the mid-west, 36% in Galway and 45% in Cork. It said items like food, fuel, education and housing costs were the main requests. Those most in need of help were households with children in particular, one parent families. It urges the Government to recognise the importance of child benefit in protecting children from poverty and hardship.

Barnardos specialises in this area and does a huge amount of work in less well-off communities. It also called on the Government not to touch child benefit. Some 90,000 children are living in consistent poverty, a figure which is expected to rise when new figures are released later this month. Barnardos states quite clearly that 90,000 children are going without things many of us take for granted, such as a hot meal or a chance to take part in activities like swimming or school trips.

These are the most vulnerable people in our society. Both Government parties promised to ensure vulnerable people would be protected in their election manifestoes. A cut in child benefit would be the direct opposite of that and I call on the Government to ensure that not alone is child benefit not cut, but supports are put in place for families.

Deputy Derek Nolan: Children have a certain vulnerability, often even in the care of well-intentioned parents, and it is vital that in this country we provide a secure environment for them to grow up and flourish. As the leaders of future generations it is indisputable that children have a central role in this society and therefore there is a special duty on the State and Government to protect them. The United Nations Convention on the Rights of the Child, which Ireland has ratified, acknowledges the family as the fundamental unit of society and the natural environment for the growth and well-being of children. It also states that the family should be afforded the necessary protection and assistance so it can fully assume its responsibilities within the community.

The term "family" should be given its modern definition, encompassing the many different forms and types of families in our society. Within this context, it is vital that the State provides a robust infrastructure for children and their families. This extends far beyond child benefit and welfare rates to encompass child care support, social welfare protection for parents, family income supplement, employment opportunities, health care, education and security. To view the State's role in the protection of children solely in monetary terms is narrow, short-sighted and sometimes ignores wider impact of State services and actions that encompasses a child's life. The welfare of a child cannot simply be judged on the basis of a payment.

A holistic approach is required as there are many other important factors to be considered. A child's life is impacted, for instance, when his or her parents cannot get work, grandparents cannot get the care they need and family resources have to be diverted towards them or siblings

[Deputy Derek Nolan.]

cannot get help with special needs and the family has to put its hands in its pockets to pay for it. Resource demands on parents have an expenditure reducing impact on families in the same way as income reductions.

The welfare of the child has to be judged as a whole in the context of his or her entire family and how the family unit is treated in society. In order to safeguard parents in this country, it is fundamentally necessary to protect the social welfare paid to parents and ensure the most vulnerable families are shielded from the very worst effects of the recession.

We are in the midst of an unprecedented economic and financial crisis and in order that the most vulnerable in society are protected an ambitious reform of the social welfare system it is absolutely necessary. The Labour Party, under the guidance of the Minister, Deputy Burton, is committed to doing so in line with its principles of solidarity and fairness.

The programme for Government rightly states that the elimination of poverty is a Government objective and commits to reducing the number of people experiencing poverty. The range of initiatives which the Government has introduced and put in motion includes things that will have a direct impact on people and their lives. Reversing the minimum wage cut will do more to protect people from poverty than social welfare rates. Reforming and putting in place the JLC protections for lower paid workers so they have an income stream will protect children and families. Maintaining the Croke Park agreement and its protection of low paid workers in the Civil Service and public service is a way of protecting children from poverty by making sure their parents can afford to look after them. Introducing the jobs budget also helps to create jobs, which is the best way to keep people out of poverty.

This debate must expand beyond a simple focus on monetary provision. We must examine how the State interacts with children on every level. A constituent told me today he is awaiting an appeal for domiciliary care allowance in respect of his two children, both of whom have special needs, with one suffering from severe autism. Those types of additional facilities and services are much more important in ensuring people have stability in their lives and do not have to put their hand in their own pocket for services which should be provided by the State.

I support the thrust of the motion and call for a broader debate. We will not agree with colleagues opposite on the specifics of the proposal, but we can agree that child poverty should be at the core of every decision in the next budget.

Deputy Michael McCarthy: I welcome the debate on this important and sensitive issue in the week leading up to the budget. We are discussing it against the backdrop of the horrific circumstances facing not only Ireland but the European Union as a whole. One does not have to be an expert in economics to recognise that the situation has been deteriorating rapidly in recent days. This Government came to power in February with a strong mandate and is doing its best with very limited resources. That is the context in which the budget is being brought forward. The budgetary process itself has been very transparent, with information made available on several aspects which traditionally would have remained a mystery until the Minister arrived on the plinth, briefcase in hand.

The single greatest loss to this country in the last 100 years was the loss of our economic sovereignty. On 28 November 1920, Kilmichael in my county became a focal point of the War of Independence. On 28 November last year the previous Government ceded our economic sovereignty. Not only was this utterly humiliating but it had huge consequence for the State and its citizens. That is the historical context in which we find ourselves.

We are borrowing €1.25 billion every month in order to meet our outgoings, exclusive of banking-related costs. Now the very existence of the euro is being called into question. Figures

today show that the unemployment rate in the eurozone has risen to an all-time high of 10.3% , equating to 16.3 million women and men out of work. Central banks around the world have this afternoon moved to ease market strains by providing cheaper dollar liquidity to European banks. However, the next ten days will prove vital in terms of an effective conclusion to Europe's response to the crisis.

This stark reality brings into sharp focus the dire economic context in which tonight's debate is taking place. Much has been said and will be said about the Labour Party's participation in this Administration, particularly in the run-up to the budget. There are no easy options, no low-hanging fruit. I am confident that our presence in government, along with our colleagues in Fine Gael, will ensure this budget, tough as it will be, is also fair. The last three budgets certainly were not. The overarching ethos must be job creation and the protection of the most vulnerable and least well-off in our society. When delegates of the Labour Party met in O'Reilly Hall in University College Dublin and voted to go into government last March, we knew full well that difficult decisions lay ahead. This is not a popularity contest. It is about restoring economic sovereignty and restoring Ireland's reputation abroad, which was severely tarnished by the outgoing Administration.

It should be acknowledged that we have had several important achievements since coming into office, not least of which was the restoration of the minimum wage. Of all the poor decisions taken by the previous Government, one of the worst was the €1 reduction in the minimum wage, which amounted to an attack on the most vulnerable and least well-off. The restoration of the minimum wage was one of the first tasks this Government set for itself. While by no means an economic panacea, it is an indication of the Government's commitment to the least well-off. We also reduced the pay of the Taoiseach and Ministers, abolished State cars and State drivers, reduced retirement packages for Secretaries General, introduced a public sector pay ceiling of €200,000, reduced the number of Oireachtas committees, abolished the €10,000 allowance for Vice Chairmen of committees, halved the €20,000 allowance for committee Chairman, and held a referendum and subsequently published legislation to allow for reductions in judges' pay. Many of these measures will not of themselves get us out of the hole we are in. However, for the benefit of an informed debate, it is important that they be acknowledged.

The bottom line is that while the Department of Social Protection spent some €20 billion last year, the State took in a total of €34 billion. That is wholly unsustainable, which is not to say that I do not join colleagues in hoping that child benefit will not be reduced next week. It is incumbent on all of us to be proactive and constructive in our contributions to the debate on this and other issues. We are all very fond of Deputy Mary Lou McDonald on this side of the House. She is a great colleague and a fine politician. However, her proposal that all earnings in excess of €100,000 be taxed at 100% is unrealistic. What is needed in this debate are proactive, constructive policies which serve to ensure that the least well-off do not suffer disproportionately in the budget.

Deputy Joanna Tuffy: I wish to focus on the importance of the principle of child benefit as a universal payment. There is a danger in the current climate that we will begin rolling back on progressive initiatives taken over many years. Child benefit, formerly known as children's allowance, was introduced in 1942 for third and subsequent children. It is interesting to read the speech made by the Minister who introduced it, Sean Lemass. He gave several reasons for his decision not to means test for the allowance, one of which was that the Government wished to ensure there "was not the slightest suggestion of charity associated with the allowance". A means test, he said, would "involve an inquisition into the affairs of families which is often resented and which is generally undesirable". He also argued that a means test would be

[Deputy Joanna Tuffy.]

cumbersome and would involve a substantial additional cost. His main argument for the allowance was that having a large family would mean greater financial hardship for households. He reasoned that because wages are based on productivity and supply and demand, they did not relate to family size. The only way, he contended, to ensure parents had sufficient income to provide for the additional needs which come with having larger families was through the payment of an allowance for children. He concluded his speech by pointing out that the introduction of a children's allowance would result in all taxpayers, whether they had children or not, paying more tax.

It is surprising how progressive that debate was compared with some of the debate taking place on the issue today. The reasoning Mr. Lemass offered in 1942 still stands in 2011. The same issues apply when one considers the arguments for means testing, namely, that there is a cost associated with it and that children have no means. Introducing means testing would necessitate scrapping the existing child benefit payment and introducing an entirely new allowance which would instead be called a family supplement or something like that. This would dilute the idea of supporting children in themselves. Academic research has shown that where there is means testing, some of those who are entitled to an allowance under those criteria will be deterred by the existence of a means test from applying for it. This is borne out by experience in regard to family income supplement.

In regard to proposals for taxing child benefit, a constituent of mine made a good point in an e-mail to me. Taxing child benefit, she argued, would create an inequity. Take, for example, two households each earning €100,000, one of which comprises two adults and two children and the other comprising two adults and no children. Taxation of child benefit would reduce the income of the former while having no effect on the latter. In other words, the two-person household would maintain its income while the four-person household would see a reduction in income. There is an inequity there.

Some have argued that people like Michael O'Leary do not need child benefit. The question we should ask is why he, and others like him, should not be taxed more highly on their income. I do not mean to single out Mr. O'Leary, but it was he who put himself forward in this regard. The way to get the wealthy is to tax them on their wealth and income. Child benefit is an income for the child and we should not go near it in terms of taxation.

It is also important to bear in mind, when considering any move to subject child benefit to means testing or taxation, that it is middle-income families who will lose out. Benefits which are means tested do not go to middle-income families. Middle-income families with children are the people with the high mortgages, where both parents have to go out to work, the people with the high child care costs which can amount to €150 a week per child. This is what the child benefit is expected to cover. These families have endured many cuts already. Child benefit was reduced to cover only those aged 18 and younger. The early child care supplement was reduced to the first five years from six years and then it was finally scrapped. There was also a straight cut in child benefit. Many other countries have universal child benefit payments and those countries also provide free health care for children. These are the progressive countries where there is not the type of inequalities we experience and neither have they broken economies. It is given to all children because all children are valued equally.

Deputy Dominic Hannigan: I wish to speak in support of the Government amendment to the motion. Sinn Féin appears to be living in two different economic realities. In the North, the party is a partner in a government which is cutting £4 billion in public services over the next four years and a government which is cutting teacher numbers and closing schools——

Deputy Seán Crowe: British rule, Deputy.

Deputy Dominic Hannigan: —and part of a government that has increased public sector pensions by 3%. I know some people may argue they had no choice but the Scottish Executive managed to fight its corner. Sinn Féin is part of a government that is closing libraries—

Deputy Seán Crowe: It is a financial package.

Deputy Dominic Hannigan: Down here, the Sinn Féin Members say there is a different economic reality and different financial packages—

Deputy Aengus Ó Snodaigh: There is.

Deputy Dominic Hannigan: It appears they are living in a different economic bubble.

(Interruptions).

An Leas-Cheann Comhairle: Order, please.

Deputy Dominic Hannigan: If we were to renege on the IMF deal, what would happen the front line services? In Greece, it was necessary to lay off 30,000 staff temporarily. The Greeks must sell off €50 billion of state assets to pay their way.

Deputy Seán Crowe: The ATM argument.

Deputy Dominic Hannigan: Their international reputation has been completely ruined as a result and it will be ruined for years to come. It will affect their ability to create jobs and to generate inward investment. I do not think that is what Sinn Féin wants for Ireland and it is certainly not what the Government wants—

Deputy Seán Crowe: Deputy Hannigan should read the alternative budget.

Deputy Dominic Hannigan: We are creating a very fair and clear path to recovery. It will not be easy and it means we will have to make unpopular decisions. We want to bring in a fair and a balanced budget so that we can regain our economic sovereignty as soon as possible. However, this means living in the current economic reality and not living in some fantasy economic land. The creation of a fantasy is not going to help anybody and it will not create jobs. Sinn Féin in the North seems to know this and I think the Sinn Féin Deputies know it in their hearts, but they need to learn the lesson about what their colleagues are doing in the North where they are trying to strike a balance and to introduce a fair and balanced budget, just as we are doing here. The people of Ireland elected this Government because they think we can make a difference and that we can get the country back to work. They think we can restore our economic sovereignty—

Deputy Seán Crowe: They elected the Labour Party because of what it said before the election.

Deputy Dominic Hannigan: —and this is what we are trying to do. All of us will agree that spending €20 billion on the social welfare system is unsustainable and the Minister is looking at reform. I understand she has commissioned a report, due in March, on issues such as how the system can be reformed to make it fair and equitable for all. I look forward to that report and I will support the amendment to the motion.

Deputy Martin Ferris: I must listen to what Deputy Spring has to say so we can both explain it to the people of north Kerry and west Limerick.

Deputy Arthur Spring: I agree with the sentiments of the motion but it would be remiss of me not to deal with the issue of the eurozone. Two months ago, Jean-Claude Trichet said we were facing into the gravest time facing the continent since the Second World War. Eventually, Angela Merkel paid attention and she has echoed these sentiments. Child benefit and the budgetary matters of our country might be insignificant if the euro is to collapse. It would mean spending over €4 on a litre of petrol. The negative effect would be hardest felt by those who are most vulnerable and who are the lowest paid. There would be mass emigration and mass unemployment. I do not wish to act as a scaremongerer but we must do what we can within the European Parliament and within our own parties.

I am slightly frustrated and I agree with the views of many speakers. Deputy Tuffy spoke about how means-testing would be inappropriate for determining the payment of child benefit. I agree with the view that benefits provided by the State should also include facilities and opportunities for children. As a social democrat I believe that every child born in this country, from whatever ethnic or social background, should be able to achieve prosperity in health, in economic terms and also in community terms.

The argument regarding means testing can only be solved by cloud computing which has so much to offer this country. Ireland has had a boom in its birth rate whereas countries in central Europe have not experienced the same growth in population needed to sustain a society, never mind an economy.

The budgetary process is ongoing and it will not be finished until Sunday night. The Government is taking note of everything that is said both in this House and outside. I apologise for saying that this Chamber is redundant to a large extent. This House should examine every Department and offer proposals and, in that way, work out a budget.

Deputy Seán Crowe: We put forward an alternative budget.

Deputy Arthur Spring: I acknowledge that some of Sinn Féin's policies are valid but so too are the Government's. However, the votes indicate that Sinn Féin is against everything the Government tries to do——

Deputy Seán Crowe: It is not about that at all.

Deputy Arthur Spring: It is the duty of the Government to legislate for fairness. People are weak and vulnerable in all segments of society. I trust in my Cabinet and its members are very approachable and they listen to what we have to say.

Deputy Patrick O'Donovan: There are many similarities between this jurisdiction and Northern Ireland. The funding for Northern Ireland comes from the Westminster Parliament in an annual envelope and for the past 12 months, our funding has come from a troika in an annual envelope. We are no longer the authors of our own destiny, no more than the representatives of the Northern Ireland Executive are a sovereign government. I know that people find it unpalatable to close 52 schools and reduce public sector pay in the North of Ireland. However, when one is in government for life, *ad infinitum*, and one cannot be voted out of it, I suppose it makes it a bit more palatable, by virtue of the fact that the D'Hondt system prevents any opposition in the North. This may be why we are not hearing the type of argument we hear down here where there is no opposition to what is being done in the name of saving a few pounds north of the Border.

(Interruptions).

Deputy Patrick O'Donovan: It is like listening to a foreign radio channel on my left.

I agree with a point made by Deputy Derek Nolan. I worked in the area of education and I know there is a lot more to child neglect than is caused by the level of income of a family. One must take a holistic approach to any discussion of child welfare. Why, when thousands of euro from the State coffers are going into some households, are some children being subjected to what I, as someone who has worked in this area, consider to be serious neglect? Why is the system still not interconnected? Why are the Health Service Executive and the social welfare, education and juvenile justice systems not talking to each other? In many cases, they are failing to support highly vulnerable and struggling parents who do not have the skills required to raise a family. No amount of money will solve the problems faced by many such parents because in some households they are cyclical in nature. Parents who lack parenting skills are crying out for support but our institutions and services are not linked up. One can throw all the money one wishes at the problem, as the previous Government did when it threw money around like snuff at a wake, but child neglect remains widespread.

On the issues raised by Deputy Spring, one can choose to ignore the €20 billion deficit, not to speak of problems in the banking sector, and oppose everything for the sake of opposition. We have not heard a single proposal that would address the deficit. The Fianna Fáil Party is coming to the table full of hypocrisy, while Sinn Féin north of the Border is wielding a carving knife and cutting as deep as it likes. We have not heard a single suggestion despite calls from the Taoiseach, Tánaiste, Minister for Public Expenditure and Reform and Minister for Finance for others to make credible proposals. We do not want suggestions for income tax rates of 100%.

Deputy Dessie Ellis: The Deputy should read Sinn Féin's pre-budget submission.

Deputy Aengus Ó Snodaigh: We did not propose a 100% tax rate. The Deputy, like the Minister, has not bothered to read the document.

An Leas-Cheann Comhairle: Order, please.

Deputy Aengus Ó Snodaigh: I am correcting the record.

Deputy Patrick O'Donovan: The Government volunteered the services of the Department of Finance to cost any such proposals but the Opposition will not produce any. The cheap seats are always the easiest seats and those who say they do not want to do this or that are seated in them. We want to fix the deficit, however. We have listened to suggestions that we take the Bolivian or Argentinian route, which would mean placing screens over every ATM and padlocks on the doors of the banks and seizing everyone's assets. We could then have a great Marxist-Leninist state and pretend there was no crisis.

Deputy Aengus Ó Snodaigh: The Deputy is dreaming now.

Deputy Patrick O'Donovan: To use the words of a person who graced these corridors once upon a time this is a case of, "Crisis, what crisis?" Members of the public are neither fools nor stupid. They know that if one is earning €500 per week but spending €800, one must choose between borrowing or cutting expenditure.

Deputy Peadar Tóibín: One can also earn more.

Deputy Patrick O'Donovan: Like our friends north of the Border, we no longer have the capability to borrow and are beholden to three institutions which have come to our assistance, namely, the European Central Bank, International Monetary Fund and European Commission. Our friends in Sinn Féin would have us tell these institutions to go home because we can manage our own affairs. I want to have a functioning social welfare system in this State next year. I also want teachers, nurses and gardaí to be paid. When the Deputies opposite produce a credible alternative that allows us to wave goodbye to the EU, IMF and ECB while allowing us to have a functioning democracy I will listen to them.

Deputy Peadar Tóibín: We could grow the economy.

Deputy Patrick O'Donovan: Sinn Féin opposes every single suggestion made by the Government.

Deputy Seán Crowe: We do not oppose every suggestion.

Deputy Patrick O'Donovan: It has refused point blank to engage in any form of constructive reality, despite being given an opportunity to do so week in and week out.

Deputy Aengus Ó Snodaigh: One of the Deputy's Ministers praised us today.

Deputy Patrick O'Donovan: Since the general election, the most widely used word in the Sinn Féin vocabulary has been "No". North of the Border the party appears to live in some sort of parallel universe which is probably more akin to reality than the little planet its Deputies inhabit down here. It acts in a quasi-responsible fashion in the North in what is not a sovereign parliament but one for which Westminster is the paymaster. Given that its public representatives, North and South, get together every now and again——

Deputy Aengus Ó Snodaigh: We come together for Christmas drinks. Perhaps the Deputy will subsidise them.

Deputy Patrick O'Donovan: ——I wish they would have a chat with their colleagues north of the Border. It should place the headings "Priorities" and "Realities" on top of a sheet of paper and underneath write the following, "We are bringing in €30 billion and spending €50 billion". They can then do a calculation which children in first class can do, although I do not have a problem if the Deputies opposite need a grind. If one is bringing in €30 billion and spending €50 billion, one has a gap of €20 billion. If one has a tap that is filling a bath at a rate of 30 gallons per minute and a plughole that is emptying at 50 minutes, one has the choice of turning off the tap or plugging the hole. The Deputies opposite want to jump into the bath and have one while they are at it.

(Interruptions).

Deputy Patrick O'Donovan: Sinn Féin will come back next week with the same tired argument. I ask them, for God's sake, to bring their calculators with them the next time they come to the House.

Deputy Aengus Ó Snodaigh: I have an abacus; I could not afford a calculator.

Deputy Patrick O'Donovan: They should do the sums in advance and tell those who elected them the truth. I respect the mandate they have been given but when Sinn Féin Deputies speak of burning the bondholders and produce paraphernalia such as matches, they should not forget that thanks to the previous Government, we have imposed a debt on every citizen. They should

be mindful that in burning the bondholders, they would also burn the citizens of this jurisdiction.

Deputy Dessie Ellis: Most people listening to this debate will feel betrayed and let down by politicians.

Deputy Patrick O'Donovan: The Deputy is dead right.

Deputy Dessie Ellis: People are hurting and their children, the victims, are going to school hungry. What we are doing about this? The choices made in the next budget will determine their future. The Proclamation of 1916 demanded that children be cherished and nurtured and given all that is needed for them to become fine citizens in a true republic. That document and those sentiments are at odds with the wisdom of punishing those who have no power or voice and had no hand in the destruction of this State's economy.

In case our comrades on the Government side are not aware, child benefit did not cause a European banking collapse. The payment is not the reason we are paying for a bailout of European bank debt, nor did it create the budget deficit. While it may be an uncomfortable obligation for the Government to perform, it cannot and will not be allowed to shirk its obligation to pay for the future of this country and not simply the salvation of European banking. Child benefit, the lone parent payment and other entitlements, payments and grants which go towards supporting children are the dressing with which we frame this argument, the essence of which is simply that we must nurture and cherish the children of our nation if we are to have a hope of building an economy and society.

The Government bemoans the fact that in 2010 it was required, through child benefit, to invest €2.2 billion in the children of this State. This money was spent on books, clothes and other expenses in the local economy, mainly on the basis that the State, since its inception, has failed to provide for school-going children. It decries this investment as a waste which we cannot afford. By the end of January, however, it will have given nearly €2 billion to unguaranteed bondholders in the space of three months and will defend this action to the hilt. It will, as it did at the start of November, stymie debate on this robbery of the public purse. If drawn on the issue, Government members will wring their hands and say, "It is not good enough". The Government must wake up to the fact that its duty is to the people of Ireland rather than to its adopted masters in Europe.

Sinn Féin has put forward other options in recent years. We outlined alternatives in a number of pre-budget submissions and brought them time and again to Fine Gael and the Labour Party. The trade unions have also put forward options. The Government has not capped the pay of top earners in the public sector nor ended the ministerial pension scandals. It has not introduced a wealth tax for millionaires or standardised tax relief. Rather than impose cuts on the wealthiest, it is imposing them on children. The Government has a choice and it should not choose to cut from struggling families who spend everything they receive on a monthly and weekly basis. It is not fair, it is not right and it does not work. After more than three years of this kind of thinking, we continue to have 450,000 people out of work and massive emigration. Over 100,000 people have left these shores in the past three years. Inequality is continuing to spiral massively. There is no sign of recovery or real growth. The number of people dealing with forced deprivation has doubled. This figure is even starker when one considers that, according to the Society of St. Vincent de Paul, some 96,000 children do not enjoy an acceptable standard of nourishment, educational materials or social outlets as a consequence of this forced deprivation. How can the State stomach these facts? How can the Government allow these figures to be true? How can Ministers stand over the onslaught they have inflicted on the most deprived people in the State since last February? They are continuing the tradition of those

[Deputy Dessie Ellis.]

who went before them and who created this mess. I urge the Minister to examine the alternatives that have been proposed by Sinn Féin, the trade unions and groups like the Society of St. Vincent de Paul. It is in the interests of the Government parties, including the Labour Party, to do so.

Deputy Martin Ferris: One of the saddest aspects of child poverty is that a large proportion of children who live in poverty come from families in which one parent is working. During the protest against the reduction in the minimum wage, which the current Government thankfully restored, I was struck by how many people in minimum wage jobs spoke about how they are unable to adequately look after the basic needs of their children. That is surely the ultimate indictment of a society that is allegedly based on encouraging work and self-sufficiency. That those who often have the hardest and most unpleasant jobs are rewarded in such a manner exposes the myth that those who are subject to poverty are somehow responsible for their positions. The vast majority of unemployed people are out of work through no fault of their own.

The working poor are being penalised, rather than rewarded, for their efforts. They are being exploited by low-wage employers. They are being over-charged by other members of the rack-renting Irish elite in return for a roof over the heads and the means to live. If that is not enough, the working poor, like the rest of the working population, are seeing their social provisions being undermined in order to pick up the gambling tabs for the banker losers of that elite. Just as no child should be in poverty, no child should be subject to the draining experience of such a life. A child whose parents are working has all the more reason to ask why he or she has to go hungry and badly clothed. All children are entitled to have the costs of their education met and to enjoy the small pleasures of childhood.

When Deputies consider this motion and the report to which it refers, which shows that 9% of children are having their childhoods taken away from them, they should do more than engage in platitudes. They should not merely talk about maintaining social welfare rates. They should move away from and reject the plans to further undermine the wages and conditions of the working poor. Low-wage employers, with the collaboration of this Government, including, to its shame, the Labour Party, have engaged in a cynical assault aimed at further undermining those wages and conditions.

Christmas is a few weeks away. Next week, we will come to the House for the budget. It appears that the budget will target low-income families, unemployed people and those in receipt of child benefit once again. That spin is being put out there. People are afraid as a result of what they are hearing on a daily basis on television. The rumours are not being killed off by those who are in a position to do so. If these cuts were not going to happen, Ministers could deny them and thereby put people at rest, at least. That is not happening. Instead, they are choosing to exploit people's fears cynically. They will probably deliver a budget that is less hard-hitting than what is being propagated, as if that will make it all right.

Thousands of children in this country will not have a Christmas because of the failed policies of those who sat on the Government benches previously and those who are continuing the same policies now. At a time when children are hungry, it is an absolute and utter disgrace that €700 million was put into Anglo Irish Bank in recent weeks, with a further €1.25 billion to follow some time in January. Many parents do not have enough income to heat the house, put enough food on the table or clothe their children properly. The social and economic conditions in which they are living are preventing them from developing the benefits and abilities that every child has. I listened to the Deputy on the other side of the House with the curly hair. He is gone now. He did not even bother to wait.

Deputy Ciara Conway: Deputy O'Donovan.

Deputy Martin Ferris: He spent all of his time talking about the Six Counties. I am surprised he knows where they are. He referred to what is being done in Westminster.

Deputy Fergus O'Dowd: I do not think he sailed on the *Marita Ann*.

Deputy Martin Ferris: He said nothing about the austere measures being introduced by the Government of which he is part. He tried to deflect the blame for what will happen after next week's budget. He tried to project blame on other people even though these cruel decisions will be made by his Government and his party. He would be better off learning a little about the circumstances in which young children are being reared in this country. He should go into the homes of people who are suffering and struggling on a daily basis. He would be better off meeting parents with tears in their eyes because they cannot put necessities on the table for their children than coming in here and talking bullshit. That is all he did for the ten minutes for which he spoke.

Deputy Fergus O'Dowd: He obviously got through to the Deputy.

Deputy Martin Ferris: It was pure bullshit.

Deputy Michael Colreavy: When I first sat in this Chamber in March of this year, I listened as the Taoiseach hailed this as a new era. Perhaps I was a little naive, but I was impressed when he said the new Government would listen to constructive contributions from Opposition parties. I reckoned it was the best way to go. I was glad to hear the Taoiseach's remarks. What have I witnessed since? The Government does not listen to Opposition parties. It does not listen to the public, which is even worse. Some of its backbenchers engage in childish sniping and shouting rather than rational debate. I stress that not all of them do that.

I tried to find a name for the behaviour of the new Government, but I could not find it in any of my books on political science. I decided the most appropriate thing to call it is the Bart Simpson school of political defence. Government Deputies seem to say "nobody saw us do it; you can prove nothing; we did not do it; but if we did do it, it was the big bad boys in Fianna Fáil and the big bad boys in the EU, the ECB and the IMF who made us do it". Can we have any hope that the fine words about listening and co-operating will be delivered on? Can we expect the Government to reconsider its opposition to this? I call on Government to do so.

I appeal to those backbenchers with a conscience to support this motion and to reject the Government amendment. I do so in light of the further evidence of rising poverty levels that was presented in the latest statistics that were released today. The figures show that every measure of poverty and inequality is rising. This was a wholly predictable outcome of the budgetary approach that was adopted by the Fianna Fáil Government. The number of people experiencing enforced deprivation doubled from 11% to 22% between 2007 and 2010. Such people are going without at least two basic essentials, such as a warm and waterproof coat or a substantial meal, every day. This is a direct consequence of the previous Government's decision to cut social welfare spending year on year, rather than targeting the assets and high incomes of the wealthy of this nation.

The current Government has some basic choices to make. It can continue following the approach taken by the previous Government to balance the deficit by cutting spending and imposing flat rate stealth taxes, the result of which will be to push even more people into poverty.

[Deputy Michael Colreavy.]

Despite the nonsense we heard earlier from some Members, the Government must focus its efforts on the incomes and wealth of high earners instead. It can adopt Sinn Féin's pre-budget submission that presented a range of policy options, all of which would reduce the deficit while also reducing poverty and inequality. Let no one on the other side of the House claim Sinn Féin did not present options. The size of disposable incomes of those at the top relative to incomes at the bottom increased further between 2009 and 2010. The number of children deprived of basic essentials rose substantially from 23.5% in 2009 to 30.2% in 2010. This is a sad indictment of our society. Moreover, it is a sad comment on the politics and economics of austerity when we are debating whether the Government should take more money off those children deprived of basic essentials. I call on all Members — be they frontbenchers or backbenchers — to do the right thing.

Deputy Pádraig Mac Lochlainn: I note there are only three Labour Party Deputies in the Chamber. I assume their 34 colleagues will join them to vote against this motion later this evening. My party colleague Deputy Ó Snodaigh, the Sinn Féin spokesperson for social protection, referred to the Labour Party's 2009 Private Members' motion which had the same demands as tonight's Sinn Féin motion. When debating its motion in 2009, the Labour Deputies used emotive and passionate language. I would be particularly mindful of the comments made then by Deputy Joan Burton, now the Minister for Social Protection, and Deputy Róisín Shortall, now a Minister of State at the Department of Health. Their arguments for retaining child benefit were compelling and reflective of how much it is a stimulus to the economy. For a typical low or middle-income family with three children, a €10 reduction in child benefit may not sound much but over a year that would come to €360. That is a lot of money for an ordinary family in these difficult times.

I will not preach to the Labour Party Deputies opposite because they represent the same type of people I represent. However, during the general election the Labour Party published a poster on what Fine Gael would do to social welfare benefits and how Labour could be counted on to protect them. Will those three Labour Deputies here in the Chamber, along with the rest of their parliamentary colleagues, honour this commitment? Will they demonstrate a reduction in child benefit is a red-line issue for them in government? Will they defend the interests of those families and children who rely on this benefit to pay the bills every month?

Earlier today I, along with my party leader, Deputy Adams, challenged the Taoiseach to change the Government's focus on its macro-policy of bailing out Anglo Irish Bank's unsecured bondholders to the tune of €715 million recently and €1.2 billion next January. Even if this is a kite to soften the blow in the budget, it is a cruel exercise. I do not presume to have a monopoly over decency, nor do I wish to preach to Deputies. However, it is shocking and wrong not to stand up to our so-called European partners and refuse to pay international gamblers who purchased bonds in secondary markets while cutting child benefit which will affect the most vulnerable in our society.

Instead, the Government can put in place a 48% tax on those earning over €100,000 which would raise over €400 million a year. If the Government introduced a 1% tax on assets of over €1 million, excluding farm land and property, it would raise €800 million a year. The yield from these new tax measures would amount to €1.2 billion which the Government should not pay to unsecured bondholders. At the very least, the Government should put up a fight and become the squeaking wheel, which Greece has been for so long, on behalf of the Irish people.

Tonight, the Labour Party Members will vote against the very proposition they put to the House two years ago. They should not betray the people they represent. As we learned last

February, the people will wait in the long grass to give their retribution. The Labour Party Members should do the right thing instead and vote with the Sinn Féin motion tonight.

Deputy Peadar Tóibín: I have received much correspondence from people who have serious fears about how the Government's cuts will affect their incomes. It is important their voices are introduced into the debate and I will give one example from an e-mail I received recently. It states:

Hi there. Said I would private e-mail you because there seems to be such a shame in being broke. These cuts cannot be made. It will tip us over the edge. We have six children. My husband is self-employed and recently had to sign on. Because he is self-employed, he did not get the dole. He is still registered and it breaks my heart to see him hanging on in the hope work will come in.

We are not social welfare people, never were. We both worked hard to have what we have and it breaks my heart to see it slowly being taken away. We are struggling to pay our mortgage and put food on the table. We have to budget to the last penny. Any cut and something will have to go — maybe the coal for the fire. We cannot afford the oil for the heating anymore. Where did it all go wrong?

During the good times we did not buy properties or have flash cars. We just lived. My daughter is doing her junior cert at the moment and talks of wanting to do medicine when she leaves school. I sit, listen and encourage her but all that goes through my head is how we are going to pay for college when we cannot even afford to let her go to the cinema with her friends.

Christmas is coming and you cannot explain to a five year old that Santa cannot afford that new bike, so something else has to be cut. Government needs to live our lives for just one week and they would see what has happened to this country. All they are doing is day-to-day crisis management and not actually coming up with solutions. I have a 19 year old son who is considering leaving the country. I did not raise him to ship him off. People's hearts are breaking. They need to listen to us.

Sorry for the rant but it is just so hard week to week trying to feed them all, keep them warm and clothed when you are looking into an empty purse by Thursday. We never wanted to end up on social welfare but for the time being that is all we have. Thanks for listening.

That is representative of hundreds of thousands of people in this State who are in extreme fear over what they expect to happen to them in the budget. The Labour Party Members have enormous power, opportunity and influence. They can dictate how this budget will go. They have the power to dictate whether this family and hundreds of thousands of others will be able to buy oil, put their children through college or put food on the table. That is within their gift.

We are told that our sovereignty has been hived off to Europe. Lack of sovereignty has resulted in the country being badly treated in the past. The Famine and significant numbers of deaths related to emigration were due to a lack of sovereignty. The current lack of sovereignty is leading to mass emigration, unemployment and poverty. Ironically, at a time hundreds of millions of people around the planet are fighting for sovereignty, Government Members are preparing to hand more fiscal sovereignty over to the EU and to prepare a Lisbon Mark III, which will take away our ability to manage our own affairs in the future.

For the sake of the woman who wrote this e-mail and the hundreds of people and their children who must have written letters and e-mails to Fine Gael and Labour Party Deputies, the Government needs to prioritise Irish interests rather than slavishly following the policies

[Deputy Peadar Tóibín.]

dictated to us by Germany and France and the EU core for their own internal electoral needs. It needs to put Irish people first.

Deputy Gerry Adams: I would like to address the bulk of my remarks to the Labour Party because this debate is about core values. Last night, in her remarks, the Minister for Social Protection accused Sinn Féin of paying less in child benefit in the North than is paid in this State. As she knows well, child benefit rates in the North are set by the British Government. The Executive has no powers whatsoever on this issue and many people I know in the North are bemused by the number of times Government Deputies have spoken about the Six Counties and the plight of poor people at the hands of Sinn Féin. This is all an attempt by the Government to defend its indefensible positions by making distracting remarks, false accusations and diverting attention from what it is doing.

With regard to the current debate and the past number of weeks of leaks, the Government has had ample opportunity to say clearly that child benefit will not be touched. The Minister will have that opportunity later. The failure to do so thus far has caused considerable distress and anxiety for families and particularly for mothers who are usually the managers of the family budget. In December 2009, the Minister said: "Child benefit is keeping many families afloat. It is keeping bread on the table, and it is paying the food bills of a huge number of families." I agree with her. The motion gives her and the Labour Party the opportunity to follow the logic of these remarks and to defend child benefit.

This payment, as many of my colleagues have said, provides families, particularly on low and middle incomes, with the ability to provide for their children. Before it joined this conservative Government, the Labour Party used to defend the payment and in its manifesto for this year's election it said, "Labour believes that our children should not be made to pay for the current economic crisis. Labour will not cut child benefit". If that is the truth, then let the Minister send a clear signal that the party will abide on this occasion at least with its manifesto. The Tánaiste and Minister for Foreign Affairs and Trade went as far as to say, "Cuts to child benefit would be a make or break issue for Labour in coalition". Since then, circumstances have worsened for families and, in particular, for children. What would James Connolly do if he was here? What would his view be on the Labour Party's record thus far, as it targets child benefit, increases VAT by 2%, increases prescription charges and much more? It does not even make economic sense. By the Government's own admission, there will be more people unemployed in four years than there was when it came into power.

Other measures such as household, water and septic tank charges, student fees, stealth taxes and welfare, education and health cuts are deflationary, unfair and wrong. However, the Government thinks it is okay to bail out bondholders, pump taxpayers' money into zombie banks and allow a golden circle of former politicians and senior civil servants to continue to live off lavish pensions. While I appeal to the Fine Gael Party, I appeal, in particular, to the Labour Party to stand by struggling families and children, to oppose any cut in child benefit and, if nothing else, to deliver on the manifesto it was elected on, which is to ensure our children are cherished.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I am pleased to have the opportunity to respond to the Sinn Féin motion on the subject of social protection payments, particularly those relating to child income support payments, and to sum up the arguments in favour of the Government's amendment. A number of Deputies made reference to statistics released earlier by the CSO showing preliminary results of the 2010 survey on income and living conditions and I will be pleased to make reference to these results later in so far as they relate to children.

As the Minister for Social Protection highlighted last night, the improvements that have been made in both child income supports and child care provision in recent years have been significant. In 2011, it is estimated expenditure by her Department on supports for children and their families will be more than €3 billion, two thirds of which will go on child benefit. Child benefit is paid on a universal basis to approximately 600,000 families in respect of 1.1 million children. In addition to child benefit, qualified child increases are currently paid in respect of 500,000 children and 26,000 families benefit from family income supplement, which provides additional income support in respect of approximately 60,000 children.

These income supports for families have been supplemented by expenditure by the Department of Children and Youth Affairs. Some €166 million is being spent on a universal, free preschool year and a further €43 million is being made available to provide additional targeted child care support for low income parents under the community child care subvention scheme. Furthermore, in response to the issue of the universal nature of child benefit highlighted last night, the Government is conscious that this payment can be an important source of income for all families, especially during a time of recession and high unemployment.

While it was possible to deliver significant increases in payments to families when resources were available, we simply cannot afford to keep spending at the same level we did when our tax revenue was much higher. We must act responsibly and recognise that a failure to stabilise the public finances and return to a more balanced budgetary position will jeopardise our ability to fund income supports and social services in the future and make the situation worse for everyone, including social welfare recipients, in the longer term. These adjustments cannot be achieved without affecting social welfare spending, including child income support payments.

I would like to touch on the issue of poverty, which was raised a number of times in the earlier part of the debate. Poverty and disadvantage is firmly rooted in our society and many of us entered politics to do something constructive about it. It is all the more essential that the supports we provide be directed at changing this repetitive cycle of need and hardship. This problem must be tackled from a number of directions through income support, early childhood supports, education, training, job opportunities and providing the prospect of improvement and hope for a better future. The Government is committed to the elimination of poverty and the national poverty target in the national action plan for social inclusion is a key expression of this objective. The pace of progress in reducing poverty is dependent on increasing employment and a return to sustainable growth.

The CSO figures released today show that jobless households account for 70% of those in poverty and demonstrate the importance of prioritising employment in tackling the economic crisis.

The challenge is to restore economic growth. In meeting this challenge, the Government is determined that those who are most vulnerable will be protected. Tackling child poverty is a priority for the Government and a key goal of the national action plan for social inclusion. It is widely acknowledged in research that the factors contributing to childhood poverty include living in lone parent households, labour market inactivity of parents, low parental educational attainment and living in households dependent on income supports. The environment in which a child grows up is a major determinant of health and success in adulthood. The capacity of parents and communities to provide a nurturing environment must be enhanced and fostered. Early childhood supports — including those relating to parenting and life skills — and income supports are essential to ensuring positive life outcomes. Social protection resources must be targeted to ensure that those most in need of support receive it. We must also ensure that supports are used in the best way possible in the formative years.

[Deputy Kathleen Lynch.]

Results on poverty rates, released today as part of the CSO's survey on income and living conditions for 2010, show the emerging effects of the recession on households, the decline in average incomes and the impact of the economic crisis on living standards. One of the key indicators of concern in the context of this debate is the consistent poverty indicator. For children, this remained broadly stable between 2009 and 2010. Income supports would be expected to have played a strong role in maintaining this indicator in light of broad income trends. The report also highlights the significant role played by social transfers in reducing the at risk of poverty rate from 51%, before such transfers come into effect, to 15.8%, after they are made. In effect, this is a poverty reduction effect of 69%. Consequently, the social protection system can be seen to have a stabilising effect for families and their children during this difficult period of economic recession.

The Government is still considering the best approach to take in respect of the budget for 2012. My colleagues and I are well aware of the difficult situation of many of our citizens, particularly those who are reliant on the social protection system. I fully appreciate that for many families child benefit and other payments in respect of children are an important source of household income. As the Minister, Deputy Burton, indicated, the Government will endeavour to do its utmost to cater for the most vulnerable in society and ensure that any measures introduced will be fair and equitable, while continuing to take steps to put this country back on the road to recovery, economic growth and stability.

Deputy Caoimhghín Ó Caoláin: Cuirim fáilte roimh an Aire Stáit. Ar son Teachtaí Shinn Féin, ba mhaith liom buíochas a ghabháil le gach éinne a ghlac páirt sa díospóireacht seo, go háirithe iad siúd atá ag tacú lenár rún. Tá am fós ag na Teachtaí eile dul ar an mbealach ceart agus votáil ar son an rúin. Tá rogha ag an Rialtas — bochtanas do pháistí agus saibhreas don uasal-aicme, nó cothromas agus ceart do gach saoránach. Is é sin an rogha.

I wish to begin by welcoming the new found interest in the economy of the Six Counties on the part of the Fine Gael and Labour parties. I have been a Member of the Dáil for almost 15 years and never — even when the debates on the peace process were at their height — have I heard so many references to the situation north of the Border or such real and genuine concern regarding the plight of ordinary citizens there. The level of concern to which I refer is both amazing and wonderful. Is it that the partitionist voices in Fine Gael and Labour — I do not refer to both parties but rather to voices within each — have experienced a conversion similar to that which befell St. Paul on the road to Damascus? Perhaps it is a conversion on the road to Dungannon. I wish that were the case. Dungannon is the only possibility in this regard as the Government could certainly not undergo a conversion on the road to Derry because it has just vetoed the project relating to the latter into oblivion.

Is it the case that the owners of the voices to which I refer are of the view that they have found a number of convenient sticks with which to beat Sinn Féin? I offer an expression of pardon to the Tánaiste and Minister for Foreign Affairs and Trade and some of his old comrades when I make that analogy. I am of the view that we all know the answer to my question. It is a simple answer, so let us set matters straight. In this State the Fianna Fáil-Green Government signed away our economic sovereignty and ceded fiscal powers to foreign interests. That surrender of economic sovereignty and fiscal powers is being continued by Fine Gael and Labour. In the North, Sinn Féin is battling to take fiscal powers back from Westminster. We are battling to restore economic sovereignty to the people of this island, North and South.

In the Executive in the North we have worked to defend citizens against the cuts imposed by the Tory Government in London. We have successfully resisted — our record in this regard stands up to scrutiny — the imposition of water charges north of the Border. Hark, the current

Government of this State. We also successfully resisted the imposition of prescription charges. Again, hark, the current Government. We have introduced a range of measures to assist the most vulnerable and to try to shield them from Tory cuts. Members should make no mistake: the Tory Government of Britain still controls the purse strings in the North of Ireland and that is why public service workers there and those on the neighbouring island in England, Scotland and Wales took strike action today. Sinn Féin fully supports those workers both in their action and in the context of their demands.

We will take no lectures from Fine Gael and Labour on our record of defending the people we are proud to represent, North and South. In her response to this Sinn Féin motion, the purpose of which is to defend child benefit, the Minister, Deputy Burton, either demonstrated a complete ignorance of where the fiscal powers relating to the North rest or she is just happy to peddle — as do a number of her party colleagues on a continual basis — any and every falsehood regarding Sinn Féin.

I understand that an unscheduled meeting of the Labour Parliamentary Party was held last night. The Minister is reported to have stated at that meeting that she has resisted at Cabinet the proposed cuts to child benefit. I hope she will be successful in her endeavours in that regard, if she is indeed engaged in such endeavours. I wonder what support, if any, she received from her party colleagues at the Cabinet table, namely, the Tánaiste and other Labour Ministers? The details in this regard have yet to be revealed and there are not many days left for the real facts to emerge.

The Tánaiste recently launched a new edition of James Connolly's writings. He might remember Connolly's phrase that the British were experts at "ruling by fooling". Is that not what this coalition Government is all about, namely, ruling by fooling? Where did people last see the slogan "Protect Child Benefit — Vote Labour"? It was printed on posters that were put up by the Labour Party during the general election campaign earlier this year. The Fine Gael-Labour programme for Government states: "We will maintain social welfare rates".

What is Sinn Féin asking in the context of its motion? All the motion seeks to do is to require the Government to fulfil its own programme, which was adopted only nine months ago. We are seeking nothing more and nothing less. The two parties that comprise the coalition Government should stand by the commitments which are contained in the programme for Government and on which they signed off. The motion does not propose increases in social welfare rates, although many such increases would undoubtedly be justified. It simply asks the members of Fine Gael and Labour to walk through the lobbies tonight and fulfil their commitments to protect the most vulnerable in our society.

We have heard more than once in this debate statistics that more than 205,000 children, 19% of children in the State, are at risk of poverty. Another 96,000 are already living in consistent poverty, which means they are experiencing material deprivations such as not having a warm waterproof coat or a substantial daily meal.

According to the figures published today by the Central Statistics Office, the deprivation rate in the State has doubled from 11.8% in 2007 to 22.5% in 2010. What is the figure at the end of 2011? People experiencing deprivation under that definition experience such hardships as not having a warm coat, being unable to heat their homes adequately and not being able to buy a present for their family or friends even once in a 12-month period. That is important as we meet here because that is the prospect that awaits one in five of our people as we approach Christmas 2011. These people, and many others, look now with trepidation at the budget in prospect next week, to be introduced over Monday and Tuesday.

Today also saw the release of figures showing a rise in the live register of jobseeker's benefit and allowance claimants to 448,600. There are nearly 450,000 unemployed, many of whom have

[Deputy Caoimhghín Ó Caoláin.]

young children and many of whom are newly jobless and with mortgages to pay, and yet the Government is contemplating cutting child benefit. Many also are experiencing long-term unemployment and generational unemployment, putting them and their children on the margins. For these, a cut to child benefit is almost unthinkable.

It cannot be stressed often enough that child benefit is a vital payment that keeps many families with children from going under. There can be no Deputy in this House, in government or opposition, who does not know that is a fact within his or her own communities and wider constituencies. Child benefit's universal nature helps to ensure that it reaches all who need it. The introduction of a complex and costly means test would achieve nothing and certainly would penalise many.

Those who focus on the fact that the wealthy also receive child benefit need to re-focus on the fact that the wealthy are not adequately taxed. That is something I ask the Labour Party to take on board — the wealthy in this State are not adequately taxed. There are alternatives to the measures signalled in Budget 2012. This is shown by the CSO figures released today which demonstrate that the size of the disposable incomes of those at the top relative to incomes of those at the bottom increased further between 2009 and 2010.

The Government wrings its hands before it wields the axe and it tells the people that it has no choice. It has choices, as we have demonstrated in this Chamber time and again and in my party's pre-budget submission. The Government has already made the wrong choices — that is the problem. It, the Labour Party included, has chosen to extend the bank bailout. It, the Labour Party included, has chosen to pay the Anglo Irish Bank bondholders. It, the Labour Party included, has chosen not to tax excessive wealth.

My party is willing to acknowledge that this is still a new Government. This is its first budget and it can make new choices next week. There still are critical days when a real difference can be made and real principles can re-emerge and be imposed in this relationship between the Labour Party and Fine Gael. The Government can protect children from poverty by refusing to cut child benefit and by protecting other welfare payments that are vital for low-income families with children.

Iarraim ar Theachtaí Fhine Gael agus an Lucht Oibre a gclár Rialtais fhéin a chur i bhfeidhm. Ní cheart dóibh ualach eile a chur ar chaistí na tíre nó cur le bochtanas in Éirinn arís.

Like my party leader earlier, and other speakers, I appeal directly to the Labour Party because I have no faith in Fine Gael and never had. I only can have hope that the Labour Party will make a difference in this Government. Why else could they possibly be there? I ask Labour Party Members to consider that voting against this Sinn Féin motion and for the Government amendment will be voting against the programme they endorsed when they voted to go into Government earlier this year. Most certainly, they will be voting against the commitments they gave to the people who elected them. Of that, there can be no doubt in each of their minds.

We all have an opportunity tonight to force the Government to pull back from the brink and not to impose further misery on families who are already overburdened. The pain is real. What Deputies are reflecting here is the reality within the communities we are proud to represent. I ask the Labour Party Members, in particular, but I appeal also to those of conscience in Fine Gael who have a sense of social justice, to pull back from the brink. They should pull back from inflicting yet more pain on the most vulnerable in the proposed budget next week. I urge all Deputies to seize this opportunity this evening and to write a new chapter in terms of the relationship between parties in coalition in future.

Amendment put:

The Dáil divided: Tá, 99; Níl, 41.

Tá

Bannon, James.
 Barry, Tom.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Butler, Ray.
 Buttimer, Jerry.
 Byrne, Catherine.
 Byrne, Eric.
 Carey, Joe.
 Coffey, Paudie.
 Collins, Áine.
 Conaghan, Michael.
 Conlan, Seán.
 Connaughton, Paul J.
 Conway, Ciara.
 Coonan, Noel.
 Corcoran Kennedy, Marcella.
 Costello, Joe.
 Coveney, Simon.
 Creed, Michael.
 Daly, Jim.
 Deasy, John.
 Deenihan, Jimmy.
 Deering, Pat.
 Doherty, Regina.
 Donohoe, Paschal.
 Dowds, Robert.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Farrell, Alan.
 Feighan, Frank.
 Ferris, Anne.
 Fitzpatrick, Peter.
 Flanagan, Charles.
 Flanagan, Terence.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harrington, Noel.
 Harris, Simon.
 Hayes, Brian.
 Hayes, Tom.
 Heydon, Martin.
 Hogan, Phil.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Keaveney, Colm.

Kehoe, Paul.
 Kelly, Alan.
 Kenny, Seán.
 Kyne, Seán.
 Lawlor, Anthony.
 Lynch, Ciarán.
 Lynch, Kathleen.
 Lyons, John.
 McCarthy, Michael.
 McEntee, Shane.
 McFadden, Nicky.
 McHugh, Joe.
 McLoughlin, Tony.
 McNamara, Michael.
 Maloney, Eamonn.
 Mathews, Peter.
 Mitchell, Olivia.
 Mitchell O'Connor, Mary.
 Mulherin, Michelle.
 Murphy, Dara.
 Murphy, Eoghan.
 Nash, Gerald.
 Naughten, Denis.
 Neville, Dan.
 Nolan, Derek.
 Nulty, Patrick.
 Ó Ríordáin, Aodhán.
 O'Donnell, Kieran.
 O'Donovan, Patrick.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Reilly, Joe.
 Phelan, Ann.
 Phelan, John Paul.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Ryan, Brendan.
 Sherlock, Sean.
 Shortall, Róisín.
 Spring, Arthur.
 Stagg, Emmet.
 Stanton, David.
 Tuffy, Joanna.
 Twomey, Liam.
 Varadkar, Leo.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Browne, John.
 Calleary, Dara.
 Collins, Joan.
 Collins, Niall.
 Colreavy, Michael.
 Cowen, Barry.
 Crowe, Seán.

Daly, Clare.
 Doherty, Pearse.
 Dooley, Timmy.
 Ellis, Dessie.
 Ferris, Martin.
 Flanagan, Luke 'Ming'.
 Fleming, Tom.
 Halligan, John.
 Healy, Seamus.

Níl—*continued*

Healy-Rae, Michael.
 Kelleher, Billy.
 Kirk, Seamus.
 Kitt, Michael P.
 Mac Lochlainn, Pádraig.
 McDonald, Mary Lou.
 McGrath, Finian.
 McGrath, Mattie.
 McGuinness, John.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín.

Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Sullivan, Maureen.
 Pringle, Thomas.
 Ross, Shane.
 Stanley, Brian.
 Tóibín, Peadar.
 Troy, Robert.
 Wallace, Mick.

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

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided by electronic means.

Deputy Aengus Ó Snodaigh: I wish to give Members an opportunity to exercise their consciences, rather than their buttons. This time they can walk through the lobby. As a teller, under Standing Order 69 I propose that the vote be taken by other than electronic means.

An Ceann Comhairle: As Deputy Aengus Ó Snodaigh is a Whip, under Standing Order 69 he is entitled to call a vote through the lobby.

Question put:

The Dáil divided: Tá, 97; Níl, 41.

Tá

Bannon, James.
 Barry, Tom.
 Broughan, Thomas P.
 Bruton, Richard.
 Burton, Joan.
 Butler, Ray.
 Buttimer, Jerry.
 Byrne, Catherine.
 Byrne, Eric.
 Carey, Joe.
 Coffey, Paudie.
 Collins, Áine.
 Conaghan, Michael.
 Conlan, Seán.
 Connaughton, Paul J.
 Conway, Ciara.
 Coonan, Noel.
 Corcoran Kennedy, Marcella.
 Costello, Joe.
 Coveney, Simon.
 Creed, Michael.
 Daly, Jim.
 Deasy, John.
 Deenihan, Jimmy.
 Deering, Pat.
 Doherty, Regina.
 Donohoe, Paschal.

Dowds, Robert.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Farrell, Alan.
 Feighan, Frank.
 Ferris, Anne.
 Fitzpatrick, Peter.
 Flanagan, Charles.
 Flanagan, Terence.
 Griffin, Brendan.
 Hannigan, Dominic.
 Harrington, Noel.
 Harris, Simon.
 Hayes, Tom.
 Heydon, Martin.
 Hogan, Phil.
 Howlin, Brendan.
 Humphreys, Heather.
 Humphreys, Kevin.
 Keating, Derek.
 Keaveney, Colm.
 Kehoe, Paul.
 Kelly, Alan.
 Kenny, Seán.
 Kyne, Seán.
 Lawlor, Anthony.

Tá—*continued*

Lynch, Ciarán.
 Lynch, Kathleen.
 Lyons, John.
 McCarthy, Michael.
 McEntee, Shane.
 McFadden, Nicky.
 McHugh, Joe.
 McLoughlin, Tony.
 McNamara, Michael.
 Maloney, Eamonn.
 Mathews, Peter.
 Mitchell O'Connor, Mary.
 Mitchell, Olivia.
 Mulherin, Michelle.
 Murphy, Dara.
 Murphy, Eoghan.
 Nash, Gerald.
 Naughten, Denis.
 Neville, Dan.
 Nolan, Derek.
 Nulty, Patrick.
 Ó Riordáin, Aodhán.

O'Donnell, Kieran.
 O'Donovan, Patrick.
 O'Dowd, Fergus.
 O'Mahony, John.
 O'Reilly, Joe.
 Phelan, Ann.
 Phelan, John Paul.
 Reilly, James.
 Ring, Michael.
 Ryan, Brendan.
 Sherlock, Sean.
 Shortall, Róisín.
 Spring, Arthur.
 Stagg, Emmet.
 Stanton, David.
 Tuffy, Joanna.
 Twomey, Liam.
 Varadkar, Leo.
 Wall, Jack.
 Walsh, Brian.
 White, Alex.

Níl

Adams, Gerry.
 Boyd Barrett, Richard.
 Browne, John.
 Calleary, Dara.
 Collins, Joan.
 Collins, Niall.
 Colreavy, Michael.
 Cowen, Barry.
 Crowe, Seán.
 Daly, Clare.
 Doherty, Pearse.
 Dooley, Timmy.
 Ellis, Dessie.
 Ferris, Martin.
 Flanagan, Luke 'Ming'.
 Fleming, Tom.
 Halligan, John.
 Healy, Seamus.
 Healy-Rae, Michael.
 Kelleher, Billy.
 Kirk, Seamus.

Kitt, Michael P.
 Mac Lochlainn, Pádraig.
 McDonald, Mary Lou.
 McGrath, Finian.
 McGrath, Mattie.
 McGuinness, John.
 McLellan, Sandra.
 Murphy, Catherine.
 Ó Caoláin, Caoimhghín.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 Ó Snodaigh, Aengus.
 O'Brien, Jonathan.
 O'Sullivan, Maureen.
 Pringle, Thomas.
 Ross, Shane.
 Stanley, Brian.
 Tóibín, Peadar.
 Troy, Robert.
 Wallace, Mick.

Tellers: Tá, Deputies Joe Carey and Emmet Stagg; Níl, Deputies Aengus Ó Snodaigh and Seán Ó Fearghaíl.

Question declared carried.

Health Insurance (Miscellaneous Provisions) Bill 2011: Financial Resolution

Minister of State at the Department of Health (Deputy Kathleen Lynch): I move:

That section 125A of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), which imposes a stamp duty on health insurance policies issued by health insurers, be amended to the extent specified in the Act giving effect to this Resolution.

Question put and agreed to.

Health Insurance (Miscellaneous Provisions) Bill 2011: Order for Second Stage

Bill entitled an Act to amend the Health Insurance Act 1994, the Taxes Consolidation Act 1997 and the Stamp Duties Consolidation Act 1999, in particular to ensure that, in the interests of societal and intergenerational solidarity, the burden of the costs of health services be shared by insured persons by continuing to provide for a cost subsidy between the young and the old; to continue to provide, having regard to the principal objective of the Minister for Health and the Health Insurance Authority in performing their respective functions under the Health Insurance Act 1994, for tax credits to enable the old to have access to health insurance cover and to continue to provide for a means whereby any overcompensation arising from such tax credits may be repaid; and to provide for related matters.

Minister of State at the Department of Health (Deputy Kathleen Lynch): I move: “That Second Stage be taken now.”

Question put and agreed to.

Health Insurance (Miscellaneous Provisions) Bill 2011: Second Stage

Minister of State at the Department of Health (Deputy Kathleen Lynch): I move: “That the Bill be now read a Second Time.”

The key principle upon which we meet health care costs as a society is that the young support the old, the healthy support the sick, and the better off support the less well off. Private health insurance has had a long history of contributing to the cost for individuals of health care in this country. As a result, successive Governments have sought to adopt key principles within health insurance, particularly the principles of the young supporting the old and the healthy supporting the sick.

All types of insurance, be they house, motor, health or other insurance, are based on the principle of pooling risk, with everybody within the pool sharing the burden of meeting the overall cost. Within an insurance pool, the price of an individual’s policy can vary according to his or her claims experience and the risk of that person making future claims, as is the case with motor insurance. Therefore, while risk pooling and cost sharing remain, the contribution of each person to the pool rises with his or her risk profile. This is known as a risk-rated model of insurance. When this risk rating is applied to health insurance pools, the inevitable result is that older people and less healthy people have to pay substantially more for the same cover.

In recognition of this, successive Governments and the Oireachtas have been committed since 1994 to maintaining the principle of community rating rather than risk rating of health insurance. The objective has always been that the price of a policy should reflect the risks and costs of the entire pool of insured persons in the community, rather than the risks and costs on a person by person basis. The sharing of risk between younger and older people — who predominantly cost far more in terms of claims — is known as intergenerational solidarity. This means that younger people pay more for health insurance than the level of risk they present would demand, while older people pay less as a direct consequence. The pricing of risk across the community of insured persons clearly requires robust mechanisms to share costs when there are a number of companies in the market.

If a mechanism to share risk and attendant costs is not present, insurers with a less profitable risk profile can quickly find themselves in a perilous position financially. The standard transfer mechanism is known as risk equalisation and it is a key element of health insurance inter-

nationally. Only through the use of risk equalisation can solidarity and cost sharing be effectively implemented between the generations who hold insurance.

The Health Insurance Acts 1994 to 2007 provide the statutory basis for the regulation of the private health insurance market in the interests of the common good. The regulatory system is based on the key principles of community rating, open enrolment, lifetime cover and minimum benefit, and it aims to ensure that private health insurance does not cost more for those who need it most. The system is unfunded, meaning that there is no fund built up over the lifetime of an insured person to cover their expected claims cost. Instead, the premium contributed by insured people is expected to cover the cost of claims and expenses in that year.

Under community rating, everybody is charged the same premium for a particular health insurance plan, irrespective of age, gender and the current or likely future state of their health. The only exceptions to this rule are for children under 18 years of age and students in full-time education. Therefore, community rating means that the level of risk a particular consumer poses to an insurer does not directly affect the premium paid.

The system requires “intergenerational solidarity”, with younger people supporting older people. It also requires solidarity between healthy and less healthy people. Therefore, younger and healthier people effectively subsidise older and less healthy people, on the understanding that these younger people will themselves be subsidised by later generations when they reach old age or suffer ill health. In effect, older people who have been paying health insurance premiums for many years will have contributed to intergenerational solidarity when they were younger, and could reasonably expect to benefit from it now.

Other important principles are open enrolment and lifetime cover, which provide that, except in limited circumstances specified in legislation, health insurers must accept all applicants for health insurance and all consumers are guaranteed the right to renew their policies, regardless of their age or health status.

One exception to this provision is that they do not apply to certain restricted membership undertakings. These undertakings mainly provide health insurance to certain vocational groups and their families and account for approximately 4% of the health insurance market. Finally, under the current minimum benefit regulations, all insurance products that provide cover for inpatient hospital treatment must provide a certain minimum level of benefits.

The total premium income for the three insurers for 2010 was €1.9 billion, an increase of €300 million or 19% on the 2008 figure of €1.6 billion. As of the end of September 2011, some 2,174,000 customers or 47.5% of the Irish population had private health insurance in the form of inpatient plans. These numbers are broken down as follows: VHI has 1,246,000 customers or 57%; Quinn Healthcare has 458,000 customers or 21%; Aviva Health Insurance has 382,000 customers or 18%; and restricted membership undertakings have 88,000 customers or 4%.

VHI Healthcare’s market share has consistently fallen since the market was opened to competition and this trend has accelerated. The fall in market share has been mainly in the younger age groups. Quinn Healthcare and Aviva Health Insurance combined currently have 47% of market share in the 30 to 39 years age group but only 9% of the over 80s. VHI Healthcare continues to have a much greater proportion of members in the older age groups compared to the other insurers but there is some reduction in the difference. Its number of policyholders under the age of 60 years has reduced by 108,000 in the past year, which amounts to 10% of its under 60s customer base. In the first six months of 2011, the number of insured lives aged over 60 years with Aviva Health Insurance increased from 23,000 to 40,000. In the first six months of 2011, VHI Healthcare had eight times the

10 o'clock

[Deputy Kathleen Lynch.]

proportion of members in the over 80 years age group that Quinn Healthcare had and six times the proportion in this age group that Aviva Health Insurance had.

I remind the House of some recent background to the introduction of risk sharing in the Irish private health insurance market. The risk equalisation scheme, affirmed by the Oireachtas in 2003 and approved by the European Commission in the same year, provided a mechanism for sharing the costs of providing necessary care among insurers. While all political parties and most academics and professional bodies, including the Society of Actuaries in Ireland, supported the risk equalisation scheme, the scheme and its supporting regulatory regime were challenged in the courts by BUPA Ireland. These challenges were rejected by the European Court of First Instance and by the High Court. However, they ultimately succeeded when the Supreme Court found the risk equalisation scheme to be *ultra vires* in July 2008.

The Supreme Court decision did not strike down the principles of community rating, open enrolment and lifetime cover, nor the principle of having a scheme of risk equalisation in place. The court found the scheme to be *ultra vires* because the legislation did not provide for an explicit link between community rating and the specific mechanism provided in the 2003 regulations. The Chief Justice of the Supreme Court subsequently clarified that the decision which found the 2003 scheme to be *ultra vires* was not an obstacle to the Government bringing forward a new scheme. Following this decision in July 2008 there was a need for a prompt response to maintain confidence in the market. It was, therefore, necessary to introduce measures to support community rating and to ensure as far as possible that market fragmentation did not become prevalent due to the introduction of plans aimed at younger, healthier lives.

The current interim scheme involving age-related tax credits and a community rating levy was introduced for the three years from 2009 to 2011 to provide direct support to community rating. It achieves this by a mechanism that provides for a cost subsidy from the young to the old. The Bill seeks to continue the scheme for a further year in 2012. The scheme works by allocating tax credits for persons in three age bands and funds this by the collection of an annual levy on health insurance companies based on the number of lives covered by policies underwritten by them. It is designed to be Exchequer-neutral and ensures that every customer has the benefit of a community-rated health insurance premium. Restricted membership undertakings, the membership of which is restricted to employees and pensioners of particular organisations, are excluded from the scheme because their insurance products are not available to the general public. The scheme provides that health insurers receive higher premiums in respect of insuring older people but that older people receive tax credits equal to the amount of the additional premium such that all people continue to pay the same amount for a given health insurance product. In this way, community rating is maintained but insurers receive higher premiums in respect of older people to compensate partly for the higher level of claims.

I emphasise that the scheme is designed so that loss compensation is only applied up to the most popular benefit level in the market which is up to and including a semi-private bed in a private hospital. This means approximately 20% of benefits are excluded and, broadly speaking, these are so-called luxury products, primary care cover and some other benefits. Taking this into account, the scheme allows for insurers with additional costs arising from insuring older people, who have a preponderance of claims, to be compensated for up to but no more than 65% of these additional costs.

The amounts of the tax credits by age group have been chosen such that where an age group gives rise to higher than average claims costs the system should reduce the excess of claims costs by 65%. The choice of a 65% reduction in average claims costs at older ages is designed to strike a balance between reducing the incentive that exists for insurers to avoid older

customers while allowing for a competitive market in which individual insurers are not required to share efficiencies in their own claims management with their competitors.

The calculation of the rates for tax credits for the various groups is based on information returns submitted every six months by insurers to the Health Insurance Authority, the sectoral regulator. These returns provide details of claims costs, subject to maximum limits, and these costs are broken down by gender and within ten-year age bands. The authority analyses the information to identify age groups in which the average payment is in excess of the overall average for the market. It also assesses the financial impact on each insurer, a point I will address later on in my contribution to the debate. Then, the authority reports to the Minister with recommendations for tax credits along with associated recommendations for stamp duty rates that are needed to fund the scheme on an Exchequer-neutral basis.

In arriving at its recommendations, the authority has regard to balancing the need to ensure affordability of health insurance for older people with the need to avoid over-compensating any particular insurer. The actuarial evidence available in 2009 indicated that it was from the age of 50 years upwards that the cost of claims of an insured person increases to above the market average. For 2009 and 2010 the scheme provided for a modest level of support for people in the age bracket between 50 and 59 years and this amounted to a tax credit of €200 for each year. The HIA analysis during 2010 indicated that the claims experience of this age group was close enough to the overall market average. This meant that insurers with a higher than average proportion of customers within the 50 to 59 years age bracket would not be disadvantaged by having to cover higher than average claims and so no tax credit was required in 2011 for that age bracket.

On current estimates, the scheme will transfer some €275 million from younger to older lives, that is, those aged 60 years plus, in 2011. Much of this money will stay within each insurance company's funding base given that younger customers are supporting older customers within the overall company structure. It can be seen, therefore, that in a perfectly balanced market with each company having the same ratio of younger to older customers there would be no financial impact, negative or positive, on any insurer. To the extent that any company does experience a positive financial impact it is purely a consequence of having a greater proportion of older customers than its competitors. Insurers for which there is a negative financial impact arising from the scheme are significantly compensated by their lower claims costs.

One key issue for the Minister and for the European Commission is to ensure that there is no over-compensation of any insurer under the scheme. In the case of the VHI, the authority has determined that there was no over-compensation in respect of 2009 and 2010. It also concluded that the net impact of the tax credits and levy which were put in place for 2011 would be significantly less than the estimate of the extra cost of providing cover to older people.

Although it is the greatest beneficiary of monetary transfers under the scheme, due to the older age profile of its customers in 2010, the VHI made a small loss of €3.1 million. Based on current financial projections it is not anticipated this financial position will change considerably in respect of its performance for 2011.

As I mentioned earlier, the interim scheme consists of two elements, namely age-related tax reliefs granted to individuals who hold private health insurance and a levy charged on private health insurance companies to be used to finance age-related tax reliefs. The details of the relief, at 2011 rates, are as follows: for persons up to age 59 no tax credit is paid; for persons aged between 60 and 69 years a tax credit of €625 is paid; for persons aged between 70 and 79 years the tax credit is €1,275; and for those over 80 years of age it is €1,725.

The scheme requires each private health insurance company to pay an annual levy to the Revenue Commissioners. The levy is remitted to the Exchequer and forms part of overall

[Deputy Kathleen Lynch.]

Exchequer funding. It is charged on all adult insured lives and the rate for 2011 is €205. The rate for insured lives under age 18 is €66. As I have stated the scheme is designed to be Exchequer neutral, that is, money in equals money paid out.

I would like to emphasise that the levy is charged on health insurance companies in respect of each insured life and not on individual subscribers. It is a matter for the companies whether to pass this levy on to their customers. Neither the Minister nor my Department has any role to play in the settling of premium prices by any of the private health insurance companies, including the VHI.

The main object of the Bill is to continue to ensure that the burden of the costs of health services be shared by insured persons. In order to achieve this, it provides that the current cost subsidy from the young to the old be continued for a further year in 2012. This subsidy, which is in the form of an age-related tax credit funded by the collection of a levy on all insured lives, was introduced in 2009 and has provided significant support for the extra costs of insuring older people.

Before turning to the specific provisions of the Bill I would like to outline briefly how the scheme is intended to operate during 2012. The interim scheme for 2012 will be improved by requiring insurers to submit more detailed information returns by product and year of age. The Minister is proposing the use of five-year age bands from 50 years of age and above for tax credits for 2012, as recommended by the authority in its report on risk equalisation. At the current time, only ten-year bands are used which are somewhat less precise. The more detailed information returns now being provided for will allow for this refinement.

This enhancement to the scheme will be fully consistent with the principle of avoiding over-compensation of the net beneficiary, the VHI, which was a key requirement in order to secure EU approval of the scheme in 2009. The net beneficiary has, of course, been the VHI since Quinn Healthcare and, especially, Aviva continue to have a significantly younger age profile than the market as a whole. The current interim scheme was approved by the EU Commission for the period 2009-12. Despite the existence of the interim scheme, there is significant segmentation of the private health insurance market, with an increasing number of plans being designed, marketed and priced to attract lower risk, namely younger, healthier customers. Competition is effectively confined to this group.

I would now like to turn to the specific provisions in the Bill. These are exclusively technical in nature, providing for a one year extension of the scheme in 2012 with small modifications to allow for a more precise level for support for community rating. Section 2 amends section 6 of the Health Insurance Acts 1994 to 2009 by substituting a revised definition for “age group” and by inserting a new definition of “type of cover”. These definitions will facilitate the provision of information broken down by each year of age and also by specific health insurance contracts.

Section 3 amends section 7 of the Act to provide for more detailed information returns to be submitted by health insurers to the Health Insurance Authority. The information returns will be broken down further by each year of age as required and also by type of health insurance cover. In addition, regulations made under section 7 may require separate returns in situations where the benefits payable under a type of cover have materially changed.

Section 4 amends section 7 of the Act to provide broader scope to the Health Insurance Authority in terms of using additional relevant information alongside the formal information returns submitted by the health insurers. This will assist the authority and Minister in performing their respective functions under the Act.

Section 5 amends section 470B of the Taxes Consolidation Act 1997 to make the necessary changes required to extend the age-related tax credit in respect of private health insurance premiums paid by persons aged 50 years and over to include 2012. Section 6 amends section 125A of the Stamp Duties Consolidation Act 1999 to provide for the continuation in 2012 of the collection of an annual levy on health insurance companies based on the number of lives covered by policies underwritten by them.

I would like to briefly make some points about the vital issue of effective cost control within private health insurance. In 2010 my Department commissioned its actuarial advisors, Milliman, to review the VHI's handling of claims management and cost control. This was in light of a very significant increase in claims costs over a two year period, 2007-09. The review identified a number of means for the VHI to address its claims costs and to make significant savings in this area. The Minister is concerned about this issue and has placed significant emphasis on the requirement for it to be addressed. In particular, the Minister is concerned that any inefficiency in the management of claims is addressed before the introduction of universal health insurance.

The VHI will play a key role in addressing costs in the market, as due to the age profile and health status of its customer base it currently pays out about 80% of all claims in the market as a whole. It has made progress on the reduction of its cost base and has highlighted the recent savings it has made through cost containment measures. It has made annual savings of €100 million over the past two years through reductions in fees to private hospitals and consultants and through savings in administrative overheads. It recently commenced a process of negotiations with private hospitals with a view to seeking further savings in this area. Contracts with consultants are due for renegotiation in mid-2012 and it has informed consultants it will be seeking further savings at that point.

The Bill is one of a number of important elements of reforming the private health insurance market and I would now like to refer briefly to some of those elements. The programme for Government contains a commitment to put a permanent scheme of risk equalisation in place. This is a key requirement for the existing private health insurance market and also in the context of plans to introduce universal health insurance from 2016. The Minister intends to bring forward proposals shortly with a view to introducing a permanent scheme with effect from January 2013.

Any long term risk equalisation scheme must operate effectively, taking as much account as possible of differences in risk profile between insurers; ensure a genuine system of community rating so as to keep health insurance affordable for older, less healthy customers; be approved by the EU Commission; be legally robust and capable of withstanding successful challenge; and be fully in accord with universal health insurance in the future.

The current interim scheme was introduced in 2009 and received the approval of the European Commission in the context of EC state aid rules. Against this background and pending the introduction of a permanent risk equalisation mechanism in 2013, the Government is satisfied with the need to provide a mechanism along the lines envisaged, that is a continuation of the interim scheme for one year in 2012, with the enhancements described earlier. The scheme has made a significant contribution to community rating since 2009 and is, to date, the only scheme which has succeeded in transferring funds from low risk to high risk groups.

I commend the Bill to the House.

Deputy Billy Kelleher: I welcome the debate on this legislation, which affords us an opportunity to discuss the health insurance sector and the broader issue of health care provision. Without wishing to imply any reflection on the Minister of State, Deputy Kathleen Lynch, who I know personally as a constituency colleague and a committed public representative, I am

[Deputy Billy Kelleher.]

exceptionally disappointed that the Minister, Deputy James Reilly, is not in the Chamber for this debate. I admire the work the Minister of State is doing and her commitment to her brief.

This legislation encompasses a fundamental principle in terms of the future operation of the private health insurance sector in this State, in the context of the comments made by the Minister, Deputy Reilly, outside the House in regard to the implementation of universal health insurance. I had expected the Minister to outline to Members the progress he has made to date in terms of setting up the implementation body, the criteria to be laid down for its operation, its riding instructions, the guidelines under which it will work and the reporting mechanism to apply. I had also expected him to outline how he envisages the future of health insurance funding and the broader provision of health care in the coming years.

In regard to community rating and the need for inter-generational solidarity and all that goes with that, this legislation is critical in ensuring there is a continuity of that policy. However, we must be brave in acknowledging that the current system of private health insurance is simply not working as we envisaged. It has not worked since competition was introduced into the marketplace. All that has happened is that we have Peter being robbed by Paul. So long as private health insurers are allowed to enter the market and cherry-pick the younger, healthier customers who carry fewer cost implications in the short term, VHI will always be under pressure. It is clear from the company's accounts and the profiling and spread of its customers that as time goes on, VHI will become less profitable, less solvent and a greater burden on the State in terms of ensuring its compliance with the regulations of the Central Bank and all that goes with that.

We have a major problem in the private health insurance market, which is made worse by the great uncertainty arising from the Minister's announcements when in opposition. A speech of his on Tuesday, 10 March 2009, for example, makes for exceptionally comical reading when one considers what has happened since early March 2011. We were told for a long time that the Minister had a vision and a plan and that all he needed was the mandate to implement them. Ten months into the lifetime of this Government, we are still awaiting the establishment of an implementation body to bring forward proposals for the introduction of universal health insurance.

I am concerned that we are moving backwards. We now have a situation where VHI is continually undermined. The Minister spoke some months ago about breaking up and selling the company. Today, we had a leak to the newspapers indicating that not only is there no plan to sell VHI but that the State also plans to purchase Quinn Healthcare. What is the policy of the Government and of the Department of Health with regard to private health insurance? We all acknowledge that we have a dual system in this country of private health insurance alongside the public hospital system. There is a fundamental flaw in that, based as it is on the principle of inequality. We cannot allow a situation to continue where people with private health insurance or the ability to pay will receive treatment quicker than public patients or those who cannot afford to pay for private treatment. That is unacceptable and must be addressed.

Nobody has come up with a magic solution to the fundamental issue of who should pay and how the health service should be funded in general. There is a large body of people who wish to retain their private health insurance and are not willing to stump up any more in terms of taxation to the central Exchequer for public health care funding. As political parties, as a Parliament and as a society, it is time to decide once and for all how health services should be funded. We are being told one week that we will have universal health insurance and that a myriad of private health insurers will be coming into the Irish market and providing wonderful competition. Only a few weeks later the Minister is announcing that, instead, the State will purchase another health insurance company. The Government's policy is in disarray.

We must at least be informed as to the implementation body's riding instructions. Surely, after ten months, the Minister can come to some arrangement with regard to publishing the criteria and riding instructions of the body, naming the board members, getting it up and running and indicating when it will report on an interim basis to the House. We cannot be waiting two or three years for this body to decide how we will fund one of the most critical public services any state must provide, that is, medical care to its people.

This legislation offers merely a short-term solution in terms of community rating and ensuring there is inter-generational solidarity and some equality in terms of those who can afford to pay subsidising those who cannot and the healthy supporting those with illness and disability. That is a noble concept and one we all support. However, it does not go far enough in the current climate. VHI is haemorrhaging young, low-risk customers to its cherry-picking competitors on a daily basis. As sure as night follows day, if we do not do something about this, Quinn Healthcare or Aviva will, in turn, have an older age profile in years to come and new cherry-picking providers will follow them into the market. There must be a mechanism in place which will ensure that any entrants into the market in the short to medium term are not allowed to cherry-pick customers, extract huge profits from the State and then move elsewhere. That is what is currently happening.

This Bill is welcome in so far as it seeks to protect community rating. However, we cannot wait years for the implementation body to report. The Minister has said we will not have universal health insurance for between six and ten years. We cannot wait that long for his noble ideas to be implemented. His record to date has been anything but noble in terms of fulfilling commitments he has made. He walked into Hawkins House and I assume he was welcomed by the Secretary General and his officials. One of his first actions was to sack the board of the HSE. We found out in recent days that he is now attacking the HSE, the organisation of which he has taken control, because it is not paying out travel and subsistence allowances and expenses to its employees. Who is in charge? Is it the Minister, the Secretary General, the HSE board or some combination of all of these?

We were given a commitment that the Minister would be ultimately responsible in this House, yet he will not even come to the Chamber to deal with the issue of health insurance. I do not like being critical of individuals, but when one considers what was said and what has happened since, it is clear that we are going backwards. I fully appreciate the pressures on our public finances and the challenging times we are living in. However, that does not prevent the Minister from setting up the implementation body, publishing the guidelines and his objectives in terms of outcomes, and letting that body carry out the due diligence and come back with a report in the short term. How long must we wait for this to happen? We will not accept being sold a pig in a poke forever. Will we have another Bill such as this in 2012, 2013 and 2014 while we wait for progress?

In the meantime, the health insurance sector is running into a cul-de-sac in terms of its funding in the short to medium term. The mythical idea that there is an array of private health insurance providers queuing up to enter the Irish insurance market is a nonsense. We will be fortunate to hold onto what we have. If the HSE or VHI is to be mandated by somebody — I assume the Minister — to purchase Quinn Healthcare, we will have even fewer providers. We must have a debate in the short term because we cannot allow this to drift for much longer. Otherwise, we will end up with a situation where VHI's solvency and reserves are in question. Quinn Healthcare is also in difficulty and we might well end up with another huge liability being imposed on taxpayers.

Acting Chairman (Deputy Joe Costello): I must ask the Deputy to conclude. He will have 20 minutes remaining when the debate resumes tomorrow.

Debate adjourned.

The Dáil adjourned at 10.30 p.m. until 10.30 a.m. on Thursday, 1 December 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 11, inclusive, answered orally.

Question No. 12 answered with Question No. 9.

Water and Sewerage Schemes

13. **Deputy Alan Farrell** asked the Minister for the Environment, Community and Local Government the cost benefit analysis behind the greater Dublin drainage and waste water plant scheme in Fingal, which will cost of €2 billion to the Exchequer; the impact that such a large treatment plant will have on Dublin north; the impact on the selected town of having to process the waste of the entire Dublin area compared with the impact of creating separate smaller treatment plants around the city; and if he will make a statement on the matter. [37430/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Greater Dublin Strategic Drainage Study (GSDSDS) published in 2005 represented a strategic analysis of the existing drainage systems in the Greater Dublin Area and made a number of recommendations to meet future needs having regard to whole-life costs and environmental performance. The €2 billion cost referred to in the question is the estimated cost, in whole life terms, for all of the waste water improvements in the Greater Dublin Area recommended in the report. This includes the expansion of a number of waste water treatment plants in the region, as well as the proposed new regional plant in North Dublin. It is not intended that the regional treatment plant would treat waste water from the entire Dublin area.

A firm estimate of cost of the North Dublin project will be available when the Preliminary Report for the scheme is completed and the locations of all three elements of the project — the treatment plant, outfall and orbital sewer — are confirmed, along with the technology that will be used at the waste water treatment works. However, my Department understands from Fingal County Council that the entire scheme is not expected to cost more than €500m. 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.

The option of having a large number of smaller waste water treatment plants rather than one large regional plant was considered as part of the GSDSDS. The issue was considered again

[Deputy Phil Hogan.]

in 2008 when a Strategic Environment Assessment (SEA) report on the matter was published. Both the GDSDS and the SEA reports confirm that a regional plant in North Dublin would have a lesser impact than a large number of smaller plants discharging to ground or surface waters across the Greater Dublin Area. I am, therefore, satisfied that through this process the issue of alternative options has been addressed.

Local Authority Housing

14. **Deputy Michael Colreavy** asked the Minister for the Environment, Community and Local Government if it is necessary for those applying for local authority housing to supply leases for all rented addresses over the past five years. [37561/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Social Housing Assessment Regulations 2011, which came into force on 1 April 2011, include a standard prescribed application form to be completed by all households seeking social housing support. To ensure that a housing authority is in a position to consider a household's application properly and fairly, this form must be completed fully and all relevant supporting documentation supplied. Failure to provide full information could result in an inaccurate assessment of the household's application, including an unwarranted negative decision regarding qualification.

The form seeks details of applicants current accommodation, and, if in private rented accommodation, details of current rent, name of landlord or agent and other details. It also seeks details of applicants' previous accommodation over the last 5 years, including addresses, dates at the addresses and reasons for leaving.

Supporting documentation is required to verify all information given as part of the application, but the nature of the supporting documentation required is not specified in the Regulations, and there is no specific provision requiring copies of leases for the last 5 years. It is a matter left within the discretion of the housing authority, and the information required may vary depending on the circumstances of the applicant.

Question No. 15 answered with Question No. 6.

Question No. 16 answered with Question No. 10.

Waste Management

17. **Deputy Jonathan O'Brien** asked the Minister for the Environment, Community and Local Government if there has been a rationalisation impact assessment of household waste collection; and if he intends to introduce a bill to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service under the system of market structuring known as franchise bidding. [37557/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government contains a commitment to introduce competitive tendering for household waste collection, under which service providers would bid to provide waste collection services in a given area, for a given period of time and to a guaranteed level of service.

A public consultation designed to inform policy development concluded in September 2011. A large number of responses were received from a broad spectrum of interests. As one might expect, a consensus is not apparent and on almost all of the relevant issues, a considerable breadth of opinion was expressed. Many responses cited concerns such as the potentially adverse impact of franchise bidding on waste collection firms and the loss of the benefits of

ongoing, side-by-side competition. Other responses pointed to the possible significant savings for householders and the potential for improved environmental outcomes if franchise bidding were introduced.

All of the responses received, in addition to a summary document, are available on my Department's website.

The responses are being examined and I intend to conclude examination of the issue in the coming weeks. A Regulatory Impact Assessment, which will inform Government's deliberations, is also being prepared. I expect to be in a position to submit final proposals to Government very early in the New Year. The nature and extent of any legislative requirements will depend on the outcome of the policy development process.

Social and Affordable Housing

18. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government his plans for the forthcoming Housing Bill. [37748/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Government's housing policy statement launched by the Minister for Housing in June of this year foresaw a number of significant reforms and developments in the provision of social housing. A key element in this regard is the commitment to devise an alternative to the existing system of rent supplement operated by the Department of Social Protection. The intention is that those households with an identified social housing need will move to a new social housing scheme operated by the statutory housing authorities. In this context rent supplement could revert to its originally intended role as a short term income support.

Giving effect to this major reform will require legislation. It is my intention, following work now underway interdepartmentally to develop the new approach to housing provision for this group of households, that legislation be introduced during 2012 to give a statutory basis to the approach.

Such a Bill would also provide a mechanism to address other social housing issues.

Question No. 19 answered with Question No. 7.

Planning Issues

20. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government if he intends amending the 2010 Planning and Development Act to rebalance power towards elected representatives and the public. [37564/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The planning code is kept under review in my Department to ensure that there continues to be adequate participation by public representatives in decision-making and policy formulation. Having regard to my immediate priorities on the legislation programme, I have no plans to introduce further planning legislative amendment at this time. The matter can be further considered in 2012.

Homelessness Strategy

21. **Deputy Seán Crowe** asked the Minister for the Environment, Community and Local Government the progress made in ending long-term homelessness and in the introduction of a housing first approach to tackling the homeless crisis. [37560/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government commits to reviewing and updating the current homeless

[Deputy Phil Hogan.]

strategy, to adopting a 'housing first/housing led' approach to homelessness and to ensuring more effective prevention strategies. Work now underway on updating the strategy will be concluded this year. There is no single solution to increasing the level of social housing supply for the homeless, and maximising delivery will require flexible and diverse approaches.

The initial emphasis will necessarily be on the Dublin region, where the numbers are most acute, by moving away from the current over reliance on emergency accommodation provision to a more permanent accommodation solution and to be achieved through a number of measures including: directly linking the provision of funding with specific targets and outcomes; making better use of the existing available accommodation units in the local authorities and in the voluntary sector; additional social housing provision through acquisitions and remedial works/upgrading of vacant local authority housing stock and a leasing programme; engagement with NAMA to pursue options for securing properties without significant state funding; targeted use of the Rental Accommodation Scheme (RAS); an enhanced role for the private rental sector; better co-ordination with the voluntary and cooperative housing sector; and the establishment of Homeless Action Teams across all regions.

Question No. 22 answered with Question No. 7.

Local Authority Housing

23. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which local authorities can be encouraged to return to the concept of providing a reasonable number of local authority houses in each local authority area throughout the country, thereby reducing the extent of reliance on rent support, as a means of augmenting the local authority housing programme; if particular attention can be paid to the total number of persons currently on local authority housing waiting lists; the annual recurring cost of rent support and the obvious benefit to the Exchequer of reducing such a liability in the traditional manner by providing local authority houses for rent or purchase; and if he will make a statement on the matter. [37656/11]

123. **Deputy Michael P. Kitt** asked the Minister for the Environment, Community and Local Government if he is satisfied that social housing provides better savings for the State in the long term, as well as secure tenure for residents, than the rent supplement scheme; and if he will make a statement on the matter. [37876/11]

138. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if consideration might be given to increasing the local authority housing stock, with particular reference to the need to replace the current degree of reliance on social welfare-funded rent support; if any costings have been carried out as to the likely savings achievable in the event of increased capital spending on a housing programme resulting in multi-annual savings as opposed to an ever-increasing annual cost arising from rent support; and if he will make a statement on the matter. [37973/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 23, 123 and 138 together.

With levels of capital funding for social housing reduced by some 66% since 2008, the financial parameters within which the State is operating and will be operating over the coming years rule out a return to a mainly capital-driven construction programme by local authorities. Accordingly, delivery of social housing will be primarily facilitated by more flexible funding

models, with the Social Housing Leasing Initiative and the Rental Accommodation Scheme providing the primary sources of supply.

The estimated cost of providing rental assistance by the State, including the rent supplement scheme operated by the Department of Social Protection, is of the order of €630 million in 2011. Over 110,000 households rely on this assistance to help meet their accommodation costs. Using this money to provide for the construction or acquisition of local authority housing would leave the vast majority of these households without housing support.

In terms of concerns with reliance on rent supplement as a housing support, the new housing policy statement published in June 2011 signalled key reforms in housing policy, including the phased transfer of responsibility for meeting the housing needs of long term rent supplement recipients from the community welfare service to the housing authorities. A steering group has been established to oversee the development of the project and a number of working groups have been established to address the wide range of complex issues involved.

Local Government Reform

24. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government the progress made in the commitment to abolish the position of county manager. [37549/11]

42. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 15 of 20 October 2011, the further progress which has been made in bringing to Government more comprehensive policy proposals regarding structural reform of local government at regional, county and sub-county levels; and if he will make a statement on the matter. [37762/11]

44. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government, further to Parliamentary Question No. 15 of 20 October 2011, if he has received the first report of the local government efficiency implementation group; and if he will make a statement on the matter. [37761/11]

122. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government when Dáil Éireann may expect to see local government reform proposals including the devolving of control of transport, traffic, economic development, education, responses to crime and local health care needs to local communities. [37873/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 24, 44, 42 and 122 together.

I am adopting a progressive approach to local government structural reform. Decisions have already been taken to merge the authorities in Limerick and Tipperary and a Local Government Committee has been established to consider whether Waterford City and County Councils should be unified. I intend to bring wider policy proposals to Government in the New Year which will build on these decisions, with particular attention being given to local government structures generally at regional, county and sub-county levels. Initial proposals will also be submitted, having regard to the Programme for Government, in relation to further aspects of the local government system including the potential for involvement of a revitalised local government system in a wider range of functions, and issues such as local authority powers, governance, community engagement and local political and executive leadership.

The future designation and role of county managers will be among the matters for consideration in the development of further policy proposals. Separately, but related to the reform

[Deputy Phil Hogan.]

programme in this area, the Government decided on 25 November 2011 that provisions in respect of new TLAC appointees would also apply to City and County Managers and I am undertaking a comprehensive examination of the legal and practical aspects of this matter.

In relation to the efficiency agenda, the work of the independent Local government efficiency implementation group is progressing. The group has met on five occasions to date and I expect to receive its first report shortly.

Building Regulations

25. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government his plans to meet with the former residents of Priory Hall, Dublin. [37750/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Dublin City Council is the designated authority with powers to enforce the statutory requirements arising under the Fire Safety Act, the Building Control Acts and the Planning and Development Acts, all of which are at issue in relation to Priory Hall. The council is also the designated housing authority under the Housing Acts.

My responsibility, as Minister, is to ensure that appropriate statutory requirements, technical standards and administrative provisions are put in place under the various relevant legislation. This responsibility has been fulfilled and is not in dispute. I have no role in relation to enforcement activity or in relation to the direct provision of housing services. Residents at Priory Hall and their representatives have previously been advised of this standing division of responsibilities.

Dublin City Council has made commendable efforts to provide for the needs of residents to date, and I urge the Council to continue to meet and communicate with the residents and to take all reasonable steps to support them at this difficult and vulnerable time.

Greenhouse Gas Emissions

26. **Deputy Joe Higgins** asked the Minister for the Environment, Community and Local Government if he will report on the implications for carbon reduction management in the Programme for Government. [35836/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): For the purposes of the Kyoto Protocol, Ireland is committed to limiting greenhouse gas emissions to 13% above 1990 levels over the 2008-2012 period. In accordance with the National Climate Change Strategy we will meet that target on foot of domestic mitigation action supplemented by the purchase of carbon allowances or credits under the flexible mechanisms provided for in the protocol.

Ireland's greenhouse gas mitigation target for 2020 requires a 20% reduction on 2005 levels in the sectors of the economy not covered by the EU Emissions Trading Scheme (EU-ETS). This reduction must be achieved along a legally-binding trajectory, beginning in 2013 at the average emissions for 2008-2010, with annual targets up to 2020. This poses a very significant challenge and, even under the most optimistic scenario, a compliance gap will need to be bridged. This gap will be addressed through domestic policy development complemented, as necessary, by use of the flexibilities provided in Decision 406/2009/EC of 23 April 2009.

Irish installations participating in the EU-ETS will operate within an EU-wide cap which will deliver a 21% reduction on 2005 levels by 2020.

Proposed Legislation

27. **Deputy Luke ‘Ming’ Flanagan** asked the Minister for the Environment, Community and Local Government if he will consider amending the Building Control Act 2007 by removing Part 3; whether he agrees that the term “architect” should not be applied exclusively to university-qualified architects, and that since architecture is a creative art form the term “architect” should not be exclusive to any one group, just as the term “artist” should never be the exclusive preserve of any one group such as artists with an arts degree; and if he will make a statement on the matter. [37429/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I have no plans to amend Part 3 of the Building Control Act 2007 along the lines suggested. There is no question of the term architect being applied exclusively to university qualified architects. Section 22 of the Act makes specific provision for a category of practically trained persons who had already been providing architectural services in Ireland commensurate with those understood as being provided by architects for the purpose of the Building Control Act 2007 for a period of ten years at the time the Act became law. This provision is transitional in nature and enables this category of persons to become registered once they have been assessed as eligible for registration by the Technical Assessment Board in accordance with the practical experience assessment procedure. The prescribed register admission examination route provided for at section 14(2)(f) will ensure there is an ongoing route to registration for those who obtain the required level of competence through practical experience rather than through formal academic study. The register of persons entitled to use the title of architect was introduced as a consumer protection measure and is designed to prevent persons who fail to demonstrate the required level of competence from passing themselves off as architects. As explained above registration is open to both academically qualified and practically trained candidates. However, there is no question of allowing any person to use the title of architect unless he or she is registered to do so.

Private Rented Accommodation

28. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government his plans to make the reporting of landlords renting substandard properties easier for members of the public. [37753/11]

29. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government his plans to introduce tougher measures to penalise landlords renting substandard properties; and the measures required to detect this. [37752/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 28 and 29 together.

Local authorities are responsible for enforcement of the Housing (Standards for Rented Houses) Regulations in relation to all rented properties. Regulations setting out minimum standards for private rented accommodation were first set out in the Housing (Standards for Rented Houses) Regulations 1993. However, it became clear in recent years that the standards no longer reflected the requirements of the modern rental sector. In the partnership agreement, Towards 2016, the Government committed to updating and more effectively enforcing the minimum standards regulations for rented houses. In September 2006, my Department launched a programme, Action on Private Rented Accommodation Standards, arising from which new regulations prescribing minimum standards for rented accommodation — the Housing (Standards for Rented Houses) Regulations 2008 — came into effect on 1 February 2009 with certain provisions being phased in for existing rental properties over four years to allow

[Deputy Phil Hogan.]

time for the carrying out of the significant remedial work that may be involved in achieving compliance.

A comprehensive new sanctions regime is also available to local authorities following the enactment of the Housing (Miscellaneous Provisions) Act 2009. Fines for non-compliance with the Regulations have been significantly increased; the maximum fine has increased from €3,000 to €5,000 and the fine for each day of a continuing offence has increased from €250 to €400. In addition to the increased sanctions, the Housing (Miscellaneous Provisions) Act 2009, amended the current definition of “a proper state of structural repair” as set out in the 1992 Act and Article 5 of the Housing (Standards for Rented Houses) Regulations 2008. The new definition provides a comprehensive list of components against which a dwelling can be assessed to verify that it is structurally sound. The inclusion in this definition of a requirement to maintain gardens and common areas in good condition means that there is now an obligation on landlords to maintain the external appearance of rented accommodation. Members of the public can report cases of substandard rented properties to their relevant local authority. Contact details for each local authority and copies of the Housing (Standards for Rented Houses) Regulations can be found on my Department’s website, www.environ.ie.

Shared Ownership Scheme

30. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government if, in the wake of the Keane report, any evaluation has been done of the shared ownership mortgage scheme operated through the local authorities; the extent to which the flaws in the scheme have emerged, with particular reference to the extent to which borrowers at a vulnerable end of the market are being forced to pay well in excess of a mortgage instalment while potentially owning only half of the property; the provision for the remaining equity to remain in the ownership of the owner; if he will ensure that the scheme is amended and that provision can be made for borrowers under the scheme to dispose of the property in a fair and equitable way and ensure that such borrowers are not forced to live indefinitely in overcrowded conditions which did not apply at the time of purchase and where relocation may be necessary for a variety of reasons including employment; and if he will make a statement on the matter. [37655/11]

144. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which he expects to be in a position to review the operation of the shared ownership mortgage schemes operated by the various local authorities; if his attention has been drawn to the difficulties the scheme has created for a large number of borrowers who find themselves locked into a mortgage from which they cannot extricate themselves in the event of changed circumstances such as job relocation; and if he will make a statement on the matter. [37979/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 30 and 144 together.

Any borrower, including a borrower purchasing under the shared ownership scheme, who is facing difficulties in meeting mortgage repayments, should engage proactively and constructively with the lender to seek to achieve an agreed solution. The services of the Money Advice and Budgeting Service are also available to such borrowers and support is available through the Supplementary Welfare Allowance Scheme. Provisions regarding lending by local authorities for the purposes of house purchase are set out in section 11 of the Housing (Miscellaneous Provisions) Act 1992. If a loan stands in default, section 11(10) provides that a

local authority may make such monetary arrangements with a borrower as they consider equitable to take account of the particular circumstances of the borrower.

In addition, my Department issued comprehensive guidance to local authorities on the treatment of mortgage arrears, including local authority mortgages for shared ownership transactions, in March 2010. That guidance was closely based on the Central Bank's first statutory Code of Conduct on Mortgage Arrears to ensure that cases of local authority mortgage arrears are handled in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned. To reflect the content of the Central Bank's revised Code of Conduct, which replaced the previous code on 1 January 2011 and was informed by the deliberations of the Expert Group on Mortgage Arrears and Personal Debt, my Department is preparing updated guidance to local authorities in consultation with the City and County Managers Association. Mortgage interest supplement under the Supplementary Welfare Scheme, administered by the Department of Social Protection, is payable, subject to the qualifying conditions of that scheme, in respect of mortgages under shared ownership transactions, in the same way as in the case of mortgages generally.

Under the Shared Ownership Scheme, the rent charged on the local authority's equity in a shared ownership transaction is to cover the funding costs to the Housing Finance Agency which are based on borrowings at the prevailing interest rates. Any difference between the rent and prevailing interest rate is reflected in the capital outstanding on the property i.e. if the rent charged in any period is greater than the prevailing mortgage interest due on the local authority's share, the purchase price of the outstanding equity will be reduced accordingly. Support is available to purchasers under the scheme through rent subsidy. This is available to households who have a gross household income of up to €28,000 per annum in the preceding tax year. The level of subsidy ranges between €2,550 for incomes up to €13,000 and €1,050 for incomes up to €28,000.

In terms of disposal of properties, purchasers have the right to buy out the local authority's share and acquire full ownership at any time. Alternatively, this may be done by purchasing, from time to time, additional shares of the authority's equity. For Shared Ownership transactions commenced from 1 January 2003, the cost of purchasing an additional share or the redemption value of the outstanding share is based on its initial cost adjusted annually to compensate for differences between the rent paid on the local authority's share and the interest calculated by reference to the prevailing variable interest rates. The rent payments under the Shared Ownership Scheme are intended largely to meet the cost of funding provided by the Housing Finance Agency to local authorities to finance the rented share in the equity of the house.

For transactions commenced before 1 January 2003, the cost of purchasing an additional share, or the redemption value of the outstanding share, is its initial cost updated in line with the most recently published Consumer Price Index to the time of purchase. Accordingly, the scheme is structured on the basis that, on redemption, the price of the outstanding share is not determined on the basis of a percentage of current market value, but is, rather, a function primarily of its initial capital cost. While this may seem unfair to those living in shared ownership properties in the current market, it is important to note that the purchasers were in the position of having their share of the property rise in value when the market was rising. The Government's housing policy statement, which was published on 16 June 2011, announced the standing down of all affordable housing schemes, including the shared ownership scheme.

Question No. 31 answered with Question No. 7.

Environmental Policy

32. **Deputy Michael Colreavy** asked the Minister for the Environment, Community and Local Government his plans to move towards zero-carbon homes. [37562/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government contains a commitment to further improve the energy efficiency of new buildings with a view to moving towards carbon neutral homes in the longer term.

In tandem with this commitment, Directive 2010/31/EU on the energy performance of buildings requires EU Member States, inter alia, to ensure that all new buildings will be nearly zero-energy by 31 December 2020 (or by 31 December 2018 in the case of new buildings owned and occupied by public authorities).

The Directive broadly defines a ‘nearly zero-energy building’ as a building with a high energy performance where the very low amount of energy required should, to a very significant extent, be met by energy from renewable sources, including renewable energy produced on-site or nearby.

Against this background, Ireland has been making significant progress in terms of both improving energy efficiency and reducing carbon dioxide emissions within the built environment. Taking the energy efficiency requirements established in 2005 as the benchmark, the Building Regulations (Amendment) Regulations 2007 set the requirements necessary to achieve a 40% improvement (over the 2005 standards) in the energy and carbon performance of new dwellings. These regulations came into effect on 1 July 2008 subject to certain transitional arrangements.

Furthermore, earlier this year, I published the Building Regulations (Part L Amendment) Regulations 2011 and the accompanying Technical Guidance Document L — Conservation of Fuel and Energy — Dwellings (2011). These regulations build on the substantial improvements already introduced under the 2007 regulations and will deliver a 60% aggregate improvement (relative to 2005 standards) in both the energy and carbon performance of new buildings when the regulations come into effect tomorrow, 1 December 2011.

Part L 2011 marks an important step on the road to carbon neutrality and puts Ireland at the forefront of EU Member States in terms of energy efficiency standards for new dwellings. All the signs indicate that Irish builders and manufacturers continue to innovate and adapt their approaches and products to meet new standards as they continue to evolve progressively over time. This is important in terms of continuing the development of the market for energy efficient buildings and products domestically while also increasing the considerable potential that exists for high energy efficiency products in export markets. The new regulations are important in maintaining the momentum that has already been created in this regard.

My Department is also working on the development of a strategy for achieving a nearly zero energy framework for dwellings in order to meet our obligations under Directive 2010/31/EU within the prescribed timeframe. It is anticipated that a nearly zero energy framework for dwellings will require further amendments to the building regulations over and above the new Part L 2011 requirements.

Building Regulations

33. **Deputy Clare Daly** asked the Minister for the Environment, Community and Local Government if he will confirm that HomeBond is co-operating with the pyrite panel in revealing all the information in its possession relating to pyrite infill under ground floor slabs of houses insured by HomeBond against major structural damage; and if he has any proposals to deal with structural guarantees into the future. [37529/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The Pyrite Panel has been set up as an independent body and is carrying out its work on that basis. I understand that it is currently engaging in a consultation process with a broad range of key stakeholders. I have asked for a report to be submitted to me early in the New Year and on receipt of it, I will consider what, if any, action is necessary in relation to the structural guarantee process at that stage.

Local Authority Charges

34. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his plans to overhaul the system of commercial rate calculation for small and medium-sized enterprises; if he will consider abolishing commercial rates for small and medium sized enterprises and replacing rates with a levy on profits; if he will utilise domestic water and property-related charges to reduce the burden on small and medium-sized enterprises of funding local authorities; and if he will make a statement on the matter. [37432/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists 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 (ARV), which is applied to the valuation of each property, determined by the Valuation Office, to obtain the amount payable in rates, is decided by the elected members of each local authority in the annual budget and its determination is a reserved function.

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 on a county by county basis. The purpose of the revaluation process is to update commercial valuations which will assist in providing a more equitable distribution across those liable to pay rates.

The Commissioner, in consultation with my colleague, the Minister for Public Expenditure and Reform, has been reviewing various options for streamlining the valuation process and speeding up the national revaluation programme. The Minister for Public Expenditure and Reform intends to bring proposals for a Valuation Bill to Government shortly.

A property-based tax has a distinct advantage over any tax based on profits or incomes as it is generally found difficult to evade. A system having regard to economic factors on an ongoing basis would create uncertainty by providing for continuous change to the valuation base. This would not provide a stable basis for funding the local government sector and would require significant additional resources to operate.

It is recognised that the existing revenue base of local authorities is narrow by international standards. This was a consideration in the introduction of the €200 charge on non-principal private residences in 2009. A further broadening of the revenue base for local government will be achieved as a result of the introduction of the household charge in 2012 as required under the EU/IMF programme of financial support for Ireland.

The EU/IMF programme also includes a commitment to introduce water charges for households. The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water and envisages that charges will apply to usage above a free allowance. My Department is currently preparing a strategy to implement these proposals. Further details will be announced following the Government's consideration of the proposals.

[Deputy Phil Hogan.]

I recognise that these are difficult economic times for many businesses. I will continue to keep all matters relating to rates under regular consideration and I am determined that every avenue will be pursued to optimise efficiency, and contain and reduce costs in the local government sector.

Environmental Policy

35. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government his plans to establish Ireland as a leading player in the global carbon market. [37551/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Programme for Government includes the objective 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.”

In this regard, I refer to the comprehensive reply which An Taoiseach provided to Question No. 1 on Tuesday 22 November 2011 which, *inter alia*, refers to the potential for green financial services growth outlined in the new strategy for the international financial services industry in Ireland 2011-2016.

Proposed Legislation

36. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government when we can expect legislation that will allow local authorities take housing estates in charge; and if the legislation will make allowances for the financial implications for the relevant local authority. [37563/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Section 180 of the Planning and Development Act, 2000 applies to estates which have been granted planning permission and include the construction of 2 or more houses (which as defined in the Act includes apartments) and the provision of new roads, open spaces, car parks, sewers, water mains or drains. In relation to estates which have been completed to the satisfaction of the planning authority in accordance with the permission, section 180 provides that the planning authority must, if requested to do so by the developer or by the majority of the qualified electors who are owners of the houses involved, initiate the procedures in section 11 of the Roads Act 1993 for declaring the road(s) to be public roads, for whose maintenance the local authority will then be responsible.

Section 11 of the Roads Act empowers a local authority to, by order, declare any road over which a public right of way exists to be a public road. Before making an order the local authority must be satisfied the road is of general public utility, consider the financial implications of taking the road in charge and consult with the public/consider any objections received. The consideration of the objections and the making of the order declaring the road to be a public road is a reserved function, so that the decision whether to take the road in charge is ultimately one for the discretion of the elected members.

In relation to estates which have not been completed to the satisfaction of the planning authority and enforcement proceedings have not been commenced within the relevant period, section 180 also provides that the planning authority must, if requested to do so by the majority of the owners, initiate the procedures in section 11 of the Roads Act. However, in this case the section provides that the provision in section 11 of the Roads Act requiring the authority to consider the financial implications of taking the road in charge is to be disregarded.

Section 180 also provides that where a planning authority, in complying with the Section, makes an order under section 11 of the Roads Act, it must also take in charge any open spaces, car parks, sewers, water mains, or drains within the attendant grounds of the development.

Section 180 was amended in the Planning and Development (Amendment) Act 2010 to provide that a planning authority may take in charge an unfinished estate, at the request of the owners of the housing units, at any time after the expiration of the planning permission, in situations where enforcement actions have commenced or where the planning authority consider that enforcement action will not result in the satisfactory completion of the estate by the developer. Planning authorities have also been empowered to take in charge part of an estate or some, but not all, of the facilities in an estate.

Urban Renewal Schemes

37. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government how the regeneration in County Limerick can proceed successfully when both regeneration boards are to be merged into Limerick county councils. [37552/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Government remains fully committed to the regeneration of disadvantaged areas of our cities and towns including the areas of Moyross, St Mary's Park, Southill and Ballinacurra/Weston in Limerick City. I intend to make sufficient funding available under the 2012 capital allocations to ensure that real progress is made in implementing regeneration projects in these areas.

The integration of the regeneration programme into the new unitary local authority to be established in Limerick was proposed by the Limerick Local Government Review Group following a broad and comprehensive engagement with stakeholders, including those directly involved with the regeneration process. The Group was specifically charged with considering how the existing structures could be improved and/or strengthened to the advantage of the wider Limerick area, having particular regard to the importance of the regeneration process.

Following this extensive review, there is a strong commitment at local level to making the process work. My Department is committed to working closely with the Regeneration Agencies and other stakeholders so that the progress made to date is sustained and built upon. I am satisfied that the amalgamation of the Agencies with the new unitary Council will benefit rather than hinder the regeneration effort.

Clearly, there are significant resource advantages to the proposed change as the regeneration project will have access to the full resources available within the reformed local government system in areas such as planning, transport and infrastructure, environmental services, community and enterprise etc.

It is also the case that under the Agencies' Establishment Orders their term of operation is due to end in June 2012. The new arrangements will facilitate continuity in the programme as it moves further into the critical implementation phase.

Housing Grants

38. **Deputy Martin Ferris** asked the Minister for the Environment, Community and Local Government the measures he will be undertaking over the winter period to ensure that those living in substandard housing with poor insulation will be protected from the cold. [37749/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): This year my Department is providing €203 million to support a number of measures aimed at improving the quality and standard of local authority social housing stock, ranging from large-

[Deputy Phil Hogan.]

scale regeneration and estate-wide improvement works to the retrofitting and refurbishment of individual vacant and occupied units. €31 million of this is being provided to local authorities to undertake necessary works aimed at improving the energy efficiency of older apartments and houses by reducing heat loss through the fabric of the building and the installation of high-efficiency condensing boilers. This retrofitting measure has, since its introduction in 2009, already seen significant improvement to the energy efficiency of some 3,000 social housing units. It is a matter for local authorities to select the properties to be upgraded and to determine the nature and the scale of the works to be undertaken in each case.

My Department also provides Exchequer funding, amounting to €63.6 million in 2011, to support a suite of improvement works and adaptations to privately owned properties to meet the accommodation needs of older people and people with a disability. Under the terms of the suite of Housing Adaptation Grants for Older People and People with a Disability, grants are available to assist households to have necessary repairs or improvement works carried out in order to facilitate the continued independent occupancy of their homes. The detailed administration of these schemes, including the assessment, approval and the specific level of funding to be directed to each of the various grant measures from within the allocations notified to them by my Department, is the responsibility of the relevant local authority.

My colleague, the Minister for Communications, Energy and Natural Resources, recently published the Affordable Energy Strategy aimed at meeting an important commitment in the Programme for Government. The Affordable Energy Strategy will be the framework for building upon the many measures already in place to protect households at risk from the effects of energy poverty, which include the thermal efficiency-based measures delivered through the Better Energy: Warmer Homes programme.

The overarching vision of the new strategy is to achieve a standard of living whereby households are able to afford all of their energy needs and where families live in a warm and comfortable home that enhances their quality of life and supports good health. Both the Better Energy: Warmer Homes and Better Energy: Homes schemes, which are aimed at improving the energy efficiency and comfort levels of homes, are administered by Sustainable Energy Authority Ireland (SEAI) and fall within the remit of the Minister for Communications, Energy and Natural Resources.

Local Authority Bodies

39. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government when he expects to move agencies such as community employment and enterprise supports into local government. [37554/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department is engaging with local authorities in order to develop a new sectoral strategy to promote employment and support local enterprise by local government in a number of areas. This includes the identification and dissemination of best practice in relation to local enterprise and business support arrangements.

Local authorities play a central role in supporting economic development and enterprise at local level. They do this in a number of ways, including through their capital and current budgets, economic planning and development and the provision of goods and services.

Business Support Units (or similar arrangements) have been put in place in all county and city councils. These Units provide a dedicated one-stop-shop approach for businesses in areas such as planning and water services. They also refer businesses to appropriate enterprise support and development bodies. In addition, the local government led County/City Development

Boards are engaged in economic development and the promotion of enterprise in their areas, and the restructuring of County and City Enterprise Boards (CEBs) is under consideration by the Minister for Jobs, Enterprise and Innovation.

In parallel to this work, the Government has committed to reviewing the delivery of local and community development functions at local level by exploring options to improve the alignment of these functions with those of local government. For this reason, I have established a high level Steering Group to advise me on options for improved alignment between local and community development and local government. The Steering Group has been tasked with examining the scope for greater synergy between the sectors with a view to improving, and achieving greater efficiency and effectiveness in, the delivery of those services; this includes services that are focussed on enterprise and employment support.

I consider that local government, with its democratic mandate, can work in partnership with effective local development structures to deliver efficient, sustainable, joined-up and easy to access services. I anticipate that the Steering Group will present its final report to me by end January, 2012.

Ministerial Responsibilities

40. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government his plans for the responsibility of housing under his Department; and if he will make a statement on the matter. [37747/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): As Minister for the Environment, Community and Local Government, I retain responsibility for housing matters.

Social and Affordable Housing

41. **Deputy Seán Crowe** asked the Minister for the Environment, Community and Local Government how he will meet the commitment to increase the stock of social housing with the diminishing budget outlined in the report on infrastructural and capital investment. [37559/11]

45. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment, Community and Local Government the progress he has made on his commitment to provide social housing bonds to housing associations supporting access to private sector funding. [37757/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 41 and 45 together.

With levels of capital funding for social housing reduced by some 66.23% since 2008, the financial parameters within which Ireland is operating, and will be operating over the coming years, rule out a return to very large capital-funded construction programmes by local authorities. Accordingly, delivery of social housing will be primarily facilitated by more flexible funding models, with the social housing leasing initiative and, in particular, the Rental Accommodation Scheme, playing their parts as long-term housing supports.

The Programme for Government listed some of the options we are exploring to facilitate the increased provision of social housing, including social housing bonds and the viability of utilising the value of existing social housing stock as a means of leveraging further funding for the provision of social housing. The Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. Such mechanisms will include options to purchase, build to lease, and the sourcing of loan finance by approved housing bodies for construction and acquisition. Under the latter option, approved housing

[Deputy Phil Hogan.]

bodies will be able to build or acquire new social housing, remunerating their borrowings with funding provided by the Department under the leasing scheme. At the end of the loan period the approved housing body will own outright the units which will either continue to be made available for social housing purposes or may be sold to sitting tenants.

The first scheme of this nature, involving loan finance from the Housing Finance Agency being used by an approved housing body to purchase housing units from NAMA, was launched in July 2011. I expect this facility to be a critical source of new social housing provision in the years ahead. A range of other funding options remain under examination with a view to maximising the delivery of housing supports.

Question No. 42 answered with Question No. 24.

Question No. 43 answered with Question No. 10.

Question No. 44 answered with Question No. 24.

Question No. 45 answered with Question No. 41.

Urban Renewal Schemes

46. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government his plans to fund the Knocknaheeny regeneration project, Cork. [37746/11]

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 it 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 enable real progress to be 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.

Unfinished Housing Developments

47. **Deputy Jonathan O’Brien** asked the Minister for the Environment, Community and Local Government the progress made in the development of a plan to resolve the issues surrounding ghost estates; and if he will carry out an audit of properties in the control of the National Asset Management Agency and a needs analysis of those on local authority housing lists. [37558/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

My Department is chairing the National Co-ordination Committee on Unfinished Housing Developments to oversee implementation of the Report of the Advisory Group on Unfinished Housing Developments, together with the Government's response to the recommendations. The Committee includes representatives from the Irish Banking Federation, local authorities, the Housing and Sustainable Communities Agency, NAMA and the construction sector.

The Committee is meeting on a regular basis with the aim of publishing a report on progress achieved within the next 12 months. In the meantime, work is ongoing on implementation of the Report of the Advisory Group and real progress is already being made with regard to the public safety works required to improve the living conditions of existing residents on some unfinished estates. To date, my Department has made allocations totalling some €2.39 million to fifteen local authorities from the €5 million funding allocation made available to address immediate safety issues. The types of works that have been approved to date include the fencing off of unsecured and hazardous areas, capping of pipes, installation of street lighting, and other works to secure sites. My Department will be making further allocations as applications are received from local authorities and assessed.

Planning authorities are also making progress in securing the co-operation of developers, financial institutions, both domestic and foreign owned, and/or bond holders, thereby obviating the need to use Exchequer resources to fund such work.

In terms of making effective use of existing stock there is clear potential, across a range of housing programmes, for the Government's policy objective of sourcing and providing suitable residential units for use as social housing to be aligned with the commercial objectives of the National Asset Management Agency (NAMA).

My Department and I have been engaging very directly with NAMA to discuss options for bringing unsold suitable residential stock controlled by that Agency into productive use for social housing purposes. The first scheme of this nature, with property held by NAMA being purchased by an approved housing body through loan finance from the Housing Finance Agency, was launched in July 2011. Other proposals are currently being examined including leasing options as well as the sale of units.

State Properties

48. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government the work that has taken place since March 2011 to complete a memorandum of understanding between the State agencies and semi-state companies under the aegis of his Department in relation to the use of State lands for rural recreation, including hiking and biking; and if he will make a statement on the matter. [37240/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): My Department is responsible for the implementation of the National Countryside Recreation Strategy and the administration of the Walks Scheme, and works in co-operation with a number of State Agencies, Government Departments, Local Authorities and Local Development Companies to develop, and to support the development of, facilities for countryside recreation and activity tourism.

Outdoor recreation and activity tourism is an increasingly important area for state involvement and it delivers on a broad range of national objectives and programmes.

The State, through its State companies and agencies, owns a considerable area of land, including water resources, that have potential for either the expansion or development of recreation and activity tourism resources for use by citizens and visitors alike. For example,

[Deputy Phil Hogan.]

Coillte is the largest single landowner in the State with over 1.1 million acres, (approximately 7% of total land area of the State) which also provides an important recreation resource for over 18 million users each year. Coillte has, in recent years, had a renewed focus on developing and improving this resource with very positive outcomes.

To that end my Department has been engaged with the major State Agencies over the last year with a view to developing and agreeing a shared vision and approach to the development of outdoor recreation on State lands. Agencies such as Coillte, Bord Na Mona, Waterways Ireland, Inland Fisheries Ireland, CIE and ESB have come together with others such as Fáilte Ireland, the National Parks and Wildlife Service, and the National Trails Office of the Irish Sports Council to advance this process. The last meeting of the combined group was held on 15 November and a further meeting is scheduled for 20 December. Progress is being made in agreeing a common approach and future priorities for the development of appropriate projects in suitable locations.

Notwithstanding the progress to date, a public lands recreation strategy can only be progressed if there is sufficient funding to resource the development of the recreation infrastructure and to maintain it over and beyond the period of the plan. Given current constraints it is essential that the process can bring efficiencies in the delivery of additional outdoor recreation capacity.

While economic difficulties present real challenges regarding funding, innovative thinking and a well coordinated and managed recreation initiative can not only deliver a valuable recreation resource for the future but support job creation and rural development also. It is clear that outdoor recreation delivers different benefits to different sectors of society and the economy — tourism, health, rural development, sport and environment. With that in mind and given the commitment of the organisations involved, I look forward to the outcome of the current deliberations and anticipate that the various agencies and organisations will be in a position to bring forward an agreed approach and conclude a memorandum of understanding early in 2012.

Unfinished Housing Developments

49. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he intends to put in place a national register of non-compliant developers who have a history of enforcement proceedings taken against them or who have a history of leaving house estates unfinished; and if he will make a statement on the matter. [37831/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The developer of a residential estate is statutorily required to complete the development in accordance with the terms of the planning permission. A development which has not been completed in accordance with the planning permission is unauthorised development. Enforcement of planning control is a matter for the planning authority, which can take action where a development requiring planning permission has not obtained this permission, or where permission has not been complied with.

While my Department may be informed from time to time of particular cases relating to enforcement action or resolutions, it is primarily the responsibility of planning authorities to administer the development management process within their area, to provide for proper enforcement of planning control and to take all appropriate steps to ensure that development takes place in compliance with national and EU law.

The implementation of the law in individual cases is a matter for the planning authority and ultimately for the courts in any case coming before them. I have no plans to put in place a register along the lines proposed.

Departmental Websites

50. **Deputy John Lyons** asked the Tánaiste and Minister for Foreign Affairs and Trade if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising eGovernment objectives; and if he will make a statement on the matter. [37945/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): My Department currently operates six main websites for which details, numbers of unique visitors per month and projected costs are set out below for the year 2011. Earlier this year following completion of a procurement exercise, my Department embarked on a programme of work to rationalise and consolidate its websites with a focus on cost efficiencies, consistency with eGovernment objectives and enhancing services to customers. New websites developed under this programme will be launched during 2012. My Department is also leveraging the infrastructure hosting services available from one of the Government Hosting Centres as a further means of containing costs for website services.

In addition to the Department's sites, the Certificate of Irish Heritage programme website is managed by FEXCO under licence from the Department. All costs relating to the development and maintenance of the website are met by FEXCO, with the exception of the domain name registration.

The costs set out in the table below are for all Department sites and include support, maintenance, hosting and domain registration services as projected for 2011.

Website	Total Costs Projected for 2011	Average Number of Hits per Month
Department of Foreign Affairs family of websites including 68 Mission websites, <i>www.dfa.ie</i>	€60,000	17,702
Irish Aid family of websites, including Africa Day <i>www.irishaid.ie</i>	€37,140	12,452
Communicating Europe Initiative website <i>www.eumatters.ie</i>	€4,803	1,741
Global Irish Economic Forum <i>www.globalirishforum.ie</i>	€7,870	870
Dublin Cluster Munitions Conference website; part of new website consolidation programme	€528	Not currently available
Online Press accreditation and hosting services (launched end March 2011)	€33,076	1,475
Certificate of Irish Heritage site launched 19/09/2011 (Domain Registration Only)	€297	1,150

Tax Code

51. **Deputy Jack Wall** asked the Minister for Finance his views regarding a submission (details supplied) regarding carbon tax; if he has had discussions with the stated parties; if so, the progress made regarding the issue; his plans to investigate the proposal; and if he will make a statement on the matter. [37832/11]

Minister for Finance (Deputy Michael Noonan): All pre-budget submissions are examined and considered as part of the Budgetary process. The issue raised in the submission relates to

[Deputy Michael Noonan.]

potential Budgetary measures. It is the usual practice for the Minister for Finance not to speculate or comment in advance of the Budget what it will contain and I do not propose to deviate from that practice.

Tax Yield

52. **Deputy Olivia Mitchell** asked the Minister for Finance the total annual income tax take in 2010 from public service employees; and if he will make a statement on the matter. [37905/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that the information sought by the Deputy is not directly available from the data maintained by them. However, on the basis of an estimation of the sectoral distribution of taxes collected annually, Revenue has tentatively estimated that the net income tax collected through the PAYE system from the public sector employees in 2010 was approximately €2.8 billion.

Tax Rebates

53. **Deputy Jack Wall** asked the Minister for Finance when a person (details supplied) in County Kildare will receive a rebate in respect of service charges paid for the past four years; and if he will make a statement on the matter. [37796/11]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that PAYE Balancing Statements P21 for the years 2007 to 2010 issued to the person concerned on 17 November 2011 indicating that a rebate is not due.

EU-IMF Programme

54. **Deputy Gerry Adams** asked the Minister for Finance his views on the leaking of Government documents given to the troika. [36998/11]

55. **Deputy Gerry Adams** asked the Minister for Finance his response to the fact that documents relating to budget 2012 were given to a German parliamentary committee before being put before Dáil Éireann. [36999/11]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 54 and 55 together.

As I said in my reply to parliamentary questions on this matter last week, I wish to make clear that I and my colleagues in Government are deeply concerned that draft confidential budget information became public before Government had finally made all of the necessary budgetary decisions. Furthermore, we are concerned at the manner in which this information was put into the public domain.

As the Deputy will be well aware, we are in a programme of financial support with the EU and the IMF. As part of this programme, we are obliged to share information with the EU Commission, the ECB and the IMF — the External Partners. Such information is shared on a confidential basis, with the understanding that its circulation is restricted. As such, certain draft technical information which is clearly signalled as being still subject to Government decisions is transmitted to the External Partners. This information flow is part of the necessary transmission of information which is required to facilitate discussions amongst senior officials at Eurogroup Working Group level.

As I understand it, and notwithstanding the strict confidentiality applied to the material supplied to the Troika, this information was sent by Commission staff to the German Finance

Ministry. It was then forwarded by them to their Parliament. Neither Government nor the Irish officials were informed that this transmission of confidential budgetary documentation would take place. Further, that this occurred before the information was agreed by Government and then provided to the Oireachtas serves only to heighten our concerns.

Since becoming aware of the leak and the internal processes that the Commission have in place we have raised our serious concerns with the Commission, and also with the German authorities.

We must nevertheless recognise that we remain in a programme, and continue to rely on the support of the External Partners. In expressing our concern, we need also to continue working with our partners.

As the Deputy may be aware, the relevant documents have since been laid before the house — both in draft form on 22nd November, and upon signature by myself and Governor Honohan on 29th November.

Personal Debt

56. **Deputy Seán Kenny** asked the Minister for Finance the steps he proposes to take to appoint independent mortgage advisors, as referred to in the Keane report; and if he will make a statement on the matter. [37817/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy is aware, progress is already underway in implementing a number of the recommendations of the Inter Department Mortgage Arrears Working Group report. These include the development, initially on a pilot basis, of two mortgage to rent schemes by the Department of the Environment, Community and Local Government, the advancement of personal insolvency law reforms by the Department of Justice and Equality and direct engagement by my Department with banks on the development and implementation of voluntary measures along the lines set out in the report. In addition, following the conclusion of the Dáil debate on the Inter-Department report, I intend to formally put forward proposals to the Government on next steps, including an implementation mechanism to be driven by my Department. One of the important issues to be finalised by Government in such a context is the issue of the provision of an independent mortgage advisory function and the most appropriate arrangements and structural elements associated with the delivery of such a service. This is an important matter and I intend to progress it as expeditiously as possible in consultation with my Government colleagues.

Banks Recapitalisation

57. **Deputy Gerry Adams** asked the Minister for Finance the total cost so far to the Exchequer and to Irish persons of the bank bailout. [37819/11]

Minister for Finance (Deputy Michael Noonan): The bank recapitalisation commitments made by the State to date are set out in the following table:

€bn	AIB/EBS	BoI	IL&P	IBRC (Anglo/INBS)	Total
Government preference Shares (2009) — NPRF	3.5	3.5*	—	—	7.0
Capital contributions (with Promissory Notes as consideration) /Special Investment Shares (2010) — Exchequer **	0.9	—	—	30.7	31.6

[Deputy Michael Noonan.]

€bn	AIB/EBS	BoI	IL&P	IBRC (Anglo/INBS)	Total
Ordinary Share Capital (2009) — Exchequer	—	—	—	4.0	4.0
Ordinary Share Capital (2010) — NPRF	3.7	—	—	—	3.7
Total pre-PCAR 2011 (A)	8.1	3.5	0	34.7	46.3
PCAR 2011:	AIB/EBS	BoI	IL&P	Anglo/INBS	Total
Capital from Exchequer***	3.9	—	2.7	—	6.5
NPRF Capital	8.8	1.2	—	—	10.0
Total PCAR (B)	12.7	1.2	2.7	—	16.5
Total Cost of Recap for State (A) + (B)	20.7	4.7	2.7	34.7	62.8

*€1.7bn of BoI's government preference shares were converted to equity in May/June 2010 (€1.8bn still left in existence). The government also received €0.5bn from the warrants relating to BoI's preference shares (excluded from table above).

**The IBRC amount is made up of a total capital contribution for Anglo / INBS of €30.6bn and a special investment share of €0.1bn (INBS). The Anglo / INBS capital contribution impacted in full on the GGB in 2010. The consideration for the Anglo / INBS capital contribution was €30.6bn of promissory notes. These Promissory Notes are an amount due from the State to IBRC. Each year, on 31 March, €3.06bn is paid by the Exchequer to Anglo / INBS as part of the scheduled repayments of the promissory notes. The first such repayment was made on 31 March 2010.

***The Exchequer cost of the 2011 BoI recap is shown net of share sale to private investors (Completed in October, 2011)

Please note that these figures only represent the capital committed to recapitalising these institutions and they do not take account of revenues received directly or indirectly from the banks. It should also be noted that the total cost of the recapitalisations would have been significantly higher were it not for the burden sharing achieved with holders of subordinated debt in each of the institutions.

Tax Code

58. **Deputy Brendan Griffin** asked the Minister for Finance if an educational facility (details supplied) in County Kerry will remain exempt from VAT; and if he will make a statement on the matter. [37825/11]

Minister for Finance (Deputy Michael Noonan): The facility referred to by the Deputy appears to be a pet farm and playground with fishing facilities and bungalows to let. For VAT purposes, these services do not constitute educational facilities. The fees charged for entry to open farms were until recently treated as VAT exempt "lettings of immovable goods". This VAT exempt treatment followed a 1970s Revenue Appeal Commissioner's decision, in a particular case, relating to a right granted to a person to enter a house and gardens. The exemption did not apply to other income including fees charged for the use of playgrounds or income from gift shop or coffee shop sales. Irish VAT legislation must be in accordance with the EU VAT Directive and must be interpreted in a manner consistent with decisions of the European Court of Justice (ECJ). Having regard to a number of decisions of the ECJ, and a recent challenge by the owner of an historic house to the existing exemption from VAT of such activities, the entry fees to open farms and to other similar facilities could no longer be treated as fees for VAT exempt lettings. Therefore, in order to be compliant with the EU VAT Directive it was necessary to bring such fees within the charge to VAT. A start date of 1 January 2012 was chosen to allow a lead in time to prepare for the 2012 season. Full details of the changes were set out in a VAT Information Leaflet issued in August 2011.

Admission fees to open farms will be liable to VAT at the standard rate of 21% from 1 January 2012. I would point out however that an exemption from VAT may still apply to open farms in certain circumstances. Open farms, like any other service business, may opt not to register for VAT if their entrance fee turnover is under the registration threshold of €37,500 per annum. Where this is the case VAT will not apply to admission fees.

The change in the VAT treatment of entrance fees to historic houses and open farms was not optional; it was required in order to be compliant with the EU VAT Directive as interpreted by the ECJ.

Revenue Commissioners

59. **Deputy Thomas P. Broughan** asked the Minister for Finance the number and location of Revenue Commissioners vehicle compounds; the capacity of each compound; and if he will make a statement on the matter. [37839/11]

Minister for Finance (Deputy Michael Noonan): I understand the Deputy to be referring to compounds where vehicles that have been legally detained or seized by the Revenue Commissioners are kept pending the outcome of administrative or legal proceedings. I am informed by the Revenue Commissioners that there are two permanent Revenue vehicle storage compounds, both located in the Dublin area. One of these compounds is located in the State Warehouse in Dublin Port and has a capacity to store approximately three hundred and fifty vehicles. The second compound is located in the Dublin South city area and has a capacity to store forty-five vehicles. In addition to these areas, regional Revenue offices maintain temporary local storage capacity for detained vehicles pending an administrative decision on a case-by-case basis on whether individual vehicles are released, or retained as a seizure and transferred to a permanent storage facility. There are a total of 14 of these temporary storage compounds with a capacity in excess of 300 vehicles. These compounds are located in various parts of the country. The Deputy will appreciate that for operational and security reasons I am not in a position to disclose the location of the storage compounds.

Budget Submissions

60. **Deputy John Lyons** asked the Minister for Finance if he will consider, in the course of his consideration of budgetary measures, the request by a group (details supplied) that all such measures be subject to an equality audit; and if he will make a statement on the matter. [37866/11]

Minister for Finance (Deputy Michael Noonan): Where budgetary matters are concerned the Government's primary focus at present is on reducing the deficit further and returning sustainability to the public finances in the coming years. The focus of Government in this regard will be on taking decisions in a way that spreads the burden of the adjustment in as fair and equitable a manner as possible, while at the same time, seeking to minimise the negative impact on economic growth, which as we have seen is returning.

There are currently no plans to equality audit the measures in Budget 2012. However, I would point out that the Programme for Government does contain a commitment to require all public bodies to take due note of equality and human rights in carrying out their functions. I would also remind the Deputy that the State and its bodies take the provisions of equality legislation into account in the development and delivery of its policies and services.

Furthermore, the Cabinet handbook requires that Government memoranda indicate clearly, as appropriate, the impact of the proposal for, amongst other things, gender equality, persons experiencing or at risk of poverty or social exclusion and people with disabilities.

Liquor Licensing Laws

61. **Deputy Niall Collins** asked the Minister for Finance if a publican (details supplied) can also operate as an off-licence; if not, the procedure to be followed to obtain such a licence; and if he will make a statement on the matter. [37887/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that an on-licence is defined in Section 1 of the Intoxicating Liquor Act 1927 as being a licence, whether granted on production or without production of a certificate of the Circuit Court or the District Court, for the sale of intoxicating Liquor for consumption either on or off the premises. The licensees (details supplied) are the holders of a Publicans Licence (7 day ordinary), which is an on-licence. This means that intoxicating liquor can be sold for consumption either on or off the premises and sales are authorised at one time to any one person of any liquor in the following quantities.

(a) in the case of spirits, wine or sweets, any quantity not exceeding two gallons, or not exceeding one dozen reputed quart bottles; and

(b) in the case of beer or cider, any quantity not exceeding four and a half gallons, or not exceeding two dozen reputed quart bottles.

The question does not give information on any intention of attaching an extension, or other change of the premises. Please note that this would need to be addressed through the Courts if it is proposed to change the mapped area of the licensed premises.

Departmental Websites

62. **Deputy John Lyons** asked the Minister for Finance if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising eGovernment objectives; and if he will make a statement on the matter. [37944/11]

Minister for Finance (Deputy Michael Noonan): The reply for my Department is included in the response from the Minister for Public Expenditure and Reform under Question No. 84.

Tax Code

63. **Deputy Michael Healy-Rae** asked the Minister for Finance the position regarding a cut in excise duty in respect of an industry (details supplied); and if he will make a statement on the matter. [38054/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy may be aware this matter is the subject of a Pre-budget submission and as such will be considered in the context of the forthcoming Budget.

Higher Education Grants

64. **Deputy Willie O’Dea** asked the Minister for Education and Skills if students covered under the LMA 2 programme to diploma level (details supplied) at the University of Limerick might be considered for an extension under the programme to cover the costs of their education to degree level; and if he will make a statement on the matter. [37850/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The 30th June 2011 was set as the deadline for the completion of all programmes supported by the Labour Market Activation

Fund 2010. Projects have been informed that no further funding is available to extend their programmes beyond that date.

Funding from the LMAF was made available to established education programme providers and not to individual participants. While the student is undertaking a four year course it was made clear by University of Limerick at the outset to all participants that funding from the LMAF would only be available for the first year of his programme.

65. **Deputy Dara Calleary** asked the Minister for Education and Skills when students (details supplied) in County Mayo may expect to receive their higher education grant payments from Mayo Vocational Education Committee. [37783/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The processing of student grants is carried out by local grant awarding authorities — VECs and local authorities. In the circumstances, it will be necessary for the students in question to contact County Mayo VEC to ascertain the position regarding their grant applications.

Employment Support Services

66. **Deputy Brendan Griffin** asked the Minister for Education and Skills his views on a matter (details supplied) regarding internships; and if he will make a statement on the matter. [37800/11]

Minister for Education and Skills (Deputy Ruairí Quinn): To be eligible to apply for JobBridge the applicant must be on the live register and have been in receipt of Jobseeker's Allowance/Benefit or have been signing on for credits for at least 3 months. Incremental credit or pension credits will not be awarded to unemployed teachers who take up such internships as participation in the programme does not constitute employment and, as such, participants are not placed on the incremental salary scale.

In the event that a primary teacher who is conditionally registered with the Teaching council and who obtains a placement in an internship can meet the conditions associated with the operation of the primary probationary process as outlined in circular 47/2011, there will be nothing to preclude him or her from applying to be probated. Limerick Education Centre administers the probationary process on behalf of the Inspectorate and applications for the evaluation of professional competence aspect of the probationary process should be addressed to Limerick Education Centre.

The probationary process must be completed satisfactorily by teachers if they are to fulfil the conditions of their registration with the Teaching Council, the body with statutory responsibility for the registration of teachers in Ireland. The probationary period ends when the Teaching Council is satisfied that both the service requirement and the professional competence requirement are fully met.

The summer holiday period may not be included in the 6 or 9 month placement period; however, shorter periods of school closure may be incorporated as long as the conditions of the JobBridge scheme are complied with.

Departmental Scholarships

67. **Deputy Terence Flanagan** asked the Minister for Education and Skills if he will consider setting up a musical scholarship scheme in memory of a person (details supplied); and if he will make a statement on the matter. [37803/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I regret that the funding is not available to me in the current economic climate to set up the scholarship to which the Deputy refers.

Early Childhood Education

68. **Deputy Gerry Adams** asked the Minister for Education and Skills if there are any funding resources available for the provision of ICT equipment or services for Montessori education; if he has considered providing a small level of funding for early-years education which would enhance the free pre-school scheme; his views on whether incorporating ICT into the early-years curriculum could integrate with the aims and goals of the pre-school scheme and benefit a child's development; and if he will make a statement on the matter. [37816/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I take it that the Deputy means to encompass all pre-school provision when he refers to Montessori Education. Montessori Education is one pedagogical approach in use in the Early Years Sector. Other pedagogical philosophies and curricula include High/Scope, Steiner, Reggio Emilia, etc. All of these curricula can operate within Aistear, the Curriculum Framework for Early Education, published by the National Council for Curriculum and Assessment in 2009. Aistear is based on the image of children as unique individuals; as active, capable and competent learners in their families and communities and is based on the understanding that children learn holistically, through relationships, through play and through using language. Children need to use the three dimensional, real world to learn and to develop their thinking and exploring skills. There are academics in the UK who consider that the premature introduction and overuse of technology is damaging young children whose brains are not yet fully formed.

For my Department, the emphasis is not on ICT but on supporting the sector to acquire the necessary skills to work with young children on their social, emotional and cognitive development and on oral language competency. I don't intend to put resources in place for the provision of ICT equipment or services for Montessori education. My Department will continue to fund targeted interventions for pre-school children which supplements the free pre-school scheme.

Adult Education

69. **Deputy Aodhán Ó Ríordáin** asked the Minister for Education and Skills if he has any plans to initiate a new national policy on adult education, including adult literacy, in view of the fact that the last such policy was published in 2000; if he could broaden the new national strategy for children and young persons to include adult literacy; and if he will make a statement on the matter. [37856/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The Programme for Government contains commitments in relation to the improvement of adult literacy levels in two key areas. As part of its Labour Market Policy, the Government will make literacy and basic workplace skills a national priority, with literacy training incorporated into a wider variety of further education and training programmes. The Government will also address the widespread and persistent problem of adult literacy through the integration of literacy in vocational training and through community education under its lifelong learning policy.

Since the White Paper on Adult Education ("Learning for Life") in 2000, adult literacy, has developed and expanded significantly — over 400,000 people have availed of adult literacy in that period and annual investment has gone from €10.6 million to €30 million. In July 2011, the

Government announced the establishment of a new further education and training authority — SOLAS. SOLAS will have strategic responsibility for all further education and training, including adult literacy, and all further education and training will ultimately be delivered by the 16 Local Education and Training Boards (LETBs), which will replace the 33 Vocational Education Committees (VECs).

Developing the framework for SOLAS involves working towards the full integration of the separate further education and training sectors. The education and training programmes to be provided through SOLAS will be modernised over the whole sector to become more relevant, accessible, and more effective. On this basis, I believe that policy development for literacy is best dealt with as part of the work of establishing SOLAS.

In addition, Ireland is participating in the Programme for the International Assessment of Adult Competencies (PIAAC), organised by the OECD, which involves surveying adults (between the ages of 16-64) in their homes on a range of skills including literacy, and results will be available in October 2013. The data from PIAAC will form an important part of policy development in the area of adult literacy.

I should note that the National Literacy and Numeracy Strategy does contain a number of recommendations in relation to adult literacy, specifically in relation to family literacy, and my Department is engaged in the implementation of those recommendations.

Departmental Websites

70. **Deputy John Lyons** asked the Minister for Education and Skills if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising eGovernment objectives; and if he will make a statement on the matter. [37942/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The annual cost of maintaining my Department's website in 2011 will be approximately €27,500. This figure includes the cost of an annual maintenance contract, a search engine licence and the Department's contribution to the Local Government Computer Services Board (LGCSB) for hosting the website. In the past year a total of 979,299 individual visitors made 1,620,304 visits to this site, a monthly average of 135,000 visits.

The Deputy may wish to note that my Department is currently completing a tendering process to develop a new high quality public website to replace the existing site.

In addition to the Department's public website my Department:

- Maintains the European Social Funds website (*www.esf.ie*) as part of the Information and Publicity requirements of the ESF regulations. It is the main source of information (regulations, circulars, progress of the funds, etc.) for implementing bodies and beneficiaries of the fund in Ireland and to the general public. The annual cost of maintaining the site in 2010 was €3,300 — half of this cost is borne by the EU Commission via the ESF itself. There have been on average 840 visits to this website per month in the past year.
- Maintains a separate legacy website relating to a specific ESF programme, the EQUAL Community Initiative (*www.equal-ci.ie*), at a nominal cost of €185 in 2010 to ensure that ongoing audit obligations/requirements can be fully met.

[Deputy Ruairí Quinn.]

- Pays annual nominal recurring fees totalling approximately €315 in order to retain two Early Years Education related websites on-line. The *www.cecde.ie* website relates to the Centre for Early Childhood Development and Education which ceased operations in 2008, while the *www.siolta.ie* website relates to Síolta — The National Quality Framework for Early Childhood Education in Ireland. In the past year there were 100,889 visits to the *www.siolta.ie* site which translates to a monthly average of 8,400 visits.
- Developed a new website *www.energyeducation.ie* (in partnership with the Sustainable Energy Authority of Ireland) in order to expedite claims and streamline the application process for the Energy Efficiency Scheme announced in May 2009 (this scheme is now closed). The cost of maintaining this website in 2011 was €30 + VAT. In the past year there have been on average approximately 1,750 visits to this site per month.

The Deputy will note that, excluding the Department's public website, the level of recurring annual expenditure with regard to the websites mentioned above is not substantial.

School Placements

71. **Deputy Mattie McGrath** asked the Minister for Education and Skills the arrangements he will put in place to ensure that a school placement will be arranged for a student (details supplied) in County Tipperary who has been out of school since September in view of the fact that there have been no placements available; and if he will make a statement on the matter. [37952/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Section 29 of the Education Act, 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Educational Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school, expels a student or suspends a student for 20 or more days in any school year. My Department has no authority to compel a school to admit a pupil, except in the case of an appeal under section 29 of the Education Act, 1998 being upheld.

I understand the parents of the pupil in question lodged a Section 29 Appeal against the decision of the school to suspend him. I further understand that while the appeal was upheld and the pupil returned to school, he has recently been permanently excluded from the school. It is open to the parents to lodge a Section 29 Appeal against this decision.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB may be able to offer assistance and advice on securing a school placement within the pupil's area. The contact details for the NEWB in Co Tipperary is National Educational Welfare Board, Heritage Business Park, Bessboro Road, Mahon, Cork, phone number 021 4536314.

The Deputy will be aware that the National Council for Special Education (NCSE) is responsible for the provision of a range of educational services at local and national level for students with special educational needs. In particular, its network of Special Education Needs Organisers (SENOS) co-ordinates special needs education provision at local level and arranges for the delivery of special educational services. The SENOS act as single points of contact for parents of students with special educational needs.

Another specific function of the SENO is to identify available educational placements for children with special educational needs. SENOs are a valuable source of support to parents who are actively sourcing a placement for their children. I have arranged for the information provided by the Deputy to be forwarded to the NCSE for their attention and direct reply.

Pupil-Teacher Ratio

72. **Deputy Brendan Griffin** asked the Minister for Education and Skills the position regarding the pupil-teacher ratio in respect of a school (details supplied) in County Kerry; and if he will make a statement on the matter. [37955/11]

Minister for Education and Skills (Deputy Ruairí Quinn): At this point I do not propose to give any specific commitment on the allocation of teachers to schools for the 2012/13 school year.

The number of teaching posts that we can afford to fund in schools is a matter that I will have to consider with my colleagues in Cabinet in the context of the next budget and meeting our obligations under the EU/IMF Programme.

The Government will endeavour to protect front-line education services as best as possible. However, this must be done within the context of bringing our overall public expenditure into line with what we can afford as a country. All areas of Government will have to manage on a reduced level of resources. The challenge will be to ensure that the resources that can be provided are used to maximum effect to achieve the best possible outcome for pupils.

Departmental Expenditure

73. **Deputy Brendan Griffin** asked the Minister for Education and Skills his views on a matter regarding savings in his Department (details supplied); and if he will make a statement on the matter. [37956/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The decisions arising from the comprehensive expenditure review conducted in my Department will be published as part of the Budget on December 5th 2011.

The Deputy will be aware that every line of expenditure has been examined by both my Department and the Government in an effort to see what savings can be made as part of this year's budgetary adjustment.

Any changes to Supervision and Substitution must be considered in the light of broader Government policy on public sector remuneration, particularly the Croke Park agreement, which seeks to maintain industrial peace and bring about much needed public sector reform at a time of grave economic crisis for our country.

If the Deputy has specific proposals regarding savings in the operation of the Supervision and Substitution scheme he should submit them to me and I will ensure they are considered.

National Adult Literacy Agency

74. **Deputy Robert Dowds** asked the Minister for Education and Skills the financial supports available for the National Adult Literacy Strategy; and the medium-term plans for funding this organisation. [37993/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The National Adult Literacy Agency (NALA) is a voluntary national body set up in 1980 that operates as a co-ordinating, campaigning and training body in the area of adult literacy.

[Deputy Ciarán Cannon.]

NALA receives an annual grant from my Department, both in grant in aid for general running expenses and a supplementary grant for its literacy activities. In 2011, the Department provided almost €1.8 million to NALA for its literacy activities. NALA has also received funding from the National Training Fund for its distance learning project and in 2010/2011 under the Labour Market Activation Fund.

The 2012 Budget will be finalised shortly and the Department's grant to NALA depends on the overall level of funding provided for adult literacy as part of the Budget.

Adult Education

75. **Deputy Robert Dowds** asked the Minister for Education and Skills his views on the need to prioritise literacy education and, in particular, to work on the literacy of parents in order that they can better support their children; and if he will make a statement on the matter. [37994/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Adult literacy has been and continues to be a priority in adult education. The Programme for Government contains commitments in relation to the improvement of adult literacy levels in two key areas. As part of its Labour Market Policy, the Government will make literacy and basic workplace skills a national priority, with literacy training incorporated into a wider variety of further education and training programmes. The Government will also address the widespread and persistent problem of adult literacy through the integration of literacy in vocational training and through community education under its lifelong learning policy.

My Department provides funding of €30 million annually for adult literacy measures, benefitting around 55,000 participants annually. Since 2007, my Department has provided funding specifically for adult literacy, as part of DEIS, and in 2009 published guidelines for VECs on developing family literacy projects. The aim of the family literacy measure is to encourage parents to participate in their children's education and to encourage family members to learn together and from each other. Funding of €229,000 has been provided to 16 VECs for family literacy projects in 2011/12.

The National Literacy and Numeracy Strategy, launched in July this year, contains recommendations in relation to family literacy, and my Department is engaged in the implementation of those recommendations.

I will continue to support the development of family literacy as part of the range of options available within the Adult Literacy Programme.

76. **Deputy Robert Dowds** asked the Minister for Education and Skills his plans for adult literacy education within SOLAS when it is formed to replace FÁS. [37995/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The establishment of SOLAS, as the new further education and training authority, will provide a clear direction for the future of the further education and training sector.

The Implementation Group, of which I am Chairman, is busy working on an Action Plan that will allow us to implement the changes necessary to put SOLAS in place following the passing of the relevant legislation in 2012. SOLAS will build on the respective strengths that have been developed in the further education and training sectors and it will ensure the provision of high quality education and training programmes, including Adult Literacy, which are

integrated, flexible, value for money and which respond to the needs of learners, jobseekers and business.

Higher Education Grants

77. **Deputy Tom Hayes** asked the Minister for Education and Skills when a decision on a higher education grant appeal will issue to a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [38046/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The student grant appeal to which the Deputy refers was received in my Department on 11/10/2011 and an outcome issued to the student on 17/10/2011.

Departmental Funding

78. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills if it is possible for children from Belarus who come to Ireland to live with foster families to receive financial support towards their education; and if he will make a statement on the matter. [38062/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Existing education policy is that students up to 18 years of age may attend primary and second level schools, irrespective of their nationality or status.

Funding is provided by my Department in respect of pupils who are validly enrolled in primary and post-primary schools. Capitation funding provided to schools and funding provided for caretaking and secretarial services may be regarded as a common grant from which the Board of Management can allocate according to its own priorities.

Flood Relief

79. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform, further to Parliamentary Question No. 101 of 31 May 2011, if a feasibility study on a flood relief scheme for Skibbereen, County Cork, has been completed yet; the progress of the surveys of the flood plain and the river channel; the next steps in the project; if he will provide a prospective timeframe for when he expects work on the flood relief scheme to get under way; and if he will make a statement on the matter. [37997/11]

80. **Deputy Michael McCarthy** asked the Minister for Public Expenditure and Reform, further to Parliamentary Question No. 101 of 31 May 2011, if an application by Cork County Council to the Office of Public Works under the minor flood works scheme for river cleaning in Skibbereen, County Cork, has been approved; and if he will make a statement on the matter. [37998/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): I propose to take Questions Nos. 79 and 80 together.

The Feasibility Study on the flooding situation in Skibbereen, by the consultants appointed by Cork County Council with funding from the Office of Public Works, is currently ongoing. The OPW understands that surveys of the flood plain and channels have been completed, and the council expects to hold a second public consultation day in January 2012.

The OPW also understands that the council expects the study and a draft Flood Risk Management Plan to be completed by February 2012. As stated in my previous reply, the study will provide the basis on which further decisions will be made in relation to any possible flood relief measures for the town.

[Deputy Brian Hayes.]

With regard to the application by Cork County Council for funding under the Minor Flood Mitigation Works Scheme to carry out river cleaning in Skibbereen, OPW approved funding of €10,000 to the council towards the cost of these works in June of this year.

81. **Deputy Mattie McGrath** asked the Minister for Public Expenditure and Reform if businesses affected by the flood relief works in Clonmel, County Tipperary, can be compensated or paid disturbance moneys in view of the fact that they have been moved out of their property for more than 12 months; when he expects the flood relief works in Clonmel to be completed; and if he will make a statement on the matter. [37827/11]

Minister of State at the Department of Public Expenditure and Reform (Deputy Brian Hayes): It is expected that works on the Suir River (Clonmel) Drainage Scheme will be substantially complete by mid 2012.

In relation to compensation, I am advised that under the Arterial Drainage Acts, provision is made for property owners to submit a claim for compensation to the Office of Public Works (OPW), if they feel that they have suffered any loss arising from the scheme works. Claims are normally only considered on completion of all scheme works in the immediate area. Any such claim should be made in writing to the OPW, and should set out the total amount claimed and the various headings of claim. Claims will be considered on an individual basis under the relevant provisions of the Acts, under which damage and benefit to a holding are taken into account.

Public Sector Remuneration

82. **Deputy Olivia Mitchell** asked the Minister for Public Expenditure and Reform the total annual cost in 2010 of public service increments; and if he will make a statement on the matter. [37903/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): I refer to my reply to Question No. 99 of Thursday, 10 November 2011.

83. **Deputy Olivia Mitchell** asked the Minister for Public Expenditure and Reform the total annual cost in 2010 of public service pensions; and if he will make a statement on the matter. [37904/11]

Minister for Public Expenditure and Reform (Deputy Brendan Howlin): The Gross Exchequer Pensions Bill in 2010 was €2.7 billion. A full breakdown of this expenditure by Vote is published in the 2011 Revised Estimates for Public Services including details on the associated number of pensioners.

Departmental Websites

84. **Deputy John Lyons** asked the Minister for Public Expenditure and Reform if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37949/11]

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. The information requested is provided below for both Departments.

Please note that for many of the smaller sites listed below monthly statistics are not routinely recorded.

Site	Annual cost	Average monthly hits
benchmarking.gov.ie	€0 — hosted and maintained in-house	n/a
budget.gov.ie	€0 — hosted and maintained in-house	131,324
cmo.gov.ie	€0 — hosted and maintained in-house	n/a
constructionprocurement.gov.ie	€0 — hosted and maintained in-house	n/a
cpmr.gov.ie	€0 — hosted and maintained in-house	n/a
cseas.gov.ie	€0 — hosted and maintained in-house	n/a
cspensions.gov.ie	€0 — hosted and maintained in-house	n/a
cspvg.gov.ie	€0 — hosted and maintained in-house	n/a
databank.per.gov.ie	€0 — hosted and maintained in-house	31,518
decentralisation.gov.ie	€0 — hosted and maintained in-house	n/a
disability.gov.ie	€0 — hosted and maintained in-house	n/a
eustructuralfunds.gov.ie	€0 — hosted and maintained in-house	n/a
finance.gov.ie	€5,800	388,358
foi.gov.ie	€0 — hosted and maintained in-house	n/a
gov.ie	€0 — hosted and maintained in-house	741,389
ictprocurement.gov.ie	€0 — hosted and maintained in-house	n/a
implementationbody.gov.ie	€0 — hosted and maintained in-house	n/a
orp.ie	€5,200	n/a
peerreview.gov.ie	€0 — hosted and maintained in-house	n/a
per.gov.ie	€0 — hosted and maintained in-house	206,742
personnelcode.gov.ie	€0 — hosted and maintained in-house	n/a
ppp.gov.ie	€0 — hosted and maintained in-house	n/a
psi.gov.ie	€0 — hosted and maintained in-house	n/a
reviewbody.gov.ie	€0 — hosted and maintained in-house	n/a
search.gov.ie	€0 — hosted and maintained in-house	n/a
taxcommission.ie	€0 — hosted and maintained in-house	n/a
taxpolicy.gov.ie	€0 — hosted and maintained in-house	n/a

These sites are regularly reviewed to ensure that best value for money is being achieved, and to identify opportunities for further rationalisation.

Departmental Investigations

85. **Deputy Gerry Adams** asked the Minister for Jobs, Enterprise and Innovation if he has inquired into the complaints made by a person (details supplied) concerning his company and the Industrial Development Agency; and if he will make a statement on the matter. [37823/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): These allegations were brought to the attention of my Department some time ago. Enterprise Ireland examined the issues at the time and was satisfied that there was no impropriety involved. Nonetheless in the light of the continuing concerns of the Deputy's correspondent my Department asked Enterprise Ireland to investigate the matter further in October 2010. The matter in question was also referred to my Department by the Public Accounts Committee in November, 2010. Following a tendering process, Enterprise Ireland engaged a firm of consultants (Deloitte) to investigate the allegations. Seven areas of complaint were investigated independently.

[Deputy Richard Bruton.]

The Report found that the evidence put forward by the correspondent did not support the allegations.

The Board of Enterprise Ireland considered the matter at its meeting on 14th September, 2011. A copy of the Deloitte Report was forwarded to the Public Accounts Committee, by my Department, for its consideration.

While Mr Russell has reiterated his allegations and does not accept the findings of the independent report, he has not provided any new information. In the circumstances, my Department does not intend to take further action.

Departmental Websites

86. **Deputy John Lyons** asked the Minister for Jobs, Enterprise and Innovation if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37947/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I have set out in tabular form below the websites which come directly under the remit of my Department, based on the most up to date data which is readily to hand. The rationale for, and the means of delivery of such websites is regularly reviewed. Part of the reform of the employment rights bodies, which I announced last July, will involve the development and publication of a single website to provide information and assistance to employers, employees and other interested parties to replace the websites currently operated by the Employment Appeals Tribunal, Equality Tribunal, Labour Court, Labour Relations Commission and National Employment Rights Authority.

My Department is also in the process of implementing a Website Content Management System within the Department. This will provide an infrastructure to allow for a more integrated approach to website management and hosting in the future. It is envisaged that, as websites are redeveloped, they would migrate to this new infrastructure.

Website	Cost of maintaining the website in 2010	Average number of unique visitors per month
<i>www.basis.ie</i>	€65,000	6,520
<i>www.clrg.org</i>	€301	820
<i>www.cro.ie</i>	€5,000	114,356
<i>www.djei.ie</i>	€7,304	35,904
<i>www.labourcourt.ie</i>	€28,000	Statistics not held beyond 11 days
<i>www.patentoffice.ie</i>	€4,995	21,000
<i>www.eatribunal.ie</i>	€4,750	12,453
<i>www.odce.ie</i>	€4,788	7,120
<i>www.pointofsinglecontact.ie*</i>	€4,307	308
<i>www.solvitireland.ie*</i>	€4,307	126
<i>www.employmentrights.ie</i>	€16,329	24,298
<i>www.core.ie</i>	€22,891	15,738

*These websites are required under EU legislation and EU administration cooperation mechanisms.

Licensed Trade

87. **Deputy Brendan Griffin** asked the Minister for Jobs, Enterprise and Innovation if he will put in place a plan dedicated to rejuvenating the labour intensive pub trade; and if he will make a statement on the matter. [37961/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): Matters relating to licensed premises and the sale of alcohol, whether in pubs or off-licences, including supermarkets, are essentially the policy responsibility of the Minister for Justice and Equality and I have no direct function in this matter.

The pricing strategy of any business is a legitimate marketing tool and is the normal outcome of the competitive process. I have no direct function in relation to such practices which are a matter for the individual licensee. Other than having a statutory power, under the Consumer Protection Act 2007, to fix maximum prices during a state of emergency, I have no statutory power in relation to price control. Under the Intoxicating Liquor Act 2008 the Minister for Justice and Equality has the power to make regulations relating to the sale, supply and consumption of intoxicating liquor.

Registry of Friendly Societies

88. **Deputy Joan Collins** asked the Minister for Jobs, Enterprise and Innovation if his attention has been drawn to the fact that 93 industrial and provident societies have failed consecutively for the past five years to submit annual returns to the Registry of Friendly Societies; if his further attention has been drawn to the fact that the non-filing of annual returns constitutes an offence under the Industrial and Provident Societies Acts; the number of such societies the Registrar has cancelled in the past ten years for failure to file annual returns; the names of the societies, if any; the period of time they failed to submit annual returns before they were cancelled; and if he will make a statement on the matter. [37989/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I am aware of the issues raised by the Deputy as mentioned in previous replies on the matter, particularly the response dated 25 October. In addition, I made a statement on the issue in response to the Deputy yesterday.

A total of 285 societies have been cancelled in the past ten years for failure to file annual returns. Details of each were published in *Iris Oifigiúil* at the time. The figures and details regarding cancelled societies are also contained in the annual report of the Registrar of Friendly Societies each year.

It is open to the Deputy to make enquiries to the Registry of Friendly Societies regarding any individual named society.

Wage Setting Mechanisms

89. **Deputy Tom Fleming** asked the Minister for Jobs, Enterprise and Innovation when he intends to introduce legislation to reinstate joint labour committees to underpin a new system of protection for workers in services sectors such as retail, hotels, cleaners and security. [37990/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): On 26 July 2011 the Government agreed a package of radical reforms to the Joint Labour Committee and Registered Employment Agreement wage setting mechanisms. The reform proposals deal with recommendations made and issues raised in the Independent Report on the JLC/REA systems

[Deputy Richard Bruton.]

(Duffy/Walsh report) as well as the outcome of the July 2011 High Court ruling in the Grace Fried Chicken constitutional challenge.

The proposed measures will provide for the retention of the JLC and REA systems, subject to the reforms that are required to place them on a more secure legal and constitutional footing. They will also reinstate a robust system of protection for workers in these sectors in the aftermath of the High Court ruling.

Heads of a Bill to give effect to the reform proposals have been agreed by Government and drafting of that legislation is in preparation. It is my intention to have a Bill ready to introduce to the Oireachtas at the earliest possible opportunity this term.

Anti-Competitive Practices

90. **Deputy John McGuinness** asked the Minister for Jobs, Enterprise and Innovation if he has examined in detail the submission made to him by the Irish Small Business Alliance; if he has consulted the Competition Authority on the matters raised; if so, the action he intends to take; if the Competition Authority has received similar complaints and if so, the investigations that are ongoing or completed by that authority; and if he will make a statement on the matter. [38006/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): I am aware of a number of representations and submissions made by the Irish Small Business Alliance concerning allegations of anti-competitive practices. I am also aware that the Competition Authority, as the statutory body responsible for the enforcement of competition law in the State, has received information concerning these allegations. Section 29 (3) of the Competition Act 2002 provides that the Authority 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. As investigations and enforcement matters generally are part of the day-to-day operational work of the Authority, I have no direct function in the matter. It is the Authority's policy not to comment on investigations.

Work Permits

91. **Deputy Jack Wall** asked the Minister for Jobs, Enterprise and Innovation the position regarding the renewal of work permits in respect of persons (details supplied) in County Kildare; and if he will make a statement on the matter. [38048/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My Department processes applications in respect of the different types of employment permits (Green Cards Permits, Work Permits, Spousal/Dependant Permits and Intra-company Transfer Permits). All applications are processed in line with the Employment Permits Act 2006.

I wish to advise the Deputy that the Employment Permits Section of my Department has issued correspondence to the above named applicants on the 28th November in relation to their applications requesting further information. As soon as this information is made available, these applications can be progressed further.

State Properties

92. **Deputy Seán Ó Feargháil** asked the Minister for Jobs, Enterprise and Innovation if contact by the Departments of Justice and Equality or Defence has been made to him, or to the Industrial Development Authority or Enterprise Ireland, with regard to State lands at the

former Magee Barracks, Kildare town, and the possible use of such lands for development purposes; and if he will make a statement on the matter. [38058/11]

Minister for Jobs, Enterprise and Innovation (Deputy Richard Bruton): My Department has not to date been contacted by the Department of Justice, Equality and Defence regarding the development of State lands at the former Magee Barracks in Kildare Town. I have been informed by IDA and Enterprise Ireland that neither Agency has been contacted by that Department in this matter.

Pension Provisions

93. **Deputy Michael McCarthy** asked the Minister for Social Protection the most appropriate course of action for community employment supervisors and assistant supervisors following the decision by her not to proceed with a pension scheme for that cohort of employees despite Labour Court recommendations; and if she will make a statement on the matter. [37773/11]

95. **Deputy Michael McCarthy** asked the Minister for Social Protection her position on the provision of a pension scheme for community employment supervisors and assistant supervisors; if a new template is being drawn up by her in view of another Department's decision to reject this group's claim for a pension scheme on 19 October; and if she will make a statement on the matter. [37774/11]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 93 and 95 together.

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 per annum 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 Insurance

94. **Deputy Ciara Conway** asked the Minister for Social Protection if she will examine the block exemption for modified rate contributors in view of the fact that these workers pay PRSI on earnings derived from their civil or public service employment but do not pay PRSI on any other stream of income; if she will consider abolishing or changing this exemption in light of the fact that removing the exemption on unearned income of all workers and on other income streams of those employed in the civil and public service recruited prior to 6 April 1995 will yield a total of €74 million additional PRSI in a full year; and if she will make a statement on the matter. [38056/11]

Minister for Social Protection (Deputy Joan Burton): Any proposals of this nature would have to be considered in a budgetary context.

Question No. 95 answered with Question No. 93.

Social Welfare Offices

96. **Deputy Willie O’Dea** asked the Minister for Social Protection the reason for the delays now occurring in the local social welfare office at Dominic Street, Limerick, where persons seeking means-tested payments are waiting anything from three to six months for decisions and where persons seeking review have to wait up to 12 months; her views on whether this situation is acceptable; if her attention has been drawn to the fact that the Limerick local office is badly understaffed; her plans to allocate further staff to alleviate the misery being endured by the most vulnerable; and if she will make a statement on the matter. [37809/11]

Minister for Social Protection (Deputy Joan Burton): In common with other local offices the length of time it takes to process claims in Limerick varies depending on the complexity of the claim, the availability of the necessary documentation from the applicant or his/her employer and the need to carry out additional enquiries including the assessment of means and whether the claimant satisfies the Habitual Residence Condition.

Furthermore, processing times can vary depending on other factors such as staff vacancies, the duration of such vacancies and the turnover of staff which would impact on the overall level of experience in the office.

While it is correct to say staffing levels in Limerick local office are tight at present (with the growth in the Live Register) there has been a number of internal initiatives to maximise the use of staff resources within the office.

The average processing times for October give an indication of the average time claimants are waiting to be paid after submitting claims. These average times are 2.44 weeks for Job-seeker’s Benefit while the average times for the means tested payments Jobseeker’s Allowance and One-Parent Family Payment are 6.36 and 11.75 weeks respectively.

Redundancy Payments

97. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection, further to Parliamentary Question No. 126 of 23 November 2011 in respect of a redundancy payment for a person (details supplied), if she will have this case further investigated; and if she will make a statement on the matter. [37835/11]

Minister for Social Protection (Deputy Joan Burton): My officials have written to the person concerned for further information on her redundancy claim. The claim will be processed on receipt of this additional material.

Social Welfare Appeals

98. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a decision will issue in respect of an appeal for supplementary welfare allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [37847/11]

Minister for Social Protection (Deputy Joan Burton): The appeal by the person concerned against the decision to refuse an exceptional needs payment for heating oil is currently being considered and a written decision will issue to him shortly.

Redundancy Payments

99. **Deputy Tom Hayes** asked the Minister for Social Protection when a decision on a redundancy claim will issue to a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [37849/11]

Minister for Social Protection (Deputy Joan Burton): My officials have written to the person concerned for further information on his redundancy claim. The claim will be processed on receipt of this additional material.

Social Welfare Appeals

100. **Deputy Áine Collins** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [37852/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 17 October 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred in due course to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Pension Provisions

101. **Deputy Barry Cowen** asked the Minister for Social Protection the rates of payment of old age contributory and non-contributory pension for the years 1997, 1998, 1999, 2000, 2001 and 2002. [37854/11]

Minister for Social Protection (Deputy Joan Burton): There are three categories of State pension:

- State pension (transition) (SPT),
- State pension (contributory) (SPC) and
- State pension (non-contributory) (SPNC)

The rates of payment for the years 1997, 1998, 1999, 2000, 2001 and 2002 are as follows:

Year	State Pension (Contributory)/State Pension (Transition) €	State Pension (Non-Contributory) €
1997	99.06	85.73
1998	105.39	92.06
1999	113.01	99.67
2000	121.89	108.56
2001	134.59	121.26
2002	147.30	134.00

[Deputy Joan Burton.]

These schemes were formerly known as retirement pension, old age (contributory) pension and old age (non-contributory) pension respectively.

Social Welfare Appeals

102. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when payment will issue in respect of an application for jobseeker's allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [37858/11]

Minister for Social Protection (Deputy Joan Burton): On receipt of an appeal from the person concerned against the decision to disallow his application for jobseeker's allowance a full review of the case was carried out, including a referral to an inspector. Following the review, the decision of the deciding officer was upheld and his appeal has now been referred to the social welfare appeals office for determination.

Social Welfare Benefits

103. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason domiciliary care allowance was refused in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [37860/11]

Minister for Social Protection (Deputy Joan Burton): An application for Domiciliary Care Allowance was received on 12 September 2011. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 22 November 2011 advising the customer of the decision.

Budget Submissions

104. **Deputy John Lyons** asked the Minister for Social Protection if he will consider in the course of his consideration of budgetary measures the request by a group (details supplied) that all such measures be subject to an equality audit; and if she will make a statement on the matter. [37867/11]

Minister for Social Protection (Deputy Joan Burton): As part of the deliberative process for Budget 2012, my department will analyse, in so far as possible, the impact of the Budget on poverty and on inequalities likely to lead to poverty prior to the finalisation of the Budget.

My department undertook an analysis of the distributive and poverty impacts on families of the Budget 2011 tax and welfare package, in conjunction with the Department of Finance. I arranged for this to be published on the Department's website in March 2011. It is my intention that a similar analysis of Budget 2012 will be published early next year.

Social Welfare Benefits

105. **Deputy John Browne** asked the Minister for Social Protection if she will review the entitlement of a person (details supplied) in County Wexford to a redundancy payment. [37882/11]

Minister for Social Protection (Deputy Joan Burton): A redundancy lump sum claim in respect of the person concerned was received on 11 May 2011. However, I understand this person brought a case to the Employment Appeals Tribunal and that an appeals hearing was held on 18 November 2011. When the determination of this appeal is available, the person should forward this to the Redundancy Payments Section of my Department.

106. **Deputy Anthony Lawlor** asked the Minister for Social Protection the monitoring that takes place between EEA countries to ensure that only one family benefit payment is claimed per child; and if she will make a statement on the matter. [37894/11]

Minister for Social Protection (Deputy Joan Burton): In cases where Child Benefit is claimed in Ireland as a result of an entire family arriving from another EU or EEA member state, claims are processed under domestic regulations. Correspondence is issued to the other EU or EEA member state informing them that the claim has been awarded.

In cases where one parent is working or in receipt of a benefit in Ireland, and the family are living in another member state, claims are processed under EU Regulations. Correspondence is issued in the first instance to the other member state to establish if payment is being made by that state. Claims are not finalised until a reply is received, thus ensuring there is no duplicate payment.

Departmental Funding

107. **Deputy Terence Flanagan** asked the Minister for Social Protection if he will provide funding for a service (details supplied) on Dublin's north side which provides excellent value for money for taxpayers; and if she will make a statement on the matter. [37900/11]

Minister for Social Protection (Deputy Joan Burton): Funding is provided to the organisation in question under the Department's scheme of grants for the development and promotion of information and welfare rights. However, this is primarily a budget for once-off funding for the provision of social welfare information and funding available under this vote has been substantially reduced in recent years. As the organisation does not meet the criteria of the scheme, it has been advised to source alternative funding.

The Department has been engaging with the organisation to support this process. In 2011, funding of some €350,000 has been allocated to the organisation on the basis that it provides monthly updates on the progress the organisation is making to secure alternate funding sources for 2012. The organisation in question also received €8,200 in 2010 from the Money Advice and Budgeting Service (MABS) for providing technical support to local MABS services. The Citizens Information Board, an agency of my Department, has the statutory responsibility for the provision of MABS the and in 2011 approximately €18 million has been allocated to the service.

In the details supplied with this question, the Deputy also refers to another organisation. This organisation received funding of some €90,000 in 2011 from the Citizens Information Board for services provided to the local Citizens Information Services.

It is not possible to compare the costs of the different services on the basis of the number of queries handled as the funding and services provided are not directly comparable, e.g. one organisation provides a service on a voluntary basis while the MABS service, although also dependent on volunteers, also directly employs staff and provides a wide range of negotiation, documentation, website and other services on a regional basis.

Departmental Websites

108. **Deputy John Lyons** asked the Minister for Social Protection if she will provide details of all websites under her remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; her views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if she will make a statement on the matter. [37950/11]

Minister for Social Protection (Deputy Joan Burton): The Department currently maintains five websites: *www.welfare.ie* *www.groireland.ie* *www.nationalpensionsframework.ie* *www.socialinclusion.ie* *www.communitywelfareservice.ie*

The Department's main website, *www.welfare.ie*, contains information on the range of schemes and services provided, as well as policy publications and online services. This site was re-designed and re-developed in 2008 and is highly accessible, winning the Accessible eGovernment Award at the 2009 Irish eGovernment Awards. The content on *www.welfare.ie* is maintained and updated by Department staff. The website provides a platform for the delivery of a range of online services integrated with the Department's systems and processes.

Responsibility for the General Register Office, and for its website *www.groireland.ie*, was transferred from the Department of Health and Children to this Department from 1 January 2008.

The Department also maintains the *www.nationalpensionsframework.ie* website. This site was originally launched as *www.pensionsgreenpaper.ie* in 2007 to coincide with the launch of the Pensions Green Paper and has been recently expanded and renamed to include information on the Government's plans for the future of pensions in Ireland, the National Pensions Framework and its implementation.

Responsibility for the website *www.socialinclusion.ie* was transferred from the Department of Community, Equality and Gaeltacht Affairs to this Department from June 1, 2011, upon the transfer of the Social Inclusion Division to this Department.

Responsibility for the website *www.communitywelfareservice.ie* was transferred from the Health Service Executive to this Department from October 1, 2011, upon the transfer of the Community Welfare Service to this Department.

The Social Welfare Appeals Office operates independently of the Department and provides an independent appeals service. It maintains the website *www.socialwelfareappeals.ie*.

Agencies under the remit of the Department maintain another seven websites.

The Citizens Information Board maintains the following six websites: *www.citizensinformation.ie* *www.citizensinformationboard.ie* *www.assistireland.ie* *www.losingyourjob.ie* *www.keepinyourhome.ie* *www.selfemployedsupports.ie* (not yet launched)

The Pensions Board maintains the website *http://www.pensionsboard.ie/www.pensionsboard.ie*.

The Office of the Pensions Ombudsman website *www.pensionsombudsman.ie* is supported and maintained by the Department's staff.

A number of websites maintained by the Department will be rationalised in 2012; *www.nationalpensionsframework.ie*, *www.socialinclusion.ie* and *www.communitywelfareservice.ie* will be integrated with the Department's main website *www.welfare.ie*.

The Department of Public Expenditure and Reform will launch a new e-Government Strategy in early 2012; any further decisions regarding the rationalisation of websites will take account of this new Strategy.

The costs and the average monthly visits are provided in the table below.

Organisation	Website	2011 Cost (projected)	Average monthly visits
Department of Social Protection	<i>www.welfare.ie</i>	€60,000	215,380
Department of Social Protection	<i>www.groireland.ie</i>	€2,050	Not available
Department of Social Protection	<i>www.nationalpensionsframework.ie</i>	€816 (2010)	800
Department of Social Protection	<i>www.socialinclusion.ie</i>	€261	3,466

Organisation	Website	2011 Cost (projected)	Average monthly visits
Department of Social Protection	<i>www.communitywelfareservice.ie</i>	€300	4,625
Social Welfare Appeals Office	<i>www.socialwelfareappeals.ie</i>	€200	Not available
Citizens Information Board	<i>www.citizensinformation.ie</i>	€16,549	466,155
Citizens Information Board	<i>www.citizensinformationboard.ie</i>	€264	16,418
Citizens Information Board	<i>www.assistireland.ie</i>	€27,196	28,619
Citizens Information Board	<i>www.losingyourjob.ie</i>	€16	6,204
Citizens Information Board	<i>www.keepingyourhome.ie</i>	€1,414	3,424
Citizens Information Board	<i>www.selfemployedsupports.ie</i>	€2,650	(not yet launched)
Pensions Board	<i>www.pensionsboard.ie</i>	€30,000	10,000
Office of the Pensions Ombudsman	<i>www.pensionsombudsman.ie</i>	€282	76,040

Departmental Schemes

109. **Deputy Brendan Griffin** asked the Minister for Social Protection if a person (details supplied) in County Kerry will be allowed to continue on a rural social scheme; and if she will make a statement on the matter. [37962/11]

Minister for Social Protection (Deputy Joan Burton): The Rural Social Scheme (RSS) has operated since May 2004 with the aim of providing income support for eligible persons in receipt of specified, long-term social welfare payments. The work undertaken by participants supports the provision of services of benefit to rural communities. The RSS currently funds the engagement of 2,600 participants and 130 supervisors. Supervisors are employed for 39 per week with participants required to work 19½ hours per week.

As part of my department's control programme, all RSS participants were requested to complete and return a means declaration form in early 2011. This undertaking is necessary to ensure that all participants on the RSS continue to satisfy the eligibility criteria to remain on the scheme and also to ensure that all participants are in receipt of the correct rate of payment. The person concerned has complied with the requirement to return a means declaration and I understand that he has been offered a renewed contract from 1st June 2011. The outcome of the means assessment will not be known for a number of months and the person concerned will be informed in good time should any additional information be required and when a decision is made on the information provided.

110. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding the rural social scheme in County Kerry (details supplied); and if she will make a statement on the matter. [37969/11]

Minister for Social Protection (Deputy Joan Burton): The Rural Social Scheme (RSS) has operated since May 2004 with the aim of providing income support for farmers and fishermen/women in receipt of specified, long-term social welfare payments. The work undertaken by participants supports the provision of services of benefit to rural communities. The RSS currently funds the engagement of 2,600 participants and 130 supervisors. Supervisors are employed for 39 per week with participants required to work 19½ hours per week. Overall responsibility for the operation of the RSS rests with the Department of Social Protection with responsibility for its day-to-operation resting with 34 local development companies. Údarás na Gaeltachta is responsible for delivery of the RSS in Gaeltacht areas. An allocation of RSS

[Deputy Joan Burton.]

participants, based on the distribution of Farm Assist beneficiaries, has been made to each of these bodies.

A total of 271 RSS places are allocated to County Kerry. Of these 138 are allocated to South Kerry Development Partnership, 89 to North and East Kerry LEADER Partnership and 44 to Údarás na Gaeltachta for the Gaeltacht areas of the county. Other than a recent vacancy in North and East Kerry LEADER Partnership which will be filled in the coming weeks, all places are currently filled.

Redundancy Payments

111. **Deputy Willie Penrose** asked the Minister for Social Protection if a person (details supplied) in County Westmeath who was made redundant in December 2008 is entitled to their statutory redundancy at this point, as it appears the they overlooked making the application; and if she will make a statement on the matter. [38000/11]

Minister for Social Protection (Deputy Joan Burton): The prescribed time for submitting a redundancy lump sum claim is 52 weeks. From the information provided in the question it would appear that the person concerned was made redundant in December 2008. In these circumstances the time-limit for making a redundancy payment has elapsed.

Social Welfare Appeals

112. **Deputy Willie Penrose** asked the Minister for Social Protection the position regarding a social welfare appeal by a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [38001/11]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, including that adduced at oral hearing, disallowed the appeal of the person concerned. The person concerned has been notified of the decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. If there is any new evidence or new facts pertinent to this case that was not brought to the attention of the Appeals Officer during the determination of this appeal, they may be submitted to the Social Welfare Appeals Office for further 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.

Turbary Rights

113. **Deputy Frank Feighan** asked the Minister for Arts, Heritage and the Gaeltacht the position regarding a person (details supplied) in County Leitrim who sold bogland to him under the national heritage area directive many years ago; when payment will issue; the progress made on this case to date; and if he will make a statement on the matter. [37828/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): In May 2010, the voluntary bog purchase scheme was closed to new applicants. Processing of applications on hand has been slower than anticipated due to capacity constraints in undertaking the conveyance work involved.

On the 15 April this year, the Government made a number of decisions in relation to turf cutting in Ireland, including the putting in place of a compensation package for those who are required to cease cutting, the establishment of a Peatlands Council and the drawing up of a national strategy on peatland conservation and management. In the context of the national strategy, the position regarding raised bog Natural Heritage Areas, which are protected under national legislation, and the Environmental Impact Assessment Directive will be examined in advance of the 2014 cutting season.

The land referred to by the Deputy is located in a Natural Heritage Area designated in 2004, but the sale of the land in this has not yet been finalised. The 10-year derogation, which allows for the continuation of domestic turf cutting in this area, will not expire until 2014. The issue of purchase of land/rights in NHA bogs is being kept under review in light of the decision to review the approach to these areas more generally.

Departmental Websites

114. **Deputy John Lyons** asked the Minister for Arts, Heritage and the Gaeltacht if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37938/11]

Minister for Arts, Heritage and the Gaeltacht (Deputy Jimmy Deenihan): The information requested in respect of my Department is being compiled and will be forwarded to the Deputy as soon as possible.

Aquaculture Licences

115. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources the criteria used for selecting applicants for the issuing of oyster licences in Clarenbridge, County Galway; the number of licences to be issued; and if he will make a statement on the matter. [37826/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): In January of this year the Minister for Communications, Energy and Natural Resources issued an instruction to Inland Fisheries Ireland (IFI) to avoid the intensification of the Oyster Fishery until such time as Appropriate Assessments have been carried out in accordance with the European Communities (Birds and Natural Habitats) Regulations, SI no 477 of 2011. Under those regulations, such an assessment is required to be carried out prior to the development of any Special Area of Conservation.

Consequently and on foot of further instructions, IFI has ensured that the maximum number of licences for 2011 does not exceed the number issued in 2010 or the average number of oyster fishing licences issued for the last five years, whichever is the greater.

I am advised that in light of these instructions, IFI issued 17 licences for the Galway Fishery District — Clarenbridge area in 2011 as follows:

- a) To fishermen who held licences in 2010 and each of the four previous years.
- b) To fishermen who held a licence in 2010 and three of the previous four years.
- c) To fishermen who held a licence in four of the last five years.
- d) To fishermen who held a licence in 2010 and two of the previous four years.

[Deputy Pat Rabbitte.]

- e) To fishermen who held a licence in 2010 and one of the previous four years.
- f) All other applicants on a first come first served basis up to a maximum of 17 in total.

Electricity Generation

116. **Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources if he will confirm that electricity generated through the proposed new renewable energy feed-in tariff will not be exported over the interconnector to the UK at a price lower than the REFIT floor price; and if he will make a statement on the matter. [37805/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Renewable Energy Feed in Tariff (REFIT) operates by guaranteeing minimum prices for electricity output from various categories of renewable technology over a 15 year period and is funded through the Public Service Obligation levy.

Under Directive 2009/28/EC (the Renewable Energy Directive), Ireland has been set a legally binding target for renewable energy as a share of consumption by 2020. That target is 16% overall which, as set out in the National Renewable Energy Action Plan, will be met from around 40% in the electricity sector, 12% in the heat sector and 10% in the transport sector.

Articles 6-11 of Directive 2009/28/EC provide for cooperation mechanisms under the Directive, whereby the renewable value of generation in one Member State may be accounted for in another Member State, providing there is a Government-to-Government agreement in place. Without such an agreement, the renewable value of generation produced is retained in the country of origin.

The reason for this approach at a European level was that it was decided that if Member States are to have the responsibility of binding renewable energy targets, they must have the ability to ensure that renewable value produced on their territory is not traded away without their control.

Once the East West Interconnector to the UK is in place, next year, wholesale electricity will be traded between the two markets. Under the Renewable Energy Directive, the renewable value of generation produced in Ireland and supported through REFIT will continue to count towards Ireland's renewable energy target. The renewable value of such generation will not be traded unless and until there is a specific Governmental agreement in place, backed up by any necessary underpinning legislation and addressing any relevant issues inherent in the operation of two different support schemes in the respective Member States.

117. **Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources if he will confirm that REFIT-contracted generators will only receive the public service obligation-funded floor prices for actual metered electricity output — that is, they will not receive the floor price when they are curtailed due to oversupply of electricity to the grid; and if he will make a statement on the matter. [37806/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Renewable Energy Feed in Tariff (REFIT) operates by guaranteeing minimum prices for electricity output from various categories of renewable technology over a 15 year period and is funded from the Public Service Obligation levy.

Electricity that is eligible for REFIT payments is exported metered generation as set out in Statutory Instrument 532 of 2010 and defined in section 4.2 of the Commission for Energy

Regulation (CER) Decision Paper 08/236, 'Calculation of the R-factor in determining the Public Service Obligation Levy'. REFIT is only payable for exported metered generation.

There are no REFIT payments made in respect of curtailed generation.

118. **Deputy Noel Harrington** asked the Minister for Communications, Energy and Natural Resources if he will confirm whether AER VI-contracted renewable generators will be allowed to leave their 15-year PPA contracts only after the initial 7.5 years of the 35% front-loaded price increase period is complete; and if he will make a statement on the matter. [37807/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Alternative Energy Requirement (AER) was a series of 6 competitive tender schemes to support new renewable generation that were run from the mid 1990s to the mid 2000s. AER was subsequently replaced by the feed in tariff scheme known as REFIT.

At the time that State Aid clearance was being sought from the European Commission for REFIT 1 in 2007, DG Competition inserted a clause in the terms and conditions of the scheme that generators were free to leave the scheme either by agreement with their supply company or in the event of disagreement, by serving 12 months notice and join the open market. Any generator that voluntarily leaves a support scheme in respect of a particular project will not be eligible to re-enter the support scheme at any later date in respect of that project.

It was also concluded by my Department that the concerns expressed by the European Commission about a continuing intervention in the market to deliver a public policy for any period longer than the participating generator requires in REFIT should also be applied on a similar basis to the AER programme.

As a result, my Department informed ESB Customer Supply (as the sole contracting party to the AER contracts) that nothing in the AER rules should be interpreted to preclude an undertaking from exiting an AER Power Purchase Agreement (PPA) subject to adequate protection being provided to ESB Customer Supply and that ESB should terminate its AER PPAs with any AER Generator who requests such termination as soon as is reasonably practicable after the AER Generator notifies to ESB Customer Supply its intention to exit the AER programme; or, where ESB is the Intermediary of the relevant AER Generator under the Trading and Settlement Code, on the expiry of the minimum period prescribed under the Code in respect of revocation by the AER Generator of ESB's authority to act in that capacity; or within a period not exceeding 12 months from the receipt of notification from an AER generator of its decision to terminate an AER PPA, whichever event occurs first.

Accordingly, under these provisions, an AER VI contracted renewable generators are allowed to leave their 15 year PPA contracts at any time subject to notification periods not exceeding 12 months.

Departmental Websites

119. **Deputy John Lyons** asked the Minister for Communications, Energy and Natural Resources if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37940/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): My Department maintains the 11 websites that are listed in the table below. The total cost of

[Deputy Pat Rabbitte.]

maintaining these websites including technical maintenance, ongoing development and hosting charges from January 2011 to date, is €197,235.

Site Name	Average number of hits per month
<i>www.tellusborder.eu</i>	275
<i>www.mineralsireland.ie</i>	1300
<i>www.gsi.ie</i>	13,700
<i>www.gsishop.ie</i>	350
<i>www.goingdigital.gov.ie</i>	4,000
<i>www.explorationandmining.com</i>	85
<i>www.egovernance.ie</i>	175
<i>www.makeitsecure.ie</i>	26,917
<i>www.gsiseabed.ie</i>	12,061
<i>https://jetstream.gsi.ie/iwdds/index.html</i>	323
<i>www.dcenr.gov.ie</i>	18,500

The cost of the websites cannot be easily broken out to individual costs as most are hosted on the same hardware and share features such as mapping services across all the websites. Apart from the main Departmental website, it is necessary in the interests of customer service, to have some dedicated websites related to specific areas of Departmental responsibility. My Department has rationalised the technologies underpinning these websites by the use of virtualisation and centralised databases.

Electricity Generation

120. **Deputy Michael Healy-Rae** asked the Minister for Communications, Energy and Natural Resources if he will outline any problems with the current gate 3 process for wind farm development; and if he will make a statement on the matter. [37966/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The ‘Gate’ process was established by the Commission for Energy Regulation following extensive public consultation. It is a group processing approach (GPA) towards the processing and issuance of grid connection offers to renewable generators whereby applications for connections are processed in batches rather than individually. Within these Gates, applications are further divided into geographic groups and sub-groups based on the optimal network required to connect them.

The group processing approach facilitates a more strategic approach to be taken to network building requirements and aims to put in place efficient connection solutions to cater for large number of applications to ensure optimum network development, minimising network costs and, where possible, avoidance of network bottlenecks. To date there have been 3 ‘Gates’. Under Gate 1 and Gate 2, 1755MW of connection offers were made and accepted. Under Gate 3, 3900MW of offers have been made to renewable generators. This amount of renewable generation is capable of delivering Ireland’s 40% renewable electricity target.

A Gate 3 liaison group involving the Transmission System Operator (TSO), Distribution System Operator (DSO), regulator and industry representatives was established by the regulator and continues to meet on a regular basis to monitor rollout and delivery of the programme. At this stage, EirGrid has overseen and issued connection offers to all the renewable generations in Gate 3. This is a major milestone for the industry on the road towards meeting the renewable electricity target.

Other work streams that took place in EirGrid to facilitate the issuance of the Gate 3 offers included:

The Incremental Transfer Capability (ITC) programme. The results of this programme were issued in January 2010 by EirGrid and it assessed the Transmission Grid's capability to accommodate the incremental power transfers resulting from the connection of each Gate 3 project during the period 2010-2025 based on assumed standard timelines.

EirGrid's Generation Analysis team carried out constraints studies and prepared reports which assessed the potential levels of curtailment and transmission constraint that generators might expect to experience in the period from 2011 through 2022.

Throughout the offer process phase of Gate 3, EirGrid and ESB Networks facilitated well in excess of 100 meetings with transmission and distribution customers.

Arrangements for the next phases of Gate 3 including project delivery of accepted offers and offer modifications are being progressed at present.

I am advised by EirGrid that further constraint studies are in preparation for developers and that once these are issued, there will be a set period within which those in Gate 3 are required to accept or reject their Gate 3 grid connection offers and make their first stage payments. Once this development has taken place, there will be a clearer picture of the actual take-up rates for Gate 3. The main challenges the sector face are planning difficulties in some areas where the strategic areas of conservation (SACs) were extended and the need to strengthen the grid in those regions where the majority of new wind farms are located.

Telecommunications Services

121. **Deputy Michael McCarthy** asked the Minister for Communications, Energy and Natural Resources if, in respect of the plans for a Metropolitan Area Network in Skibbereen, County Cork, he will issue a progress report on the project; if a company (details supplied) has secured fibre connections for any business premises or other operators in the area; if so, the number of connections that have been made in premises since June; if he will provide a breakdown of the list of businesses that have secured a fibre connection through the MAN; and if he will make a statement on the matter. [38002/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Metropolitan Area Networks (MANs) are a "middle mile" solution meaning that they provide the network connection between the local access delivered in towns by service providers and national backhaul networks, which carry the traffic from the MANs to the central points of international connectivity.

In the case of the Skibbereen MAN, elnet (the Management Service Entity for the MANs) has been exploring various backhaul options with operators in the area. In the event that a business premises in Skibbereen wants broadband services delivered over a fibre connection, elnet would set out the possible options and costs. However, elnet has advised that there has been insufficient market demand for fibre connections in Skibbereen to date. elnet remains available at all times to discuss the options for connection to the MAN with interested parties.

Question No. 122 answered with Question No. 24.

Question No. 123 answered with Question No. 23.

Departmental Funding

124. **Deputy Michael P. Kitt** asked the Minister for the Environment, Community and Local Government the names of the agencies, NGOs and so on that receive funding from his Department; the individual amount received in the past five years; and if he will make a statement on the matter. [37877/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Each year my Department makes a large volume of payments to a wide range of organisations and individuals. The information requested, in relation to an extensive number of payments over a five year period, is not readily available in my Department and its compilation would involve a disproportionate amount of time and work. If the Deputy wishes to put down a more specific question in the area of funding from my Department, or to communicate separately with me, I will endeavour to provide the information sought.

Local Authority Housing

125. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government when he will begin accepting applications for the capital assistance scheme that approved housing bodies can avail of when developing housing; and the amount of funding that will be allocated to the programme. [37778/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the reply to Question No. 381 of 25 October 2011, which outlines the position in regard to the capital assistance scheme.

Departmental Schemes

126. **Deputy Nicky McFadden** asked the Minister for the Environment, Community and Local Government when funding will be made available through the dormant accounts fund for Mullingar RAPID, County Westmeath; and if he will make a statement on the matter. [37787/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I can confirm that six capital projects have been prioritised by Pobal under the RAPID Additionality Measure for Mullingar to be funded from Dormant Accounts. The matter of progressing the projects in the new RAPID towns to contract stage will be kept under active review in the light of availability of funding in 2012.

Water and Sewerage Schemes

127. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government his plans to allocate capital funding for a sewerage scheme in Gaoth Dobhair, County Donegal; if he has received an application from Donegal County Council for funding; when he foresees this essential infrastructure going to construction; and if he will make a statement on the matter. [37795/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Gweedore Sewerage Scheme, which includes two contracts, a waste water treatment plant and the network, is included in my Department's Water Services Investment Programme 2010-2012 among the list of contracts in the county to start in the period.

Donegal County Council submitted an updated Design Review Report to my Department in October 2011. My Department has sought additional information from the Council to aid the examination of this report and this is awaited.

Local Authority Finances

128. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government the outstanding debt at the end of 2010 of each local authority here; and if he will make a statement on the matter. [37812/11]

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 balance of loans payable for each rating authority at 31 December 2009, the latest year for which audited information is available, is set out in the following table.

Local Authority	€
Carlow	42,600,097
Cavan	23,819,719
Clare	123,317,596
Cork	550,598,407
Donegal	142,561,124
Fingal	507,157,630
Dun Laoghaire Rathdown	192,241,327
Galway	125,275,130
Kerry	103,145,203
Kildare	168,976,579
Kilkenny	58,217,528
Laois	141,044,228
Leitrim	13,449,501
Limerick	73,759,912
Longford	49,581,469
Louth	36,684,343
Mayo	102,371,125
Meath	101,281,029
Monaghan	37,430,043
North Tipperary	56,433,040
Offaly	71,845,143
Roscommon	18,707,152
Sligo	66,267,156
South Dublin	272,974,510
South Tipperary	74,966,009
Waterford	52,568,617
Westmeath	107,757,259
Wexford	161,187,165
Wicklow	98,529,603
Cork City	201,074,634
Dublin City	1,356,414,574
Galway City	135,871,074
Limerick City	27,708,642

[Deputy Phil Hogan.]

Local Authority	€
Waterford City	99,768,307
Clonmel	5,500,208
Drogheda	76,819,172
Kilkenny	941,471
Sligo	44,012,681
Wexford	5,236,512
Arklow	79,631
Athlone	4,364,082
Athy	2,366,811
Ballina	107,465
Ballinasloe	0
Birr	323,814
Bray	7,602,461
Buncrana	0
Bundoran	3,752,186
Carlow	0
Carrick on Suir	422,237
Carrickmacross	0
Cashel	0
Castlebar	4,881,724
Castleblayney	75,410
Cavan	0
Clonakilty	2,291,239
Clones	186,425
Cobh	0
Dundalk	55,107,448
Dungarvan	2,101,445
Ennis	9,653,811
Enniscorthy	4,978
Fermoy	2,322,332
Kells	64,509
Killarney	3,820,843
Kilrush	725,020
Kinsale	212,745
Letterkenny	7,077,589
Listowel	967,027
Longford	10,247,266
Macroom	0
Mallow	3,761,691
Midleton	0
Monaghan	1,422,313
Naas	19,831,095
Navan	3,249,281
Nenagh	886,584
New Ross	0
Skibbereen	2,434,445
Templemore	0

Local Authority	€
Thurles	0
Tipperary	115,689
Tralee	22,040,644
Trim	3,280,222
Tullamore	11,081,067
Westport	4,244,487
Wicklow	7,317,473
Youghal	1,822,643
Total	5,728,341,052

Urban Renewal Schemes

129. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government the number of local authority houses in the Cranmore estate, Sligo, that were vacant on 31 October 2011; the number that have been vacant for more than three months; if any of the regeneration funding provided by him in the current year has been used to refurbish vacant houses in the estate; when the vacant houses will be available for re-letting; and if he will make a statement on the matter. [37813/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Sligo Borough Council has advised that 22 houses in the Cranmore estate were vacant as of 31 October 2011, of which 21 had been unoccupied for more than three months. A programme of refurbishment works is currently in progress and will be funded from the 2011 regeneration allocation. It is expected that 12 of these units will be available for re-letting as soon as the works are complete. The remaining 10 houses have been identified for future demolition under the regeneration project.

Departmental Reviews

130. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government the timeframe for completion of the review of retail planning guidelines; and if he will make a statement on the matter. [37868/11]

131. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government the timeframe for consultation on the draft retail planning guidelines and the consultation methodology to be employed; and if he will make a statement on the matter. [37869/11]

135. **Deputy Ciarán Lynch** asked the Minister for the Environment, Community and Local Government if changes arising from the review of the retail planning guidelines are to be made by amendment to existing legislation or through secondary legislation, or whether a new Bill will be required; and if he will make a statement on the matter. [37891/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 130, 131 and 135 together.

I refer to the reply to Priority Question No. 1 on today's Order Paper which sets out the position in regard to the consultation methodology and timeframe of the draft Retail Planning Guidelines. The Guidelines, when finalised, will be published under Section 28 of the Planning and Development Act, 2000 (as amended) and will, accordingly, have statutory underpinning.

Building Regulations

132. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government if he will ensure that all building materials and products are covered by the supplier’s product liability insurance cover; if he will further ensure that building professionals engaged in the design and certification of developments have the appropriate professional indemnity insurance cover; if this can be applied to all contractors and subcontractors alike; and if he will make a statement on the matter. [37870/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The EU Construction Products Directive (89/106/EC) defines the regulatory position in relation to the trade of construction products and materials in the internal market. Anyone who supplies or markets a product for which a harmonised product standard applies (i.e. the vast majority of construction products and materials) has a responsibility independently to certify that the product meets the agreed standards. The Directive acknowledges the right of Member States to set their own statutory requirements in relation to such matters as health and safety and building regulations.

Part D of the Building Regulations deals with Materials and Workmanship. It stipulates that all works are to be carried out with proper materials and in a workmanlike manner. It defines proper materials as those materials which are fit for the use for which they are intended and for the conditions in which they are to be used. This can be demonstrated by a product bearing CE Marking in accordance with the EU Construction Products Directive; complying with an appropriate harmonised standard; a European Technical approval or a national technical specification; or complying with an appropriate Irish Standard, an Irish Agrément Board Certificate, or an alternative national technical specification of another State which provides an equivalent level of safety and suitability.

As Minister I have a responsibility under the Building Control Act 1990 to specify technical standards and performance requirements for building which is fulfilled in the form of the publication of the Building Regulations and accompanying Technical Guidance Documents, which are subject to ongoing review by my Department. I have no regulatory function in relation to public liability insurance or professional indemnity insurance.

Architectural Qualifications

133. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Community and Local Government how he intends to make available the technical assessment to unregistered architects who cannot afford the full payment in advance of the assessment; and if he will make a statement on the matter. [37871/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The fee of €4,500 for technical assessment, approved in accordance with section 62 of the Building Control Act 2007, represents a significant reduction on the figure originally proposed.

My Department understands that the Royal College of the Architects of Ireland have negotiated a loan facility with Bank of Ireland to provide support to those undergoing Technical Assessment. Section 17(3) of the Act enables the registration body to waive or reduce a specified fee in cases of verified hardship.

Local Authority Charges

134. **Deputy John Browne** asked the Minister for the Environment, Community and Local Government if he will consider reducing the penalty per month imposed on delayed non-

principal private residence tax payments to local authorities, in view of the fact that it is causing severe hardship. [37884/11]

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. I have no plans at present to amend the quantum of the late payment fee for the charge.

The charge is levied on a fixed liability date in each calendar year and payment becomes due two months after that date. There is then a further month's grace period to pay the charge, giving a total of three months during which the charge may be paid before penalties for late payment commence. Section 9 of the Act places collection of the charge under the care and management of the relevant local authority.

Question No. 135 answered with Question No. 130.

Departmental Websites

136. **Deputy John Lyons** asked the Minister for the Environment, Community and Local Government if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37943/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): A list of websites under my Department's remit is set out below. Information regarding the annual cost of maintaining each website and the average number of hits per month on each site for the past year is being compiled and will be forwarded to the Deputy as soon as possible. My Department keeps under review the necessity for maintaining separate websites and consolidates related websites where appropriate with a view to achieving cost savings without compromising the level of service provided.

Website

www.cdb.ie

www.comhshaol.ie

www.constituency-commission.ie

www.electoralareacommittees.ie

www.electronicvoting.ie

www.environ.ie

www.fireescapeplan.ie

www.firesafetyweek.ie

www.mem.ie

www.met.ie

www.nss.ie

www.refcom.ie

www.tidytowns.ie

www.fdireland.ie

137. **Deputy Michael Healy-Rae** asked the Minister for the Environment, Community and Local Government the proposed savings that have been made by him since his appointment;

[Deputy Michael Healy-Rae.]

the value of these proposed savings and the amount of the savings that have been achieved to date; and if he will make a statement on the matter. [37967/11]

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:

2012	2013	2014	2015	2016	Total
€ million	€ million	€ million	€ million	€ million	€ million
861	726	575	574	574	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. The capital provision in my Department's Vote for 2011 is €1048m.

Information in relation to current expenditure savings will be made available next week in the context of Budget 2012 and associated announcements.

Question No. 138 answered with Question No. 23.

Community Development

139. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which he will engage with locally based community groups with a view to addressing and supporting areas of social and economic deprivation; and if he will make a statement on the matter. [37974/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The Local and Community Development Programme (LCDP), administered by Pobal on behalf of my Department, aims to tackle poverty and social exclusion through partnership and constructive engagement between Government/agencies and people in disadvantaged communities.

The Programme is underpinned by four high level goals:

1. To promote awareness, knowledge and uptake of a wide range of statutory, voluntary and community services;
2. To increase access to formal and informal educational, recreational and cultural development activities and resources;
3. To increase peoples' work readiness and employment prospects; and
4. To promote engagement with policy, practice and decision making processes on matters affecting local communities.

As part of the Programme's overall goals, the LCDP supports individuals into employment and self-employment through education, training, work experience, job placement, enterprise and the social economy in both urban and rural areas. Funding of €63.4m has been made available in 2011 for the Programme.

Two of the key Programme goals are focussed on education and training, particularly vocational training, and employment and self-employment supports. 80% of LCDP funding is allocated to these measures.

The Programme is implemented across the country through 51 Local Development Companies (LDCs), and prioritises the most disadvantaged communities, including RAPID areas, and individuals. These LDCs provide a range of employment services delivered to those who are identified as furthest from the labour market. Importantly, the services provided by LDCs are flexible, independent, locally based and non-bureaucratic. Knowledge and understanding of the local organisational landscape, and the development of networks and relationships, has led over the years to key successes in the provision of training, employment, self-employment and other supports.

My Department is also responsible for the delivery of Axes 3 & 4 of the Rural Development Programme Ireland, 2007-2013, with an allocation of €427m available over the lifetime of the Programme. The main objectives of these axes are to improve the quality of life in rural areas and to facilitate the diversification of the rural economy. This Programme is delivered on behalf of my Department by 35 Local Action Groups. In keeping with the “bottom-up” philosophy underpinning the LEADER approach, these groups are the principal decision makers in relation to the allocation of project funding in their areas. The Programme supports the provision of direct support for the generation and development of enterprise ideas and initiatives as well as support for initiatives which facilitate the development of sustainable rural communities.

My overall aim is to ensure that, notwithstanding the difficult budgetary position, disadvantaged communities will benefit from a more focused programme and better integrated actions. My primary concern in this most difficult economic climate is to make every effort to ensure the front-line services provided by or supported through my Department, especially those focused on the needs of the most disadvantaged communities, are protected and to minimise overheads and ancillary costs.

Local Authority Housing

140. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the total number of local authority houses currently under construction throughout the country; the extent to which this compares with other years; his intentions for the future; and if he will make a statement on the matter. [37975/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): Information on the number of local authority houses currently under construction is not available in my Department. At any one time, it would be impossible to know how many dwellings are currently under construction, in preparation for construction or completed during a particular local authority project. Notwithstanding this, from figures compiled earlier this year, I expect that through housing authority construction and acquisitions programmes in 2011, some 900 new accommodation units will be provided to meet the social housing needs of households on housing authority waiting lists. The numbers of units provided through construction and acquisition by local authorities from 2006 to 2010 are given in the following table.

Output	2007	2008	2009	2010
New Build	4,712	4,724	3,172	2,126
Acquisitions	2,002	787	727	850
Total Output on main programme	6,914	5,511	3,899	2,976

[Deputy Phil Hogan.]

The Government's housing policy statement, launched in June 2011, provides the framework for legislative and policy initiatives covering a range of housing supports to those in need. In terms of the delivery of social housing, the policy statement clearly identifies that the main focus in terms of supports provided by Government will be on meeting the most acute needs.

With levels of capital funding for social housing reduced by some 66% since 2008, the financial parameters within which the State is operating, and will be operating over the coming years, rule out a return to a mainly capital-driven construction programme by local authorities. Accordingly, delivery of social housing will be primarily facilitated by more flexible funding models, with the Social Housing Leasing Initiative and the Rental Accommodation Scheme providing the primary sources of supply.

Water and Sewerage Schemes

141. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which funding is likely to become available for group water schemes throughout the country; and if he will make a statement on the matter. [37976/11]

142. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government when he expects to be in a position to offer funding to the various local authorities to meet the capital requirements in respect of group water schemes; and if he will make a statement on the matter. [37977/11]

148. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which he expects to be in a position to assist Kildare County Council in their efforts to implement local group water schemes; the extent to which such proposals have been submitted for his proposals; the name and the location of the schemes in question; and if he will make a statement on the matter. [37983/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 141, 142 and 148 together.

My Department provides funding towards group water schemes by way of annual block grant allocations to local authorities under the Department's Rural Water Programme.

Responsibility for the administration of this programme has been devolved to local authorities since 1997. The selection and approval of individual group scheme proposals for funding and advancement under the programme, within the overall priorities set by my Department and subject to the block grant allocation provided, is therefore a matter for the water services authorities.

The recently published Infrastructure and Capital Investment 2012-16: Medium Term Exchequer Framework indicates that €40 million will be allocated to the Rural Water Programme in 2012. My Department will be writing to local authorities shortly asking them to submit proposals for funding under the Rural Water Programme in 2012. Decisions on the funding to be provided to local authorities, having regard to the proposals submitted, will be made as early as possible in the New Year.

143. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which he expects to upgrade the various water and sewerage upgrading proposals by the various local authorities throughout the country on a county basis; and if he will make a statement on the matter. [37978/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The overall strategy of investment in water services is to ensure that the timing and scale of investment facilitates economic and other development, achieves compliance with statutory requirements and promotes environmental sustainability objectives. The main vehicle for achieving these objectives is the multi-annual Water Services Investment Programme. The Water Services Investment Programme 2010-2012 is available in the Oireachtas Library. This programme is complemented by funding for group water schemes and small public water and wastewater schemes under the Rural Water Programme.

The 2010-2012 programme was reviewed in the middle of this year, and this allowed my Department and Water Services Authorities jointly to take stock of progress, ensure that project milestones are being achieved and identify any actions required to increase programme momentum. As a result of this review 39 new contracts with an overall value of almost €87 million were being added to the Programme. These include a series of water conservation projects and contracts to ensure that water supplies and wastewater infrastructure comply with drinking water or wastewater discharge standards respectively. A copy of the Water Services Investment Programme 2010-2012: Review 2011 is also available in the Oireachtas library.

Question No. 144 answered with Question No. 30.

Water Services

145. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent to which plans are being prepared to provide for adequate storage and supply of domestic drinking water in the future in line with projected population increases; and if he will make a statement on the matter. [37980/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan):

The overall strategy of investment in water services is to ensure that the timing and scale of investment facilitates economic and other development, achieves compliance with statutory requirements and promotes environmental sustainability objectives. The main vehicle for achieving these objectives for public domestic water supplies is the multi-annual Water Services Investment Programme. The Water Services Investment Programme 2010-2012 is available in the Oireachtas Library.

The Programme provides for the commencement of contracts with a value of over €800m in relation to water supply infrastructure. This includes contracts to address deficiencies in the quality of supply, to improve the overall capacity of the system and to provide an accelerated programme of mains rehabilitation. The Programme also provides for the advancement of a further range of schemes through planning, for progression to construction in future investment cycles.

The Programme is based on an assessment of needs for water and sewerage services undertaken by each water services authority which were subsequently appraised by my Department. In preparing their assessments, water services authorities were required to take into consideration key environmental and economic criteria in prioritising contracts and schemes to be progressed in their areas. The development of the Programme was strongly influenced by reports by the Environmental Protection Agency on drinking water quality, an assessment by Forfás of the requirements of enterprise in Gateways and Hubs, as well as River Basin Management Plans.

In addition, a detailed project appraisal is undertaken during the planning phase of each scheme, which determines issues such as the appropriate source of water, projected future demand and the most cost effective solution to meeting needs. There is, therefore, a strong

[Deputy Phil Hogan.]

evidence base, from technical assessments, environmental monitoring and policy studies to underpin the strategic direction of water services capital investment.

Local Authority Housing

146. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the extent, if any, to which an examination has taken place into the possibility of utilising some of the excess housing stock now under the control of the National Asset Management Agency to address the housing needs of first-time buyers or local authority-listed housing applicants; and if he will make a statement on the matter. [37981/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): There is clear potential, across a range of housing programmes, for the Government's policy objective of sourcing and providing suitable residential units for use as social housing to be aligned with the commercial objectives of the National Asset Management Agency (NAMA).

I have been engaging with my Department, very directly with NAMA to discuss options for bringing unsold suitable residential stock controlled by that Agency into productive use for social housing purposes. The first scheme of this nature, with property held by NAMA being purchased by an approved housing body through loan finance from the Housing Finance Agency, was launched in July 2011. Other proposals are currently being examined including leasing options as well as the purchase of units.

Local Authority Legal Costs

147. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the annual legal costs, if known, under various headings incurred by the various local authorities over the past five years to date in 2011; and if he will make a statement on the matter. [37982/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The information requested is not available in my Department. The procurement of legal services is a matter for the local authorities concerned.

Question No. 148 answered with Question No. 141.

Local Authority Funding

149. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that when Sligo County Council sought and received sanction from him for a term loan of €15 million in 2010 it stated in its application that the purpose to which the loan was to be applied was to fund balances in its capital account that remained unfunded, including water investment projects awaiting special development levies, asset purchases completed in advance of Gateway funding and project balances, along with the revenue account deficit, and that the loan was not in fact applied to the revenue account deficit of €7.5 million and the revenue account deficit was carried forward into the following year; if he has concerns about his Department being misled by Sligo County Council and if he finds such behaviour acceptable; if his further attention has been drawn to the fact that Sligo County Council had a total closing overall deficit balance of €9,981,616 on 31 December 2010; if he will provide the names and positions of the officials from his Department and Sligo County Council who met on 18 October 2011 to discuss the application of the €15 million loan and to further explore the financial position of the council; the proposals if any,

his Department made at the meeting; the proposals if any, the Sligo county manager made; and if he will make a statement on the matter. [37988/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): I refer to the replies to Question Nos. 366 of 19 July 2011, 342 of 20 September 2011, 131 and 134 of 29 September 2011, 325 of 18 October 2011, 261 of 2 November 2011, 395 of 15 November 2011 and 355 of 22 November 2011. Senior officials in the Local Government Division of my Department met with the Sligo County Manager on 18 October 2011. It was agreed that Sligo County Council would consider actions to address the financial position of the Council in its Budget for 2012.

Foreshore Licences

150. **Deputy Charlie McConalogue** asked the Minister for the Environment, Community and Local Government when the tender process will be completed and when external valuers will be appointed to deal with foreshore licence applications outside the designated fishery harbour centres; and if he will make a statement on the matter. [38067/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): The valuation of sites connected with foreshore applications is undertaken either by the Valuation Office or by private sector valuers appointed by my Department with the approval of the Department Public Expenditure and Reform. There is currently no active tender process underway within my Department for the provision of additional external valuation services for foreshore applications.

Departmental Funding

151. **Deputy Nicky McFadden** asked the Minister for Justice and Equality the arrangements being made for an organisation (details supplied) when funding ceases on 1 January 2012; and if he will make a statement on the matter. [37782/11]

Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch): It has been decided that funding from the Department to People with Disabilities in Ireland (PwDI) must cease at the end of 2011.

On the basis of a value for money review it has been clearly established that the vast majority of the money allocated to PwDI is being spent disproportionately. The largest proportion of PwDI's annual budget has been spent over the last number of years on the operation of its office headquarters and on administration rather than on the creation of programmes and services which would directly benefit people with disabilities. This was an untenable situation that could not be allowed to continue, as people with disabilities were not benefiting sufficiently from the allocation in real terms. However, there is no reason why the local PwDI networks around the country should not continue to be active as volunteer bodies and continue their work with people with disabilities.

It is my wish to ensure that people with disabilities directly benefit from any money allocated to this sector. With this in mind, I am currently overseeing the finalisation of a major Value for Money and Policy Review of Disability Services in the Department of Health to ensure that existing funding allocated for people with disabilities is spent to best effect. I am also interested to hear what people with disabilities have to say on issues affecting them. I have recently set up and will chair a new Implementation Group to develop and progress the National Disability Strategy. This new group holds its inaugural meeting today, 30 November. It includes representation from a number of disability stakeholder organisations and also a

[Deputy Kathleen Lynch.]

number of people with disabilities who will be able to bring their lived experience directly to bear on the very important work of this high level group. This will ensure the voice and perspective of people with disabilities will continue to be heard in a more focused and cost-effective way.

Visa Applications

152. **Deputy Brendan Ryan** asked the Minister for Justice and Equality the reason the spouse of a person who is an Irish citizen (details supplied) was refused a visa; the length of time the appeal will take; and if he will make a statement on the matter. [37790/11]

Minister for Justice and Equality (Deputy Alan Shatter): The visa application referred to by the Deputy was received in the Visa Office, Dublin on the 18 October 2011. It was refused by the Visa Officer on the 11 November 2011 for the following reasons: 1. There was insufficient documentation submitted in support of the application, specifically financial statements were not provided as per visa documentation guidelines; 2. The Visa Officer had concerns that the granting of the visa sought may result in a cost in respect of public funds and public resources; 3. The Applicant had not provided sufficient evidence of a relationship being in existence prior to the visa application/marriage.

The Deputy may wish to note that for immigration purposes it is not generally sufficient for a relationship to have developed over the internet or by telephone/sms, but rather should include a number of face to face meetings between the parties. The onus rests with the applicant to satisfy the Visa Officer as regards the bona fides of the relationship.

As is the case with all refused visa applications, the refusal decision and the reasons for that decision were sent by way of letter to the applicant. In addition, and in common with all visa applications refused in Dublin, the refusal decision and the reasons for that decision were posted promptly on-line (in a format confidential to the applicant). It is open to the person concerned to submit an appeal within two months of the date of refusal, in this case before the 11 January 2012. No such appeal has been received in the Visa office to date from the applicant referred to by the Deputy in his question. Guidelines on the visa appeals process is available on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

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 waited.

Garda Strength

153. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality the number of members, by rank, of An Garda Síochána who have retired from the force for the years 2009 to date in 2011; the number who are expected to retire before the end of 2011; and if he will make a statement on the matter. [37836/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that the number of Gardaí, by rank, who retired in 2009, 2010 and to-date in 2011 and the number who have declared their intention to retire in the remainder of 2011 is as set out in the following table.

Rank	2009	2010	2011 (to-date)	2011 (29/11-31/12)
Commissioner	—	1	—	—
Deputy Commissioner	—	—	—	—
Assistant Commissioner	3	2	2	1
Chief Superintendent	14	3	4	4
Superintendent	26	14	12	12
Inspector	29	8	12	9
Sergeant	177	95	74	37
Garda	473	239	194	87
Total	722	362	298	150

Garda Operations

154. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on Garda Operation Shannon; the number of vehicles that have been recovered; the number of persons arrested and charged to date; the number of convictions secured to date; the cost of the operation to date; if this operation is still ongoing; and if he will make a statement on the matter. [37837/11]

Minister for Justice and Equality (Deputy Alan Shatter): In the time available it has not been possible for the Garda authorities to supply the information requested by the Deputy. I will be in contact with the Deputy as soon as the information is to hand.

155. **Deputy Thomas P. Broughan** asked the Minister for Justice and Equality if he will report on Garda Operation Oak; the number of persons arrested and charged to date; the number of convictions secured to date; the cost of the operation to date; if this operation is still ongoing; and if he will make a statement on the matter. [37838/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Garda authorities that Operation Oak, which commenced in November 2005, was an operation targeting a person suspected of being involved in organised criminal activity and his associates. The subject of the investigation was considered at that time to be a senior figure in an organised crime gang and his suspected activities included armed robbery, the importation and distribution of drugs and firearms, theft of vehicles and tax evasion.

As a result of the Operation a total of forty persons, who were considered key members of the organised crime gang, were arrested. Thirty-one persons were charged with related offences including attempted robbery, possession of firearms and the importation and sale / supply of illegal drugs.

Twenty-two persons have been convicted, to date, with warrants issued by the Courts in respect of two persons who have left the jurisdiction. The persons charged and convicted before the Courts received sentences ranging from 3 years to 15 years.

The Operation also resulted in the seizure of substantial quantities of illegal drugs and firearms, together with cash and stolen vehicles recovered. Property linked to the target of this initiative and other criminal associates has also been seized by the Criminal Assets Bureau and is the subject of proceedings under the Proceeds of Crime Acts 1996 and 2005.

Finally, I am advised by the Gardaí authorities that Operation Oak, which concluded in 2007, was a joint operation involving personnel from a number of National, District and Divisional

[Deputy Alan Shatter.]

Units of An Garda Síochána, with resources from all of these areas deployed to target the activities of this organised crime gang. To calculate the overall cost of the operation would necessitate a disproportionate amount of Garda time and resources.

Residency Permits

156. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality, further to Parliamentary Question No. 173 of 13 October 2011, the decision that was issued in an application for family reunification in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [37861/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) that a positive decision issued to the person referred to by the Deputy on 13 September 2011.

Queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. 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.

157. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in respect of an application for residency in the case of a person (details supplied) in Dublin 14; and if he will make a statement on the matter. [37862/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that valid applications for certificates of naturalisation were received from the persons referred to by the Deputy in January, 2009.

The applications are currently being processed with a view to establishing whether the applicants meet the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

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.

Deportation Orders

158. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the reason for a deportation order issued in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [37863/11]

Minister for Justice and Equality (Deputy Alan Shatter): In reply to the Deputy's question, following the refusal of this individual's application for a declaration as a refugee, he made an application for subsidiary protection. This was considered and refused.

His case was then examined under the provisions of Section 3 of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted by or on behalf of the individual concerned were considered in full. Following consideration of those representations, a Deportation Order was made against the individual concerned. A copy of the decision, together with the detailed submissions made under Section 3 of the Immigration Act 1999 (as amended) were issued to the individual concerned and copied to his legal representative.

The Deportation Order required the individual to remove himself from the State by 28 October 2011 and remain thereafter outside the State. The individual in question has not yet removed himself from the State and must therefore present himself to the Garda National Immigration Bureau to facilitate his removal.

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. The 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.

Residency Permits

159. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in respect of an application for residency in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [37864/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Citizenship Division of the Irish Naturalisation and Immigration Service (INIS) that a valid application for a certificate of naturalisation was received from the person referred to by the Deputy in August, 2011. The application is currently being processed with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision as expeditiously as possible. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

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.

160. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected position in respect of an application for residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [37865/11]

Minister for Justice and Equality (Deputy Alan Shatter): Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30th September, 2005,

[Deputy Alan Shatter.]

that the then Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him.

The person concerned was subsequently notified of his entitlement to submit an application for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006. The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

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.

161. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Equality, further to Parliamentary Question No. 384 of 22 November 2011, if a stamp 0 visa will be subject to revocation or non-renewal in the event the holder avails of public health care, including emergency care. [37899/11]

Minister for Justice and Equality (Deputy Alan Shatter): It would be a condition of the immigration permission granted to persons on Stamp 0 basis that they have private medical insurance to cover their period of residence in the State. The whole purpose of the new stamp is to facilitate the presence in the State of persons for a temporary and limited purpose and clearly the State should not be exposed to significant cost in return for doing this. Since a person will have private medical cover, the question of accessing public health care should not generally arise. If it does there is an obvious qualitative difference between a foreign visitor who is involved in an accident or incident and requires emergency medical care and a person deliberately breaching a condition of their immigration permission by seeking to have the Irish State foot the bill for non-emergency treatment. Each case would have to be considered on its merits and common sense would apply.

In any event the requirement to have private medical insurance is not new in the immigration system and is already applied to some other categories of migrant coming to Ireland for more than 90 days, for example students, where this condition is standard. The position in relation to any category of immigration permission is that where one of the conditions applicable to that permission is not complied with, that may result in the immigration permission not being renewed.

Departmental Websites

162. **Deputy John Lyons** asked the Minister for Justice and Equality if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number

of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37948/11]

Minister for Justice and Equality (Deputy Alan Shatter): My Department provides support for 25 websites related to the work of the department and some bodies under its remit. Details of visits are not recorded for all sites but figures recorded in the past year indicate that there was an average of 26,726 unique visits per month to my Department's main site (*www.justice.ie*) and that there was an average of 54,015 unique visits per month to the Irish Naturalisation & Immigration Service (*www.inis.gov.ie*). Hosting and related charges for these sites in the past 12 months came to €18,783.82. Other costs, such as staff time spent maintaining the site content which forms part of the day to day work of the Department, are not separately accounted for.

Websites are an essential communications tool for any modern organisation in providing essential customer services. As part of the Shared Service model, websites are developed and maintained based on reusable templates. This approach has led to a reduction in the cost and effort of setting up and supporting websites. The management of websites 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.

Citizenship Applications

163. **Deputy Tom Fleming** asked the Minister for Justice and Equality if he will review the application for a certificate of naturalisation in respect of a person (details supplied) in County Kerry. [37996/11]

Minister for Justice and Equality (Deputy Alan Shatter): An application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in October 2011. The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. The person concerned did not fulfil all of the statutory conditions, consequently, the Citizenship Division of my Department have deemed the application ineligible. The person concerned was informed of this decision in a letter issued on 18 October, 2011. Subsequent correspondence enclosing an amended section of the application form did not address the issue as the application form is a statutory declaration and any amendment requires a new Statutory declaration to be completed and sworn. I have asked the relevant officials in my Department's Citizenship Division to contact the person concerned in relation to this matter.

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.

Domestic Violence

164. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if his attention has been drawn to the link between child abuse and domestic violence; if he will ensure that the best practice principle of protecting the child through the protection and support of the non-abusive parent is acknowledged and reflected in any new child protection structures and

[Deputy Michael Healy-Rae.]

in any review of family law and domestic violence legislation; and if he will make a statement on the matter. [38051/11]

165. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality if he will progress the review and reform of domestic violence legislation as soon as possible so that it includes the extension of safety orders to dating-type relationships; if he will remove the length-of-cohabitation requirements for barring orders when the applicant has a sole or greater interest in the property; and if he will make a statement on the matter. [38052/11]

166. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality his views on whether there should be a better system, when domestic violence cases go to court, in which children involved in these cases should have the opportunity, in a proper way with professional persons, of giving evidence which would be vital in assisting a judge in making a determination as to how they should proceed in adjudicating on the case; his views on whether we are neglecting the health, safety and well being of our children by not ensuring that such a provision would be strictly enforced and adhered to; and if he will make a statement on the matter. [38053/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 164 to 166, inclusive, together.

There are already specific provisions in place in the Domestic Violence Act 1996 which provide protection to children. In particular, in an application for a safety order or a barring order the court may grant an order to an applicant where it is of the opinion that the safety or welfare, including both the physical and psychological welfare, of the applicant or a dependent person (a child of the applicant and the respondent or either of them) requires it. A health authority may also apply for a safety order or a barring order in relation to an “aggrieved person”, including a child.

The Programme for Government 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 — 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.

I am considering making suitable measures available for applicants who are or have been in relationships but who may never have cohabited with the person causing the risk. While there are already measures available under section 10 of the Non-Fatal Offences against the Person Act 1997, the criminal threshold of proof applies in those cases. Accordingly, I am considering whether persons in non-cohabiting relationships may be included in the category of people who may apply for a safety order.

In relation to the cohabitation requirements to obtain a barring order, it should be noted that there is a constitutional impediment to removing that requirement entirely where the respondent has any interest in a shared property. This is because the order may have the effect of restricting the property rights of the respondent. However, I will give full consideration to any measures which may enhance protections for an applicant while respecting the respondent’s constitutional rights.

In advance of wider reform, I introduced reforms to domestic violence legislation by means of the Civil Law (Miscellaneous Provisions) Act 2011. 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.

The Children Act 1997 makes comprehensive provisions for the giving of evidence in civil proceedings by children, by means of television links and through intermediaries, and the admissibility of and weight to be given to such evidence. I can assure the Deputy that operation of the law in these areas is reviewed by my Department on an ongoing basis.

Liquor Licensing Laws

167. **Deputy Charlie McConalogue** asked the Minister for Justice and Equality his views on whether the sale of alcohol to teenagers is being adequately monitored; and if there are enough deterrents in place. [32501/11]

Minister for Justice and Equality (Deputy Alan Shatter): There are robust legal provisions in place relating to the sale of intoxicating liquor to persons under the age of 18 years. Section 31 of the Intoxicating Liquor Act 1988, as amended, contains provisions which prohibit a licensee from selling, or permitting any person from selling, intoxicating liquor to such persons. The Intoxicating Liquor Act 2008 also provides An Garda Síochána with significant additional powers to address the problem of alcohol sales to underage persons. Section 14 allows a Garda who believes with reasonable cause that such a person possesses a bottle or other container containing intoxicating liquor which is being, or is intended to be, consumed by him or her to seize and remove the container. It also makes provision for the test purchasing of alcohol products, and guidelines were issued by the then Minister for Justice and Law Reform in October, 2010 in respect of the procedures to be followed, following consultation with the Garda Commissioner and the Minister for Health and Children. The primary objective of the scheme is to enable An Garda Síochána to target licensed premises which are suspected of engaging in illegal sales to young people. Up to 31 October, 2011, these provisions have been invoked in respect of 119 premises, and offences were detected in respect of 41 of these premises.

Section 8A of the Criminal Justice (Public Order) Act 1994 provides An Garda Síochána with certain powers in relation to persons that are in the possession of intoxicating substance in a place other than a place used as a private dwelling. Incidents of public disorder and anti-social behaviour arising from the abuse of alcohol reported to the Garda authorities are the subject of investigation and dealt with appropriately, including by juvenile or adult caution, fixed charge penalty notices or initiating criminal proceedings. Any persons found engaging in such behaviour will continue to be dealt with appropriately in accordance with the law.

Local Garda management keeps under review patrols and other operational strategies in place, in conjunction with other policing needs of the residents in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. Current policing plans are designed to address issues of crime and public order offences. Community policing is a central feature and core value of policing policy, and current policing strategies are predicated on the prevention of crime, public order offences and anti-social behaviour. This strategy is, and will continue to be, central to the delivery of policing services.

Departmental Websites

168. **Deputy John Lyons** asked the Minister for Defence if he will provide details of all

[Deputy John Lyons.]

websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37941/11]

Minister for Defence (Deputy Alan Shatter): There are five websites under my remit. The following table provides the information requested in relation to each of these websites.

	Site Name	Average Hits Per Month	Annual Cost €
Department of Defence	defence.ie	11,348 ¹	€5,712
Civil Defence	civildefence.ie	9,622 ¹	€1,920
Office of Emergency Planning	emergencyplanning.ie	343	€7,536
Office of Emergency Planning	winterready.ie	Not Available ²	Not Available ²
Defence Forces	military.ie ³	36,000	€60,000

¹ These figures include non-human traffic from web crawlers, RSS feed hits etc.

² *www.winterready.ie* was launched on the 9th November 2011. The number of hits for the first week was 22,675. Annual figures for maintenance and average number of hits will not be available until late 2012.

³ The Defence Forces' website has recently been upgraded and has replaced the old version of *www.military.ie* and *www.rdf.ie*. The upgraded website includes the Military Service Pension collection which will be launched in early 2012.

The websites managed by the Department of Defence have been optimised by co-hosting *www.defence.ie* and *www.civildefence.ie* to reduce costs and likewise *www.emergencyplanning.ie* and *www.winterready.ie* are co-hosted. Further rationalisation of these website is not feasible as each of the websites serve different purposes and have different target audiences.

The Defence Forces' new website has been optimised to ensure reduced hosting costs and more efficient administration. The website won the 2011 Realex Web Awards category for "Best Government and Council Website".

Army Barracks

169. **Deputy Seán Ó Fearghaíl** asked the Minister for Defence the contacts, if any, he has had with IDA Ireland or Enterprise Ireland in respect of the possible use of land at Magee Barracks, Kildare town, for development purposes; and if he will make a statement on the matter. [38057/11]

Minister for Defence (Deputy Alan Shatter): Officials from Enterprise Ireland and the IDA recently visited the barracks and on the 16th of this month I met with a deputation from Kildare Chamber of Commerce to discuss possible future uses. In terms of disposal the Deputy will appreciate that the market remains extremely difficult. Whilst I am open to any suggestions on the future use and development of the site I would like to reiterate that it is the Departments intention to dispose of the property, taking account of the market conditions, so as to maximise the return to the Defence Forces. Kildare County Council is currently preparing a Local Area Plan (LAP) for the town of Kildare. This plan will set out a vision for the future development of the town. The Magee site is a significant site in the town and will be a central feature of the plan. Accordingly it is unlikely that there will be any progress in disposing of the site until the LAP becomes available sometime next year.

Grant Payments

170. **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; and if he will make a statement on the matter. [37764/11]

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 8 April 2011, processing of which has recently been finalised, thereby allowing the 50% advance payment to issue to the person named on 15 November.

171. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine when a forestry premium will be paid in respect of a person (details supplied) in County Mayo. [37784/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Forest Service has no record of the application form for the 2011 annual premium being received from the applicant. A duplicate application form was sent to the applicant on 24 November for signing by him. The payment will be processed when a completed application has been received by the Forest Service.

172. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine when outstanding REP scheme, single farm and area based payments will issue to a person (details supplied) in County Mayo. [37785/11]

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 20 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.

173. **Deputy Dara Calleary** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Mayo may expect a response to a query regarding their suckler cow welfare scheme payment. [37786/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named submitted an application in 2008 to participate in the Suckler Welfare Scheme. In doing so he agreed to comply with all of the Terms and Conditions of the Scheme. One of the essential components was that each participant would attend the mandatory training course. These courses were held extensively throughout the country during 2008 and 2009. The final tranche of training courses were held in November 2010 and those participants who had not attended a course were advised that that was the final opportunity to attend and that failure to do so would result in exclusion from the Scheme. It was open to each participant to nominate a family member to attend if they were unable to do so and each participant was so notified. Each participant also undertook to carry out all of the measures required under the Scheme for the five years duration and to submit all relevant data relating to these measures. Data was submitted in relation to the seven animals born during 2008 and payment issued in respect of six of these animals. An error was identified with the remaining animal. However, weaning dates were not received in respect of the animals born during 2009 and 2010. In the interest of expediting payments under this Scheme, I recently introduced a requirement that all data had

[Deputy Simon Coveney.]

to be received within one year of the birth of each animal and a grace period until the end of August 2011 was allowed for any outstanding information to be submitted.

A medical certificate was submitted by the person named for his non-attendance at a training course. However, given that none of the measures required under the Terms and Conditions of the Scheme were registered by the person named for any of the calves born in 2009 and 2010, it was not possible for the person named to continue participating in this Scheme.

174. **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; and if he will make a statement on the matter. [37788/11]

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 21 April 2011, processing of which has recently been finalised, thereby allowing the 50% advance of the Single Payment to issue to the applicant on 22 November.

Grant Payments

175. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a person (details supplied) in County Kerry will be permitted to switch from cattle to sheep and retain their entitlements; and if he will make a statement on the matter. [37801/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under the provisions of the Single Farm Payment, it is necessary for the applicant maintain an agricultural activity including maintaining the land in Good Agricultural and Environmental Condition. There is no restriction, therefore, in an applicant altering his or her farming activity from cattle to a sheep breeding enterprise, for example. The important matter is that sufficient stock be maintained to keep the land compliant with Good Agricultural Condition and eligible for payment.

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. Various types of livestock are acceptable under the Scheme such as cattle, sheep, goats, etc. Sufficient proof under each category will be required. For cattle, sheep and goats, details are held on the Department's database; in respect of horses, passports are required to be sent to Disadvantaged Areas Section of my Department; while in respect of deer, a Department official can verify the numbers.

Food Safety Standards

176. **Deputy Kevin Humphreys** asked the Minister for Agriculture, Food and the Marine the date on which he intends to introduce a statutory instrument to ban the sale of raw milk; his plans to conduct a regulatory impact assessment on such a ban with regard to its effects on gourmet food consumers and tourists, specialist ingredient suppliers and niche food markets; and if he will make a statement on the matter. [37829/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The Food Safety Authority of Ireland and my Department's dairy science and veterinary experts have recommended that the sale of unpasteurised milk from all farm animals which is intended for direct human consumption should be prohibited. The most effective way to protect public health is to ensure that such milk is pasteurised. Pasteurisation is universally recognised as having been

one of the greatest advances in public health and it is important that we do not create conditions in this country, by effectively opening up a new outlet for raw milk, which could undo some of that good.

Regulatory impact analysis is designed to assess the impact of new and different regulations and policy approaches. The proposed ban on the sale of raw milk for direct human consumption is not new. Sale of raw cows' milk was banned for many years (from 1997 until 2006) by my Department; and previously by most local authorities. The ban lapsed due to a change in EU legislation in 2006. In effect renewal of the ban will constitute a return to the status quo.

A public consultation process was held in 2008 in relation to the proposed extension of the ban to goats' and sheep milk. Seventeen submissions were received. The submissions were wide ranging and included requests to allow restricted sale of raw milk as well as a number of claims of perceived health benefits of drinking raw milk. All the submissions were carefully reviewed by my Department's experts in conjunction with the FSAI. They were satisfied that the claimed benefits from drinking raw milk did not outweigh strong advice concerning the known health risks associated with drinking raw milk. These include diseases such as TB, brucellosis, E. coli O157, Campylobacter and Salmonella. Illness associated with consumption of raw milk is thankfully rare, but this is precisely because of the fact that the vast bulk of liquid milk consumed in Ireland is pasteurised, partly due to the existence of the previous long-standing ban. International data show that outbreaks increase when the numbers consuming raw milk are allowed to increase.

Any food scare associated with the sale of raw Irish milk for direct human consumption could have major implications for our dairy industry. Ireland exports over €2bn worth of dairy products each year; and is the leading producer of infant formula with about 15% of the world market. The recent E. coli outbreak in Germany, resulting in 46 deaths, 782 cases of HUS (haemolytic uraemic syndrome, a serious kidney condition) and 3,128 known cases of VTEC, indicates the scale of possible risks associated with raw food.

I am advised by the FSAI that meaningful differences in nutritional value between pasteurised and unpasteurised milk have not been demonstrated. A number of artisan food producers are pasteurising raw whole milk and are licensed by my Department in this regard. These artisans are very successfully marketing liquid whole milk, ice cream, different flavoured yoghurts and artisan farmhouse cheeses; and clearly demonstrating that pasteurised whole milk can be used in the manufacture of safe high quality dairy products.

Regulation allowing sale of raw milk for direct human consumption, on a restricted basis, would be difficult and costly to implement. Most important however such regulation would still not eliminate the serious health risks. Even under the best conditions, raw milk can contain low levels of human pathogens that can cause serious illness or rapidly increase to harmful levels. Labelling as a precaution would be least effective with some of the most at-risk groups i.e. the young and the elderly.

In all the circumstances I am satisfied that a renewal of the ban on the sale of raw milk for direct human consumption is justified. The date for introduction of the required Statutory Instrument will be a matter for discussion with my colleague the Minister for Health, as it is intended that the S.I. will be introduced under the Health Act 1947.

Milk Quota

177. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine the position regarding an application for additional quota in respect of a person (details supplied) in County Limerick. [37834/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The closing date for receipt of applications to the first stage of the 2012-2013 Milk Quota Trading Scheme was 7 October 2011. An application was received in my Department from the named person before that date.

The processing of the applications is now at an advanced stage, and I expect to be in a position to announce the results of the scheme in mid December. At that time my Department will notify all Co-ops of the outcome of the scheme and they, in turn, will inform their participating suppliers of the outcome of their individual applications.

I expect to announce the second stage of the 2012-2013 Scheme in early January 2012.

178. **Deputy Patrick O'Donovan** asked the Minister for Agriculture, Food and the Marine if there is likely to be a surplus of quota left over at the end of the year to be distributed to over-quota producers as part of the flexi-milk system. [37843/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The flexi-milk arrangements are designed to redistribute unused quota within Co-op collection areas, so that the potential exposure of over-quota producers to a super levy can be mitigated. The question of whether the country will be over quota at the end of the year, of course, still has to be determined. Estimates based on Co-ops' submission of butterfat-adjusted delivery figures indicate that the country is 1.2 per cent over quota at the end of October 2011 (down from 2.4 per cent over quota at the end of September). I would therefore take this opportunity to remind all milk producers of their responsibility to produce in accordance with quota limits, and to plan accordingly over the coming months.

Grant Payments

179. **Deputy John Browne** asked the Minister for Agriculture, Food and the Marine when a single farm allowance payment will issue to a person (details supplied) in County Wexford. [37881/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): An application under the 2011 Single Payment Scheme was received from the person named on 12 May 2011, processing of which has recently been finalised, thereby allowing the 50% advance payment to issue to the person named on 22 November.

180. **Deputy John Browne** asked the Minister for Agriculture, Food and the Marine when the 25% REP scheme 4 payment will be made to a person (details supplied) in County Wexford. [37885/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The person named commenced REPS 4 in May 2009 and received full payments for the first year of the contract. In addition, 75% of the year 2 payment for 2010 issued on 21 April 2011 for the amount of €5898.20. The remaining 25% year 2 balancing payment for 2010 for the amount of €1939.40 will issue within the next week.

Question No. 181 withdrawn.

Departmental Websites

182. **Deputy John Lyons** asked the Minister for Agriculture, Food and the Marine if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these

websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37937/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The details requested by the Deputy in relation to my Department's websites are provided in the following table. My Department's websites are constantly reviewed and rationalised where possible and I have recently introduced a new Minister's Information Centre on my Department's website which provides access to up to date information on ministerial activities.

My Department also continues to develop our online services on an ongoing basis. The success of these initiatives is evidenced by the fact that online applications for the Single Payment System (SPS) increased by 25% in 2011, with over 54,000 online applications. In addition, the number of calves that have been registered online using my Department's Animal Identification Movement (AIM) system has increased by approximately 48% this year with over 400,000 calves registered thus far in 2011.

Website Name	Annual cost (ex vat) for each site in 2011	Total unique average monthly visitors 2011
http://www.agriculture.gov.ie (Department's primary website)	€12,636.00	39,587
http://www.agfood.ie (Department's portal for online services)	€29.99	11,707
http://www.fawac.ie (Farm Animal Welfare Advisory Council website)	€29.99	550*
http://www.fishingnet.ie (Commercial Sea Fishing Network Portal)	€29.99	420*
http://www.killybegsharbour.ie (Killybegs Harbour Centre website)	€29.99	400*
http://www.coford.ie (3 sites) (COFORD Division website)	€89.99	775
http://www.woodspec.ie (Timber Resource website)	€29.99	3,616
http://www.woodenergy.ie (Wood Biomass Resource website)	€29.99	431
http://www.pcs.agriculture.gov.ie (Pesticides Control Division website)	Nil	1100*
http://www.pots.agriculture.gov.ie (National Potato Register of Growers and Packers)	Nil	350*
http://www.agriappeals.gov.ie (Agriculture Appeals Office Website)	€29.99	230*

*Approximate averages based on comparable annual usage.

In relation to agencies under the aegis of my Department, the number of websites and their cost of maintenance is an operational matter for the agencies themselves.

Agricultural Training

183. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if a green certificate will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [37954/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under the Agriculture (Research, Training and Advice) Act, 1988, Teagasc has statutory responsibility for the provision of education, advisory and research services to the agriculture sector. It is a matter for Teagasc and its Board to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities. Ministerial responsibility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day-to-day operations of Teagasc.

[Deputy Simon Coveney.]

All matters relating to the delivery of Education programmes, including the issue of green certificates, are operational matters for Teagasc and its Board. I will forward the Deputy's question to Teagasc for appropriate attention.

Grant Payments

184. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) in County Kerry will receive their single farm payment and area aid; and if he will make a statement on the matter. [37959/11]

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 26 April 2011. The application included a part of Coumduff commonage. This commonage has been over-claimed in the 2011 scheme year and payment cannot issue to any applicant, who declared a share in the commonage 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.

Departmental Schemes

185. **Deputy Brendan Griffin** asked the Minister for Agriculture, Food and the Marine if future agri-environment option scheme will have a longer opening period; and if he will make a statement on the matter. [37960/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): The future of the Agri-Environment Options Scheme will be determined by the level of funding available to my Department following the outcome of the Estimates and Budget 2012 process and I will be making an announcement on the position at that stage.

Grant Payments

186. **Deputy Michael Healy-Rae** asked the Minister for Agriculture, Food and the Marine when a person (details supplied) will receive their sheep grasslands scheme payment; and if he will make a statement on the matter. [37968/11]

Minister for Agriculture, Food and the Marine (Deputy Simon Coveney): Under the 2010 Grassland Sheep Scheme, farmers were required to:

- maintain ewes;
- complete the Sheep Census return; and
- submit the SPS application form by the closing date of 17th May 2010.

While an application under the 2010 Single Payment Scheme and other area-based schemes was received from the person named on 12 May 2010, following validation it was found that while the person named had submitted the Sheep Census Return, as required, no breeding ewes were declared on the Census Return. Therefore, no payment was due under the Grassland Sheep Scheme to the person named. However, following a review of this case, on foot of an appeal from the person named, 60 breeding ewes have now been accepted for the Scheme, with payment due to issue shortly.

Inter-Country Adoptions

187. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs the timeframe in which she envisions a secure working agreement between Ireland and Vietnam for the resumption of adoptions will be established; and if she will make a statement on the matter. [37780/11]

188. **Deputy Billy Kelleher** asked the Minister for Children and Youth Affairs when the Adoption Authority of Ireland will sanction an agency to work with Vietnam in order to facilitate inter-country adoption to Ireland; and if she will make a statement on the matter. [37781/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): I propose to take Questions Nos. 187 and 188 together.

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 2012, it is not yet clear how soon after that arrangements will be in place, in both jurisdictions, to allow intercountry adoption recommence. Ireland is one of a number of countries interested in intercountry adoption from Vietnam, and it is a matter for the Vietnamese authorities to decide with whom and in what order they operate. It is also not within the control of the Irish authorities to guarantee the availability, numbers, age or the level of needs of children for intercountry adoption from that country. 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.

The position regarding the adoption agency referred to by the Deputy is that the application for accreditation by that agency is a matter for the Adoption Authority. The Authority informs me that they are awaiting information from the HSE on this matter.

Youth Services

189. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs his views on correspondence (details supplied) regarding cuts to youth services. [37845/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The City of Dublin Youth Service Board (CDYSB) has been for many years promoting, supporting and co-ordinating the development of youth projects and youth services in Dublin City and I am aware of the valuable work carried out by CDYSB in the youth work sector,

The main objectives of the Youth Affairs area are to develop and implement coherent, coordinated and relevant youth policies and strategies to support the youth sector in providing effective non-formal education and developmental opportunities for young people through which they can enhance and develop their personal and social skills and competencies. To support this work, the Youth Affairs area of my Department has a budget in 2011 of €60.154m on current expenditure and €0.8m on capital

[Deputy Frances Fitzgerald.]

In light of current budgetary constraints, the youth budget requires careful management with a focus on prioritising front-line services in so far as is possible. Officials from my Department have met with representatives of the youth sector including CDYSB, on an ongoing basis to ascertain the sector's views on how best to minimise the impact of budgetary constraints with a view to consolidating, in so far as is practicable, the progress made in previous years. Every effort will be made to notify the various youth work organisations and administering agencies of their 2012 allocations as speedily as possible.

Inter-Country Adoptions

190. **Deputy Finian McGrath** asked the Minister for Children and Youth Affairs her views on correspondence (details supplied) regarding adoption. [37846/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Adoptions from Ethiopia, effected under the transitional arrangements provided for in the Adoption Act 2010, are ongoing and are currently being examined, and recognised, by the Adoption Authority of Ireland (AAI). These transitional arrangements may lead to adoptions from Ethiopia taking place up to the end of October 2013.

Adoptions from Ethiopia which are not covered by the transitional arrangements referred to above require a bilateral agreement between Ireland and Ethiopia. The negotiation of bilateral agreements on intercountry adoption with states who have not ratified the Hague Convention 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 the Hague Convention, is covered by Section 73 of the Adoption Act, 2010. The opening of negotiations on such a bilateral would require an analysis of

- the current situation regarding adoptions in Ethiopia;
- issues regarding the compatibility of the laws between the two countries and
- the plans of that jurisdiction vis a vis the Hague Convention.

The AAI have indicated that certain issues could arise that would require detailed consideration, especially issues relating to the effect of Ethiopian adoptions in the context of the Adoption Act 2010. My Department is in regular and ongoing contact with the AAI and the Irish Embassy in Ethiopia in order to assess possible next steps vis a vis that jurisdiction. However further action will have to have regard for the wider work programme of the AAI and agreed priorities.

As the Hague Convention is designed to ensure a minimum set of standards in intercountry adoption, the Adoption Authority of Ireland have indicated that their first priority is to reach agreements on arrangements with other Hague countries.

Children in Care

191. **Deputy Michael McCarthy** asked the Minister for Children and Youth Affairs, further to Parliamentary Question No. 562 of 4 October 2011, when a reply will issue from the Health Service Executive; the reason for the HSE's delay in responding to same; and if she will make a statement on the matter. [37936/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The Office of the National Director, Children and Families Services, HSE, has confirmed that the data is currently being collected but that it is a more lengthy process than was initially considered. A representative from the Office of Children and Families will be in contact with the Deputy with regard to his request.

Departmental Websites

192. **Deputy John Lyons** asked the Minister for Children and Youth Affairs if she will provide details of all websites under her remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; her views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if she will make a statement on the matter. [37939/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): Information in relation to websites supported by my Department is set out in the table.

Website	Description	Avg Unique Monthly Visitors	Annual Cost
<i>www.dcy.a.ie</i>	Department of Children and Youth Affairs website	20,000 approx	
<i>www.childrensdatabase.ie</i>	Provides access to research and information on children.	1,500 approx	
<i>www.comhairlenanog.ie</i>	Dedicated Comhairle na nOg website	400 approx	
<i>www.nprrc.ie</i>	National Play and Recreation Resource Centre website	250 approx	
Total cost for websites annually	These sites are managed as a single contract.		€6,731
<i>www.ncac.ie</i>	National Children's Advisory Council website	not available	€702 (hosting)

My Department will continue to review the operation and maintenance of websites under its remit with a view to rationalisation where appropriate without compromising the service provided or e-Government objectives.

Domestic Violence

193. **Deputy Michael Healy-Rae** asked the Minister for Children and Youth Affairs if her attention has been drawn to the link between child abuse and domestic violence; if she will ensure that the best practice principle of protecting the child through the protection and support of the non-abusive parent is acknowledged and reflected in any new child protection structures and in any review of family law and domestic violence legislation; and if she will make a statement on the matter. [38050/11]

Minister for Children and Youth Affairs (Deputy Frances Fitzgerald): The new Children First: National Guidance for the Protection and Welfare of Children identifies that exposure to domestic violence is detrimental to children's physical, emotional and psychological well-being and that the adverse effects of domestic violence have been well established. The correlation between neglect and parental substance misuse and parental mental illness and disability is also identified in the Guidance.

The HSE Child Protection and Welfare Practice Handbook, complements the Children First Guidance and is primarily aimed at front line professionals working with children. The Hand-

[Deputy Frances Fitzgerald.]

book identifies a number of risk factors, including domestic violence, that need to be considered when identifying, responding to and assessing child protection concerns. The Handbook highlights that the child's immediate safety must be the first consideration and that in the context of domestic violence an assessment should consider, amongst other issues, a detailed history of the child's experience of domestic violence and the impact of the domestic violence on the non-abusive parent's/carer's ability to parent and protect the child.

In all cases, where an initial assessment concludes that there is a primary concern of physical abuse, sexual abuse, emotional abuse or neglect, and it is determined that a child is at ongoing risk of significant harm, a child protection process outlines the pathway that must be followed and the outcome of the process is to ensure that the welfare and protection of the child and, where applicable, their siblings is of paramount importance.

The Domestic Violence Act 1996 introduced major changes in the legal remedies for domestic violence. There are two main types of remedies available:

(i) Safety Order: This Order prohibits a person from further violence or threats of violence. It does not oblige that person to leave the family home. If the parties live apart, the Order prohibits the violent person from watching or being in the vicinity of the home.

(ii) Barring Order: This Order requires the violent person to leave the family home.

The legislation gives the HSE the power to intervene to protect individuals and their children from violence. Section 6 of the Act empowers the HSE to apply for Orders for which a person could apply on his or her own behalf but is deterred from doing so through fear or trauma. The consent of the victim is not a prerequisite for such an application, although he or she must be consulted. Under Section 7 of the Act, the Court may, where it considers it appropriate, adjourn proceedings and direct the HSE to undertake an investigation of the dependent person's circumstances with a view to:

- (i) applying for a Care Order or a Supervision Order under the Child Care Act 1991;
- (ii) providing services or assistance for the dependent person's family; or
- (iii) taking any other action in respect of the dependent person.

Family law and domestic violence legislation is the responsibility of my colleague, the Minister for Justice and Equality, Mr Alan Shatter T.D.

Mental Health Services

194. **Deputy Maureen O'Sullivan** asked the Minister for Health the reason a person, asked to do so by the family, was prevented by staff from entering a public hospital to visit a member of that family and was told he or she will need written consent from the patient's psychiatrist in order to visit; his views on whether this an infringement of the human rights of both the patient and the visitor; and if he will make a statement on the matter. [37971/11]

220. **Deputy Maureen O'Sullivan** asked the Minister for Health his views on whether it is acceptable that a person was refused entrance to visit a patient in hospital, having been asked by the family to do so, and now has been told he or she will need written consent from the patient's psychiatrist to visit; and if he will make a statement on the matter. [37972/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): I propose to take Questions Nos. 194 and 220 together.

As this is a service matter the question has been referred to the HSE for direct reply.

Budgetary Submissions

195. **Deputy Finian McGrath** asked the Minister for Health if he will decline to impose a charge for the medical card or increase the prescription charge. [37763/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): A range of matters are being discussed by the Cabinet as part of the budgetary process. As part of this deliberative process, many policy options are proposed and discussed. No decisions have been taken on these matters as yet.

Hospital Services

196. **Deputy Gerry Adams** asked the Minister for Health if he will provide a detailed breakdown of how the €725,710 that has been made available for proposals relating to Our Lady of Lourdes Hospital, Drogheda, County Louth, between now and the end of the year will be spent; and if he will make a statement on the matter. [37765/11]

197. **Deputy Gerry Adams** asked the Minister for Health the precise timeline for the additional funds that have been provided for Our Lady of Lourdes Hospital in Drogheda, County Louth; when the funding is due to cease; and the proposals in place for beyond that date. [37766/11]

198. **Deputy Gerry Adams** asked the Minister for Health if he will provide an update on the number of additional beds that have been opened in Louth County Hospital and in Navan Hospital, County Meath, as part of the measures introduced to tackle overcrowding in the Our Lady of Lourdes Hospital in Drogheda. [37767/11]

201. **Deputy Gerry Adams** asked the Minister for Health if any assessments have been carried out by hospital management or others of the bed capacity required in Our Lady of Lourdes Hospital in Drogheda, County Louth, to tackle issues of persistent overcrowding; the finding of such reports or assessments; the current bed capacity; and if he will make a statement on the matter. [37770/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 196 to 198, inclusive, and 201 together.

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

The SDU is establishing an infrastructure based on information collection and analysis, hospital by hospital, so that we will know what is actually happening in real time. It is providing information tools for hospital managers, including clinical managers, to map and measure bed capacity in their hospital depending on variations in for example the average length of stay of patients. This will allow us to begin to embed performance management in the system, to manage bed capacity and to sustain shorter waiting times.

The problems in our emergency departments are complex and they did not arise overnight. The particular issues vary from hospital to hospital and some of the solutions will depend on local factors. As part of the process of forming the overall picture of the emergency department situation nationally, the SDU has identified fifteen hospitals which between them account for

[Deputy James Reilly.]

80% of the trolley wait problem in the hospital system. Eight Hospitals have been identified for very high support including Our Lady of Lourdes in Drogheda. Liaison Officers from the SDU are working pro-actively to support these sites.

I have also agreed that some additional funding may be provided, on a strictly once off basis, based on specific proposals from the hospital to reduce waiting times between now and the end of the year which will help address issues such as delayed discharges. Adherence to the agreed criteria will be closely monitored by the SDU.

The conditions and performance measures which Our Lady of Lourdes and other hospitals will have to meet are as follows: for the remainder of the year and throughout January 2012 no patient will wait more than 23 hours in the hospital's Emergency Department. In addition the trolley wait target must be maintained at least 70% below the maximum daily trolley count since January 2010. Other conditions/performance measures include:

- Seven day ward/discharge rounds
- Achievement of all Acute Medicine Programme milestones
- Implementation of approved measures to effectively stream elderly patients.

In relation to Drogheda some €725,000 (including specific funding for Louth/Navan hospitals — see below) has been approved to help alleviate emergency department pressures including:

- Extending the Medical Assessment Unit service including an increase in the opening hours from a five to a seven day a week basis.
- Opening 8 medical beds in Drogheda
- Opening 28 low acuity beds in Louth/Navan hospitals to provide intermediate care discharge area
- Opening 27 beds in community/ private facilities to accommodate delayed discharge patients
- Various measures for early assisted discharge for medically fit patients including additional home care packages, home IVs, and additional aids and appliances.

Hospital Staff

199. **Deputy Gerry Adams** asked the Minister for Health the additional staff that have been employed in Louth County Hospital as a result of the measures introduced to provide additional bed capacity to tackle the issues of overcrowding in Our Lady of Lourdes in Drogheda; if agency staff have been employed or full-time ward staff; and if he will make a statement on the matter. [37768/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Accommodation

200. **Deputy Gerry Adams** asked the Minister for Health the bed capacity in each of the Health Service Executive regions here. [37769/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Question No. 201 answered with Question No. 196.

Nursing Homes Support Scheme

202. **Deputy Gerry Adams** asked the Minister for Health if he will provide an update on the processing of applications through the Fair Deal scheme; if he will provide a month-by-month breakdown for 2011 of the number of applications that have been provided each month; and if he will make a statement on the matter. [37771/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The number of applications received by the HSE each month this year is as follows:

Month	Applications Received
January	861
February	759
March	1,374
April	713
May	858
June	754
July	513
August	868
September	534
October	470

Medical Cards

203. **Deputy Richard Boyd Barrett** asked the Minister for Health the reason for the delay in issuing a medical card to a person (details supplied). [37772/11]

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 Properties

204. **Deputy Olivia Mitchell** asked the Minister for Health if he will provide an update on plans for the future use or disposal of the site of the Dundrum Mental Hospital, Dublin; and a timeframe for the transfer of patients to the new facility at Portrane. [37775/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The 'Infrastructure and Capital Investment 2012-2016: Medium Term Exchequer Framework', which was launched recently, indicated that capital funding will now be provided for the planned necessary infrastructural developments for the National Forensic Mental Health Service. This will include the replacement of the Central Mental Hospital (CMH) and the development of associated facilities. The HSE is developing the project brief and specifications. The next phase of the project will include the appointment of Technical Advisors, expected in early 2012 followed by the design stage. It is anticipated that the entire project will be completed by 2016. Decisions in relation to the transfer of patients and the future use or disposal of the site will be considered as the main project progresses.

Medical Aids and Appliances

205. **Deputy Jack Wall** asked the Minister for Health the reason the Health Service Executive has not replaced a component of a machine that is vital to the health condition of a person (details supplied); and if he will make a statement on the matter. [37793/11]

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

206. **Deputy Willie O'Dea** asked the Minister for Health if he will explain the delays being experienced by applicants for medical cards and by persons who are appealing decisions not to grant medical cards; his views on whether this situation is acceptable; his plans to alleviate the misery being endured by those who are most vulnerable; and if he will make a statement on the matter. [37797/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): I have requested a report from the Health Service Executive on the matter raised by the Deputy. I will revert to the Deputy as soon as possible.

207. **Deputy Jack Wall** asked the Minister for Health the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [37798/11]

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.

208. **Deputy Luke 'Ming' Flanagan** asked the Minister for Health how persons with long-term illnesses such as epilepsy will be affected by the proposed charges for medical cards and the proposed increase in the charge for prescriptions from 50 cent to €2; the person who will eventually pay for such medicines; and if he will make a statement on the matter. [37802/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): Since October 2010, people with medical cards are charged 50c for medicines and other prescribed items that they receive from pharmacies, subject to a maximum charge of €10 per family per month. The prescription charge does not apply to items supplied under the Long Term Illness Scheme.

The Government is currently engaged in discussions concerning the Budget for 2012. As part of this deliberative process, many policy options are being discussed. No decision has been taken regarding an increase in the prescription charge.

209. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will consider correspondence in relation to a person (details supplied); his views on whether it is acceptable that this person's medical card has been withdrawn; and if he will make a statement on the matter. [37811/11]

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.

Accident and Emergency Services

210. **Deputy Pádraig Mac Lochlainn** asked the Minister for Health if he will ensure that the

necessary supports are provided to Letterkenny General Hospital, County Donegal, to ensure that the new accident and emergency unit and additional facilities in the floors above are opened by March 2012. [37815/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Staff

211. **Deputy Thomas P. Broughan** asked the Minister for Health when the position of senior podiatrist for diabetes at Beaumont Hospital, Dublin 9, will be filled; and if he will make a statement on the matter. [37840/11]

Minister for Health (Deputy James Reilly): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

National Lottery Funding

212. **Deputy Gerry Adams** asked the Minister for Health the amount of funding that has been provided to the patient advocacy group Dignity4Patients for each of the past five years; the amount they it be provided with in 2012; and the amount of funding that has been requested by the group in each of these years. [37848/11]

Minister for Health (Deputy James Reilly): This year I approved a grant, on a once-off basis, of €69,000 from my Department's allocation of National Lottery funds to Dignity 4 Patients. The funding was to go towards the cost of providing an office, a website, a helpline and office administration for the organisation.

Dignity 4 Patients also received a grant in 2010 of almost €172,000 from my Department's National Lottery funds. This was given towards the cost of providing information and support to victims of abuse wishing to attend the Drogheda Review which completed its work last year.

The level of funding sought by the group from my Department's National Lottery funds in 2010 was almost €224,000 and almost €370,000 in 2011.

No funding was sought by the group or provided by the Department from National Lottery funds in the three years prior to 2010.

Applications for 2012 lottery funding will be accepted as is usual at the start of the year, however it must be stressed that lottery funding is once-off discretionary funding and is not intended to provide a source of ongoing revenue funding. The statutory agencies work to provide a regulated quality service with other agencies (both statutory and non-statutory as they judge it appropriate). This context provides the potential for a longer term source of funding for an organisation such as Dignity 4 Patients, working in a way that is integrated and effective in tandem with the statutory service providers. My Department has requested the Health Service Executive to reply directly to the Deputy giving details of funding provided to Dignity 4 Patients by the Executive.

Health Services

213. **Deputy Noel Grealish** asked the Minister for Health the number of psychologists and or therapists available to provide services in the Health Service Executive west to in-patients and outpatients in Ballinasloe and Galway; the number of sessions that can be provided on a daily basis for BPD; if written therapeutic treatment plans will be provided for patients with

[Deputy Noel Grealish.]

complex mental disorders who attend the services in Galway; and if he will make a statement on the matter. [37855/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): As this is a service matter the question has been referred to the HSE for direct reply.

Medical Cards

214. **Deputy Billy Timmins** asked the Minister for Health the position regarding a medical card appeal in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [37857/11]

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.

I understand from the Primary Care Reimbursement Service of the Health Service Executive that where a person submits an appeal within 21 days of a decision, they retain their Medical Card/GP Visit card until the appeal is decided. I have asked the PCRS to verify the circumstances in this case, and I will revert to the Deputy directly in the coming days.

Hospital Waiting Lists

215. **Deputy Simon Harris** asked the Minister for Health for details of the waiting list, on a regional and national basis, for magnetic resonance imaging, MRI, scans in tabular form; and if he will make a statement on the matter. [37895/11]

216. **Deputy Simon Harris** asked the Minister for Health if there is a system of fast-tracking in place with regards to MRI scanning, where time-critical but non-urgent cases are identified and treated accordingly; and if he will make a statement on the matter. [37896/11]

217. **Deputy Simon Harris** asked the Minister for Health if the Health Service Executive has considered extending the operating hours of MRI scanners with a view to addressing the waiting list; and if he will make a statement on the matter. [37897/11]

Minister for Health (Deputy James Reilly): I propose to take Questions Nos. 215 to 217, inclusive, 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.

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. In relation to outpatient appointments, long waiting times to see consultants and to access diagnostic services are a barrier to an efficient health service. In accordance with the HSE Service Plan for 2011 the Executive has undertaken an OPD Data Quality Programme in 2011 to help address deficiencies and to improve data quality in respect of both demand and access to OPD services to enable better management of OPD. During 2012 the SDU will focus its resources on this issue. It is envisaged that by the end of 2012 efficient collection of outpatient data will facilitate the implementation of a transparent and responsive outpatient appointments system.

In relation to the Deputy's specific queries regarding MRIs my Department has asked the HSE to furnish any available information and I will be in further communication with him as soon as possible.

Departmental Websites

218. **Deputy John Lyons** asked the Minister for Health if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; his views on whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37946/11]

Minister for Health (Deputy James Reilly): Information in relation to websites supported by my Department is set out in the following table.

Website	Description	Avg Unique Monthly Visitors	Cost
<i>www.doh.ie</i>	Department of Health website	31,000 approx	
<i>www.cpsqa.ie</i>	Commission on Patient Safety and Quality Assurance	Unavailable	
Total cost for websites annually	These sites are managed as a single contract.		€9,100 *
<i>healthupdate.gov.ie</i>	Dedicated website for the Press Office	1,800 approx	€100, developed hosted and maintained in-house
<i>patientsafetyfirst.gov.ie</i>	Website of the Patient Safety Initiative	443 approx	as above
<i>www.nacd.ie</i>	Website of the National Advisory Committee on Drugs — recently subsumed into the Dept.	Unavailable	Unavailable

*Hosting — In the last 2 years, my Department has taken steps to streamline and reduce the number of websites it maintains. Both “healthupdate.gov.ie” and “patientsafetyfirst.gov.ie” were built using open-source technologies and are hosted on the Government Network infrastructure. It is intended to have the Department's main website redeveloped using similar technology which will reduce costs further.

Hospital Services

219. **Deputy Michael Healy-Rae** asked the Minister for Health if he will ensure that there are no bed closures in any of the community hospitals in County Kerry, in view of the fact that the hospitals are over-stretched at present and every bed is needed to take care of our elderly and ill population; and if he will make a statement on the matter. [37970/11]

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.

Question No. 220 taken with question No. 194.

Medical Cards

221. **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. [37984/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

222. **Deputy Seán Ó Fearghaíl** asked the Minister for Health when an appointment will be given for an urgent surgical intervention in respect of person (details supplied) in County Kildare; and if he will make a statement on the matter. [37985/11]

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.

Hospital Accommodation

223. **Deputy Billy Kelleher** asked the Minister for Health if it is planned to have a further downgrading of Fermoy Community Hospital, County Cork; if a further reduction in the number of beds is planned; and if he will make a statement on the matter. [37986/11]

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

224. **Deputy John McGuinness** asked the Minister for Health if a medical card will be issued to a person (details supplied) in County Kilkenny. [38003/11]

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

225. **Deputy Sandra McLellan** asked the Minister for Health his plans to close a home (details supplied) in Fermoy County Cork; and if he will make a statement on the matter. [38047/11]

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.

Thalidomide Survivors

226. **Deputy Seán Ó Fearghaíl** asked the Minister for Health the current situation with regard

to thalidomide survivors; if the supports promised by his predecessor have been put in place; if an individual point of contact within the Health Service Executive continues to be available to thalidomide survivors; if this system is considered to be working efficiently; and if he will make a statement on the matter. [38059/11]

Minister for Health (Deputy James Reilly): As the Deputy may be aware, I met with the Irish Thalidomide Association, and separately with the Irish Thalidomide Survivors Society, in July this year. I informed both organisations that the Government's main concern is to address their health and personal social care needs.

The Health Service Executive has appointed Carmel Buckley (Nursing and Midwifery Planning and Development Officer) as strategic national liaison with both thalidomide groups and the Department of Health. In regard to the specific health needs of thalidomide survivors living in Ireland it is also intended to appoint a key worker, who is a HSE health care professional, to act as liaison at local level with each survivor in their area. Ms Buckley has met with the Irish Thalidomide Survivors Society. However, the Irish Thalidomide Association has declined her offer of a meeting.

Dr. Paul O'Connell, consultant in rheumatology and rehabilitation, Beaumont Hospital, has been working with Ms Buckley and health care professionals from the HSE to develop an evaluation process and a protocol for a multi-disciplinary health assessment of survivors of thalidomide living in Ireland. Officials from my Department, the Health Service Executive and Dr O'Connell met with the Irish Thalidomide Survivors Society last week. Discussions centred around setting up an agreed process to carry out an evaluation of the individual health care needs of each survivor of thalidomide living in Ireland. The Irish Thalidomide Survivors Society expressed support for the evaluation process proposed and undertook to engage and work with the Department and the HSE around the details of how it would be planned, developed and undertaken. This work will now commence in relation to the thalidomide survivors represented by the Irish Thalidomide Survivors Society.

The Irish Thalidomide Association were also invited to a meeting to initiate discussions on a health care package. However, they declined this invitation. Given that my priority is to see the health care needs of survivors addressed, my Department is available at any stage for a meeting to discuss this issue, should the association wish to reconsider their decision.

Primary Care Strategy

227. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if, in the context of budget 2012, he will make representations to the Department of Finance with regard to proposals made by the Oireachtas Joint Committee on Health and Children of the 30th Dáil on the need to incentivise the delivery of a network of primary care centres across the country; if he still subscribes to the recommendations on primary care of that committee, of which he was a member; the steps he has taken to advance the committee's recommendations since coming into office; and if he will make a statement on the matter. [38060/11]

Minister of State at the Department of Health (Deputy Róisín Shortall): This Government is committed to reforming our health system and, in particular, to enhancing and expanding capacity in the primary care sector.

There has been significant progress on many of the recommendations in the 30th Dáil's Joint Committee on Health and Children Report on "Primary Care in the Community", including the following:

[Deputy Róisín Shortall.]

- The number of GP training places has been increased from 120 to 157 per annum.
- The Irish College of General Practitioners and the HSE are working towards developing a fast-track training scheme for doctors who have extensive experience in General Practice, but who lack some component of training making them ineligible to hold a General Medical Service (GMS) contract (there are some 250 doctors in this position).
- The Health (Provision of General Practitioner Services) Bill 2011 provides for the elimination of restrictions on GPs wishing to obtain a contract to treat public patients under the GMS Scheme. This new legislation will allow many young, highly qualified and vocationally trained GPs who currently have great difficulty in obtaining a GMS contract to apply for contracts.
- At the end of October 2011, there were 401 Primary Care Teams operating, with almost 3,000 staff members (including nurses, occupational therapists, physiotherapists, speech and language therapists, social workers, dieticians, psychologists, home helps, health care assistants, community mental health nurses) and 1,521 GPs participating. The following table gives a breakdown of these figures by HSE Area.

HSE Area	No. of Teams in Place	No. of GPs Participating	No. of HSE Staff on Teams in Place	Population Covered
Dublin Mid Leinster	117	428	1,082	945,217 (78%)
Dublin North East	85	241	542	647,520 (70%)
South	104	437	542	807,265 (75%)
West	95	415	804	851,269 (83%)
Total	401	1,521	2,970	3,251,271 (76%)

- Approximately 60% of the Primary Care Teams include mental health personnel or have direct linkages with mental health services.
- A Framework document to support community participation and service user involvement through Primary Care Teams and Health and Social Care Networks has been developed.

Modern, well-equipped Primary Care Centres (PCCs) are central to the effective functioning of Primary Care Teams. They allow multi-disciplinary services to be made available on a single site, provide a single point of access for users and encourage closer coordination between health providers. 17 PCCs have opened to date under leasing arrangements together with a further 15 funded by the Exchequer. The new centres will greatly assist in the provision of modern services, in particular chronic disease management by multi-disciplinary teams.

The Capital Investment Framework 2012 -2016 published earlier this month is evidence of this Government's commitment to the health sector. In a time of fiscal consolidation, the Government has provided substantial funding to support critical health infrastructure development, including additional Primary Care Centres. The funding for primary care will ensure that, in addition to private sector investment, primary care centres will also be provided by the State through a combination of converting existing HSE-owned premises, acquisition of prem-

ises and greenfield construction. State funding will be targeted at disadvantaged areas with the greatest health needs. An accommodation needs assessment for Primary Care Centres is currently being finalised by the HSE.

Access to GP care without fees will be extended in 2012 to persons covered by the Long Term Illness Scheme and in the following year to patients who receive medicines under the High Tech Drugs Scheme. Access to subsidised GP care will be extended to all in the next phase and universal access to GP care without fees will occur in the final phase. The delivery of universal primary care will require the recruitment of additional doctors, nurses and other primary care professionals. A consultancy study commenced in October 2011 which aims to develop a model of demand for and supply of GP and practice nurse services. The study entails a number of elements including:

- An estimation of current utilisation rates of GP and practice nurse services, including a breakdown by geographical area to the degree that is supported by the available data;
- A projection of the effect on utilisation/demand for GP and practice nurse services of demographic change including population ageing and epidemiological trends;
- An assessment of any mismatch between demand and supply; and
- A sensitivity analysis assessing the effect on matching demand and supply of adopting alternative demographic and epidemiological assumptions.

The Programme for Government also provides for the introduction of a new GMS contract with GPs with an increased emphasis on the management of chronic conditions, such as diabetes and cardiovascular conditions. It is envisaged that the new contract will also focus on prevention and will include a requirement for GPs to provide care as part of integrated multi-disciplinary Primary Care Teams.

Hospital Closures

228. **Deputy Seán Ó Fearghaíl** asked the Minister for Health if he will give an unequivocal undertaking that it is not his intention — or the intention of the Health Service Executive, which is under his direct control — to close St. Vincent's Hospital, Athy, County Kildare, or to further reduce its capacity; and if he will make a statement on the matter. [38061/11]

Minister of State at the Department of Health (Deputy Kathleen Lynch): The Department is currently reviewing the provision of public residential care in the light of the need to meet national standards and regulations, local demographic pressures and public and private provision. The review will serve as a platform for discussion and will inform the development of an overall strategy on how the HSE should continue to provide this service in future in view of current budgetary and other pressures. The review must also be seen in the light of the wider health reform programme to which the Government is committed, and the position of social care services in a future health service.

Taxi Regulations

229. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport the position regarding hackney licences in respect of publicans who hold a full seven-day licence (details supplied); and if he will make a statement on the matter. [37810/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):

The regulation of the taxi industry, including the provision of small public service vehicles (SPSV) in rural areas, is a matter for the National Transport Authority (NTA) under the provisions of the Public Transport Regulation Act 2009. The review of taxi regulation which I am chairing, is examining all aspects of taxi regulation and will make specific recommendations on matters such as licensing, enforcement, vehicle standards, supply issues in rural and urban areas and future dialogue with the taxi sector. As part of the Review, consideration is being given to proposals to address transport needs in rural areas. Good progress is being made on the work of the review and I would expect to submit proposals for Cabinet consideration at an early date.

Road Traffic Offences

230. **Deputy Terence Flanagan** asked the Minister for Transport, Tourism and Sport the position regarding modified cars; and if he will make a statement on the matter. [37824/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Vehicles in use on Irish roads must meet the standards specified in the Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963. These require vehicles to be fitted with a silencer or other device that will reduce exhaust noise to a reasonable level. Article 85 of these Regulations prohibits the use in a public place of a vehicle which causes excessive noise. The Regulations also prohibit the alteration of an exhaust silencer in such a way that the noise emitted is increased.

New cars with EC Type Approval must meet the noise levels specified in Directive 70/157/EC. This sets a limit of 74 dB for vehicles equipped with a petrol engine and 75 dB for vehicles equipped with a diesel engine. The current NCT noise limit is set at 99 dB which is deemed to be an acceptable maximum limit. However, I am aware that certain vehicles are fitted with standard exhaust systems when presented for their test and are subsequently retrofitted with modified, noisy exhaust systems once they have passed. This ensures that they pass the engine emission and exhaust noise aspects of the NCT test.

To combat this, I understand that the RSA works closely with An Garda Síochána to ensure that an effective enforcement strategy is in place to control the noise emitted from these vehicles between successive NCT tests and that An Garda Síochána have purchased sound measurement equipment which is being used at roadside enforcement checkpoints throughout the country. They have taken successful prosecutions against people for using vehicles in a public place that are fitted with exhaust systems recording over 99 dB under the existing provisions of the Road Traffic Act.

The penalty on conviction is a fine which, depending if there have been previous similar convictions, may not exceed €2,000 and/or, at the discretion of the court, imprisonment for a term

Irish Coast Guard

231. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport when the report will be published on the review of the Coast Guard radio stations at Malin, Valentia and Dublin; if he will prioritise the continuation of the station at Valentia, County Kerry, for strategic purposes; and if he will make a statement on the matter. [37830/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): An efficiency review is currently under way into the delivery of services by the Irish Coast Guard which includes costs and quality of services and a review of operational performance. The review is expected to be completed shortly and my Department will then consider the recommendations.

Road Network

232. **Deputy Dessie Ellis** asked the Minister for Transport, Tourism and Sport his plans to have a sound barrier constructed on the N3 near the areas of Littlepace, Swallowbrook and Bramblefield. [37889/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads, is a matter for the National Roads Authority under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Noting this 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.

Departmental Websites

233. **Deputy John Lyons** asked the Minister for Transport, Tourism and Sport if he will provide details of all websites under his remit; the annual cost of maintaining each website; the average number of hits per month on each site for the past year; whether these websites can be rationalised to bring about cost savings without compromising e-Government objectives; and if he will make a statement on the matter. [37951/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): Details of publicly facing websites provided by my Department, approximate annual costs and averaged amount of unique site visits per month are set out in the following table.

Website	Site Reference	Number of unique visits per month (approx)	Annual Cost (inc VAT)
Department of Transport, Tourism & Sport	dttas.ie	21,967	€12,200 (covers the first five sites)
Road Haulage	roadhaulage.ie	Not available	
Air Accident Investigation Unit	aaiu.ie	Not available	
Irish Coastguard	irishcoastguard.ie	Not available	
Safety On the Water	safetyonthewater.ie	Not available	
Online motor tax	motortax.ie	344,000	€300,000 (covers four sites)
motarchain.ie	650		
Change of vehicle ownership	motortrans.ie	35,000	
End of Life Vehicle	motorelv.ie	500	
Transport 21	transport21.ie	4,009	€774
Sustainable Transport	smartertravel.ie	1,182	€791
National Bike Week	bikeweek.ie	2,364	€162

My Department is constantly reviewing what savings can be achieved through rationalisation of its websites. Earlier this year, BikeWeek.ie was moved from an external provider to being

[Deputy Leo Varadkar.]

managed and maintained internally, with resultant savings. My Department is currently migrating SmarterTravel.ie, and has similar plans for some of the other websites. Transport 21 was launched in 2005 and ran until 2010. It will be superseded by the new National Development Plan from 2012 and the Transport21 website will be wound down early in 2012.

The four motor vehicle related websites are transaction based rather than information services. Annual maintenance costs relate to the hosting of websites by a service provider. This maintenance also provides security services and associated support, critical given the large amount of financial transactions involved. An estimated €450 million will be collected in 2011 through online motor tax.

State agencies under the remit of my Department have been forwarded a copy of your inquiry. They have been requested to respond to you directly. Please advise my private office, if you do not receive a reply within ten working days.

Severe Weather Events

234. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport if he will consider, in conjunction with the Department of the Environment, Community and Local Government, making resources available to provide salt bunkers for distribution by local authorities in order to allow residents in housing estates to store and access salt supplies for local roads and estates which are vulnerable to icy conditions; and if he will make a statement on the matter. [37965/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The improvement and maintenance of regional and local roads in its area, is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants.

Waterford City Council has procured 60,000 tonnes of salt in 2011 (on behalf of the Department) for distribution to local authorities for use on regional and local roads. As well as this it is open to local authorities to separately procure salt supplies for the winter period. It is a matter for each local authority to prioritise routes for salting and to decide if it is feasible to distribute salt to residents in their local areas.

Commemorative Events

235. **Deputy Michael P. Kitt** asked the Minister for Transport, Tourism and Sport if he will publish a calendar of events for the Titanic centenary next year; if he will name the locations for the commemoration; and if he will make a statement on the matter. [37987/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): The centenary of the Titanic sailing — although evoking sad memories of those who lost their lives — presents significant opportunities for Irish tourism. Work is already underway to ensure that the benefits are maximised. Tourism Ireland commenced its Titanic promotion activities last September with a week long showcase in the Grand Central terminal in New York. It has also set up a dedicated Titanic website and has brought overseas journalists to Cobh to highlight the links to the Titanic. Fáilte Ireland has been in regular contact with the organisers of Titanic 100 in Cobh regarding the commemoration of the centenary.

Due to the Titanic's strong association with Belfast I am also aware that the Northern Ireland Tourist Board are planning a series of events throughout 2012. However, I am not in a position to publish a calendar of events. I expect that such events will be publicised by the event organisers and if appropriate the State Tourism agencies.

Road Network

236. **Deputy Brendan Smith** asked the Minister for Transport, Tourism and Sport if funding will be provided this year to enable Monaghan County Council to finish necessary improvement and safety work on the N2 Monaghan to Emyvale stretch, given that some of this work has been carried out, and in view of the urgent necessity to remove dangerous bends on the remainder of the road; if the funding as promised to Monaghan County Council will be approved without further delay; and if he will make a statement on the matter. [38045/11]

Minister for Transport, Tourism and Sport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads, is a matter for the National Roads Authority under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. Noting this 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.

Athletics Facilities

237. **Deputy Dara Calleary** asked the Minister for Transport, Tourism and Sport if his attention has been drawn to the closure of an athletics track (details supplied); if he has any plans to engage with all interested parties to help find a resolution to the issues associated with the closure; and if he will make a statement on the matter. [38049/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Michael Ring): I was disappointed to learn that the UCD athletics track has been closed, with health and safety concerns cited as the reason. Such health and safety issues are of course a matter for UCD. However, under the Sports Capital Programme generous funding of almost €3.8m has been provided for the athletics facilities nearby at Irishtown Stadium in Ringsend, managed by Dublin City Council.

Rural Transport Services

238. **Deputy Martin Heydon** asked the Minister for Transport, Tourism and Sport his plans to integrate school transport and non-emergency Health Service Executive transport with the rural transport network in an effort to reduce costs; the progress made to date; and if he will make a statement on the matter. [38063/11]

Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly): My Department is currently exploring efficiencies that can be made by bringing together aspects of HSE transport, school transport, the Rural Transport Programme (RTP) and other transport services. The overall aim is to reduce duplication and costs while increasing efficiency and maintaining service provision. I have received a copy of a Value for Money and Policy Review of the RTP which I intend to publish following consideration by Government. I will also publish a pilot study on local integrated transport services and both reports are being

[Deputy Alan Kelly.]

considered in the context of plans for the future of the RTP and the better integration of Exchequer funded transport services.